

HB0258S01 compared with HB0258

{deleted text} shows text that was in HB0258 but was deleted in HB0258S01.

inserted text shows text that was not in HB0258 but was inserted into HB0258S01.

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Representative Curtis Oda proposes the following substitute bill:

SOLID WASTE AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: _____

LONG TITLE

General Description:

This bill clarifies the {definition} definitions of the {term} terms "solid waste" and "solid waste management facility."

Highlighted Provisions:

This bill:

- ▶ clarifies the {definition} definitions of the {term} terms "solid waste" and "solid waste management facility"; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

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Utah Code Sections Affected:

AMENDS:

19-6-102, as last amended by Laws of Utah 2015, Chapters 42 and 451

19-6-502, as last amended by Laws of Utah 2014, Chapter 183

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **19-6-102** is amended to read:

19-6-102. Definitions.

As used in this part:

(1) "Board" means the Waste Management and Radiation Control Board created in Section 19-1-106.

(2) "Closure plan" means a plan under Section 19-6-108 to close a facility or site at which the owner or operator has disposed of nonhazardous solid waste or has treated, stored, or disposed of hazardous waste including, if applicable, a plan to provide postclosure care at the facility or site.

(3) (a) "Commercial nonhazardous solid waste treatment, storage, or disposal facility" means a facility that receives, for profit, nonhazardous solid waste for treatment, storage, or disposal.

(b) "Commercial nonhazardous solid waste treatment, storage, or disposal facility" does not include a facility that:

(i) receives waste for recycling;

(ii) receives waste to be used as fuel, in compliance with federal and state requirements; or

(iii) is solely under contract with a local government within the state to dispose of nonhazardous solid waste generated within the boundaries of the local government.

(4) "Construction waste or demolition waste":

(a) means waste from building materials, packaging, and rubble resulting from construction, demolition, remodeling, and repair of pavements, houses, commercial buildings, and other structures, and from road building and land clearing; and

(b) does not include: asbestos; contaminated soils or tanks resulting from remediation or cleanup at any release or spill; waste paints; solvents; sealers; adhesives; or similar

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hazardous or potentially hazardous materials.

(5) "Demolition waste" has the same meaning as the definition of construction waste in this section.

(6) "Director" means the director of the Division of Waste Management and Radiation Control.

(7) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or hazardous waste into or on any land or water so that the waste or any constituent of the waste may enter the environment, be emitted into the air, or discharged into any waters, including groundwaters.

(8) "Division" means the Division of Waste Management and Radiation Control, created in Subsection 19-1-105(1)(d).

(9) "Generation" or "generated" means the act or process of producing nonhazardous solid or hazardous waste.

(10) "Hazardous waste" means a solid waste or combination of solid wastes other than household waste which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(11) "Health facility" means hospitals, psychiatric hospitals, home health agencies, hospices, skilled nursing facilities, intermediate care facilities, intermediate care facilities for people with an intellectual disability, residential health care facilities, maternity homes or birthing centers, free standing ambulatory surgical centers, facilities owned or operated by health maintenance organizations, and state renal disease treatment centers including free standing hemodialysis units, the offices of private physicians and dentists whether for individual or private practice, veterinary clinics, and mortuaries.

(12) "Household waste" means any waste material, including garbage, trash, and sanitary wastes in septic tanks, derived from households, including single-family and multiple-family residences, hotels and motels, bunk houses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

(13) "Infectious waste" means a solid waste that contains or may reasonably be

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expected to contain pathogens of sufficient virulence and quantity that exposure to the waste by a susceptible host could result in an infectious disease.

(14) "Manifest" means the form used for identifying the quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage.

(15) "Mixed waste" means any material that is a hazardous waste as defined in this chapter and is also radioactive as defined in Section 19-3-102.

(16) "Modification plan" means a plan under Section 19-6-108 to modify a facility or site for the purpose of disposing of nonhazardous solid waste or treating, storing, or disposing of hazardous waste.

(17) "Operation plan" or "nonhazardous solid or hazardous waste operation plan" means a plan or approval under Section 19-6-108, including:

(a) a plan to own, construct, or operate a facility or site for the purpose of disposing of nonhazardous solid waste or treating, storing, or disposing of hazardous waste;

(b) a closure plan;

(c) a modification plan; or

(d) an approval that the director is authorized to issue.

(18) "Permittee" means a person who is obligated under an operation plan.

(19) (a) "Solid waste" means any garbage, refuse, sludge, including sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations and from community activities but does not include solid or dissolved materials in domestic sewage or in irrigation return flows or discharges for which a permit is required under Title 19, Chapter 5, Water Quality Act, or under the Water Pollution Control Act, 33 U.S.C. Sec. 1251 et seq.

(b) "Solid waste" does not include:

(i) any of the following wastes unless the waste causes a public nuisance or public health hazard or is otherwise determined to be a hazardous waste:

(i) (A) certain large volume wastes, such as inert construction debris used as fill material;

(ii) (B) drilling muds, produced waters, and other wastes associated with the

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exploration, development, or production of oil, gas, or geothermal energy;

~~[(iii)]~~ (C) solid wastes from the extraction, beneficiation, and processing of ores and minerals; or

~~[(iv)]~~ (D) cement kiln dust~~[-]; or~~

(ii) used or recyclable metal, paper, plastic, glass, rubber, or a textile that is destined for reuse or recycling as a valuable commercial commodity.

(20) "Solid waste management facility" means the same as that term is defined in Section 19-6-502.

~~[(20)]~~ (21) "Storage" means the actual or intended containment of solid or hazardous waste either on a temporary basis or for a period of years in such a manner as not to constitute disposal of the waste.

~~[(21)]~~ (22) "Transportation" means the off-site movement of solid or hazardous waste to any intermediate point or to any point of storage, treatment, or disposal.

~~[(22)]~~ (23) "Treatment" means a method, technique, or process designed to change the physical, chemical, or biological character or composition of any solid or hazardous waste so as to neutralize the waste or render the waste nonhazardous, safer for transport, amenable for recovery, amenable to storage, or reduced in volume.

~~[(23)]~~ (24) "Underground storage tank" means a tank which is regulated under Subtitle I of the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.

Section 2. Section **19-6-502** is amended to read:

19-6-502. Definitions.

As used in this part:

(1) "Governing body" means the governing board, commission, or council of a public entity.

(2) "Jurisdiction" means the area within the incorporated limits of:

(a) a municipality;

(b) a special service district;

(c) a municipal-type service district;

(d) a service area; or

(e) the territorial area of a county not lying within a municipality.

(3) "Long-term agreement" means an agreement or contract having a term of more than

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five years but less than 50 years.

(4) "Municipal residential waste" means solid waste that is:

(a) discarded or rejected at a residence within the public entity's jurisdiction; and

(b) collected at or near the residence by:

(i) a public entity; or

(ii) a person with whom the public entity has as an agreement to provide solid waste

management.

(5) "Public entity" means:

(a) a county;

(b) a municipality;

(c) a special service district under Title 17D, Chapter 1, Special Service District Act;

(d) a service area under Title 17B, Chapter 2a, Part 9, Service Area Act; or

(e) a municipal-type service district created under Title 17, Chapter 34,

Municipal-Type Services to Unincorporated Areas.

(6) "Requirement" means an ordinance, policy, rule, mandate, or other directive that imposes a legal duty on a person.

(7) "Residence" means an improvement to real property used or occupied as a primary or secondary detached single-family dwelling.

(8) "Resource recovery" means the separation, extraction, recycling, or recovery of usable material, energy, fuel, or heat from solid waste and the disposition of it.

(9) "Short-term agreement" means a contract or agreement having a term of five years or less.

(10) (a) "Solid waste" means a putrescible or nonputrescible material or substance discarded or rejected as being spent, useless, worthless, or in excess of the owner's needs at the time of discard or rejection, including:

(i) garbage;

(ii) refuse;

(iii) industrial and commercial waste;

(iv) sludge from an air or water control facility;

(v) rubbish;

(vi) ash;

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- (vii) contained gaseous material;
- (viii) incinerator residue;
- (ix) demolition and construction debris;
- (x) a discarded automobile; and
- (xi) offal.

(b) "Solid waste" does not include sewage or another highly diluted water carried material or substance and those in gaseous form.

(11) "Solid waste management" means the purposeful and systematic collection, transportation, storage, processing, recovery, or disposal of solid waste.

(12) (a) "Solid waste management facility" means a facility employed for solid waste management, including:

- ~~[(a)]~~ (i) a transfer station;
- ~~[(b)]~~ (ii) a transport system;
- ~~[(c)]~~ (iii) a baling facility;
- ~~[(d)]~~ (iv) a landfill; and
- ~~[(e)]~~ (v) a processing system, including:
 - ~~[(i)]~~ (A) a resource recovery facility;
 - ~~[(ii)]~~ (B) a facility for reducing solid waste volume;
 - ~~[(iii)]~~ (C) a plant or facility for compacting, composting, or pyrolyzation of solid waste;
 - ~~[(iv)]~~ (D) an incinerator;
 - ~~[(v)]~~ (E) a solid waste disposal, reduction, or conversion facility;
 - ~~[(vi)]~~ (F) a facility for resource recovery of energy consisting of:
 - ~~[(A)]~~ (I) a facility for the production, transmission, distribution, and sale of heat and steam;
 - ~~[(B)]~~ (II) a facility for the generation and sale of electric energy to a public utility, municipality, or other public entity that owns and operates an electric power system on March 15, 1982; and

~~[(C)]~~ (III) a facility for the generation, sale, and transmission of electric energy on an emergency basis only to a military installation of the United States; and

~~[(vii)]~~ (G) an auxiliary energy facility that is connected to a facility for resource recovery of energy as described in Subsection (12)~~[(e)(vi)]~~(a)(v)(F), that:

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~~[(A)]~~ (I) is fueled by natural gas, landfill gas, or both;

~~[(B)]~~ (II) consists of a facility for the production, transmission, distribution, and sale of supplemental heat and steam to meet all or a portion of the heat and steam requirements of a military installation of the United States; and

~~[(C)]~~ (III) consists of a facility for the generation, transmission, distribution, and sale of electric energy to a public utility, a municipality described in Subsection (12)~~[(c)(vi)(B)]~~(a)(v)(F)(II), or a political subdivision created under Title 11, Chapter 13, Interlocal Cooperation Act.

(b) "Solid waste management facility" does not mean a facility that primarily accepts and processes ~~{scrap iron, steel, non-ferrous metals}~~used or recyclable metal, paper, plastic, rubber, or a textile that is destined for reuse or recycling as a valuable commercial commodity by separating, shearing, sorting, shredding, compacting, baling, cutting, or sizing to produce a principle ~~{, commodity-grade product of prepared scrap metal for:~~
———~~(i) sale; or~~
———~~(ii) use for remelting purposes.~~

Legislative Review Note

Office of Legislative Research and General Counsel commodity grade product.