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"This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. §41-1033 for a review of the statement."

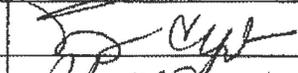
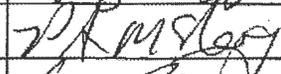
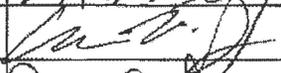
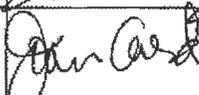
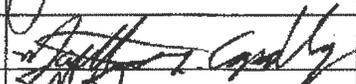
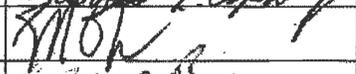
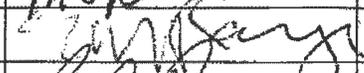
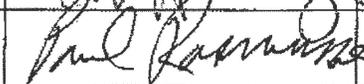
Environmental Permits and Approvals Near Learning Sites	Document No.	1103.0
	Revision No.	0.0
	Effective Date	July 13, 2005

1.0 Revision History

1.1 Revision Table

Date	Rev. No.	Change	Ref. Section
07/13/2005	0.0	New policy drafted	Not Applicable

1.2 Approval Signatures

Title	Name	Signature	Date
Director	Stephen A. Owens		7/13/05
Deputy Director	Patrick J. Cunningham		7/13/05
AQD Director	Nancy C. Wrona		7/13/05
TPD Director	Philip A. McNeely		7/13/05
WPD Director	Shannon M. Davis		7-13-05
WQD Director	Joan Card		7-13-05
NRO Director	Matthew L. Capalby		7/13/05
SRO Director	Michael A. Fulton		7/13/05
PRC	Edward M. Ranger		7/13/05
PRC	Paul W. Rasmussen		7/13/05

2.0 Purpose

The purpose of this policy is to establish a procedure for review of permit applications and requests for plan approval for operations which may impact learning sites to ensure that the protection of children at learning sites is considered before a permit or plan approval is issued by ADEQ.

This policy will not be used, in whole or in part, as a basis for licensing decisions.

3.0 Persons Affected

- 3.1 All staff involved with review of environmental permit applications and requests for plan approval.
- 3.2 Permit and plan approval applicants.

4.0 Policy

It is the policy of ADEQ that:

- 4.1 All permit applications and requests for plan approval received by ADEQ will be evaluated to verify that children at learning sites are protected.
- 4.2 Permit and plan approval review staff shall verify that permit applications and requests for plan approval are treated in accordance with this policy.
- 4.3 If an application for a permit or plan approval demonstrates, in accordance with procedures set forth in this policy, that children at learning sites will be protected, and that all other permit or plan approval requirements are met, the Department will grant that permit or plan approval.
- 4.4 If an application for a permit or plan approval does not demonstrate that children at learning sites will be protected in accordance with the procedures set forth in this policy, the Division will notify the applicant. The applicant may choose to modify the permit application or the plans submitted for approval.
- 4.5 If an application for a permit or if plans submitted for approval are not modified pursuant to paragraph 4.4, or if the modifications made pursuant to paragraph 4.4 are not protective of children at learning sites in accordance with this policy, the Department may deny the permit application or plan approval consistent with the Department's statutory authority.
- 4.6 This policy will be used by Division staff to determine when to consult with the Director regarding permit applications and requests for plan approval for operations near learning sites.

5.0 Definitions

- 5.1 Learning sites consist of all existing public schools, charter schools and private schools at the K-12 level, and all planned sites for schools approved by the Arizona School Facilities Board.
- 5.2 Permit or plan approval means any approval granted by ADEQ for the operation of a solid waste facility or a hazardous waste treatment storage or disposal facility or the granting of an air quality permit, an individual Aquifer Protection Permit or an individual AZPDES permit, including reissuance and renewals of permits or plan approvals, expansions of facilities subject to such permits and plan approvals, and amendments to such permits or plan approvals which increase potential to emit pollutants or add new pollutants.

6.0 Responsibilities

Each Division is responsible for adherence to this policy for the permits and plan approvals under their respective management.

7.0 Procedures

7.1 Air Pollutants Evaluation

Each air quality permit application will undergo an air pollutants evaluation prior to permitting. This will consist of air emissions modeling and estimation of maximum ambient concentrations of air pollutants attributable to the facility, as well as predicted ambient concentrations at any impacted learning sites. This analysis will be conducted by the technical staff of the permit applicant with review and approval by ADEQ or by ADEQ if the applicant lacks the capacity to perform the modeling. In those circumstances where modeling indicates ambient concentrations of an air pollutant in excess of a relevant guideline or standard in the vicinity of a learning site, the permit applicant will be afforded the opportunity to meet the relevant guidelines or standards. This could be done by adding pollution control equipment, change to work practice standards, modifying industrial processes, or limitations on operating parameters.

7.2 Evacuation Zone

Utilizing software generally relied upon by Arizona's municipal fire departments, each new permit application or request for plan approval will undergo an evaluation of the evacuation area associated with the facility in the event of an industrial accident. This evaluation will be performed by the staff of ADEQ. Nothing in this policy precludes an applicant from performing this analysis. The process may include consultation with the local fire authority. In circumstances where modeling and/or consultation with the local fire authority indicates a learning facility within a likely evacuation area, the permit applicant will be given the opportunity to modify proposed operations such that the learning sites in question would be outside the anticipated evacuation area.

7.3 Zoning Consistency

To assure consistency with local zoning, requests for environmental permits and plan approvals will be evaluated for consistency with local zoning requirements, including any necessary special use permits. This may be accomplished in consultation with the responsible local government agency.

7.4 Transportation Routes

The transportation routes for the movement of hazardous waste and material shipments to and from the proposed facility site, either by the applicant or contracted third parties, shall be evaluated to ensure that such shipments are not made in close proximity to learning sites during normally scheduled school hours.

7.5 Public Involvement Process

Proposed permits and plan approvals for facilities which may have an impact on learning sites may undergo expanded public participation, as determined by the Division Director prior to permit issuance, to assure full disclosure to the concerned public.

SUBSTANTIVE POLICY STATEMENT

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ADEQ Memorandum

Arizona Department
of Environmental Quality

Date: April 15, 2013
To: Henry Darwin, Director 
Through: Sherri Zendri, Administrative Counsel 
Through: Balaji Vaidyanathan, Section Manager, Air Quality Permits Section 
From: Naveen Savarirayan, EES, NSRU, Air Quality Permits Section 
Subject: Revised Learning Sites Policy Implementation Plan

This memo outlines the guidance for Environmental Permits and Approvals near Learning Sites (ADEQ policy 1103.0). During the week of May 21, 2012 through May 25, 2012, the Air Quality Permitting Section conducted a Kaizen process to streamline various permitting tasks to enhance permit timelines. The implementation of the learning sites policy was chosen as one of these tasks. During the streamlining of the process, it was determined that this task not only required guidance from the Air Permits Section but also from all the other affected programs within the Department. Each of the permitting groups was given the task to streamline their own division's implementation of the policy with the vision to implement the policy consistently across the agency.

Attached to this memo is each Division's implementation strategy for the Learning Sites Policy.



Memorandum

Date: March 18, 2013
To: Eric C. Massey, Director, AQD *ECM*
Through: Trevor Baggione, Deputy Director, AQD *TB*
Through: Balaji Vaidyanathan, Section Manager, Air Quality Permits Section *BV*
From: Naveen Savarirayan, EES, NSRU, Air Quality Permits Section
Subject: Air Quality Division Learning Sites Policy Implementation Plan

APPLICABILITY

This memo outlines the implementation of the ADEQ Policy 1103.0, Environmental Permits and Approvals near Learning Sites (Learning Sites Policy) for the Air Quality Permits Section. The policy is applicable to licensing decisions made by the Air Quality Division Director. This policy supersedes and replaces the policy dated April 12, 2007.

Licensing Decisions Subject to Policy

Upon review of the different classes and types of air quality permits that are issued, it has been determined that the Learning Sites Policy applies to the following licensing decisions:

- ADEQ reserves the right to investigate any licensing decision on a case by case basis if needed.
- Class I Permits
 - All Prevention of Significant Deterioration Determinations
 - All New Source Review Determinations
 - All other types of new major source permits
 - All permit revisions that increase the potential to emit pollutants greater than the permitting exemption threshold
- Class II Permits
 - All new minor source and synthetic minor source permits
 - All permit revisions that increase the potential to emit pollutants greater than the permitting exemption threshold
- General Permit Development
- Dangerous Burn Permits

Class I and Class II Permits

Permit renewals without any associated modifications are exempt from the learning sites policy on the basis that they are existing facilities which have no new emissions and will be addressed as part of any future modification which results in an emissions increase greater than the permitting exemption threshold. Administrative amendments, and permit transfers only involve changes due to a change in ownership status or for the correction of typographical errors. Facility changes without a revision may result in minimal emissions increases and as a result, the

Department has determined that such changes do not need to be evaluated under the learning sites policy.

Open Burn Permits

The Department's open burn permits contain a variety of emission reduction techniques designed to minimize emissions and limit public exposure. Applicants are required to conduct all open burning under atmospheric conditions where public health or safety will not be adversely affected. Permitting staff will conduct outreach with applicants, as needed, to limit the impact of burning activities near learning sites.

General Permits

For sources applying for coverage under a general permit, the learning sites evaluation is not necessary since the development of the permit is associated with emissions from worst-case facility configurations and those emissions are modeled to ensure compliance with all relevant ambient air standards regardless of location.

METHODOLOGY FOR COMPLIANCE

The following procedures are applicable for any air quality permit applications subject to the policy:

- Use the Global Information System (GIS) on ADEQ's Web site to map the location of the applicant's facility (<http://gisweb.azdeq.gov/website/impactmap/epanls/>):
 - Identify and create a map displaying Learning Sites within 2 miles; or
 - Identify and create maps displaying additional Learning Sites at longer distances if the facility's plume is expected to result in significant impacts beyond 2 miles.
- If no learning sites are within 2 miles of the facility, note such information in the Technical Support Document that accompanies the permit.
- If a facility is within 2 miles or less of a learning site and subject to the learning sites policy:
 - The applicant shall submit a modeling analysis in accordance with the Department's Modeling Guidelines. The results of the modeling must be compared against the National Ambient Air Quality Standards (NAAQS) and Ambient Air Concentrations for listed air toxics. Facility modifications necessary for the facility to comply with the NAAQS and Ambient Air Concentrations will be reflected in applicable permit conditions.
 - Modeling analysis showing compliance at learning sites will be presented in the technical support document.
 - Evacuation Plan:
 - Facilities which store hazardous pollutants identified under Arizona Revised Statutes § 26-346 must register under www.AZserc.org under the Arizona Tier 2 Chemical Inventory Reporting database. If determined by the Department, based upon a facility's application, that it stores applicable hazardous chemicals, the Department will contact the facility to ascertain its registration

status under AZSERC and the possible need for a Facility Emergency Response Plan. If the facility is not registered under AZSERC, the Department will contact the Arizona Department of Emergency and Military Affairs (DEMA) to put them on notice regarding the facility's proposed operation.

- Transportation Routes:
 - If determined by the Department, based upon a facility's application, that a facility will store or transport hazardous or radioactive materials to or from their location, the facility will be asked to consider alternate transportation routes in order to effectively minimize transportation near learning sites. The Department will consult with facility personnel, as necessary to address potential transportation route concerns.
- Public Notice Procedures
 - At the time the facility enters the public notice process, the Department will contact affected learning sites to notify them of the facility.
- The Department will work with applicants to voluntarily reduce predicted impacts as necessary. The Department will also document all information, decisions, and mitigation measures developed and voluntarily implemented, in the technical support document that accompanies the permit. As necessary, such conditions will be included in the permit.



Memorandum

Date: March 19, 2013
To: Laura L. Malone, Director, WPD
From: Robin A. Thomas, Manager, WPD Permits Section *RT*
Subject: Waste Programs Division Learning Sites Policy Implementation Plan

APPLICABILITY

This memo outlines the implementation of the ADEQ Policy 1103.0, Environmental Permits and Approvals near Learning Sites (Learning Sites Policy) for the Waste Programs Division Permits Section. The memo is applicable to licensing decisions made by the Waste Programs Division Director and supersedes and replaces the memo dated October 6, 2005.

Licensing Decisions Subject to Policy

Based on a review of all permits, plan approvals, and registrations issued by the WPD Permits Section, this policy applies to the following licensing decisions:

- New and renewal hazardous waste treatment, storage, and disposal (TSD) facility permits, post-closure permits, and corrective action permits under RCRA and Class 3 (major) modifications to these permits.
- Modifications to RCRA permits (Class 2) that involve a capacity increase (<25%)
- New Solid Waste Facility Plan approvals and Type 4 (major) modifications
- New solid waste facility Aquifer Protection Permits (APPs) and significant amendments

Other Permit Modifications

Permit modifications other than those listed above are typically administrative, minor operational or capacity changes, or financial assurance reviews. These types of modification are not expected to impact a learning site near a permitted facility. The Department has determined that such changes do not need to be evaluated under the Learning Sites Policy.

Other Solid Waste Licenses

Registrations for waste and used tire sites, battery sites, and used oil sites involve only identification of these sites and not technical reviews of their operations. Septage haulers and biohazardous medical waste transporters are vehicle-based registrations. The Department has determined that these licenses do not need to be evaluated under the Learning Sites Policy.

General Permits

For facilities applying for coverage under a general permit, the learning sites evaluation is not necessary since the development of the permit is associated with requirements for design and operations that are protective of human health and the environment regardless of location.

METHODOLOGY FOR COMPLIANCE

WPD Permits routinely works with 13 permitted hazardous waste facilities in varying stages of operation, closure, and post-closure and approximately 70 solid waste facilities.

The following procedures are applicable for any WPD permit applications subject to the policy:

- Use the Global Information System (GIS) on ADEQ's Web site to map the location of the applicant's facility (<http://www.azdeq.gov/function/programs/gis.html>--choose "schools and learning sites." link) to identify and create a map displaying Learning Sites within 2 miles; or
- If no learning sites are within 2 miles of the facility, note such information in the facility file.
- If a facility is within 2 miles or less of a learning site:
 - Permitting staff will review and discuss the waste management facility application, proposed operations, and the proximity of learning sites with the Division Director. Application of the Learning Sites Policy will involve a case-by-case analysis of each permit application or plan approval application to determine the need for any additional evaluation to be performed. This will be based on the type of wastes managed, processes, and the proximity to learning sites. Any air modeling already required as part of the permit application will be evaluated for potential impacts to nearby learning sites.
 - Evacuation Plan:
Facilities which store hazardous pollutants identified under Arizona Revised Statutes §26-346 must register at www.AZserc.org under the Arizona Tier 2 Chemical Inventory Reporting database. If determined by the Department based upon a facility's application that it stores applicable hazardous chemicals, the Department will contact the facility to ascertain its registration status under AZSERC and the possible need for a Facility Emergency Response Plan. All hazardous waste TSD facilities are required to have an emergency contingency plan that is approved as part of the facility permit. If the facility is not registered under AZSERC, ADEQ will contact the Arizona Department of Emergency and Military Affairs to notify them of the facility's proposed operation.
 - Transportation Routes:
If determined by the Department, based upon a facility's application, that a facility will transport hazardous waste to or from their location, the facility will be asked to consider alternate transportation routes in order to effectively minimize transportation near learning sites. The Department will consult with facility personnel, as necessary to address potential transportation route concerns.
 - Public Notice Procedures:
When a public comment period is opened, ADEQ will send the public notice and fact sheet, if applicable, to learning sites within 2 miles of the facility (cover letter example attached).
- The Department will work with applicants to voluntarily reduce predicted impacts as necessary. The Department will also document all information, decisions, and mitigation measures developed and voluntarily implemented, in the facility file. As necessary, such conditions will be included in the permit or plan approval.



Date: March 25, 2013
To: Michael Fulton, Director, WQD ✓
Through: Linda Taunt, Deputy Director, WQD LCO
Through: Jerry Smit, Section Manager, Groundwater Section OHS
Through: Debra Daniel, Section Manager, Surface Water Section LCO
Through: Mindi Cross, Section Manager, Compliance Section MC
Through: John Calkins, Section Manager, Drinking Water Section J
From: Maribeth Greenslade, Groundwater Section MGS
From: Marnie Greenbie, Surface Water Section MG
Subject: Water Quality Division Learning Sites Policy Implementation Plan

APPLICABILITY

This memo outlines the implementation of the ADEQ Policy 1103.0, Environmental Permits and Approvals near Learning Sites (Learning Sites Policy) for the Groundwater and Surface Water Sections. The policy is applicable to licensing decisions made by the Water Quality Division Director.

Licensing Decisions Subject to Policy

Upon review of the different types of water quality permits that are issued, it has been determined that the Learning Sites Policy applies to the following licensing decisions:

- Aquifer Protection Permits
 - Individual Aquifer Protection Permits
 - Significant Amendments
- Arizona Pollutant Discharge Elimination System (AZPDES) Permits
 - Individual AZPDES Permits for discharges of domestic wastewater or process wastewater.
 - Renewals and Modifications of Individual AZPDES Permits if there will be new or significant increases in pollutants discharged
 - Notices of Intent for coverage under general permits for discharges of wastewaters, biosolids, or treated groundwater
 - Requests for biosolids land application site registration
- Any new or modified drinking water treatment facility that utilizes a hazardous and/or potentially hazardous material in the treatment process (e.g., gaseous chlorination, chlorine dioxide, etc.)
- ADEQ reserves the right to investigate any licensing decision on a case by case basis if needed.

APP General Permits

APP General Permits are not subject to the Learning Sites Policy.

AZPDES General Permits

Licensing decisions for applicants submitting Notices of Intent for coverage under the General Permit for Minor Discharges of Domestic Wastewater (Minor WWTP GP), the General Permit for Infrequent Discharges of Domestic Wastewater (Infrequent Dischargers GP), the General Permit for Treatment Works Treating Domestic Sewage as Biosolids for Land Application (Biosolids GP), the General Permit for Discharges of Treated Groundwater from Groundwater Remediation Systems (Groundwater Remediation GP), and any new AZPDES general permits authorizing discharges of domestic or process wastewater will be subject to the Learning Sites Policy.

No other AZPDES General Permits are subject to the Learning Sites Policy (e.g., De Minimus GP, Construction Stormwater GP, Multi-Sector Industrial Stormwater GP).

Case where Permit Applicant is a Learning Site

In the case where a permit applicant is also the learning site, the site does not need to be evaluated under this implementation plan.

METHODOLOGY FOR COMPLIANCE

The following procedures are applicable for any water quality permit application subject to the policy:

- Use the Global Information System (GIS) on ADEQ's Web site to map the location of the applicant's facility (<http://evgisweb/arcgis/azmapper/>) and create a map displaying Learning Sites within 1/4 mile.
- If a facility is within 1/4 mile or less of a learning site and subject to the learning sites policy, staff will:
 1. Discuss the ADEQ Learning Sites Policy with the applicant, and ask the facility to address the applicability of the registration requirements, evacuation plan and emergency response plan; and transportation routes as follows:
 - a. Evacuation Plan:
Facilities which store hazardous pollutants identified under Arizona Revised Statutes § 26-346 must register under www.AZserc.org under the Arizona Tier 2 Chemical Inventory Reporting database. If determined by the Department, based upon a facility's application, that it stores applicable hazardous chemicals, the Department will contact the facility to

ascertain its registration status under AZSERC and the possible need for a Facility Emergency Response Plan. If the facility is not registered under AZserc, the Department will contact the Arizona Department of Emergency and Military Affairs (DEMA) to put them on notice regarding the facility's proposed operation.

b. Transportation Routes:

If determined by the Department, based upon a facility's application, that a facility will store or transport hazardous or radioactive materials to or from their location, the facility will be asked to consider alternate transportation routes in order to effectively minimize transportation near learning sites. The Department will consult with facility personnel, as necessary to address potential transportation route concerns.

2. The Department will work with applicants to voluntarily reduce predicted impacts as necessary. The Department will also document all information, decisions, and voluntary mitigation measures in the Fact Sheet that accompanies the permit.

3. At the time the facility enters the public notice process, the Department will contact affected learning sites to notify them that the facility has applied for a permit.

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