

IN THE SENATE

SENATE BILL NO. 1260

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO HAZARDOUS WASTE MANAGEMENT; AMENDING SECTION 39-4403, IDAHO
CODE, TO REVISE THE DEFINITION OF "RESTRICTED HAZARDOUS WASTE."

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-4403, Idaho Code, be, and the same is hereby
amended to read as follows:

39-4403. DEFINITIONS. As used in this chapter:

(1) "Board" means the Idaho board of environmental quality.

(2) "Commercial hazardous waste facility or site" means any hazardous
waste facility whose primary business is the treatment, storage or disposal,
for a fee or other consideration, of hazardous waste generated offsite by
generators other than the owner and operator of the facility.

(3) "Department" means the Idaho department of environmental quality.

(4) "Director" means the director of the Idaho department of environ-
mental quality or the director's authorized agent.

(5) "Disposal" means the discharge, deposit, injection, dumping,
spilling, leaking or placing of any hazardous waste into or on any land or
water so that such hazardous waste or any constituent thereof may enter the
environment or be emitted into the air or discharged into any waters, includ-
ing ground waters.

(6) "Gate ton" means the weight, in tons (2,000 pounds/ton), of waste
material received at a facility. This weight does not include any subsequent
changes to the weight resulting from the management of the waste by the fa-
cility.

(7) "Generator" means any person, who by virtue of ownership, manage-
ment, or control, is responsible for causing or allowing to be caused the
creation of a hazardous waste.

(8) "Hazardous waste" means a waste or combination of wastes of a solid,
liquid, semisolid, or contained gaseous form which, because of its quantity,
concentration or characteristics (physical, chemical or biological) may:

(a) Cause or significantly contribute to an increase in deaths or an
increase in serious, irreversible or incapacitating reversible ill-
nesses; or

(b) Pose a substantial threat to human health or to the environment if
improperly treated, stored, disposed of, or managed. Such wastes in-
clude, but are not limited to, materials which are toxic, corrosive,
ignitable, or reactive, or materials which may have mutagenic, terato-
genic, or carcinogenic properties but do not include solid or dissolved
material in domestic sewage, or solid or dissolved materials in irriga-
tion return flows or industrial discharges which are point sources sub-
ject to national pollution discharge elimination system permits under
the federal water pollution control act, as amended, 33 U.S.C., section

1 1251 et seq., or source, special nuclear, or byproduct material as de-
2 fined by the atomic energy act of 1954, as amended, 42 U.S.C., section
3 2011 et seq.

4 (9) "Hazardous waste management" means the systematic control of the
5 collection, source separation, storage, treatment, transportation, pro-
6 cessing, and disposal of hazardous wastes.

7 (10) "Hazardous waste facility or site" means any property, structure,
8 or ancillary equipment intended or used for the transportation, treatment,
9 storage or disposal of hazardous wastes.

10 (11) "Injection" means the subsurface emplacement of free liquids.

11 (12) "Manifest" means a form used for identifying the quantity, compo-
12 sition, origin, routing, waste identification code(s), and destination of
13 hazardous waste during any transportation from the point of generation to
14 the point of treatment, storage or disposal.

15 (13) "Manifested waste" means waste which at the point of origin or gen-
16 eration is required to be manifested for transportation in a manner similar
17 to that of the federal uniform hazardous waste manifest or by other manifest
18 requirements designed to assure proper treatment, storage and disposal of
19 such waste.

20 (14) "PCB waste" means any waste or waste item which is not included in
21 the definition of "hazardous waste" and which is contaminated with polychlo-
22 rinated biphenyls.

23 (15) "Person" means any individual, association, partnership, firm,
24 joint stock company, trust, estate, political subdivision, public or pri-
25 vate corporation, state or federal governmental department, agency, or
26 instrumentality, or any other legal entity which is recognized by law as the
27 subject of rights and duties.

28 (16) "RCRA" means the resource conservation and recovery act of 1976 as
29 amended from time to time.

30 (17) "Restricted hazardous waste" means a waste or combination of
31 wastes regulated as land disposal restricted pursuant to federal statutes
32 and regulations, including 40 CFR part 268. Restricted hazardous waste
33 also includes byproduct, ~~except as provided below,~~ source, special nuclear
34 materials or devices or equipment, ~~except as provided below,~~ utilizing such
35 materials regulated under the federal atomic energy act of 1954, as amended.
36 Restricted hazardous waste shall not include radiologically contaminated
37 waste materials from "Formerly Utilized Sites Remedial Action Program (FUS-
38 RAP)" sites administered by the United States army corps of engineers ~~and~~
39 ~~being disposed of pursuant to a contract in existence on July 1, 2001, and as~~
40 ~~may be renewed thereafter, or byproduct materials or devices or equipment~~
41 ~~utilizing such materials that are authorized by the United States nuclear~~
42 ~~regulatory commission pursuant to the federal energy policy act of 2005, or~~
43 ~~materials that have been exempted or released from radiological control or~~
44 ~~regulation under the atomic energy act of 1954, as amended, to be disposed of~~
45 ~~in a commercial hazardous waste facility as regulated pursuant to the rules,~~
46 ~~permit requirements and acceptance criteria provided for by this chapter.~~

47 (18) "Storage" means the containment of hazardous wastes, on a tempo-
48 rary basis or for a period of years, in such a manner as not to constitute dis-
49 posal of such hazardous wastes.

1 (19) "Transportation" means the movement of any hazardous waste to or
2 from a hazardous waste facility or site.

3 (20) "Transporter" means any person who transports a hazardous waste to
4 or from a hazardous waste facility or site.

5 (21) "Treatment" means any method, technique, or process, including
6 neutralization, which is designed not to be an integral part of a production
7 process, but which is rather designed to change the physical, chemical, or
8 biological character or composition of any hazardous waste prior to storage
9 or final disposal so as to neutralize such waste or so as to render such waste
10 nonhazardous or less hazardous; safer to transport, store, or dispose of; or
11 amenable for recovery, amenable for storage or reduced in volume. Such term
12 includes any activity or processing designed to change the physical form or
13 chemical composition of hazardous waste so as to render it nonhazardous.

14 (22) "Waste" means any solid, semisolid, liquid or contained gaseous
15 material for which no reasonable use or reuse is intended or which is in-
16 tended to be discarded.