

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

1
2 ENROLLED, An Act,

3 Relating to solid waste disposal; to amend Section
4 22-27-2, Code of Alabama 1975, to provide that landfills
5 covered by substances other than earth are included within the
6 definition of a landfill.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 22-27-2, Code of Alabama 1975, is
9 amended to read as follows:

10 "§22-27-2.

11 "For the purpose of this article, the following
12 terms shall have the meanings respectively ascribed to them by
13 this section:

14 "(1) AGENCY. Any controlling agency, public or
15 private, elected, appointed, or volunteer utilizing methods
16 approved by the health department or the department for the
17 purpose of controlling and supervising the collection or
18 management of solid wastes or recyclable materials.

19 (2) ALTERNATIVE COVER. Material other than earth
20 used to cover a landfill or sanitary landfill. An alternative
21 cover shall be approved by the Department of Environmental
22 Management in compliance with federal law and United States
23 Environmental Protection Agency rules or guidance to achieve a
24 level of performance equal to or greater than earthen cover
25 material.

1 "~~(2)~~ (3) ASHES. The solid residue from burning of
2 wood, coal, coke, or other combustible material used for
3 heating, from incineration of solid wastes, or for the
4 production of electricity at electric generating plants.

5 "~~(3)~~ (4) COAL COMBUSTION BY-PRODUCTS. Fly ash,
6 bottom ash, boiler slag, or flue gas emission control
7 by-products which result primarily from the combustion of coal
8 or other fossil fuels at electric generating plants.

9 "~~(4)~~ (5) COMPOSTING OR COMPOST PLANT. An officially
10 controlled method or operation whereby putrescible solid
11 wastes are broken down through microbic action to a material
12 offering no hazard or nuisance factors to public health or
13 well-being.

14 "~~(5)~~ (6) DEPARTMENT. The Alabama Department of
15 Environmental Management.

16 "~~(6)~~ (7) DIRECTOR. The Director of the Alabama
17 Department of Environmental Management or his or her designee.

18 "~~(7)~~ (8) DISCHARGE. The accidental or intentional
19 spilling, leaking, pumping, emitting, emptying, or dumping of
20 solid waste, including leachate, into or on any land or water.

21 "~~(8)~~ (9) DISPOSAL. The discharge, deposit, injection,
22 dumping, spilling, leaking, or placing of any solid waste into
23 or on any land or water so that the waste or any constituent
24 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

1 generated at the point that waste materials are first
2 discarded or collected, regardless of any subsequent materials
3 recovery or recycling.

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

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

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

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

1 "~~(17)~~ (18) INCINERATOR. A device designed to burn
 2 that portion of garbage and rubbish which will be consumed at
 3 temperatures generally ranging 1,600 degrees Fahrenheit or
 4 over. The unburned residue from an incinerator, including
 5 metal, glass, and the like shall be called ashes.

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

10 "~~(19)~~ (20) INNOCENT LANDOWNER. An owner of real
 11 property upon which there is located an unauthorized dump and
 12 who meets all of the following conditions:

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

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

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

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

3 "e. Title to the property was not transferred to the
4 owner for the purpose of evading liability for operating an
5 unauthorized dump.

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

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

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

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

1 "a. Cause, or significantly contribute to, an
2 increase in mortality or an increase in serious irreversible
3 or incapacitating reversible illness.

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

7 "~~(23)~~ (24) MUNICIPAL SOLID WASTE LANDFILL. A discrete
8 area of land or an excavation that receives household waste
9 and that is not a land application unit, surface impoundment,
10 injection well, or waste pile. A municipal solid waste
11 landfill may also receive other types of solid wastes, such as
12 commercial solid waste, nonhazardous sludge, conditionally
13 exempt small quantity generator waste, industrial solid waste,
14 construction/demolition waste, and rubbish. A municipal solid
15 waste landfill is a sanitary landfill.

16 "~~(24)~~ (25) PERSON. An individual, trust, firm, joint
17 stock company, corporation (including a government
18 corporation), partnership, agent, agency, association, state,
19 municipality, commission, political subdivision of a state, an
20 interstate body, or other private or public legal entity.

21 "~~(25)~~ (26) PRIVATE SOLID WASTE MANAGEMENT FACILITY.
22 A solid waste management facility that is operated exclusively
23 by and for a private solid waste generator for the purpose of
24 accepting solid waste generated on-site or by the permittee.

1 "~~(26)~~ (27) PUBLIC SOLID WASTE MANAGEMENT FACILITY. A
2 solid waste management facility that accepts solid waste from
3 the public generally or for a fee or any solid waste
4 management facility that is not a private solid waste
5 management facility.

6 "~~(27)~~ (28) RECOVERED MATERIALS. Those materials
7 which have known recycling potential; which can be feasibly
8 recycled; which have been diverted or removed from the solid
9 waste stream for recycling, whether or not requiring
10 subsequent separation and processing; and which have a
11 substantial portion that is consistently used in the
12 manufacture of products which may otherwise be produced from
13 raw or virgin materials. Recovered materials shall not include
14 solvents or materials, except sawdust, bark, and paper
15 materials that are destined for incineration, energy recovery,
16 or any use which constitutes disposal. Recovered materials
17 shall only be those materials for which during the calendar
18 year, commencing on January 1, the amount of material recycled
19 or diverted from the solid waste stream for recycling and
20 transferred to a different site for recycling equals at least
21 75 percent by weight or volume of the amount of that material
22 accumulated at the beginning of the period.

23 "~~(28)~~ (29) RECOVERED MATERIALS PROCESSING FACILITY.
24 A facility primarily engaged in the storage, processing, and
25 resale or reuse of recovered materials. A recovered materials

1 processing facility is not a solid waste management facility;
2 however, any solid waste resulting from the operation of a
3 facility shall be subject to all applicable laws and
4 regulations relating to solid waste and shall be deemed to be
5 generated for purposes of reporting pursuant to solid waste
6 reduction goals, at the point of collection of the recovered
7 materials from which the solid waste resulted. A recovered
8 material processing facility shall provide notification to the
9 department according to rules adopted by the department.

10 "~~(29)~~ (30) RECYCLABLE MATERIALS. Those materials
11 which are capable of being recycled, whether or not the
12 materials have been diverted or removed from the solid waste
13 stream.

14 "~~(30)~~ (31) RECYCLING. Any process by which materials
15 are collected, separated, stored, recovered, or processed and
16 reused or returned to use in the form of raw materials or
17 products, but does not include the use of materials as a fuel,
18 or for any use which constitutes disposal.

19 "~~(31)~~ (32) RUBBISH. Nonputrescible solid wastes,
20 excluding ashes, consisting of both combustible and
21 noncombustible wastes. Combustible rubbish includes paper,
22 rags, cartons, wood, furniture, rubber, plastics, yard
23 trimmings, leaves, and similar materials. Noncombustible
24 rubbish includes glass, crockery, metal cans, metal furniture,

1 and like materials which will not burn at ordinary incinerator
2 temperatures, not less than 1,600 degrees Fahrenheit.

3 "~~(32)~~ (33) SANITARY LANDFILL. A controlled area of
4 land upon which solid waste is deposited and is compacted and
5 covered with earth or an alternative cover ~~with compacted~~
6 ~~earth~~ each day as deposited, with no on-site burning of
7 wastes, and so located, contoured, and drained that it will
8 not constitute a source of water pollution as determined by
9 the department.

10 "~~(33)~~ (34) SOLID WASTE. Any garbage, rubbish,
11 construction or demolition debris, ash, or sludge from a waste
12 treatment facility, water supply plant, or air pollution
13 control facility, and any other discarded materials, including
14 solid, liquid, semisolid, or contained gaseous material
15 resulting from industrial, commercial, mining, or agricultural
16 operations or community activities, or materials intended for
17 or capable of recycling, but which have not been diverted or
18 removed from the solid waste stream. The term "solid waste"
19 does not include recovered materials, solid or dissolved
20 materials in domestic sewage, solid or dissolved material in
21 irrigation return flows, or industrial discharges which are
22 point sources subject to the National Pollutant Discharge
23 Elimination System permits under the Federal Water Pollution
24 Control Act, as amended, or the Alabama Waste Pollution
25 Control Act, as amended; or source, special, nuclear, or

1 by-product materials as defined by the Atomic Energy Act of
2 1954, as amended. Also excluded from this definition are land
3 applications of crop residues, animal manure, and ash
4 resulting exclusively from the combustion of wood during
5 accepted agricultural operations, waste from silvicultural
6 operations, or refuse as defined and regulated pursuant to the
7 Alabama Surface Mining Act of 1969, Article 1, commencing with
8 Section 9-16-1, of Chapter 16 of Title 9.

9 ~~"(34)~~ (35) SOLID WASTE DISPOSAL FACILITY. Any
10 landfill or part of a facility where final deposition of solid
11 waste occurs and at which waste may remain after closure.

12 ~~"(35)~~ (36) SOLID WASTE MANAGEMENT. The systematic
13 control of solid waste including its storage, processing,
14 treatment, recovery of materials from solid waste, or
15 disposal.

16 ~~"(36)~~ (37) SOLID WASTE MANAGEMENT FACILITY. Any
17 solid waste volume reduction plant, transfer station, material
18 recovery facility, or other facility, the purpose of which is
19 the storage, treatment, utilization, processing, disposal, or
20 recovery of materials from solid waste, or any combination
21 thereof.

22 ~~"(37)~~ (38) UNAUTHORIZED DUMP. Any collection of
23 solid wastes either dumped or caused to be dumped or placed on
24 any public or private property, whether or not regularly used,
25 and not having a permit from the department. Abandoned

1 automobiles, large appliances, or similar large items of solid
2 waste shall be considered an unauthorized dump within the
3 meaning of this article. The careless littering of a
4 relatively few, smaller individual items such as tires,
5 bottles, cans, and the like shall not be considered an
6 unauthorized dump, unless the accumulation of solid waste
7 poses a threat to human health or the environment. An
8 unauthorized dump shall also mean any solid waste disposal
9 site which does not meet the regulatory provisions of this
10 article."

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

