

1 **COAL ASH REGULATION AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ralph Okerlund**

5 House Sponsor: Stephen G. Handy

7 **LONG TITLE**

8 **General Description:**

9 This bill amends a definition in the Solid and Hazardous Waste Act.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends the definition of solid waste in the Solid and Hazardous Waste Act; and
- 13 ▶ makes technical changes.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **19-6-102**, as last amended by Laws of Utah 2012, Chapter 360

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

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

24 **19-6-102. Definitions.**

25 As used in this part:

26 (1) "Board" means the Solid and Hazardous Waste Control Board created in Section
27 **19-1-106**.

28 (2) "Closure plan" means a plan under Section **19-6-108** to close a facility or site at
29 which the owner or operator has disposed of nonhazardous solid waste or has treated, stored, or

30 disposed of hazardous waste including, if applicable, a plan to provide postclosure care at the
31 facility or site.

32 (3) (a) "Commercial nonhazardous solid waste treatment, storage, or disposal facility"
33 means a facility that receives, for profit, nonhazardous solid waste for treatment, storage, or
34 disposal.

35 (b) "Commercial nonhazardous solid waste treatment, storage, or disposal facility"
36 does not include a facility that:

37 (i) receives waste for recycling;

38 (ii) receives waste to be used as fuel, in compliance with federal and state
39 requirements; or

40 (iii) is solely under contract with a local government within the state to dispose of
41 nonhazardous solid waste generated within the boundaries of the local government.

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

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

46 (b) does not include: asbestos; contaminated soils or tanks resulting from remediation
47 or cleanup at any release or spill; waste paints; solvents; sealers; adhesives; or similar
48 hazardous or potentially hazardous materials.

49 (5) "Demolition waste" has the same meaning as the definition of construction waste in
50 this section.

51 (6) "Director" means the director of the Division of Solid and Hazardous Waste.

52 (7) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or
53 placing of any solid or hazardous waste into or on any land or water so that the waste or any
54 constituent of the waste may enter the environment, be emitted into the air, or discharged into
55 any waters, including groundwaters.

56 (8) "Division" means the Division of Solid and Hazardous Waste, created in
57 Subsection [19-1-105\(1\)\(e\)](#).

58 (9) "Generation" or "generated" means the act or process of producing nonhazardous
59 solid or hazardous waste.

60 (10) "Hazardous waste" means a solid waste or combination of solid wastes other than
61 household waste which, because of its quantity, concentration, or physical, chemical, or
62 infectious characteristics may cause or significantly contribute to an increase in mortality or an
63 increase in serious irreversible or incapacitating reversible illness or may pose a substantial
64 present or potential hazard to human health or the environment when improperly treated,
65 stored, transported, disposed of, or otherwise managed.

66 (11) "Health facility" means hospitals, psychiatric hospitals, home health agencies,
67 hospices, skilled nursing facilities, intermediate care facilities, intermediate care facilities for
68 people with an intellectual disability, residential health care facilities, maternity homes or
69 birthing centers, free standing ambulatory surgical centers, facilities owned or operated by
70 health maintenance organizations, and state renal disease treatment centers including free
71 standing hemodialysis units, the offices of private physicians and dentists whether for
72 individual or private practice, veterinary clinics, and mortuaries.

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

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

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

83 (15) "Mixed waste" means any material that is a hazardous waste as defined in this
84 chapter and is also radioactive as defined in Section [19-3-102](#).

85 (16) "Modification plan" means a plan under Section [19-6-108](#) to modify a facility or

86 site for the purpose of disposing of nonhazardous solid waste or treating, storing, or disposing
87 of hazardous waste.

88 (17) "Operation plan" or "nonhazardous solid or hazardous waste operation plan"
89 means a plan or approval under Section 19-6-108, including:

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

92 (b) a closure plan;

93 (c) a modification plan; or

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

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

96 (19) (a) "Solid waste" means any garbage, refuse, sludge, including sludge from a
97 waste treatment plant, water supply treatment plant, or air pollution control facility, or other
98 discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting
99 from industrial, commercial, mining, or agricultural operations and from community activities
100 but does not include solid or dissolved materials in domestic sewage or in irrigation return
101 flows or discharges for which a permit is required under Title 19, Chapter 5, Water Quality
102 Act, or under the Water Pollution Control Act, 33 U.S.C.[-Section] Sec. 1251[;] et seq.

103 (b) "Solid waste" does not include any of the following wastes unless the waste causes
104 a public nuisance or public health hazard or is otherwise determined to be a hazardous waste:

105 (i) certain large volume wastes, such as inert construction debris used as fill material;

106 (ii) drilling muds, produced waters, and other wastes associated with the exploration,
107 development, or production of oil, gas, or geothermal energy;

108 [~~(iii) fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste~~
109 ~~generated primarily from the combustion of coal or other fossil fuels;~~]

110 [~~(iv)~~] (iii) solid wastes from the extraction, beneficiation, and processing of ores and
111 minerals; or

112 [~~(v)~~] (iv) cement kiln dust.

113 (20) "Storage" means the actual or intended containment of solid or hazardous waste

114 either on a temporary basis or for a period of years in such a manner as not to constitute
115 disposal of the waste.

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

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

122 (23) "Underground storage tank" means a tank which is regulated under Subtitle I of
123 the Resource Conservation and Recovery Act, 42 U.S.C.[, ~~Section~~] Sec. 6991[;] et seq.