

Waste Operation, Transportation and Disposal Regulation

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1.0 Purpose

- 1.1 The purpose of this regulation is to regulate the management of solid, liquid, infectious and special waste in a way that will protect public health, safety, welfare and the environment; prevent the spread of disease, the creation of nuisances and damage of property.
- 1.2 This regulation applies to persons engaged in the handling, processing, collection, transporting or disposal of solid, liquid, infectious and special waste. This regulation also applies to locations where solid, liquid, infectious and special waste is accumulated, stored, disposed or processed.

2.0 Definitions

For the purpose of these regulations the following phrases, terms and words shall have the meaning given in this Section:

- 2.1 "Applicant" means the person or persons applying for a permit pursuant to the requirements of this regulation.
- 2.2 "Asbestos" means the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite and actinolite-tremolite.
- 2.3 "Asbestos waste " means friable asbestos, which is any material containing more than 1% asbestos as determined using the method specified in Appendix A, 40 CFR Part 763.1, 2001 ed., which is adopted and incorporated by reference, that when dry, can be crumbled, pulverized or reduced to powder by hand pressure.
- 2.4 "Board of Health" means the Weber-Morgan Board of Health as authorized by Section 26A-1-109, Utah Code Annotated, 1953, as amended.
- 2.5 "Collection vehicle" means any vehicle used in the commercial collection, transportation, storage or dumping of any regulated waste.
- 2.6 "Commercial waste" means waste generated by retail stores, offices, restaurants, warehouses and other non-manufacturing activities. Commercial waste does not include household or industrial waste.
- 2.7 "Composting" means a method of solid waste management whereby the organic component of the waste stream is biologically decomposed under controlled aerobic conditions, at a temperature of 140 degrees Fahrenheit (60 degrees Celsius) or higher, for at least some part of each day of a consecutive seven day period, to a state in which the end product or compost can be handled, stored or applied to the land without adversely affecting human health or the environment.
- 2.8 "Construction and demolition waste" means solid waste from building materials, packaging and rubble resulting from construction, remodeling, repair, abatement, rehabilitation, renovation and demolition operations on pavements, houses, commercial buildings and other structures, including waste from a very small quantity generator of hazardous waste, as defined by Section R315-260-10, that may be generated by these operations.
 - 2.8.1 Such waste may include:
 - 2.8.1.1 concrete, bricks and other masonry materials;
 - 2.8.1.2 soil and rock;
 - 2.8.1.3 waste asphalt;
 - 2.8.1.4 rebar contained in concrete; and

- 2.8.1.5 untreated wood, and tree stumps.
- 2.8.2 Construction and demolition waste does not include:
 - 2.8.2.1 friable asbestos;
 - 2.8.2.2 treated wood; or
 - 2.8.2.3 contaminated soils or tanks resulting from remediation or clean-up at any release or spill.
- 2.9 "Container" means any portable device in which a solid waste is stored, transported, treated, disposed or otherwise handled.
- 2.10 "Contamination" means a condition resulting from any alteration of the physical, chemical or biological properties of any environmental media such as air, surface water, groundwater and soil, or the release or discharge of any liquid, gaseous or solid substance into any waters of the state as will create a nuisance or render such waters harmful or detrimental or injurious to public health, safety, welfare or the environment, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, other domesticated animals, wild animals, birds, fish or other aquatic or botanical life.
- 2.11 "Contaminant" means any physical, chemical, biological or radiological substance or matter in water, soil or placed into the air that is a result of human activity.
- 2.12 "Department" means the Weber-Morgan Health Department (WMHD).
- 2.13 "Director" means the Director of the Weber-Morgan Health Department, or his or her designated representative.
- 2.14 "Discharge" means the accidental or intentional releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of any solid waste or solid waste constituents, including leachate, into or on any air, land or water.
- 2.15 "Empty container" means the container or inner liner is empty when all wastes have been removed using the practices commonly employed industry-wide to remove wastes from containers or liner, such as pouring, pumping or aspirating and draining, and no more than 1 inch (2.54 centimeters) of material remains in the container or liner, or no more than 3% by weight of the container remains for container with a capacity of 119 gallons or less, and no more than 0.3 % by weight remains for containers with a capacity of greater than 119 gallons. Containers which once held acutely hazardous waste, as defined in 40 CFR Parts 264/264, subpart I; §261., must be triple rinsed with an appropriate solvent or cleaned by an equivalent method. Containers which once held substances regulated under the Federal Insecticide, Fungicide and Rodenticide Act, must be empty according to label instructions or triple rinsed.
- 2.16 "Etiologic agent" means any microorganism, pathogen or virus that causes or significantly contributes to the cause of increased morbidity or mortality of human beings.
- 2.17 "Facility" means all contiguous land, structures, other appurtenances and improvements on the land used for treating, storing or disposing of solid waste. A facility may consist of several treatment, storage or disposal operational units, e.g., one or more incinerators, landfills, container storage areas, or combinations of these.
- 2.18 "Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure or as determined by EPA test method 9095 (Paint Filter Liquids Test) as provided in EPA Report SW-846 "Test Methods

for Evaluating Solid Waste" as revised December (1996) which is adopted and incorporated by reference.

- 2.19 "Freeboard" means the vertical distance between the lowest elevation of the top of a tank, surface impoundment or dike and the highest level of the surface of the solid waste contained therein.
- 2.20 "Garbage" means solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or material intended for use as food, and all offal (excluding useful industrial by-products) from all public and private establishments and from all residences.
- 2.21 "Generator" means any person, firm or business that first creates or causes a product or material to become a solid waste as defined in these regulations.
- 2.22 "Hazardous waste" means hazardous waste as defined by Subsection 19-6-102(9) and Section R315-261-3.
- 2.23 "Household hazardous waste" means solid waste generated and discarded from any single or multiple dwelling unit, campsite, ranger station or other residential source that is exempt from hazardous waste regulation under Utah Administrative Code section R315-2-4, Utah Hazardous Waste Management Rules. The container size normally and reasonably associated with households and household activities is five gallons or less.
- 2.24 "Household waste" means any solid waste, including garbage, trash and sanitary waste in septic tanks, derived from households including single and multiple residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas.
- 2.25 "Infectious waste" means a solid waste that contains or may reasonably be expected to contain pathogens of sufficient virulence and quantity that exposure to the waste by a susceptible host could result in an infectious disease. Infectious waste shall include any and all of the following:
 - 2.25.1 Biological laboratory wastes, including cultures or etiologic agents, that pose a substantial threat to health due to their volume and virulence;
 - 2.25.2 Chemotherapy waste, including all disposable materials that have come in contact with all cytotoxic/antineoplastic agents during preparation, handling and administration of such agents. Such waste includes, but is not limited to, masks, gloves, gowns, empty intravenous tubing bags, vials and other contaminated materials. The aforementioned waste shall first be classified as empty and of such quantity that it is not subject to state or federal waste management regulations prior to being handled as infectious waste;
 - 2.25.3 Sharps that are to be disposed, regardless of whether or not they have been used for injections or body fluid extractions;
 - 2.25.4 Surgical specimens, including human or animal parts and tissues removed surgically or at autopsy, that, in the opinion of the attending physician, dentist or veterinarian, contain etiologic agents or attendant disposable fomites;
 - 2.25.5 Pathologic specimens, including human or animal tissues, blood elements, excreta and secretions that contain etiologic agents and

- attendant disposable fomites;
- 2.25.6 Equipment, instruments, utensils and other disposable materials that are likely to transmit etiologic agents from the rooms or the enclosures of animals that have been isolated because of suspected or diagnosed communicable disease;
- 2.25.7 Human dialysis waste materials including arterial lines and dialyzate membranes;
- 2.25.8 Carcasses of animals infected with etiologic agents that may present a substantial hazard to public health if improperly managed;
- 2.25.9 Laboratory waste, including, but not limited to, human or animal specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, bioengineering wastes, wastes from the production of bacteria, viruses or the use of spores, discarded live and attenuated vaccines, culture dishes and devices used to transfer, inoculate and mix cultures;
- 2.25.10 Any other waste mixed, stored and/or transported in contact with infectious waste;
- 2.25.11 Any other waste a generator designates as infectious waste.
- 2.26 "Infectious waste generator" means any facility that generates infectious waste, including all health facilities as defined in Title 19-6-102. These standards do not apply to a business or single family residence that generates less than 25 pounds of infectious waste per month.
- 2.27 "Infectious waste operator" means any person engaged in the business of collecting, hauling or transporting infectious waste. These standards do not apply to infectious waste operators transporting less than 50 pounds on infectious waste in a calendar month.
- 2.28 "Liquid waste" means, for the purpose of this rule, domestic wastewater or sewage.
- 2.29 "Liquid waste operation" means any business activity or solicitation by which wastes are collected, transported, stored or disposed of by a collection vehicle. This shall include, but not be limited to, the cleaning out of septic tanks, sewage holding tanks, chemical toilets and vault privies.
- 2.30 "Liquid waste operator" means any person who conducts the business of a liquid waste operation.
- 2.31 "May" means discretionary, permissive or allowed.
- 2.32 "Municipality" means a county, village, town, city, district or designated agency thereof.
- 2.33 "Nuisance" means an act or conditions created by a person who unlawfully commits or omits to perform any duty, which either seriously injures or endangers the health or safety of any person, seriously renders a person insecure in life or endangers the environment.
- 2.34 "Operator" means a person engaged in the off-site collection and transportation of solid, liquid, infectious and special waste by vehicle. Operator shall include, but not be limited to, waste operators, liquid waste operators, waste tire operators and infectious waste operators.
- 2.35 "Owner" means any person who alone, jointly or severally with others, has legal

title to a solid waste collection service or other property with or without accompanying actual possession thereof, or has charge, care or control of any solid waste management service, as legal or equitable owner, agent of the owner, lessor or lessee or is an executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

- 2.36 "Permit" means a written form of authorization issued in accordance with this Regulation.
- 2.37 "Permittee" means the person who has received a permit from the Department for the operation of a solid waste management service.
- 2.38 "Person" means any individual, trust, firm, estate, joint stock company, federal agency, partnership, corporation (including a government corporation), association, state, municipality, commission, political subdivision of a state and interstate body, company, society or any other legal entity whatsoever which is recognized by law as being subject to rights and duties.
- 2.39 "Pollution" means the condition caused by the presence in or on a body of water, soil or air of any solid waste or substance derived therefrom in such quantity or such nature and duration or under such condition that the quality, appearance or usefulness of the water, soil, land or air is significantly degraded or adversely altered.
- 2.40 "Processing facility" means a solid waste management facility fixed or mobile, where solid waste is stored, classified, consolidated, baled, shredded, sorted, composted, blended, solidified, salvaged, treated or handled prior to final disposal. Processing facility shall include but not be limited to: incinerators, transfer stations, landspreading facilities, composting facilities, surface impoundments, waste oil storage, reprocessing or refining facilities, recycling facilities, pyrolysis plants, reclamation facilities, resource recovery facilities and waste tire storage facilities. Processing facility does not include scrap metal processing facilities and automobile dismantling yards.
- 2.41 "Putrescible waste" means solid waste which contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of attracting or providing food for vectors, including birds and mammals.
- 2.42 "Recycling" means extracting valuable materials from the waste stream and transforming or remanufacturing them into usable materials that have a demonstrated or potential market. Recycling does not include processes that generate such volumes of material that no market exists for the material;
- 2.42.1 Any part of the waste stream entering a recycling facility and subsequently returning to a waste stream or being otherwise disposed has the same regulatory designation as the original waste.
- 2.42.2 Recycling includes the substitution of nonhazardous solid waste fuels for conventional fuels (such as coal, natural gas and petroleum products) for the purpose of generating the heat necessary to manufacture a product.
- 2.43 "Refuse" means solid waste, except hazardous waste, including but not limited to garbage, construction or demolition waste, clothing, rags and yard trimmings.
- 2.44 "Regulated asbestos containing material" means any material containing more than

one percent (1%) asbestos as determined using the method specified in 40 C.F.R. 763.1, Polarized Light Microscope, which when dry, is friable, meaning it can be crumbled, pulverized or reduced to powder by hand pressure. Asbestos containing material shall include non-friable asbestos containing material which is handled in a way that causes it to crumble, pulverize or reduce to powder form.

- 2.45 "Remediation" means the corrective actions taken in the event of a discharge or threatened discharge of a contamination into the environment.
- 2.46 "Residue" means any solid or liquid that remains after a treatment process.
- 2.47 "Rubbish" means all solid waste except garbage and hazardous waste, including but not limited to ashes, bedding, cardboard, paper, wood, cans, metal, glass, crockery, rubber, plastic, leather, rags and yard trimmings.
- 2.48 "Salvaging" means the controlled removal of solid waste from a solid waste material for processing, recycling or other utilization.
- 2.49 "Sanitary wastes" means any septic tank contents, holding tank contents, any sewage or any medium containing human excrement.
- 2.50 "Scavenge" means the uncontrolled unauthorized removal of solid waste from a solid waste management facility.
- 2.51 "Sewage" means human or animal wastes carried by water or other liquid from a dwelling, business building, institution, industrial establishment, agricultural, recreational or other location including but not limited to sewer systems, septic tanks, privy vaults and cesspools, including any ground water, surface water and storm water that may be mixed with these wastes.
- 2.52 "Septage" means a semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from septic tank systems.
- 2.53 "Shall" means a mandatory requirement.
- 2.54 "Sharps" means any discarded or contaminated article or instrument from a health facility that may cause puncture or cuts. Such waste may include needles, syringes, blades, needles with attached tubing, pipettes, pasteurs, broken glass and blood vials.
- 2.55 "Sludge" means any solid, semisolid or liquid waste, including grit and screenings generated from a:
 - 2.55.1 municipal, commercial or industrial waste water treatment plant;
 - 2.55.2 water supply treatment plant;
 - 2.55.3 car wash facility;
 - 2.55.4 air pollution control facility; or
 - 2.55.5 any other such waste having similar characteristics.
- 2.56 "Solid waste" means garbage, refuse, trash, household wastes, septic tank or holding tank contents, rubbish, junk, non-friable asbestos waste, construction and demolition waste, dead animals, sludge, liquid or semi-liquid waste, infectious waste, special waste, used oil, other spent, useless, worthless or discarded material or materials stored or accumulated for the purpose of discarding, including but not limited to materials that have served their original intended purpose or waste material resulting from industrial manufacturing, mining, commercial, agricultural, household, institutional, recreational or community activities.
- 2.57 "Solid waste collection operation" means any activity or process in whole or part

necessary for collection, transportation and disposal of solid wastes by a waste contractor.

- 2.58 "Solid waste management facility" means any person, firm, municipality or public or private entity engaged in solid waste collection, transfer, storage, treatment or disposal, including but not limited to storage areas or facilities, transfer stations, rail-haul facilities, processing facilities, landfills, disposal facilities, solid waste incinerators, landspreading facilities, composting facilities, surface impoundments, waste oil storage reprocessing or re-refining facilities, recycling facilities, reclamation facilities or tire storage facilities.
- 2.59 "Special waste" means discarded solid waste that may require special handling or other solid waste that may pose a threat to public safety, human health, or the environment. Special waste may include:
- 2.59.1 ash;
 - 2.59.2 automobile bodies;
 - 2.59.3 furniture and appliances;
 - 2.59.4 infectious waste;
 - 2.59.5 waste tires;
 - 2.59.6 dead animals;
 - 2.59.7 asbestos;
 - 2.59.8 waste exempt from the hazardous waste regulations under Section R315-261-4;
 - 2.59.9 very small quantity generator hazardous waste as defined by Section R315-260-10;
 - 2.59.10 waste containing PCBs;
 - 2.59.11 petroleum contaminated soils;
 - 2.59.12 waste asphalt; and
 - 2.59.13 sludge.
 - 2.59.14 Special waste must be handled and disposed according to the requirements of Rule R315-315.
- 2.60 "Transfer station" means a permanent, fixed, supplemental collection and transportation facility that is staffed by a minimum of one employee of the owner or operator during hours of operation and is used by persons and route collection vehicles to deposit collected solid waste from off-site into a transfer vehicle for transport to a solid waste handling or disposal facility.
- 2.61 "Transport vehicle" means a vehicle capable of hauling solid waste such as a truck, packer or trailer, that may be used by refuse operators to transport solid waste from the point of generation to a transfer station or a disposal facility.
- 2.62 "Trash" means solid waste, except hazardous waste, including but not limited to garbage, construction or demolition waste, clothing, rags and yard trimmings.
- 2.63 "Treated wood" means any wood item that has been treated with the following or compounds containing the following:
- 2.63.1 Creosote or related compounds;
 - 2.63.2 Arsenic;
 - 2.63.3 Chromium; or
 - 2.63.4 Copper.
- 2.64 "Vector" means any agent capable of transmitting a pathogen from one individual

or organism to another. Vector includes but is not limited to mosquitoes, flies and other insects, rodents and other vermin.

- 2.65 "Vehicle" means any motor vehicle, trailer, water vessel, railroad car, airplane or other device for transporting solid waste.
- 2.66 "Waste operator" means any person in the business of collecting, hauling or transporting solid waste or who performs the function of a waste contractor for another person.
- 2.67 "Wetlands" means areas that are inundated or saturated by surface of groundwater at a frequency and duration sufficient to support, under normal circumstances, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands shall include but not be limited to swamps, marshes, bogs and similar areas.

3.0 General Provision

- 3.1 Jurisdiction of the Department
 - 3.1.1 This regulation is promulgated by the Weber-Morgan Board of Health, as authorized by Section 26A-1-121(1), Utah Code Annotated, 1953 as amended.
 - 3.1.2 This Department is empowered to enforce this regulation as authorize by Section 26A-1-114(1)(a), in all incorporated and unincorporated areas served by the Department, Utah Code Annotated, 1953 as amended.
- 3.2 It shall be unlawful for any person not to comply with any regulation promulgated by the Department unless granted an express variance by the Weber-Morgan Board of Health.
- 3.3 Compliance with this regulation does not constitute a defense if charged with any environmental crime or violation of any local, state or federal law.
- 3.4 Legal action taken by the Department under this Regulation does not preclude prosecution for any environmental crime that may have been committed or violation of any other local, state or federal law.
- 3.5 Nothing in this regulation affects or modifies in any way, the obligations or liability of any person under any other regulation or provision thereof issued by the Department, any ordinance issued by Weber or Morgan Counties or any municipality located within Weber or Morgan Counties or any federally-issued law, including common law. However, Departmental regulations may supersede other existing local and county standards, regulations and ordinances pertaining to similar subject matter that are inconsistent.
- 3.6 Verbal or contractual obligations shall not diminish or remove the owner's or other responsible person's obligation to comply with this regulation.

4.0 Permit Requirements, Insurance and Regulatory Fees

- 4.1 Prior to initiating a waste operation, the waste operator shall submit an application to the Weber-Morgan Health Department having jurisdiction for a permit to operate. The application shall include:
 - 4.1.1 Name, address, telephone number and email address of applicant.
If applicant is a partnership, the names and addresses of the

- partners; and if a corporation, the name and address of the corporation.
- 4.1.2 Name and address of the places of business if different from above.
 - 4.1.3 Applicant shall state the number of collection vehicles to be used, description of vehicles (make, model, year and license number), tank capacity, types of waste to be collected and any other related information required by the local health department.
 - 4.1.4 A list of all sites shall be provided that are used for disposal of wastes resulting from the waste operation. Applicants may be required by the regulatory authority to provide proof of permission to dispose of wastes at such sites.
 - 4.1.5 Insurance Coverage. Upon permit application, applicants shall provide documentation to the Department indicating that the operation has obtained the following minimum insurance coverage:
 - 4.1.5.1 A used oil liquid waste operator shall obtain waste operator pollution liability insurance or environmental pollution legal liability coverage for bodily injury and property damage to third parties covering sudden accidental releases of used oil from its vehicles and other equipment and containers used during transit, loading and unloading and shall maintain this coverage for the duration of the permit or until released by the Department. The recommended minimum amount of coverage on an occurrence form shall be \$1,000,000 per occurrence with a \$2,000,000 general policy aggregate.
 - 4.1.5.2 All Waste Tire Operators shall demonstrate financial responsibility for bodily injury and property damage, including bodily injury and property damage to third parties caused by sudden or non-sudden accidental occurrences arising from transporting waste tires. The waste tire operator shall have and maintain liability coverage for sudden or non-sudden accidental occurrences in the amount established in the Utah Administrative Code UAC, chapter 315-320 Waste Tire Transporter and Recycler Requirements.
 - 4.1.5.3 All operators shall obtain commercial automobile liability insurance that provides coverage for owned, hired and non-owned automobiles. The recommended minimum amount is \$1,000,000 per occurrence.
 - 4.1.5.4 All operators shall obtain commercial general liability insurance on an occurrence form. The recommended minimum amount is \$1,000,000 per occurrence with a \$2,000,000 general policy aggregate.
 - 4.1.5.5 Applicant shall furnish proof of insurance at time of initial inspection. Thereafter proof of insurance must be made

available upon request by the Department.

- 4.1.5.6 In the event any work is subcontracted, Applicant shall require its subcontractor to secure and maintain all minimum insurance coverages required of the Applicant hereunder.
- 4.2 The operating permit shall be renewed on an annual basis.
- 4.3 An operating permit shall be required for transporting, collecting or disposing of solid, liquid, infectious or special waste within Weber and Morgan Counties.
- 4.4 The Department may collect appropriate fees for the performance of services, including inspections and plan reviews. Fees are due upon submission and approval of the permit application.
- 4.5 If information on a license or permit application changes, the applicant shall notify the Department in writing within 30 calendar days.
- 4.6 The Department may impose upon any party subject to this regulation,
- 4.7 penalties and charges for failure to timely pay permit fees. Collection fees may also be applied.

5.0 Waste Operator Requirements

- 5.1 Each waste operator shall be responsible for the satisfactory collection and transportation of all solid, liquid, infectious and special waste to a waste management facility approved by the Department. Waste operators or an employee of a waste operator engaged in solid, liquid, infectious and special waste collection and transportation shall not:
 - 5.1.1 Permit or allow any vehicle or trailer loaded with garbage, manure, slop, swill, refuse or other solid waste, to remain standing upon any premises, street, road or highway any longer than necessary for loading and transporting;
 - 5.1.2 Haul, convey or transport any solid waste in an open transfer vehicle for a distance of five (5) blocks or more without making a waste collection stop, unless covered completely or secured to prevent littering or discharge;
 - 5.1.3 Operate any vehicle used for the collection and transportation of a solid waste in a way that the contents discharge from the vehicle. If a discharge occurs during collection or transportation, the material shall be picked up immediately by the collector or transported and returned to the vehicle and the area shall be properly cleared;
 - 5.1.4 Convey, transport or haul any solid waste, except in a sanitary receptacle or vehicle constructed for that purpose and with a valid permit from the Department; or
 - 5.1.5 Collect waste materials that are unauthorized or that are smoldering, smoking or burning.

6.0 Waste Collection and Transportation Vehicle Requirements

- 6.1 Vehicle Inspection and Permit Requirements. Vehicles used by waste operators to collect or transport solid waste may be inspected by the Department. Upon

submitting application for the required permit, each vehicle used by the waste operator for solid waste collection and transportation shall be made available to the Department for inspection. If the vehicle meets the requirements of Section 6.2 and is approved by the Department, the following document may be issued:

- 6.1.1 An inspection report issued by the Department stating that the vehicle identified by the report has passed inspection;
- 6.1.2 Two permit stickers that shall be placed on the vehicle to identify the vehicle as having been inspected for the current year. Such stickers shall not be removed, except by the Department, so long as the vehicle is used for hauling; and
- 6.1.3 A receipt showing payment of the permit fee.

6.2 Vehicle Construction Requirements. Each vehicle to be used by a solid waste contractor in the collection or transportation of solid waste shall meet the following requirements:

- 6.2.1 The vehicle body shall be clean, easily cleanable and in good condition and repair;
- 6.2.2 The body shall be metal-lined with steel and welded at all seams or constructed of other materials approved by the Department;
- 6.2.3 The size capacity of the vehicle body or tank shall be certified by the manufacturer or a size certification company approved by the Department;
- 6.2.4 The vehicle shall be easily loaded and emptied;
- 6.2.5 The tailgate or hopper of the vehicle shall be constructed so the contents of the body will not spill or blow from the vehicle while in motion;
- 6.2.6 A heavy-duty canvas or other acceptable heavy-duty cover that is adequate in size to cover the open body of the vehicle shall accompany the vehicle;
- 6.2.7 The name and telephone number of the person or company owning the vehicle and the size capacity of the vehicle or tank shall be permanently affixed on the body in letters and numbers that are legible and are at least three inches (7.6 centimeters) high;
- 6.2.8 All equipment attached to a vehicle hauling liquid or hazardous waste, including but not limited to pumps, hoses, valves and the containers used to contain or pump the waste, shall be maintained water-tight and in good repair; and
- 6.2.9 The vehicle shall comply with all applicable air pollution and noise control ordinances and regulations.

6.3 Vehicle Maintenance Requirements.

- 6.3.1 All equipment used for the collection and transportation of solid waste shall be maintained in good condition and cleaned with a frequency to prevent the propagation or attraction of flies, rodents or other vectors and prevent the creation of a nuisance.
- 6.3.2 A collection vehicle that fails to meet the requirements of these rules and regulations shall be repaired or corrected immediately. If the corrections are not made to the collection vehicle, its use

shall be discontinued and the permit issued to the owner of the vehicle shall be revoked pursuant to the revocation provision of Section 11.

- 6.4 Vehicles To Be Used For Permitted Use Only. A vehicle shall be used to collect and transport only solid waste for which it was designed and approved by the Department when the permit was issued. Permits used by the Department do not constitute approval for trucks to haul material inappropriate the trucks' intended design or previous use or transporting material requiring State or Federal approval before such material is transported and disposed of.
- 6.5 Container Construction, Maintenance and Placement Requirements.
- 6.5.1 Containers shall be constructed of metal, durable plastic or rubber. Metal containers shall be painted to prevent rust and corrosion.
 - 6.5.2 Containers shall have on the front or side, the name and telephone number of the contractor legibly printed in letters at least one inch (2.45 centimeters) high. Containers provided to dwellings as part of a municipality-wide service may instead use an identification code.
 - 6.5.3 Containers shall be outfitted with tight-fitting lids or other Department-approved covers.
 - 6.5.4 Containers shall be constructed with wide necks and mouths and tapered sides to prevent clogging and littering if containers are emptied manually.
 - 6.5.5 Containers shall be maintained in a clean condition and in good repair, including repainting when necessary to prevent rust and corrosion. If the operator furnishes containers, the operator shall be responsible for maintaining the containers in a clean and good condition. The operator shall have the proper facilities and equipment to clean and repair the waste containers provided or the operator shall have working arrangements with a person who provides that service.
 - 6.5.6 The operator shall plan and work with the property owner or occupant or both for placement of the storage containers to minimize traffic or other hazards and the prevention of a nuisance.
 - 6.5.7 Containers shall be placed in area least offensive to adjoining properties and shall not be located on a parking strip, except for the day of collection or stored within 3 feet (.91 meters) of an adjoining property.
 - 6.5.8 Containers shall be designed and constructed in a way that they can be emptied without the collector coming into physical contact with the solid waste.
 - 6.5.9 Containers containing garbage shall not be allowed to remain on any premises without being emptied at least weekly.
 - 6.5.10 Containers not meeting these requirements shall not be used without approval from the Department.
- 6.6 Unloading Solid Waste.

6.6.1 All solid waste shall be unloaded only within a solid waste management facility or site approved by the Department. All unloading shall be in accordance with the requirements of the solid waste management facility accepting the waste and the requirements of the Department.

6.7 Record Keeping and Reporting.

6.7.1 At the request of the Director, an operator shall report the name, address, place of business or name of person where solid, liquid, infectious and special waste is collected, stored and deposited. The report shall be prepared in the format required by the Director.

6.8 Safety Plan and Training Requirements. Each permitted waste operator shall have a written safety plan for the collection, transportation and disposal of solid waste. Each waste collector and operator of a solid waste collection or transportation vehicle shall be trained in each part of the safety plan prior to the operation of the collection or transportation vehicle. The safety plan and training shall include the following parts:

6.8.1 The proper operations and safety features of the solid waste collection vehicle;

6.8.2 The proper method of collecting, transporting and unloading solid waste;

6.8.3 A copy and understanding of the requirements for the collection, transportation and disposal, including any of the prohibited acts listed in these rules and regulations;

6.8.4 A description and understanding of the characteristics of solid waste and its hazardous properties; and

6.8.5 The procedures that must be followed if:

6.8.5.1 Actual or potential injury results from contact with solid waste;

6.8.5.2 Spillage of solid waste occurs during collection or transportation;

6.8.5.3 Smoldering, smoking or burning solid waste loads are encountered; or

6.8.5.4 Unauthorized waste material is deposited in the container to be collected.

6.8.6 A description of additional procedures to prevent and address emergencies including;

6.8.6.1 Selection and use of safety clothing and equipment to be used by personnel and

6.8.6.2 Methods of emergency communication.

7.0 Additional Requirements Pertaining to Infectious Waste Operations

These requirements apply to all Infectious Waste Operators that transport more than 50 pounds of infectious waste in a calendar month.

7.1 Storage and Containment Requirements.

7.1.1 Infectious waste shall be contained in a manner and location which affords protection from animal intrusion, does not provide a

- breeding place or a food source for insects or rodents and minimizes exposure to the public.
- 7.1.2 Unless all waste is considered infectious and labeled as such, infectious waste shall be segregated by separate containment from other waste during storage.
 - 7.1.3 Except for sharps, infectious waste shall be contained in plastic bags or inside rigid containers. The bags shall be securely tied and the containers shall be securely sealed to prevent leakage or expulsion of solid or liquid wastes during storage or handling.
 - 7.1.4 Sharps shall be contained for storage, transportation, treatment and disposal in leak-proof, rigid, puncture-resistant containers which are taped closed or tightly lidded to preclude loss of contents.
 - 7.1.5 All infectious waste containers should be red or orange and shall be clearly identified with the international biohazard sign and one of the following labels: "INFECTIOUS WASTE", "BIOMEDICAL WASTE" or "BIOHAZARD".
 - 7.1.6 If other waste is placed in the same container as infectious waste, then the generator must package, label and mark the container and its entire contents as infectious waste.
 - 7.1.7 A rigid infectious waste container may be reused for infectious or non-infectious waste if it is thoroughly washed and decontaminated each time it is emptied or if the surfaces of the container have been completely protected from contamination by disposable, unpunctured or undamaged liners, bags or other devices that are removed with the infectious waste and the surface of the liner has not been damaged or punctured.
 - 7.1.8 Storage and containment areas shall: protect infectious waste from the elements; be ventilated to the outside atmosphere; be accessible only to authorized persons; and be marked with prominent warning signs on or adjacent to the exterior doors or gates. The warning signs shall contain the international biohazard sign and shall state: "CAUTION -- INFECTIOUS WASTE STORAGE AREA -- UNAUTHORIZED PERSONS KEEP OUT" and must be easily read during daylight from a distance of 25 feet.
 - 7.1.9 If infectious waste is stored longer than seven days, the infectious waste shall be stored at or below a temperature of 40 degrees Fahrenheit.
 - 7.1.10 Under no conditions may infectious waste be stored for longer than 60 days.
 - 7.1.11 Compactors, grinders, or similar devices shall not be used to reduce the volume of infectious waste unless the device is contained sufficiently to prevent contamination of the surrounding area.
- 7.2 Infectious Waste Transportation Requirements.
- 7.2.1 Infectious waste operators shall identify the infectious waste collection and transportation vehicle on each side with a

permanently affixed and conspicuously displayed rectangular sign or decal measuring at least 9.8 by 13.8 inches in size with red labeling on a white background stating "INFECTIOUS WASTE" or "BIOHAZARD" accompanied by the international biohazard symbol.

7.2.2 Infectious waste may be transported only to a solid waste management facility approved to process or dispose of infectious waste.

7.2.3 Infectious waste shall not be transported in the same vehicle with other waste unless the infectious waste is contained in a separate, fully enclosed leak-proof container within the vehicle or unless all of the waste is to be treated as infectious waste in accordance with Rule R315-316.

7.2.4 Infectious waste shall not be unloaded and reloaded or transferred to another vehicle unless the loading and unloading has been approved by the Director or the unloading is done at an approved infectious waste transfer station. Persons manually loading or unloading containers of infectious waste onto or from transport vehicles shall:

7.2.4.1 be trained in the proper use of protective equipment;

7.2.4.2 have available and easily accessible at all times, puncture resistant gloves and shoes, shatterproof glasses, and coveralls; and

7.2.4.3 shall have face shields and respirators available.

7.2.4.4 Protective gear that becomes soiled with infectious waste shall be decontaminated or disposed as infectious waste.

7.3 Surfaces of reusable storage containers contaminated by infectious medical waste shall be thoroughly washed and decontaminated after being emptied and before each reuse by one of the following methods:

7.3.1 By exposure to hot water of at least 180 degrees Fahrenheit (82 degrees Celsius) for a minimum of 15 seconds; or

7.3.2 By exposure to a chemical sanitizer by rinsing with or immersion in one of the following for a minimum of three minutes:

7.3.2.1 Hypochlorite solution (500 milligrams per liter available chlorine);

7.3.2.2 Phenol solution (500 milligrams per liter active agent);

7.3.2.3 Iodoform solution (100 milligrams per liter available iodine);

7.3.2.4 Quaternary ammonium solution (400 milligrams per liter active agent); or

7.3.2.5 Other methods approved by the Department.

7.4 Vehicles transporting infectious waste shall meet all warning requirements of the Department of Transportation related to infectious, biohazardous or biomedical waste.

7.5 Each truck, trailer, semitrailer or container used for transporting infectious waste shall be designed and constructed and its contents limited, so that under conditions normally incident to transportation, there shall be no releases of infectious waste to

the environment.

- 7.6 Any truck, trailer, semitrailer or container used for transporting infectious waste shall be free from leaks and all discharge openings shall be securely closed during transportation.
- 7.7 No person shall transport infectious waste into the state for treatment, storage or disposal unless the waste is packaged, contained, labeled and transported in the manner required by this section.
- 7.8 All transporter vehicles shall carry a spill containment and cleanup kit and the transport workers shall be trained in spill containment and cleanup procedures.

8.0 Additional Requirements Pertaining to Liquid Waste Operations.

These requirements shall apply to all Liquid Waste Operators. All services rendered by the waste operators shall be conducted in accordance with R317-550. Rules for Waste Disposal by Liquid Waste Operations, including but not limited to the following:

- 8.1 All services rendered by the liquid waste operation shall be conducted in a sanitary manner that does not create a public health hazard or nuisance. After the services are rendered, the liquid waste operator shall furnish the customer with a written receipt that carries the business name and address of the liquid waste operation.
- 8.2 All wastewater components, consisting of scum, sludge and liquid waste, shall be removed from septic tanks, wastewater holding tanks, chemical toilets and vault privies. See UAC R317-4 Onsite Wastewater Systems.
- 8.3 The liquid waste operation shall submit summary data of their business activity to the regulatory authority as often as required by that agency. Summary data information shall include:
 - 8.3.1 Source of all waste pumped on each occurrence, including name and address of source. If necessary, this information may be provided in code and made available for inspection at the business address of the liquid waste operation.
 - 8.3.2 Specific type of waste disposal system services on each occurrence.
 - 8.3.3 Quantity of wastes pumped on each occurrence.
 - 8.3.4 Name and location of authorized disposal site where liquid wastes were deposited for disposal.
- 8.4 All wastes collected shall be disposed in accordance with the rules and regulations of the Department. Disposal shall be accomplished by one of the following methods:
 - 8.4.1 Into a public sewer system at the place and point in the system designated and approved by the appropriate authority.
 - 8.4.2 Into a landfill which has been approved by the Director of the Division of Solid and Hazardous Waste for disposal of such wastes and in accordance with Rules R315-301 through R315-320, and with concurrence by the local health department.
 - 8.4.3 Land disposal, in accordance with the provisions of Subsection R317-8-1.10(10), if approved by the Director and with the concurrence of the local health department.
- 8.5 No waste shall be deposited into a sewerage system or treatment works that will have a detrimental effect on the overall operation.

- 8.6 Under no circumstances shall dumping of wastes be permitted into any public or private lake, pond, stream, river, watercourse or any other body of water or onto any public or private land which has not been designated as an approved disposal site.
- 8.7 It shall be unlawful for any liquid waste operation to transport, treat, store or dispose of hazardous wastes as defined by 19-6-102(7) without complying with all provisions of Rules R315-1 through R315-301.

9.0 Additional Requirements Pertaining to Waste Tire Operations.

These requirements shall apply to all Waste Tire Operators. All services rendered by the waste operators shall be conducted in accordance with R315-320. Rules for Waste Tire Transporter and Recycler Requirements, including but not limited to the following:

- 9.1 Waste tire operators shall keep an accurate record of the number of waste tires collected and the date the waste tires were collected. Records shall be kept for each individual waste tire generator and the location of the solid waste management facility and dates of waste tire disposal. Records shall be made in triplicate copies with one copy provided to the waste tire generator, one copy provided to the landfill or processing facility and one copy kept by the operator and provided to the Department upon request. Records shall be retained by the waste tire operators for a minimum of five years.
- 9.2 A copy of the waste tire operator records required by UAC R315-320 shall be provided to the generator upon waste tire collection, to the solid waste management facility upon unloading and to the Department upon request.

10.0 Emergency Orders

- 10.1 If the Department finds that an emergency exists requiring immediate action to protect the public's health, safety or well-being, the Director may issue an order declaring the existence of an emergency and requiring that remedial action be taken. The order shall be effective immediately. Upon application to the Department, the recipient of the order shall be granted a hearing before the Director within 48 hours. On the basis of the hearing, and not more than 24 hours after adjournment of the hearing, the Director shall continue, modify, or revoke the order.

11.0 Denial, Suspension or Revocation of Permit

- 11.1 The Director may, without warning, prior notice or hearing, suspend any permit to operate if the operator or holder of the permit does not comply with the requirements of this regulation or if the operation does not comply with the requirements of this regulation or if the operation otherwise constitutes a hazard to public health.
- 11.2 The Director may, after providing opportunity for a hearing, revoke a permit for serious or repeated violations of the requirements of this regulation or for interference with the Director or the Department in the performance of duty.
- 11.3 Any permit issued pursuant to this regulation may be denied, suspended, or revoked by the Director for any of the following reasons:

- 11.3.1 Submission of incorrect or false information in the application, reports, plans or specifications;
- 11.3.2 Failure to construct, operate or maintain the facility in accordance with this regulation or the application, reports, plans and specifications approved by the Department;
- 11.3.3 Operation of the facility in a way that causes or creates a nuisance or hazard to the public health, safety or welfare;
- 11.3.4 Violation of any rules and regulations, restrictions or requirements adopted by the Department;
- 11.3.5 Violation of any condition upon which the permit was issued;
- 11.3.6 Failure to pay the permit fee;
- 11.3.7 Failure of the permit holder or operator to permit or allow the Department to conduct inspections to determine compliance with this regulation;
- 11.3.8 Failure of the permit holder or operator to report to the Department any incidence of infections and/or injuries to customers, clients or operators.

12.0 ENFORCEMENT MECHANISMS.

If the Department has investigated or inspected any property or facility and has reasonable grounds to believe the responsible person or occupant is in violation of this regulation or that they are not in compliance with this regulation, the Department may take civil enforcement action as authorized by statute, rule, ordinance and regulation. The Department may also refer the matter for criminal prosecution. Civil enforcement may involve court or administrative actions, injunctive actions and closures and may involve cost recovery, penalties and other remedies. Civil and criminal actions may be brought simultaneously. A person does not need to be first adjudged liable in a civil matter before facing criminal charges.

- 12.1 Criminal Enforcement Actions. The Department may recommend criminal prosecution for environmental violations either alone or in conjunction with civil enforcement. Criminal prosecutions for environmental violations of state or federal law may be filed by the County Attorney, Utah Attorney General, United States Department of Justice or other enforcement entity.
- 12.2 Civil Enforcement Actions. The Department may request that the County Attorney bring an action to restrain or enjoin actions in violation of public health, environmental laws and other laws or abate conditions in violation of such laws.
- 12.3 Administrative Actions – Notice of Violation (NOV).
 - 12.3.1 If the Director has inspected any waste operation and has found and determined that it is in violation of this regulation or has reasonable grounds to believe that there has been a violation of any part of this regulation, he or she may give notice of the violations to the owner or other responsible person thereof.
 - 12.3.2 Service of NOV. The Department may provide notice to the owner of the property or otherwise responsible person by sending the NOV via first class mail to the last known address of the owner, responsible person or occupant. If notice is returned undeliverable, the owner, responsible person or occupant may be

personally served or be given notice by other methods reasonably calculated to give actual notice.

- 12.3.3 Contents of NOV. The NOV shall:
 - 12.3.3.1 Describe the property and the persons believed to be in violation;
 - 12.3.3.2 Describe the violation;
 - 12.3.3.3 Describe remedial action that will comply with the provisions of this regulation;
 - 12.3.3.4 Set a reasonable time for the performance of any required remedial action(s);
 - 12.3.3.5 Describe the procedure to contest the NOV and the time limits for such a contest.
- 12.3.4 Appeals. A party aggrieved by a NOV may request an appeal. Appeals shall be conducted in accordance with the Department's Adjudicative Hearing Procedures.

13.0 CRIMINAL, CIVIL & ADMINISTRATIVE PENALTIES.

13.1 Criminal Penalties.

- 13.1.1 Any person who is found guilty by a court of violating any of the provisions of this regulation, either by failing to do the acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended.
- 13.1.2 Each day such violation is committed or permitted to continue shall constitute a separate violation.
- 13.1.3 Each similar subsequent violation occurring within two years of the initial violation may constitute a class A misdemeanor.

13.2 Civil & Administrative Penalties.

- 13.2.1 Penalties may be included in a Settlement Agreement or Stipulation & Consent Order. Penalties may be assessed according to the following factors:
 - 13.2.1.1 The violator's history of compliance or non-compliance;
 - 13.2.1.2 The violator's economic benefit of non-compliance;
 - 13.2.1.3 The documented costs associated with environmental or health damage;
 - 13.2.1.4 The violator's degree of willfulness or negligence; and
 - 13.2.1.5 The violator's good faith efforts to comply and cooperate.
- 13.2.2 The Director may multiply the penalty by the number of days the violation occurred

13.3 Recovery of Investigation & Abatement Costs.

- 13.3.1 The Department may recover its inspection, investigative and abatement expenses and costs from violators, owners, managers, occupants and/or other responsible person(s).
- 13.3.2 The Department may record a judgment lien on a violator's property to recover its expenses and costs.

14.0 Severability

14.1 If any provision, clause, sentence or paragraph of this Regulation or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this Regulation. The valid part of any clause, sentence or paragraph of these Regulations shall be given independence from the invalid provisions or application to this end the provisions of this Regulation are hereby declared to be severable.

15.0 EFFECTIVE DATE.

15.1 This regulation shall become effective 15 days after its adoption by the Weber-Morgan Board of Health.