

*Sponsorship has changed since the bill was introduced

REFERENCE TITLE: **hydraulic fracturing; prohibition**

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HB 2498

*Introduced by
Representatives Tsosie: Hernandez A, Pawlik, Rodriguez, Teller, Senators
Gonzales, Mendez, Peshlakai, Steele

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
9 saturated permeable material to yield usable quantities of water to a well
10 or spring.

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

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

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

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

35 7. "Closed facility" means:

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

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

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

8. "Concentrated animal feeding operation" means an animal feeding operation that meets the criteria prescribed in 40 Code of Federal Regulations part 122, appendix B for determining a concentrated animal feeding operation for purposes of 40 Code of Federal Regulations sections 122.23 and 122.24, appendix C.

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

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

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

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

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

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

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

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

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

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

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

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

5 19. "Hazardous substance" means:

6 (a) Any substance designated pursuant to sections 311(b)(2)(A) and
7 307(a) of the clean water act.

8 (b) Any element, compound, mixture, solution or substance
9 designated pursuant to section 102 of CERCLA.

10 (c) Any hazardous waste having the characteristics identified under
11 or listed pursuant to section 49-922.

12 (d) Any hazardous air pollutant listed under section 112 of the
13 federal clean air act (42 United States Code section 7412).

14 (e) Any imminently hazardous chemical substance or mixture with
15 respect to which the administrator has taken action pursuant to section 7
16 of the federal toxic substances control act (15 United States Code section
17 2606).

18 (f) Any substance ~~which~~ THAT the director, by rule, either
19 designates as a hazardous substance following the designation of the
20 substance by the administrator under the authority described in
21 subdivisions (a) through (e) of this paragraph or designates as a
22 hazardous substance on the basis of a determination that such substance
23 represents an imminent and substantial endangerment to public health.

24 20. "HYDRAULIC FRACTURING" MEANS THE PROCESS OF PUMPING A FLUID
25 INTO OR UNDER THE SURFACE OF THE GROUND IN ORDER TO CREATE FRACTURES OR
26 CAVITIES IN ROCK FOR THE PURPOSE OF THE PRODUCTION OR RECOVERY OF OIL OR
27 GASES.

28 ~~20.~~ 21. "Inert material" means broken concrete, asphaltic
29 pavement, manufactured asbestos-containing products, brick, rock, gravel,
30 sand and soil. Inert material also includes material that when subjected
31 to a water leach test that is designed to approximate natural infiltrating
32 waters will not leach substances in concentrations that exceed numeric
33 aquifer water quality standards established pursuant to section 49-223,
34 including overburden and wall rock that is not acid generating, taking
35 into consideration acid neutralization potential, and that has not and
36 will not be subject to mine leaching operations.

37 ~~21.~~ 22. "Major modification" means a physical change in an
38 existing facility or a change in its method of operation that results in a
39 significant increase or adverse alteration in the characteristics or
40 volume of the pollutants discharged, or the addition of a process or major
41 piece of production equipment, building or structure that is physically
42 separated from the existing operation and that causes a discharge,
43 provided that:

44 (a) A modification to a groundwater protection permit facility as
45 defined in section 49-241.01, subsection C that would qualify for an

1 area-wide permit pursuant to section 49-243 consisting of an activity or
 2 structure listed in section 49-241, subsection B ~~shall~~ DOES not constitute
 3 a major modification solely because of that listing.

4 (b) For a groundwater protection permit facility as defined in
 5 section 49-241.01, subsection C, a physical expansion that is accomplished
 6 by lateral accretion or upward expansion within the pollutant management
 7 area of the existing facility or group of facilities ~~shall~~ DOES not
 8 constitute a major modification if the accretion or expansion is
 9 accomplished through sound engineering practice in a manner compatible
 10 with existing facility design, taking into account safety, stability and
 11 risk of environmental release. For a facility described in section
 12 49-241.01, subsection C, paragraph 1, expansion of a facility shall
 13 conform with the terms and conditions of the applicable permit. For a
 14 facility described in section 49-241.01, subsection C, paragraph 2, if the
 15 area of the contemplated expansion is not identified in the notice of
 16 disposal, the owner or operator of the facility shall submit to the
 17 director the information required by section 49-243, subsection A,
 18 paragraphs 1, 2, 3 and 7.

19 ~~22.~~ 23. "Navigable waters" means the waters of the United States
 20 as defined by section 502(7) of the clean water act (33 United States Code
 21 section 1362(7)).

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

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

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

40 ~~24.~~ 25. "Nonpoint source" means any conveyance ~~which~~ THAT is not a
 41 point source from which pollutants are or may be discharged to navigable
 42 waters.

43 ~~25.~~ 26. "On-site wastewater treatment facility" means a
 44 conventional septic tank system or alternative system that is installed at

1 a site to treat and dispose of wastewater of predominantly human origin
2 that is generated at that site.

3 ~~26.~~ 27. "Permit" means a written authorization issued by the
4 director or prescribed by this chapter or in a rule adopted under this
5 chapter stating the conditions and restrictions governing a discharge or
6 governing the construction, operation or modification of a facility.

7 ~~27.~~ 28. "Person" means an individual, employee, officer, managing
8 body, trust, firm, joint stock company, consortium, public or private
9 corporation, including a government corporation, partnership, association
10 or state, a political subdivision of this state, a commission, the United
11 States government or any federal facility, interstate body or other
12 entity.

13 ~~28.~~ 29. "Point source" means any discernible, confined and
14 discrete conveyance, including, ~~but not limited to,~~ any pipe, ditch,
15 channel, tunnel, conduit, well, discrete fissure, container, rolling
16 stock, concentrated animal feeding operation or vessel or other floating
17 craft from which pollutants are or may be discharged to navigable waters.
18 Point source does not include return flows from irrigated agriculture.

19 ~~29.~~ 30. "Pollutant" means fluids, contaminants, toxic wastes,
20 toxic pollutants, dredged spoil, solid waste, substances and chemicals,
21 pesticides, herbicides, fertilizers and other agricultural chemicals,
22 incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum
23 products, chemical wastes, biological materials, radioactive materials,
24 heat, wrecked or discarded equipment, rock, sand, cellar dirt and mining,
25 industrial, municipal and agricultural wastes or any other liquid, solid,
26 gaseous or hazardous substances.

27 ~~30.~~ 31. "Postclosure monitoring and maintenance" means those
28 activities that are conducted after closure notification and that are
29 necessary to:

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

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

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

43 (d) Meet property use restrictions.

44 ~~31.~~ 32. "Practicably" means able to be reasonably done from the
45 standpoint of technical practicability and, except for pollutants

1 addressed in section 49-243, subsection I, economically achievable on an
2 industry-wide basis.

3 ~~32.~~ 33. "Reclaimed water" means water that has been treated or
4 processed by a wastewater treatment plant or an on-site wastewater
5 treatment facility.

6 ~~33.~~ 34. "Regulated agricultural activity" means the application of
7 nitrogen fertilizer or a concentrated animal feeding operation.

8 ~~34.~~ 35. "Safe drinking water act" means the federal safe drinking
9 water act OF 1974, as amended (P.L. 93-523; 88 Stat. 1660; 95-190; 91
10 Stat. 1393).

11 ~~35.~~ 36. "Standards" means water quality standards, pretreatment
12 standards and toxicity standards established pursuant to this chapter.

13 ~~36.~~ 37. "Standards of performance" means performance standards,
14 design standards, best management practices, technologically based
15 standards and other standards, limitations or restrictions established by
16 the director by rule or by permit condition.

17 ~~37.~~ 38. "Tank" means a stationary device, including a sump, that
18 is constructed of concrete, steel, plastic, fiberglass, or other
19 non-earthen material that provides substantial structural support, and
20 that is designed to contain an accumulation of solid, liquid or gaseous
21 materials.

22 ~~38.~~ 39. "Toxic pollutant" means a substance that will cause
23 significant adverse reactions if ingested in drinking water. Significant
24 adverse reactions are reactions that may indicate a tendency of a
25 substance or mixture to cause long lasting or irreversible damage to human
26 health.

27 ~~39.~~ 40. "Trade secret" means information to which all of the
28 following apply:

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

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

35 (c) No statute specifically requires disclosure of the information
36 to the public.

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

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

42 ~~41.~~ 42. "Waters of the state" means all waters within the
43 jurisdiction of this state including all perennial or intermittent
44 streams, lakes, ponds, impounding reservoirs, marshes, watercourses,
45 waterways, wells, aquifers, springs, irrigation systems, drainage systems

1 and other bodies or accumulations of surface, underground, natural,
2 artificial, public or private water situated wholly or partly in or
3 bordering on the state.

4 ~~42.~~ 43. "Well" means a bored, drilled or driven shaft, pit or hole
5 whose depth is greater than its largest surface dimension.

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

8 49-211. Hydraulic fracturing prohibited

9 NOTWITHSTANDING ARTICLE 3.3 OF THIS CHAPTER, A PERSON MAY NOT ENGAGE
10 IN HYDRAULIC FRACTURING IN THIS STATE AND MAY NOT COLLECT, STORE OR TREAT
11 WATER IN THIS STATE IF THAT WATER IS USED IN, GENERATED BY OR RESULTING
12 FROM THE PROCESS OF HYDRAULIC FRACTURING.

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

15 49-701. Definitions

16 In this chapter, unless the context otherwise requires:

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

21 2. "Administrator" means the administrator of the United States
22 environmental protection agency.

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

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

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

30 (i) Ceased receiving solid waste ~~prior to~~ BEFORE July 1, 1983.

31 (ii) Ceased receiving solid waste and received at least two feet of
32 cover material ~~prior to~~ BEFORE January 1, 1986.

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

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

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

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

41 6. "County" means:

42 (a) The board of supervisors in the context of the exercise of
43 powers or duties.

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

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

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

4 9. "Existing solid waste facility" means a solid waste facility
5 that begins construction or is in operation on the effective date of the
6 design and operation rules adopted by the director pursuant to section
7 49-761 for that type of solid waste facility.

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

10 11. "40 C.F.R. part 257" means 40 Code of Federal Regulations part
11 257 in effect on May 1, 2004.

12 12. "40 C.F.R. part 258" means 40 Code of Federal Regulations part
13 258 in effect on May 1, 2004.

14 13. "Household hazardous waste" means solid waste as described in
15 40 Code of Federal Regulations section 261.4(b)(1) as incorporated by
16 reference in the rules adopted pursuant to chapter 5 of this title.

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

23 15. "Inert material":

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

25 (i) Is not flammable.

26 (ii) Will not decompose.

27 (iii) Will not leach substances in concentrations that exceed
28 applicable aquifer water quality standards prescribed by section
29 49-201, ~~paragraph 20~~ FOR INERT MATERIAL when subjected to a water leach
30 test that is designed to approximate natural infiltrating waters.

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

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

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

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

41 19. "Medical waste" means any solid waste ~~which~~ THAT is generated
42 in the diagnosis, treatment or immunization of a human being or animal or
43 in any research relating to that diagnosis, treatment or immunization, or
44 in the production or testing of biologicals, and includes discarded drugs

but does not include hazardous waste as defined in section 49-921 other than conditionally exempt small quantity generator waste.

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

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

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

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

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

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

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

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

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

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

(a) A site at which less than one ton of solid waste that is not household waste, household hazardous waste, conditionally exempt small

1 quantity generator waste, medical waste or special waste and that was
2 generated on site is stored, processed, treated or disposed in compliance
3 with section 49-762.07, subsection F.

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

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

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

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

17 (f) A closed solid waste facility.

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

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

25 (i) A site where solid waste generated in street sweeping
26 activities is stored, processed or treated ~~prior to~~ BEFORE disposal at a
27 solid waste facility authorized under this chapter.

28 (j) A site where solid waste generated at either a drinking water
29 treatment facility or a wastewater treatment facility is stored,
30 processed, or treated on site ~~prior to~~ BEFORE disposal at a solid waste
31 facility authorized under this chapter, and any discharge is regulated
32 pursuant to chapter 2, article 3 of this title.

33 (k) A closed solid waste landfill where development activities
34 occur on the property or where excavation or removal of solid waste is
35 performed for maintenance and repair ~~provided~~ IF the following conditions
36 are met:

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

39 (ii) When the project is completed the concentration of methane gas
40 will not exceed twenty-five ~~per cent~~ PERCENT of the lower explosive limit
41 in on-site structures, or the concentration of methane gas will not exceed
42 the lower explosive limit at the property line.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34. "Transfer facility" means a site that is owned, operated or used by any person for the rehandling or storage for ninety days or less of solid waste that was generated off site for the primary purpose of transporting that solid waste. Transfer facility includes those

1 facilities that include significant solid waste transfer activities that
2 warrant the facility's regulation as a transfer facility.

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

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

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

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

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

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

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

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