

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2278

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 27-318, Arizona Revised Statutes, is amended to  
3 read:

4 27-318. Abandoned and inactive mines to be secured; inspector  
5 authority; violation; classification

6 A. Every mine operator or former mine operator or claimant who owns a  
7 mine or mining claim or possesses a mine or mining claim under lease,  
8 contract, permit or otherwise, who knowingly permits the existence on the  
9 premises of an abandoned or inactive mining shaft, portal, pit or other  
10 excavation ~~which~~ THAT is dangerous to persons legally on the premises, who  
11 fails to cover, fence, fill or otherwise secure it and post warning signs,  
12 within sixty days of notification by the inspector and who fails to keep it  
13 so protected is guilty of a class 2 misdemeanor. If it is impossible or  
14 impracticable to comply with this subsection within the required sixty days,  
15 the operator may submit a written plan of action to the inspector ~~which~~ THAT  
16 specifically outlines the measures that will be taken and the number of  
17 additional days necessary to comply with this section. In no case may the  
18 time extension granted by the inspector exceed an additional one hundred  
19 eighty days.

20 B. The inspector may enter on such land to inspect for dangerous  
21 conditions ~~which~~ THAT may present a health and safety hazard to the public.  
22 If hazards exist, the inspector may erect warning signs across or near the  
23 entrance of any mine shaft, portal, pit or other mine opening prohibiting the  
24 entry of unauthorized persons or erect other protective devices as necessary.

25 C. If the mine operator cannot be located through reasonable efforts,  
26 the owner of record is the responsible party for the purposes of this  
27 section. If neither the mine operator or owner of record can be located  
28 through reasonable efforts, the inspector shall erect warning signs across or  
29 near the entrance of any mine shaft, portal, pit or other mine opening

1 prohibiting entry of unauthorized persons or erect other protective devices  
2 as necessary.

3 D. A person who knowingly and without authority removes, destroys or  
4 tampers with any warning sign, covering, fencing or other protection placed  
5 on, around or over any shaft, portal or other excavation is guilty of a class  
6 felony.

7 E. Any reasonable and necessary cost incurred by the state mine  
8 inspector pursuant to this section may be recovered in a civil action brought  
9 by the attorney general against any responsible party.

10 F. WASTE TIRES AND inert material, as defined in section 49-701,  
11 including concrete, asphaltic pavement, brick, rock, gravel, sand, soil and  
12 metal if used as reinforcement in concrete and glass may be used as fill  
13 material for the closure of abandoned mines with final cover consisting of  
14 earthen material that is at least ten feet deep. BEFORE USING WASTE TIRES AS  
15 FILL MATERIAL IN AN ABANDONED MINE, THE INSPECTOR MUST CONSULT WITH THE  
16 DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE STATE FIRE MARSHAL TO ADDRESS  
17 ISSUES RELATING TO PUBLIC SAFETY AND AQUIFER PROTECTION.

18 Sec. 2. Section 44-1304, Arizona Revised Statutes, is amended to read:  
19 44-1304. Disposal of waste tires

20 A. The disposal of waste tires in landfills and the incineration of  
21 those tires is prohibited, except as provided in subsection C or D of this  
22 section or in accordance with rules adopted by the director of the department  
23 of environmental quality. An owner or operator of a solid waste disposal  
24 site shall not knowingly accept waste tires for disposal.

25 B. A person shall not dispose of motor vehicle waste tires unless the  
26 waste tires are disposed of at a waste tire collection site or as provided in  
27 subsection C or D of this section or in accordance with rules adopted by the  
28 director of the department of environmental quality.

29 C. Off-road motor vehicle waste tires shall not be disposed of or  
30 reused except in accordance with ~~the provisions of~~ this article or rules  
31 adopted by the director of the department of environmental quality. In the  
32 absence of rules, off-road motor vehicle waste tires shall not be disposed of

1 or put to beneficial use in a manner that results in an environmental  
2 nuisance pursuant to section 49-141. Mining industry off-road motor vehicle  
3 waste tires may be disposed of by burial at a mining facility in the same  
4 manner permitted by rule in effect on February 1, 1996 until the director by  
5 rule determines on-site recycling methods that are technically feasible and  
6 economically practical.

7 D. The following are permissible methods of waste tire disposal:

- 8 1. Retreading or recapping.
- 9 2. Constructing collision barriers.
- 10 3. Controlling soil erosion or for flood control only if used in  
11 accordance with approved engineering practices.
- 12 4. Chopping or shredding for use as waste tire daily cover MATERIAL at  
13 a solid waste landfill.
- 14 5. Grinding for use in asphalt and as a raw material for other  
15 products.
- 16 6. Sludge composting.
- 17 7. Using as playground equipment.
- 18 8. Incinerating or using as a fuel or pyrolysis if permitted by laws,  
19 regulations or ordinances relating to burning or fuel.
- 20 9. Hauling to out-of-state collection or processing sites.
- 21 10. Tire monofills if tires are chopped or shredded.
- 22 11. Use as a building material for building construction in accordance  
23 with applicable city, town and county building codes.
- 24 12. Agricultural purposes as bumpers on agricultural equipment or as  
25 ballast to maintain covers at an agricultural site.
- 26 13. USE AS FILL MATERIAL FOR THE CLOSURE OF ABANDONED MINES, AS DEFINED  
27 IN SECTION 27-301, WITH FINAL COVER CONSISTING OF EARTHEN MATERIAL THAT IS AT  
28 LEAST TEN FEET DEEP.

29 E. For THE purposes of subsection D, paragraph 10 of this section,  
30 "tire monofill" means a solid waste disposal facility or a part of a facility  
31 used for the exclusive purpose of the disposal of waste tires ~~which~~ THAT are  
32 chopped, shredded or cut up for the purpose of disposal.

1           F. The director of the department of environmental quality, by rule,  
2 may authorize other methods of disposal of waste tires. If used as daily  
3 cover material for a solid waste landfill, the director shall specify the  
4 size of the parts into which the material must be cut.

5           G. Each county shall provide at least one designated waste tire  
6 collection site in the county to receive waste tires from a seller of motor  
7 vehicle tires or the seller's designee complying with section 44-1302.  
8 Additional waste tire collection sites or disposal arrangements shall be  
9 established by the county as necessary for the disposal of waste tires as  
10 provided in subsection B of this section. All collection sites established  
11 under this subsection shall comply with applicable zoning and ordinance  
12 regulations. The county or private enterprise receiving waste tire fund  
13 monies from a county shall not impose a tire tipping fee and shall not refuse  
14 to accept waste tires from a seller of motor vehicle tires or the seller's  
15 designee complying with section 44-1302, unless provided for in section  
16 44-1302, subsection H.

17           H. The director of the department of environmental quality shall issue  
18 or revise a permit required pursuant to title 49, chapter 3, article 2 for a  
19 facility that applies to the department of environmental quality for a permit  
20 or a revision to a permit to burn a tire derived fuel if the applicant can  
21 demonstrate that the burning of tire derived fuel will result in equal to or  
22 lower emissions than the burning of other types of fuel for which the  
23 department of environmental quality may issue permits and the applicant has  
24 met all requirements of titles I and V of the clean air act. Any tests  
25 involving tire derived fuel conducted by the United States environmental  
26 protection agency or any test results involving tire derived fuel approved by  
27 the United States environmental protection agency, including hazardous air  
28 pollutant studies, shall be accepted by the department of environmental  
29 quality. No duplicate testing by the applicant shall be required, except  
30 that the applicant shall meet all testing requirements under titles I and V  
31 of the clean air act. For THE purposes of this subsection, "clean air act"  
32 has the same meaning prescribed in section 49-401.01.

1           Sec. 3. Section 49-701, Arizona Revised Statutes, is amended to read:

2           49-701. Definitions

3           In this chapter, unless the context otherwise requires:

4           1. "Administratively complete plan" means an application for a solid  
5 waste facility plan approval that the department has determined contains each  
6 of the components required by statute or rule but that has not undergone  
7 technical review or public notice by the department.

8           2. "Administrator" means the administrator of the United States  
9 environmental protection agency.

10          3. "Closed solid waste facility" means any of the following:

11           (a) A solid waste facility that ceases storing, treating, processing  
12 or receiving for disposal solid waste before the effective date of design and  
13 operation rules for that type of facility adopted pursuant to section 49-761.

14           (b) A public solid waste landfill that meets any of the following  
15 criteria:

16           (i) Ceased receiving solid waste prior to July 1, 1983.

17           (ii) Ceased receiving solid waste and received at least two feet of  
18 cover material prior to January 1, 1986.

19           (iii) Received approval for closure from the department.

20           (c) A public composting plant or a public incinerating facility that  
21 closed in accordance with an approved plan.

22          4. "Conditionally exempt small quantity generator waste" means  
23 hazardous waste in quantities as defined by rules adopted pursuant to section  
24 49-922.

25          5. "Construction debris" means solid waste derived from the  
26 construction, repair or remodeling of buildings or other structures.

27          6. "County" means:

28           (a) The board of supervisors in the context of the exercise of powers  
29 or duties.

30           (b) The unincorporated areas in the context of area of jurisdiction.

31          7. "Demolition debris" means solid waste derived from the demolition  
32 of buildings or other structures.

1           8. "Discharge" has the same meaning prescribed in section 49-201.

2           9. "Existing solid waste facility" means a solid waste facility that  
3 begins construction or is in operation on the effective date of the design  
4 and operation rules adopted by the director pursuant to section 49-761 for  
5 that type of solid waste facility.

6           10. "Facility plan" means any design or operating plan for a solid  
7 waste facility or group of solid waste facilities.

8           11. "40 C.F.R. part 257" means 40 Code of Federal Regulations part 257  
9 in effect on May 1, 2004.

10           12. "40 C.F.R. part 258" means 40 Code of Federal Regulations part 258  
11 in effect on May 1, 2004.

12           13. "Household hazardous waste" means solid waste as described in 40  
13 Code of Federal Regulations section 261.4(b)(1) as incorporated by reference  
14 in the rules adopted pursuant to chapter 5 of this title.

15           14. "Household waste" means any solid waste including garbage, rubbish  
16 and sanitary waste from septic tanks that is generated from households  
17 including single and multiple family residences, hotels and motels,  
18 bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and  
19 day use recreation areas, not including construction debris, landscaping  
20 rubble or demolition debris.

21           15. "Inert material":

22           (a) Means material that satisfies all of the following conditions:

23           (i) Is not flammable.

24           (ii) Will not decompose.

25           (iii) Will not leach substances in concentrations that exceed  
26 applicable aquifer water quality standards prescribed by section 49-201,  
27 paragraph 20 when subjected to a water leach test that is designed to  
28 approximate natural infiltrating waters.

29           (b) Includes concrete, asphaltic pavement, brick, rock, gravel, sand,  
30 soil and metal, if used as reinforcement in concrete, but does not include  
31 special waste, hazardous waste, glass or other metal.

32           16. "Land disposal" means placement of solid waste in or on land.

1           17. "Landscaping rubble" means material that is derived from  
2 landscaping or reclamation activities and that may contain inert material and  
3 no more than ten per cent by volume of vegetative waste.

4           18. "Management agency" means any person responsible for the day-to-day  
5 operation, maintenance and management of a particular public facility or  
6 group of public facilities.

7           19. "Medical waste" means any solid waste ~~which~~ THAT is generated in  
8 the diagnosis, treatment or immunization of a human being or animal or in any  
9 research relating to that diagnosis, treatment or immunization, or in the  
10 production or testing of biologicals, and includes discarded drugs but does  
11 not include hazardous waste as defined in section 49-921 other than  
12 conditionally exempt small quantity generator waste.

13           20. "Municipal solid waste landfill" means any solid waste landfill  
14 that accepts household waste, household hazardous waste or conditionally  
15 exempt small quantity generator waste.

16           21. "New solid waste facility" means a solid waste facility that begins  
17 construction or operation after the effective date of design and operating  
18 rules that are adopted pursuant to section 49-761 for that type of solid  
19 waste facility.

20           22. "On site" means the same or geographically contiguous property that  
21 may be divided by public or private right-of-way if the entrance and exit  
22 between the properties are at a crossroads intersection and access is by  
23 crossing the right-of-way and not by traveling along the right-of-way.  
24 Noncontiguous properties that are owned by the same person and connected by a  
25 right-of-way that is controlled by that person and to which the public does  
26 not have access are deemed on site property. Noncontiguous properties that  
27 are owned or operated by the same person regardless of right-of-way control  
28 are also deemed on site property.

29           23. "Person" means any public or private corporation, company,  
30 partnership, firm, association or society of persons, the federal government  
31 and any of its departments or agencies, this state or any of its agencies,

1 departments, political subdivisions, counties, towns or municipal  
2 corporations, as well as a natural person.

3 24. "Process" or "processing" means the reduction, separation,  
4 recovery, conversion or recycling of solid waste.

5 25. "Public solid waste facility" means a transfer facility and any  
6 site owned, operated or utilized by any person for the storage, processing,  
7 treatment or disposal of solid waste that is not generated on site.

8 26. "Recycling facility" means a solid waste facility that is owned,  
9 operated or used for the storage, treatment or processing of recyclable solid  
10 waste and that handles wastes that have a significant adverse effect on the  
11 environment.

12 27. "Salvaging" means the removal of solid waste from a solid waste  
13 facility with the permission and in accordance with rules or ordinances of  
14 the management agency for purposes of productive reuse.

15 28. "Scavenging" means the unauthorized removal of solid waste from a  
16 solid waste facility.

17 29. "Solid waste facility" means a transfer facility and any site  
18 owned, operated or utilized by any person for the storage, processing,  
19 treatment or disposal of solid waste, conditionally exempt small quantity  
20 generator waste or household hazardous waste but does not include the  
21 following:

22 (a) A site at which less than one ton of solid waste that is not  
23 household waste, household hazardous waste, conditionally exempt small  
24 quantity generator waste, medical waste or special waste and that was  
25 generated on site is stored, processed, treated or disposed in compliance  
26 with section 49-762.07, subsection F.

27 (b) A site at which solid waste that was generated on site is stored  
28 for ninety days or less.

29 (c) A site at which nonputrescible solid waste that was generated on  
30 site in amounts of less than one thousand kilograms per month per type of  
31 nonputrescible solid waste is stored and contained for one hundred eighty  
32 days or less.

1 (d) A site that stores, treats or processes paper, glass, wood,  
2 cardboard, household textiles, scrap metal, plastic, vegetative waste,  
3 aluminum, steel or other recyclable material and that is not a waste tire  
4 facility, a transfer facility or a recycling facility.

5 (e) A site where sludge from a wastewater treatment facility is  
6 applied to the land as a fertilizer or beneficial soil amendment in  
7 accordance with sludge application requirements.

8 (f) A closed solid waste facility.

9 (g) A solid waste landfill that is performing or has completed  
10 postclosure care before July 1, 1996 in accordance with an approved  
11 postclosure plan.

12 (h) A closed solid waste landfill performing a onetime removal of  
13 solid waste from the closed solid waste landfill, if the operator provides a  
14 written notice that describes the removal project to the department within  
15 thirty days after completion of the removal project.

16 (i) A site where solid waste generated in street sweeping activities  
17 is stored, processed or treated prior to disposal at a solid waste facility  
18 authorized under this chapter.

19 (j) A site where solid waste generated at either a drinking water  
20 treatment facility or a wastewater treatment facility is stored, processed,  
21 or treated on site prior to disposal at a solid waste facility authorized  
22 under this chapter, and any discharge is regulated pursuant to chapter 2,  
23 article 3 of this title.

24 (k) A closed solid waste landfill where development activities occur  
25 on the property or where excavation or removal of solid waste is performed  
26 for maintenance and repair, provided the following conditions are met:

27 (i) When the project is completed there will not be an increase in  
28 leachate that would result in a discharge.

29 (ii) When the project is completed the concentration of methane gas  
30 will not exceed twenty-five per cent of the lower explosive limit in on-site  
31 structures, or the concentration of methane gas will not exceed the lower  
32 explosive limit at the property line.

1 (iii) Protection has been provided to prevent remaining waste from  
2 causing any vector, odor, litter or other environmental nuisance.

3 (iv) The operator provides a notice to the department containing the  
4 information required by section 49-762.07, subsection A, paragraphs 1, 2 and  
5 and a brief description of the project.

6 (l) Agricultural on-site disposal as provided in section 49-766.

7 (m) The use, storage, treatment or disposal of by-products of  
8 regulated agricultural activities as defined in section 49-201 and that are  
9 subject to best management practices pursuant to section 49-247 or  
10 by-products of livestock, range livestock and poultry as defined in section  
11 3-1201, pesticide containers that are regulated pursuant to title 3, chapter  
12 2, article 6 or other agricultural crop residues.

13 (n) Household hazardous waste collection events held at a temporary  
14 site for not more than six days in any calendar quarter.

15 (o) Wastewater treatment facilities as defined in section 49-1201.

16 (p) An on-site single family household waste composting facility.

17 (q) A site at which five hundred or fewer waste tires are stored.

18 (r) A site at which mining industry off-road waste tires are stored or  
19 are disposed of as prescribed by rules in effect on February 1, 1996, until  
20 the director by rule determines that on-site recycling methods exist that are  
21 technically feasible and economically practical.

22 (s) A site at which underground piping, conduit, pipe covering or  
23 similar structures are abandoned in place in accordance with applicable state  
24 and federal laws.

25 (t) AN ABANDONED MINE, AS DEFINED IN SECTION 27-301, WHERE WASTE TIRES  
26 ARE USED AS FILL MATERIAL WITH FINAL COVER CONSISTING OF EARTHEN MATERIAL  
27 THAT IS AT LEAST TEN FEET DEEP.

28 30. "Solid waste landfill" means a facility, area of land or excavation  
29 in which solid wastes are placed for permanent disposal. Solid waste  
30 landfill does not include a land application unit, surface impoundment,  
31 injection well, compost pile or waste pile or an area containing ash from the

1 on-site combustion of coal that does not contain household waste, household  
2 hazardous waste or conditionally exempt small quantity generator waste.

3 31. "Solid waste management" means the systematic administration of  
4 activities ~~which~~ THAT provide for the collection, source separation, storage,  
5 transportation, transfer, processing, treatment or disposal of solid waste in  
6 a manner that protects public health and safety and the environment and  
7 prevents and abates environmental nuisances.

8 32. "Solid waste management plan" means the plan ~~which~~ THAT is adopted  
9 pursuant to section 49-721 and ~~which~~ THAT provides guidelines for the  
10 collection, source separation, storage, transportation, processing,  
11 treatment, reclamation and disposal of solid waste in a manner that protects  
12 public health and safety and the environment and prevents and abates  
13 environmental nuisances.

14 33. "Storage" means the holding of solid waste.

15 34. "Transfer facility" means a site that is owned, operated or used by  
16 any person for the rehandling or storage for ninety days or less of solid  
17 waste that was generated off site for the primary purpose of transporting  
18 that solid waste. Transfer facility includes those facilities that include  
19 significant solid waste transfer activities that warrant the facility's  
20 regulation as a transfer facility.

21 35. "Treatment" means any method, technique or process used to change  
22 the physical, chemical or biological character of solid waste so as to render  
23 that waste safer for transport, amenable for processing, amenable for storage  
24 or reduced in volume.

25 36. "Vegetative waste" means waste derived from plants, including tree  
26 limbs and branches, stumps, grass clippings and other waste plant  
27 material. Vegetative waste does not include processed lumber, paper,  
28 cardboard and other manufactured products that are derived from plant  
29 material.

30 37. "Waste pile" means any noncontainerized accumulation of solid,  
31 nonflowing waste that is used for treatment or storage.

1           38. "Waste tire" does not include tires used for agricultural purposes  
2 as bumpers on agricultural equipment or as ballast to maintain covers at an  
3 agricultural site, or any tire disposed of using any of the methods in  
4 section 44-1304, subsection D, paragraphs 1, 2, 3, 5 through 8, ~~and~~ 11 AND 13  
5 and means any of the following:

6           (a) A tire that is no longer suitable for its original intended  
7 purpose because of wear, damage or defect.

8           (b) A tire that is removed from a motor vehicle and is retained for  
9 further use.

10           (c) A tire that has been chopped or shredded.

11           39. "Waste tire facility" means a solid waste facility at which five  
12 thousand or more waste tires are stored outdoors on any day."

13 Amend title to conform

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