

ENVIRONMENTAL PROTECTION PROGRAM

Program Element

R2-10-207 10

Each agency shall develop and implement: “A land, facility, equipment or process environmental protection program.”

Definition: Programs and procedures implemented to limit liability and maintain environmental compliance.

Guidelines and Criteria: Agency environmental protection programs will vary agency to agency depending on the type of operations conducted by the agency. This is a brief introduction too the many regulations that may affect an Agency. Minimally the following should be considered when developing your agency program:

- Policies and/or procedures to ensure compliance with all applicable local, state and federal environmental laws and regulations.
- Identification of equipment or processes that may cause pollutants to enter the water, air or land.
- Procedures to prevent emissions and discharges in excess of local, state and federal laws and regulations.
- Plans, programs and procedures to investigate, report and remediate any discharges or contamination in excess of local, state or federal laws and regulations.
- Procedures to prevent acquisition of property with existing contamination in excess of local, state or federal regulations. This should include a formalized policy to conduct due diligence studies in accordance with the All Appropriate Inquiry requirements as established by the Environmental protection agency (EPA) prior to obtaining property by purchase, lease or gift.

What are some examples of environmental protection programs that may need to be implemented?

Underground Storage Tanks

Both federal and state statutes regulate underground storage tanks (UST's) in Arizona. At the federal level UST's must comply with Subtitle I of the Resource Conservation and Recovery Act (RCRA) 42 § U.S.C. 6901, et seq. General operating requirements are found in the Code of Federal Regulations, 40 C.F.R. § Part 280-281. Arizona's regulations are located in the Arizona Revised Statutes, A.R.S. § 49 Chapter 6,1001 to 1292, and the Arizona Administrative Code, (A.A.C.) Title 18 Chapter 12 et seq. Air Pollution Control rules may also be applicable, depending on the size and through put of the tank. Refer to Title 18, Chapter 2 Article 905.

Agencies are required to identify all underground storage tank systems located on State property. Examples include storage tank systems for diesel fuels, solvents, wastes, petroleum-based products, cleaning fluids, sludges, etc. Some tanks may be exempt from regulation. Procedures must be developed for:

- Registration of tanks
- Operation of tanks
- Tank performance standards (corrosion protection, leak detection systems and spill/overflow prevention systems)
- Reporting of releases
- Required record keeping and reporting
- Corrective actions in the event of a release
- Closure of tanks
- Notification to appropriate agencies of changes at a UST facility

Above Ground Storage Tanks

Arizona does not have a comprehensive program to regulate above ground storage tanks. Certain above ground storage tanks (AST's) are regulated under the federal Spill Prevention Control and Countermeasures (SPCC) Regulations, 40 C.F.R. § 112. Local regulations also restrict the storage of certain materials in above ground storage tanks. The Uniform Fire Code, Article 79, Division V contains limitations on above ground storage tanks containing flammable liquids. In addition, the State Fire Marshall's Office regulates AST's on State land. Air Pollution Control rules may also be applicable, depending on the size and through put of the tank. Refer to Title 18, Chapter 2 Article 905.

Agencies are required to identify all above ground storage tank systems located on State property. Examples include storage tank systems for petroleum products, wastes, etc. Some tanks may be exempt from regulation. Procedures must be developed for:

- Notification to agencies of tank existence
- Reporting of releases
- A written SPCC Plan
- Required inspection, record keeping and reporting

Hazardous Wastes

Storage of hazardous materials is federally regulated under the Superfund Amendments and Reauthorization Act (SARA Title II). This is also known as the Emergency Planning and Community

Right to know Act (EPCRA). This act requires facility operators to report the presence of all materials in excess of 10,000 pounds for which a Material Safety Data Sheet (MSDS) is required, to the local emergency planning committee. Materials included in the EPA list of lists are considered to be extremely hazardous and must be reported when stored quantities exceed 100 pounds. In Arizona these reports are submitted as Tier Two reports to the Department of Emergency and Military Affairs. This program is regulated under ARS 26, Article 3, 326-353. In addition to reporting the existence of hazardous materials at a facility, policies and procedures must also be developed to ensure proper storage, spill prevention and response procedures and inventory tracking.

Hazardous Wastes

Both federal and state statutes regulate hazardous wastes in Arizona. At the federal level hazardous wastes statutes and regulations are found under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 et seq. and in 40 C.F.R. 260 et seq. Arizona's statutes and regulations are located in A.R.S. § 49-901 to 973 Hazardous Waste Management, and the A.A.C. R-Title 18 Chapter 8 et seq.

The transportation of hazardous wastes are also regulated at the federal level under the Hazardous Material Transportation Act (HMTA), 49 U.S.C. § 1801 et seq. and the Hazardous Materials Transportation Uniform Safety Act, 49 U.S.C. § 5100 et seq., and in 49 C.F.R. Parts 171-180. The Department of Transportation also has authority to regulate the transportation of hazardous materials under numerous other federal laws. Arizona's statutes and regulations are found in A.R.S. § 28-5201 et seq. (Chapter 14), and A.A.C. Title 17 Chapter 4 –Article 435 and 436. Local regulations may also apply to the transportation of hazardous materials.

Agencies are required to identify all hazardous wastes and operations or processes that generate, treat, store or dispose of hazardous wastes. Examples might include laboratory chemical wastes, used solvents, industrial cleaners, banned pesticides, etc. Procedures must be developed for:

- Identification of hazardous wastes
- Determination of generator status
- Storage, labeling and handling of hazardous wastes
- Disposal of hazardous wastes
- Reporting of releases
- Corrective actions in the event of a release
- Contingency plan

- Required record keeping and reporting
- Emergency preparedness and prevention
- Personnel training
- Closure of hazardous waste accumulation areas
- Pollution Prevention

Solid Wastes (Non-Hazardous)

Both federal and state statutes regulate solid wastes in Arizona. At the federal level solid wastes statutes and regulations are found under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 et seq., and in 40 C.F.R. Parts 240 to 258. Arizona's statutes.

A.R.S. § 49-701 to 49-881 establish standards for most solid wastes that do not otherwise qualify as hazardous wastes or special wastes. Methods of handling and disposal of refuse and other objectionable wastes are regulated under A.A.C. Title 18 Chapter 13 et seq. Regulation of the disposal of waste tires is contained in A.R.S. § 44-1301 to 1307 and A.A.C. Title 18 Chapter 13 Article 12 et seq. Arizona has adopted the federal used oil program regulations, see generally A.R.S. § 49-801 to 818. Disposal of lead acid batteries is regulated under A.R.S. § 44-1321 to 1324. Best Management Practice for Petroleum Contaminated Soils is regulated under Title 18 Chapter, Article 16. Depending on the levels of petroleum contamination these soils may be regulated as Petroleum Contaminated Soils (PCS), Solid Waste, and Non-Regulated Soils. Other local regulations may also apply.

Agencies are required to identify all operations or processes that generate, handle, treat, store or dispose of solid wastes. Examples of wastes might include waste tires, used oil/antifreeze, lead acid batteries, refuse, construction debris, etc. Landfills, refuse transfer stations, solid waste facilities, etc. would be examples of regulated operations or processes. Procedures must be developed for:

- Required record keeping and reporting
- Identification of solid wastes
- Storage, handling and disposal of solid wastes
- Reporting of releases
- Corrective actions in the event of a release
- Closure of landfills

Special Wastes

Special wastes are regulated under Arizona statutes in A.R.S. § 49-851 to 49-867 and in A.A.C. Title 18 Chapter 13 Article 13 et seq., and are regulated differently than either solid wastes or hazardous wastes. Special waste manifesting rules are found in A.A.C. Title 18 Chapter 13. Presently wastes from shredding motor vehicles are considered special wastes. However, additional special wastes may be designated by regulation. A special waste that also qualifies as a hazardous material under the federal Hazardous Material Transportation Act will be subject to federal transportation requirements, 49 U.S.C. § 1801 et seq.

Agencies are required to identify all operations or processes that generate, handle, treat, store or dispose of special wastes. Procedures must be developed for:

- Required record keeping and reporting
- Identification of special wastes
- Storage, handling and disposal of special wastes

Medical Wastes

Non-biohazardous medical wastes are governed by federal and state statutes and regulations pertaining to solid or hazardous wastes. Biohazardous medical wastes are regulated by the state under A.A.C. Title 18 Chapter –13 Article 14 and A.R.S. § 49-701 et seq. Any person who generates, stores, collects, transports, or treats biohazardous medical wastes is subject to the regulations. Exemptions from the rules may be found under Title 18 Chapter 13 Article -1403.

Agencies are required to identify all operations or processes that generate, store, collect transport or treat medical wastes. Examples of medical wastes are waste human blood, blood products, medical sharps (needles), research animal wastes, pathological wastes, cultures, etc. Procedures must be developed for:

- Required record keeping and reporting
- Identification of medical wastes
- Storage, handling, treatment, transportation and disposal of medical wastes

**Radioactive Wastes and Materials **

Both federal and state laws regulate radioactive wastes and materials. High-level radioactive wastes such as that from a nuclear power plant are regulated exclusively by federal regulation under 42 U.S.C. § 10101(12). Low-level radioactive wastes are regulated by the Arizona Radiation Regulatory Agency (ARRA). The primary statute for radioactive waste and material in Arizona is A.R.S. § 30-651 to 696. Standards for protection, dose limits, posting requirements, etc. are given in A.A.C. Title 12 Chapter 1 and 2 et seq. Agencies are required to identify all operations or processes that use, store, transport or dispose of radioactive wastes and materials. Examples of radioactive wastes or materials are some medical wastes, moisture density probes, medical equipment etc. Procedures must be developed for:

- Required record keeping and reporting
- Identification of radioactive wastes and materials
- Use, storage, transportation and disposal of radioactive wastes and materials
- Licensing and registration of radiation sources

Air Quality

Both federal and state statutes regulate air quality (outdoors) in Arizona. At the federal level air quality is regulated under the Clean Air Act, 42 U.S.C. § 7401 to 7642 and 40 C.F.R. Parts 50 to 95. Arizona regulations are found in A.R.S. § 49-401 to 593. and A.A.C. Title 18 Chapter 2 et seq. Local jurisdiction and control of air pollution is also exercised at the county level in Maricopa, Pima and Pinal counties. Cities and towns may have ordinances to regulate air pollution. Inspection of government vehicles is under Title 18, Chapter 2 Article 1017. Emissions Controls and use of alternative fueled vehicle is covered under § 49-573.

At the federal level limited regulations exist with regards to indoor air quality, these are contained in 29 C.F.R. § 1910.1000, et seq. Arizona regulations are located in the Occupational Safety and Health A.R.S. § 23-401 et seq. and in A.A.C. Title 20 Chapter 5 et seq. Some counties and cities also have code and building standard provisions relevant to indoor air quality.

Agencies are required to identify all operations or processes that have the potential to emit air pollutants such as odors, dusts, fumes, mists, smoke, asbestos etc. Examples of practices, which could emit air pollutants, include burning, construction, demolition, use of volatile chemicals, spray painting, sandblasting, etc. Procedures must be developed for:

- Required record keeping and reporting
- Identification of practices which could emit air pollutants
- Acquisition of applicable permits
- Reporting of releases of air pollutants
- Corrective actions in the event of an air pollutant release

Water Quality

Ground water, surface water and drinking water quality in Arizona are regulated by both federal and state statutes. At the federal level water quality is regulated under the Clean Water Act (surface water quality), 33 U.S.C. § 1251 to 1376, the Safe Drinking Water Act (drinking water and ground water quality), 42 U.S.C. §300f to 300j-11 and 40 C.F.R. § Parts 100-149. Arizona's Safe Drinking Water regulations are located in A.A.C. Title 18 Chapter 4, et seq., Pesticides and Water Pollution Control Chapter 6 et seq., Water Pollution Control, Chapter 9 et seq., Water Quality Standards Chapter 11 et seq., and A.R.S. Title 49, Chapter 2 and Title 45. Local regulations may also apply, especially with regards to the discharge of wastewater. Many cities regulate the discharge into publicly owned treatment works (POTWs).

Agencies are required to identify all operations or processes that have the potential to discharge pollutants to ground water or surface water and/or impact drinking water. Examples of practices that could be regulated include wells, drywells, discharges to waste water systems, storm water runoff, drinking water systems etc. Procedures must be developed for:

- Required record keeping and reporting
- Training of personnel
- Acquisition of applicable permits
- Registration of wells
- Registration of drywells
- Identification of practices which could discharge water pollutants
- Reporting of releases of water pollutants
- Corrective actions in the event of the release of a pollutant

<p>Where can I obtain a copy of the Environmental statutes and rules?</p>	<p>Pollution Prevention Plans State Agencies that produce hazardous waste or use toxic substances in excess of the threshold quantity and time limits prescribed in § 49963 shall file a pollution prevention plan with ADEQ.</p> <p>The Arizona Administrative Code (A.A.C) , Title 18, Environmental Quality, can be obtained from the Secretary of State, State Capitol, West Wing, and 1700 West Washington St, Phoenix Arizona 85007. You can also access a copy from the following web site:</p> <p>Arizona Secretary of State http://www.sosaz.gov/</p> <p>The Arizona Administrative Code Title 18, Arizona Revised Statutes (A.R.S.), Title 49, and Title 40 of the Code of Federal Regulations can be found at the Arizona Department of Environmental Quality's website: http://www.azdeq.gov/</p>
<p>If I need more information on environmental programs that apply to my agency whom can I contact?</p>	<p>If you need assistance determining which programs apply to your agency, assistance in program development or advise on an environmental issue you can contact:</p> <p>State Risk Management – Loss Prevention Environmental Section (602) 542- 2386</p> <p>Arizona Department of Environmental Quality - (602) 771-2202</p> <p>Arizona Department of Health Services - (602) 542-1000</p> <p>Arizona Department of Water Resources - (602) 417-2400</p> <p>Arizona Radiation Regulatory Agency - (602) 255-4845</p>