

ALL COMMENTS ARE IN RED
TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT

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ARTICLE 1. ~~RESERVED~~ GENERAL

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ARTICLE 1. ~~RESERVED~~ GENERAL

R18-13-101. Solid Waste Definitions

In addition to the definitions in A.R.S. §§ 49-701 and 49-701.01, unless the context otherwise requires, in this Chapter: **DO THESE DEFINITIONS TAKE PRECEDENCE OVER ANY OTHER DEFINITIONS IN ABOVE REFERENCE ARS SECTIONS?**

“Active life” means the period of operation of a solid waste facility beginning with the initial receipt of solid waste and ending at closure activities pursuant to this Chapter.

"Airport" means a public use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

“Alert level” means a value or criterion established in an facility plan approval that serves as an early warning indicating a potential violation of a plan approval condition related to BADCT or the discharge of a pollutant to groundwater.

“Application” means the solid waste facility plan that an owner or operator submits to the Department for approval.

“AQL” means an aquifer quality limit and is a limitation set in a facility plan approval for aquifer water quality measured at the point of compliance that either represents an Aquifer Water Quality Standard or, if an Aquifer Water Quality Standard for a pollutant is exceeded in an aquifer at the time of the issuance of a plan approval, represents the ambient water quality for that pollutant.

"Areas susceptible to mass movement" means those areas of influence where the movement of earth material at, beneath or adjacent to the solid waste landfill because of natural or human-induced events results in the downslope transport of soil and rock material due to gravity. Areas of mass movement may include landslides, avalanches, debris slides and flows, soil fluxion, block sliding and rock fall.

“Ashes” means residue from the burning of any combustible material.

“BADCT” means the best available demonstrated control technology, process, operating method, or other alternative to achieve the greatest degree of discharge reduction determined for a facility by the Director under A.R.S. § 49-243.

“Biosolids processing facility” means a solid waste facility that processes biosolids as defined in R18-9-1001(7).

"Bird hazard" means an increase in the likelihood of bird and aircraft collisions that may cause damage to the aircraft or injuries to its occupants.

“Bulky waste” means large items of solid waste such as white goods, furniture, large auto parts, trees, branches, stumps, and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods. ARE THEIR ANY SIZE LIMITS ON TREES, BRANCHES, STUMPS? WHAT IS CONSIDERED LARGE? PLEASE DEFINE?

“Chemical toilet” means a toilet with a watertight, impervious pail or tank that contains a chemical solution placed directly under the seat and a pipe or conduit that connects the riser to the tank.

"Clean closure" at a solid waste facility means a site which satisfies all of the following:

- a. All of the actions specified in R18-13-413(E) have been implemented or the closure requirements of an approved plan have been met;
- b. Any reasonable probability of further discharge from the facility and of exceeding aquifer water quality standards at the point of compliance has been eliminated to the greatest degree practicable; and
- c. The site has been left in a condition such that no postclosure monitoring or maintenance are necessary to meet the requirements of 18 A.A.C. 13.

"Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding household and industrial wastes.

“Complex plan” means any of the following:

- a. A solid waste facility plan that contains two or more different types of waste storage, treatment, or disposal components.
- b. A solid waste plan for multiple solid waste facilities.
- c. A solid waste facility plan that includes a special waste management plan component or an application for an Aquifer Protection Permit.

"Conditionally exempt small quantity generator waste" means hazardous waste in quantities as defined by rules adopted pursuant to A.R.S. § 49-922.

"Construction quality assurance" means a planned system of activities that provide assurance that a facility is constructed as specified in the design and that the materials used in construction are manufactured according to specifications. Construction quality assurance includes inspections, verifications, audit, and evaluations of materials and workmanship necessary to determine and document the quality of the constructed facility.

"Construction quality control" means a planned system of activities that is used to directly monitor and control of a construction project. Construction quality control are the measures taken by the contractor or installer to determine compliance with requirements for workmanship and materials put forth in the plans and specifications for the construction project.

“Contaminated soil” means soil that contains one or more contaminants at a concentration exceeding any of the residential predetermined risk-based standards listed in 18 A.A.C. 7, Article 2, Appendix A, and Groundwater Protection Levels.

“Defined time period” means the 12-month period that begins on July 1 of a calendar year and ends on June 30 of the following calendar year and consists of the actual number of calendar days in that 12-month period.

“Department” means the Department of Environmental Quality or a local health department designated by the Department through a delegation agreement under A.R.S. § 49-107.

“Direct cost” means the costs to the Department to maintain a plan review program, excluding indirect costs, but consisting of programmatic cost and non-billable administrative cost.

“Direct labor cost” means time spent by a plan reviewer in: the actual review of a facility plan; data input for licensing time-frames tracking; developing the facility file; time at the facility or proposed site; time at a public hearing; and time at meetings with the applicant or the applicant’s representatives.

“Director” means the Director of the Arizona Department of Environmental Quality.

“Discharge limitation” means any restriction, prohibition, limitation, or criteria established by the Director, through rule, plan approval or order, on quantities, rates, concentrations, combinations, toxicity and characteristics of pollutants.

"Displacement" means the relative movement of any two sides of a fault measured in any direction.

“Disposal fee invoice” means the quarterly landfill disposal fee invoice the Department mails to a landfill owner or operator, on which the landfill owner or operator indicates the amount of waste received and the amount of the disposal fees owed to the Department as required under A.R.S. § 49-836.

"Disrupted" means that a structural component of a solid waste facility has been compromised.

"Drop box facility" means a solid waste facility that is unattended and used for the placement of a drop box or other large detachable container for the collection of solid waste for transport to another solid waste facility. The facility includes the area adjacent to the containers for necessary entrance, exit, unloading, and turn-around areas. A drop box facility normally serves the general public by receiving uncompacted solid waste from off-site. **WHAT IF THE FACILITY IS STAFFED AS PART OF ANOTHER TYPE OF FACILITY?**

“Earth-pit privy” means a device for disposal of human excreta in a pit in the earth.

“Face amount” means the total amount the insurer is obligated to pay under the policy.

"Fault" means a fracture or a zone of fractures in any material along which strata on one side have been displaced with respect to that on the other side.

“Financial statement,” used by itself without qualification, means three principal statements: the balance sheet, the income statement, and a statement of changes in equity. For an individual it means a balance sheet and two most recent annual federal tax returns. **WHAT IS THE PROPER TERM FOR CHANGES IN EQUITY? ADD A SPACE.**

"Floodplain" means the areas adjoining inland waters or including areas where drainage is or may be restricted by man-made structures that have been or may be covered partially or wholly by floodwaters from the one hundred-year flood.

“Full quarter” means any of the standard fiscal quarters of the defined time period for which a municipal solid waste landfill accepted waste on or before the first day of the quarter and on or after the last day of that quarter.

“Garbage” means all animal and vegetable wastes resulting from the processing, handling, preparation, cooking, and serving of food or food materials.

"Groundwater" means water below the land surface in the zone of saturation.

"Holocene" means the most recent epoch of the quaternary period, extending from the end of the Pleistocene epoch to the present.

"Household hazardous waste" means solid waste as described in 40 CFR 261.4(b)(1) as incorporated by reference in R18-8-261.

"Household waste" means any solid waste including garbage, rubbish and sanitary waste from septic tanks that is generated from households including single and multiple family residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day use recreation areas, not including construction debris, landscaping rubble or demolition debris.

"Human excreta" means human fecal and urinary discharges and includes any waste that contains this material.

"Incompatible waste" means a conditionally exempt small quantity generator waste which is unsuitable for:

- a. Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or
- b. Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes, or gases, or flammable fumes or gases.

WHAT TYPE OF WASTE ARE THESE AND HOW DOES RCRA SUBTITLE C AND D DEFINE THIS TERM?

"Indirect cost" means the cost that the Department charges all of its non-general fund programs. Examples of indirect cost are: rent; utilities; and the Department's administrative support programs such as human resources, payroll, time keeping, etc.

"Industrial solid waste" means solid waste resulting from manufacturing processes such as electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing and foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment, and any other solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under subtitle C of RCRA. This term does not include mining waste or waste from the production or extraction of oil and gas.

"Intermediate solid waste handling facility" means a transfer facility, a baling and compaction site, a drop box facility, a waste pile, a storage facility, and any other facility that is engaged in handling solid waste generated off-site and that provides intermediate storage or processing prior to transport for final treatment, disposal or recycling.

"Karst terranes" means areas where karst topography with its characteristic surface and subterranean features is developed as a result of dissolution of limestone, dolomite or other soluble rock. Characteristic physiographic features present in karst terranes include sinkholes, sinking streams, caves, large springs and blind valleys.

"Land disposal" means placement of solid waste in or on the land.

"Learning sites" means an existing public school, charter school or private school at the K-12 level, and any planned site for a school approved by the Arizona School Facilities Board.

"Liquid waste" means any waste material that is determined to contain free liquids, defined by the Paint Filter Liquids Test as described by U.S. EPA Test Method 9095.

"Lithified earth material" means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. Lithified earth material does not include man-made materials such as fill, concrete and asphalt or unconsolidated earth materials, soil or regolith lying at or near the earth surface.

"Lower explosive limit" means the lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at 25° C and atmospheric pressure.

"Manure" means an agricultural waste composed of animal excreta and cleanings from barns, stables, corrals, pens, or conveyances used for stabling, transporting, or penning of animals or fowls.

"Material recovery facility" means any facility that collects, compacts, repackages, sorts, or processes for transport solid waste for the purpose of recycling.

"Maximum horizontal acceleration in lithified earth material" means the maximum expected horizontal acceleration depicted on a seismic hazard map, with a ninety per cent or greater probability that the acceleration will not be exceeded in two hundred fifty years, or the maximum expected horizontal acceleration based on a site specific seismic risk assessment.

"Municipal solid waste landfill" means any solid waste landfill that accepts household waste, household hazardous waste or conditionally exempt small quantity generator waste.

"Net working capital" means current assets minus current liabilities.

"Net worth" means the difference between total assets and total liabilities.

"New solid waste facility plan" means either of the following:

- a. A plan submitted for review by the owner or operator of a new solid waste facility, as defined in A.R.S. § 49-701.
- b. The plan submitted by an owner or operator of an existing solid waste facility as defined in A.R.S. § 49-701, that is operating without prior Department plan approval.

"Non-municipal solid waste landfill" means a solid waste landfill that is not authorized to accept household waste, household hazardous waste or conditionally exempt small quantity generator waste, but is authorized to accept any one or more of the following waste streams:

- a. Vegetative waste.
- b. Industrial solid waste
- c. Commercial solid waste
- d. Construction debris
- e. Demolition debris

"Non-billable administrative cost or time" means time spent by a plan reviewer doing activities that are not directly related to a plan review project. Examples of non-billable administrative time are: holidays and leave time; time spent by a plan reviewer in training, attending staff meetings, answering phones, preparing reports, etc.

"Non-captive insurer" means any insurer that does not meet the definition of an agency captive insurer, a group captive insurer, a protected cell captive insurer or a pure captive insurer, as those terms are defined in A.R.S. § 20-1098.

"Non-publicly traded company" means a natural person, a joint venture, an unincorporated association, or any other legal entity not subject to regulation by the United States Securities and Exchange Commission, including a limited liability company, partnership, closed corporation, subchapter S corporation and trust.

"One hundred-year flood" or "base flood" means a flood that has a one per cent chance of being equaled or exceeded in a one-year period, based on criteria established by the Director of the Arizona Department of Water Resources. **However the document refers to FEMA Flood Plan, which is it?**

"On-site solid waste handling facility" means any solid waste facility owned, operated or utilized by any person for the storage, processing, or treatment of solid waste, conditionally exempt small quantity generator waste, or household hazardous waste generated on-site, and that provides storage, processing, or treatment prior to transport to an intermediate solid waste handling facility, or prior to final treatment or disposal.

"Other reasonable direct cost" means costs documented in writing by the Department relating to plan review. Examples of other reasonable direct cost are laboratory analysis charges, public notice advertising, presiding officer expenses, court reporter expenses, facility rentals, and contract services.

“Operator” means the person or persons responsible for the overall operation of a solid waste facility or part of a solid waste facility.

“Owner” means the person or persons who own a solid waste facility or part of a solid waste facility.

“Pail or can type privy” means a privy equipped with a watertight container, located directly under the seat for receiving deposits of human excreta, that provides for removal of a waste receptacle that can be emptied and cleaned.

"Poor foundation conditions" means those areas where features exist that indicate that a natural or human-induced event may result in inadequate foundation support for the structural components of a solid waste disposal facility.

“Programmatic cost or time” means those costs that are directly associated with a plan review project, consisting of both direct labor cost and other reasonable direct cost.

“Publicly traded company” means a company whose securities are regulated by the United States Securities and Exchange Commission.

"Recycling" means the process of collecting, separating, cleansing, treating and reconstituting post-consumer materials that would otherwise become solid waste and returning them to the economic stream in the form of raw material for reconstituted products which meet the quality standards necessary to be used in the marketplace, but does not include incineration or other similar processes.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment but excludes:

- a. Any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons.
- b. Emissions from the engine exhaust of any motor vehicle, rolling stock, aircraft, vessel or pipeline pumping station engine.
- c. Release of source, by-product or special nuclear material, as those terms are defined in A.R.S. § 30-651, resulting from the operation of a production or utilization facility as defined in the atomic energy act of 1954 (68 Stat. 919; 42 United States Code sections 2011 through 2297), which is subject to the regulatory authority of the United States nuclear regulatory commission as specified in that act, and the agreement, dated March 30, 1967, entered into between the governor of this state and the United States atomic energy commission pursuant to A.R.S. § 30-656 and section 274 of the atomic energy act of 1954, as amended.
- d. The normal application of fertilizer.

“Rubbish” means nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, waste metal, tin cans, wood, glass, bedding, crockery and similar materials.

"Seismic impact zone" means an area with a ten per cent or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull, will exceed 0.10g in two hundred fifty years.

“Septic tank pumper license” means a stamp, seal, or numbered certificate issued by the Department under 18 A.A.C. 13, Article 17 for a vehicle or appurtenant equipment used to store, collect, transport, or dispose of sewage or human excreta that is removed from a septic tank or other on-site wastewater treatment facility; earth pit privy, pail or can type privy, or other type of privy; sewage vault; or fixed or transportable chemical toilet.

“Sewage” means the waste from toilets, baths, sinks, lavatories, laundries, and other plumbing fixtures in residences, institutions, public and business buildings, mobile homes, and other places of human habitation, employment, or recreation.

“Solid waste facility plan” means a plan or the individual components of a plan, such as the design, operational, closure, or post closure plan, submitted to the Department for review and plan approval.

"Solid waste land disposal facility" means a non-municipal solid waste landfill, a waste disposal pile, a surface impoundment associated with any solid waste facility, or other solid waste facility in which land disposal occurs.

“Special waste management plan component” means a portion of a solid waste facility plan that is prepared and submitted to the Department in accordance with A.R.S. § 49-857 for approval pursuant to A.R.S. §§ 49-857.01 and 49-762.

"Structural components" means liners, leachate collection and recovery systems, final covers, run-on or run-off systems, flood control components and any other components used in the construction and operation of the solid waste disposal facility that are necessary for protection of public health and the environment.

"Substantial business relationship" means a pattern of recent or ongoing business transactions to the extent that a guaranty contract issued incident to that relationship is valid and enforceable.

"Surface impoundment" means a facility or part of a facility that is a natural topographic depression, human-made excavation, or diked area formed primarily of earthen materials, but which may be lined with human-made materials, that is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and that is not an injection well.

“Tangible net worth” means an owner’s net worth, plus subordinated debts, less good will, patent rights, royalties and assets and receivables due from affiliates or shareholders.

INSERT A DEFINITION OF A TIPPING FLOOR.

“Total plan costs” or “total financial responsibility plan costs” means the costs of closure, postclosure care, and corrective action for known releases as estimated by the owner or operator of a solid waste facility in a financial responsibility plan submitted under this Chapter.

“Treatment facility” means a solid waste facility owned, operated or utilized by any person for the treatment, as defined in A.R.S. § 49-701(35) of solid waste, conditionally exempt small quantity generator waste, or household hazardous waste.

"Unstable area" means a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of some or all of the landfill structural components responsible for preventing releases from a landfill. Unstable areas may include poor foundation conditions, areas susceptible to mass movements and karst terranes.

"Vector" means an insect, rodent, bird, or other living animal which is capable of transmitting an infectious disease from one organism to another.

"Vegetative waste" means waste derived from plants, including tree limbs and branches, stumps, grass clippings and other waste plant material. Vegetative waste does not include processed lumber, paper, cardboard and other manufactured products that are derived from plant material.

"Washout" means the carrying away of solid waste by surface water runoff.

“Waste disposal rate” means the average amount of waste disposed in this state by a person daily, which the Department has calculated to be 6.17 pounds per person per day. **Is this not a variable subject to changes in the social, economic environment parameters.**

"Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.

"Waste disposal pile" means any noncontainerized accumulation of solid, nonflowing waste that is intended for permanent disposal . The intention of permanent disposal is presumed if a noncontainerized accumulation of solid waste remains at a site for more than one year.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions do support,

a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs and similar areas.

“White goods” means ovens, washers, dryers, freezers, water heater, refrigerators and other large household or commercial appliances that have been discarded for disposal or recycling.

ARTICLE 3. ~~REFUSE AND OTHER OBJECTIONABLE WASTES~~ SOLID WASTE; GENERAL REQUIREMENTS

R18-13-301. ~~Reserved~~ Responsibility of a Person Who Generates Solid Waste

- A.** A person who generates solid waste is responsible for the sanitary handling and lawful disposal of the solid waste until the solid waste is transferred, with reasonable care, to a person providing solid waste collection services, or to a solid waste facility regulated by the Department under this Chapter, or to a solid waste facility authorized to receive the waste by a tribal nation, EPA, or another state.
- B.** A person who generates solid waste shall not litter, dump, or otherwise handle or dispose of the solid waste, except as provided in this Chapter.
- C.** A person who generates solid waste is responsible for rendering harmless solid waste that is or contains dangerous materials or substances prior to collection and disposal.

R18-13-302. ~~Definitions~~ Repealed

- A.** ~~“Approved” means acceptable to the Department.~~
- B.** ~~“Ashes” means residue from the burning of any combustible material.~~
- C.** ~~“Department” means the Department of Environmental Quality or a local health department designated by the Department of Environmental Quality.~~
- D.** ~~“Garbage” means all animal and vegetable wastes resulting from the processing, handling, preparation, cooking, and serving of food or food materials.~~
- E.** ~~“Manure” means animal excreta, including cleanings from barns, stables, corrals, pens, or conveyances used for stabling, transporting, or penning of animals or fowls.~~
- F.** ~~“Person” means the state, a municipality, district or other political subdivision, a cooperative, institution, corporation, company, firm, partnership or individual.~~
- G.** ~~“Refuse” means all putrescible and nonputrescible solid and semisolid wastes, except human excreta, but including garbage, rubbish, ashes, manure, street cleanings, dead animals, abandoned automobiles, and industrial wastes.~~
- H.** ~~“Rubbish” means nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, waste metal, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.~~

R18-13-303. Responsibility of the Owner or Operator of any Premises

- A.** ~~The A person who is an owner, agent operator, or the occupant of any premises, business establishment, or industry shall be is responsible for the sanitary condition of said the premises, business establishment, or industry. No The person shall not place, deposit, or store, or allow to be placed, or deposited or stored on his the person’s premises, or on any~~

~~adjoining public street, road, or alley, any refuse or other objectionable solid waste, except in a manner described in these rules~~ this Article.

- B. ~~The A person who is an owner, agent-operator, or the occupant of any premises, business establishment, or industry shall be is~~ responsible for the storage and disposal of all ~~refuse solid waste accumulated on the premises,~~ by a method or methods described in ~~these rules~~ this Chapter.
- C. ~~The A person who is an owner, operator or occupant of any premises, business establishment, or industry is responsible for~~ collection and disposal of all ~~refuse solid waste not acceptable~~ accepted for collection. ~~by a collection agency is the responsibility of each occupant, business establishment, or industry where such refuse accumulates, and all such refuse~~ Solid waste not accepted for collection shall be stored, collected, handled, transported and disposed of in a manner approved by the Department.
- D. ~~All A person who is an owner, operator or occupant of any premises, business establishment, or industry is responsible for rendering harmless solid waste that is or contains dangerous materials and or substances shall, where necessary, be rendered harmless prior to collection and disposal.~~

R18-13-304. Inspection

~~Representatives of the The~~ Department shall make ~~such~~ inspections of any premises, container, process, equipment, or vehicle used for collection, storage, transportation, disposal, or ~~reclamation or refuse treatment of solid waste~~ as are necessary to ensure compliance with ~~these rules~~ this Chapter.

R18-13-305. Collection Required

- A. ~~Where refuse collection service is available, the following refuse shall be required to be collected: Garbage~~ Any person providing solid waste collection services shall collect garbage, ashes, rubbish, and small dead animals which do not exceed 75 pounds in weight.
- B. ~~The following refuse is not considered acceptable for collection but may be collected at the discretion of the collection agency where special facilities or equipment required for the collection and disposal of such wastes are provided~~ Any person providing solid waste collection services may decline to accept or may condition acceptance of the following, based upon a determination that handling of the solid waste presents a health or safety risk for employees, or is otherwise required by law:
 - 1. ~~Dangerous~~ Solid waste that is or contains dangerous materials or substances, such as poisons, acids, caustics, infected materials, radioactive materials, and explosives.
 - 2. ~~Materials~~ Solid waste that contains material resulting from the repair, excavation, or construction of buildings and structures.
 - 3. Solid wastes resulting from industrial processes.
 - 4. ~~Animals~~ Dead animals exceeding 75 pounds in weight, condemned animals, animals from a slaughterhouse, or other animals normally considered industrial waste.
 - 5. Manure.

- C. Any person providing solid waste collection services shall assure that the solid waste is handled or disposed of as required by this Article, or, if applicable, at solid waste facilities subject to this Chapter.

R18-13-306. Notices Conditions Governing Storage and Collection of Solid Waste; Notices

- A. All collection agencies Any person providing solid waste collection services shall provide each householder, person or business establishment served, with a copy of the may establish requirements or conditions governing the storage and collection of refuse solid waste. which The requirements and conditions shall cover at least the following items:
1. Definitions.
 2. Places to be served.
 3. Places not to be served.
 4. Scheduled day or days of collection.
 5. ~~Materials~~ Solid wastes acceptable for collection.
 6. ~~Materials~~ Solid wastes not acceptable for collection.
 7. Preparation of ~~refuse~~ solid waste for collection.
 8. Types and size of containers permitted.
 9. Points from which collections will be made.
 10. Necessary safeguards for collectors.
- B. A person providing solid waste collection services shall provide each householder, person or business establishment served with a notice at least once annually describing the requirements or conditions established under subsection (A). All such notices governing storage and collection shall conform to these rules this Section.

R18-13-307. Storage

- A. All refuse shall be stored in accordance with the requirements of this Section. The A person who is an owner, agent operator, or occupant of every dwelling any premises, business establishment, or other premises industry where refuse solid waste accumulates shall provide a sufficient number of suitable and approved containers, meeting the requirements of subsection (B) for receiving and storing of refuse., and shall keep all refuse therein, except as otherwise provided by this Chapter solid waste. The person shall assure that all solid waste is contained, unless otherwise specified in the requirements or conditions governing the collection and storage of solid waste described in R18-13-306.
- B. Garbage shall be stored in durable, rust resistant, nonabsorbent, watertight, and easily cleanable containers, with close fitting covers and having adequate handles or bails to facilitate handling. The size of the container shall be determined by the collection agency.
- C. Rubbish and ashes shall be stored in durable containers. Bulky rubbish such as tree trimmings, newspapers, weeds, and large cardboard boxes shall be handled as directed by the collection agency. Where garbage separation is not required, containers for the storage of mixed rubbish and garbage shall meet the requirements specified in subsection (B) above.
- The owner, operator or occupant of any premises, business establishment or industry shall store solid waste in containers that meet the following requirements:

1. Disposable containers shall be sufficiently strong to allow lifting without breakage and shall be no more than 32 gallons in capacity where manual handling is practiced.
2. Reusable containers, except for detachable containers, shall be all of the following:
 - a. Rigid and durable.
 - b. Corrosion resistant.
 - c. Nonabsorbent and watertight.
 - d. Rodent-proof and easily cleanable.
 - e. Equipped with a tight-fitting cover.
 - f. Suitable for handling with no sharp edges or other hazardous conditions
 - g. Equal to or less than 32 gallons in volume where manual handling is practiced.
3. Detachable containers shall be durable, corrosion-resistant, nonabsorbent, nonleaking, and have a solid cover to prevent littering.

D.C. The owner, operator or occupant of any premises, business establishment or industry shall maintain Containers containers for the storage of refuse shall be maintained solid waste in such a manner as to prevent the creation of a nuisance or a menace to public health. The owner, operator or occupant of any premises, business establishment or industry shall replace Containers containers that are broken or otherwise fail to meet the requirements of the rules shall be replaced, by the owner of said containers, with approved containers subsection (B).

D. The owner, operator or occupant of any premises, business establishment or industry shall assure that bulky wastes are handled as follows:

1. All doors are removed from white goods.
2. Bulky wastes are covered to prevent the accumulation of solid waste or water in and around the bulky items. DOES THIS APPLY TO A MSW LANDFILL THAT ACCEPTS WHITE GOODS? WHAT DOES IT MEAN TO COVER BULKY WASTE? DOES THIS IMPLY THAT SCRAP METAL COLLECTION SITES NEEDS TO BE COVERED AND PLACED ON A IMPREVIOUS SURFACE? OR DOES SCRAP METAL FALL THE CFR 40 RULES?

E. Manure and droppings shall be removed from pens, stables, yards, cages, conveyances, and other enclosures as often as necessary to prevent a health hazard or the creation of a nuisance. All material removed shall be handled and stored in a manner that will maintain the premises nuisance free.

R18-13-308. Frequency of Collection

A. The frequency of collection shall be in accordance with rules of the collection agency but not less than that shown in Except as otherwise provided under subsection (B), a person providing solid waste collection services shall collect according to the following schedules:

1. Garbage only -- twice weekly.
2. Refuse Solid waste with garbage -- twice weekly.
3. Rubbish and ashes -- as often as necessary to prevent nuisances and fly breeding.

B. A The Department may grant a variance from the required frequency rate required by subsection (A) may be granted to allow for the collection of garbage or solid waste with

garbage once weekly. The Department may grant the variance ~~may be granted by the Department of Environmental Quality~~ upon submission of an acceptable plan approved by the local health department demonstrating both of the following:

- ~~1. That~~ 1. That no public health hazards or nuisances will exist. ~~and that~~
- ~~2. That fly vector breeding and attraction~~ 2. That fly vector breeding and attraction will be controlled by either biological, chemical, or mechanical means.

C. A plan submitted under subsection (B) is presumed to be acceptable if it provides for all of the following:

1. That all garbage is bagged and tightly closed.
2. That all bagged garbage is stored in containers which meet the requirements of R18-13-307(B).
3. That the jurisdiction seeking the variance undertakes a public relations program to inform the public of the change in the frequency of collection, including issuance of a notice which meets the requirements of R18-13-306.
4. That the jurisdiction seeking the variance commits to measures necessary to assure compliance with the requirements for bagging and containerization of garbage.

D. ~~The variance may be revoked whenever if the Department of Environmental Quality~~ Department determines that the circumstances warranting the variance no longer exist.

R18-13-309. Place of Collection

~~A.~~ A. All ~~refuse solid waste~~ refuse solid waste shall be properly placed on the premises for convenient collection as designated by the collection agency.

~~B.~~ B. ~~Where alleys are provided, collection shall be made on the alley side of the premises.~~

R18-13-310. Vehicles Transportation of Solid Waste; Vehicle Requirements

A. A person transporting solid waste is subject to the following requirements:

~~A.1.~~ A.1. ~~Vehicles~~ Any vehicle used for collection and transportation of garbage, or ~~refuse solid waste~~ refuse solid waste containing garbage, shall have a covered, watertight, metal bodies durable body of easily cleanable construction, shall be cleaned frequently to prevent a nuisance or insect breeding, and shall be maintained in good repair.

~~B.2.~~ B.2. ~~Vehicles~~ Any vehicle used for collection and transportation of ~~refuse solid waste~~ refuse solid waste shall be loaded and moved ~~in such a manner so~~ so that the contents, ~~including ashes,~~ will not fall, leak, or spill ~~therefrom.~~ Where If spillage does occur, it shall be picked up immediately cleaned promptly by the collector ~~the person transporting the solid waste and returned to the vehicle or container.~~

~~C.3.~~ C.3. ~~Vehicles~~ Any vehicle used for collection and transportation of rubbish or manure shall be ~~of such construction~~ constructed so as to prevent leakage or spillage, and shall ~~provide a cover~~ be covered to prevent blowing of materials or creating a nuisance.

B. A person transporting solid waste shall transport solid waste only to a solid waste facility regulated by the Department under this Chapter, or to a solid waste facility authorized to receive the waste by a tribal nation, EPA, or another state.

R18-13-311. Handling and Disposal; General

- A.** ~~All refuse shall be disposed of by a method or methods included in these rules and shall include rodent, insect, and nuisance control at the place or places of disposal. Approval must be obtained from the Department for all new disposal sites and may change in the method of disposal prior to use. A person who handles or disposes of solid waste in this state, and not in Indian country, shall do so only at a solid waste facility regulated by the Department under this Chapter or as otherwise authorized in subsections (B) to (F).~~
- B.** ~~Carcasses~~ Unless otherwise mandated by A.R.S. Title 3 or directed by the state veterinarian, of large a dead animals animal shall may be handled or disposed of according to any one of the following methods:
1. A dead animal may be buried or on the owner's property, subject to the following conditions:
 - a. The dead animal is covered by at least two feet of soil.
 - b. The bottom of pit or trench in which the dead animal is buried is at least five feet above the water table.
 - c. The burial location is at least 50 feet from a property line.
 - d. The burial location is at least 200 feet from wells, surface water intake structures, and public or private drinking water supplies.
 - e. The burial location is at least 300 feet from surface water bodies.
 - f. The burial location is at least 200 feet from a dwelling and at least 500 feet from a neighboring residence.
 - g. The manner of burial minimizes odors and the attraction, harborage, or propagation of vectors.
 - h. The burial is not otherwise prohibited by law.
 2. A dead animal may be cremated burned on the owner's property, subject to the following conditions:
 - a. The manner of burning minimizes odors and the attraction, harborage, or propagation of vectors.
 - b. The burning is not otherwise prohibited by law.
 3. unless satisfactory arrangements have been made for disposal A dead animal may be disposed of by rendering or other approved methods, subject to A.A.C. Title 3, Chapter 2.
 4. A dead animal may be composted on the owner's property, subject to the following conditions:
[allow this an option? under what circumstances?]
- C.** ~~All public "dumping grounds", provided in compliance with A.R.S. § 9-441, shall be maintained and operated in accordance with the requirements of these rules.~~
- D.C.** Manure shall may be disposed of by sanitary landfill, composting, incineration, or composted or used as fertilizer, subject to the following conditions:
1. The manure is handled in such a manner as that does not to create insect vector breeding or attraction, or a nuisance.
 2. The manure is handled in a manner consistent with applicable provisions of law, including the following requirements:
 - a. Any applicable storm water management requirement established by general permit under A.R.S. § 49-245.01 and any rules promulgated to implement this statute.

- b. Any applicable water quality best management practice for regulated agricultural activities established by general permit under A.R.S. § 49-247 and any rules promulgated to implement this statute.
 - c. Any applicable requirement of an agricultural general permit specifying best management practices for regulated agricultural activities to reduce PM-10 particulate emissions under A.R.S. § 49-457 and any rules promulgated to implement this statute.
- D. Solid waste may be disposed of by garbage grinding involving the separate collection and disposal of garbage into a community sewerage system through commercial type grinders or individual household grinders, if suitable means are provided for the disposal of all remaining solid waste.
- E. Solid waste that is garbage may be disposed by being fed to swine under the following conditions:
 - 1. The garbage is collected and stored in containers meeting the requirements of R18-13-307.
 - 2. Only vehicles meeting the requirements of A.A.C. R18-13-310 are used for collection of off-site solid waste.
 - 3. The practice of feeding garbage to swine is conducted subject to the requirements of A.R.S. §§ 3-2661 through 3-2669 and A.A.C. R3-2-302.
 - 4. All remaining solid waste is collected and disposed of according to this Chapter.
- F. Solid waste may be disposed of by open outdoor fire under the following conditions:
 - 1. Agricultural , construction, or residential burning as those terms are defined in A.A.C. R18-2-602, if the burner has a permit under A.A.C. R18-2-602.
 - 2. Household waste generated on-site may be disposed of in an approved waste burner as defined in A.A.C. R18-2-602, if the burner has a permit under A.A.C. R18-2-602, if no household waste disposal and collection service is available, and if either of the following conditions exist:
 - a. The household waste was generated on a farm or ranch of 40 acres or more.
 - b. The nearest other dwelling is at least 500 feet away.

R18-13-312. Methods of Disposal Repealed

~~Approval must be obtained from the Department for any method or methods used for the disposal of refuse prior to the start of operations, and shall be accomplished by one or more of the methods listed below:~~

- 1. ~~Sanitary landfill—Consists of the disposal of refuse on land and the daily compaction and covering of the refuse with 6 to 12 inches of earth so as to prevent a health hazard or nuisance. The final compacted earth cover shall be a minimum of 2 feet in depth. Where sanitary landfill operations are proposed, the Department will require the following:~~
 - a. ~~The landfill shall be located so that seepage will not create a health hazard, nuisance, or cause pollution of any watercourse or water bearing strata.~~
 - b. ~~Adequate and proper surface drainage shall be provided to prevent ponding or erosion by rainwater of the finished fill.~~
 - c. ~~Provision shall be made for the control of insects, rodents, wind blown refuse, and accidental fire.~~

- d. ~~Burning of refuse is prohibited.~~
 - e. ~~An all-weather access road is required.~~
 - f. ~~Suitable equipment and operating personnel shall be provided.~~
 - g. ~~Salvaging, if permitted, shall be rigidly controlled.~~
 - h. ~~A variance from the daily compaction and covering requirement may be granted for sites serving less than 2,000 people by the Department of Environmental Quality upon submission of an acceptable plan approved by the local health department demonstrating that no public health hazards or nuisances will exist. The variance will allow for compaction and cover every two weeks at sites serving less than 500 people; weekly compaction and cover for sites serving from 500 to 1,000 people; and twice weekly compaction and cover for sites serving from 1,000 to 2,000 people. The variance may be revoked whenever the Department of Environmental Quality determines that the circumstances warranting the variance no longer exist.~~
2. ~~Incineration—Where incineration is to be employed, the plans and specifications, along with any other information necessary to evaluate the project, shall be submitted to the Department and approval received prior to construction. In addition, an approved method for the disposal of non-combustible refuse is required. Where incineration is proposed, the following items shall be provided:~~
 - a. ~~The capacity of the incinerator shall be sufficient for the maximum production of refuse expected.~~
 - b. ~~Noncombustible refuse shall be disposed of by methods approved by the Department.~~
 - c. ~~Skilled personnel to assure the proper operation and maintenance of the facilities in a nuisance-free manner.~~
 3. ~~Composting—This method of disposal is acceptable to the Department under the following conditions:~~
 - a. ~~That plans and specifications and other information necessary to evaluate the project are submitted to the Department and approval received prior to start of construction.~~
 - b. ~~That provisions are made for the proper disposal of all refuse not considered suitable for composting.~~
 - c. ~~Skilled personnel shall be provided to assure the proper operation and maintenance of the facilities in a nuisance-free manner.~~
 4. ~~Refuse may be disposed of by Garbage grinding—This method, involving the separate collection and disposal of garbage into a community sewerage system through commercial type grinders or mandatory community-wide installation of individual household grinders, will be acceptable to the Department provided that suitable means shall be provided for the disposal of all remaining refuse.~~
 5. ~~Hog feeding—This method of disposal will only be approved under the following conditions:~~
 - a. ~~The garbage is collected and stored in suitable containers.~~
 - b. ~~Only approved type vehicles are used for collection.~~
 - c. ~~All garbage is effectively heat treated in accordance with Title 24, Chapter 7, Article 3 (A.R.S. §§ 24-941 through 24-949).~~

- d. All remaining refuse, including nonedible garbage, is collected and disposed of separately by methods approved by the Department.
- 6. Manure disposal—Manure shall be disposed of by sanitary landfill, composting, incinerating, or used as a fertilizer in such a manner as not to create insect breeding or a nuisance.

ARTICLE 4. RESERVED SOLID WASTE FACILITIES; GENERAL REQUIREMENTS

R18-13-401. Solid Waste Facilities; Applicability of Article

Each solid waste facility in this state and not in Indian country is subject to the requirements described in this Article. In addition, specifically described solid waste facilities are subject to best management practices, self-certification or plan review requirements as provided in this Chapter. **WHAT ABOUT FACILITIES ALREADY IN OPERATION, HAVE FACILITY AND OPERATION PLANS APPROVED BY ADEQ? DOES THIS REQUIRE ENTIRE NEW PLANS OR JUST REVISION? HOW LONG DOES ADEQ HAVE TO ACCEPT AND APPROVE THE PLANS? WHAT IF THE FACILITY IS NOT ABLE TO OBTAIN COMPLAINEE BECAUSE FINANCIAL AND BUDGETARY RESTRICTIONS? WHAT IF A SMALL RURAL COMMUNITIES LACKS THE TECHNICAL AND FINANCIAL ASSISTANCE NECESSARY COMPLIANCE? IS ADEQ PREPARED TO TAKE OVER THE OPERATION BECAUSE THE COST OF COMPLIANCE EXCEEDS THE ABILITY OF THE COMMUNITY TO COMPLY?**

R18-13-402. Requirement for a Solid Waste Facility Notice

- A.** For a solid waste facility which begins operating after the effective date of this Section, the owner or operator shall file a solid waste facility notice no later than 30 days prior to beginning operation.
- B.** For a solid waste facility in operation on the effective date of this Section, the owner or operator shall file a solid waste facility notice within 180 days after the effective date of this Section.
- C.** An updated solid waste facility notice shall be filed when there is a change in the owner, operator, or the name of the solid waste facility, or a change in the physical location of the facility or its mailing address.
- D.** A solid waste facility notice shall be submitted on a form prescribed by the Department.
- E.** A solid waste facility notice shall include the following information:
 - 1.** The name of the solid waste facility and its mailing address.
 - 2.** The name, address and telephone number of each owner and operator of the solid waste facility.
 - 3.** The physical location of the solid waste facility, described in both subdivisions (a) and (b), and either subdivision (c) or (d):
 - a.** The legal description of the property on which the facility is located, expressed by township, range, and section, and county assessor's book, map, and parcel number.
 - b.** Latitude and longitude expressed in degrees, minutes, and seconds, with the method the location was determined and the nearest city or town.
 - c.** Physical address expressed as:
 - i.** Street name and number;

- ii. City, town, community, or post office name;
 - iii. State; and
 - iv. Zip code.
- d. Driving directions from the nearest city or town.
- 4. A description of the waste storage and treatment equipment and methods of waste management, including types and volumes of waste handled and the length of time the waste remains on site. **WHAT BEST MANAGEMENT PRACTICES?**
- 5. A description of the waste management practices used at the solid waste facility, including measures taken to protect the environment and to protect the public health.
- 6. A diagram showing the relative location of the features of the solid waste facility.
- 7. A site map prepared to scale, indicating property and facility size, relative to the surrounding area.
- 8. A location map identifying any learning sites within a two-mile radius.
- 9. The design capacity of the facility.

R18-13-403. Siting Criteria

For a solid waste facility which begins operating after the effective date of this Section, the applicable best management practices relating to siting are:

- 1. The solid waste facility is sited on a parcel zoned for that use.
- 2. The siting of the solid waste facility shall comply with A.R.S. § 49-767 if the solid waste facility is owned by an agency or political subdivision of this state and the solid waste facility is required to obtain solid waste facility plan approval pursuant to A.R.S. § 49-762.
- 3. The siting of the solid waste facility shall comply with A.R.S. § 49-772 if the solid waste facility is required to obtain solid waste plan approval pursuant to A.R.S. § 49-762.

R18-13-404. Operational Plan

A. The owner or operator of a solid waste facility shall develop, maintain, and comply with a written operational plan that meets the requirements of this Section during the active life of the facility. **DOES THE OPERATION PLAN HAVE TO BE SUBMITTED TO ADEQ? WHAT ABOUT THE CURRENT APPROVED PLAN? WHAT IS THE APPROVAL TIMELINE FOR THE OPERATION PLAN?**

B. The operational plan required by this Section shall include the following:

- 1. Evidence that the solid waste facility complies with the siting criteria described in A.A.C. R18-13-403.
- 2. A plan to control run-on and run-off as described in A.A.C. R18-13-407.
- 3. A waste identification and screening program as described in A.A.C. R18-13-408.
- 4. A plan to control public access, provide security and prevent unauthorized dumping as required by A.A.C. R18-13-409.
- 5. A plan to control wind-blown litter as required by A.A.C. R18-13-410.
- 6. Procedures for controlling disease vectors as required by A.A.C. R18-13-410.
- 7. Evidence that the facility complies with the container and tank standards of A.A.C. R18-13-411.
- 8. Contingency plans that meet the standards described in A.A.C. R18-13-412.

9. Closure plans that meet the standards described in A.A.C. R18-13-413.
10. Financial assurance information, including estimates for closure, post-closure care, and a copy of the financial assurance mechanism being used to meet the requirements of A.A.C. R18-13-415.
11. A description of the on-site solid waste handling procedures to be used during the active life of the facility.
12. A description of the design capacity of the facility, specifically identifying the capacity of the facility to store wastes received, by-product wastes, and processed wastes, and the capacity of the waste handling equipment.
13. A schedule for conducting internal inspections and monitoring of the facility, and measures to be taken to abate or address problematic conditions detected through inspections or monitoring.
14. Corrective action programs to be initiated under A.R.S. § 49-762.08 if soil, surface water or groundwater is contaminated.
15. A description of operation and maintenance of installed equipment, including solid waste handling equipment, leachate and gas collection systems, groundwater monitoring systems and other pollution prevention equipment, and identifying the extent to which the equipment relates to best management practices specifically applicable to that type of solid waste facility. **SPECIFICALLY WHAT TYPE OF BMP AND GUIDANCE IS ADEQ WILLING TO PROVIDE?**
16. A plan for an alternative waste handling or disposal system during periods when the solid waste facility is not able to store or dispose of solid waste, including procedures to be followed in the case of equipment breakdown or adverse weather.
17. A training plan that assures facility personnel are trained appropriately for the activities at the facility, including safety and emergency procedures, and to comply with the requirements of this Chapter.
18. Any measures taken to ensure the protection of children at learning sites. **WHAT DOES THIS MEAN? HOW FAR AWAY ARE WE CONCERNED ABOUT? WHAT IS IMPLIED**

R18-13-405. Operating Record

- A.** The owner or operator of a solid waste facility shall establish and maintain during the active life of the facility an operating record for each day during which operations, monitoring, or closure activity occurs.
- B.** The operating record required by this Section shall include the following:
 1. The type and weight or volume of each load of solid waste received. **WHATS THE LEVEL OF DETAIL? WHAT GUIDANCE IS ADEQ PROVIDING?**
 2. A record of any deviations from operational plans.
 3. A record of internal inspections and monitoring, if applicable, of the facility, measures taken to abate or address conditions detected through the inspections or monitoring. Internal inspections include inspection of incoming loads as well as facility inspections. **WHATS THE LEVEL OF DETAIL?**
 4. Monitoring and test results, if applicable.
 5. The training records of those operating the solid waste facility, relative to the operation of the facility.

6. Records of all closure activities.
- C. The owner or operator shall make available for Department inspection at or near the site of the solid waste facility the operating records for the current month and, at a minimum, the operating records for the previous 60 months.

R18-13-406. Annual Report

- A. Except as otherwise provided in subsection (C), the owner or operator of a solid waste facility shall submit an annual report to the Department on or before March 1, describing the operations of the previous calendar year.
- B. An annual report required by this Section shall be submitted on a form prescribed by the Department and shall include all of the following:
1. Basic solid waste facility information, including:
 - a. The name of the solid waste facility and its mailing address.
 - b. The name, address and telephone number of each owner and operator of the solid waste facility.
 - c. The physical location of the solid waste facility.
 - d. A description of the waste management practices used at the solid waste facility.
 2. The type and weight or volume of solid waste received each month.
 3. The type and weight or volume of solid waste recycled during the year.
 4. The disposition of solid waste not stored or recycled.
 5. An indication whether the owner, the operator, or both, were required to file a certificate of disclosure under A.R.S. § 49-109 during the previous calendar year. If a certificate of disclosure has been filed during the previous calendar year, the owner or operator shall attach a copy of the certificate of disclosure.
- C. The owner or operator of a solid waste facility that is required to report on its activities related to the management of used oil under A.R.S. Title 49, Chapter 4, Article 7, is not required to submit an annual report under this Section describing those activities related to the management of used oil.

R18-13-407. Storm water Run-on and Run-Off Control System

- A. Except as otherwise provided in subsection (C), the owner or operator of a solid waste facility shall design, construct, operate and maintain a system to control storm water run-on to and run-off from the solid waste facility. as required by this Section (TYPO REMOVE (.) WHEN DOES THE RUN ON RUN OFF CONTROLS STRUCTURES HAVE TO BE IN PLACE?)
- B. A system to control storm water run-on and run-off as required by this Section shall divert water from contacting solid waste and shall handle the diverted water appropriately. In addition, the system shall meet the following standards:
1. A run-on control system shall prevent flow onto the facility during the peak discharge from a 25-year, 24-hour storm.
 2. A run-off control system shall:
 - a. Collect the water volume resulting from a 25-year, 24-hour storm event.
 - b. Control the water volume from a 25-year, 24-hour storm event by retaining the water on-site for reuse, evaporation or proper disposal. CAN IT BE USED AS DUST CONTROL?

- C. To the extent that a solid waste facility is subject to the requirements of the Arizona Pollutant Discharge Elimination System Program under A.R.S. Title 49, Chapter 2, Article 3.1, the owner or operator of the solid waste facility shall comply with those requirements in lieu of complying with this Section.

R18-13-408. Waste Identification and Screening

- A. The owner or operator of a solid waste facility shall implement a waste identification program to identify specific waste streams to be handled at the facility, the waste analysis requirements and procedures to be imposed on generators, and the waste verification procedures at the facility. **WHAT IS THE LEVEL OF DETAIL REQUIRED? WHAT GUIDANCE WILL ADEQ PROVIDE AT PROPER METHODOLOGY?**
- B. The owner or operator of a solid waste facility shall implement a waste screening program to prohibit the receipt of wastes which are not authorized by law to be handled by that type of solid waste facility, and to segregate and properly handle wastes requiring special handling.
- C. The waste screening program required by this Section shall include the following, at a minimum:
1. Random inspections of incoming loads unless the owner or operator take other steps to ensure that incoming loads do not contain wastes which are not authorized by law to be handled by that type of solid waste facility. **IS A VIDEO CAMERA MONITORING ACCEPTABLE?**
 2. Records of any inspections of incoming loads.
 3. Training of facility personnel to recognize wastes which:
 - a. Are not authorized by law to be handled by that type of solid waste facility.
 - b. Require separation and special handling when received.
 4. Notification to the Department within 24 hours after the discovery of wastes which are not authorized by law to be handled by that type of solid waste facility. **WHERE IS THE REPORT GOING TO? CAN IT BE EMAILED, IF SO TO WHOM?**
 5. Proper handling of unauthorized waste until it is removed from the facility. Proper handling includes the provision of a safe temporary storage area that prevents commingling of the unauthorized waste or other condition that poses a threat to public health or the environment. **WHAT ARE THE STORAGE AREA SPECIFICATIONS, DESCRIPTION AND CRITERIA?**
 6. Proper handling of wastes requiring special handling.

R18-13-409. Control of Public Access; Safety and Security; Prevention of Scavenging and Unauthorized Dumping

- A. The owner or operator of a solid waste facility shall design, construct, operate and maintain the facility to control public access to the solid waste facility, prevent unauthorized vehicular traffic, provide for site security both during and after hours, and prevent scavenging and unauthorized dumping of wastes.
- B. The owner or operator of a solid waste facility shall design, construct, operate and maintain the facility to have a sign that identifies the facility and shows at least the name of the site, and, if applicable, hours during which the site is open for public use, what

materials the facility does not accept, a telephone number to contact the owner or operator about the operation of the facility, and other necessary information posted at the site entrance.

- C.** The owner or operator of a solid waste facility shall design, construct, operate and maintain the facility to have communication capabilities to immediately summon fire, police, or emergency service personnel in the event of an emergency.

R18-13-410. Dust, Litter and Vector Control; Open Burning Prohibited

- A.** The owner or operator of a solid waste facility shall design, construct, operate and maintain the facility to control litter and vector breeding and attraction at the facility, and to control dust as required by 18 A.A.C. 2, Article 6, or as required by more stringent county rules for non-point sources that may apply. The owner or operator of a solid waste facility shall establish a plan to control wind-blown litter that includes equipment and methods to contain litter and a schedule and methods to collect scattered litter in a timely manner. Article 6 includes the entire section, but a solid waste facility handles, transports and stockpile soil. Dust control should be follow the elements identified in Articles 604; 605; 606;607;610; 611 and 614 the other verbaige deleted. Section 602 Open burning is addressed below in section B; 608 deals with mine tailings; 609 deals with Agricultural; 611 deals with Ag PM10; 612 deals with definition for 613 and 613 is PM 10 for Yuma Agricultural. WHATS CONSIDERED TIMELY?
- B.** The owner or operator of a solid waste facility shall not engage in or allow open burning, unless it is permitted under A.A.C. R18-2-602, or exempt under 18 A.A.C. 2, Article 15. Article 15 is the Fire Management Section and the term exempt and exemption are not included in the text. Therefore, what is the purpose of the reference there are no exemption allowed.

R18-13-411. Containers and Tanks

- A.** The owner or operator of a solid waste facility shall design, construct, operate and maintain the facility so that a container used in the handling of solid waste meets the following standards:
1. Is constructed of durable watertight materials and is designed and maintained to be leak-proof.
 2. Is maintained in good condition and have no severe rusting or apparent structural defects or deterioration.
 3. Is closed with a lid that prevents the loss of materials during storage, processing, treatment, or transport, that prevents access by vectors, and that controls litter. **THUS A ROLLBOX IS NOT ALLOWED AT A LANDFILL? IF SO, UNDER WHAT CONDITIONS, DESIGN SPECIFICATION AND BMP'S.**
- B.** The owner or operator of a solid waste facility shall design, construct, operate and maintain the facility so that a container or a tank used to handle liquid or semisolid solid waste shall meet the following design and construction standards:
1. A container meets the requirements of subsection (A).
 2. A tank and ancillary equipment shall be leak-proof.
 3. A tank constructed so that all or any portion of the tank is below ground shall comply with the standards of 40 CFR 280.11(a).

4. An above ground tank or a container shall be equipped with secondary containment constructed of, or lined with, materials compatible with the waste being stored and capable of containing the volume of the largest tank within its boundary, plus the precipitation from a twenty-five-year storm event. The entire containment system, including walls and floors, shall be sufficiently impervious to the liquid or semisolid solid waste to prevent any waste released into the containment system from migrating out of the system to the soil, groundwater, or surface water. **DUPLICATE NUMBER! DOES THIS INCLUDE WASTE OIL CONTAINERS?**
4. Areas used to load or unload tanks or containers shall be designed to contain spills, drippage and accidental releases during loading and unloading of vessels.
5. Tanks and piping and containers shall be protected from impact by vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means.
6. Tanks and containers shall be structurally suited for the proposed use.
7. Tanks, valves, fittings and ancillary piping, and containers shall be protected from failure caused by freezing.

R18-13-412. Contingency Planning

- A.** The owner or operator of a solid waste facility shall develop, maintain, and comply with a written contingency plan that meets the requirements of this Section.
- B.** A written contingency plan required by this Section shall describe the steps necessary in the event of fire, explosion, power outage, natural disaster, or other event that significantly disrupts the normal operation of the facility, or in the event of a release of waste, such as a release of explosive gases or the failure of run-off containment system.
- C.** A contingency plan shall contain emergency response provisions to address an imminent and substantial endangerment to public health or the environment including all of the following:
 1. Twenty-four hour emergency response measures.
 2. The name of an emergency response coordinator responsible for implementing the contingency plan.
 3. Immediate notification to the Department regarding any emergency response measure taken. **CONTACT NUMBER AND EMAIL?**
 4. A list of people to contact, including names, addresses, and telephone numbers if an imminent and substantial endangerment to public health or the environment arises.
 5. A general description of the procedures, personnel, and equipment proposed to mitigate unauthorized discharges.
- D.** The owner or operator may amend a contingency plan required by the Federal Water Pollution Control Act (P.L. 92500; 86 Stat. 816; 33 U.S.C. 1251, et seq., as amended), or the Resource Conservation and Recovery Act of 1976 (P.L. 94580; 90 Stat. 2796; 42 U.S.C. 6901 et seq., as amended), to meet the requirements of this Section.
- E.** The owner or operator of a solid waste facility shall maintain at least one copy of the contingency plan required by this Section at the location where day-to-day decisions regarding the operation of the facility are made. The owner or operator of a solid waste facility shall advise all employees responsible for the operation of the facility of the

location of the contingency plan. **THIS SHOULD BE PART OF EMPLOYEE TRAINING PROGRAM?**

- F.** An owner or operator of a solid waste facility shall promptly revise the contingency plan upon any change to the information contained in the plan.

R18-13-413. Closure

- A.** The owner or operator of a solid waste facility shall develop, maintain, and comply with written closure plans that meet the requirements of this Section.
- B.** A written closure plan required by this Section shall describe the steps necessary for closure of the solid waste facility and any anticipated future uses of the property following closure.
- C.** The owner or operator of a solid waste facility shall notify the Department of the intent to close the solid waste facility at least 90 days before closure activities begin. At least 60 days before closure activities begin, the owner or operator shall post signs to notify the general public of the proposed closure date.
- D.** The owner or operator of a solid waste facility that does not receive any solid waste for a period of 365 consecutive days shall immediately commence closure activities according to this Section or other applicable Section in this Chapter.
- E.** The owner or operator of a solid waste facility that is not subject to the closure requirements of **18 A.A.C. 13, Article 11** shall comply with the following closure requirements:
1. Remove all solid waste.
 2. Dispose of all solid waste removed from the closing facility only at a solid waste facility regulated by the Department under this Chapter, or to a solid waste facility authorized to receive the waste by a tribal nation, EPA, or another state.
 3. Decontaminate any buildings, fences, roads, equipment or other improvements related to solid waste handling or storage, treatment or disposal. **WHAT'S THE STANDARD FOR DECON?**
 4. Sample and analyze soil, groundwater and surface water for contamination if the owner, operator or the Department know or suspect that there has been a release to groundwater, surface water, or soil. If soil, groundwater or surface water are contaminated, the owner or operator of the solid waste facility shall conduct corrective action under **A.A.C. R18-13-414.**
 5. Take precautions to prevent unauthorized use of the site. **WHAT IS CONSIDERED UNAUTHORIZED? EXAMPLES?**
 6. Begin closure activities no later than 30 days after the date on which the solid waste facility receives the final shipment of wastes.
 7. Complete closure activities within 90 days after the date on which closure activities begin, unless the Department approves a reasonable extension of the closure deadline based upon an application and demonstration by the owner or operator of good cause for the extension and that the closure will otherwise meet the requirements of this subsection.
- F.** The owner or operator of a solid waste facility that closes under this Section shall certify that the clean closure requirements described in subsection (E)(1) through (E)(7) have been met within 30 days after completion of closure. The certification shall be submitted

to the Department and included in the facility's operating record. WHO IS QUALIFIED TO MAKE THIS DECISION?

- G. Any solid waste facility which is not closed as described in subsection (E)(1) through (E)(7) is considered a solid waste land disposal facility subject to plan approval under A.R.S. § 49-762, subject to closure and post-closure under A.A.C. R18-13-1125 and 1126, and shall modify financial assurance accordingly.
- H. The owner or operator of a solid waste facility that is a solid waste landfill shall comply with the closure and post-closure requirements identified in 18 A.A.C. 13, Article 11.

R18-13-414. Corrective Actions

- A. The owner or operator of a solid waste facility shall conduct corrective action in response to a release from a facility, if the release violates or results from a violation of a design and operation standard in this Chapter, or causes or threatens to cause a significant adverse effect on human health or the environment. Corrective action shall be conducted according to this Section. DEFINE STANDARD? WHO MAKE THE DETERMINATION AND BASED UPON WHAT HARD SCIENCE?
- B. The owner or operator of a solid waste facility that is required by this Section to conduct corrective action shall conduct the corrective action in accordance with the standards described in A.R.S. § 49-282.06(A), (B)(4)(a) and (b), (C), (D), and (F).
- C. The owner or operator of a solid waste facility that is required by this Section to conduct corrective action shall cause the site to be listed in the repository established for the purpose of listing remediation sites, as required by A.R.S. § 49-152 (E).

R18-13-415. Financial Assurance

- A. Beginning 180 days after the effective date of this Article, a solid waste facility may not be operated unless financial responsibility has been demonstrated for the costs of closure, postclosure care, if necessary, and any corrective action as a result of known releases from the facility.
- B. A demonstration of financial responsibility made for a solid waste facility under A.R.S. Title 49, Chapter 2, Article 3, suffices, in whole or in part, for any demonstration of financial responsibility required by this rule.
- C. A demonstration of financial responsibility is subject to 18 A.A.C. 13, Article 18.

ARTICLE 5. ~~RESERVED~~ PROCEDURAL REQUIREMENTS FOR SOLID WASTE FACILITIES SUBJECT TO SELF-CERTIFICATION AND PLAN APPROVAL

R18-13-501. Requirements for Solid Waste Facilities Subject to Self-Certification

- A. The owner or operator of a solid waste facility subject to A.R.S. § 49-762.01 shall establish its eligibility to operate by demonstrating to the Department compliance with the self-certification requirements described in this Section.
- B. The owner or operator of a new solid waste facility subject to A.R.S. § 49-762.01 shall provide the Department with all of the following, before beginning construction:
 - 1. A demonstration that the facility meets the siting criteria of A.A.C. R18-13-403 and any Article applicable to that type of solid waste facility.
 - 2. A demonstration that the design of the facility meets the standards of 18 A.A.C. 13, Article 4 and any other Article applicable to that type of solid waste facility.

- This demonstration shall include evidence that the design of the solid waste facility has been sealed by a professional engineer registered in Arizona.
3. A copy of a public notice published in a newspaper of general circulation in the area in which the facility will be located, stating the intent of the owner or operator to construct and operate a new facility subject to this Section, describing the type of facility and its location, and providing the name and telephone number of a contact person who is able to provide additional information about the facility.
- C.** The owner or operator of a new solid waste facility subject to A.R.S. § 49-762.01 shall provide the Department with all of the following, before beginning operation:
1. A demonstration that the facility achieves the design and construction standards of Article 4 and any other Article applicable to that type of solid waste facility. This demonstration shall be sealed by a professional engineer registered in Arizona.
 2. A demonstration that the operational plan for the facility meets the requirements of A.A.C. R18-13-404 and any Article applicable to that type of solid waste facility. **WHAT DOES “ANY ARTICLE APPLICABLE TO THAT TYPE OF SOLID WASTE FACILITY” MEANS.**
 3. A demonstration that the facility will comply with the standards described in 18 A.A.C. 13, Article 4 and any other Article applicable to that type of solid waste facility. This demonstration shall be sealed by a professional engineer registered in Arizona.
 4. A demonstration of the issuance of other environmental permits required by statute or rule for that type of facility.
 5. A demonstration of financial assurance that complies with R18-13-415 and Article 18.
 6. An indication whether the owner, the operator, or both, are required to file a certificate of disclosure under A.R.S. § 49-109, and if so, attaching a copy of the certificate of disclosure.
- D.** The owner or operator of a solid waste facility subject to A.R.S. § 49-762.01 that is an existing facility shall provide the Department with all of the following, within 180 days after the effective date of this Section: **WHAT ARE THE BMP’S FOR THOSE TYPE OF FACILITIES?**
1. A demonstration that the facility meets the siting criteria of A.A.C. R18-13-403 and any Article applicable to that type of solid waste facility.
 2. A demonstration that the operational plan for the facility meets the requirements of A.A.C. R18-13-404 and any Article applicable to that type of solid waste facility.
 3. A demonstration that the facility complies with the standards described in 18 A.A.C. 13, Article 4 and any other Article applicable to that type of solid waste facility. If the owner or operator are unable to demonstrate compliance with the standards described in Article 4 and any other Article applicable to that type of solid waste facility, they shall specify the standards with which they are unable to comply and shall demonstrate the practices and methods that will be used to achieve compliance with the standards during the succeeding 180 days. These demonstrations shall be sealed by a professional engineer registered in Arizona.

4. A demonstration of the issuance of other environmental permits required by statute or rule for that type of facility.
 5. A demonstration of financial assurance that complies with A.A.C. R18-13-415 and 18 A.A.C. 13, Article 18.
 6. An indication whether the owner, the operator, or both, are required to file a certificate of disclosure under A.R.S. § 49-109, and if so, attaching a copy of the certificate of disclosure.
- E.** The owner or operator of a solid waste facility subject to A.R.S. § 49-762.01 shall comply with subsections (B)(2) and (C)(1) and(3) when making a substantial change to the facility. The following changes to a solid waste facility are considered substantial changes:
1. An increase in the design capacity of a solid waste facility relative to the design capacity described in the solid waste facility notice and most recent self-certification submittal for that facility.
 2. A change in the type of solid waste handled relative to the description of the type of wastes handled in the solid waste facility notice and self-certification submittal for that facility.
 3. A material change in the waste management practices at the solid waste facility.
 4. A material change in the pollution control devices at the solid waste facility.
 5. A change in the system for controlling run-on and run-off.
 6. A material change in the closure plan for the solid waste facility.
 7. A change in the cost estimate for closure and post-closure care.
- F.** The owner or operator of a solid waste facility subject to self-certification under A.R.S. §49-762.01 may seek a change to the application of any requirement of Articles 6 through 10 if the owner or operator exercises the option to request approval of a solid waste facility plan under A.R.S § 49-761 (G), rather than certifying compliance.
- G.** With any initial filing of information under the subsection (B) or (D), the owner or operator shall provide the registration fee of five hundred dollars as required by A.R.S. § 49-762.05(H). With a demonstration of compliance with self-certification requirements required because of a substantial change as described in subsection (E), the owner or operator shall provide a registration fee of two hundred dollars as required by A.R.S. § 49-762.05(H). **IDENTIFY WHAT ARTICLES ARE SPECIFICALLY APPLICABLE TO THE DIFFERENT TYPES OF WASTE?**

R18-13-502. Requirements for Solid Waste Facilities Subject to Plan Approval; Application Requirements

- A.** The owner or operator of a solid waste facility subject to A.R.S. § 49-762 shall establish its eligibility to operate by submitting to the Department, prior to construction, an application for plan approval which complies with this Section.
- B.** An application for a facility plan approval for a solid waste facility subject to A.R.S. § 49-762 shall contain:
1. Demonstrations that the facility meets the siting criteria of any Article specifically applicable to that type of solid waste facility.
 2. Engineering reports, plans and specifications that address the design standards of any Article specifically applicable to that type of solid waste facility.

3. A plan of operation meeting the requirements of any Article specifically applicable to that type of solid waste facility.
4. A closure plan meeting the requirements of any Article specifically applicable to that type of solid waste facility.
5. A post-closure care plan meeting the requirements of any Article specifically applicable to that type of solid waste facility.
6. Documentation as needed to meet the financial assurance requirements of A.A.C. R18-13-415 and 18 A.A.C. 13, Article 18.
7. A site map, indicating property and facility size, relative to the surrounding area.
8. A location map identifying any learning sites in the surrounding area.
9. A construction quality assurance plan and a construction quality control plan meeting the requirements of A.A.C. R18-13-503. **PREVIOUSLY STATED W/I 2 MILE RADIUS! IS THAT STILL APPLICABLE? WHAT IS THE SURROUNDING AREA?**

C. In addition to the requirements of subsection (B), an application for facility plan approval for a municipal solid waste landfill or a solid waste land disposal facility that is a non-municipal solid waste landfill, a waste disposal pile, or a surface impoundment related to a solid waste facility, shall contain technical information demonstrating that the aquifer protection standards of 18 A.A.C. 13, Article 11 will be met. The following shall be provided as attachments to the application for facility plan approval: **ARS 49-250 EXEMPTS STORMWATER BASIN & MSW LANDFILLS FROM APP? THIS SECTION DUPLICATES A SIGNIFICANT AMOUNT OF INFORMATION & DATA ALREADY PROVIDED TO ADEQ IN 1998 & 2003 FACILITY & OPERATION PLANS. CAN WE JUST REFERENCE THOSE SECTIONS?**

1. A topographic map, or other appropriate map approved by the Department, of the facility location and contiguous land area showing the known use of adjacent properties, all known water well locations found within one-half mile of the facility, and a description of well construction details and well uses, if available. **DEFINE NUMEROUS? WHAT IS A DISCHARGE?**
2. A facility site plan showing all known property lines, structures, water wells, injection wells, drywells and their uses, topography, and the location of points of discharge. The facility site plan shall include all known borings. If the Department determines that borings are numerous, the applicant shall satisfy this requirement with a narrative description of the number and location of the borings.
3. The facility design documents indicating proposed or as-built design details and proposed or as-built configuration of basins, ponds, waste storage areas, drainage diversion features, or other engineered elements of the facility affecting discharge. When formal as-built plan submittals are not available, the applicant shall provide documentation sufficient to allow evaluation of those elements of the facility affecting discharge, following the demonstration requirements of A.R.S.49-243 (B) through (F) and (I).
4. A summary of the known past facility discharge activities and the proposed facility discharge activities indicating all of the following:
 - a. The chemical, biological, and physical characteristics of the discharge.
 - b. The rate, volume, and frequency of the discharge for each facility.

- c. The location of the discharge and a map outlining the pollutant management area described in A.R.S. § 49-244(1).
5. A description of the best available demonstrated control technology employed in the facility, including:
- a. A statement of the technology, processes, operating methods, or other alternatives proposed to meet the requirements of A.R.S. § 49-243(B) through (F) and (I) . The statement shall describe:
 - i. The alternative discharge control measures considered.
 - ii. The technical and economic advantages and disadvantages of each alternative.
 - iii. The justification for selection or rejection of each alternative.
 - b. An evaluation of each alternative discharge control technology relative to the amount of discharge reduction achievable, site-specific hydrologic and geologic characteristics, other environmental impacts, and water conservation or augmentation.
 - c. An industry-wide evaluation of the economic impact of implementation of each alternative discharge control technology.
 - d. A statement reflecting the consideration of factors listed in A.R.S. § 49-243(B)(1)(a) through (h);
6. Proposed points of compliance for the facility based on A.R.S. § 49-244. An owner or operator shall demonstrate that one of the following:
- a. The facility will not cause or contribute to a violation of an Aquifer Water Quality Standard at the proposed point of compliance.
 - b. If an Aquifer Water Quality Standard for a pollutant is exceeded in an aquifer at the time of issuance of an approved facility plan, no additional degradation of the aquifer relative to that pollutant and determined at the proposed point of compliance will occur as a result of the discharge from the proposed facility. In this case, the owner or operator shall submit an Ambient Groundwater Monitoring Report that includes:
 - i. Data from eight or more rounds of ambient groundwater samples collected to represent groundwater quality at the proposed points of compliance.
 - ii. An AQL proposal for each pollutant that exceeds an Aquifer Water Quality Standard.
7. A hydrogeologic study that defines the discharge impact area for the expected duration of the facility. The Department may allow the owner or operator to submit an abbreviated hydrogeologic study or, if warranted, no hydrogeologic study, based upon the quantity and characteristics of the pollutants discharged, the methods of disposal, and the site conditions. The owner or operator may include information from a previous study of the affected area to meet a requirement of the hydrogeologic study, if the previous study accurately represents current hydrogeologic conditions.
- a. The hydrogeologic study shall demonstrate one of the following:
 - i. That the facility will not cause or contribute to a violation of an Aquifer Water Quality Standard at the applicable point of compliance. **WHAT IS AN ACCEPTABLE DEMONSTRATION?**

- ii. If an Aquifer Water Quality Standard for a pollutant is exceeded in an aquifer at the time of permit issuance, that no additional degradation of the aquifer relative to that pollutant and determined at the applicable point of compliance will occur as a result of the discharge from the proposed facility;
 - b. Based on the quantity and characteristics of pollutants discharged, methods of disposal, and site conditions, the Department may require the owner or operator to provide any or all of the following:
 - i. A description of the surface and subsurface geology, including a description of all borings.
 - ii. The location of any perennial, intermittent, or ephemeral surface water bodies.
 - iii. The characteristics of the aquifer and geologic units with limited permeability, including depth, hydraulic conductivity, and transmissivity.
 - iv. The rate, volume, and direction of surface water and groundwater flow, including hydrographs, if available, and equipotential maps.
 - v. The precise location or estimate of the location of the 100-year flood plain and an assessment of the 100-year flood surface flow and potential impacts on the facility.
 - vi. Documentation of the existing quality of the water in the aquifers underlying the site, including, where available, the method of analysis, quality assurance, and quality control procedures associated with the documentation.
 - vii. Documentation of the extent and degree of any known soil contamination at the site.
 - viii. An assessment of the potential of the discharge to cause the leaching of pollutants from surface soil or vadose materials.
 - ix. Any changes in the water quality expected because of the discharge.
 - x. A description of any expected changes in the elevation or flow directions of the groundwater expected to be caused by the facility.
 - xi. A map of the facility's discharge impact area.
 - xii. The criteria and methodologies used to determine the discharge impact area.
- 8. A detailed proposal indicating the alert levels, discharge limitations, monitoring requirements, compliance schedules, and temporary cessation or plans that the owner or operator will use to satisfy the requirements of Article 11 of this Chapter;
- 9. A demonstration of the ability of the owner or the operator of the solid waste facility to maintain the technical capability necessary to carry out the terms of an approved plan approval. The owner or the operator shall make this demonstration by submitting all of the following information for each person principally responsible for designing, constructing, or operating the facility:
 - a. Pertinent licenses or certifications held by the person.

- b. Professional training relevant to the design, construction, or operation of the facility.
- c. Work experience relevant to the design, construction, or operation of the facility.
- 10. Any other relevant information required by the Department to determine whether to issue an approved facility plan.

D. In addition to the requirements described in subsections (B) and (C), an application for a facility plan approval for a municipal solid waste landfill facility or a solid waste land disposal facility that is a non-municipal solid waste landfill shall contain water balance modeling. All water balance analysis shall be performed using a model having supporting documentation establishing its ability to accurately represent water balance within a landfill unit. **WHAT IS A WATER BALANCE MODELING FOR A LANDFILL IN A ARID, SEMI-ARID ENVIRONMENT?**

R18-13-503. Requirements for Solid Waste Facilities Subject to Plan Approval; Construction Quality Assurance and Construction Quality Control Plans for New or Expanded Solid Waste Facilities

- A.** Construction quality assurance and the construction quality control plans shall provide the detailed specifications for the design approved for a solid waste facility under this chapter. The owner or operator may submit separate construction quality assurance and construction quality control plans. For each specified phase of construction, the construction quality assurance and construction quality control plans shall include:
- 1. A delineation of the responsibilities for the quality assurance management organization and the quality control management organization, including the chain of command of the quality assurance inspectors and contractors and the quality control inspectors and contractors.
 - 2. A description of the required level of experience and training for the contractor, the contractor's crew, each subcontractor and each subcontractor's crew, and quality assurance and quality control inspectors for every major phase of construction. The description shall be sufficiently detailed to demonstrate that the proposed installation methods and procedures could be properly implemented.
 - 3. A description of the quality assurance and quality control testing protocols for every major phase of construction, which shall include all of the following:
 - a. The frequency of inspection.
 - b. The type and frequency of testing.
 - c. The sampling and field testing procedures and equipment to be utilized.
 - d. The list of construction equipment to be utilized.
 - e. The calibration of the field testing equipment.
 - f. The frequency of performance audits.
 - g. The sampling protocol for field and laboratory testing.
 - h. The laboratory procedures to be utilized.
 - i. The calibration of field and laboratory equipment and the quality assurance and quality control protocols applicable to field and laboratory procedures.
 - j. The limits for test failure.
 - k. A description of the corrective procedures to be used upon test failure.

1. For each component of the proposed design of a new or expanded solid waste facility, a description of the manufacturer's quality control criteria and minimum standards for on-site and off-site handling, including shipping, handling, storage, installation, and numbers and types of testing required.
- B.** The owner or operator of a new solid waste facility or an expansion of an existing solid waste facility shall submit to the Department a report describing all the results of the activities included in the construction quality assurance and construction quality control plans within 90 days after completion of the new solid waste disposal facility or the expansion of the existing solid waste facility.
- C.** A new solid waste facility or an expansion of an existing solid waste facility shall not be operated until the construction quality assurance and construction quality control plans required by subsection (A) are reviewed and approved by the Department. **HOW LONG DOES THE APPROVAL TAKE?**

R18-13-504. Denial of Plan Approval

The Director may deny a plan approval if the Director determines upon completion of the application process that the applicant has:

1. Failed or refused to correct a deficiency in the plan approval application;
2. Failed to demonstrate that the facility and the operation will comply with the requirements of A.R.S. Title 49, Chapter 4 and this Chapter. The Director shall base this determination on any one or more of the following:
 - a. The information submitted in the plan approval application.
 - b. Any information submitted to the Department following a public hearing.
 - c. Any relevant information that is developed or acquired by the Department.
3. Provided false or misleading information.

R18-13-505. Types of Changes to Approved Plans for Solid Waste Facilities Subject to Plan Approval; Criteria for Determination

- A.** A Type I change is an insignificant modification to a solid waste facility with an approved plan, that is not directly related to the physical management of solid waste or the replacement of equipment or structures with similar items, and that is not otherwise described as a type II, III or IV change.
- B.** A Type II change is a minor modification to a solid waste facility with an approved plan, that is directly related to the physical management of solid waste, and that is not otherwise described as a type I, III or IV change.
- C.** A Type III change is a substantial change to a solid waste facility with an approved plan, that does not require public notice, that is significant, that requires detailed review by the Department, that is equally or more protective of the public health and environment, and that is not otherwise described as a type I, II or IV change. These changes may include the following:
1. A change to a facility required by a change to a statute or rule.
 2. A change to the existing approved design settings or standards that does not increase approved facility capacity, or add or remove pollution control devices.
 3. An addition to the types of waste approved to be handled at the facility.
 4. An addition to the types of alternative daily cover approved for use at the facility.

5. A change to the approved monitoring program for a facility, including the addition or deletion of a monitoring point or a monitoring constituent, or a change in the frequency of groundwater monitoring.
6. Any modification to the storm water run-on and run-off control system for the facility. **WHAT IF THE STORM WATER RUN ON RUN OFF IS STILL UNDER CONSTRUCTION OR BEING PHASED IN?**
7. A change to the landfill gas monitoring frequency.
8. An addition of a closure plan or closure components to an approved facility plan, and any corresponding change to the facility's financial assurance plan.
9. A change to the approved closure plan or approved closure components.
10. A change to the approved post-closure care or maintenance program, including a reduction in the post-closure care period.
11. A change to the post-closure use of the facility site.
12. A change of financial assurance mechanism.
13. An annual update approval of a financial assurance mechanism.
14. A change in the total storage, process, treatment, or disposal capacity approved for the solid waste facility, to be achieved through greater compaction of solid waste. **SO THE USE OF GPS AND "IT" TO INCREASE COMPACTION IS A TYPE III CHANGE? IS THEIR A % RANGE THAT WOULD NOT REQUIRE A NOTICE? WHAT IF YOU REPLACE A SMALL COMPACTOR WITH A LARGER COMPACTOR, THUS INCREASEING THE COMPACTION RATE. WHAT IF YOU CHANGE THE ROLLING PATTERN? WHAT IF YOU CHANGE THE BRAND OF EQUIPMENT? WHAT IF YOU THE CHANGE THE WHEEL PATTERN? WHAT IF YOU DO NOT KNOW EXACTLY WHAT THE COMPACTION RATE IS? WHAT IF THE COMPACTION RATIO VAIRES BY SEASON? THUS A MODIFICATION TO A COMPACTOR, NEW WHEELS OR CHANGE IN EQUIPMENT SIZE THAT CHANGES COMPACTION IS A TYPE III CHANGE?**

D. A Type IV change is a substantial change to a solid waste facility with an approved plan that requires public notice, that is a significant change in the total storage, process, treatment or disposal capacity of the facility, and that is not otherwise described as a type I, II or III change. These changes may include the following:

1. A change in the total storage, process, treatment, or disposal design capacity approved for the solid waste facility, to be achieved by means other than greater compaction of the solid waste.
2. For a facility that is a municipal solid waste landfill or a solid waste land disposal facility, a change that is described by any of the following:
 - a. A vertical or lateral expansion.
 - b. A side slope increase or decrease.
 - c. A change to an approved base liner system.
 - d. A change to the leachate collection, recovery and disposal system.

R18-13-506. Requirement for Notification of Changes; Modification of All or Part of an Approved Facility Plan

A. The owner or operator of a solid waste facility shall notify the Department of any change that could be characterized as a Type II, III or IV change prior to initiating the change.

- B.** A notification of a change to a solid waste facility shall include the following:
 - 1. A description of the purpose and scope of the change in sufficient detail to determine the type of change.
 - 2. A statement of and rationale for the category of change requested.
- C.** The Department shall make a determination of the category of a requested change in accordance with the licensing time frames established under 18 A.A.C. 1, Article 5, Table 12. The Department may request that additional information be submitted regarding the determination of the category of a requested change.
- D.** If the Department determines that a change is a Type II change, the owner or operator of the solid waste facility may implement the change and modify the approved facility plan without further review by the Department.
- E.** If the Department determines that a change is a Type III or IV change, the owner or operator shall submit an application for a modification of an approved facility plan that contains the application requirements described in A.A.C. R18-13-502(B), (C) and (D). An application for a modification of an approved facility plan based on Type III or IV change shall be accompanied by the fee specified in 18 A.A.C. 13, Article 21.
- F.** Approved Type III or IV changes which are implemented by construction at the solid waste facility are subject to the construction quality assurance and construction quality control requirements of A.A.C. R18-13-503.
- G.** The Director may initiate a modification of an approved facility plan pursuant to A.R.S. § 49-782.

R18-13-507. Suspension or Revocation of All or Part of an Approved Facility Plan

- A.** The Director may suspend or revoke all or part of an approved plan for any of the following:
 - 1. An owner or operator failed to comply with any applicable provision of A.R.S. Title 49, Chapter 4; this Chapter; or any condition of an approved facility plan.
 - 2. An owner or operator misrepresented or omitted a fact, information, or data materially related to a solid waste plan approval application or condition of an approved facility plan, of which the owner or operator knew or should have known.
 - 3. The Director determines that an activity or facility subject to plan approval is causing or will cause a violation of an Aquifer Water Quality Standard at a point of compliance.
 - 4. A discharge permitted by an approved facility plan is causing or will cause imminent and substantial endangerment to public health or the environment; or
 - 5. An owner or operator failed to maintain financial assurance under A.A.C. R18-13-415.
- B.** A suspension or revocation under this Section is subject to A.R.S. Title 41, Chapter 6, Article 10.

R18-13-508. Termination of All or Part of an Approved Facility Plan

- A.** At the request of the owner or operator of a solid waste facility with an approved facility plan, the Director may terminate all or part of an approved facility plan approval if the owner or operator demonstrates that the facility has closed as required by this Chapter for that type of facility, or as required by the approved facility plan for that facility.

- B.** The Director shall terminate all or part of an approved facility plan or a modification to an approved facility plan issued under this Chapter if the proposed construction or lateral expansion is not begun within 18 months of issuance or, if during the construction or major modification, work is suspended for more than 18 months.

ARTICLE 6. RESERVED ON-SITE SOLID WASTE HANDLING FACILITIES

R18-13-601. On-site Solid Waste Handling Facilities; Applicability

- A.** In addition to complying with the best management practices described in 18 A.A.C.13, Article 4, an on-site solid waste handling facility shall comply with this Article.
- B.** This Article is not applicable to:
1. Intermediate solid waste handling facilities subject to 18 A.A.C. 13, Article 7.
 2. Solid waste treatment facilities subject to 18 A.A.C. 13, Article 8.
 3. Solid waste composting facilities subject to 18 A.A.C. 13, Article 9.
 4. Solid waste recycling facilities subject to 18 A.A.C. 13, Article 10.
 5. Waste tire collection or disposal sites subject to A.R.S. §§ 44-1301 through 44-1307.
 6. Special waste facilities subject to A.R.S §§ 49-851 through 868 and 18 A.A.C. 13, Articles 13 or 16.
 7. Biohazardous medical waste storage, treatment, disposal facilities subject to 18 A.A.C. 13, Article 14.
 8. Used oil facilities which are subject to A.R.S. §§ 49-801 through 818.
 9. Tanks regulated under local, state or federal water pollution control permits.
 10. Leachate holding tanks at landfills.
 11. Septic tanks receiving only domestic sewage from facilities at the site.
 12. Underground storage tanks subject to 18 A.A.C. 12.
 13. Tanks used to store special waste subject to 18 A.A.C. 13, Articles 13 or 16.

R18-13-602. On-site Solid Waste Handling Facilities; Siting Criteria

On-site solid waste handling facilities shall meet the siting criteria described in A.A.C. R18-13-403.

R18-13-603. On-site Solid Waste Handling Facilities; Design and Construction Standards

- A.** In addition to complying with the requirements described in 18 A.A.C. 13, Article 4, the owner or operator of an on-site solid waste handling facility shall assure that the facility is designed and constructed to do all of the following:
1. Assure that all waste handling areas are constructed of durable and easily cleanable materials.
 2. Provide protection of the handling area from wind, rain or snow. **PROTECTION HOW? PROVIDE GUIDANCE?**
 3. Provide all-weather surfaces for all areas subject to vehicular traffic. **WHATS THE DEFINITION OF A AN ALL WEATHER ROAD?**
- B.** In addition to the requirements of subsection (A), the owner or operator of an on-site solid waste handling facility which handles putrescible waste, contaminated soil, or waste likely to produce leachate shall assure that the facility is designed and constructed to do both of the following:

1. Provide that waste that is stored or processed is placed on a floor having side curbs and an impervious surface, such as sealed concrete, to prevent soil, groundwater, and surface water contamination. The surface shall be durable enough to withstand cleaning and material handling practices.
2. Provide for a leachate and washdown water collection and removal system.
WHAT IS THE MINIMUM FOR LEACHATE AND WASHWATER COLLECTION?

R18-13-604. On-site Solid Waste Handling Facilities; Wastes Prohibited or Requiring Special Handling

A. The following wastes shall be separated from other solid wastes handled at an on-site solid waste handling facility, and handled according to specifically applicable requirements:

1. Hazardous waste that is required to be handled at a management facility that is permitted or in interim status under subtitle C of RCRA.
2. Radioactive waste subject to regulation by the Arizona Radiation Regulatory Agency under A.R.S. Title 30, Chapter 4, or the United States Nuclear Regulatory Commission.
3. Biohazardous medical waste as defined in A.A.C. R18-13-1401(5) except for household generated biohazardous medical waste as set forth in A.A.C. R18-13-1403(A)(4).
4. Liquid waste, except as otherwise provided in subsections (B).
5. Any wastes, including polychlorinated biphenyl waste, subject to 40 CFR Parts 700 to 766.
6. Asbestos-containing waste materials, as defined in 40 CFR 61.141.
7. Special wastes regulated under A.R.S. Title 49, Chapter 4, Article 9, and 18 A.A.C.13, Articles 13 or 16.
8. Waste tires that are handled as described in A.R.S. § 44-1304.01.

B. The following liquid wastes may be handled at an on-site solid waste handling facility if they are separated from other solid waste and handled as follows until the wastes are transported for processing or disposal:

1. Liquid waste that is household waste, if the liquid waste is stored in a container or tank meeting the requirements of R18-13-411, and is labeled and dated with the date the waste is generated.
2. Used oil, if the used oil is handled according to the used oil generator requirements described in 40 CFR Part 279 Subpart C, and if the used oil is stored in a container or tank meeting the requirements of R18-13-411.
3. Septage, if the septage is handled in accordance with the following:
 - a. The container or tank used to store the septage at the facility meets the requirements of R18-13-411 and is otherwise constructed and maintained to be fly-tight, and not attract vermin.
 - b. The pumps, hoses, tools, and other implements used to transfer the septage are cleaned and disinfected after use and are stored in a covered fly-tight enclosure when not in use.
 - c. The septage is transferred as quickly as possible by means of a fly-tight container or suction pump and hose to the storage container.

- d. Any septage dropped or spilled in the process of transferring the septage to or from the storage container is cleaned up immediately and the area restored to pre-spill conditions and disinfected, if possible.

C. Hazardous waste that is not required to be handled at a management facility that is permitted or in interim status under subtitle C of RCRA may be handled at an on-site solid waste handling facility if the waste is separated from other solid waste and handled as follows until the waste is transported for processing or disposal:

1. There is no commingling of incompatible wastes.
2. The container or tank used to store the waste meets the requirements of R18-13-411, and is labeled and dated with the date the waste is generated.

R18-13-605. On-site Solid Waste Handling Facilities; Operating Standards

A. In addition to complying with operating standards described in this Article, the owner or operator of an on-site solid waste handling facility shall operate the facility to comply with both of the following:

1. Prohibit or handle waste as required by A.A.C. R18-13-604.
2. Maintain the on-site solid waste handling facility to be protective of human health and the environment.

B. The owner or operator of an on-site solid waste handling facility shall inspect and maintain the facility to prevent deterioration or the release of wastes to the environment. Inspection shall be as needed, but at least weekly.

R18-13-606. On-site Solid Waste Handling Facilities; Closure

The owner or operator of an on-site solid waste handling facility shall develop, maintain and comply with the closure requirements described in A.A.C. R18-13-413.

ARTICLE 7. RESERVED INTERMEDIATE SOLID WASTE HANDLING FACILITIES

R18-13-701. Intermediate Solid Waste Handling Facilities; Applicability

A. In addition to complying with the best management practices described in Article 4, an intermediate solid waste handling facility shall comply with this Article.

B. This Article is not applicable to:

1. On-site solid waste handling facilities subject to 18 A.A.C. 13, Article 6.
2. Solid waste treatment facilities subject to 18 A.A.C. 13, Article 8.
3. Solid waste composting facilities subject to 18 A.A.C. 13, Article 9.
4. Solid waste recycling facilities subject to 18 A.A.C. 13, Article 10.
5. Waste tire collection or disposal sites subject to A.R.S. §§ 44-1301 through 44-1307.
6. Special waste facilities subject to A.R.S §§ 49-851 through 868 and 18 A.A.C. 13, Articles 13 or 16.
7. Biohazardous medical waste storage, treatment, disposal facilities subject to 18 A.A.C. 13, Article 14.
8. Used oil facilities which are subject to A.R.S. §§ 49-801 through 818.
9. Tanks regulated under local, state or federal water pollution control permits.
10. Leachate holding tanks at landfills.
11. Septic tanks receiving only domestic sewage from facilities at the site.
12. Underground storage tanks subject to 18 A.A.C. 12.

13. Tanks used to store special waste subject to 18 A.A.C. 13, Articles 13 or 16.

R18-13-702. Intermediate Solid Waste Handling Facilities; Siting Criteria

Intermediate solid waste handling facilities shall meet the siting criteria described in A.A.C. R18-13-403.

R18-13-703. Intermediate Solid Waste Handling Facilities; Design and Construction Standards

- A.** In addition to complying with design and construction standards described in 18 A.A.C. 13, Article 4, the owner or operator of an intermediate solid waste handling facility shall assure that the facility is designed and constructed to do all of the following:
1. Assure that all waste handling areas are constructed of sturdy and easily cleanable materials.
 2. Provide protection of the tipping floor from wind, rain or snow. DEFINE A TIPPING FLOOR? PROVIDE GUIDANCE ON PROVIDING PROTECTION?
 3. Provide all-weather surfaces for all areas subject to vehicular traffic.
- B.** In addition to the requirements of subsection (A), the owner or operator of a solid waste facility which handles putrescible waste, contaminated soil, or waste likely to produce leachate shall assure that the facility is designed and constructed to do both of the following:
1. Provide that waste that is stored or processed is placed on a floor having side curbs and an impervious surface, such as sealed concrete, to prevent soil and groundwater contamination. The surface shall be durable enough to withstand cleaning and material handling practices.
 2. Provide for a leachate and washdown water collection and removal system.
- C.** The owner or operator of an intermediate solid waste handling facility that is a drop box shall assure that the drop box is designed, constructed and maintained to meet the requirements of A.A.C. R18-13-411. **THUS ARE OPEN TOP BOX CONTAINERS ALLOWED AT LANDFILL OR NOT?**

R18-13-704. Intermediate Solid Waste Handling Facilities; Wastes Prohibited or Requiring Special Handling

- A.** The following wastes shall not be received or handled at an intermediate solid waste handling facility:
1. Hazardous waste that is required to be handled at a management facility that is permitted or in interim status under subtitle C of RCRA.
 2. Radioactive waste subject to regulation by the Arizona Radiation Regulatory Agency under A.R.S. Title 30, Chapter 4, or the United States Nuclear Regulatory Commission.
 3. Biohazardous medical waste as defined in A.A.C. R18-13-1401(5) except for household generated biohazardous medical waste as set forth in A.A.C. R18-13-1403(A)(4).
 4. Liquid waste, except as otherwise provided in subsection (E) and (G).
 5. Any wastes, including polychlorinated biphenyl waste, subject to 40 CFR Parts 700 to 766.
 6. Asbestos-containing materials as defined in 40 CFR Part 61.

- B.** In addition to the wastes prohibited by subsection (A), hazardous waste that is not required to be handled at a management facility that is permitted or in interim status under subtitle C of RCRA shall not be received or handled at an intermediate solid waste handling facility that is a drop box.
- C.** Special wastes may be accepted at an intermediate solid waste handling facility if they are separated from other solid waste upon receipt and handled under 18 A.A.C.13, Articles 13 and 16 .
- D.** Waste tires may be accepted at an intermediate solid waste handling facility if they are separated from other solid waste upon receipt at the intermediate solid waste handling facility and handled as described by A.R.S. § 44-1304.01 until the waste tires are transported for processing or disposal.
- E.** The following liquid wastes may be accepted at an intermediate solid waste handling facility that is not a drop box if they are separated from other solid waste upon receipt at the intermediate solid waste handling facility and handled as follows until the wastes are transported for processing or disposal:
1. Liquid waste, if the liquid waste is stored in a container or tank that meets the requirements of R18-13-411, and is labeled and dated with the date the waste is received.
 2. Used oil, if the used oil is received from household do-it-yourselfer and the intermediate solid waste handling facility meets the do-it-yourselfer used oil collection center requirements described in 40 CFR 279.30, and if the used oil is stored in a container or tank that meets the requirements of R18-13-411.
 3. Septage, if the septage is handled in accordance with the following:
 - a. The container or tank used to store the septage at the facility meets the requirements of R18-13-411 and is otherwise constructed and maintained to be fly-tight, and not attract vermin.
 - b. The pumps, hoses, tools, and other implements used to transfer the septage are cleaned and disinfected after use and are stored in a covered fly-tight enclosure when not in use. **WHAT IS THE APPROPRIATE METHOD OF CLEANING AND DISINFECTING?**
 - c. The septage is transferred as quickly as possible by means of a fly-tight container or suction pump and hose to the storage container.
 - d. Any septage dropped or spilled in the process of transferring the septage to or from the storage container is cleaned up immediately and the area restored to pre-spill conditions and disinfected, if possible.
- E.** Hazardous waste that is not required to be handled at a management facility that is permitted or in interim status under subtitle C of RCRA may be handled at an intermediate solid waste handling facility that is not a drop box if the waste is separated from other solid waste and handled as follows until the waste is transported for processing or disposal:
1. There is no commingling of incompatible wastes.
 2. The container or tank used to store the waste meets the requirements of R18-13-411, and is labeled and dated with the date the waste is received.
 3. Any waste that is being transported for disposal shall not contain free liquids and shall only be transported to a lined municipal solid waste landfill.

- F.** Solid waste may be accepted at an intermediate solid waste handling facility that is a drop box only if the solid waste is bagged and tied. The requirement that solid waste be bagged and tied does not apply to items of solid waste that are bulky and non-putrescible. **NOT PRACTICE IN RURAL COMMUNITIES? SO A PIECE OF WOOD, METAL MUST BE BAGGED AND TIED?**
- G.** Liquid wastes may be accepted at an intermediate solid waste handling facility that is a drop box only if both of the following requirements are met:
1. The liquid waste is household waste, other than septage.
 2. The liquid waste is contained in small, closed, break-resistant containers, the capacity of which does not exceed 5 gallons, designed to hold liquids for household use.

R18-13-705. Intermediate Solid Waste Handling Facilities; Operating Standards

- A.** In addition to complying with operating standards described in 18 A.A.C. 13, Article 4, the owner or operator of an intermediate solid waste handling facility, other than a drop box subject to subsection (D), shall operate the facility to be protective of human health and the environment by complying with all of the following:
1. Prohibit or handle waste as required by A.A.C. R18-13-704.
 2. Maintain the intermediate solid waste handling facility to ensure adequate dumping capacity at all times. Storage of waste outside an intermediate solid waste handling facility is prohibited.
 3. Provide and maintain all-weather surfaces for vehicular traffic from the entrance to the intermediate solid waste handling facility.
 4. Provide one or more attendants on-site during hours of operation.
- B.** In addition to complying with subsection (A), the owner or operator of an intermediate solid waste handling facility that is a waste pile which stores contaminated soil shall ensure that all soil is characterized at the following times:
1. Prior to storage so that contaminants not identified, or at concentrations greater than those provided in the operational plan are not accepted or handled at the facility.
 2. Prior to removal to an off-site location so that contaminated soil are delivered to a solid waste facility that is authorized to handle that type of solid waste.
- C.** The owner or operator of an intermediate solid waste handling facility that is a waste pile which stores contaminated soil shall include in the operational plan all of the following:
1. A description of contaminants and concentrations in soil that will be handled at the facility.
 2. A sampling and analysis plan and other procedures used to characterize soil.
 3. Forms used to record the source of contaminated soil, contaminant concentrations and other documentation used to characterize soil and end uses, and the location of final placement for any soil removed from the facility.
- D.** The owner or operator of an intermediate solid waste handling facility that is a drop box facility shall operate the facility to be protective of human health and the environment by complying with subsection (A)(1) through (3). The owner or operator of an intermediate solid waste handling facility that is a drop box may comply with A.A.C. R18-13-409(C) by posting the telephone numbers to summon fire, police, or emergency service personnel in the event of emergency. **IS CALL 911 SUFFICIENT IN CASE OF EMERGENCY?**

- E.** The owner or operator of an intermediate solid waste handling facility shall inspect and maintain the facility to prevent deterioration or the release of wastes to the environment. Inspection shall be as needed, but at least weekly.
- F.** The owner or operator of an intermediate solid waste handling facility shall establish and maintain operating records as described in A.A.C. R18-13-405.
- H.** The owner or operator of an intermediate solid waste handling facility shall prepare and submit an annual report as described in A.A.C. R18-13-406.

R18-13-706. Intermediate Solid Waste Handling Facilities; Closure

The owner or operator of an intermediate solid waste handling facility shall develop, maintain and comply with the closure requirements described in A.A.C. R18-13-413.

ARTICLE 8. SOLID WASTE FACILITY PLAN REVIEW FEES TREATMENT FACILITIES

R18-13-801. Solid Waste Treatment Facilities; Applicability

- A.** In addition to complying with the requirements described in 18 A.A.C. 13, Article 4, a solid waste treatment facility shall comply with this Article.
- B.** This Article is not applicable to:
 1. On-site solid waste handling facilities subject to 18 A.A.C. 13, Article 6.
 2. Intermediate solid waste handling facilities subject to 18 A.A.C. 13, Article 7.
 3. Solid waste composting facilities subject to 18 A.A.C. 13, Article 9.
 4. Solid waste recycling facilities subject to 18 A.A.C. 13, Article 10.
 5. Waste tire collection or disposal sites subject to A.R.S. §§ 44-1301 through 44-1307.
 6. Special waste facilities subject to A.R.S §§ 49-851 through 868 and Articles 13 or 16, or both.
 7. Biohazardous medical waste storage, treatment, disposal facilities subject to 18 A.A.C. 13, Article 14.
 8. Used oil facilities which are subject to A.R.S. §§49-801 through 818.
 9. Tanks regulated under local, state or federal water pollution control permits.
 10. Leachate holding tanks at landfills.
 11. Septic tanks receiving only domestic sewage from facilities at the site.
 12. Underground storage tanks subject to 18 A.A.C. 12.
 13. Tanks used to store special waste subject to 18 A.A.C. 13, Articles 13 or 16.

R18-13-802. Solid Waste Treatment Facilities; Siting Criteria

- A.** Solid waste treatment facilities shall meet the siting criteria described in A.A.C. R18-13-403.
- B.** In addition to complying with the siting criteria described in A.A.C. R18-13-403, the owner or operator of a solid waste treatment facility shall ensure that the facility is not located within one mile of any learning site.

R18-13-803. Solid Waste Treatment Facilities; Design and Construction Standards

A. In addition to complying with design and construction standards described in 18 A.A.C. 13, Article 4, the owner or operator of a solid waste treatment facility shall assure that the facility is designed and constructed to do all of the following:

1. Comply with air quality requirements of A.R.S. Title 49, Chapter 3, and any rules or ordinances established under that chapter.
2. Comply with water quality requirements of A.R.S. Title 49, Chapter 2, and any rules established under that chapter for all discharges.
3. Provide adequate storage for incoming wastes, rejected wastes, by-product wastes and process residues.
4. Ensure that all storage and processing floors have adequate drainage and are free from standing water.
5. Ensure that all treatment of solid wastes by combustion maximizes combustion of the waste and minimizes any potential for fire, explosion, safety hazard, or public health effects.
6. Ensure that all waste storage and processing areas are constructed of sturdy and easily cleanable materials.
7. Provide protection of the storage and processing areas from wind, rain or snow.**HOW?**
8. Provide all-weather surfaces for all areas subject to vehicular traffic.**DEFINE A ALL WEATHER ROAD?**

C. In addition to the requirements of subsection (A), the owner or operator of a solid waste treatment facility which handles putrescible waste, contaminated soil, or waste likely to produce leachate shall assure that the facility is designed and constructed to do both of the following:

1. Provide that waste that is stored or processed is placed on a floor having side curbs and an impervious surface, such as sealed concrete, to prevent soil and groundwater contamination. The surface shall be durable enough to withstand cleaning and material handling practices.
2. Provide for a leachate and wash down water collection and removal system.**WHAT IS THE MINIMUM LEVEL ACCEPTABLE?**

R18-13-804. Solid Waste Treatment Facilities; Wastes Prohibited or Requiring Special Handling

A. The following wastes shall be prohibited or separated from other solid wastes handled at a solid waste treatment facility, and handled according to specifically applicable requirements:

1. Hazardous waste that is required to be handled at a management facility that is permitted or in interim status under subtitle C of RCRA.
2. Radioactive waste subject to regulation by the Arizona Radiation Regulatory Agency under A.R.S. Title 30, Chapter 4, or the United States Nuclear Regulatory Commission.
3. Biohazardous medical waste as defined in A.A.C. R18-13-1401(5) except for household generated biohazardous medical waste as set forth in A.A.C. R18-13-1403(A)(4).
4. Liquid waste, except as otherwise provided in subsections (C) and (D).

5. Any wastes, including polychlorinated biphenyl waste, subject to 40 CFR Parts 700 to 766.
 6. Asbestos-containing waste materials, as defined in 40 CFR 61.141.
- B.** Special wastes may be accepted at a solid waste treatment facility if they are separated from other solid waste upon receipt and handled under 18 A.A.C.13, Articles 13 and 16 .
- C.** Waste tires may be handled at a solid waste treatment facility if they are separated from other solid waste and handled as described by A.R.S. § 44-1304.01 until the waste tires are processed or disposed of .
- D.** The following liquid wastes may be handled at a solid waste treatment facility if they are separated from other solid waste and handled as follows until the wastes are processed or disposed of:
1. Liquid waste, if the liquid waste is stored in a container or tank that meets the requirements of R18-13-411, and is labeled and dated with the date the waste is received.
 2. Used oil, if the used oil is received from household do-it-yourselfer and the solid waste treatment facility meets the do-it-yourselfer used oil collection center requirements described in 40 CFR 279.30, and if the used oil is stored in a container or tank that meets the requirements of R18-13-411.
 3. Septage, if the septage is handled in accordance with the following:
 - a. The container or tank used to store the septage at the facility meets the requirements of R18-13-411 and is otherwise constructed and maintained to be fly-tight, and not attract vermin.
 - b. The pumps, hoses, tools, and other implements used to transfer the septage are cleaned and disinfected after use and are stored in a covered fly-tight enclosure when not in use.
 - c. The septage is transferred as quickly as possible by means of a fly-tight container or suction pump and hose to the storage container.
 - d. Any septage dropped or spilled in the process of transferring the septage to or from the storage container is cleaned up immediately and the area restored to pre-spill conditions and disinfected, if possible.
- E.** Hazardous waste that is not required to be handled at a management facility that is permitted or in interim status under subtitle C of RCRA may be handled at a solid waste treatment facility if the waste is separated from other solid waste and handled as follows until the waste is transported for processing or disposal:
1. There is no commingling of incompatible wastes.
 2. The container or tank used to store the waste meets the requirements of R18-13-411, and is labeled and dated with the date the waste is received.

R18-13-805. Solid Waste Treatment Facilities; Operating Standards

- A.** In addition to complying with all operating standards described in 18 A.A.C 13, Article 4, the owner or operator of a solid waste treatment facility that is a tank used to treat liquid or semisolid solid waste shall operate the facility to:
1. Comply with the standards of R18-13-411.
 2. Use overflow prevention mechanisms to prevent overflowing of the tank.
 3. Control access to the tank.

- B.** The owner or operator of a solid waste treatment facility that is a tank shall inspect the tanks and associated piping, pumps and hoses as needed, but at least weekly, to ensure they are meeting the operational standards.
- C.** The owner or operator of a solid waste treatment facility shall develop, maintain, and comply with a written operational plan as required by A.A.C. R18-13-404. In addition, the operational plan shall provide:
1. That internal inspection of the facility be conducted as needed, but at least weekly.
 2. That the training plan for facility operators will assure that employees are trained to operate treatment equipment according to design standards and manufacturer's specifications. The training plan shall also assure that employees are trained to handle incoming wastes, rejected wastes, by-product wastes and process residues safely and according to design and operational standards.
- D.** In addition to complying with subsection (C), the owner or operator of a solid waste treatment facility that is a waste pile which treats contaminated soil shall operate the facility in conformance with the following operating standards:
1. The owner or operator shall ensure that all soil are characterized at the following times:
 - a. Prior to storage or treatment so that contaminants not identified, or at concentrations greater than those provided in the operational plan are not accepted or handled at the facility.
 - b. Prior to removal to an off-site location so that contaminated soil are delivered to a solid waste facility that is authorized to handle that type of solid waste.
 2. Treatment of contaminated soil shall be performed using a process that reduces contaminants and harmful characteristics. Contaminated soil shall not be diluted to meet treatment goals or as a substitute for disposal.
- E.** The owner or operator of a solid waste treatment facility that is a waste pile which treats contaminated soil shall develop, maintain and comply with an operational plan as described by A.A.C. R18-13-404. In addition, the operational plan shall include all of the following:
1. A description of contaminants and concentrations in soil that will be handled at the facility.
 2. A sampling and analysis plan and other procedures used to characterize soil.
 3. Forms used to record the source of contaminated soil, contaminant concentrations and other documentation used to characterize soil, and end uses and the location of final placement for any soil removed from the facility that contain residual contaminants.
- F.** The owner or operator of a solid waste treatment facility shall establish and maintain operating records as described in A.A.C. R18-13-405. In addition, the operating record shall include the following;
1. Records of residues generated and recyclables shipped for recycling or disposal.
 2. Records of equipment maintenance or replacement.
 3. Records of as-built construction details.
 4. Records of periodic calibration of equipment as required by manufacturer's specifications.

- G.** In addition to complying with operating standards described in 18 A.A.C. 13, Article 4, the owner or operator of a solid waste treatment facility shall operate the facility to comply with the following:
1. Prohibit or handle waste as required by A.A.C. R18-13-804.
 2. Maintain the solid waste treatment facility to be protective of human health and the environment.
 3. Maintain fire-fighting equipment in the storage and processing areas as described in the contingency plan.
 4. Subject ash and residue to a hazardous waste determination.
 5. Assure that treatment residue is disposed of at an approved landfill if the waste is not required to be disposed of at a hazardous waste facility.

R18-13-806. Solid Waste Treatment Facilities; Closure

The owner or operator of a solid waste treatment facility shall develop, maintain and comply with the closure requirements described in A.A.C. R18-13-413.

ARTICLE 9. SOLID WASTE MANAGEMENT PLANNING COMPOSTING FACILITIES

R18-13-901. Solid Waste Composting Facilities; Applicability

- A.** In addition to complying with the design and operating requirements described in 18 A.A.C. R18-13-401 through 412, a solid waste composting facility shall comply with this Article.
- B.** In addition to complying with the design and operation requirements described in A.A.C. 13, Article 4, a commercial or government-owned household waste composting facility shall comply with the standards provided in this Article and 18 A.A.C. 13, Article 11 and the plan review requirements as provided in 18 A.A.C. 13, Article 5.
- C.** This Article is not applicable to:
1. On-site solid waste handling facilities subject to 18 A.A.C. 13, Article 6.
 2. Intermediate solid waste handling facilities subject to 18 A.A.C. 13, Article 7.
 3. Solid waste treatment facilities subject to 18 A.A.C. 13, Article 8.
 4. Solid waste recycling facilities subject to 18 A.A.C. 13, Article 10.
 5. Waste tire collection or disposal sites subject to A.R.S. §§ 44-1301 through 44-1307.
 6. Special waste facilities subject to A.R.S §§ 49-851 through 868 and 18 A.A.C. 13, Articles 13 or 16, or both.
 7. Biohazardous medical waste storage, treatment, disposal facilities subject to 18 A.A.C. 13, Article 14.
 8. Composting on commercial farmland if all the materials that are composted are generated on the farmland and are used on the farmland where the composting is taking place.
 9. Used oil facilities which are subject to A.R.S. §§49-801 through 818.

R18-13-902. Solid Waste Composting Facilities; Siting Criteria

- A.** Solid waste composting facilities shall meet the siting criteria described in A.A.C. R18-13-403.

- B.** In addition to complying with the siting criteria described in A.A.C. R18-13-403, the owner or operator of a solid waste composting facility shall assure that the facility is sited according to the following:
1. A solid waste composting facility shall not be located within one mile of any learning site.
 2. A solid waste composting facility shall not be located in a wetland or within one-half mile from a floodplain. **WHAT SIZE OF FLOODPLAIN?**

R18-13-903. Solid Waste Composting Facilities; Design and Construction Standards

- A.** In addition to complying with design and construction standards described in 18 A.A.C. 13, Article 4, the owner or operator of a solid waste composting facility shall assure that the facility is designed and constructed to do all of the following:
1. Comply with water quality requirements of A.R.S. Title 49, Chapter 2, and any rules established under that chapter for all discharges. **THUS A COMPOSTING FACILITY MUST OBTAIN AND APP PERMIT? DOES THIS INCLUDE IN VESSEL COMPOSTING SUCH AS BOTONICAL GARDENS, ZOOS, ETC?**
 2. Provide adequate storage for incoming wastes, rejected wastes, by-product wastes and process residues.
 3. Provide for in-vessel processing if a solid waste composting facility uses municipal solid waste, municipal sewage treatment sludge, or water treatment sludge as feedstock material.
 4. Provide for both of the following if a solid waste composting facility uses sewage sludge or any other material likely to produce leachate, and site factors such as hydrology, geology, or climate may result in threat to human health or the environment:
 - a. That piles or windrows are placed on surface such as sealed concrete, clay, or an artificial liner that prevents soil and potential groundwater contamination and allows collection of run-off and leachate. The liner shall be of sufficient thickness and strength to withstand any stresses imposed by compost handling vehicles or the compost itself.
 - b. That collected leachate is recirculated, discharged to an approved wastewater treatment facility, or discharged in a manner that complies with A.R.S. Title 49, Chapter 2.
 5. Provide protection of the storage and processing areas from wind, rain, or snow.
 6. Provide all-weather surfaces for all areas subject to vehicular traffic.
- B.** In addition to the requirements of subsection (A), the owner or operator of an in-vessel solid waste composting facility which handles putrescible waste, contaminated soil, or waste likely to produce leachate shall assure that the facility is designed and constructed to do both of the following:
1. Provide that waste that is stored or processed is placed on a floor having side curbs and an impervious surface, such as sealed concrete, to prevent soil and groundwater contamination. The surface shall be durable enough to withstand cleaning and material handling practices.
 2. Provide for a leachate and wash down water collection and removal system.

R18-13-904. Solid Waste Composting Facilities; Wastes Prohibited or Requiring Special Handling

- A.** The following wastes are prohibited from being handled at a solid waste composting facility:
1. Hazardous waste as defined in A.R.S. § 49-921.
 2. Conditionally exempt small quantity generator waste.
 3. Radioactive waste subject to regulation by the Arizona Radiation Regulatory Agency under A.R.S. Title 30, Chapter 4, or the United States Nuclear Regulatory Commission.
 4. Biohazardous medical waste as defined in A.A.C. R18-13-1401(5) except for household generated biohazardous medical waste as set forth in A.A.C. R18-13-1403(A)(4).
 5. Any wastes, including polychlorinated biphenyl waste, subject to 40 CFR Parts 700 to 766.
 6. Asbestos-containing waste materials, as defined in 40 CFR 61.141.
 7. Special wastes regulated under A.R.S. Title 49, Chapter 4, Article 9, and 18 A.A.C. 13, Articles 13 or 16.
 8. Waste tires.
 9. Used oil.
 10. Septage.
 11. Grease trap waste.
- B.** Liquid wastes may be handled and processed at a solid waste composting facility if all of the following requirements are met:
1. The waste is characterized as non-hazardous.
 2. Any liquid waste received on a operational day but not used in that day's operation shall be used on the next operational day, and shall be stored until the next operational day in a container or tank meeting the requirements of R18-13-411 and otherwise be constructed and maintained to be fly-tight, and not attract vermin.
- C.** Waste tires may be handled at a solid waste composting facility if they are separated from other solid waste and handled as described by A.R.S. § 44-1304.01 until the waste tires are processed or disposed of .

R18-13-905. Solid Waste Composting Facilities; Operating Standards

- A.** The owner or operator of a solid waste composting facility shall develop, maintain, and comply with a written operational plan as required by A.A.C. R18-13-404. In addition, the operational plan shall include:
1. Plans and specifications for the entire facility, including manufacturer's specifications and operating procedures for equipment.
 2. Methods of measuring, grinding or shredding, mixing, and proportioning input materials.
 3. Description and location of temperature and other types of monitoring equipment and the frequency of monitoring.
 4. Description of any additive material, including its origin, quantity, quality, and frequency of use.

5. Special precautions or procedures for operation during wind, heavy rain, snow, and freezing conditions.
 6. Estimated composting time duration.
 7. For windrow systems, the windrow construction description, including width, length, height and spacing between windrows.
 8. The method of aeration, including turning frequency or mechanical aeration equipment and aeration capacity.
 9. Description of the ultimate use for the finished compost, the method for removal from the site, and plan for the disposal of finished compost that cannot be used in the expected manner due to poor quality or change in market conditions. **ULTIMATE USE DEPENDS ON QUALITY AND MAY NOT BE KNOWN UNTIL SAMPLE PRODUCTS CAN BE PROCESSED!**
- B.** The owner or operator of a solid waste composting facility shall establish and maintain operating records as described in A.A.C. R18-13-405. In addition, the operating record shall include records of time and temperature data, and quantity and types of material processed.
- C.** The owner or operator of a solid waste composting facility shall operate the facility to comply with the following:
1. Prohibit or handle waste as required by A.A.C. R18-13-904.
 2. Maintain the solid waste composting facility to be protective of human health and the environment.
 3. Maintain fire-fighting equipment as described in the contingency plan.
 4. Collect all windblown material as necessary but at least once each day of operation.
 5. Handle by-products removed during the composting process in a sanitary and nuisance-free manner, and dispose of the by-products only at a solid waste facility regulated by the Department under this Chapter, or to a solid waste facility authorized to receive the waste by a tribal nation, EPA, or another state.
 6. Process all wastes received within one year after receipt or any shorter period provided in the facility's operational plan.
 7. Handle piles or windrows of composting material according to the following:
 - a. Turn compost with sufficient frequency to maintain aerobic conditions and produce compost within the time specified in the operational plan.
 - b. Maintain a temperature between 140° F and 160° F for a period of not less than 7 days.
 8. Produce compost that meets the following standards:
 - a. Does not reheat upon standing.
 - b. Does not contain sharp particles which could cause injury to anyone handling the compost.
 - c. Meets the requirements for maximum allowable density of fecal coliform or salmonella for sewage sludge under 40 CFR 503.32(a), if the facility uses sewage sludge as feedstock material.

R18-13-906. Solid Waste Composting Facilities; Closure

- A.** The owner or operator of a solid waste composting facility shall meet all of the following closure requirements:

1. Remove all compost material.
 2. Drain ponds and leachate collection systems, backfill, and ensure removed contents are disposed of properly.
 3. Provide site ground cover if necessary to prevent dust. **DEFINE SITE GROUND COVER? WHAT TYPE OF COVER? THICKNESS?**
- B.** The owner or operator of a commercial or government-owned household waste composting facility shall develop, maintain and comply with the closure requirements described in 18 A.A.C. 13, Article 11.

ARTICLE 10. ~~RESERVED~~ SOLID WASTE RECYCLING FACILITIES

R18-13-1001. Standards for Determining Whether a Site is a Recycling Facility

- A.** A site is a recycling facility if the site is a material recovery facility.
- B.** A site is a recycling facility if the site handles for the purposes of recycling electronics, aircraft, anti-freeze, CESQG waste, lead-acid batteries, mercury lamps or any other solid waste that contains one or more hazardous substances as defined in A.R.S. § 49-201, if the handling of the wastes during recycling could result in release of the hazardous substance.
- C.** A site is a recycling facility if the site treats or processes for the purposes of recycling paper, cardboard, household textiles or any other solid waste, if the treatment or processing of that waste typically generates hazardous substances that were not present in that waste before treatment or processing.
- D.** A site is a recycling facility if the site stores for the purposes of recycling tires, paper, cardboard, household textiles, plastic, styrofoam, wood, cooking grease, vegetative waste, metal that self-ignites at ambient temperatures, such as magnesium, or any other solid waste stored in sufficient quantities that a significant adverse effect on the environment typically results from vector breeding or attraction, or fires or other accidental catastrophic occurrence.
- E.** A site is a recycling facility if the site processes for the purposes of recycling aluminum, steel, scrap metal other than a self-igniting metal such as magnesium, white goods or any other solid waste that contains one or more hazardous substances as defined in A.R.S. § 49-201, if the processing of the wastes during recycling could result in release of a hazardous substance.
- F.** A site that handles, processes, treats, or stores vegetative waste for the purpose of composting shall be regulated as a composting facility under 18 A.A.C. 13, Article 9.

R18-13-1002. Recycling Facilities; Applicability

- A.** In addition to complying with the best management practices described in Article 4, a recycling facility shall comply with this Article.
- B.** This Section and A.A.C. R18-13-1002 through 1006 are not applicable to:
1. On-site solid waste handling facilities subject to 18 A.A.C. 13, Article 6.
 2. Intermediate solid waste handling facilities subject to 18 A.A.C. 13, Article 7.
 3. Solid waste treatment facilities subject to 18 A.A.C. 13, Article 8.
 4. Solid waste composting facilities subject to 18 A.A.C. 13, Article 9.
 5. Waste tire collection or disposal sites subject to A.R.S. §§ 44-1301 through 44-1307.

6. Special waste facilities subject to A.R.S §§ 49-851 through 868 and 18 A.A.C. 13, Articles 13 or 16.
7. Biohazardous medical waste storage, treatment, disposal facilities subject to 18 A.A.C. 13, Article 14.
8. Used oil facilities which are subject to A.R.S. §§ 49-801 through 818.

R18-13-1003. Recycling Facilities; Siting Criteria

In addition to complying with the siting criteria described in A.A.C. R18-13-403, the owner or operator of a recycling facility shall assure that the facility is sited according to the following:

1. A recycling facility shall not be located within one mile of any learning site. **ONE MILE, TWO MILES WHICH IS IT? WHAT IF THE RECYLING FACILITY IS ALREADY IN OPERATION AND W/I ONE MILE OF A LEARNING CENTER?**
2. A recycling facility shall not be located in a wetland.

R18-13-1004. Recycling Facilities; Design and Construction Standards

In addition to complying with design and construction standards described in 18 A.A.C. 3, Article 4, the owner or operator of a recycling facility shall assure that that the facility is designed and constructed to do all of the following:

1. Comply with water quality requirements of A.R.S. Title 49, Chapter 2, and any rules established under that chapter for all discharges. **DOES A RECYCLING FACILITY NEEDS A APP?**
2. Provide adequate storage for incoming wastes, rejected wastes, by-products and process residues.
3. Prevent releases of hazardous substances to the environment. **PROVIDE CITATION? WHAT STANDARDS?**
4. Provide all-weather surfaces for all areas subject to vehicular traffic. **DEFINE ALL WEATHER ROAD?**

R18-13-1005. Recycling Facilities; Wastes Prohibited or Requiring Special Handling

A. The following wastes are prohibited from being handled at a recycling facility:

1. Hazardous waste that is required to be handled at a management facility that is permitted or in interim status under subtitle C of RCRA. **CAPITALIZE TITLE?**
2. Radioactive waste subject to regulation by the Arizona Radiation Regulatory Agency under A.R.S. Title 30, Chapter 4, or the United States Nuclear Regulatory Commission.
3. Biohazardous medical waste as defined in A.A.C. R18-13-1401(5) except for household generated biohazardous medical waste as set forth in A.A.C. R18-13-1403(A)(4).
4. Any wastes, including polychlorinated biphenyl waste, subject to 40 CFR Parts 700 to 766.
5. Asbestos-containing waste materials, as defined in 40 CFR 61.141.
6. Septage.
7. Grease trap waste.
8. Municipal sewage treatment sludge and water treatment sludge.

- B.** Special wastes may be accepted or generated at a recycling facility if they are separated from other solid waste upon receipt or generation and handled under 18 A.A.C.13, Articles 13 and 16.
- C.** Liquid wastes may be handled and processed at a recycling facility, subject to both of the following conditions:
 - 1. If the liquid wastes are characterized as non-hazardous.
 - 2. If the liquid wastes are stored in a container or tank that meets the requirements of R18-13-411, and is labeled and dated with the date the waste is received.
- D.** Hazardous waste that is not required to be handled at a management facility that is permitted or in interim status under subtitle C of RCRA may be handled at a solid waste recycling facility if the waste is separated from other solid waste and handled as follows until the waste is recycled: CAPATHIZE TITLE (Subtitle)
 - 1. There is no commingling of incompatible wastes.
 - 2. The container or tank used to store the waste meets the requirements of R18-13-411, and is labeled and dated with the date the waste is received.
- E.** Waste tires may be handled at a solid waste recycling facility if they are separated from other solid waste and handled as described by A.R.S. § 44-1304.01 until the waste tires are processed or disposed of .

R18-13-1006. Recycling Facilities; Operating Standards

- A.** The owner or operator of a recycling facility shall develop, maintain, and comply with a written operational plan as required by A.A.C. R18-13-404. In addition, the operational plan shall include:
 - 1. Plans and specifications for the entire facility, including manufacturer’s specifications and operating procedures for equipment.
 - 2. Methods of handling, processing, or treating recyclable solid waste, including methods for minimizing the release of hazardous substances into the environment.
 - 3. Special precautions or procedures for operation during wind, heavy rain, snow, and freezing conditions.
 - 4. Description of the ultimate use for the finished recycled material, the method for removal from the site, and plan for the disposal of finished recycled material that cannot be used in the expected manner due to poor quality or change in market conditions.
- B.** In addition to complying with operating standards described in 18 A.A.C. 13, Article 4, the owner or operator of a recycling facility shall operate the facility to comply with the following:
 - 1. Prohibit or handle waste as required by A.A.C. R18-13-1005.
 - 2. Maintain the recycling facility to be protective of human health and the environment.
 - 3. Maintain fire-fighting equipment as described in the contingency plan.
 - 4. Collect all windblown material as necessary but at least once each day of operation. What if weather prevents the collection?
 - 5. Handle by-products removed during the recycling process in a sanitary and nuisance-free manner, or dispose of the by-products only at a solid waste facility

regulated by the Department under this Chapter, or to a solid waste facility authorized to receive the waste by a tribal nation, EPA, or another state.

R18-13-1007. Standards for Recycling Facilities; Closure

The owner or operator of a recycling facility shall meet all of the following closure requirements:

1. Remove all recyclable solid waste, by-product waste and recycled material.
2. If applicable, drain ponds and **leachate collection systems**, backfill, and assure removed contents are disposed of properly. **When are Recycling Facilities Required to have Leachate collection system?**
3. Maintain property as necessary to prevent dust.

ARTICLE 11. COLLECTION, TRANSPORTATION, AND DISPOSAL OF HUMAN EXCRETA MUNICIPAL SOLID WASTE LANDFILLS; SOLID WASTE LAND DISPOSAL FACILITIES; BIOSOLIDS PROCESSING FACILITIES

R18-13-1101. Municipal Solid Waste Landfills and Solid Waste Land Disposal Facilities; When Solid Waste Placed on the Ground is Considered a Solid Waste Land Disposal Facility; Applicable Standards

- A. In addition to complying with the design and operation requirements described in 18 A.A.C. 13, Article 4, each municipal solid waste landfill and each solid waste land disposal facility shall comply with the standards provided in this Article and the plan review requirements as provided in 18 A.A.C. 13, Article 5.
- B. Solid waste placed on the ground with the intention of permanent disposal shall be considered a solid waste land disposal facility subject to this Article. The intention of permanent disposal is presumed if the solid waste remains at the facility for more than one year.

R18-13-1102. Municipal Solid Waste Landfill Facilities and Solid Waste Land Disposal Facilities: Siting Criteria

A new municipal solid waste landfill , a new solid waste land disposal facility, or a lateral expansion of an existing landfill or facility, which begins operating after the effective date of this Section is subject to the following siting criteria:

1. A new municipal solid waste landfill , a new solid waste land disposal facility, or a lateral expansion of an existing landfill or facility shall not be placed on any site if an irrigation grandfathered right created pursuant to A.R.S. Title 45, Chapter 2, Article 5 is appurtenant to all or any part of the site.
2. A new municipal solid waste landfill, a new solid waste land disposal facility, or a lateral expansion of an existing landfill or facility shall not be placed on any site if any of the following conditions result:
 - a. Any part of the landfill or facility is within one-half mile of a one hundred year floodplain that has one hundred year flows in excess of twenty-five thousand cubic feet per second, as determined by the federal emergency management agency. **FEMA!**
 - b. The landfill or facility restricts the flow of a one hundred-year flood.
 - c. The landfill or facility reduces the temporary water storage capacity of a floodplain.

- d. The placement of the landfill or facility could result in a washout of solid waste.
- 3. A new municipal solid waste landfill, a new solid waste land disposal facility, or a lateral expansion of an existing landfill or facility shall not cause or contribute to the taking of any endangered or threatened species of plants, fish or wildlife.
- 4. A new municipal solid waste landfill, a new solid waste land disposal facility, or a lateral expansion of an existing landfill or facility shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species.
- 5. A new municipal solid waste landfill, a new solid waste land disposal facility, or a lateral expansion of an existing landfill or facility shall not be located within 10,000 feet of any airport runway end used by turbojet aircraft or within 5,000 feet of any airport runway end used by only piston-type aircraft unless the owner or operator demonstrate in the application for facility plan approval that the facility is designed and operated so that it does not pose a bird hazard to aircraft.
- 6. A new municipal solid waste landfill, a new solid waste land disposal facility, or a lateral expansion of an existing landfill or facility shall not be located in wetlands unless the owner or operator demonstrates all of the following:
 - a. A practicable alternative site that does not involve wetlands is not available.
 - b. The construction and operation of the landfill or facility does not cause or contribute to the violation of any applicable state water quality standard, toxic effluent standard or prohibition, or jeopardize endangered or threatened species or result in destruction or adverse modification of critical habitat.
 - c. The construction and operation of the landfill or facility do not cause or contribute to significant degradation of wetlands.
 - d. To the extent required under section 404 of the clean water act or **CWA!** applicable state wetland laws, steps have been taken to attempt to achieve no net loss of wetlands as defined in acreage and function by first avoiding impacts to wetlands to the maximum extent practicable pursuant to A.A.C. R18-13-1102(6)(a) and offsetting remaining unavoidable wetland impacts through all appropriate and practicable compensatory mitigation actions.
- 7. A new municipal solid waste landfill, a new solid waste land disposal facility, or a lateral expansion of an existing landfill or facility shall not be located:
 - a. Within two hundred feet of a fault that has had displacement in Holocene time, unless the owner or operator can demonstrate in the facility plan that an alternative setback distance of less than two hundred feet will prevent damage to the structural integrity of the facility and will protect public health and the environment.
 - b. In seismic impact zones, unless the owner or operator can demonstrate in the facility plan that all containment structures, including liners, leachate collection systems and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site.

- c. Within 1 mile of a learning site, unless the owner or operator demonstrates to the Department that there is no adverse impact to the learning site.
WHAT IF THE FACILITY IS ALREADY THEIR? DEFINE AN ADVERSE IMPACT AND HOW IT IS MEASURED?
- 8. The owner or operator of a municipal solid waste landfill or a solid waste land disposal facility that is located in an unstable area shall demonstrate in the application for facility plan approval that engineering measures have been incorporated into the facility design to ensure that the integrity of the structural components of the landfill or facility will not be disrupted, including at a minimum an analysis of the following:
 - a. On-site or local soil conditions that may result in significant differential settling.
 - b. On-site or local geologic or geomorphologic features.
 - c. On-site or local man-made surface or subsurface features or events.

R18-13-1103. Municipal Solid Waste Landfills and Solid Waste Land Disposal Facilities: General Design Criteria

As authorized by A.R.S. § 49-761(C), the Director may approve a solid waste facility plan for a new municipal solid waste landfill facility, a solid waste land disposal facility, or a lateral expansion of an existing landfill or facility only if the owner or operator of the landfill or facility demonstrates compliance with the criteria described in A.R.S. § 49-243 (B) through (F) and (I).

R18-13-1104. Municipal Solid Waste Landfills; Solid Waste Land Disposal Facilities That Are Non-Municipal Solid Waste Landfill Facilities or Waste Disposal Piles ; Design Standards

- A.** The standards described in this Section and A.A.C. R18-13-1105 through R18-13-1116 apply to municipal solid waste landfills and solid waste land disposal facilities that are non-municipal solid waste landfill facilities, or waste disposal piles.
- B.** A facility liner system for a solid waste facility subject to this Section will be considered to have met the standard of A.A.C. R18-13-1103 only if the facility liner system is designed and constructed so that it will meet both of the following:
 - 1. Prevent the contamination of the hydrostratigraphic units identified in the hydrogeologic assessment of the facility at the relevant point of compliance as specified during the plan approval process.
 - 2. Is constructed such that the bottom of the lowest component of the liner system is more than ten feet above the seasonal high level of groundwater, unless a hydraulic gradient control system has been installed which prevents groundwater from contacting the liner.
- C.** A facility liner system for a solid waste facility subject to this Section will be presumed to meet the standard of A.A.C. R18-13-1103, to the extent that liner system design is compatible with the nature of the waste and the disposal facility, and the liner design consists of the following two components:
 - 1. A lower component consisting of either at least a two foot layer of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec, or a geosynthetic clay liner with a hydraulic conductivity of no more than 1×10^{-8} cm/sec.

2. An upper component consisting of a high-density polyethylene (HDPE) geomembrane with a minimum rating of 60-mil thickness. The geomembrane shall be installed in direct and uniform contact with the lower component.

D. A hydraulic gradient control system for a solid waste facility subject to this Section will be considered to have met the standard of A.A.C. R18-13-1103 only if a demonstration is made during the plan approval process that the hydraulic gradient control system can be installed to control groundwater fluctuations and maintain separation between the controlled seasonal high level of groundwater in the identified water-bearing unit and the bottom of the lowest liner system component. The hydraulic gradient control system shall not have negative impacts on waters of the state or impede the capability to collect samples representative of the quality of groundwater at the relevant point of compliance. The demonstration shall include all of the following:

1. A discussion in the geologic and hydrogeologic site characterization showing the effects from subsoil settlement, changes in surrounding land uses, climatic trends or other impacts affecting groundwater levels during the active life, closure and post-closure periods of the landfill.
2. A discussion showing potential impacts of the gradient control operation to existing quality and quantity of groundwater or surface waters. This discussion shall include potential impacts to water users and instream flow and levels of surface waters in direct hydrologic contact or continuity with the hydraulic gradient control system. Any currently available ground or surface water quality data for hydrostratigraphic units, springs, or surface waters in direct hydrologic contact or continuity with the hydraulic gradient control system shall be included.
3. Conceptual engineering drawings of the proposed facility and a discussion as to how the hydraulic gradient control system will protect or impact the structural integrity and performance of the **BASE** liner system.
4. Preliminary engineering drawings of the hydraulic gradient control system.
5. Design specifications for the proposed ground and surface water monitoring systems.
6. A discussion of the potential impacts from the gradient control system on the capability of collecting groundwater samples that will represent the quality of groundwater passing the relevant point of compliance.

E. A leachate collection system for a solid waste facility subject to this Section will be considered to have met the standard of A.A.C. R18-13-1103 only if leachate collection system is designed and constructed so that it accomplishes all of the following:

1. Provides for collection and removal of leachate generated by the facility.
2. Provides that the base liner system has a 2 to 4 percent gradient throughout.
3. Is capable of maintaining less than a one-foot head of leachate over the liner system.
4. Includes a monitoring system capable of collecting representative samples of leachate generated by the facility.
5. Provides for leachate storage, treatment, or pretreatment to meet the requirements for permitted discharge under applicable federal and state law relating to the pollutant discharge elimination system program.

F. A run-on and run-off control system for a solid waste facility subject to this Section will be considered to have met the standard of A.A.C. R18-13-1103 only if the run-on and

run-off control system is designed and constructed so that it accomplishes all of the following:

1. Meets the requirements of R18-13-407.
2. Prevents run-on to the working face of the facility by use of temporary storm water controls.
3. Prevents unpermitted discharges from the facility.

G. A final closure for a solid waste facility subject to this Section will be considered to have met the standard of A.A.C. R18-13-1103 only if final closure accomplishes all of the following:

1. Prevents exposure of waste.
2. Minimizes infiltration such that the design will prevent the generation of significant quantities of leachate. **DOES THIS PROHIBIT BIO-REACTOR LANDFILL?**
3. Prevents erosion from wind and water.
4. Is capable of sustaining native vegetation.
5. Addresses anticipated settlement to insure that ponding will not occur.
6. Provides sufficient stability and mechanical strength and addresses potential freeze-thaw and desiccation.
7. Provides for the management of run-on and runoff, preventing erosion or other damage to the closure cover.
8. Minimizes the need for post-closure maintenance.
9. If subject to 40 CFR 60, Subpart WWW, complies with that subpart.
10. If not subject to 40 CFR 60, Subpart WWW, provides for collection and removal of methane and other gases generated by the facility. Facility gas shall be purified for sale, used for its energy value, or flared when the quantity and quality of landfill gases will **NOT** support combustion. Facility gases may be vented when they will not support combustion. The collection and removal system shall include a monitoring system capable of collecting representative samples of gases generated by the facility.

H. An evapotranspiration final cover for a solid waste facility subject to this Section will be presumed to meet A.A.C. R18-13-1103 if it is designed and constructed according to the following:

1. The evapotranspiration final cover is applied only where the long-term annual rainfall, based on a recent 30-year period, is less than 20 inches, and the ground is not susceptible to winter frost. **WHAT IS CONSIDER WINTER FROST? PLEASE DEFINE?**
2. Plant transpiration shall be presumed not to occur if the long-term annual rainfall, based on a recent 30-year period, is less than 10 inches.
3. The soil erosion of the final cover surface shall not be more than two tons per acre per year.
4. The minimum compacted thickness of the monofill layer that constitutes the final cover shall be no less than thirty inches at any point on the final cover. The soil of the monofill layer shall be homogenous, shall have a percentage clay content with no more than 35% passing through a #200 sieve screen, shall have a liquid limit less than 30, and a plastic limit less than 15.

5. The side slope or slopes of the final cover shall have a horizontal to vertical ratio between 5:1 and 3:1.
6. The results of the application of two relevant mathematical models demonstrate that the potential leakage of the alternative final cover is no more than 21 gallons per acre per day. **IS THIS AVERAGE ANNUAL OR PEAK DAILY?**

I. A solid waste facility subject to this Section located in seismic impact zones shall be designed and constructed so that all containment structures, including liners, leachate collection systems, surface water control systems, gas management, and closure cover systems are able to resist the maximum horizontal acceleration in lithified earth materials for the site.

J. A solid waste facility subject to this Section shall be designed to provide a setback of at least 50 feet between the permitted disposal area and the property boundary. The setback shall be increased if necessary to accomplish any one or more of the following:

1. Control nuisance odors, dust, litter or vectors.
2. Provide adequate space for the placement of monitoring wells, gas probes, run-on/runoff controls, and other design elements.
3. Provide sufficient area to allow proper operation of the facility and access to environmental monitoring systems and facility structures.

R18-13-1105. Municipal Solid Waste Landfills; Solid Waste Land Disposal Facilities That Are Non-Municipal Solid Waste Landfill Facilities or Waste Disposal Piles; Operating Standards

A. The owner or operator of a municipal solid waste landfill or a solid waste land disposal facility that is a non-municipal solid waste landfill or a waste disposal pile shall operate the facility to do all of the following:

1. Control public access and prevent unauthorized vehicular traffic, unauthorized dumping of wastes, and keep animals out by using artificial barriers, natural barriers, or both, as appropriate to protect human health and the environment. A lockable gate shall be required at each entry to the facility.
2. Provide approach and exit roads of all-weather construction, with traffic control on-site, and at the site entrance.
3. Control the disposal of liquid waste as follows:
 - a. Prohibit the receipt of bulk or noncontainerized liquid waste unless the liquid waste is either of the following:
 - i. The liquid waste is household waste other than septic waste.
 - ii. The liquid waste is leachate or gas condensation derived from the landfill.
 - b. Prohibit the receipt of containers of liquid waste unless any of the following applies:
 - i. The container is a small container similar in size to that normally found in household waste.
 - ii. The container is designed to hold liquids for use other than storage.
 - iii. The waste is a household waste.
4. Provide on-site fire protection as determined by the local and state fire control jurisdiction. Facilities disposing of wastes that can support combustion shall have a method to control subsurface fires.

5. Ensure that sufficient facility personnel are on-site during the time that the facility is open to the public to assure the safety of the public.
6. Provide two-way communication between employees working at the facility and management offices, on-site and off-site, sufficient to handle emergencies.
7. Control fugitive dust resulting from facility operation according to 18 A.A.C. 2, Article 6, unless more stringent county rules for non-point sources apply.
8. Perform no open burning unless permitted under A.A.C. R18-2-602, or exempt under 18 A.A.C. 2, Article 15.
9. Control and collect scattered litter as necessary to prevent vector harborage, fire hazard, or adverse effects on aesthetics or wildlife or its habitat.
10. Prohibit and prevent scavenging by the public.
11. Ensure that reserve operational equipment shall be available to maintain and meet these standards.
12. Ensure that operations do not endanger any containment or monitoring structures such as liners, leachate collection systems, surface water control systems, gas management, cover systems and monitoring wells.

B. The owner or operator of a solid waste facility subject to this Section shall operate the facility in compliance with the following operating standards:

1. Implement a program at the facility for detecting and prohibiting the receipt of wastes which are not authorized by law or not authorized by the approved facility plan to be handled by that type of solid waste facility. This program shall include, at a minimum, all of the following:
 - a. Random inspections of incoming loads unless the owner or operator takes other steps (for example, instituting source controls restricting the type of waste received) to ensure that incoming loads do not contain prohibited wastes. Random inspections shall include:
 - i. Discharging a random waste load onto a suitable surface, not in the working face. A suitable surface shall be chosen to avoid interference with regular facility operations, so that sorted waste can be distinguished from other loads of uninspected waste, to avoid litter, and to contain runoff.
 - ii. The contents of the load shall be visually inspected prior to actual disposal of the waste. The facility owner or operator shall reject prohibited waste.
 - b. Maintaining records of inspections, or the results of other procedures if appropriate.
 - c. Training facility personnel to recognize wastes which are not authorized to be handled by that type of facility.
 - d. Immediate notification of the Department if a prohibited waste is discovered at the facility.
2. Thoroughly compact the solid waste before succeeding layers are added except for the first lift over a liner.
3. Periodically cover disposed waste to control disease vectors, fires, nuisance odors, blowing litter, and scavenging. Putrescible waste shall be covered at the end of each operating day, or at more frequent intervals if necessary. The Department may grant a temporary waiver, not to exceed three months, from the requirement

of this subsection if the owner or operator demonstrates that there are extreme seasonal climatic conditions that make meeting such requirements impractical. Materials used for cover shall be either of the following:

- a. At least six inches (15 cm) of earthen material, such as soil.
 - b. Alternative materials or an alternative thickness, as approved by the Department, when the owner or operator demonstrate that the alternative material or thickness, or both, will control vectors, fires, nuisance odors, blowing litter, scavenging, provide adequate access for heavy vehicles, and will not adversely affect gas or leachate composition and controls.
4. Prevent or control on-site populations of disease vectors using techniques appropriate for the protection of human health and the environment.
5. Implement a program at the facility to control and monitor explosive gases and to respond to the detection of explosive gases in a manner that ensures protection of human health. This program shall, at a minimum:
- a. Commence within six months after operation of the facility commences.
 - b. Ensure that explosive gases generated by the facility do not exceed any one of the following:
 - i. Twenty-five percent of the lower explosive limit for the gases in facility structures (excluding the gas control or recovery system components).
 - ii. The lower explosive limit in soil gases or in ambient air for the gases at the property boundary.
 - c. Include a routine explosive gas-monitoring program to ensure that all standards are met. A methane monitoring program shall address the following:
 - i. The type of monitoring, which shall be based on the following factors:
 - (1) Soil conditions.
 - (2) The hydrogeologic conditions surrounding the facility.
 - (3) The hydraulic conditions surrounding the facility.
 - (4) The location of facility structures and property boundaries.
 - ii. The frequency for monitoring is quarterly, unless an increased frequency is specified by the Department.
 - d. If explosive gas levels exceed those described in subsection (a), the owner or operator shall notify the Department within 24 hours after the exceedance and take all necessary steps to ensure protection of human health, including:
 - i. Evacuating buildings affected by landfill gas until determined to be safe for occupancy, and otherwise protecting human health.
 - ii. Monitoring off-site structures.
 - iii. Within seven calendar days after the detection of the explosive gas levels, placing in the operating record the explosive gas levels detected and a description of the steps taken to protect human health and provide written notification to the Department.
 - iv. Within sixty days after the detection of the explosive gas levels, implementing a remediation plan for the explosive gas releases,

describing the nature and extent of the problem and the remedy. This shall be sent to the Department for approval as an amendment to the operational plan. A copy of the remediation plan shall be placed in the operating record.

- C.** The owner or operator of a solid waste facility subject to this Section shall inspect and maintain the facility to prevent malfunctions and deterioration, operator errors, and discharges that may cause or lead to the release of wastes, leachate or gas to the environment or cause a threat to human health. The inspections shall be at least weekly, unless an alternate schedule is approved by the Department as part of the plan approval process. The owner or operator shall keep an inspection report or summary including at least the date and time of inspection, the printed name and the signature of the inspector, a notation of observations made, and the date and nature of any repairs or corrective actions.

R18-13-1106. Municipal Solid Waste Landfills; Solid Waste Land Disposal Facilities That Are Non-Municipal Solid Waste Landfill Facilities or Waste Disposal Piles; Aquifer Protection Standards; Contingency Plans

- A.** The owner or operator of a municipal solid waste landfill or a solid waste land disposal facility that is a non-municipal solid waste landfill or a waste disposal pile shall be subject to aquifer protection standards relating to contingency plans, established by the Department and incorporated into the plan approval issued for the facility, as provided in this Section.
- B.** An approved facility plan shall specify a contingency plan that defines the actions to be taken if a discharge results in any of the following:
1. A violation of an Aquifer Water Quality Standard or an AQL.
 2. A violation of a discharge limitation.
 3. A violation of any other condition of the approved facility plan.
 4. An alert level is exceeded.
 5. An imminent and substantial endangerment to the public health or the environment.
- C.** The contingency plan may include one or more of the following actions if a discharge results in any of the conditions described in subsection (B):
1. Immediate verification sampling.
 2. Notification to downstream or downgradient users who may be directly affected by the discharge.
 3. Further monitoring that may include increased frequency, additional constituents, or additional monitoring locations.
 4. Inspection, testing, operation, or maintenance of discharge control features at the facility.
 5. Evaluation of the effectiveness of discharge control technology at the facility that may include technology upgrades.
 6. Preparation of a hydrogeologic study to assess the extent of soil, surface water, or aquifer impact.
 7. Corrective action that includes any of the following measures:
 - a. Control of the source of an unauthorized discharge.
 - b. Soil cleanup.

- c. Cleanup of affected surface waters.
- d. Cleanup of affected parts of the aquifer.
- e. Mitigation measures to limit the impact of pollutants on existing uses of the aquifer.

D. An owner or operator shall not take a corrective action proposed under subsection (C)(7) unless the action is approved by the Department.

- 1. Emergency response provisions and corrective actions specifically identified in the contingency plan submitted with an application for plan approval are subject to approval by the Department during the application review process.
- 2. The owner or operator may propose to the Department a corrective action other than those already identified in the contingency plan if a discharge results in any of the conditions identified in subsection (B).
- 3. The Department shall approve the proposed corrective action if the corrective action provides a plan and expedient time-frame to return the facility to compliance with the facility's approved facility plan conditions and this Chapter.

R18-13-1107. Municipal Solid Waste Landfills; Solid Waste Land Disposal Facilities That Are Non-Municipal Solid Waste Landfill Facilities or Waste Disposal Piles; Aquifer Protection Standards; Alert Levels, Discharge Limitations, and AQLs

A. The owner or operator of a municipal solid waste landfill or a solid waste land disposal facility that is a non-municipal solid waste landfill or a waste disposal pile shall be subject to aquifer protection standards relating to alert levels, established by the Department and incorporated into the plan approval issued for the facility, as follows:

- 1. If the Department prescribes an alert level in an approved facility plan, the Department shall base the alert level on the site-specific conditions described by the applicant in the application submitted under R18-13-502 or other information available to the Department.
- 2. The Department may specify an alert level based on a pollutant that indicates the potential appearance of another pollutant.
- 3. The Department may specify the measurement of an alert level at a location appropriate for the discharge activity, considering the physical, chemical, and biological characteristics of the discharge, the particular treatment process, and the site-specific conditions.

B. The owner or operator of a municipal solid waste landfill or a solid waste land disposal facility that is a non-municipal solid waste landfill or a waste disposal pile shall be subject to aquifer protection standards relating to discharge limitations, established by the Department and incorporated into the plan approval issued for the facility. If the Department prescribes discharge limitations in an approved facility plan, the Department shall base the discharge limitations on the considerations described in A.R.S. § 49-243.

C. The owner or operator of a municipal solid waste landfill or a solid waste land disposal facility that is a non-municipal solid waste landfill or a waste disposal pile shall be subject to aquifer protection standards relating to AQLs, established by the Department and incorporated into the plan approval issued for the facility. The Department may prescribe a site-specific AQL for each of the monitoring parameters or constituents required in an approved facility plan to ensure that the facility continues to meet the criteria under A.R.S. § 49-243(B)(2) or (3) as follows:

1. If the concentration of a pollutant in the aquifer does not exceed the Aquifer Water Quality Standard, the Department shall set the AQL at the Aquifer Water Quality Standard.
2. If the concentration of a pollutant in the aquifer exceeds the Aquifer Water Quality Standard, the Department shall set the AQL higher than the Aquifer Water Quality Standard for that pollutant, so that no additional degradation of the aquifer relative to that pollutant beyond the level established in the approved facility plan, will occur.

R18-13-1108. Municipal Solid Waste Landfills; Solid Waste Land Disposal Facilities That Are Non-Municipal Solid Waste Landfill Facilities or Waste Disposal Piles; Aquifer Protection Standards; Monitoring Requirements

- A.** The owner or operator of a municipal solid waste landfill or a solid waste land disposal facility that is a non-municipal solid waste landfill or a waste disposal pile shall be subject to aquifer protection standards relating to monitoring requirements, established by the Department and incorporated into the plan approval issued for the facility.
- B.** The Department shall determine whether monitoring is required to assure compliance with the conditions of the approved facility plan and with the aquifer protection standards established by this Chapter. If monitoring is required, the approved facility plan shall specify all of the following:
1. The type and method of monitoring.
 2. The frequency of monitoring.
 3. Any requirements for the installation, use, or maintenance of monitoring equipment.
 4. The intervals at which the owner or operator reports the monitoring results to the Department.
- C.** The owner or operator of a facility with an approved facility plan shall make a monitoring record for each sample taken as required by the approved facility plan consisting of all of the following:
1. The date, time, and exact place of a sampling and the name of each individual who performed the sampling.
 2. The procedures used to collect the sample.
 3. The date sample analysis was completed.
 4. The name of each individual or laboratory performing the analysis.
 5. The analytical techniques or methods used to perform the sampling and analysis.
 6. The chain of custody records.
 7. Any field notes relating to the information described in subsections (C)(1) through (6).
- D.** The owner or operator of a facility with an approved facility plan shall make a monitoring record for each measurement made, as required by the approved facility plan, consisting of all of the following:
1. The date, time, and exact place of the measurement and the name of each individual who performed the measurement.
 2. The procedures used to make the measurement.
 3. Any field notes relating to the information described in subsections (D)(1) and (2).

- E.** The owner or operator of a facility with an approved facility plan shall maintain monitoring records for at least 10 years after the date of the sample or measurement, unless the Department specifies a shorter time period in the approved facility plan.

R18-13-1109. Municipal Solid Waste Landfills; Solid Waste Land Disposal Facilities That Are Non-Municipal Solid Waste Landfill Facilities or Waste Disposal Piles; Aquifer Protection Standards; Reporting Requirements

- A.** The owner or operator of a facility with an approved facility plan shall notify the Department within five days after becoming aware of a violation of a condition of the approved facility plan, other than a waste screening condition more specifically addressed by R18-13-409(C)(4), or that an alert level was exceeded. The owner or operator shall inform the Department whether the contingency plan described in R18-13-1106 was implemented.
- B.** In addition to the requirements in subsection (A), the owner or operator of a facility with an approved facility plan shall submit a written report to the Department within 30 days after the owner or operator becomes aware of a violation of a condition of the approved facility plan. The report shall contain:
1. A description of the violation and its cause.
 2. The period of violation, including exact date and time, if known, and the anticipated time period the violation is expected to continue.
 3. Any action taken or planned to mitigate the effects of the violation or to eliminate or prevent recurrence of the violation.
 4. Any monitoring activity or other information that indicates that a pollutant is expected to cause a violation of an Aquifer Water Quality Standard.
 5. Any malfunction or failure of a pollution control device or other equipment or process.
- C.** The owner or operator of a facility with an approved facility plan shall notify the Department within five days after the occurrence of either of the following:
1. The owner or operator's filing of bankruptcy.
 2. The entry of any order or judgment not issued by the Director against the owner or operator for the enforcement of any federal or state environmental protection statute or rule.
- D.** The Director shall specify the format for submitting results from monitoring conducted under R18-13-1108.

R18-13-1110. Municipal Solid Waste Landfills; Solid Waste Land Disposal Facilities That Are Non-Municipal Solid Waste Landfill Facilities or Waste Disposal Piles; Aquifer Protection Standards; Compliance Schedule

- A.** The owner or operator of a facility with an approved facility plan shall follow the compliance schedule established in the approved facility plan.
- B.** If a compliance schedule provides that an action is required more than one year after the date of issuance of the approved facility plan, the schedule shall establish interim requirements and dates for their achievement.
- C.** If the time necessary for completion of an interim requirement is more than one year and is not readily divisible into stages for completion, the approved facility plan shall contain

interim dates for submission of reports on progress toward completion of the interim requirements and shall indicate a projected completion date.

- D.** Unless otherwise specified in the approved facility plan, within 30 days after the applicable date specified in a compliance schedule, the owner or operator of a facility with an approved facility plan shall submit to the Department a report documenting that the required action was taken within the time specified.
- E.** After reviewing the compliance schedule activity the Director may amend the approved facility plan, based on changed circumstances relating to the required action.
- F.** The Department shall consider all of the following factors when setting the compliance schedule requirements:
 - 1. The character and impact of the discharge.
 - 2. The nature of construction or activity required by the approved facility plan.
 - 3. The number of persons affected or potentially affected by the discharge.
 - 4. The current state of treatment technology.
 - 5. The age of the facility.
- G.** For a new facility, the Department shall not defer to a compliance schedule any requirement necessary to satisfy the criteria under A.R.S. § 49-243(B).

R18-13-1111. Municipal Solid Waste Landfills; Solid Waste Land Disposal Facilities That Are Non-Municipal Solid Waste Landfill Facilities; Closure

- A.** The owner or operator shall of a municipal solid waste landfill or a solid waste land disposal facility that is a non-municipal solid waste landfill shall close the facility, or any portion of the facility, in a manner that accomplishes all of the following:
 - 1. Minimizes the need for further maintenance.
 - 2. Controls, minimizes, or eliminates threats to human health and the environment from post-closure escape of solid waste constituents, leachate, landfill gases, contaminated runoff, or waste decomposition products to the ground, groundwater, surface water, and the atmosphere.
 - 3. Manages the facility, or any portion thereof, to conform to the post-closure plan.
- B.** The owner or operator shall commence implementation of the closure plan in part or whole within thirty days after receipt of the known final load of waste, or attaining the final facility elevation at part of or at the entire facility, as identified in the closure plan approved as in the plan approval process, unless otherwise specified in the closure plan.
- C.** The owner or operator shall not accept any material for use in closure except as identified in the closure plan approved by the Department.
- D.** The owner or operator shall develop, keep, and abide by a closure plan approved by the Department as part of the plan approval process. At a minimum, the closure plan shall include the following information:
 - 1. A description of the final closure cover, designed in accordance with A.A.C. R18-13-1104(H) or (I), the methods and procedures to be used to install the closure cover, sources and specifications of borrow materials for the closure cover, and a schedule or description of the time required for completing closure activities;
 - 2. Projected time intervals at which sequential partial closure and final closure are to be implemented.
 - 3. A description of the activities and procedures that will be used to ensure compliance with this Section.

4. Closure cost estimates.
- E.** The owner or operator shall close according to the approved closure plans, unless modified by an amendment of the approved facility plan.
- F.** The owner or operator shall complete closure of the facility or portion of the facility within six months after receipt of the known final load or attaining the final facility elevation at part of or at the entire facility, as identified in the final closure plan approved in the facility plan approval. When closure of the facility or portion of the facility is completed, the owner or operator shall submit the following to the Department:
1. A report showing that closure was accomplished according to the approved closure plan, including as built final facility closure drawings with survey maps, and construction quality assurance and construction quality control reports signed by an professional engineer registered in Arizona indicating that the facility or portion thereof, has been closed in accordance with the approved closure plan.
 2. Certification by the owner or operator, and a professional engineer registered in Arizona, that the facility, or a portion of the facility, has been closed in accordance with the approved closure plan.
- G.** The Department shall notify the owner or operator of the date when the Department has verified that the facility, or a portion thereof, has been closed in accordance with the specifications of the approved closure plan and the closure requirements of this Section, at which time the post-closure period shall commence.

R18-13-1112. Municipal Solid Waste Landfill Facilities; Solid Waste Land Disposal Facilities That Are Non-Municipal Solid Waste Landfill Facilities; Post-Closure

- A.** Following closure of all or part of a municipal solid waste landfill or solid waste land disposal facility that is a non-municipal solid waste landfill or a waste disposal pile, the owner or operator shall conduct post-closure care. Post-closure care shall be conducted for 30 years, except as provided under subsection (B), and shall consist of at least the following:
1. Maintaining the integrity and effectiveness of any final cover, including making repairs to the cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, and preventing run-on and run-off from eroding or otherwise damaging the final cover.
 2. Maintaining and operating the leachate collection system in accordance with the requirements of the approved plan. The Director may allow the owner or operator to stop managing leachate if the owner and operator demonstrate that leachate no longer poses a threat to human health and the environment.
 3. Monitoring the groundwater in accordance with the requirements of R18-13-1106 and maintaining the ground-water monitoring system, if applicable.
 4. Maintaining and operating the gas monitoring system in accordance with the requirements of the approved plan.
 5. Decommissioning all gas monitoring and extraction wells and bore holes in a manner that protects groundwater.
- B.** The length of the post-closure care period may be:
1. Decreased by the Director if the owner or operator demonstrate that the reduced period is sufficient to protect human health and the environment and this demonstration is approved by the Director.

2 Increased by the Director if the Director determines that the lengthened period is necessary to protect human health and the environment.

C. The owner or operator of a solid waste facility subject to this Section shall prepare a written post-closure plan that includes, at a minimum, the following information:

1. A description of the monitoring and maintenance activities required in subsection (A) for each solid waste facility subject to this Section, and the frequency at which these activities will be performed.
2. Name, address, and telephone number of the person or office to contact about the facility during the post-closure period.
3. A description of the planned uses of the property during the post-closure period. Post-closure use of the property shall not disturb the integrity of the final cover, any liner, or any other components of the containment system, or the function of the monitoring systems unless necessary to comply with the requirements of this chapter. The Director may approve any other disturbance if the owner or operator demonstrate that disturbance of the final cover, liner or other component of the containment system, including any removal of waste, will not increase the potential threat to human health or the environment.

D. Following completion of the post-closure care period for each solid waste facility subject to this Section, the owner or operator shall notify the Director that a certification, signed by an professional engineer registered in Arizona, verifying that post-closure care has been completed in accordance with the post-closure plan, has been placed in the operating record.

R18-13-1113. Municipal Solid Waste Landfills and Solid Waste Land Disposal Facilities; Financial Assurance Requirements

No owner or operator shall commence or continue disposal operations in any part of a facility subject to this Article until a financial assurance instrument has been provided for closure and post-closure activities in conformance with A.A.C. R18-13-415 and 18 A.A.C. 13, Article 18.

R18-13-1114. Municipal Solid Waste Landfills; Solid Waste Land Disposal Facilities that Are Non-municipal Solid Waste Landfills; Restrictive Covenants; Requirements

A. The real property on which a municipal solid waste landfill or a solid waste land disposal facility that is a non-municipal solid waste landfill is located shall be subject to a restrictive covenant executed and recorded as provided in this Section.

B. A restrictive covenant required by this Section shall include the following statements:

1. The real property described in the restrictive covenant has been, is, or will be used as a solid waste landfill.
2. The property owners, their agents, or employees, or any of their heirs, successors, lessees, or assignees shall not engage in development on, or in filling, grading, excavating, drilling, or mining of, the disposal area of the solid waste landfill that has received approval for closure from the Department, unless provided for in the approved facility closure or post-closure plan, or unless prior written approval is obtained from the Department as described in subsection (D).
3. The Department has right of access to property at all reasonable times and under the conditions described in subsection (H) to verify compliance with the restrictive covenant.

- C.** A restrictive covenant required by this Section shall contain the following information:
1. The address and legal description of the disposal area of the solid waste landfill that is subject to the restrictive covenant.
 2. A map of the disposal area of the solid waste landfill that is subject to the restrictive covenant.
 3. A brief description of the solid waste landfill operations and type of waste accepted.
- D.** As provided in A.R.S. § 49-771, the property owners, their agents, or employees, or any of their heirs, successors, lessees, or assignees shall not engage in development on, or in filling, grading, excavating, drilling, or mining of, the disposal area of the solid waste landfill that has received approval for closure from the Department, unless provided for in the approved facility closure or post-closure plan, or unless prior written approval is obtained from. The Department may approve development on, or in filling, grading, excavating, drilling, or mining of, the disposal area of the solid waste landfill only if all of the following conditions are met:
1. The owner provides to the Department at least thirty days prior written notice of the commencement of the activity. Prior notice to the Department is not required if the activity addresses an imminent threat to the environment and notice is provided as soon as practicable after commencement of the activity. A notice provided under this subsection shall contain all of the following:
 - a. The name of the facility.
 - b. The location of the facility.
 - c. A description of the activity, including both of the following:
 - i. A diagram of the disposal area.
 - ii. A description of the mitigation activities necessary to assure compliance with subsection (D)(2) through (D)(5).
 2. The owner demonstrates to the Department that when the activity is completed, there will not be an increase in leachate that would result in a discharge.
 3. The owner demonstrates that when the activity is completed, the concentration of methane gas will not exceed twenty-five percent of the lower explosive limit in on-site structures.
 4. The owner demonstrates that when the activity is completed, the concentration of methane gas will not exceed the lower explosive limit at the property line.
 5. The owner demonstrates that protection has been provided to prevent remaining waste from causing any vector, odor, litter, or other environmental nuisance.
- E.** A restrictive covenant required by this Section shall contain the following signatures:
1. A notarized signature of a Department official indicating approval of the restrictive covenant.
 2. The notarized signature of any owner of the property.
- F.** The owner or owners of real property subject to a restrictive covenant required by this Section and the Director shall execute the restrictive covenant as described in this Section. The owner or owners shall record the restrictive covenant in each county where the solid waste landfill is located. A copy, certified by the county or counties, of the executed and recorded restrictive covenant shall be submitted to the Director. However, an owner's failure to record does not abrogate the binding effect of the restrictive covenant on that owner.

- G.** Any owner of real property subject to a restrictive covenant required by this Section shall incorporate the terms of the restrictive covenant into any lease, license, or other agreement entered into by the owner that grants any right to the property that could result in the development on or in, filling, grading, excavating, drilling, or mining of, the disposal area of the solid waste landfill. The incorporation may include the terms in full or may be by reference.
- H.** The Department may enter real property subject to a restrictive covenant required by this Section to verify compliance with the restrictive covenant. When the Department enters real property under this subsection, it shall comply with A.R.S. § 41-1009.
- I.** At the written request of the owner or owners of property that is subject to a restrictive covenant required by this Section, the Director may approve modification of the restrictive covenant. In making such a determination, the Director shall consider factors such as the original design, type of operation, material deposited, the potential for energy recovery from methane gas, stage of decomposition of the disposal area, and risk to human health or the environment. The Director shall not make a determination to modify the restrictive covenant if the modification will increase the potential for risk to public health or the environment.
- J.** At the written request of the owner or owners of property that is subject to a restrictive covenant required by this Section, the Director shall determine whether release of the restrictive covenant is appropriate. If a release of restrictive covenant is requested, the Director shall make a determination after the owner's request. Release of a restrictive covenant is appropriate if the Director determines that maintenance of the restrictive covenant is no longer necessary to protect human health or the environment.

R18-13-1115. Transition for Certain Landfills

- A.** The owner or operator of a municipal solid waste landfill that is operating on the effective date of this Section under the exemptions described in 40 CFR 258.1 (f) will not be subject to the monitoring requirements of R18-13-1108 if, and only to the extent that, the municipal solid waste landfill is described by all of the following:
 - 1.** The municipal solid waste landfill disposes of less than 20 tons of municipal solid waste daily, based on an annual average, and calculated as total tonnage divided by actual number of days of operation in the most recent calendar year.
 - 2.** There is no evidence of groundwater contamination from the municipal solid waste landfill.
 - 3.** The municipal solid waste landfill serves a community that is described by one of the following:
 - a.** A community that experiences an annual interruption of at least three consecutive months of surface transportation that prevents access to a regional waste management facility.
 - b.** A community that has no practicable waste management alternative and the landfill is located in an area that annually receives less than or equal to 25 inches of precipitation.
 - 4.** The municipal solid waste landfill does not undergo lateral expansion.
- B.** The owner or operator of a municipal solid waste landfill that is described by subsection (A) shall do both of the following:

1. Place in the operating record of the facility information demonstrating that the conditions described in subsection (A) exist.
 2. Immediately notify ADEQ if the owner or operator has knowledge of groundwater contamination resulting from the municipal solid waste landfill, and thereafter comply with any monitoring requirements ordered by ADEQ.
- C.** An owner or operator of a municipal solid waste landfill or a solid waste land disposal facility operating under an approved facility plan on the effective date of this Section shall submit an application for a modification of its approved facility plan that complies with A.A.C. R18-13-502 and that complies with the requirements of Article 11 to the maximum extent possible, by the earlier of the following dates:
1. Five years after the effective date of this Section.
 2. When the owner or operator notifies ADEQ of a Type III or IV change. This subsection is not triggered if the Type III change sought is for a change described by R18-13-505(C)(12) or (13).
- D.** A suspension of groundwater monitoring by the Department under 40 C.F.R. 258.50 (b) prior to the effective date of this Section is continued until the municipal solid waste landfill is issued a modification to an approved facility plan pursuant to subsection (C).

R18-13-1116 to R18-13-1119 **Reserved**

R18-13-1120. Solid Waste Land Disposal Facilities That Are Surface Impoundments; Applicability

- A.** The standards described in this Section and A.A.C. R18-13-1121 through 1127 are applicable to solid waste land disposal facilities that are surface impoundments associated with solid waste facilities.
- B.** The standards described in this Section and A.A.C. R18-13-1121 through 1127 are not applicable to surface impoundments whose facilities are regulated under local, state or federal water pollution control permits.

R18-13-1121. Solid Waste Land Disposal Facilities That Are Surface Impoundments; Siting Criteria

Solid waste land disposal facilities that are surface impoundments shall meet the siting criteria described in R18-13-1102.

R18-13-1122. Solid Waste Land Disposal Facilities That Are Surface Impoundments; Design and Construction Standards

- A.** The standards described in A.A.C. R18-13-1103, this Section and A.A.C. R18-13-1120 through R18-13-1127 apply to solid waste land disposal facilities that are surface impoundments.
- B.** The owner or operator of a solid waste land disposal facility that is a surface impoundment will be considered to have met the standard of A.A.C. R18-13-1103 with respect to a liner system design by designing and constructing a liner system with all of the following:
1. A top liner designed and constructed of materials to prevent the migration of hazardous constituents into the liner during the active life and post-closure care period for the facility.

2. A composite bottom liner, consisting of at least the two following components:
 - a. An upper component designed and constructed of materials to prevent the migration of hazardous constituents into this component during the active life and post-closure care period for the facility.
 - b. A lower component designed and constructed of materials to minimize the migration of hazardous constituents if a breach in the upper component were to occur. The lower component shall be constructed of at least 3 feet of compacted soil material with a hydraulic conductivity of no more than 1×10^{-7} cm/sec.
3. A leachate collection and removal system between the liners and immediately above the bottom composite liner that is also a leak detection system. The leak detection system shall be capable of detecting, collecting, and removing leaks of hazardous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. A leak detection system meets the requirement of this subsection if it is, at a minimum, constructed according to all of the following:
 - a. Constructed of a bottom slope of one percent or more.
 - b. Constructed of granular drainage materials with a hydraulic conductivity of 1×10^{-2} cm/sec or more and a thickness of 12 inches or more, or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-4} m²/sec or more.
 - c. Designed and operated to minimize clogging during the active life and post-closure care period.
 - d. Constructed with sumps and liquid removal systems of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit shall have its own sump. The design of each sump and removal system shall provide a method for measuring and recording the volume of liquids present in the sump and of liquids removed.

- C. The owner or operator of a solid waste land disposal facility that is a surface impoundment associated with a solid waste facility shall assure that the surface impoundment is designed and constructed to meet the following requirements:
1. Have embankments and slopes designed to maintain structural integrity under conditions of a leaking liner and capable of withstanding erosion from wave action, overfilling, or precipitation.
 2. Have freeboard equal to or greater than eighteen inches when the surface impoundment is at full capacity. During the plan approval process the Department may reduce the freeboard requirement to twelve inches provided that other specified engineering controls are in place which prevent overtopping.
 3. A surface impoundment liner shall be constructed such that the bottom of the lowest component is at least five feet (one and one-half meters) above the seasonal high level of groundwater unless the owner or operator can demonstrate during the plan approval process that the proposed design will not be affected by elevated groundwater pressure. All surface impoundment liners shall be constructed such that the bottom of the lowest component is above the seasonal high level of groundwater. For the purpose of this Section, groundwater includes

any water-bearing unit which is horizontally and vertically extensive, hydraulically recharged, and volumetrically significant.

R18-13-1123. Solid Waste Land Disposal Facilities That Are Surface Impoundments; Operating Standards

- A.** The owner or operator of a solid waste land disposal facility that is a surface impoundment associated with a solid waste facility shall comply with all the operating standards described in 18 A.A.C. 13, Article 4. In addition, the owner or operator shall operate the facility to:
1. Prevent overfilling of surface impoundments and maintain required freeboard.
 2. Control access to the site.
 3. Control birds at surface impoundments storing wastes capable of attracting birds.
 4. Collect and remove pumpable liquids in the sumps to minimize the head on the bottom liner described by A.A.C. R18-13-1122(B).
- B.** The owner or operator of a surface impoundment shall inspect the surface impoundment and associated piping, pumps and hoses as needed, but at least weekly, to ensure it is meeting the operational standards, unless an alternate schedule is approved by the Department as part of the plan approval process. In addition, surface impoundments shall have regular liner inspections. Their frequency and methods of inspection shall be specified in the operational plan shall be based on the type of liner, expected service life of the material, and the site-specific service conditions. The inspections shall be conducted at least once every five years, unless an alternate schedule is approved by the Department as part of the plan approval process. The Department shall be given sufficient notice and have the opportunity to be present during liner inspections.

R18-13-1124. Solid Waste Land Disposal Facilities That Are Surface Impoundments; Aquifer Protection Standards

The owner or operator of a solid waste land disposal facility that is a surface impoundment associated with a solid waste facility shall be subject to aquifer protection standards established by the Department and incorporated into the plan approval issued for the facility, as follows:

1. Contingency plans, as described in A.A.C. R18-13-1106.
2. Alert levels, discharge limitations and AQLs, as described in A.A.C. R18-13-1107.
3. Monitoring, as described in A.A.C. R18-13-1108.
4. Reporting, as described in A.A.C. R18-13-1109.
5. Compliance schedule, as described in A.A.C. R18-13-1110.

R18-13-1125. Specified Solid Waste Facilities Subject to Plan Approval under A.R.S. § 49-762; Closure

- A.** The owner or operator of the following types of solid waste facilities is subject to the closure requirements of this Section:
1. A solid waste land disposal facility, subject to plan approval under A.R.S. § 49-762(1), that is a waste disposal pile or a surface impoundment.
 2. A biohazardous medical waste facility, subject to plan approval under A.R.S. § 49-762(3) and 18 A.A.C. 13, Article 14.
 3. A special waste facility, subject to plan approval under A.R.S. § 49-762(4).

4. A commercial or government-owned household waste composting facility, subject to plan approval under A.R.S. § 49-762(6).
- B.** The owner or operator of a solid waste facility that is described by subsection (A) shall notify the Department of the owner or operator's intent to cease operating without resuming disposal activities at all or any portion of the facility.
- C.** The owner or operator of a solid waste facility that is described by subsection (A) shall submit a final closure plan for the Department approval within 90 days following the notification of intent to cease operations with the applicable fee established in 18 A.A.C. 13, Article 21. A closure plan shall include:
1. A site investigation plan that includes a summary of relevant site studies already conducted and a proposed scope of work for any additional site investigation necessary to identify all of the following:
 - a. The lateral and vertical extent of contamination in soil and groundwater, using applicable standards.
 - b. The approximate quantity and chemical, biological, and physical characteristics of each waste, contaminated water, or contaminated soil proposed for removal from the facility.
 - c. The approximate quantity and chemical, biological, and physical characteristics of each waste, contaminated water, or contaminated soil that will remain at the facility.
 - d. Information regarding site conditions related to pollutant fate and transport that may influence the scope of sampling necessary to characterize the site for closure.
 2. A closure design that identifies all of the following:
 - a. The method used, if any, to treat any material remaining at the facility.
 - b. The method used to control the discharge of pollutants from the facility.
 - c. Any limitation on future land or water uses created as a result of the facility's operations or closure activities and a Declaration of Environmental Use Restriction according to A.R.S. § 49-152 or 158, if necessary.
 - d. The methods used to secure the facility.
 3. An estimate of the cost of closure.
 4. A schedule for implementation of the closure plan and submission of a post-closure plan if clean closure is not achieved.
- D.** Within 30 calendar days after completion of closure plan activities, the owner or operator shall provide the Department written notice that the closure plan has been fully implemented. The notice shall include a summary report that includes all of the following:
1. The results of the site investigation and any other information used to identify all of the following:
 - a. The lateral and vertical extent of soil and groundwater contamination, using applicable standards, and the analytical results that support the determination.
 - b. The approximate quantity and chemical, biological, and physical characteristics of each material scheduled for removal.

- c. The destination of the materials and documentation that the destination is approved to accept the materials.
- d. The approximate quantity and chemical, biological, and physical characteristics of each material that remains at the facility.
- e. Any other relevant information the Department determines is necessary.
- 2. The results of site investigation performed during closure activities, including confirmation and verification sampling.
- 3. Confirmation that the closure design described in subsection (B)(2) has been implemented.
- E.** Within 60 days after receipt of a closure summary report described in subsection (C), the Department shall determine whether the closure activities achieved clean closure. If the implemented closure achieves clean closure, the Director shall approve the closure.
- F.** If the Department determines that the implemented closure did not achieve clean closure, the owner or operator shall submit a post-closure plan under A.A.C. R18-13-1126 and a request to modify a current approved plan to address post-closure monitoring and maintenance at the facility within 90 days after the date on the Department's determination.

R18-13-1126. Specified Solid Waste Facilities Subject to Plan Approval Under A.R.S. § 49-762; Post-Closure

- A.** The owner or operator of the following types of solid waste facilities is subject to the post-closure requirements of this Section:
 - 1. A solid waste land disposal facility, subject to plan approval under A.R.S. § 49-762(1), that is a waste disposal pile or a surface impoundment, but not a non-municipal solid waste landfill facility, and that does not achieve clean closure under A.A.C. R18-13-1125.
 - 2. A biohazardous medical waste facility, subject to plan approval under A.R.S. § 49-762(3) and 18 A.A.C. 13, Article 14, that does not achieve clean closure under A.A.C. R18-13-1125.
 - 3. A special waste facility, subject to plan approval under A.R.S. § 49-762(4), that does not achieve clean closure under A.A.C. R18-13-1126.
 - 4. A commercial or government-owned household waste composting facility, subject to plan approval under A.R.S. § 49-762(6), that does not achieve clean closure under A.A.C. R18-13-1125.
 - 5. A solid waste facility that becomes a solid waste land disposal facility subject to plan approval by operation of A.A.C. R18-13-411(G).
- B.** An owner or operator of a solid waste facility that is described by subsection (A) shall describe post-closure monitoring and maintenance activities in an application for a plan approval or a change to an approved plan and submit it to the Department for approval.
- C.** An application for a plan approval or a change to an approved plan shall include the following with respect to post-closure care:
 - 1. The duration of post-closure care.
 - 2. The monitoring procedures proposed by the owner or operator, including monitoring frequency, type, and location.
 - 3. A description of the operating and maintenance procedures proposed for maintaining aquifer quality protection devices, such as liners, treatment systems,

- pumpback systems, surface water and stormwater management systems, and monitoring wells.
- 4. A schedule and description of physical inspections proposed at the facility following closure.
- 5. An estimate of the cost of post-closure maintenance and monitoring.
- 6. A description of limitations on future land or water uses, or both, at the facility site as a result of facility operations.
- 7. The applicable fee established in 18 A.A.C. 13, Article 21.
- D.** Within 30 calendar days after completion of post-closure activities, the owner or operator shall provide the Department written notice that the post-closure plan has been fully implemented. The notice shall include a summary report confirming the post-closure design and describing the results of sampling performed during post-closure activities, if any, to demonstrate the level of cleanup achieved.
- E.** The Director may, upon receipt of the notice, inspect the facility to ensure that the post-closure plan has been fully implemented.
- F.** The Director may issue a termination of all or a portion of the approved plan if the owner or operator satisfies all post-closure requirements.

R18-13-1127. Plan Approval Requirement for Biosolids Processing Facilities

The owner or operator of a biosolids processing facility satisfies the requirement of A.R.S. 49-762 to obtain approval of a solid waste facility plan by obtaining all permits required by A.R.S. Title 49, Chapter 2, or the rules promulgated under A.R.S. Title 49, Chapter 2.

ARTICLE 17. COLLECTION, TRANSPORTATION, AND DISPOSAL OF HUMAN EXCRETA
(moved from current Article 11)

R18-13-1701. General Requirements for the Collection, Transportation and Disposal of Human Excreta

- A.** Any person owning or operating a vehicle or appurtenant equipment used to store, collect, transport, or dispose of sewage or human excreta that is removed from a septic tank or other on-site wastewater treatment facility; earth pit privy, pail or can type privy, or other type of privy; sewage vault; or fixed or transportable chemical toilet shall obtain a septic tank pumper license for each vehicle from the Department. The person shall apply, in writing, on a form prescribed by the Department and shall demonstrate that each vehicle is designed and constructed to meet the requirements of this Article.
- B.** A person shall operate and maintain the vehicle and equipment so that a health hazard, environmental nuisance, or violation of a water quality standard established under 18 A.A.C. 11 is not created.
- C.** A septic tank pumper license issued under this Section shall include the following terms:
 - 1. Each license is valid so long as the vehicle is operated by the same person for the same purpose and is maintained according to this Article.
 - 2. The license is not transferable either from person to person or from vehicle to vehicle.
 - 3. The license holder shall ensure that the license number is plainly and durably inscribed in contrasting colors on the side door panels of the vehicle and the rear

face of the tank in figures not less than 3 inches high, and that the numbers are legible at all times.

- D.** Any person owning or operating a vehicle or appurtenant equipment used to collect, store, transport, or dispose of sewage or human excreta shall obtain a permit from the local health department in each county in which the person proposes to operate.

R18-13-1702. Inspection of Vehicles and Appurtenant Equipment

The Department may inspect vehicles and appurtenant equipment used to collect, store, transport, or dispose sewage or human excreta as necessary to assure compliance with this Article.

R18-13-1703. Sanitary Requirements

- A.** A person owning or operating a vehicle or appurtenant equipment to collect, store, transport, or dispose of sewage or human excreta shall ensure that all of the following requirements are met:
1. Sewage and human excreta is collected, stored, transported, and disposed of in a sanitary manner and does not endanger the public health or create an environmental nuisance.
 2. The vehicle is equipped with a leak-proof and fly-tight container and all portable containers, pumps, hoses, tools, and other implements are secured and transported in a manner to prevent waste from falling, spilling or leaking. All hoses shall be capped securely when not in use.
 3. Contents intended for removal are transferred as quickly as possible by means of a portable fly-tight container or suction pump and hose to the transportation container.
 4. The transportation container is tightly closed and made fly-tight immediately after the contents have been transferred.
 5. Portable containers are kept fly-tight while being transported to and from the vehicle.
 6. Any waste dropped or spilled in the process of collection is cleaned up immediately and the area disinfected.
 7. The vehicle, tools, and equipment are maintained in good repair at all times and, at the end of each day's work, all portable containers, transportation containers, suction pumps, hose, and other tools are cleaned and disinfected.
 8. All wastes collected are disposed of as authorized by the local county health department and that no change in the authorized method of disposal is made without the prior approval of the local county authority. The local county authority shall authorize handling or disposal by one of the following methods:
 - a. At a designated point into a Department-approved sewage treatment facility or sewage collection system, with the approval of the owner or operator of the facility or system.
 - b. Handled or disposed of only at a solid waste facility regulated by the Department under this Chapter, or to a solid waste facility authorized to receive the waste by a tribal nation, EPA, or another state.
- B.** Open dumping is prohibited.

R18-13-1704. Suspension and Revocation

- A.** If a Department inspection indicates that a licensed vehicle is not maintained or operated according to this Article, the Department shall notify the owner in writing of all violations noted.
- B.** The Department shall give the owner a reasonable period of time to correct the violations and comply with the provisions of this Article. If the owner fails to comply within the time limit specified, the owner is subject to suspension or revocation of the vehicle license based on the number and severity of violations. The Department shall follow the provisions of A.R.S. Title 41, Chapter 6, Article 10 in any suspension or revocation proceeding.
- C.** The Department shall consider the revocation or suspension of a permit by a local health department for violation of this Article as grounds for revocation of the vehicle license. The local health department shall immediately suspend both the vehicle license and the permit issued by the local health department for gross violation of this Article if in the opinion of the local health department a serious health hazard or environmental nuisance exists. **LOCAL HEALTH DEPARTMENTS DO NOT HAVE THE AUTHORITY TO SUSPEND A DRIVER LICENSE, THIS AUTHORITY REST WITH THE MVD?**
- D.** The owner of the vehicle whose license is suspended or revoked may appeal the final administrative decision as permitted under A.R.S. § 41-1092.08.

ARTICLE 18. RESERVED FINANCIAL RESPONSIBILITY FOR SOLID WASTE FACILITIES

R18-13-1801. Applicability

- A.** An owner or operator of a solid waste facility that is not a municipal solid waste landfill shall demonstrate financial responsibility for closure, post-closure care, and corrective action for known releases by submitting and updating financial responsibility plans as required by this Article and A.R.S. §§ 49-761(J) and 49-770. **CAN A MULTIPLE FACILITY SUBMIT A SINGLE FINANCIAL ASSURANCE?**
- B.** An owner or operator of a municipal solid waste landfill shall comply with the financial responsibility requirements of 40 CFR 258 in effect on May 1, 2004, as incorporated in A.R.S. § 49-701, and R18-13-1802(G).
- C.** Demonstrations of financial responsibility are subject to the fee requirements in Article 21.
- D.** Nothing in this Article limits a property owner or operator's liability for remedial action, remediation, corrective action, or response action.

R18-13-1802. Financial Responsibility Plan

- A.** Beginning 180 days after the effective date of this Section, a solid waste facility shall not begin operation until after the owner or operator has submitted a financial responsibility plan to the Department and the Department has approved that plan.
- B.** Within 180 days after the effective date of this Section, a solid waste facility that has begun operating shall submit a financial responsibility plan to the Department. The facility may continue to operate while the Department reviews the plan.

- C.** A financial responsibility plan submitted under this Section shall contain the following information:
1. All of the information required in R18-13-402(E), or a copy of the Solid Waste Facility Notice filed under R18-13-402, if all of the information in the Notice is current and accurate.
 2. For facility property that is currently or once was a solid waste facility, any known releases from the facility.
 3. The plan for solid waste facility closure developed under R18-13-413 or R18-13-1125, including the equipment and activities that will be required.
 4. The estimated cost, in current dollars, for a third party to complete site closure. The estimate shall be itemized for each major expense and shall not be reduced by any allowance for the salvage value of equipment, solid waste, or the resale value of the property.
 5. A description of any postclosure monitoring and maintenance that will be necessary after the site is closed to protect public health and the environment, an estimate of how long postclosure monitoring, maintenance, or both will be necessary, and the cost, in current dollars, for a third party to conduct the postclosure monitoring and maintenance for the estimated period.
 6. The cost, in current dollars, for any corrective action required under R18-13-414.
 7. The financial assurance mechanism, or combination of mechanisms, proposed to assure that the total plan costs described in subsections (C)(4), (C)(5), and (C)(6) will be provided for in the event that the owner or operator of the facility is financially unable to, or fails to do so for any reason, including the amount covered by each financial assurance mechanism, and the institution or company that is responsible for each financial assurance mechanism. Each financial assurance mechanism shall comply with the requirements of R18-13-1803.
 8. A letter signed by the owner or operator's chief financial officer stating how the owner or operator is financially capable of meeting the total plan costs. If a financial assurance mechanism is proposed under R18-13-1803(A)(7)-(10), the letter shall include any other environmental obligations of the owner or operator assured by the same assets that are not recognized as liabilities on the owner or operator's financial statement, including other solid waste facilities, and those associated with underground storage tank facilities, or hazardous waste treatment, storage, and disposal facilities under 40 CFR Parts 264 and 265, regardless of location, and how the assets are sufficient to cover all liabilities.
- D.** The Department shall take one of the following actions, in writing, on a financial responsibility plan submitted under this Article:
1. Approve the plan.
 2. Disapprove the plan.
 3. Declare the plan incomplete and describe the information necessary to make the plan complete.
- E.** Updates of approved financial responsibility plans. The owner or operator of a solid waste facility that has had a financial responsibility plan approved under this Article shall submit an update of the plan to the Director for approval at each of the following times, except that the Director may excuse the submittal of an update under subsection (1) or (2) if an update has been submitted for the facility within the previous 90 days:

1. The owner or operator of a solid waste landfill shall submit an update annually on the anniversary of the plan's approval unless another date is assigned by the Department.
 2. The owner or operator of a solid waste facility that is not a solid waste landfill shall submit an update every three years beginning with the third anniversary of the plan's approval unless another date is assigned by the Department.
 3. Thirty days prior to the facility being sold as required under R18-13-1804(B).
 4. With the demonstration required by R18-13-501(C)(3) for a substantial change at a facility described in R18-13-501(E), or with the notice of any proposed Type III or IV change at a facility described at R18-13-505(C) or (D). The updated financial responsibility plan should reflect total plan costs after the change is implemented.
 5. Sixty days after the discovery of any new release from the facility that requires corrective action under R18-13-414.
- F.** An update to a financial responsibility plan shall adjust for inflation, reflect cost changes that result from any changes to the facility plan or facility conditions, and shall include:
1. Any changes to the financial assurance mechanisms for that facility;
 2. A certification that the financial assurance mechanisms are being maintained;
 3. Any material changes in the financial condition of the owner or operator since the initial submittal or last update;
 4. Material changes in the physical condition of the facility since the initial submittal or last update;
 5. A confirmation by the chief financial officer, or an equivalent position if none exists, regarding the owner or operator's financial capability for the total plan costs; and
 6. For updates of plans using any instrument listed in R18-13-1803(A)(1) through (A)(6), a demonstration that the instrument meets the requirements of subsections (J)(1) and (J)(2) of this Section.
- G.** The owner or operator of a solid waste facility that was issued an Aquifer Protection Permit before the effective date of this rule and demonstrated financial competence for closure under A.R.S. § 49-243(N), shall update that demonstration by submitting a financial responsibility plan that meets the requirements of this Article within 180 days of the effective date of this rule. The owner or operator shall maintain each mechanism approved in the demonstration under A.R.S. § 49-243(N) until it is replaced by an approved new mechanism.
- H.** If, at any time, the owner or operator of a solid waste facility determines that changes in total plan costs or in the financial assurance mechanisms approved in the financial responsibility plan have caused the mechanisms to be no longer sufficient to meet the total plan costs, or in any other way to no longer meet the requirements of R18-13-1803, the owner or operator shall provide written notice to the Department of intent to establish additional or alternate financial assurance. The notice shall be sent by certified mail within 30 days after such determination. The owner or operator shall submit for Department approval the additional or alternate financial assurance within 90 days after the determination. An owner or operator may acquire alternate financial assurance without determining a mechanism insufficient if the alternate financial assurance is approved by the Director.

I. The Director may require an owner or operator to submit reports of financial condition or other information, in addition to any update specified in subsection (E), based on the Director's determination that changes in total plan costs or in the financial assurance mechanisms approved in the financial responsibility plan have caused the mechanisms to be no longer sufficient to meet the total plan costs, or in any other way to no longer meet the requirements of R18-13-1803. If the Director finds, on the basis of such reports or other information, that the financial assurance mechanisms approved in the financial responsibility plan are no longer sufficient to meet the total plan costs or in some other way fail to meet the requirements of R18-13-1803, the Department shall notify the owner or operator in writing. The owner or operator shall provide additional or alternate financial assurance within 30 days after notification.

J. General requirements.

1. A financial responsibility mechanism submitted under R18-13-1802 shall ensure that the funds assured are sufficient to meet the total plan costs when needed, and will be available in a timely fashion when needed.
2. Each mechanism listed in R18-13-1803(A)(1) through (A)(6) shall provide that the period of coverage for the benefit of the Department will continue at least ninety days beyond the date when the next annual or triennial update is due.
3. Unless otherwise required by the context, the requirements in this Article for each mechanism apply when the financial responsibility plan is submitted, and at all times thereafter, until the owner or operator's financial assurance obligation is released by the Department under R18-13-1805.

R18-13-1803. Acceptable Financial Assurance Mechanisms

A. The financial responsibility plan shall employ one or more of the mechanisms as specified below in subsections (1) through (13), in an amount that is sufficient to cover the total plan costs:

1. Surety bond guaranteeing payment or performance for closure, post-closure care and corrective action. An owner or operator may use this mechanism if the following conditions are met:
 - a. The company providing the bond is listed as an acceptable surety on Federal bonds in Circular 570 of the U.S. Department of the Treasury;
 - b. The company providing the bond is not more than 10 percent owned by the facility owner or operator, by a direct or higher-tier parent corporation of the facility owner or operator, or by a firm whose parent corporation is also the parent corporation of the facility owner or operator, when their ownership shares are taken in the aggregate;
 - c. The bond provides for payment or performance of the items listed in R18-13-1802(C)(4) through (C)(6), through payment into a standby trust fund, to be established by the owner, operator or surety, of an amount equal to the penal amount if the owner or operator fails to perform the required activities;
 - d. The penal amount of the bond is at least equal to the total plan costs if the bond is the only method used to satisfy the requirements of this Article, or a pro-rata amount if used with another financial assurance mechanism.

- e. The surety bond names the Arizona Department of Environmental Quality as beneficiary;
 - f. The original or a certified copy of the surety bond is submitted to the Director;
 - g. Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond;
 - h. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner and operator and to the Director 120 days in advance of cancellation. If the surety cancels the bond, the owner or operator shall obtain alternate financial assurance within 60 days of receipt of cancellation; and
 - i. The owner or operator may cancel the bond only if alternate financial assurance approved by the Director is substituted, or if the owner or operator is no longer required to demonstrate financial responsibility in accordance with R18-13-1805.
2. Certificate of deposit. The owner or operator may use this mechanism if the following conditions are met:
- a. The owner or operator submits to the Director one or more certificates of deposit made payable to or assigned to the Department to cover the owner or operator's financial assurance obligation or a pro-rata amount if used with another financial assurance mechanism.
 - b. Each certificate of deposit is insured by the Federal Deposit Insurance Corporation and is automatically renewable.
 - c. The financial institution assigns the certificate of deposit to the Arizona Department of Environmental Quality.
 - d. Only the Department has access to the certificate of deposit.
 - e. Interest accrues to the owner or operator during the period the owner or operator gives the certificate as financial assurance, unless the interest is required to cover any of the total plan costs.
3. Trust fund with a pay-in period. An owner or operator may use this mechanism if the following conditions are met:
- a. The trustee is an entity with the authority to act as a trustee;
 - b. The trustee is not more than 10 percent owned by the owner or operator, by a direct or higher-tier parent corporation of the owner or operator, or by a firm whose parent corporation is also the parent corporation of the owner or operator, when their ownership shares are taken in the aggregate;
 - c. The trustee's trust operations are regulated and examined by a federal or state agency;
 - d. The trust is set forth in an agreement that is approved by the Director, names the Department as beneficiary, and sets full funding in an amount at least equal to:
 - i. The total plan costs, or a pro-rata amount if used with another financial assurance mechanism, or
 - ii. The amount specified in a compliance schedule approved in the plan approval; and

- e. The pay-in period shall be 15 months for closure and postclosure costs, and one half of the length of the corrective action plan approved under R18-13-412 for corrective action costs.
 - f. The trust fund may be terminated by the owner or operator only if the owner or operator substitutes alternate financial assurance as specified in this Section or if it is no longer required to demonstrate financial responsibility under R18-13-1805.
4. Letter of credit. An owner or operator may use this mechanism if the following conditions are met:
- a. The financial institution issuing the letter has authority to issue letters of credit and its letter of credit operations are regulated and examined by a federal or state agency;
 - b. The financial institution is not more than 10 percent owned by the owner or operator, by a direct or higher-tier parent corporation of the owner or operator, or by a firm whose parent corporation is also the parent corporation of the owner or operator, when their ownership shares are taken in the aggregate;
 - c. The financial institution names the Arizona Department of Environmental Quality as sole beneficiary for the letter of credit;
 - d. The letter is prepared by the financial institution and identifies the letter of credit issue date, expiration date, dollar sum of the credit, the name and address of the Department as the beneficiary, and the name and address of the owner or operator it is issued to; and
 - e. The Letter of Credit is irrevocable and issued for at least one year. The letter of credit shall provide that the expiration date is automatically extended for a period of at least one year unless the issuing institution has cancelled the letter of credit by sending notice of cancellation by certified mail to the owner or operator and to the Director 90 days in advance of cancellation or expiration. The owner or operator shall provide alternate financial assurance within 60 days of receipt of notice of expiration or cancellation.
5. Insurance policy. The owner or operator may use this mechanism if the following conditions are met:
- a. The insurer is a non-captive insurer authorized to transact the business of insurance in Arizona and has an AM BEST Rating of at least a B+ or the equivalent.
 - b. The owner or operator submits a copy of the insurance policy to the Department, along with the certificate of insurance and any declarations and endorsements.
 - c. The insurance policy guarantees that funds will be available to pay the total plan costs, without a deductible, or a pro-rata amount if used with another financial assurance mechanism. The policy also guarantees that once closure, postclosure, or corrective action begins, and while the activities are being conducted, the insurer is responsible for paying out funds to the Director or other entity designated by the Director up to an amount equal to the face amount of the policy.

- d. Actual payments by the insurer will not change the face amount, although the insurer's future liability may be reduced by the amount of the payments, during the policy period.
 - e. The insurance policy names the Arizona Department of Environmental Quality as additional insured.
 - f. The policy provides for payment into a standby trust fund, to be established by the owner, operator, or insurer;
 - g. The insurance is effective before substitution of the policy for another financial assurance instrument, and for new facilities, before they begin to operate.
 - h. The policy contains a provision allowing assignment of the policy to a successor owner or operator. The transfer of the policy is conditional upon consent of the insurer and the Department.
 - i. The insurance policy provides that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy, at minimum, provides the insured with the option of renewal at the face amount of the expiring policy. If the owner or operator fails to pay the premium, or chooses to let the policy lapse, the insurer may cancel the policy by sending notice of cancellation by certified mail to the owner or operator and to the Director 90 days in advance of cancellation or termination. If the insurer cancels the policy, the owner or operator shall provide alternate financial assurance within 60 days of receiving the notice of cancellation.
6. Deposit of funds with the State Treasurer, if the following conditions are met:
- a. The owner or operator deposits funds with the State Treasurer, is notified by the State Treasurer that an account has been set up for financial assurance purposes payable to the Department under A.R.S. § 49-761, and provides a copy of this notice to the Department.
 - b. The owner or operator pays money into the account by company, cashier, or certified check, or money order, or other method approved by the Department.
 - c. The amount of the deposit is refundable if approved by the Department and the State Treasurer.
7. Certificate of self-insurance. Instead of an insurance policy under subsection (5), an owner or operator may request the Director to issue a certificate of self-insurance if the following conditions are met:
- a. The owner or operator files a bond with the Director for the total plan costs, and promises to pay the Department the amount under R18-13-1802 (C)(4) through (C)(6) for closure, postclosure and corrective action as provided under the financial responsibility plan.
 - b. The owner or operator qualifies for the corporate financial test mechanism under subsection (8)(a) or (8)(b).
8. Corporate financial test. An owner or operator may demonstrate financial responsibility by making the demonstration in either subsection (a) or (b) and submitting the information required in subsection (c). The owner or operator shall not consolidate its financial statement with a parent or sibling company.

- a. The owner or operator may demonstrate compliance with subsections (i), (ii), and (iii) below:
 - i. One of the following:
 - (1) A ratio of total liabilities to tangible net worth less than 2.0 and a ratio of current assets to current liabilities greater than 1.5; or
 - (2) A ratio of total liabilities to tangible net worth less than 2.0 and a ratio of the sum of net annual income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; or
 - (3) A ratio of the sum of net annual income plus depreciation, depletion, and amortization to total liabilities greater than 0.1 and a ratio of current assets to current liabilities greater than 1.5;
 - ii. The net working capital and tangible net worth of the owner or operator each are at least six times the total plan costs added to any other environmental obligations assured through a financial test that are not recognized as liabilities on the owner or operator's financial statements, including other solid waste facilities, and those associated with underground storage tank facilities, or hazardous waste treatment, storage, and disposal facilities under 40 CFR Parts 264 and 265, regardless of location.
 - iii. The owner or operator has assets in the U.S. of at least 90 percent of total assets or six times the total plan costs as adjusted under subsection (ii).
- b. The owner or operator may demonstrate compliance with subsections (i), (ii), and (iii) below:
 - i. The owner or operator's senior unsecured debt has a current investment-grade rating as issued by Moody's Investor Service, Inc. or Standard and Poor's Corporation;
 - ii. The tangible net worth of the owner or operator is at least six times the total plan costs as adjusted in subsection (8)(a)(ii); and
 - iii. The owner or operator has assets in the U.S. of at least 90 percent of total assets or six times the total plan costs as adjusted in subsection (8)(a)(ii).
- c. The owner or operator shall submit:
 - i. A letter signed by the owner or operator's chief financial officer that identifies the criteria in subsection (a) or (b) used by the owner or operator to satisfy the financial assurance requirements of this Section, an explanation of how the owner or operator meets the criteria, and a certification of the letter's accuracy, and
 - ii. A statement from an independent certified public accountant verifying that the demonstration submitted under subsection (i) is accurate based on the owner or operator's audited financial statements for the most recent fiscal year and no adjustment to the financial statement is necessary.

- iii. A copy of the financial statements used for subsection (ii).
- d. An owner or operator may use this mechanism to assure the amounts needed for more than one facility if the mechanism meets the requirements for the total of all environmental obligations at all facilities.

9. Guarantees.

- a. The owner or operator may use guarantees to cover the financial assurance obligation under this Article if the following conditions are met:
 - i. The owner or operator submits to the Department an affidavit certifying that the guarantee arrangement is valid under all applicable federal and state laws. If the guarantor is a corporation, the owner or operator shall include a certified copy of the corporate resolution authorizing the corporation to enter into an agreement to guarantee the owner or operator's financial assurance obligation;
 - ii. The owner or operator submits to the Department documentation that explains the substantial business relationship between the guarantor and the owner or operator;
 - iii. The owner or operator demonstrates that the guarantor meets the conditions of the corporate financial test mechanism listed in subsection (8). For purposes of applying the criteria in subsection (8) to a guarantor, substitute "guarantor" for the term "owner" or "operator" as used in subsection (8);
 - iv. The guarantee is governed by and complies with state law;
 - v. The guarantee continues in force until cancelled as provided below, released by the Director, or replaced by another financial assurance mechanism listed in this Section;
 - (1) The guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Director. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Director, as evidenced by the return receipts.
 - (2) If a guarantee is cancelled, the owner or operator shall, within 90 days following receipt of the cancellation notice by the owner or operator and the Director, obtain alternate financial assurance, place evidence of that alternate financial assurance in the facility operating record, and notify the Director. If the owner or operator fails to provide alternate financial assurance within the 90-day period, the guarantor must provide that alternate assurance within 120 days following the guarantor's notice of cancellation, place evidence of the alternate assurance in the facility operating record, and notify the Director.
 - vi. The guarantee provides that, if the owner or operator fails to perform closure or postclosure care of a facility covered by the

- guarantee, the guarantor shall perform or pay a third party to perform closure or postclosure care, as required by the plan approval, or establish a fully funded trust fund that complies with subsections (3)(a) through (3)(d) in the name of the owner or operator; and
- vii. The guarantor names the Arizona Department of Environmental Quality as beneficiary of the guarantee.
- b. Guarantee reporting. The guarantor shall notify or submit a report to the Department within 30 days of:
- i. An increase in financial responsibility during the fiscal year that affects the guarantor's ability to meet the financial demonstration;
- ii. Receiving an adverse auditor's notice, opinion, or qualification; or
- iii. Receiving a Department notification requesting an update of the guarantor's financial condition.
10. Government financial test.
- a. An owner or operator of a solid waste facility that is a county, city, town, or other local government entity may satisfy the requirements of subsections (i) and (ii) to demonstrate financial responsibility. The owner or operator shall demonstrate that it meets each of the following financial thresholds based on the owner or operator's most recent audited annual financial statement or Consolidated Annual Financial Report (CAFR), if available, or a similar document.
- i. The government entity shall not have operated at a deficit equal to five percent or more of total annual revenue in each of the past two fiscal years.
- ii. The total to be assured under the local government financial test must not exceed 43 percent of the government entity's total annual revenue. If the government entity assures other environmental obligations through a financial test, including those associated with underground storage tank facilities under A.R.S. § 49-1006, and hazardous waste treatment, storage, and disposal facilities under 40 CFR Parts 264 and 265, it must add those costs to the total plan costs under a local government financial test.
- b. An owner or operator that is a state or federal agency shall demonstrate self-financial capability by providing documentation that verifies the agency's future responsibility for implementing the approved closure plan submitted under R18-13-1802. The documentation also shall identify a source of funding for associated costs. The documentation shall be signed by an official who is authorized to make such representations on behalf of the agency.
11. Local government guarantee test.
An owner or operator may demonstrate financial assurance by obtaining a written guarantee provided by a government entity pursuant to subsections (a) through (e).

- a. The guarantor must meet the requirements of the local government financial test in subsection (10)(a), and must comply with the terms of a written guarantee.
 - b. The guarantor shall submit a resolution authorizing guaranty and a letter signed by its chief financial officer, that indicates the guarantor has a substantial business relationship with the owner or operator and/or will benefit directly by providing the guarantee to the owner or operator.
 - c. The guarantee shall be governed by and construed according to Arizona law.
 - d. The guarantee continues in force until cancelled as provided in subsection (9)(a)(v), released by the Department, or replaced by another financial assurance mechanism listed in this Section.
 - e. If the owner or operator's closure, post closure, or corrective action fails to take place as established in the plan, and the owner or operator fails to take necessary measures within 90 days of the Director's notification, the guarantor shall either perform, or pay a third party to perform, necessary activities, as required by the Department, or establish a fully funded trust fund that complies with subsections (3)(a) through (3)(d) in the name of the owner or operator.
 - f. Guarantee reporting. The guarantor shall notify or submit a report to the Department as provided in subsection (9)(b).
12. Political subdivision financial test. An owner or operator of a solid waste facility that is a political subdivision, other than a local government entity, shall satisfy the requirements of subsections (a) and (b) to demonstrate financial responsibility. The political subdivision shall demonstrate that it meets each of the following financial thresholds based on the its most recent audited annual financial statement showing, as applicable, its bond rating, income stream, assets, liabilities, and assessed valuation of taxable property.
- a. The political subdivision shall not have operated at a deficit equal to five percent or more of total annual revenue in each of the past two fiscal years.
 - b. The total to be assured under the political subdivision financial test must not exceed 43 percent of the entity's total annual revenue. If the entity assures other environmental obligations through a financial test, including those associated with underground storage tank facilities under A.R.S. § 49-1006, and hazardous waste treatment, storage, and disposal facilities under 40 CFR Parts 264 and 265, it must add those costs to the total plan costs.
13. Any other financial assurance mechanisms or combination of mechanisms as approved by the Department, so long as it provides for the amounts specified in R18-13-1802(C)(4), (5), and (6), or as required by a judgment or consent decree. Mechanisms guaranteeing performance may not be combined with other mechanisms.

R18-13-1804. Plan Amendment; Substitution of Financial Assurance Mechanism; Property Transfers

- A. A solid waste facility owner or operator may modify a financial assurance mechanism, substitute a new financial assurance mechanism for another in the financial responsibility plan, or otherwise amend the plan with the Department's prior approval. The new mechanism or amended plan shall meet the requirements of this Article.
- B. At least 30 days before the sale or transfer of a solid waste facility or any property that is subject to a financial responsibility plan under this Article:
 - 1. The property owner or operator shall submit to the Department:
 - a. Written notice of the intended sale or transfer, identifying the buyer or transferee, and the anticipated closing date.
 - b. An update to its financial responsibility plan.
 - 2. The buyer or transferee shall submit to the Department a proposed financial responsibility plan as specified in R18-13-1802, that includes a proposed financial assurance mechanism or mechanisms that meet the requirements of this Article.
- C. The Department shall respond to the submittals in subsection (B) as provided under R18-13-1802(D). The seller's financial assurance shall remain in effect until the buyer or transferee's financial assurance is approved, and the Department releases the seller's financial assurance.
- D. The Department shall not approve any amendment, substitution or buyer's financial responsibility plan under this Section unless all fees for the facility have been paid as described in R18-13-1806 and Article 21.

R18-13-1805. Release from Financial Responsibility

- A. When an owner or operator meets all of the requirements for closure specified in this Chapter, it may request that the Department release it from the requirements to demonstrate financial assurance for closure.
- B. When an owner or operator meets all of the requirements for postclosure care specified in this Chapter, it may request that the Department release it from the requirements to demonstrate financial assurance for postclosure.
- C. When an owner or operator meets all of the requirements for corrective action specified in this Chapter, it may request that the Department release it from the requirements to demonstrate financial assurance for corrective action.
- D. Upon request under subsection (A), (B), or (C), the Department shall do one of the following, in writing:
 - 1. Approve the request.
 - 2. Deny the request.
 - 3. Declare the request incomplete and describe the information necessary to make the request complete.

R18-13-1806. Financial Responsibility Plan Administration Fees

Solid waste facilities subject to plan approval that submit financial responsibility plans or updates under this Article shall pay fees to the Department as provided in Article 21.

ARTICLE 21. MUNICIPAL SOLID WASTE LANDFILLS FEES

R18-13-2101. Definitions

In addition to the definitions in A.R.S. §§ 49-701 and 49-701.01, for the purpose of this Article, the terms used in this Article have the following meanings:

1. ——— “Defined time period” means the 12-month period that begins on July 1 of a calendar year and ends on June 30 of the following calendar year and consists of the actual number of calendar days in that 12-month period.
2. ——— “Disposal fee invoice” means the quarterly landfill disposal fee invoice the Department mails to a landfill operator, on which the landfill operator indicates the amount of waste received and the amount of the disposal fees owed to the Department as required under A.R.S. § 49-836.
3. ——— “Full quarter” means any of the standard fiscal quarters of the defined time period for which a municipal solid waste landfill accepted waste on or before the first day of the quarter and on or after the last day of that quarter.
4. ——— “Waste disposal rate” means the average amount of waste disposed in this state by a person daily, which the Department has calculated to be 6.17 pounds per person per day.

~~R18-13-2102. Formula for Calculating Annual Registration Fee for an Existing Municipal Solid Waste Landfill~~

- ~~A. ——— For an existing municipal solid waste landfill, except those described in subsection (C), the Department shall calculate the annual registration fee under A.R.S. § 49-747 after calculating the population served by that municipal solid waste landfill, as follows:~~
- ~~1. ——— Multiply the waste disposal rate by the number of days in the defined time period, and~~
 - ~~2. ——— Divide the total number of pounds of waste received by the municipal solid waste landfill by the product from subsection (A)(1).~~
- ~~B. ——— The Department shall determine the number of pounds of waste received by a municipal solid waste landfill by one of the following methods:~~
- ~~1. ——— For a municipal solid waste landfill that accepted waste over the entire defined time period and:~~
 - ~~a. ——— Reported tons of solid waste received on the disposal fee invoice, multiply the number of reported tons by 2,000; or~~
 - ~~b. ——— Reported units of compacted or uncompact solid waste received on the disposal fee invoice, multiply the volume of solid waste reported under A.R.S. § 49-836(A)(1) by 2,000; or~~
 - ~~2. ——— For a municipal solid waste landfill that accepted waste for only a portion of the defined time period, but no less than a full quarter, the Department shall project the total amount of waste that would have been received by the landfill over the entire defined time period, using one of the following methods:~~
 - ~~a. ——— For a municipal solid waste landfill that reported receiving waste for at least a full three-quarters but less than the entire defined period, the amount of waste for the remaining quarter is the total amount of the waste reported for the full three-quarters divided by three;~~
 - ~~b. ——— For a municipal solid waste landfill that reported receiving waste for at least a full two-quarters but less than three-quarters, the amount of waste for the remaining two-quarters is the same as the total amount of waste reported for the two full-quarters; or~~

- e. — For a municipal solid waste landfill that reported receiving waste for at least one full quarter but less than two quarters, the amount of waste for the remaining three quarters is the total of the amount of the waste reported for the full quarter multiplied by three.
- C. — For a municipal solid waste landfill that accepted waste for less than a full quarter, the annual landfill registration fee is the minimum fee specified in A.R.S. § 49-747(C).

R18-13-2103. Annual Landfill Registration: Due Date and Fees

- A. — An operator of a new municipal solid waste landfill shall register the municipal solid waste landfill and pay the landfill registration fee as follows:
 - 1. — The operator shall pay the initial landfill registration fee within 30 days of the date that the Department approves the facility plan. The initial landfill registration fee is the minimum fee specified in A.R.S. § 49-747(C).
 - 2. — Registration is valid for one year, except if the landfill is initially registered during October, November, or December of a calendar year, the next landfill registration due date is December 31 of the following calendar year and each calendar year thereafter unless released from the annual landfill registration requirement as specified in subsection (C).
 - 3. — The annual registration fee remains the minimum fee rate under A.R.S. § 49-747(C) until the first annual registration period after the first full quarter of the defined time period.
- B. — After the first full quarter, the Department shall calculate the annual registration fee according to R18-13-2102, and specify the fee on the Department's annual landfill registration invoice for the municipal solid waste landfill. The Department shall calculate and the municipal solid waste landfill shall pay the annual landfill registration fee until the first registration period after the municipal solid waste landfill stops accepting waste during a fiscal quarter of the defined time period.
- C. — From the time a municipal solid waste landfill stops accepting waste as specified in subsection (B), until the owner or operator of the municipal solid waste landfill is released from its obligation to provide financial assurance for closure as required by A.R.S. §§ 49-761 or 49-770, the annual registration fee is the minimum fee specified in A.R.S. § 49-747(C).

R18-13-2101. Solid Waste Fees; General Provisions

- A. All fees paid under this Article shall be payable to the Department.
- B. The Department shall deposit the fees paid into the Solid Waste Fee Fund established pursuant to A.R.S. § 49-881, unless otherwise authorized or required by law.
- C. Except as otherwise provided in A.R.S. § 41-1077, any initial fee paid under this Article is non-refundable.

R18-13-2102. Solid Waste Facility Self-certification Registration Fees

- A. With each initial self-certification filing submitted under A.R.S. § 49-762.05 and this Chapter, the owner or the operator shall pay a fee of five hundred dollars. With each self-certification filing for a substantial change, the owner or operator shall pay a fee of two hundred dollars.

- B.** The Department shall not accept any self-certification filing for an entity which has not paid all fees due under Schedules A through E of Appendix A.

R18-13-2103. Solid Waste Facility Plan Review Fees

- A.** With each application submitted for approval pursuant to A.R.S. § 49-762.03 or A.R.S. § 49-770, the owner or operator shall pay an initial fee in accordance with one of the schedules in Appendix A, unless otherwise provided in subsection (B) and may be billed up to the maximum fees as provided in this Article.
- B.** For a complex plan, fees shall be determined as follows:
- 1.** The initial fee submitted with the plan shall be equal to the initial fee for the single component with the highest initial fee as set forth in schedules in Appendix A.
 - 2.** The maximum fee shall be the sum total of the maximum fee for each individual component as set forth in schedules in Appendix A.
- C.** The Department may bill periodically, but shall provide the owner or operator a final itemized bill after the Department makes the determination to approve or disapprove the application. If the Department determines that the actual cost of plan review is greater than the amount paid by the owner or operator, the Department shall list the amount that the owner or operator owe on the final itemized bill, except that the final itemized bill shall not exceed the applicable maximum fee specified in Schedules B, C, or D of Appendix A. The owner or operator shall pay in full the amount due within 30 days of receipt of the final itemized bill.
- D.** The Department shall not release a final solid waste plan approval until the final itemized bill is paid in full. Regardless of whether a plan approval application has been approved or disapproved, if a final bill is not paid within the 30 days after receipt of the final itemized bill, the Department shall mail a second notice to the owner or operator. Failure to pay the amount due within 60 days of receipt of the notice shall result in the Department initiation of proceedings for collection of the amount due.
- E.** The Department may not review any application for plan approval for an entity which has not paid all fees due under Schedules A through E of Appendix A.
- F.** When determining actual cost under subsection (D), the Department shall use an hourly billing rate for all direct labor hours spent working on the review of a plan, plus any other reasonable direct cost which were incurred but are not included in the hourly billing rate.
- G.** The hourly rate is \$73.26, beginning September 1, 2008, and shall remain in effect until it is either changed or repealed.

R18-13-2104. Solid Waste Facility Plan Review Fees; Review of Bill

- A.** If the owner or operator disagree with the final bill received from the Department for plan review and issuance or denial of a solid waste facility plan approval under this Article, the owner or operator may make a written request to the Director for a review of the bill and may pay the bill under protest. The request for review shall specify the matters in dispute and shall be received by the Department within 10 working days of the date of receipt of the final bill.
- B.** Unless the Department and the owner or operator agrees otherwise, the review shall take place within 30 days of receipt by the Department of the request. Notice of the time and place of review shall be mailed to the owner or operator at least 10 working days prior to

the review. The Director shall make a final decision as to whether the time and costs billed are correct and reasonable. The final decision shall be mailed to the applicant within 10 working days after the date of the review and is subject to appeal pursuant to A.R.S. § 49-769.

R18-13-2105. Solid Waste Facility Plan Review Fees; Number of Billable Hours

The Department shall determine the number of billable hours by subtracting from the number of hours in a work year the non-billable administrative hours.

R18-13-2106. Solid Waste Facility Plan Review Fees; Determining the Average Cost Per Employee

The Department shall determine the average cost per employee by dividing the Department's total direct cost for maintaining the plan review program equally between the plan reviewers as outlined in the following steps:

1. By calculating the average salary of the plan reviewers.
2. By calculating an average employee related cost and adding the average employee related cost to the average plan reviewer's salary from subsection (1).
3. By prorating the section's management cost, to which the plan reviewers are assigned, on a per section employee basis, and adding the section management prorated cost to the total cost from subsection (2).
4. By prorating the unit's management costs, to which the plan reviewers are assigned, on a per unit employee basis, and adding the prorated unit management cost to the total cost from subsection (3).
5. By prorating the section's operating, travel and equipment cost, to which the plan reviewers are assigned per section employee, and adding the prorated operating, travel and equipment cost to the total cost from subsection (4).

R18-13-2107. Solid Waste Facility Plan Review Fees; Determining the Hourly Billing Rate

The Department shall determine the hourly billing rate by dividing the average cost per employee from A.A.C. R18-13-2105(5) by the number of billable hours from A.A.C. R18-13-2104.

R18-13-2108. Annual Landfill Registration: Formula for Calculating Annual Registration Fee for an Existing Municipal Solid Waste Landfill; Annual Registration Fee for Non-Municipal Solid Waste Landfills

- A.** For an existing municipal solid waste landfill, except those described in subsection (C), the Department shall calculate the annual registration fee under A.R.S. § 49-747 after calculating the population served by that municipal solid waste landfill, as follows:
1. Multiply the waste disposal rate by the number of days in the defined time period, and
 2. Divide the total number of pounds of waste received by the municipal solid waste landfill by the product from subsection (A)(1).
- B.** The Department shall determine the number of pounds of waste received by a municipal solid waste landfill by one of the following methods:
1. For a municipal solid waste landfill that accepted waste over the entire defined time period and:

- a. Reported tons of solid waste received on the disposal fee invoice, multiply the number of reported tons by 2,000; or
- b. Reported units of compacted or uncompacted solid waste received on the disposal fee invoice, multiply the volume of solid waste reported under A.R.S. § 49-836(A)(1) by 2,000; or
- 2. For a municipal solid waste landfill that accepted waste for only a portion of the defined time period, but no less than a full quarter, the Department shall project the total amount of waste that would have been received by the landfill over the entire defined time period, using one of the following methods:
 - a. For a municipal solid waste landfill that reported receiving waste for at least a full three quarters but less than the entire defined period, the amount of waste for the remaining quarter is the total amount of the waste reported for the full three quarters divided by three;
 - b. For a municipal solid waste landfill that reported receiving waste for at least a full two quarters but less than three quarters, the amount of waste for the remaining two quarters is the same as the total amount of waste reported for the two full quarters; or
 - c. For a municipal solid waste landfill that reported receiving waste for at least one full quarter but less than two quarters, the amount of waste for the remaining three quarters is the total of the amount of the waste reported for the full quarter multiplied by three.
- C.** For a municipal solid waste landfill that accepted waste for less than a full quarter, the annual landfill registration fee is the minimum fee specified in A.R.S. § 49-747(C).
- D.** For a non-municipal solid waste landfill, the annual landfill registration fee is a fee of \$1,500.00.
- E.** For a non-municipal solid waste landfill that accepts demolition waste only, the annual landfill registration fee is a fee of \$1,500.00.
- F.** For any solid waste landfill that is closed to the public and that accepts non-hazardous waste, the annual landfill registration fee is a fee of \$1,500.00.

R18-13-2109. Annual Landfill Registration: Due Date and Fees

- A.** The owner or operator of a new municipal solid waste landfill shall register the municipal solid waste landfill and pay the landfill registration fee as follows:
 - 1. The owner or operator shall pay the initial landfill registration fee within 30 days of the date that the Department approves the facility plan. The initial landfill registration fee is the minimum fee specified in A.R.S. § 49-747(C).
 - 2. Registration is valid for one year, except if the landfill is initially registered during October, November, or December of a calendar year, the next landfill registration due date is December 31 of the following calendar year and each calendar year thereafter unless released from the annual landfill registration requirement as specified in subsection (C).
 - 3. The annual registration fee remains the minimum fee rate under A.R.S. § 49-747(C) until the first annual registration period after the first full quarter of the defined time period.
- B.** After the first full quarter, the Department shall calculate the annual registration fee according to R18-13-2107, and specify the fee on the Department's annual landfill

registration invoice for the municipal solid waste landfill. The Department shall calculate and the municipal solid waste landfill shall pay the annual landfill registration fee until the first registration period after the municipal solid waste landfill stops accepting waste during a fiscal quarter of the defined time period.

- C.** From the time a municipal solid waste landfill stops accepting waste as specified in subsection (B), until the owner or operator of the municipal solid waste landfill are released from its obligation to provide financial assurance for closure as required by A.R.S. §§ 49-761 or 49-770, the annual registration fee is the minimum fee specified in A.R.S. § 49-747(C).

R18-13-2110. Solid Waste Disposal Fees

Each owner or operator of a solid waste landfill or solid waste facility shall make the disposal fee payments required by A.R.S. § 49-836.

Appendix. A. Fee Schedules

<u>Schedule A</u> <u>Self-Certification Registration Fees</u>	
<u>Initial Filing</u>	<u>\$500</u>
<u>Substantial Change</u>	<u>\$200</u>

<u>Schedule B</u> <u>Fees for Plan Review of New Solid Waste Facilities</u>		
	<u>Initial</u>	<u>Maximum</u>
<u>Solid Waste Landfills</u> <u>(includes MSWLFs and non-</u> <u>MSWLFs)</u>	<u>\$7,200</u>	<u>\$70,000</u>
<u>Other Solid Waste Facilities</u> <u>Subject to Plan Approval</u>	<u>\$2,000</u>	<u>\$30,000</u>

<u>Schedule C</u> <u>Fees for Type III and Type IV Changes to Solid</u> <u>Waste Facility Plans</u>		
	<u>Initial</u>	<u>Maximum</u>
<u>Solid Waste Landfills</u> <u>(includes MSWLFs and non-</u>	<u>\$950</u>	<u>\$35,000</u>

<u>MSWLFs)</u>		
<u>Other Solid Waste Facilities Subject to Plan Approval</u>	<u>\$400</u>	<u>\$15,000</u>

<u>Schedule D</u>		
<u>Initial Approval of Financial Assurance Plans for Solid Waste Facilities Subject to Self-Certification or Best Management Practices</u>		
	<u>Initial</u>	<u>Maximum</u>
	<u>\$950</u>	<u>\$35,000</u>

<u>Schedule E</u>		
<u>Review of Annual or Triennial Financial Assurance Estimations and Changes to Financial Assurance Plans Not Associated with Substantial Changes to Facility Plans</u>		
	<u>Initial</u>	<u>Maximum</u>
<u>Facilities Subject to Plan Review</u>	<u>\$350</u>	<u>\$3,500</u>
<u>Facilities Subject to Self-Certification or Best Management Practices</u>	<u>\$350</u>	<u>\$3,500</u>