

1 HB140
2 203844-2
3 By Representative Baker
4 RFD: County and Municipal Government
5 First Read: 04-FEB-20

1 Environmental Protection Agency rules or guidance to achieve a
2 level of performance equal to or greater than earthen cover
3 material.

4 "~~(2)~~ (3) ASHES. The solid residue from burning of
5 wood, coal, coke, or other combustible material used for
6 heating, from incineration of solid wastes, or for the
7 production of electricity at electric generating plants.

8 "~~(3)~~ (4) COAL COMBUSTION BY-PRODUCTS. Fly ash,
9 bottom ash, boiler slag, or flue gas emission control
10 by-products which result primarily from the combustion of coal
11 or other fossil fuels at electric generating plants.

12 "~~(4)~~ (5) COMPOSTING OR COMPOST PLANT. An officially
13 controlled method or operation whereby putrescible solid
14 wastes are broken down through microbic action to a material
15 offering no hazard or nuisance factors to public health or
16 well-being.

17 "~~(5)~~ (6) DEPARTMENT. The Alabama Department of
18 Environmental Management.

19 "~~(6)~~ (7) DIRECTOR. The Director of the Alabama
20 Department of Environmental Management or his or her designee.

21 "~~(7)~~ (8) DISCHARGE. The accidental or intentional
22 spilling, leaking, pumping, emitting, emptying, or dumping of
23 solid waste, including leachate, into or on any land or water.

24 "~~(8)~~ (9) DISPOSAL. The discharge, deposit, injection,
25 dumping, spilling, leaking, or placing of any solid waste into
26 or on any land or water so that the waste or any constituent
27 thereof may enter the environment or be emitted into the air

1 or discharged into any waters, including, but not limited to,
2 ground waters.

3 "~~(9)~~ (10) FACILITY. All contiguous land, structures,
4 and other appurtenances used for the processing, treatment,
5 storage, or disposal of solid waste, or the recovery of
6 recyclable materials from solid waste, whether or not
7 authorized or permitted, including, but not limited to, waste
8 disposal areas and waste disposed therein.

9 "~~(10)~~ (11) FINANCIAL ASSURANCE. A financial
10 arrangement by the owner or operator of a municipal solid
11 waste landfill which guarantees the availability of funds
12 which may be used to close, provide post-closure care, or
13 conduct corrective action at that facility if the owner or
14 operator fails to properly execute his or her responsibilities
15 under this article and any rules promulgated by the department
16 for closure, post-closure care, or corrective action and the
17 terms of any permit issued for operation of that facility.

18 "~~(11)~~ (12) GARBAGE. Putrescible animal and vegetable
19 wastes resulting from the handling, preparation, cooking, and
20 consumption of food, including wastes from markets, storage
21 facilities, handling and sale of produce and other food
22 products and excepting such materials that may be serviced by
23 garbage grinders and handled as household sewage.

24 "~~(12)~~ (13) GENERATION. The act or process of
25 producing solid waste. Solid waste shall be considered to be
26 generated at the point that waste materials are first

1 discarded or collected, regardless of any subsequent materials
2 recovery or recycling.

3 "~~(13)~~ (14) HAZARDOUS WASTES. Those wastes defined in,
4 and regulated under, the Alabama Hazardous Waste Management
5 and Minimization Act of 1978, as amended.

6 "~~(14)~~ (15) HEALTH DEPARTMENT. An approved county or
7 district health department, including the Alabama State
8 Department of Public Health and the affected state and county
9 health department.

10 "~~(15)~~ (16) HEALTH OFFICER. The state or affected
11 county health officer or his or her designee.

12 "~~(16)~~ (17) HOUSEHOLD WASTE. Any solid waste,
13 including, but not limited to, garbage, trash, and sanitary
14 waste in septic tanks derived from households, including
15 single and multiple residences, hotels and motels, bunkhouses,
16 ranger stations, crew quarters, campgrounds, picnic grounds,
17 and day-use recreational areas. Sanitary waste in septic tanks
18 shall be considered as household waste only when it is
19 disposed in a landfill or unauthorized dump and its inclusion
20 as a household waste shall in no way prohibit or supersede the
21 authority of the board or the department to regulate onsite
22 sewage systems or the management of sanitary waste in septic
23 tanks.

24 "~~(17)~~ (18) INCINERATOR. A device designed to burn
25 that portion of garbage and rubbish which will be consumed at
26 temperatures generally ranging 1,600 degrees Fahrenheit or

1 over. The unburned residue from an incinerator, including
2 metal, glass, and the like shall be called ashes.

3 "~~(18)~~ (19) INDUSTRIAL SOLID WASTE. Solid waste
4 generated by manufacturing or industrial processes that is not
5 a hazardous waste regulated under Chapters 22 to 30,
6 inclusive, of this title.

7 "~~(19)~~ (20) INNOCENT LANDOWNER. An owner of real
8 property upon which there is located an unauthorized dump and
9 who meets all of the following conditions:

10 "a. The solid waste was disposed of on the property
11 after the owner acquired title to the property or the waste
12 was disposed of before the owner acquired title to the
13 property and the owner lacked actual knowledge of the waste
14 after conducting reasonable due diligence or title was
15 acquired by bequest or devise.

16 "b. The owner did not have knowledge that the waste
17 was being disposed of on the property or the owner took steps,
18 including, but not limited to, posting signs to prevent
19 disposal on the property.

20 "c. The owner did not participate in or consent to
21 the disposal of solid waste on the property.

22 "d. The owner did not receive any financial benefit
23 from the disposal of solid waste on the property.

24 "e. Title to the property was not transferred to the
25 owner for the purpose of evading liability for operating an
26 unauthorized dump.

1 "f. The person or persons responsible for disposing
2 of the solid waste on the property, in doing so, were not
3 acting as an agent for the owner.

4 "~~(20)~~ (21) LANDFILL. A method of compaction and
5 ~~earth~~ earth or alternative cover of solid wastes other than
6 those containing garbage or other putrescible wastes,
7 including, but not limited to, tree limbs and stumps,
8 demolition materials, incinerator residues, and like materials
9 not constituting a health or nuisance hazard, where cover need
10 not be applied on a per day used basis.

11 "~~(21)~~ (22) MATERIALS RECOVERY FACILITY. A solid
12 waste management facility that provides for the extraction
13 from solid waste of recyclable materials, materials suitable
14 for use as a fuel or soil amendment, or any combination of
15 those materials. A materials recovery facility shall be deemed
16 to be a solid waste treatment facility.

17 "~~(22)~~ (23) MEDICAL WASTE. A solid waste or
18 combination of solid wastes which because of its infectious
19 characteristics may either:

20 "a. Cause, or significantly contribute to, an
21 increase in mortality or an increase in serious irreversible
22 or incapacitating reversible illness.

23 "b. Pose a substantial present hazard or potential
24 hazard to human health or the environment when improperly
25 treated, stored, transported, disposed, or otherwise managed.

26 "~~(23)~~ (24) MUNICIPAL SOLID WASTE LANDFILL. A discrete
27 area of land or an excavation that receives household waste

1 and that is not a land application unit, surface impoundment,
2 injection well, or waste pile. A municipal solid waste
3 landfill may also receive other types of solid wastes, such as
4 commercial solid waste, nonhazardous sludge, conditionally
5 exempt small quantity generator waste, industrial solid waste,
6 construction/demolition waste, and rubbish. A municipal solid
7 waste landfill is a sanitary landfill.

8 ~~"(24)~~ (25) PERSON. An individual, trust, firm, joint
9 stock company, corporation (including a government
10 corporation), partnership, agent, agency, association, state,
11 municipality, commission, political subdivision of a state, an
12 interstate body, or other private or public legal entity.

13 ~~"(25)~~ (26) PRIVATE SOLID WASTE MANAGEMENT FACILITY.
14 A solid waste management facility that is operated exclusively
15 by and for a private solid waste generator for the purpose of
16 accepting solid waste generated on-site or by the permittee.

17 ~~"(26)~~ (27) PUBLIC SOLID WASTE MANAGEMENT FACILITY. A
18 solid waste management facility that accepts solid waste from
19 the public generally or for a fee or any solid waste
20 management facility that is not a private solid waste
21 management facility.

22 ~~"(27)~~ (28) RECOVERED MATERIALS. Those materials
23 which have known recycling potential; which can be feasibly
24 recycled; which have been diverted or removed from the solid
25 waste stream for recycling, whether or not requiring
26 subsequent separation and processing; and which have a
27 substantial portion that is consistently used in the

1 manufacture of products which may otherwise be produced from
2 raw or virgin materials. Recovered materials shall not include
3 solvents or materials, except sawdust, bark, and paper
4 materials that are destined for incineration, energy recovery,
5 or any use which constitutes disposal. Recovered materials
6 shall only be those materials for which during the calendar
7 year, commencing on January 1, the amount of material recycled
8 or diverted from the solid waste stream for recycling and
9 transferred to a different site for recycling equals at least
10 75 percent by weight or volume of the amount of that material
11 accumulated at the beginning of the period.

12 ~~"(28)~~ (29) RECOVERED MATERIALS PROCESSING FACILITY.

13 A facility primarily engaged in the storage, processing, and
14 resale or reuse of recovered materials. A recovered materials
15 processing facility is not a solid waste management facility;
16 however, any solid waste resulting from the operation of a
17 facility shall be subject to all applicable laws and
18 regulations relating to solid waste and shall be deemed to be
19 generated for purposes of reporting pursuant to solid waste
20 reduction goals, at the point of collection of the recovered
21 materials from which the solid waste resulted. A recovered
22 material processing facility shall provide notification to the
23 department according to rules adopted by the department.

24 ~~"(29)~~ (30) RECYCLABLE MATERIALS. Those materials
25 which are capable of being recycled, whether or not the
26 materials have been diverted or removed from the solid waste
27 stream.

1 "~~(30)~~ (31) RECYCLING. Any process by which materials
2 are collected, separated, stored, recovered, or processed and
3 reused or returned to use in the form of raw materials or
4 products, but does not include the use of materials as a fuel,
5 or for any use which constitutes disposal.

6 "~~(31)~~ (32) RUBBISH. Nonputrescible solid wastes,
7 excluding ashes, consisting of both combustible and
8 noncombustible wastes. Combustible rubbish includes paper,
9 rags, cartons, wood, furniture, rubber, plastics, yard
10 trimmings, leaves, and similar materials. Noncombustible
11 rubbish includes glass, crockery, metal cans, metal furniture,
12 and like materials which will not burn at ordinary incinerator
13 temperatures, not less than 1,600 degrees Fahrenheit.

14 "~~(32)~~ (33) SANITARY LANDFILL. A controlled area of
15 land upon which solid waste is deposited and is compacted and
16 covered with earth or an alternative cover ~~with compacted~~
17 ~~earth~~ each day as deposited, with no on-site burning of
18 wastes, and so located, contoured, and drained that it will
19 not constitute a source of water pollution as determined by
20 the department.

21 "~~(33)~~ (34) SOLID WASTE. Any garbage, rubbish,
22 construction or demolition debris, ash, or sludge from a waste
23 treatment facility, water supply plant, or air pollution
24 control facility, and any other discarded materials, including
25 solid, liquid, semisolid, or contained gaseous material
26 resulting from industrial, commercial, mining, or agricultural
27 operations or community activities, or materials intended for

1 or capable of recycling, but which have not been diverted or
2 removed from the solid waste stream. The term "solid waste"
3 does not include recovered materials, solid or dissolved
4 materials in domestic sewage, solid or dissolved material in
5 irrigation return flows, or industrial discharges which are
6 point sources subject to the National Pollutant Discharge
7 Elimination System permits under the Federal Water Pollution
8 Control Act, as amended, or the Alabama Waste Pollution
9 Control Act, as amended; or source, special, nuclear, or
10 by-product materials as defined by the Atomic Energy Act of
11 1954, as amended. Also excluded from this definition are land
12 applications of crop residues, animal manure, and ash
13 resulting exclusively from the combustion of wood during
14 accepted agricultural operations, waste from silvicultural
15 operations, or refuse as defined and regulated pursuant to the
16 Alabama Surface Mining Act of 1969, Article 1, commencing with
17 Section 9-16-1, of Chapter 16 of Title 9.

18 ~~"(34)~~ (35) SOLID WASTE DISPOSAL FACILITY. Any
19 landfill or part of a facility where final deposition of solid
20 waste occurs and at which waste may remain after closure.

21 ~~"(35)~~ (36) SOLID WASTE MANAGEMENT. The systematic
22 control of solid waste including its storage, processing,
23 treatment, recovery of materials from solid waste, or
24 disposal.

25 ~~"(36)~~ (37) SOLID WASTE MANAGEMENT FACILITY. Any
26 solid waste volume reduction plant, transfer station, material
27 recovery facility, or other facility, the purpose of which is

1 the storage, treatment, utilization, processing, disposal, or
2 recovery of materials from solid waste, or any combination
3 thereof.

4 "~~(37)~~ (38) UNAUTHORIZED DUMP. Any collection of
5 solid wastes either dumped or caused to be dumped or placed on
6 any public or private property, whether or not regularly used,
7 and not having a permit from the department. Abandoned
8 automobiles, large appliances, or similar large items of solid
9 waste shall be considered an unauthorized dump within the
10 meaning of this article. The careless littering of a
11 relatively few, smaller individual items such as tires,
12 bottles, cans, and the like shall not be considered an
13 unauthorized dump, unless the accumulation of solid waste
14 poses a threat to human health or the environment. An
15 unauthorized dump shall also mean any solid waste disposal
16 site which does not meet the regulatory provisions of this
17 article."

18 Section 2. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on County and Mu-
nicipal Government..... 04-FEB-20

Read for the second time and placed
on the calendar..... 13-FEB-20

Read for the third time and passed
as amended..... 20-FEB-20

Yeas 102, Nays 0, Abstains 0

Jeff Woodard
Clerk