

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 221

HOUSE BILL 2279

AN ACT

AMENDING SECTION 49-701, ARIZONA REVISED STATUTES; RELATING TO SOLID WASTE
MANAGEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)



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

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

4 49-701. Definitions

5 In this chapter, unless the context otherwise requires:

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

10 2. "Administrator" means the administrator of the United States
11 environmental protection agency.

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

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

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

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

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

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

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

24 4. "Conditionally exempt small quantity generator waste" means
25 hazardous waste in quantities as defined by rules adopted pursuant to section
26 49-922.

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

29 6. "County" means:

30 (a) The board of supervisors in the context of the exercise of powers
31 or duties.

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

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

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

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

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

42 11. "40 C.F.R. part 257" means 40 Code of Federal Regulations part 257
43 in effect on ~~July 1, 1998~~ MAY 1, 2004.

44 12. "40 C.F.R. part 258" means 40 Code of Federal Regulations part 258
45 in effect on ~~July 1, 1998~~ 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 49-201,
16 paragraph 17 19 when subjected to a water leach test that is designed to
17 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 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 is generated in the
29 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 is 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

1 a 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
10 a 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 of the lower explosive limit in on-site
27 structures, or the concentration of methane gas will not exceed the lower
28 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
2 or are disposed of as prescribed by rules in effect on February 1, 1996,
3 until the director by rule determines that on-site recycling methods exist
4 that are 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 provide for the collection, source separation, storage,
16 transportation, transfer, processing, treatment or disposal of solid waste
17 in 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 is adopted
20 pursuant to section 49-721 and which provides guidelines for the collection,
21 source separation, storage, transportation, processing, treatment,
22 reclamation and disposal of solid waste in a manner that protects public
23 health and safety and the environment and prevents and abates environmental
24 nuisances.

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

26 34. "Transfer facility" means a site that is owned, operated or used
27 by 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
38 material. Vegetative waste does not include processed lumber, paper,
39 cardboard and other manufactured products that are derived from plant
40 material.

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

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

1 section 44-1304, subsection D, paragraphs 1, through 2, 3, 5 through 8 and
2 11 and 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.

APPROVED BY THE GOVERNOR MAY 11, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2004.



Passed the House February 3, 2004

Passed the Senate April 22, 2004

by the following vote: 57 Ayes,

by the following vote: 29 Ayes,

0 Nays, 3 Not Voting

0 Nays, 1 Not Voting

Jake Flake
Speaker of the House
Herman L. Moore
Chief Clerk of the House

Ken Bennett
President of the Senate
Charmine Bellard
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

 day of , 20

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

H.B. 2279

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 5, 2004,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5th day of May, 2004,

at 11:45 o'clock a. M.

Winnifer Ybarra
Secretary to the Governor

Approved this 11 day of

May, 2004,

at 10²⁰ o'clock A. M.

Jan Brewer
Governor of Arizona

H.B. 2279

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 11 day of May, 2004,

at 11:25 o'clock A. M.

Janice K. Brewer
Secretary of State