

## DEFINITIONS

"Active life" means the period of operation beginning with the initial receipt of solid waste and ending at completion of closure activities.

"Active portion" means that part of a solid waste facility or unit that has received or is receiving wastes and that has not been closed.

"Adequately wet" means sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

"Administrative Rules" means rules written and adopted by a Montana government agency to execute the power and duties invested in them by the Montana legislature (*e.g.*, by 75-10-204, MCA, for DEQ Solid Waste Program).

"Aquifer" means any geologic formation, group of formations, or part of a formation capable of yielding significant quantities of ground water to wells or springs.

"Asbestos" means the asbestiform varieties of six fiber types – chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonite-grunerite), anthophyllite, tremolite or actinolite."

"Asbestos-containing waste materials (ACWM)" means mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this subpart. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

"Category I nonfriable asbestos-containing material (ACM)" means asbestos containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy.

"Category II nonfriable ACM" means any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

"Class II landfill facility" means a solid waste facility licensed to operate as Class II solid waste management system that can receive Group II, Group III, and Group IV wastes but not regulated hazardous wastes. Group III and Group IV waste may be managed in Class II units or separate

units at the solid waste facility. Household waste, although it may contain some household hazardous waste or other non-regulated hazardous waste, may be disposed of at Class II landfills.

“Class IV landfill facility” means a solid waste facility licensed to operate as Class IV solid waste management system that may accept only Group III or Group IV wastes. Conditionally exempt small quantity generator hazardous waste that is generated as a part of a construction or demolition project and that cannot practicably be removed from the construction and demolition waste may be included in waste disposed of in Class IV units.

"Closure" means the process by which an owner or operator of a solid waste facility closes all or part of a solid waste facility in accordance with a department-approved closure plan and all applicable closure requirements.

“Composite-liner” means a system consisting of two components. The upper component must consist of a minimum 30 mil flexible membrane liner (FML) and the lower component must consist of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than  $1 \times 10^{-7}$  cm/sec, FML components consisting of high density polyethylene (HDPE) must be at least 50-mil thick. The FML component must be installed in direct and uniform contact with the compacted soil component.

"Construction and demolition waste" means the waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures, once municipal, household, commercial, and industrial wastes have been removed.

"Contaminated soil" means soil, rocks, dirt, or earth that has been made impure by contact, commingling, or consolidation with organic compounds such as petroleum hydrocarbons. This definition does not include soils contaminated solely by inorganic metals, soils that meet the definition of hazardous waste under ARM Title 17, chapter 53, or of regulated PCB (polychlorinated biphenyls) contaminated soils.

“Demolition” means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any offsite facility.

"Dispose" or "disposal" means the discharge, injection, deposit, dumping, spilling, leaking, or placing of any solid waste into or onto the land so that the solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters, including ground water.

"Endangered or threatened species" means any species listed as such, pursuant to section 4 of the federal Endangered Species Act of 1973.

“Facility” means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

“Friable asbestos material” means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

“Fugitive source” means any source of emissions not controlled by an air pollution control device.

"Groundwater" means water below the land surface in a zone of saturation.

“Group II wastes” means decomposable wastes and mixed solid wastes containing decomposable material but exclude regulated hazardous wastes. Examples include, but are not limited to, the following: (i) municipal and household solid wastes such as garbage and putrescible organic materials, paper, cardboard, cloth, glass, metal, plastics, street sweepings, yard and garden wastes, digested sewage treatment sludges, water treatment sludges, ashes, dead animals, offal, discarded appliances, abandoned automobiles, and hospital and medical facility wastes, provided that infectious wastes have been rendered non-infectious to prevent the danger of disease; and (ii) commercial and industrial solid wastes such as packaging materials, liquid or solid industrial process wastes that are chemically or biologically decomposable, contaminated soils, crop residues, manure, chemical fertilizers, and emptied pesticide containers that have been triple rinsed or processed by methods approved by the department.

“Group III wastes” means wastes that are characterized by their general inert nature and low potential for environmental impacts. Group III wastes include wood wastes and non-water-soluble solids.

“Group IV wastes” mean construction and demolition wastes, and asphalt, except regulated hazardous wastes.

"Industrial solid waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA). The definition includes, but is not limited to, waste resulting from the following manufacturing or industrial processes:

- (a) electric power generation;
- (b) fertilizer/agricultural chemicals;
- (c) food and related products/byproducts;
- (d) inorganic chemicals;
- (e) iron and steel manufacturing;
- (f) leather and leather products;
- (g) nonferrous metals manufacturing/foundries;
- (h) organic chemicals;
- (i) plastics and resins manufacturing;
- (j) pulp and paper industry;
- (k) rubber and miscellaneous plastic products;
- (l) stone, glass, clay, and concrete products;
- (m) textile manufacturing;
- (n) transportation equipment; and
- (o) water treatment.

"Landfill" means an area of land or an excavation where wastes are placed for permanent disposal and that is not a land application unit, surface impoundment, injection well, or waste pile.

"Lateral expansion" means a horizontal expansion of the waste boundaries of an existing disposal unit.

"Leachate" means a liquid which has contacted, passed through, or emerged from solid waste and contains soluble, suspended, or miscible materials removed from the waste.

"Leachate collection system" means an engineered structure, located above a liner and below the refuse in a landfill unit, designed to collect leachate.

"Leachate removal system" means an engineered structure that allows for the removal of leachate from a landfill unit. A leachate removal system may be, but is not necessarily, used in conjunction with a leachate collection system.

"Licensed boundary" means the perimeter of the area within a solid waste management system that the department has approved for solid waste management.

"Licensee" means a person who has, or persons who have, been issued a license by the department to operate a solid waste management system.

"Liquid waste" means any waste material that is determined to contain "free liquids" as defined by Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846).

"Lower explosive limit" means the lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at 25° C and atmospheric pressure.

"Major Class II facility" means a Class II solid waste facility with a planned capacity of more than 25,000 tons per year.

"Montana Code Annotated" means the laws promulgated by act of the Montana legislature after presentation and argument of a bill passed in the Montana House and Senate.

"Municipal solid waste landfill" means any publicly or privately-owned landfill or landfill unit that receives household waste or other types of waste, including commercial waste, non-hazardous sludge, and industrial solid waste. The term does not include land application units, surface impoundments, injection wells, or waste piles.

"Nonfriable asbestos-containing material" means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

"Operator" means the person responsible for the overall operation of an onsite solid waste facility or part of a solid waste facility.

"Owner" means the person who owns a solid waste facility or part of a solid waste facility.

"Particulate asbestos material" means finely divided particles of asbestos or material containing asbestos.

"Person" means an individual, firm, partnership, company, association, corporation, city, town, local governmental entity, or any other governmental or private entity, whether organized for profit or not.

"Post-closure care" means the activities required at a landfill after the completion of closure in which all aspects of the landfill containment, extraction, control, and monitoring systems must be inspected, operated, and maintained in accordance with a department-approved post-closure plan and all applicable requirements.

"RCRA" means the federal Solid Waste Disposal Act, as amended by and hereinafter referred to as the Resource Conservation and Recovery Act of 1976 and subsequent amendments, codified at 42 USC 6901 through 6992k.

"Regulated asbestos-containing material (RACM)" means (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

"Regulated hazardous waste" means a solid waste that is a hazardous waste, as defined in 40 CFR 261.3, that is not excluded from regulation as a hazardous waste under 40 CFR 261.4(b) or was not generated by a conditionally exempt small quantity generator as defined in 40 CFR 261.5.

"Remove" means to take out RACM or facility components that contain or are covered with RACM from any facility.

"Renovation" means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

"Remediation" means the act of reducing contamination to a level that is protective of human health and the environment.

"Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a solid waste facility.

"Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a solid waste facility.

"Saturated zone" means that part of the earth's crust in which all voids are filled with water.

"Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

"Solid waste" means all putrescible and nonputrescible wastes including, but not limited to, garbage; rubbish; refuse; ashes; sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction and demolition wastes; dead animals, including offal; discarded home and industrial appliances; and wood products or wood byproducts and inert materials. "Solid waste" does not mean municipal sewage, industrial

wastewater effluents, mining wastes regulated under the mining and reclamation laws administered by the department, slash and forest debris regulated under laws administered by the department, or marketable byproducts.

"Solid waste management system" means a system which controls the storage, treatment, recycling, recovery, or disposal of solid waste. Such a system may be composed of one or more solid waste management facilities. This term does not include hazardous waste management systems.

"Special waste" means solid waste that has unique handling, transportation, or disposal requirements to ensure protection of the public health, safety, and welfare and the environment.

"Structural components" means liners, leachate collection systems, final covers, run-on/run-off systems, and any other component used in the construction and operation of a Class II or lined Class IV landfill unit that is necessary for protection of human health and the environment.

"Unit" means a discrete area of land or an excavation used for the landfilling or other disposal of solid waste.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within a solid waste facility's property boundary.

"Visible emissions" means any emissions, which are visually detectable without the aid of instruments, coming from RACM or asbestos-containing waste material, or from any asbestos milling, manufacturing, or fabricating operation. This does not include condensed, uncombined water vapor.

"Waste" means useless, unwanted, or discarded materials in any physical form, e.g., solid, semi-solid, liquid, or gaseous. The term is not intended to apply to by-products or materials which have economic value and may be used by the person producing the material or sold to another person for resource recovery or use in a beneficial manner.

"Waste shipment record" means the shipping document, required to be originated and signed by the waste generator, used to track and substantiate the disposition of asbestos-containing waste material.

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

