

1 **SOLID AND HAZARDOUS WASTE AMENDMENTS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ronald M. Winterton**

5 House Sponsor: Steven J. Lund

6

LONG TITLE

7 **General Description:**

8 This bill modifies provisions regarding commercial nonhazardous solid waste
9 treatment, storage, or disposal facilities.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends definitions to provide that a facility that receives only waste from the
13 exploration or production of oil and gas is not considered a commercial
14 nonhazardous solid waste treatment, storage, or disposal facility; and
- 15 ▶ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **19-6-102**, as last amended by Laws of Utah 2020, Chapter 256

23

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

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

25 **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 commercial 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[~~;~~]; or

45 (iv) receives only waste from the exploration and production of oil and gas.

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

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

50 (b) does not include:

51 (i) asbestos;

52 (ii) contaminated soils or tanks resulting from remediation or cleanup at a release or
53 spill;

54 (iii) waste paints;

55 (iv) solvents;

56 (v) sealers;

57 (vi) adhesives; or

58 (vii) hazardous or potentially hazardous materials similar to that described in

59 Subsections (4)(b)(i) through (vi).

60 (5) "Director" means the director of the Division of Waste Management and Radiation
61 Control.

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

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

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

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

76 (b) "Hazardous waste" does not include those wastes listed in 40 C.F.R. Sec. 261.4(b).

77 (10) "Health facility" means a:

78 (a) hospital;

79 (b) psychiatric hospital;

80 (c) home health agency;

81 (d) hospice;

82 (e) skilled nursing facility;

83 (f) intermediate care facility;

84 (g) intermediate care facility for people with an intellectual disability;

85 (h) residential health care facility;

86 (i) maternity home or birthing center;

87 (j) free standing ambulatory surgical center;

88 (k) facility owned or operated by a health maintenance organization;

89 (l) state renal disease treatment center, including a free standing hemodialysis unit;

90 (m) the office of a private physician or dentist whether for individual or private
91 practice;

92 (n) veterinary clinic; or

93 (o) mortuary.

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

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

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

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

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

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

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

114 (b) a closure plan;

115 (c) a modification request; or

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

117 (17) "Permit" includes an operation plan.

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

119 (19) (a) "Solid waste" means garbage, refuse, sludge, including sludge from a waste
120 treatment plant, water supply treatment plant, or air pollution control facility, or other discarded

121 material, including solid, liquid, semi-solid, or contained gaseous material resulting from
122 industrial, commercial, mining, or agricultural operations and from community activities.

123 (b) "Solid waste" does not include solid or dissolved materials in domestic sewage or
124 in irrigation return flows or discharges for which a permit is required under Title 19, Chapter 5,
125 Water Quality Act, or under the Water Pollution Control Act, 33 U.S.C. Sec. 1251 et seq.

126 (c) "Solid waste" does not include metal that is:

127 (i) purchased as a valuable commercial commodity; and

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

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

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

135 (22) (a) "Transfer" means the collection of nonhazardous solid waste from a
136 permanent, fixed, supplemental collection facility for movement to a vehicle for movement to
137 an offsite nonhazardous solid waste storage or disposal facility.

138 (b) "Transfer" does not mean:

139 (i) the act of moving nonhazardous solid waste from one location to another location
140 on the site where the nonhazardous solid waste is generated; or

141 (ii) placement of nonhazardous solid waste on the site where the nonhazardous solid
142 waste is generated in preparation for movement off that site.

143 (23) "Transportation" means the off-site movement of solid or hazardous waste to any
144 intermediate point or to any point of storage, treatment, or disposal.

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

149 (25) "Underground storage tank" means a tank that is regulated under Subtitle I of the
150 Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.