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

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

49-701. Definitions
In this chapter, unless the context otherwise requires:
1. "Administratively complete plan" means an application for a solid waste facility plan approval that the department has determined contains each of the components required by statute or rule but that has not undergone technical review or public notice by the department.
2. "Administrator" means the administrator of the United States environmental protection agency.
3. "ADVANCED RECYCLING":
(a) MEANS A MANUFACTURING PROCESS FOR THE CONVERSION OF POST-USE POLYMERS AND RECOVERED FEEDSTOCKS INTO BASIC HYDROCARBON RAW MATERIALS, FEEDSTOCKS, CHEMICALS, MONOMERS, OLIGOMERS, PLASTICS, PLASTICS AND CHEMICAL FEEDSTOCKS, BASIC AND UNFINISHED CHEMICALS, CRUDE OIL, NAPHTHA, LIQUID TRANSPORTATION FUELS AND COATINGS AND OTHER PRODUCTS SUCH AS WAXES AND LUBRICANTS THROUGH PROCESSES THAT INCLUDE PYROLYSIS, GASIFICATION, DEPOLYMERIZATION, CATALYTIC CRACKING, REFORMING, HYDROGENATION, SOLVOLYSIS AND OTHER SIMILAR TECHNOLOGIES.
(b) DOES NOT INCLUDE SOLID WASTE MANAGEMENT OR PROCESSING, INCINERATION OR TREATMENT.
4. "ADVANCED RECYCLING FACILITY":
(a) MEANS A FACILITY THAT RECEIVES, STORES AND CONVERTS POST-USE POLYMERS AND RECOVERED FEEDSTOCKS USING ADVANCED RECYCLING.
(b) INCLUDES A MANUFACTURING FACILITY THAT IS SUBJECT TO APPLICABLE PROVISIONS OF LAW AND DEPARTMENT RULES FOR AIR QUALITY, WATER QUALITY AND WASTE AND LAND USE.
(c) DOES NOT INCLUDE A SOLID WASTE FACILITY, PROCESSING FACILITY, TREATMENT FACILITY, MATERIALS RECOVERY FACILITY, RECYCLING FACILITY OR INCINERATOR.
5. "Closed solid waste facility" means any of the following:
(a) A solid waste facility that ceases storing, treating, processing or receiving for disposal solid waste before the effective date of design and operation rules for that type of facility adopted pursuant to section 49-761.
(b) A public solid waste landfill that meets any of the following criteria:
(i) Ceased receiving solid waste prior to BEFORE July 1, 1983.
(ii) Ceased receiving solid waste and received at least two feet of cover material prior to BEFORE January 1, 1986.
(iii) Received approval for closure from the department.
(c) A public composting plant or a public incinerating facility that closed in accordance with an approved plan.
"Conditionally exempt small quantity generator waste" means hazardous waste in quantities as defined by rules adopted pursuant to section 49-922.

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

"County" means:
(a) The board of supervisors in the context of the exercise of powers or duties.
(b) The unincorporated areas in the context of area of jurisdiction.

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

"DEPOLYMERIZATION" MEANS A MANUFACTURING PROCESS THROUGH WHICH POST-USE POLYMERS ARE BROKEN INTO SMALLER MOLECULES SUCH AS MONOMERS AND Oligomers or raw, intermediate or final products, plastics and chemical feedstocks, basic and unfinished chemicals, crude oil, naptha, liquid transportation fuels, waxes, lubricants, coatings and other basic hydrocarbons.

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

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

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


"GASIFICATION" MEANS A MANUFACTURING PROCESS THROUGH WHICH RECOVERED FEEDSTOCKS ARE HEATED AND CONVERTED INTO A FUEL AND GAS MIXTURE IN AN OXYGEN-DEFICIENT ATMOSPHERE AND THE MIXTURE IS CONVERTED INTO VALUABLE RAW, INTERMEDIATE AND FINAL PRODUCTS, INCLUDING PLASTIC MONOMERS, CHEMICALS, WAXES, LUBRICANTS, CHEMICAL FEEDSTOCKS, CRUDE OIL, DIESEL, GASOLINE, DIESEL AND GASOLINE BLENDSTOCKS, HOME HEATING OIL AND OTHER FUELS, INCLUDING ETHANOL AND TRANSPORTATION FUEL, THAT ARE RETURNED TO ECONOMIC UTILITY IN THE FORM OF RAW MATERIALS, PRODUCTS OR FUELS.

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

"Household waste":
(a) Means any solid waste, including garbage, rubbish and sanitary waste from septic tanks, that is generated from households, including
single and multiple-family MULTIPLE-FAMILY residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day use recreation areas. **not including**
(b) DOES NOT INCLUDE construction debris, landscaping rubble or demolition debris.

19. "Inert material":
(a) Means material that satisfies all of the following conditions:
(i) Is not flammable.
(ii) Will not decompose.
(iii) Will not leach substances in concentrations that exceed applicable aquifer water quality standards prescribed by section 49-201, paragraph 20 when subjected to a water leach test that is designed to approximate natural infiltrating waters.
(b) Includes concrete, asphaltic pavement, brick, rock, gravel, sand, soil and metal, if used as reinforcement in concrete, but does not include special waste, hazardous waste, glass or other metal.

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

21. "Landscaping rubble" means material that is derived from landscaping or reclamation activities and that may contain inert material and **not** more than ten percent by volume of vegetative waste.

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

23. "Medical waste":
(a) Means any solid waste which is generated in the diagnosis, treatment or immunization of a human being or animal or in any research relating to that diagnosis, treatment or immunization, or in the production or testing of biologicals. **and**
(b) Includes discarded drugs. **but**
(c) Does not include hazardous waste as defined in section 49-921 other than conditionally exempt small quantity generator waste.

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

25. "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.

26. "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.

28. "POST-USE POLYMER":
(a) MEANS A PLASTIC TO WHICH ALL OF THE FOLLOWING APPLY:
(i) THE PLASTIC IS DERIVED FROM ANY INDUSTRIAL, COMMERCIAL, AGRICULTURAL OR DOMESTIC ACTIVITIES.
(ii) THE PLASTIC IS NOT MIXED WITH SOLID WASTE OR HAZARDOUS WASTE ON SITE OR DURING PROCESSING AT THE ADVANCED RECYCLING FACILITY.
(iii) THE PLASTIC'S USE OR INTENDED USE IS AS A FEEDSTOCK FOR THE MANUFACTURING OF CRUDE OIL, FUELS, FEEDSTOCKS, BLENDSTOCKS, RAW MATERIALS OR OTHER INTERMEDIATE PRODUCTS OR FINAL PRODUCTS USING ADVANCED RECYCLING.
(iv) THE PLASTIC HAS BEEN SORTED FROM SOLID WASTE AND OTHER REGULATED WASTE BUT MAY CONTAIN RESIDUAL AMOUNTS OF SOLID WASTE SUCH AS ORGANIC MATERIAL AND INCIDENTAL CONTAMINANTS OR IMPURITIES SUCH AS PAPER LABELS AND METAL RINGS.
(v) THE PLASTIC IS PROCESSED AT AN ADVANCED RECYCLING FACILITY OR HELD AT SUCH FACILITY BEFORE PROCESSING.
(b) DOES NOT INCLUDE SOLID WASTE OR MUNICIPAL WASTE.

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

30. "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.

31. "PYROLYSIS" MEANS A MANUFACTURING PROCESS THROUGH WHICH POST-USE POLYMERS ARE HEATED IN THE ABSENCE OF OXYGEN UNTIL MELTED, ARE THERMALLY DECOMPOSED AND ARE THEN COOLED, CONDENSED AND CONVERTED INTO VALUABLE RAW, INTERMEDIATE AND FINAL PRODUCTS, INCLUDING PLASTIC MONOMERS, CHEMICALS, WAXES, LUBRICANTS, CHEMICAL FEEDSTOCKS, CRUDE OIL, DIESEL, GASOLINE, DIESEL AND GASOLINE BLENDSTOCKS, HOME HEATING OIL AND OTHER FUELS, INCLUDING ETHANOL AND TRANSPORTATION FUEL, THAT ARE RETURNED TO ECONOMIC UTILITY IN THE FORM OF RAW MATERIALS, PRODUCTS OR FUELS.

32. "RECOVERED FEEDSTOCKS":
(a) MEANS ONE OR MORE OF THE FOLLOWING MATERIALS THAT HAS BEEN PROCESSED SO THAT IT MAY BE USED AS FEEDSTOCK IN AN ADVANCED RECYCLING FACILITY:
(i) POST-USE POLYMERs.
(ii) MATERIALS FOR WHICH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY HAS MADE A NONWASTE DETERMINATION PURSUANT TO 40 CODE OF FEDERAL REGULATIONS SECTION 241.3(c) OR HAS OTHERWISE DETERMINED ARE FEEDSTOCKS AND NOT SOLID WASTE.

(b) DOES NOT INCLUDE:

(i) UNPROCESSED MUNICIPAL SOLID WASTE.

(ii) MATERIALS THAT ARE MIXED WITH SOLID WASTE OR HAZARDOUS WASTE ON SITE OR DURING PROCESSING AT AN ADVANCED RECYCLING FACILITY.

33. "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.

34. "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.

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

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

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

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

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

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

(f) A closed solid waste facility.

(g) A solid waste landfill that is performing or has completed postclosure care before July 1, 1996 in accordance with an approved postclosure plan.
(h) A closed solid waste landfill performing a one-time removal of solid waste from the closed solid waste landfill, if the operator provides a written notice that describes the removal project to the department within thirty days after completion of the removal project.

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

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

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

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

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

(iii) Protection has been provided to prevent remaining waste from 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.

(t) AN ADVANCED RECYCLING FACILITY THAT CONVERTS RECOVERED FEEDSTOCKS TO MANUFACTURE RAW MATERIALS AND INTERMEDIATE AND FINAL PRODUCTS.

37. "Solid waste landfill":
(a) Means a facility, area of land or excavation in which solid wastes are placed for permanent disposal. Solid waste landfill
(b) 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.

38. "Solid waste management" means the systematic administration of activities which 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.

39. "Solid waste management plan" means the plan which 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.

40. "SOLVOLYSIS":
(a) MEANS A MANUFACTURING PROCESS THROUGH WHICH POST-USE POLYMERS ARE PURIFIED WITH THE AID OF SOLVENTS, ALLOWING ADDITIVES AND CONTAMINANTS TO BE REMOVED AND PRODUCING POLYMERS CAPABLE OF BEING RECYCLED OR REUSED WITHOUT FIRST BEING REVERTED TO A MONOMER.
(b) INCLUDES HYDROLYSIS, AMINOLYSIS, AMMONOLOYSIS, METHANOLYSIS AND GLYCOLYSIS.

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

42. "Transfer facility":
(a) 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
(b) Includes those facilities that include significant solid waste transfer activities that warrant the facility's regulation as a transfer facility.

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

36. **Vegetative waste**: means waste derived from plants, including tree limbs and branches, stumps, grass clippings and other waste plant material.

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

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

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

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

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

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

Sec. 2. Section 49-701.01, Arizona Revised Statutes, is amended to read:

49-701.01. **Definition of solid waste; exemptions**

A. "Solid waste" means any garbage, trash, rubbish, waste tire, refuse, sludge from a waste treatment plant, water supply treatment plant or pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material.

B. The following are exempt from the definition of solid waste:

1. Hazardous waste regulated pursuant to chapter 5 of this title.


3. Any discharge from a facility regulated pursuant to chapter 2, article 3 of this title.

4. Any discharge regulated pursuant to section 402 or 404 of the clean water act (33 United States Code sections 1342 and 1344).

5. Domestic sewage.

6. Discharges into a publicly or privately owned treatment works including the treatment works and the sewer collection system.

7. Irrigation waters.

8. Irrigation return flows.

9. Reclaimed wastewater from wastewater reuse facilities.
10. Leachate resulting from the direct natural infiltration of precipitation through undisturbed regolith or bedrock, if pollutants are not added by man.

11. Storm water.

12. Substances and materials that remain on site as specifically approved in a work plan or other approval by the department in the course of remedial or corrective actions undertaken pursuant to any of the following:
   (a) Chapter 2, articles 3 and 5 of this title.
   (b) Chapters 5 and 6 of this title.
   (f) Chapter 1, article 5 of this title.

13. Water used in gardening, lawn care, landscape maintenance and related activities.

14. Discharges from ponds used for watering livestock and wildlife.

15. Landscaping rubble used to reclaim land.

16. Mining industry off-road waste tires that are larger than three feet in outside diameter and that are buried at the site and rock, copper concentrate, leachate material, tailing and slag that are either of the following:
   (a) Produced and maintained at the site of the mining or metallurgical operation.
   (b) Not maintained at the site of a mining or metallurgical operation and that are consolidated at the site of a mining or metallurgical operation that is both of the following:
      (i) Located within fifty miles of the materials' current off-site location, or, on written approval of the director, located at a site that is farther than fifty miles of the materials' current off-site location.
      (ii) Regulated by a permit issued pursuant to chapter 2, article 3 of this title or by an approved work plan pursuant to chapter 1, article 5 of this title.

17. Inert material.

18. Effluent as defined in section 45-101.

19. Return flows from irrigated agriculture.

20. Materials that are generated on site and that are processed or reused on site if the following conditions are met:
(a) On-site processing or reuse of the materials is technically feasible.

(b) At least seventy-five percent by weight or volume of the materials that are accumulated on site for processing or reuse each year are processed or reused in that same year.

(c) Materials that are accumulated on site for processing or reuse are managed in a manner that:

(i) Controls wind dispersion and other surface dispersion of the materials so that the materials do not create a public nuisance or pose an imminent and substantial endangerment to public health or the environment. Visible materials that are dispersed beyond the boundaries of the site shall be collected on a regular basis by the operator of the site.

(ii) Does not discharge hazardous substances as defined in section 49-281 to surface water, groundwater or subsurface soils in a manner that creates a public nuisance or poses an imminent and substantial endangerment to public health or the environment.

(iii) Controls vector breeding and fire hazards.

(iv) Controls public access to the materials by the use of reasonable measures.

21. RECOVERED FEEDSTOCKS IF THOSE MATERIALS ARE PROCESSED THROUGH ADVANCED RECYCLING AND IF THE ADVANCED RECYCLING FACILITIES ARE OPERATED IN A MANNER THAT:

(a) CONTROLS WIND DISPERSION AND OTHER SURFACE DISPERSION OF RECOVERED FEEDSTOCK FROM THE ADVANCED RECYCLING FACILITY SO THAT THE RECOVERED FEEDSTOCK DOES NOT CREATE A PUBLIC NUISANCE OR POSE AN IMMINENT AND SUBSTANTIAL ENDANGERMENT TO PUBLIC HEALTH OR THE ENVIRONMENT, INCLUDING REQUIRING THE OPERATOR OF THE ADVANCED RECYCLING FACILITY TO RECOVER ON A REGULAR BASIS ANY VISIBLE RECOVERED FEEDSTOCK THAT IS DISPERSED BEYOND THE BOUNDARIES OF THE ADVANCED RECYCLING FACILITY.

(b) DOES NOT DISCHARGE HAZARDOUS SUBSTANCES AS DEFINED IN SECTION 49-281 TO SURFACE WATER, GROUNDWATER OR SUBSURFACE SOIL IN A MANNER THAT CREATES A PUBLIC NUISANCE OR POSES AN IMMINENT AND SUBSTANTIAL ENDANGERMENT TO PUBLIC HEALTH OR THE ENVIRONMENT.

(c) DOES NOT CAUSE A NUISANCE, VECTOR BREEDING OR FIRE HAZARD BY STORING RECOVERABLE FEEDSTOCKS OR POST-USE POLYMERS.

(d) REQUIRES RECOVERABLE FEEDSTOCKS OR POST-USE POLYMERS TO BE CONVERTED USING AN ADVANCED RECYCLING PROCESS AFTER STORAGE OF LESS THAN NINETY DAYS OR, FOR ADVANCED RECYCLING OPERATIONS ON GOVERNMENT PROPERTY AND IF ALLOWED PURSUANT TO ANY CONTRACTUAL AGREEMENTS WITH THIS STATE OR LOCAL GOVERNMENT, THE STORAGE PERIOD MAY BE EXTENDED TO ONE HUNDRED TWENTY DAYS.

C. Any person may petition the director to exempt a substance as solid waste by submitting a written request to the director. The request may be for a statewide or site-specific exemption. Within ninety days
after receipt of a written request, the director shall determine whether to exempt the substance. The director's determination shall be based on a demonstration that the substance is unlikely to cause or substantially contribute to a threat to the public health or the environment. The procedure is as follows:

1. Within thirty days after the director's determination to add a substance on a site-specific basis, a notice of that determination shall be published in the Arizona administrative register. A site-specific determination is effective on the date of the director's determination.

2. Within thirty days after the director's determination to add a substance on a statewide basis, the director shall initiate rule-making to add the substance to the list of exemptions. This rule-making is exempt from the requirements of title 41, chapter 6, except for the requirements regarding public notice. The effective date for the final rule is the effective date for the exemption.

D. AN ADVANCED RECYCLING FACILITY IS SUBJECT TO ROUTINE INSPECTION BY THE DEPARTMENT TO ENSURE COMPLIANCE WITH THIS CHAPTER AND SHALL PROVIDE A ONETIME NOTICE TO THE DEPARTMENT OF THE FACILITY'S LOCATION ON THE OPENING OF A NEW ADVANCED RECYCLING FACILITY.

E. Nothing in this section shall affect the department's authority to require abatement of any environmental nuisance pursuant to chapter 1, article 3 of this title.

Sec. 3. Section 49-761, Arizona Revised Statutes, is amended to read:

49-761. Rulemaking authority for solid waste facilities; exemption; financial assurance; recycling facilities

A. The department shall adopt rules regarding the storage, processing, treatment and disposal of solid waste as prescribed by subsections B through M of this section. In adopting rules, the department shall consider the nature of the waste streams at the facilities to be regulated. The department shall also consider other applicable federal and state laws and rules in an effort to avoid practices or requirements that duplicate, are inconsistent with or will result in dual regulation with other applicable rules and laws. Facilities that obtain and maintain coverage under a general permit established by the department pursuant to section 49-706 are exempt from rules adopted pursuant to this section. In adopting rules for solid waste facilities, the director may include requirements for corrective actions in response to a release, as defined in section 49-281, from a solid waste facility that violates or results in a violation of any provision of this chapter, rule adopted pursuant to this chapter or solid waste facility plan approved pursuant to this chapter. These rules shall be consistent
with section 49-762.08, subsection B, subsection C, paragraphs 1 and 2 and
subsections D and E.

B. For purposes of administering 42 United States Code section
6945, as amended November 8, 1984, 40 C.F.R. part 258 is adopted by
reference except as prescribed by paragraph 2 of this subsection. This
subsection, as it applies to municipal solid waste landfills, governs if
there is any conflict between this subsection and any other statute
relating to solid waste. Municipal solid waste landfill facility plans
submitted pursuant to section 49-762 shall comply with this subsection.
In administering this subsection or in adopting or administering any rules
adopted pursuant to this subsection, the department shall ensure that any
discretion allowed to a director of an approved state pursuant to the
federal regulations is maintained. The following apply to the
department's adoption of rules for municipal solid waste landfills:

1. The department may adopt rules for municipal solid waste
landfills. Rules adopted pursuant to this paragraph shall not be more
stringent than or conflict with 40 C.F.R. part 258 for nonprocedural
standards, except that the department may adopt aquifer protection
standards that are more stringent than 40 C.F.R. part 258 if those
standards are consistent with and NOT more stringent than standards
developed pursuant to chapter 2, article 3 of this title, or if the
standards are adopted pursuant to article 9 of this chapter. Rules
adopted pursuant to this paragraph are effective on the concurrence of the
administrator with this state's municipal solid waste landfill program.

2. 40 C.F.R. part 258, table I is not adopted in its entirety. The
department shall use aquifer water quality standards that have been
adopted by the department pursuant to section 49-223 and shall use those
portions of table I that are more restrictive than the standards adopted
pursuant to section 49-223.

C. The department shall adopt rules for those solid waste land
disposal facilities that are not municipal solid waste landfills. Rules
adopted pursuant to this subsection shall not be more stringent than or
conflict with 40 C.F.R. part 257 for nonprocedural standards, except that
the department may adopt aquifer protection standards that are more
stringent than 40 C.F.R. part 257 if these standards are consistent with
and NOT more stringent than standards developed pursuant to chapter 2,
article 3 of this title, or if the standards are adopted pursuant to
article 9 of this chapter. In administering this subsection, the
department shall ensure that any discretion allowed to a director of an
approved state pursuant to the federal regulations is maintained in the
department's rules. Aquifer protection provisions adopted pursuant to
this subsection do not apply to an owner or operator of a solid waste
facility if the owner or operator submits an administratively complete
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application for an aquifer protection permit pursuant to chapter 2, article 3 of this title before the date that the owner or operator is required to submit a solid waste facility plan.

D. The department shall adopt rules to define biohazardous medical waste and to regulate biohazardous medical waste and medical sharps to include all of the following:

1. A definition for biohazardous medical waste that includes wastes that contain material that is likely to transmit etiologic agents that have been shown to cause or contribute to increased human morbidity or mortality of epidemiologic significance. The department shall consult with the department of health services in making this determination.

2. Reasonably necessary rules regarding the storage, collection, transportation, treatment and disposal of biohazardous medical waste and medical sharps, beginning with the placement by the generator of the waste in containers for the purpose of waste collection. The department may require payment of a fee for the licensure of a transporter of biohazardous medical waste. After July 20, 2011, the department shall establish by rule a fee for the licensure of a transporter of biohazardous medical waste, including a maximum fee. As part of the rule-making process, there must be public notice and comment and a review of the rule by the joint legislative budget committee. After September 30, 2013, the department shall not increase that fee by rule without specific statutory authority for the increase. The fees shall be deposited, pursuant to sections 35-146 and 35-147, in the solid waste fee fund established by section 49-881. In the case of self-hauling of waste by the generator, all storage facilities under the generator's control and all waste handling practices including storage, treatment and transportation shall be in accordance with these rules. The department shall also adopt reasonably necessary rules regarding the tracking of biohazardous medical waste and medical sharps.

E. The department may adopt reasonably necessary rules regarding the storage, collection, transportation, treatment and disposal of nonbiohazardous medical waste beginning with the placement by the generator of the waste in containers for the purpose of waste collection. In the case of self-hauling of the waste by the generator, all storage facilities under the generator's control and all waste handling practices including storage, treatment and transportation shall be in accordance with these rules.

F. The department shall adopt rules for the application of sludge from a wastewater treatment facility to land for use as fertilizer or beneficial soil amendment. For the purposes of this subsection, "sludge" has the same meaning as sewage sludge as defined in 40 Code of Federal Regulations section 122.2 in effect on January 1, 1998.
G. The department shall adopt rules regarding the storage, processing, treatment or disposal of solid waste at solid waste facilities that are identified in section 49-762.01. The rules shall allow the owner or operator to certify compliance with the department's statutes and rules instead of obtaining a solid waste facility plan approval. The rules shall provide that the applicant at its option may request approval of a solid waste facility plan rather than certifying compliance.

H. The department shall issue by rule best management practices for the classes of solid waste facilities set forth in section 49-762.02.

I. The department shall adopt reasonably necessary rules establishing minimum standards for storing, collecting, transporting, disposing and reclaiming solid waste, including garbage, trash, rubbish, manure and other objectionable wastes. These rules shall provide for inspecting premises, containers, processes, equipment and vehicles, and for abating as environmental nuisances any premises, containers, processes, equipment or vehicles that do not comply with the minimum standards of these rules. The rules adopted pursuant to this subsection do not apply to sites that are either regulated by section 49-762, 49-762.01 or 49-762.02 or exempted FROM THE DEFINITION OF SOLID WASTE FACILITY by IN section 49-701. Notwithstanding any other provision of this subsection, rules adopted pursuant to this subsection shall apply to defining environmental nuisances pursuant to section 49-141.

J. The department shall adopt rules relating to financial assurance requirements. The rules shall indicate the types of financial assurance mechanisms to be required and the content, terms and conditions of each financial mechanism, including circumstances under which the department may take action on the financial assurance mechanism for facility closure, postclosure care if necessary and corrective action for known releases. The financial assurance mechanisms shall include all of the following:

1. Surety bond.
2. Certificate of deposit.
3. Trust fund with pay-in period.
4. Letter of credit.
5. Insurance policy.
7. Deposit with the state treasurer.
8. Evidence of ability to meet any of the following:
   (a) Corporate financial test.
   (b) Local government financial test.
   (c) Corporate guarantee test.
   (d) Local government guarantee test.
(e) Political subdivision financial test that shall require the department to consider the entity's bond rating, income stream, assets, liabilities and assessed valuation of taxable property.

9. Multiple financial assurance mechanisms.

10. Additional financial assurance mechanisms that may be acceptable to the director.

K. The department shall adopt rules that prescribe standards to be used in determining if a site is a recycling facility.

L. The director may adopt rules that prescribe standards to be used in determining if a solid waste facility includes significant solid waste transfer activities that warrant the facility's regulation as a transfer facility.

M. The department shall adopt facility design, construction, operation, closure and postclosure maintenance rules for biosolids processing facilities and household waste composting facilities that must obtain plan approval pursuant to section 49-762.

Sec. 4. Section 49-837, Arizona Revised Statutes, is amended to read:

49-837. Recycling fund; use; advisory committee

A. A recycling fund is established to be administered by the director. The fund consists of monies appropriated by the legislature, gifts, grants, donations and monies derived from the landfill disposal fees in section 49-836. Monies derived from landfill disposal fees are subject to legislative appropriation. Monies in the fund are exempt from lapsing under section 35-190. On notice from the director, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

B. Monies from the recycling fund shall be used for the following purposes:

1. Grants to or contracts with political subdivisions, nonprofit organizations or private enterprise for research, demonstration projects, NEW TECHNOLOGIES, market development and source reduction studies and implementation of the recommendations or reports prepared pursuant to this article.

2. Public information, public education and technical assistance programs concerning litter control, recycling and source reduction.

3. The collection and administration of monies in the fund.

4. The administration of this article.

5. The administration of the Arizona commerce authority's recycled market development program. At the end of each fiscal year, any funds not spent by the authority for this purpose shall be returned to the fund.

6. The department's solid waste control program activities prescribed in this chapter and in title 44.
C. In making expenditures pursuant to subsection B, paragraph 2 of this section, the director shall ensure that counties having a population of less than five hundred thousand persons according to the most recent United States decennial census receive benefits in proportion to their contributions to the fund.

D. The director shall appoint an advisory committee to advise the director on the use of monies in the recycling fund. The advisory committee shall consist of two representatives from private solid waste collection businesses, two representatives from private solid waste recycling businesses, four representatives from political subdivisions which have implemented recycling and source reduction programs, at least one of whom resides in a county having a population of fewer than five hundred thousand persons, and one representative of the general public. The members of the committee serve at the pleasure of the director and are not eligible to receive compensation, and the committee is an advisory committee for purposes of title 38, chapter 3, article 3.1.

APPROVED BY THE GOVERNOR APRIL 23, 2021.