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Extension of Accumulation Time for Hazardous Waste	Document No.	4004.001
	Revision No.	1.0
	Effective Date	

## 1.0 Purpose

1.1 The purpose of this policy is to describe:

1.1.1 The Arizona Department of Environmental Quality's (ADEQ) approach to extending the 90-day time limit for accumulation of the hazardous waste for generators of hazardous waste;

1.1.2 What is meant by "unforeseen, temporary, and uncontrollable;" and

1.1.3 How a generator establishes eligibility to be granted an extension.

## 2.0 Revision History

Date	Rev. No.	Change	Ref. Section
6/29/05	1.0	Policy Revision, New Format	0047.000

## 3.0 Persons Affected

3.1 Hazardous Waste Inspections and Compliance Unit, Waste Programs Division.

## 4.0 Policy.

The policy of ADEQ is to ensure that:

4.1 Extensions to the 90-day time limit may be granted by ADEQ if hazardous wastes must remain on site for longer than 90 days due to unforeseen, temporary and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of ADEQ on a case-by-case basis.

4.1.1 In exercising its discretion to extend the 90-day time limit for accumulation of hazardous waste, ADEQ must determine what is meant by the terms "unforeseen, temporary and uncontrollable" circumstances. When analyzing whether the circumstances surrounding the need for an extension are unforeseen,

temporary, and uncontrollable the common "dictionary" meanings of the terms will be used. ADEQ is not likely to consider the situation of a generator whose wastes have been refused by a treatment, storage or disposal facility, as unforeseen, temporary, and uncontrollable. The generator will be required to take the wastes back until acceptance is received from an alternative facility. In ADEQ's view, the generator is responsible for selecting a treatment, storage, or disposal facility which will, upon prior notification, accept the wastes.

- 4.2 To provide ADEQ with sufficient factual basis upon which to exercise its discretion in any given case to grant an extension of the accumulation time limit, a generator seeking an extension should follow the steps described in the procedures that implement this policy.
- 4.3 When extensions are applied for, but not granted, ADEQ may exercise its enforcement authority to provide for additional accumulation time through an administrative order.

## 5.0 Definitions

### 5.1 Unforeseen, Temporary and Uncontrollable Circumstances

- 5.1.1 Unforeseen Circumstances – circumstances not anticipated in advance.
- 5.1.2 Temporary Circumstances - circumstances lasting, used or enjoyed for a limited time.
- 5.1.3 Uncontrollable Circumstances – circumstances not able to be controlled or governed.

*Definitions from Webster's II New Riverside Dictionary*

- 5.2 Accumulation time is considered to be the total time that a waste is stored by the generator, both during the initial accumulation and after the waste is returned from the treatment, storage, or disposal facility.

## 6.0 Responsibilities

- 6.1 All staff in the Hazardous Waste Inspections and Compliance Unit is responsible for knowledge and implementation of this policy.
- 6.2 Supervisors are responsible to ensure that the information contained in this policy is consistently and equitably applied by all the staff.

## 7.0 Procedures

- 7.1 A generator seeking to establish the existence of "unforeseen, temporary, and uncontrollable circumstances for an extension of accumulation time for hazardous waste should take the following steps:
  - 7.1.1 The generator should request the extension in writing before the expiration of the accumulation period. The request should be in writing even if the generator is making the request on the day the accumulation period expires.

7.1.2 The written request should describe the circumstances surrounding the need for an extension and describe the extent to which the circumstances are unforeseen, temporary, and uncontrollable.

7.1.3 The written request should describe generally the steps that will be taken to expedite the removal of the waste that is subject to the extension to an offsite facility.

7.2 If a generator takes the steps described above, ADEQ will respond in writing indicating whether the extension has been granted.

7.3 To assure ADEQ that an approved extension time has not been exceeded, the generator must provide ADEQ with documentation that the hazardous waste has been removed.

## 8.0 Additional Documentation

8.1 Arizona Revised Statutes (A.R.S.) Title 49, Chapter 5, Article 2, Hazardous Waste Management.

8.2 Arizona Administrative Code (A.A.C.) R18-8-262(A).

8.3 40 CFR §262.34 (b), as incorporated by R18-8-262(A), provides in part: (b) a generator who accumulates hazardous waste for more than 90 days is [subject to storage and permit requirements of §§264, 265, and 270] unless he has been granted an extension to the 90-day period.