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HOUSE BILL 327

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

KIP W. NICELY

AN ACT

RELATING TO SOLID WASTE; AMENDING SECTION 74-9-3 NMSA 1978  
(BEING LAWS 1990, CHAPTER 99, SECTION 3) TO CORRECT THE  
DEFINITION OF REFUSE-DERIVED FUEL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 74-9-3 NMSA 1978 (being Laws 1990,  
Chapter 99, Section 3) is amended to read:

"74-9-3. DEFINITIONS. -- As used in the Solid Waste Act:

A. "agricultural" means all methods of production  
and management of livestock, crops, vegetation and soil. This  
includes, but is not limited to, raising, harvesting and  
marketing. It also includes, but is not limited to, the  
activities of feeding, housing and maintaining animals such as  
cattle, dairy cows, sheep, goats, hogs, horses and poultry;

B. "board" means the environmental improvement

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1 board;

2 C. "commercial hauler" means any person transporting  
3 solid waste for hire by whatever means for the purpose of  
4 disposing of the solid waste in a solid waste facility, except  
5 that the term does not include an individual transporting solid  
6 waste generated on or from his residential premises for the  
7 purpose of disposing of it in a solid waste facility;

8 D. "construction and demolition debris" means  
9 materials generally considered to be not water soluble and  
10 nonhazardous in nature, including, but not limited to, steel,  
11 glass, brick, concrete, asphalt roofing materials, pipe, gypsum  
12 wallboard and lumber from the construction or destruction of a  
13 structure as part of a construction or demolition project, and  
14 includes rocks, soil, tree remains, trees and other vegetative  
15 matter that normally results from land clearing or land  
16 development operations for a construction project, but if  
17 construction and demolition debris is mixed with any other types  
18 of solid waste, whether or not originating from the construction  
19 project, it loses its classification as construction and  
20 demolition debris;

21 ~~[E. "densified refuse derived fuel" means a product~~  
22 ~~resulting from the processing of mixed municipal solid waste in~~  
23 ~~a manner that produces a fuel suitable for combustion in~~  
24 ~~existing or new solid fuel-fired boilers;~~

25 F.] E. "director" means the director of the

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1 environmental improvement division of the [~~health and~~  
2 ~~environment~~] department of environment;

3 [G.] F. "division" means the environmental  
4 improvement division of the [~~health and environment~~] department  
5 of environment;

6 [H.] G. "municipality" means any incorporated city,  
7 town or village, whether incorporated under general act, special  
8 act or special charter, incorporated counties and H class  
9 counties;

10 [I.] H. "person" means an individual or any entity,  
11 including federal, state and local governmental entities,  
12 however organized;

13 [J.] I. "plan" or "state plan" means the solid waste  
14 management plan required to be developed under Section [~~4 of the~~  
15 ~~Solid Waste Act~~] 74-9-4 NMSA 1978;

16 [K.] J. "program" or "state program" means the  
17 comprehensive solid waste management program described in  
18 Section [~~12 of the Solid Waste Act~~] 74-9-12 NMSA 1978;

19 [L.] K. "recyclable materials" means materials that  
20 would otherwise become solid waste if not recycled and that can  
21 be collected, separated or processed and placed in use in the  
22 form of raw materials, products or [~~densified-refuse-derived~~  
23 refuse-derived fuels;

24 [M.] L. "recycling" means any process by which  
25 recyclable materials are collected, separated or processed and

1 reused or returned to use in the form of raw materials or  
2 products;

3 M. "refuse-derived fuel" means the organic portion  
4 of a solid waste stream that remains after processing to remove  
5 glass, metals, toxic matter and other noncombustibles and that  
6 is intended to be used as fuel;

7 N. "solid waste" means any garbage, refuse, sludge  
8 from a waste treatment plant, water supply treatment plant or  
9 air pollution control facility and other discarded material,  
10 including solid, liquid, semisolid or contained gaseous material  
11 resulting from industrial, commercial, mining and agricultural  
12 operations and from community activities. "Solid waste" does  
13 not include:

14 (1) drilling fluids, produced waters and other  
15 nondomestic wastes associated with the exploration, development  
16 or production, transportation, storage, treatment or refinement  
17 of crude oil, natural gas, carbon dioxide gas or geothermal  
18 energy;

19 (2) fly ash waste, bottom ash waste, slag waste  
20 and flue gas emission control waste generated primarily from the  
21 combustion of coal or other fossil fuels and wastes produced in  
22 conjunction with the combustion of fossil fuels that are  
23 necessarily associated with the production of energy and that  
24 traditionally have been and actually are mixed with and are  
25 disposed of or treated at the same time with fly ash, bottom

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1 ash, boiler slag or flue gas emission control wastes from coal  
2 combustion;

3 (3) waste from the extraction, beneficiation  
4 and processing of ores and minerals, including phosphate rock  
5 and overburden from the mining of uranium ore, coal, copper,  
6 molybdenum and other ores and minerals;

7 (4) agricultural waste, including, but not  
8 limited to, manures and crop residues returned to the soil as  
9 fertilizer or soil conditioner;

10 (5) cement kiln dust waste;

11 (6) sand and gravel;

12 (7) solid or dissolved material in domestic  
13 sewage or solid or dissolved materials in irrigation return  
14 flows or industrial discharges that are point sources subject to  
15 permits under Section 402 of the federal Water Pollution Control  
16 Act, 33 U. S. C. Section 1342 or source, special nuclear or  
17 byproduct material as defined by the federal Atomic Energy Act  
18 of 1954, 42 U. S. C. Section 2011 et seq.;

19 (8) [~~densified refuse-derived~~] refuse-derived  
20 fuel; or

21 (9) any material regulated by Subtitle C of the  
22 federal Resource Conservation and Recovery Act of 1976,  
23 substances regulated by the federal Toxic Substances Control Act  
24 or low-level radioactive waste;

25 0. "solid waste district" means a geographical area

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1 designated by the board as a solid waste district under Section  
2 [~~11 of the Solid Waste Act~~] 74-9-11 NMSA 1978;

3 P. "solid waste facility" means any public or  
4 private system, facility, location, improvements on the land,  
5 structures or other appurtenances or methods used for  
6 processing, transformation, recycling or disposal of solid  
7 waste, including landfill disposal facilities, transfer  
8 stations, resource recovery facilities, incinerators and other  
9 similar facilities not specified, but does not include equipment  
10 specifically approved by order of the director to render medical  
11 waste noninfectious or a facility [~~which~~] that is permitted  
12 pursuant to the provisions of the Hazardous Waste Act and does  
13 not apply to a facility fueled by a [~~densified-refuse-derived~~]  
14 refuse-derived fuel that accepts no other solid waste;

15 Q. "source reduction" means any action that causes a  
16 net reduction in the generation, volume or toxicity of solid  
17 waste;

18 R. "special waste" means solid waste that has unique  
19 handling, transportation or disposal requirements to assure  
20 protection of the environment and the public health and safety;

21 S. "transformation" means incineration, pyrolysis,  
22 distillation, gasification or biological conversion other than  
23 composting; and

24 T. "yard refuse" means vegetative matter resulting  
25 from landscaping, land maintenance and land clearing operations."