

OIL & GAS CONSERVATION COMMISSION
MINUTES OF MEETING JANUARY 15, 2016
NYAL NIEMUTH, OIL & GAS ADMINISTRATOR

NOTICE OF COMBINED PUBLIC MEETING AND POSSIBLE EXECUTIVE SESSION

OIL AND GAS CONSERVATION COMMISSION

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Oil and Gas Conservation Commission and to the general public that the Oil and Gas Conservation Commission will hold a meeting open to the public on January 15, 2016, at 10:00 a.m. in Room 321 of the State Land Department Building located at 1616 West Adams Street, Phoenix, Arizona 85007.

The agenda for the meeting is as follows:

- 1 Call to Order
- 2 Approval of Minutes of Meeting of October 16, 2015
- 3 Conflicts of interest
- 4 Vote on an acting or new Commission Chair
- 5 Report of State Geologist about administrative, budget, and legislative matters
- 6 Report of Oil and Gas Administrator about new permits and drilling activity
- 7 Introduce the new Attorney General for the OGCC
- 8 Review the America West Potash bond issue
- 9 Call to the public: This is the time for the public to comment. Members of the Commission may not discuss items that are not on the agenda. Therefore, action taken as a result of public comment will be limited to directing staff to study the matter or scheduling the matter for further discussion and decision at a later date.
- 10 Announcements
- 11 Adjournment

Members of the Oil and Gas Conservation Commission will attend either in person or by telephone conference call.

The Oil and Gas Conservation Commission may vote to go into Executive Session, pursuant to AR.S. § 38-431.03(A)(3) or (4), which will not be open to the public, to consult with its attorney and receive legal advice with respect to any regular agenda item listed on this agenda.

A copy of the agenda background material provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Oil and Gas Administrator's office, 416 West Congress, Suite 100, Tucson, Arizona 85701.

The public may be afforded an opportunity to comment on any item on the agenda; however, at the beginning of the meeting, the Commission may vote to set up a time limit on individual comments.

Dated this 11th day of January 2016

OIL AND GAS CONSERVATION COMMISSION



Nyal J. Niemuth, Oil and Gas Program Administrator

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting Nyal Niemuth at 602-771-1604. Requests should be made as early as possible to allow time to arrange the accommodation. This document is available in alternative formats by contacting Nyal Niemuth at 602-771-1604.

OIL AND GAS CONSERVATION COMMISSION

416 West Congress #100

Tucson, Arizona 85701

Minutes of Meeting

October 16, 2015

Present:

Mr. Robert L. Wagner, Vice-chairman

Mr. Stephen R. Cooper, Member

Mr. Frank Thorwald, Member (appeared by telephone)

Dr. M. Lee Allison, State Geologist and Director of Arizona Geological Survey

Mr. Steven L. Rauzi, Oil and Gas Program Administrator

Mr. Wagner, Vice-Chairman, called the regular Commission Meeting of October 16 to order at 10:05 a.m. in Room 321, State Land Department Building in Phoenix, Arizona.

APPROVAL OF THE MINUTES OF THE MEETING OF JULY 17, 2015

Mr. Dixon corrected spelling of Carlson to Karlsson. Mr. Wagner corrected Wagoner to Wagner.

Mr. Cooper moved, seconded by Mr. Thorwald:

THAT THE MINUTES OF THE MEETING OF JULY 17, 2015, BE APPROVED
AS CORRECTED

Motion carried unanimously.

CONFLICTS OF INTEREST

None

REPORT OF STATE GEOLOGIST AND DIRECTOR OF ARIZONA GEOLOGICAL SURVEY

Dr. Allison clarified that the Survey did not propose raising the permit fee from \$25 to \$500 as was reported in the last meeting, rather the permit fee in Arizona was compared to permit fees in other states and presented as an option to raise funds to support the Commission. He noted that permit fees did not come to the Arizona Geological Survey but went to the State Treasurer. Dr. Allison discussed the Sunset Review of the Commission and reported that the Committee of Reference voted unanimously to continue the Commission for eight years. He discussed the online survey sent to the Commissioners by the Governor's office noting that they were reviewing all Commissions and Boards across the state to see if any are obsolete, could be consolidated, or should be moved. Dr. Allison pointed out that the Survey subsidizes half the funding for the Commission with money raised from outside the General Fund. Dr. Allison discussed two proposed pieces of legislation that came out of the sunset review: one was to clarify confusion with ADEQ rules with regard to stimulation versus hydraulic fracturing and the other to clarify confusion with ADWR rules with regard to drilling certain types of geothermal wells, particularly open loop direct use wells.

REPORT OF THE OIL AND GAS ADMINISTRATOR

The activity report of Mr. Rauzi was sent to the Commissioners and has been made a part of these minutes. Mr. Rauzi reported that no permits were issued since the last meeting. He

reported Vision Energy extended its permit 1199 for six months through April 2016; Kinder Morgan plugged and abandoned 10 wells and concluded long term testing of two wells in its CO₂ field with stabilized flow rates of 15 MMCFD and 20 MMCFD. Mr. Rauzi reported that the confidential status of the Triomphe well expired on October 1 and the Karlsson Group requested release of the American West Potash bond. He noted that American West Potash concluded its drilling program in October 2013 and that the Karlsson Group acquired all the assets of American West Potash in 2014.

STATUS OF KINDER MORGAN CO₂ PROJECT BETWEEN ST JOHNS AND SPRINGERVILLE

Mr. White reported that there was no new activity.

CALL TO THE PUBLIC

Mr. Dixon reported the Land Department approved three surface use plans for Carmon Bonanno Blackstone Exploration in Apache and Navajo Counties and seismic surveys for Ranger Development in the Pinta Dome and Monte Vista in the Gray Mountain areas. He mentioned the seismic activity near Kingman. Dr. Allison commented that he met with former elected leaders of the Hopi and Navajo Tribes. He reported that they had formed a non-official business partnership between leaders of the two tribes to try to encourage energy resource development in some of the joint jurisdiction lands. Dr. Allison noted that they've asked him to collaborate and that he's made presentations to two out of state companies that are interested in evaluating resources on Indian lands.

ANNOUNCEMENTS

The Commission scheduled its next meeting at 10:00 a.m. on January 15, 2016, in room 321 at the State Land Department Building in Phoenix.

ADJOURNMENT

Mr. Cooper moved, seconded by Mr. Thorwald:

THAT THE MEETING BE ADJOURNED

Motion carried unanimously. Time of adjournment was 10:32 a.m.

APPROVED


J. Dale Nations
Chairman

GUESTS IN ATTENDANCE

Mr. Joe Dixon	State Land Department
Ms. Louise Erickson	Assistant Attorney General
Mr. Thomas White	Kinder Morgan CO ₂ Company

REFERENCE TITLE: oil and gas commission; continuation

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

SB 1059

Introduced by
Senator Yee

AN ACT

REPEALING SECTION 41-3016.14, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3024.16; RELATING TO THE OIL AND GAS CONSERVATION COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Repeal
3 Section 41-3016.14, Arizona Revised Statutes, is repealed.
4 Sec. 2. Title 41, chapter 27, article 2, Arizona Revised Statutes, is
5 amended by adding section 41-3024.16, to read:
6 41-3024.16. Oil and gas conservation commission; termination
7 July 1, 2024
8 A. THE OIL AND GAS CONSERVATION COMMISSION TERMINATES ON JULY 1, 2024.
9 B. TITLE 27, CHAPTER 4, ARTICLE 1 IS REPEALED ON JANUARY 1, 2025.
10 Sec. 3. Purpose
11 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
12 the legislature continues the oil and gas conservation commission to regulate
13 the drilling for and production of oil, gas, helium and geothermal resources,
14 promote the conservation of these resources, protect ownership rights of
15 these resources, safeguard the public health and otherwise effect the public
16 policy of this state pursuant to section 27-502, Arizona Revised Statutes.
17 Sec. 4. Retroactivity
18 Sections 1 and 2 of this act are effective retroactively to July 1,
19 2016.



Fifty-second Legislature - Second Regular Session

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REFERENCE TITLE: hydraulic fracturing; prohibition

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2407

Introduced by
Representatives Mendez, Espinoza; Alston, Andrade, Fernandez, Gonzales, Hale, Larkin, Plumlee, Velasquez

AN ACT

AMENDING SECTION 49-201, ARIZONA REVISED STATUTES; AMENDING TITLE 49, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 49-211; AMENDING SECTION 49-701, ARIZONA REVISED STATUTES; RELATING TO WATER QUALITY CONTROL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 49-201, Arizona Revised Statutes, is amended to read:

49-201. Definitions

In this chapter, unless the context otherwise requires:

- 1. "Administrator" means the administrator of the United States environmental protection agency.
2. "Aquifer" means a geologic unit that contains sufficient saturated permeable material to yield usable quantities of water to a well or spring.
3. "Best management practices" means those methods, measures or practices to prevent or reduce discharges and includes structural and nonstructural controls and operation and maintenance procedures.
4. "CERCLA" means the comprehensive environmental response, compensation, and liability act of 1980, as amended.
5. "Clean closure" means implementation of all actions specified in an aquifer protection permit, if any, as closure requirements, as well as elimination, to the greatest degree practicable, of any reasonable probability of further discharge from the facility and of either exceeding aquifer water quality standards at the applicable point of compliance or, if an aquifer water quality standard is exceeded at the time the permit is issued, causing further degradation of the aquifer at the applicable point of compliance as provided in section 49-243, subsection B,

paragraph 3. Clean closure also means postclosure monitoring and maintenance are unnecessary to meet the requirements in an aquifer protection permit.

6. "Clean water act" means the federal water pollution control act amendments of 1972 (P.L. 92-500; 86 Stat. 816; 33 United States Code sections 1251 through 1376), as amended.

7. "Closed facility" means:

(a) A facility that ceased operation before January 1, 1986, that is not, on August 13, 1986, engaged in the activity for which the facility was designed and that was previously operated and for which there is no intent to resume operation.

(b) A facility that has been approved as a clean closure by the director.

(c) A facility at which any postclosure monitoring and maintenance plan, notifications and approvals required in a permit have been completed.

8. "Concentrated animal feeding operation" means an animal feeding operation that meets the criteria prescribed in 40 Code of Federal Regulations part 122, appendix B for determining a concentrated animal feeding operation for purposes of 40 Code of Federal Regulations sections 122.23 and 122.24, appendix C.

9. "Department" means the department of environmental quality.

10. "Direct reuse" means the beneficial use of reclaimed water for specific purposes authorized pursuant to section 49-203, subsection A, paragraph 6.

11. "Director" means the director of environmental quality or the director's designee.

12. "Discharge" means the direct or indirect addition of any pollutant to the waters of the state from a facility. For purposes of the aquifer protection permit program prescribed by article 3 of this chapter, discharge means the addition of a pollutant from a facility either directly to an aquifer or to the land surface or the vadose zone in such a manner that there is a reasonable probability that the pollutant will reach an aquifer.

13. "Discharge impact area" means the potential areal extent of pollutant migration, as projected on the land surface, as the result of a discharge from a facility.

14. "Discharge limitation" means any restriction, prohibition, limitation or criteria established by the director, through a rule, permit or order, on quantities, rates, concentrations, combinations, toxicity and characteristics of pollutants.

15. "Environment" means navigable waters, any other surface waters, groundwater, drinking water supply, land surface or subsurface strata or ambient air, within or bordering on this state.

16. "Existing facility" means a facility on which construction began before August 13, 1986 and which THAT is neither a new facility nor a closed facility. For the purposes of this definition, construction on a facility has begun if the facility owner or operator has either:

(a) Begun, or caused to begin, as part of a continuous on-site construction program any placement, assembly or installation of a building, structure or equipment.

(b) Entered a binding contractual obligation to purchase a building, structure or equipment which THAT is intended to be used in its operation within a reasonable time. Options to purchase or contracts which THAT can be terminated or modified without substantial loss, and contracts for feasibility engineering and design studies, do not constitute a contractual obligation for purposes of this definition.

17. "Facility" means any land, building, installation, structure, equipment, device, conveyance, area, source, activity or practice from which there is, or with reasonable probability may be, a discharge.

18. "Gray water" means wastewater that has been collected separately from a sewage flow and that originates from a clothes washer or a bathroom tub, shower or sink but that does not include wastewater from a kitchen sink, dishwasher or toilet.

19. "Hazardous substance" means:

(a) Any substance designated pursuant to sections 311(b)(2)(A) and 307(a) of the clean water act.

(b) Any element, compound, mixture, solution or substance designated pursuant to section 102 of CERCLA.

(c) Any hazardous waste having the characteristics identified under or listed pursuant to section 49-922.

(d) Any hazardous air pollutant listed under section 112 of the federal clean air act (42 United States Code section 7412).

(e) Any imminently hazardous chemical substance or mixture with respect to which the administrator has taken action pursuant to section 7 of the federal toxic substances control act (15 United States Code section 2606).

(f) Any substance which THAT the director, by rule, either designates as a hazardous substance following the designation of the substance by the administrator under the authority described in subdivisions (a) through (e) of this paragraph or designates as a hazardous substance on the basis of a determination that such substance represents an imminent and substantial endangerment to public health.

20. "HYDRAULIC FRACTURING" MEANS THE PROCESS OF PUMPING A FLUID INTO OR UNDER THE SURFACE OF THE GROUND IN ORDER TO CREATE FRACTURES IN ROCK FOR THE PURPOSE OF THE PRODUCTION OR RECOVERY OF OIL OR NATURAL GAS.

20. 21. "Inert material" means broken concrete, asphaltic pavement, manufactured asbestos-containing products, brick, rock, gravel, sand and soil. Inert material also includes material that when subjected to a water leach test that is designed to approximate natural infiltrating waters will not leach substances in concentrations that exceed numeric aquifer water quality standards established pursuant to section 49-223, including overburden and wall rock that is not acid generating, taking into consideration acid neutralization potential, and that has not and will not be subject to mine leaching operations.

21. 22. "Major modification" means a physical change in an existing facility or a change in its method of operation that results in a significant increase or adverse alteration in the characteristics or volume of the pollutants discharged, or the addition of a process or major piece of production equipment, building or structure that is physically separated from the existing operation and that causes a discharge, provided that:

(a) A modification to a groundwater protection permit facility as defined in section 49-241.01, subsection C that would qualify for an area-wide permit pursuant to section 49-243 consisting of an activity or structure listed in section 49-241, subsection B shall not constitute a major modification solely because of that listing.

(b) For a groundwater protection permit facility as defined in section 49-241.01, subsection C, a physical expansion that is accomplished by lateral accretion or upward expansion within the pollutant management area of the existing facility or group of facilities shall not constitute a major modification if the accretion or expansion is accomplished through sound engineering practice in a manner compatible with existing facility design, taking into account safety, stability and risk of environmental release. For a facility described in section 49-241.01, subsection C, paragraph 1, expansion of a facility shall conform with the terms and conditions of the applicable permit. For a facility described in section 49-241.01, subsection C, paragraph 2, if the area of the contemplated expansion is not identified in the notice of disposal, the owner or operator of the facility shall submit to the director the information required by section 49-243, subsection A, paragraphs 1, 2, 3 and 7.

22. 23. "Navigable waters" means the waters of the United States as defined by section 502(7) of the clean water act (33 United States Code section 1362(7)).

23. 24. "New facility" means a previously closed facility that resumes operation or a facility on which

construction was begun after August 13, 1986 on a site at which no other facility is located or to totally replace the process or production equipment that causes the discharge from an existing facility. A major modification to an existing facility is deemed a new facility to the extent that the criteria in section 49-243, subsection B, paragraph 1 can be practically applied to such modification. For the purposes of this definition, construction on a facility has begun if the facility owner or operator has either:

(a) Begun, or caused to begin as part of a continuous on-site construction program, any placement, assembly or installation of a building, structure or equipment.

(b) Entered a binding contractual obligation to purchase a building, structure or equipment which THAT is intended to be used in its operation within a reasonable time. Options to purchase or contracts which THAT can be terminated or modified without substantial loss, and contracts for feasibility engineering and design studies, do not constitute a contractual obligation for purposes of this definition.

24. 25. "Nonpoint source" means any conveyance which THAT is not a point source from which pollutants are or may be discharged to navigable waters.

25. 26. "On-site wastewater treatment facility" means a conventional septic tank system or alternative system that is installed at a site to treat and dispose of wastewater of predominantly human origin that is generated at that site.

26. 27. "Permit" means a written authorization issued by the director or prescribed by this chapter or in a rule adopted under this chapter stating the conditions and restrictions governing a discharge or governing the construction, operation or modification of a facility.

27. 28. "Person" means an individual, employee, officer, managing body, trust, firm, joint stock company, consortium, public or private corporation, including a government corporation, partnership, association or state, a political subdivision of this state, a commission, the United States government or any federal facility, interstate body or other entity.

28. 29. "Point source" means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants are or may be discharged to navigable waters. Point source does not include return flows from irrigated agriculture.

29. 30. "Pollutant" means fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and mining, industrial, municipal and agricultural wastes or any other liquid, solid, gaseous or hazardous substances.

30. 31. "Postclosure monitoring and maintenance" means those activities that are conducted after closure notification and that are necessary to:

(a) Keep the facility in compliance with either the aquifer water quality standards at the applicable point of compliance or, for any aquifer water quality standard that is exceeded at the time the aquifer protection permit is issued, the requirement to prevent the facility from further degrading the aquifer at the applicable point of compliance as provided under section 49-243, subsection B, paragraph 3.

(b) Verify that the actions or controls specified as closure requirements in an approved closure plan or strategy are routinely inspected and maintained.

(c) Perform any remedial, mitigative or corrective actions or controls as specified in the aquifer protection permit or perform corrective action as necessary to comply with this paragraph and article 3 of this chapter.

(d) Meet property use restrictions.

31. 32. "Practicably" means able to be reasonably done from the standpoint of technical practicability and, except for pollutants addressed in section 49-243, subsection I, economically achievable on an industry-wide basis.

32. 33. "Reclaimed water" means water that has been treated or processed by a wastewater treatment plant or an on-site wastewater treatment facility.

33. 34. "Regulated agricultural activity" means the application of nitrogen fertilizer or a concentrated animal feeding operation.

34. 35. "Safe drinking water act" means the federal safe drinking water act OF 1974, as amended (P.L. 93-523; 88 Stat. 1660 1661; 95-190; 91 Stat. 1393).

35. 36. "Standards" means water quality standards, pretreatment standards and toxicity standards established pursuant to this chapter.

36. 37. "Standards of performance" means performance standards, design standards, best management practices, technologically based standards and other standards, limitations or restrictions established by the director by rule or by permit condition.

37. 38. "Tank" means a stationary device, including a sump, that is constructed of concrete, steel, plastic, fiberglass, or other non-earthen material that provides substantial structural support, and that is designed to contain an accumulation of solid, liquid or gaseous materials.

38. 39. "Toxic pollutant" means a substance that will cause significant adverse reactions if ingested in drinking water. Significant adverse reactions are reactions that may indicate a tendency of a substance or mixture to cause long lasting or irreversible damage to human health.

39. 40. "Trade secret" means information to which all of the following apply:

(a) A person has taken reasonable measures to protect from disclosure and the person intends to continue to take such measures.

(b) The information is not, and has not been, reasonably obtainable without the person's consent by other persons, other than governmental bodies, by use of legitimate means, other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding.

(c) No statute specifically requires disclosure of the information to the public.

(d) The person has satisfactorily shown that disclosure of the information is likely to cause substantial harm to the business's competitive position.

40. 41. "Vadose zone" means the zone between the ground surface and any aquifer.

41. 42. "Waters of the state" means all waters within the jurisdiction of this state including all perennial or intermittent streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, aquifers, springs, irrigation systems, drainage systems and other bodies or accumulations of surface, underground, natural, artificial, public or private water situated wholly or partly in or bordering on the state.

42. 43. "Well" means a bored, drilled or driven shaft, pit or hole whose depth is greater than its largest surface dimension.

Sec. 2. Title 49, chapter 2, article 1, Arizona Revised Statutes, is amended by adding section 49-211, to read:

49-211. Hydraulic fracturing prohibited

A PERSON MAY NOT ENGAGE IN HYDRAULIC FRACTURING IN THIS STATE AND MAY NOT COLLECT, STORE OR TREAT WATER IN THIS STATE IF THAT WATER IS USED IN, GENERATED BY OR RESULTING FROM THE PROCESS OF HYDRAULIC FRACTURING.

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

49-701. Definitions

In this chapter, unless the context otherwise requires:

1. "Administratively complete plan" means an application for a solid waste facility plan approval that the department has determined contains each of the components required by statute or rule but that has not undergone technical review or public notice by the department.
2. "Administrator" means the administrator of the United States environmental protection agency.
3. "Closed solid waste facility" means any of the following:
 - (a) A solid waste facility that ceases storing, treating, processing or receiving for disposal solid waste before the effective date of design and operation rules for that type of facility adopted pursuant to section 49-761.
 - (b) A public solid waste landfill that meets any of the following criteria:
 - (i) Ceased receiving solid waste prior to July 1, 1983.
 - (ii) Ceased receiving solid waste and received at least two feet of cover material prior to January 1, 1986.
 - (iii) Received approval for closure from the department.
 - (c) A public composting plant or a public incinerating facility that closed in accordance with an approved plan.
4. "Conditionally exempt small quantity generator waste" means hazardous waste in quantities as defined by rules adopted pursuant to section 49-922.
5. "Construction debris" means solid waste derived from the construction, repair or remodeling of buildings or other structures.
6. "County" means:
 - (a) The board of supervisors in the context of the exercise of powers or duties.
 - (b) The unincorporated areas in the context of area of jurisdiction.
7. "Demolition debris" means solid waste derived from the demolition of buildings or other structures.
8. "Discharge" has the same meaning prescribed in section 49-201.
9. "Existing solid waste facility" means a solid waste facility that begins construction or is in operation on the effective date of the design and operation rules adopted by the director pursuant to section 49-761 for that type of solid waste facility.
10. "Facility plan" means any design or operating plan for a solid waste facility or group of solid waste facilities.
11. "40 C.F.R. part 257" means 40 Code of Federal Regulations part 257 in effect on May 1, 2004.
12. "40 C.F.R. part 258" means 40 Code of Federal Regulations part 258 in effect on May 1, 2004.
13. "Household hazardous waste" means solid waste as described in 40 Code of Federal Regulations section 261.4(b)(1) as incorporated by reference in the rules adopted pursuant to chapter 5 of this title.
14. "Household waste" means any solid waste including garbage, rubbish and sanitary waste from septic tanks that is generated from households including single and multiple family residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day use recreation areas, not including construction debris, landscaping rubble or demolition debris.
15. "Inert material":
 - (a) Means material that satisfies all of the following conditions:
 - (i) Is not flammable.
 - (ii) Will not decompose.
 - (iii) Will not leach substances in concentrations that exceed applicable aquifer water quality standards prescribed by section 49-201, paragraph 20 FOR INERT MATERIAL when subjected to a water leach test that is designed to approximate natural infiltrating waters.
 - (b) Includes concrete, asphaltic pavement, brick, rock, gravel, sand, soil and metal, if used as reinforcement in concrete, but does not include special waste, hazardous waste, glass or other metal.
16. "Land disposal" means placement of solid waste in or on land.
17. "Landscaping rubble" means material that is derived from landscaping or reclamation activities and that may contain inert material and no more than ten per cent PERCENT by volume of vegetative waste.
18. "Management agency" means any person responsible for the day-to-day operation, maintenance and management of a particular public facility or group of public facilities.
19. "Medical waste" means any solid waste which THAT is generated in the diagnosis, treatment or immunization of a human being or animal or in any research relating to that diagnosis, treatment or immunization, or in the production or testing of biologicals, and includes discarded drugs but does not include hazardous waste as defined in section 49-921 other than conditionally exempt small quantity generator waste.
20. "Municipal solid waste landfill" means any solid waste landfill that accepts household waste, household hazardous waste or conditionally exempt small quantity generator waste.
21. "New solid waste facility" means a solid waste facility that begins construction or operation after the effective date of design and operating rules that are adopted pursuant to section 49-761 for that type of solid waste facility.
22. "On site" means the same or geographically contiguous property that may be divided by public or private right-of-way if the entrance and exit between the properties are at a crossroads intersection and access is by crossing the right-of-way and not by traveling along the right-of-way. Noncontiguous properties that are owned by the same person and connected by a right-of-way that is controlled by that person and to which the public does not have access are deemed on site property. Noncontiguous properties that are owned or operated by the same person regardless of right-of-way control are also deemed on site property.
23. "Person" means any public or private corporation, company, partnership, firm, association or society of persons, the federal government and any of its departments or agencies, this state or any of its agencies, departments, political subdivisions, counties, towns or municipal corporations, as well as a natural person.
24. "Process" or "processing" means the reduction, separation, recovery, conversion or recycling of solid waste.
25. "Public solid waste facility" means a transfer facility and any site owned, operated or utilized by any person for the storage, processing, treatment or disposal of solid waste that is not generated on site.
26. "Recycling facility" means a solid waste facility that is owned, operated or used for the storage, treatment or processing of recyclable solid waste and that handles wastes that have a significant adverse effect on the environment.
27. "Salvaging" means the removal of solid waste from a solid waste facility with the permission and in accordance with rules or ordinances of the management agency for purposes of productive reuse.
28. "Scavenging" means the unauthorized removal of solid waste from a solid waste facility.
29. "Solid waste facility" means a transfer facility and any site owned, operated or utilized by any person for the storage, processing, treatment or disposal of solid waste, conditionally exempt small quantity generator waste or household hazardous waste but does not include the following:

- (a) A site at which less than one ton of solid waste that is not household waste, household hazardous waste, conditionally exempt small quantity generator waste, medical waste or special waste and that was generated on site is stored, processed, treated or disposed in compliance with section 49-762.07, subsection F.
- (b) A site at which solid waste that was generated on site is stored for ninety days or less.
- (c) A site at which nonputrescible solid waste that was generated on site in amounts of less than one thousand kilograms per month per type of nonputrescible solid waste is stored and contained for one hundred eighty days or less.
- (d) A site that stores, treats or processes paper, glass, wood, cardboard, household textiles, scrap metal, plastic, vegetative waste, aluminum, steel or other recyclable material and that is not a waste tire facility, a transfer facility or a recycling facility.
- (e) A site where sludge from a wastewater treatment facility is applied to the land as a fertilizer or beneficial soil amendment in accordance with sludge application requirements.
- (f) A closed solid waste facility.
- (g) A solid waste landfill that is performing or has completed postclosure care before July 1, 1996 in accordance with an approved postclosure plan.
- (h) A closed solid waste landfill performing a onetime removal of solid waste from the closed solid waste landfill, if the operator provides a written notice that describes the removal project to the department within thirty days after completion of the removal project.
- (i) A site where solid waste generated in street sweeping activities is stored, processed or treated prior to disposal at a solid waste facility authorized under this chapter.
- (j) A site where solid waste generated at either a drinking water treatment facility or a wastewater treatment facility is stored, processed, or treated on site prior to disposal at a solid waste facility authorized under this chapter, and any discharge is regulated pursuant to chapter 2, article 3 of this title.
- (k) A closed solid waste landfill where development activities occur on the property or where excavation or removal of solid waste is performed for maintenance and repair provided the following conditions are met:
- (i) When the project is completed there will not be an increase in leachate that would result in a discharge.
- (ii) When the project is completed the concentration of methane gas will not exceed twenty-five per-cent PERCENT of the lower explosive limit in on-site structures, or the concentration of methane gas will not exceed the lower explosive limit at the property line.
- (iii) Protection has been provided to prevent remaining waste from causing any vector, odor, litter or other environmental nuisance.
- (iv) The operator provides a notice to the department containing the information required by section 49-762.07, subsection A, paragraphs 1, 2 and 5 and a brief description of the project.
- (l) Agricultural on-site disposal as provided in section 49-766.
- (m) The use, storage, treatment or disposal of by-products of regulated agricultural activities as defined in section 49-201 and that are subject to best management practices pursuant to section 49-247 or by-products of livestock, range livestock and poultry as defined in section 3-1201, pesticide containers that are regulated pursuant to title 3, chapter 2, article 6 or other agricultural crop residues.
- (n) Household hazardous waste collection events held at a temporary site for not more than six days in any calendar quarter.
- (o) Wastewater treatment facilities as defined in section 49-1201.
- (p) An on-site single family household waste composting facility.
- (q) A site at which five hundred or fewer waste tires are stored.
- (r) A site at which mining industry off-road waste tires are stored or are disposed of as prescribed by rules in effect on February 1, 1996, until the director by rule determines that on-site recycling methods exist that are technically feasible and economically practical.
- (s) A site at which underground piping, conduit, pipe covering or similar structures are abandoned in place in accordance with applicable state and federal laws.
30. "Solid waste landfill" means a facility, area of land or excavation in which solid wastes are placed for permanent disposal. Solid waste landfill does not include a land application unit, surface impoundment, injection well, compost pile or waste pile or an area containing ash from the on-site combustion of coal that does not contain household waste, household hazardous waste or conditionally exempt small quantity generator waste.
31. "Solid waste management" means the systematic administration of activities which THAT provide for the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste in a manner that protects public health and safety and the environment and prevents and abates environmental nuisances.
32. "Solid waste management plan" means the plan which THAT is adopted pursuant to section 49-721 and which THAT provides guidelines for the collection, source separation, storage, transportation, processing, treatment, reclamation and disposal of solid waste in a manner that protects public health and safety and the environment and prevents and abates environmental nuisances.
33. "Storage" means the holding of solid waste.
34. "Transfer facility" means a site that is owned, operated or used by any person for the rehandling or storage for ninety days or less of solid waste that was generated off site for the primary purpose of transporting that solid waste. Transfer facility includes those facilities that include significant solid waste transfer activities that warrant the facility's regulation as a transfer facility.
35. "Treatment" means any method, technique or process used to change the physical, chemical or biological character of solid waste so as to render that waste safer for transport, amenable for processing, amenable for storage or reduced in volume.
36. "Vegetative waste" means waste derived from plants, including tree limbs and branches, stumps, grass clippings and other waste plant material. Vegetative waste does not include processed lumber, paper, cardboard and other manufactured products that are derived from plant material.
37. "Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.
38. "Waste tire" does not include tires used for agricultural purposes as bumpers on agricultural equipment or as ballast to maintain covers at an agricultural site, or any tire disposed of using any of the methods in section 44-1304, subsection D, paragraphs 1, 2, 3, 5 through 8 and 11 and means any of the following:
- (a) A tire that is no longer suitable for its original intended purpose because of wear, damage or defect.
- (b) A tire that is removed from a motor vehicle and is retained for further use.
- (c) A tire that has been chopped or shredded.
39. "Waste tire facility" means a solid waste facility at which five thousand or more waste tires are stored outdoors on any day.

OGCC Meeting

1.15.16

<u>NAME</u>	<u>REPRESENTING</u>
Rick Forster	1000 Bridges LLC
Bill Feyeralend	OGC
Joe Dixon	AZ State Land
Thomas White	Kinder Morgan