

REFERENCE TITLE: hydraulic fracturing; prohibition

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2407

Introduced by
Representatives Mendez, Espinoza: Alston, Andrade, Fernandez, Gonzales,
Hale, Larkin, Plumlee, Velasquez

AN ACT

AMENDING SECTION 49-201, ARIZONA REVISED STATUTES; AMENDING TITLE 49, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 49-211; AMENDING SECTION 49-701, ARIZONA REVISED STATUTES; RELATING TO WATER QUALITY CONTROL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 49-201, Arizona Revised Statutes, is amended to
3 read:

4 49-201. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Administrator" means the administrator of the United States
7 environmental protection agency.

8 2. "Aquifer" means a geologic unit that contains sufficient saturated
9 permeable material to yield usable quantities of water to a well or spring.

10 3. "Best management practices" means those methods, measures or
11 practices to prevent or reduce discharges and includes structural and
12 nonstructural controls and operation and maintenance procedures. Best
13 management practices may be applied before, during and after discharges to
14 reduce or eliminate the introduction of pollutants into receiving waters.
15 Economic, institutional and technical factors shall be considered in
16 developing best management practices.

17 4. "CERCLA" means the comprehensive environmental response,
18 compensation, and liability act of 1980, as amended (P.L. 96-510; 94 Stat.
19 2767; 42 United States Code sections 9601 through 9657), commonly known as
20 "superfund".

21 5. "Clean closure" means implementation of all actions specified in an
22 aquifer protection permit, if any, as closure requirements, as well as
23 elimination, to the greatest degree practicable, of any reasonable
24 probability of further discharge from the facility and of either exceeding
25 aquifer water quality standards at the applicable point of compliance or, if
26 an aquifer water quality standard is exceeded at the time the permit is
27 issued, causing further degradation of the aquifer at the applicable point of
28 compliance as provided in section 49-243, subsection B, paragraph 3. Clean
29 closure also means postclosure monitoring and maintenance are unnecessary to
30 meet the requirements in an aquifer protection permit.

31 6. "Clean water act" means the federal water pollution control act
32 amendments of 1972 (P.L. 92-500; 86 Stat. 816; 33 United States Code sections
33 1251 through 1376), as amended.

34 7. "Closed facility" means:

35 (a) A facility that ceased operation before January 1, 1986, that is
36 not, on August 13, 1986, engaged in the activity for which the facility was
37 designed and that was previously operated and for which there is no intent to
38 resume operation.

39 (b) A facility that has been approved as a clean closure by the
40 director.

41 (c) A facility at which any postclosure monitoring and maintenance
42 plan, notifications and approvals required in a permit have been completed.

43 8. "Concentrated animal feeding operation" means an animal feeding
44 operation that meets the criteria prescribed in 40 Code of Federal
45 Regulations part 122, appendix B for determining a concentrated animal

1 feeding operation for purposes of 40 Code of Federal Regulations sections
2 122.23 and 122.24, appendix C.

3 9. "Department" means the department of environmental quality.

4 10. "Direct reuse" means the beneficial use of reclaimed water for
5 specific purposes authorized pursuant to section 49-203, subsection A,
6 paragraph 6.

7 11. "Director" means the director of environmental quality or the
8 director's designee.

9 12. "Discharge" means the direct or indirect addition of any pollutant
10 to the waters of the state from a facility. For purposes of the aquifer
11 protection permit program prescribed by article 3 of this chapter, discharge
12 means the addition of a pollutant from a facility either directly to an
13 aquifer or to the land surface or the vadose zone in such a manner that there
14 is a reasonable probability that the pollutant will reach an aquifer.

15 13. "Discharge impact area" means the potential areal extent of
16 pollutant migration, as projected on the land surface, as the result of a
17 discharge from a facility.

18 14. "Discharge limitation" means any restriction, prohibition,
19 limitation or criteria established by the director, through a rule, permit or
20 order, on quantities, rates, concentrations, combinations, toxicity and
21 characteristics of pollutants.

22 15. "Environment" means navigable waters, any other surface waters,
23 groundwater, drinking water supply, land surface or subsurface strata or
24 ambient air, within or bordering on this state.

25 16. "Existing facility" means a facility on which construction began
26 before August 13, 1986 and ~~which~~ THAT is neither a new facility nor a closed
27 facility. For the purposes of this definition, construction on a facility
28 has begun if the facility owner or operator has either:

29 (a) Begun, or caused to begin, as part of a continuous on-site
30 construction program any placement, assembly or installation of a building,
31 structure or equipment.

32 (b) Entered a binding contractual obligation to purchase a building,
33 structure or equipment ~~which~~ THAT is intended to be used in its operation
34 within a reasonable time. Options to purchase or contracts ~~which~~ THAT can be
35 terminated or modified without substantial loss, and contracts for
36 feasibility engineering and design studies, do not constitute a contractual
37 obligation for purposes of this definition.

38 17. "Facility" means any land, building, installation, structure,
39 equipment, device, conveyance, area, source, activity or practice from which
40 there is, or with reasonable probability may be, a discharge.

41 18. "Gray water" means wastewater that has been collected separately
42 from a sewage flow and that originates from a clothes washer or a bathroom
43 tub, shower or sink but that does not include wastewater from a kitchen sink,
44 dishwasher or toilet.

- 1 19. "Hazardous substance" means:
2 (a) Any substance designated pursuant to sections 311(b)(2)(A) and
3 307(a) of the clean water act.
4 (b) Any element, compound, mixture, solution or substance designated
5 pursuant to section 102 of CERCLA.
6 (c) Any hazardous waste having the characteristics identified under or
7 listed pursuant to section 49-922.
8 (d) Any hazardous air pollutant listed under section 112 of the
9 federal clean air act (42 United States Code section 7412).
10 (e) Any imminently hazardous chemical substance or mixture with
11 respect to which the administrator has taken action pursuant to section 7 of
12 the federal toxic substances control act (15 United States Code section
13 2606).
14 (f) Any substance ~~which~~ THAT the director, by rule, either designates
15 as a hazardous substance following the designation of the substance by the
16 administrator under the authority described in subdivisions (a) through (e)
17 of this paragraph or designates as a hazardous substance on the basis of a
18 determination that such substance represents an imminent and substantial
19 endangerment to public health.
20 20. "HYDRAULIC FRACTURING" MEANS THE PROCESS OF PUMPING A FLUID INTO OR
21 UNDER THE SURFACE OF THE GROUND IN ORDER TO CREATE FRACTURES IN ROCK FOR THE
22 PURPOSE OF THE PRODUCTION OR RECOVERY OF OIL OR NATURAL GAS.
23 ~~20.~~ 21. "Inert material" means broken concrete, asphaltic pavement,
24 manufactured asbestos-containing products, brick, rock, gravel, sand and
25 soil. Inert material also includes material that when subjected to a water
26 leach test that is designed to approximate natural infiltrating waters will
27 not leach substances in concentrations that exceed numeric aquifer water
28 quality standards established pursuant to section 49-223, including
29 overburden and wall rock that is not acid generating, taking into
30 consideration acid neutralization potential, and that has not and will not be
31 subject to mine leaching operations.
32 ~~21.~~ 22. "Major modification" means a physical change in an existing
33 facility or a change in its method of operation that results in a significant
34 increase or adverse alteration in the characteristics or volume of the
35 pollutants discharged, or the addition of a process or major piece of
36 production equipment, building or structure that is physically separated from
37 the existing operation and that causes a discharge, provided that:
38 (a) A modification to a groundwater protection permit facility as
39 defined in section 49-241.01, subsection C that would qualify for an
40 area-wide permit pursuant to section 49-243 consisting of an activity or
41 structure listed in section 49-241, subsection B shall not constitute a major
42 modification solely because of that listing.
43 (b) For a groundwater protection permit facility as defined in section
44 49-241.01, subsection C, a physical expansion that is accomplished by lateral
45 accretion or upward expansion within the pollutant management area of the

1 existing facility or group of facilities shall not constitute a major
2 modification if the accretion or expansion is accomplished through sound
3 engineering practice in a manner compatible with existing facility design,
4 taking into account safety, stability and risk of environmental release. For
5 a facility described in section 49-241.01, subsection C, paragraph 1,
6 expansion of a facility shall conform with the terms and conditions of the
7 applicable permit. For a facility described in section 49-241.01, subsection
8 C, paragraph 2, if the area of the contemplated expansion is not identified
9 in the notice of disposal, the owner or operator of the facility shall submit
10 to the director the information required by section 49-243, subsection A,
11 paragraphs 1, 2, 3 and 7.

12 ~~22.~~ 23. "Navigable waters" means the waters of the United States as
13 defined by section 502(7) of the clean water act (33 United States Code
14 section 1362(7)).

15 ~~23.~~ 24. "New facility" means a previously closed facility that resumes
16 operation or a facility on which construction was begun after August 13, 1986
17 on a site at which no other facility is located or to totally replace the
18 process or production equipment that causes the discharge from an existing
19 facility. A major modification to an existing facility is deemed a new
20 facility to the extent that the criteria in section 49-243, subsection B,
21 paragraph 1 can be practicably applied to such modification. For the
22 purposes of this definition, construction on a facility has begun if the
23 facility owner or operator has either:

24 (a) Begun, or caused to begin as part of a continuous on-site
25 construction program, any placement, assembly or installation of a building,
26 structure or equipment.

27 (b) Entered a binding contractual obligation to purchase a building,
28 structure or equipment ~~which~~ THAT is intended to be used in its operation
29 within a reasonable time. Options to purchase or contracts ~~which~~ THAT can be
30 terminated or modified without substantial loss, and contracts for
31 feasibility engineering and design studies, do not constitute a contractual
32 obligation for purposes of this definition.

33 ~~24.~~ 25. "Nonpoint source" means any conveyance ~~which~~ THAT is not a
34 point source from which pollutants are or may be discharged to navigable
35 waters.

36 ~~25.~~ 26. "On-site wastewater treatment facility" means a conventional
37 septic tank system or alternative system that is installed at a site to treat
38 and dispose of wastewater of predominantly human origin that is generated at
39 that site.

40 ~~26.~~ 27. "Permit" means a written authorization issued by the director
41 or prescribed by this chapter or in a rule adopted under this chapter stating
42 the conditions and restrictions governing a discharge or governing the
43 construction, operation or modification of a facility.

44 ~~27.~~ 28. "Person" means an individual, employee, officer, managing
45 body, trust, firm, joint stock company, consortium, public or private

1 corporation, including a government corporation, partnership, association or
2 state, a political subdivision of this state, a commission, the United States
3 government or any federal facility, interstate body or other entity.

4 ~~28-~~ 29. "Point source" means any discernible, confined and discrete
5 conveyance, including, but not limited to, any pipe, ditch, channel, tunnel,
6 conduit, well, discrete fissure, container, rolling stock, concentrated
7 animal feeding operation or vessel or other floating craft from which
8 pollutants are or may be discharged to navigable waters. Point source does
9 not include return flows from irrigated agriculture.

10 ~~29-~~ 30. "Pollutant" means fluids, contaminants, toxic wastes, toxic
11 pollutants, dredged spoil, solid waste, substances and chemicals, pesticides,
12 herbicides, fertilizers and other agricultural chemicals, incinerator
13 residue, sewage, garbage, sewage sludge, munitions, petroleum products,
14 chemical wastes, biological materials, radioactive materials, heat, wrecked
15 or discarded equipment, rock, sand, cellar dirt and mining, industrial,
16 municipal and agricultural wastes or any other liquid, solid, gaseous or
17 hazardous substances.

18 ~~30-~~ 31. "Postclosure monitoring and maintenance" means those
19 activities that are conducted after closure notification and that are
20 necessary to:

21 (a) Keep the facility in compliance with either the aquifer water
22 quality standards at the applicable point of compliance or, for any aquifer
23 water quality standard that is exceeded at the time the aquifer protection
24 permit is issued, the requirement to prevent the facility from further
25 degrading the aquifer at the applicable point of compliance as provided under
26 section 49-243, subsection B, paragraph 3.

27 (b) Verify that the actions or controls specified as closure
28 requirements in an approved closure plan or strategy are routinely inspected
29 and maintained.

30 (c) Perform any remedial, mitigative or corrective actions or controls
31 as specified in the aquifer protection permit or perform corrective action as
32 necessary to comply with this paragraph and article 3 of this chapter.

33 (d) Meet property use restrictions.

34 ~~31-~~ 32. "Practicably" means able to be reasonably done from the
35 standpoint of technical practicability and, except for pollutants addressed
36 in section 49-243, subsection I, economically achievable on an industry-wide
37 basis.

38 ~~32-~~ 33. "Reclaimed water" means water that has been treated or
39 processed by a wastewater treatment plant or an on-site wastewater treatment
40 facility.

41 ~~33-~~ 34. "Regulated agricultural activity" means the application of
42 nitrogen fertilizer or a concentrated animal feeding operation.

43 ~~34-~~ 35. "Safe drinking water act" means the federal safe drinking
44 water act OF 1974, as amended (P.L. 93-523; 88 Stat. ~~1660~~ 1661; 95-190; 91
45 Stat. 1393).

1 ~~35-~~ 36. "Standards" means water quality standards, pretreatment
2 standards and toxicity standards established pursuant to this chapter.

3 ~~36-~~ 37. "Standards of performance" means performance standards, design
4 standards, best management practices, technologically based standards and
5 other standards, limitations or restrictions established by the director by
6 rule or by permit condition.

7 ~~37-~~ 38. "Tank" means a stationary device, including a sump, that is
8 constructed of concrete, steel, plastic, fiberglass, or other non-earthen
9 material that provides substantial structural support, and that is designed
10 to contain an accumulation of solid, liquid or gaseous materials.

11 ~~38-~~ 39. "Toxic pollutant" means a substance that will cause
12 significant adverse reactions if ingested in drinking water. Significant
13 adverse reactions are reactions that may indicate a tendency of a substance
14 or mixture to cause long lasting or irreversible damage to human health.

15 ~~39-~~ 40. "Trade secret" means information to which all of the following
16 apply:

17 (a) A person has taken reasonable measures to protect from disclosure
18 and the person intends to continue to take such measures.

19 (b) The information is not, and has not been, reasonably obtainable
20 without the person's consent by other persons, other than governmental
21 bodies, by use of legitimate means, other than discovery based on a showing
22 of special need in a judicial or quasi-judicial proceeding.

23 (c) No statute specifically requires disclosure of the information to
24 the public.

25 (d) The person has satisfactorily shown that disclosure of the
26 information is likely to cause substantial harm to the business's competitive
27 position.

28 ~~40-~~ 41. "Vadose zone" means the zone between the ground surface and
29 any aquifer.

30 ~~41-~~ 42. "Waters of the state" means all waters within the jurisdiction
31 of this state including all perennial or intermittent streams, lakes, ponds,
32 impounding reservoirs, marshes, watercourses, waterways, wells, aquifers,
33 springs, irrigation systems, drainage systems and other bodies or
34 accumulations of surface, underground, natural, artificial, public or private
35 water situated wholly or partly in or bordering on the state.

36 ~~42-~~ 43. "Well" means a bored, drilled or driven shaft, pit or hole
37 whose depth is greater than its largest surface dimension.

38 Sec. 2. Title 49, chapter 2, article 1, Arizona Revised Statutes, is
39 amended by adding section 49-211, to read:

40 49-211. Hydraulic fracturing prohibited

41 A PERSON MAY NOT ENGAGE IN HYDRAULIC FRACTURING IN THIS STATE AND MAY
42 NOT COLLECT, STORE OR TREAT WATER IN THIS STATE IF THAT WATER IS USED IN,
43 GENERATED BY OR RESULTING FROM THE PROCESS OF HYDRAULIC FRACTURING.

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.

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

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

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

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

42 12. "40 C.F.R. part 258" means 40 Code of Federal Regulations part 258
43 in effect on May 1, 2004.

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

4 14. "Household waste" means any solid waste including garbage, rubbish
5 and sanitary waste from septic tanks that is generated from households
6 including single and multiple family residences, hotels and motels,
7 bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and
8 day use recreation areas, not including construction debris, landscaping
9 rubble or demolition debris.

10 15. "Inert material":

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

12 (i) Is not flammable.

13 (ii) Will not decompose.

14 (iii) Will not leach substances in concentrations that exceed
15 applicable aquifer water quality standards prescribed by section
16 49-201, ~~paragraph 20~~ FOR INERT MATERIAL when subjected to a water leach test
17 that is designed to approximate natural infiltrating waters.

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

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

22 17. "Landscaping rubble" means material that is derived from
23 landscaping or reclamation activities and that may contain inert material and
24 no more than ten ~~per-cent~~ PERCENT by volume of vegetative waste.

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

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

34 20. "Municipal solid waste landfill" means any solid waste landfill
35 that accepts household waste, household hazardous waste or conditionally
36 exempt small quantity generator waste.

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

41 22. "On site" means the same or geographically contiguous property that
42 may be divided by public or private right-of-way if the entrance and exit
43 between the properties are at a crossroads intersection and access is by
44 crossing the right-of-way and not by traveling along the right-of-way.
45 Noncontiguous properties that are owned by the same person and connected by a

1 right-of-way that is controlled by that person and to which the public does
2 not have access are deemed on site property. Noncontiguous properties that
3 are owned or operated by the same person regardless of right-of-way control
4 are also deemed on site property.

5 23. "Person" means any public or private corporation, company,
6 partnership, firm, association or society of persons, the federal government
7 and any of its departments or agencies, this state or any of its agencies,
8 departments, political subdivisions, counties, towns or municipal
9 corporations, as well as a natural person.

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

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

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

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

22 28. "Scavenging" means the unauthorized removal of solid waste from a
23 solid waste facility.

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

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

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

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

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

- 1 (e) A site where sludge from a wastewater treatment facility is
2 applied to the land as a fertilizer or beneficial soil amendment in
3 accordance with sludge application requirements.
- 4 (f) A closed solid waste facility.
- 5 (g) A solid waste landfill that is performing or has completed
6 postclosure care before July 1, 1996 in accordance with an approved
7 postclosure plan.
- 8 (h) A closed solid waste landfill performing a onetime removal of
9 solid waste from the closed solid waste landfill, if the operator provides a
10 written notice that describes the removal project to the department within
11 thirty days after completion of the removal project.
- 12 (i) A site where solid waste generated in street sweeping activities
13 is stored, processed or treated prior to disposal at a solid waste facility
14 authorized under this chapter.
- 15 (j) A site where solid waste generated at either a drinking water
16 treatment facility or a wastewater treatment facility is stored, processed,
17 or treated on site prior to disposal at a solid waste facility authorized
18 under this chapter, and any discharge is regulated pursuant to chapter 2,
19 article 3 of this title.
- 20 (k) A closed solid waste landfill where development activities occur
21 on the property or where excavation or removal of solid waste is performed
22 for maintenance and repair provided the following conditions are met:
- 23 (i) When the project is completed there will not be an increase in
24 leachate that would result in a discharge.
- 25 (ii) When the project is completed the concentration of methane gas
26 will not exceed twenty-five ~~per-cent~~ PERCENT of the lower explosive limit in
27 on-site structures, or the concentration of methane gas will not exceed the
28 lower explosive limit at the property line.
- 29 (iii) Protection has been provided to prevent remaining waste from
30 causing any vector, odor, litter or other environmental nuisance.
- 31 (iv) The operator provides a notice to the department containing the
32 information required by section 49-762.07, subsection A, paragraphs 1, 2 and
33 5 and a brief description of the project.
- 34 (l) Agricultural on-site disposal as provided in section 49-766.
- 35 (m) The use, storage, treatment or disposal of by-products of
36 regulated agricultural activities as defined in section 49-201 and that are
37 subject to best management practices pursuant to section 49-247 or
38 by-products of livestock, range livestock and poultry as defined in section
39 3-1201, pesticide containers that are regulated pursuant to title 3, chapter
40 2, article 6 or other agricultural crop residues.
- 41 (n) Household hazardous waste collection events held at a temporary
42 site for not more than six days in any calendar quarter.
- 43 (o) Wastewater treatment facilities as defined in section 49-1201.
- 44 (p) An on-site single family household waste composting facility.
- 45 (q) A site at which five hundred or fewer waste tires are stored.

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

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

8 30. "Solid waste landfill" means a facility, area of land or excavation
9 in which solid wastes are placed for permanent disposal. Solid waste
10 landfill does not include a land application unit, surface impoundment,
11 injection well, compost pile or waste pile or an area containing ash from the
12 on-site combustion of coal that does not contain household waste, household
13 hazardous waste or conditionally exempt small quantity generator waste.

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

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

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

26 34. "Transfer facility" means a site that is owned, operated or used by
27 any person for the rehandling or storage for ninety days or less of solid
28 waste that was generated off site for the primary purpose of transporting
29 that solid waste. Transfer facility includes those facilities that include
30 significant solid waste transfer activities that warrant the facility's
31 regulation as a transfer facility.

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

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

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

42 38. "Waste tire" does not include tires used for agricultural purposes
43 as bumpers on agricultural equipment or as ballast to maintain covers at an
44 agricultural site, or any tire disposed of using any of the methods in

1 section 44-1304, subsection D, paragraphs 1, 2, 3, 5 through 8 and 11 and
2 means any of the following:

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

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

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

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