



1 **§22-15-8. Limit on the size of solid waste facilities; rulemaking.**

2 (a) On and after October 1, 1991, it is unlawful to operate  
3 any commercial solid waste facility that handles between ten  
4 thousand and thirty thousand tons of solid waste per month, except  
5 as provided in section nine of this article and sections  
6 twenty-six, twenty-seven and twenty-eight, articles four and  
7 four-a, chapter twenty-two-c of this code.

8 (b) Except as provided in section nine of this article, the  
9 maximum quantity of solid waste which may lawfully be received or  
10 disposed of at any commercial solid waste facility is thirty  
11 thousand tons per month.

12 (c) The director shall, within the limits contained in this  
13 article, place a limit on the amount of solid waste received or  
14 disposed of per month in commercial solid waste facilities. The  
15 director shall consider at a minimum the following criteria in  
16 determining a commercial solid waste facility's monthly tonnage  
17 limit:

18 (1) The proximity and potential impact of the solid waste  
19 facility upon groundwater, surface water and potable water;

20 (2) The projected life and design capacity of the solid waste  
21 facility;

22 (3) The available air space, lined acreage, equipment type and  
23 size, adequate personnel and wastewater treatment capabilities; and

1           (4) Other factors related to the environmentally safe and  
2 efficient disposal of solid waste.

3           (d) Within the limits established in this article, the  
4 director shall determine the amount of sewage sludge which may be  
5 safely treated, stored, processed, composted, dumped or placed in  
6 a solid waste facility.

7           (e) The director shall promulgate emergency rules, and propose  
8 for legislative promulgation, legislative rules pursuant to the  
9 provisions of article three, chapter twenty-nine-a of this code, to  
10 effectuate the requirements of this section. When developing the  
11 rules, the director shall consider at a minimum the potential  
12 impact of the treatment, storage, processing, composting, dumping  
13 or placing sewage sludge at a solid waste facility:

14           (1) On the groundwater, surface waters and potable waters in  
15 the area;

16           (2) On the air quality in the area;

17           (3) On the projected life and design capacity of the solid  
18 waste facility;

19           (4) On the available air space, lined acreage, equipment type  
20 and size, personnel and wastewater treatment capabilities;

21           (5) The facility's ability to adequately develop markets and  
22 market the product which results from the proper treatment of  
23 sewage sludge; and

1 (6) Other factors related to the environmentally safe and  
2 efficient treatment, storage, processing, composting, dumping or  
3 placing of sewage sludge at a solid waste facility.

4 (f) Sewage sludge disposed of at a landfill must contain at  
5 least twenty percent solid by weight. This requirement may be met  
6 by adding or blending sand, sawdust, lime, leaves, soil or other  
7 materials that have been approved by the director prior to  
8 disposal. Alternative sewage sludge disposal methods can be  
9 utilized upon obtaining written approval from the director. No  
10 facility may accept for land filling in any month sewage sludge in  
11 excess of twenty-five percent of the total tons of solid waste  
12 accepted at the facility for land filling in the preceding month.

13 (g) Notwithstanding any other provision of this code to the  
14 contrary, a commercial solid waste facility may lawfully receive  
15 drill cuttings and associated drilling waste generated from  
16 horizontal well sites above the monthly tonnage limits of that  
17 commercial solid waste facility: *Provided*, That the drill cuttings  
18 and associated drilling waste are placed in a separate cell  
19 dedicated solely to the disposal of drilling waste. The secretary  
20 may allow solid waste facilities that are actively constructing a  
21 separate cell for drilling waste to accept drilling waste until  
22 September 30, 2014, without counting it towards the permitted  
23 monthly tonnage limits: *Provided*, That, That under no

1 circumstances may a solid waste facility exclude or refuse to take  
2 municipal solid waste until it has reached its monthly permitted  
3 tonnage limits.

NOTE: The purpose of this bill is to allow the disposal of drill cuttings and associated drilling waste generated from well sites in commercial solid waste facilities. The bill permits that disposal even if it results in the facility going over its maximum monthly permitted limits if the drilling waste is placed in a separate cell dedicated solely for those wastes. The bill provides that the facility may not refuse municipal waste until its monthly limit is reached.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.