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Hazardous Waste Storage Prior to Recycling Policy	Document No.	4002.001
	Revision No.	1
	Effective Date	

1.0 Purpose

The purpose of this policy is to:

1.1 Facilitate the Hazardous Waste Inspections and Compliance Unit and Hazardous Waste Permits Unit in deciding whether a facility is required to obtain a permit for on-site storage.

1.2 Clarify the definition of “hazardous waste storage prior to recycling” because, in the past, facilities have made numerous inquiries as to whether “storage” has, or is occurring on site.

2.0 Revision History

Date	Rev. No.	Change	Ref. Section
6/29/05	1.0	Policy Revision	0028.000

3.0 Persons Affected

3.1 Hazardous Waste Inspections and Compliance Unit and Hazardous Waste Permits Unit

4.0 Policy

The policy of ADEQ is to ensure that:

4.1 When deciding to issue an on-site storage permit, the Hazardous Waste Inspections and Compliance Unit and Hazardous Waste Permits Unit determine, on a case-by-case basis, whether a facility has stored hazardous waste recyclable materials subsequent to initial transfer from the transport container.

5.0 Definitions

- 5.1 Storage is defined in the Arizona Administrative Code (A.A.C. R18-8-270.A) and the Code of Federal Regulations (40 CFR §270.i(c)), as "the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere."
- 5.2 Reclamation process is a unit or device which utilizes a method, technique, or process designed to actively change the physical, chemical, or biological character, or composition of the hazardous waste in a manner that converts it to a usable product.
- 5.3 Operational day is period of time, not to exceed 24 hours, during which an owner(s) or operator(s) is/are on-site actively monitoring the reclamation process.
- 5.4 Off-site Facility is defined in A.A.C. any facility that is at a site that is not on site.
- 5.5 On-site Facility means another facility on the same or geographically contiguous property.
- 5.6 Transfer Facility is any transportation related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.
- 5.7 Transport vehicle is a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.
- 5.8 Hazardous Wastes that are recycled, "recyclable materials," for the purposes of this policy, are subject to the requirements for generators, transporters, and storage facilities under paragraphs (b) and (c) of 40 CFR 260.6(a)(1). The following recyclable materials are not subject to the requirements of this section (40 CFR 260.6(a)(2)):
 - 5.8.1 Recyclable materials used in a manner constituting disposal (subpart C);
 - 5.8.2 Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under subpart O of part 264 or 265 of this chapter (subpart H);
 - 5.8.3 Recyclable materials from which precious metals are reclaimed (subpart F);
 - 5.8.4 Spent lead-acid batteries that are being reclaimed (subpart G); and
 - 5.8.5 U.S. Filter Recovery Services XL waste (subpart O).

- 5.9 Solid Waste is any discarded material that is not excluded by 40 CFR 261.4(a) or that is not excluded by variance granted under §§260.30 and 260.31 (40 CFR 261.2(a)).
- 5.10 RCRA Permit, as defined in 40 CFR 270.1(c), is a “permit for the ‘treatment,’ ‘storage,’ and ‘disposal’ of any ‘hazardous waste’ as identified or listed in 40 CFR part 261. The terms ‘treatment,’ ‘storage,’ and ‘disposal’ and ‘hazardous waste’ are defined in §270.2. Owners and operators of hazardous waste management units must have permits during the active life (including the closure period) of the unit. Owners and operators of surface impoundments, landfills, land treatment units, and waste pile units that received waste after July 26, 1982, or that certified closure (according to §265.115 of this chapter) after January 26, 1983, must have post-closure permits, unless they demonstrate closure by removal or decontamination as provided under §270.1(c)(5) and (6), or obtain an enforceable document in lieu of a post-closure permit, as provided under paragraph (c)(7) of this section. If a post-closure permit is required, the permit must address applicable 40 CFR part 264 groundwater monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements of this chapter. The denial of a permit for the active life of a hazardous waste management facility or unit does not affect the requirement to obtain a post-closure permit under this section.”

6.0 Responsibilities

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

7.0 Procedures

- 7.1 Storage of hazardous waste recyclable materials requires a permit, except:
- 7.1.1 If immediately incorporated into a reclamation process, hazardous waste recyclable materials received from an off-site facility, other than those specified in the A.A.C. and C.F.R and those not considered solid waste pursuant the same, will not be deemed storage.
- 7.1.1.1 Immediate incorporation into a reclamation process requires that all transportation vehicles be unloaded and the waste processed within the same operational day as arrival.
- 7.1.1.2 Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject only to the Section 3010 notification requirements of RCRA.

7.1.1.3 Once a hazardous waste recyclable material has been incorporated into the reclamation process, it must proceed through the entire process without periodic storage. It is considered storage when:

7.1.1.3.1 Any hazardous waste recyclable material entering the reclamation process is held anywhere in the reclamation operational equipment for any period of time; or

7.1.1.3.2 The waste is unprocessed and held at the facility after the end of an operational day.

7.2 Recycling facilities are not considered transfer facilities, and therefore, arrival of any hazardous waste recyclable material at a recycling facility constitutes completion of the normal course of transportation.

8.0 Additional Documentation

- 8.1 (A.A.C. R18-8-270.A) 40 CFR §270.1(c), RCRA requirements permits for on-site storage.
- 8.2 (A.A.C. RI8-8-261.J) 40 CFR §261.6(a)(1), hazardous waste recyclable materials.
- 8.3 (A.A.C. RI8-8-261.J) 40 CFR 261.6(a)(2), recyclable materials not subject to requirements of (a)(1).
- 8.4 (A.A.C R18-8-261.J) 40 CFR §261.2(a), Definition of solid waste.
- 8.5 (A.A.C. R18-8-261.A) 40 CFR §261.6(c)(2), Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements: 1) Notification requirements under section 3010 of RCRA; 2) Sections 265.71 and 265.72 (dealing with the use of the manifest and manifest discrepancies) of this chapter; and 3) Section 261.6(d) of this chapter.
- 8.6 (A.A.C. R18-8-265.A) 40 CFR 265.71, and 40 CFR 265.72, Use of manifest system and Manifest discrepancies
- 8.7 (A.A.C. R18-8-263.A) 40 CFR 263.12.
- 8.8 Section 3010 of Resource Conservation and Recovery Act (RCRA), 42 U.S.C §§6901-6992, notification of hazardous waste activity for generators, transporters, and treatment, storage, and disposal facilities.