

SOLID WASTE AMENDMENTS

2016 FOURTH SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill clarifies the definitions of the terms "solid waste" and "solid waste management facility."

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

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.



28 As used in this part:

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

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

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

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

40 (i) receives waste for recycling;

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

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

45 (4) "Construction waste or demolition waste":

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

49 (b) does not include: asbestos; contaminated soils or tanks resulting from remediation
50 or cleanup at any release or spill; waste paints; solvents; sealers; adhesives; or similar
51 hazardous or potentially hazardous materials.

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

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

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

59 any waters, including groundwaters.

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

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

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

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

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

81 (13) "Infectious waste" means a solid waste that contains or may reasonably be
82 expected to contain pathogens of sufficient virulence and quantity that exposure to the waste by
83 a susceptible host could result in an infectious disease.

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

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

89 (16) "Modification plan" means a plan under Section 19-6-108 to modify a facility or

90 site for the purpose of disposing of nonhazardous solid waste or treating, storing, or disposing
91 of hazardous waste.

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

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

96 (b) a closure plan;

97 (c) a modification plan; or

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

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

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

107 (b) "Solid waste" does not include any of the following wastes unless the waste causes
108 a public nuisance or public health hazard or is otherwise determined to be a hazardous waste:

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

110 (ii) drilling muds, produced waters, and other wastes associated with the exploration,
111 development, or production of oil, gas, or geothermal energy;

112 (iii) solid wastes from the extraction, beneficiation, and processing of ores and
113 minerals; ~~or~~

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

115 (v) metal that is:

116 (A) purchased as a valuable commercial commodity; and

117 (B) not otherwise hazardous waste or subject to conditions of the federal hazardous
118 waste regulations, including the requirements for recyclable materials found at 40 C.F.R. 261.6.

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

121 [~~(20)~~] (21) "Storage" means the actual or intended containment of solid or hazardous
122 waste either on a temporary basis or for a period of years in such a manner as not to constitute
123 disposal of the waste.

124 [~~(21)~~] (22) "Transportation" means the off-site movement of solid or hazardous waste
125 to any intermediate point or to any point of storage, treatment, or disposal.

126 [~~(22)~~] (23) "Treatment" means a method, technique, or process designed to change the
127 physical, chemical, or biological character or composition of any solid or hazardous waste so as
128 to neutralize the waste or render the waste nonhazardous, safer for transport, amenable for
129 recovery, amenable to storage, or reduced in volume.

130 [~~(23)~~] (24) "Underground storage tank" means a tank which is regulated under Subtitle
131 I of the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.

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

133 **19-6-502. Definitions.**

134 As used in this part:

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

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

138 (a) a municipality;

139 (b) a special service district;

140 (c) a municipal-type service district;

141 (d) a service area; or

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

143 (3) "Long-term agreement" means an agreement or contract having a term of more than
144 five years but less than 50 years.

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

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

147 (b) collected at or near the residence by:

148 (i) a public entity; or

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

151 (5) "Public entity" means:

- 152 (a) a county;
- 153 (b) a municipality;
- 154 (c) a special service district under Title 17D, Chapter 1, Special Service District Act;
- 155 (d) a service area under Title 17B, Chapter 2a, Part 9, Service Area Act; or
- 156 (e) a municipal-type service district created under Title 17, Chapter 34,

157 Municipal-Type Services to Unincorporated Areas.

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

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

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

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

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

- 169 (i) garbage;
- 170 (ii) refuse;
- 171 (iii) industrial and commercial waste;
- 172 (iv) sludge from an air or water control facility;
- 173 (v) rubbish;
- 174 (vi) ash;
- 175 (vii) contained gaseous material;
- 176 (viii) incinerator residue;
- 177 (ix) demolition and construction debris;
- 178 (x) a discarded automobile; and
- 179 (xi) offal.

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

182 (11) "Solid waste management" means the purposeful and systematic collection,

183 transportation, storage, processing, recovery, or disposal of solid waste.

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

186 ~~(a)~~ (i) a transfer station;

187 ~~(b)~~ (ii) a transport system;

188 ~~(c)~~ (iii) a baling facility;

189 ~~(d)~~ (iv) a landfill; and

190 ~~(e)~~ (v) a processing system, including:

191 ~~(i)~~ (A) a resource recovery facility;

192 ~~(ii)~~ (B) a facility for reducing solid waste volume;

193 ~~(iii)~~ (C) a plant or facility for compacting, composting, or pyrolyzation of solid waste;

194 ~~(iv)~~ (D) an incinerator;

195 ~~(v)~~ (E) a solid waste disposal, reduction, or conversion facility;

196 ~~(vi)~~ (F) a facility for resource recovery of energy consisting of:

197 ~~(A)~~ (I) a facility for the production, transmission, distribution, and sale of heat and
198 steam;

199 ~~(B)~~ (II) a facility for the generation and sale of electric energy to a public utility,
200 municipality, or other public entity that owns and operates an electric power system on March
201 15, 1982; and

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

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

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

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

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

214 (b) "Solid waste management facility" does not mean a facility that:
215 (i) accepts and processes metal, as defined in Subsection 19-6-102(19)(b), by
216 separating, shearing, sorting, shredding, compacting, baling, cutting, or sizing to produce a
217 principle commodity grade product of prepared scrap metal for sale or use for remelting
218 purposes provided that any byproduct or residual that would qualify as solid waste is managed
219 at a solid waste management facility; or
220 (ii) accepts and processes paper, plastic, rubber, glass, or textiles that:
221 (A) have been source-separated or otherwise diverted from the solid waste stream
222 before acceptance at the facility and that are not otherwise hazardous waste or subject to
223 conditions of federal hazardous waste regulations; and
224 (B) are reused or recycled as a valuable commercial commodity by separating,
225 shearing, sorting, shredding, compacting, baling, cutting, or sizing to produce a principle
226 commodity grade product, provided that any byproduct or residual that would qualify as solid
227 waste is managed at a solid waste management facility.

Legislative Review Note
Office of Legislative Research and General Counsel