§ 72-0401. Definitions.

When used in this title:

1. "Characteristic hazardous waste" means a waste which satisfies the characteristics promulgated by the commissioner pursuant to title nine of article twenty-seven of this chapter and is not listed hazardous waste as defined in subdivision ten of this section.

2. "Disposal" means the abandonment, discharge, deposit, injection, dumping, spilling, leaking or placing of any substance so that such substance or any related constituent thereof may enter the environment. Disposal also means the thermal destruction of waste or hazardous waste and the burning of such wastes as fuel for the purpose of recovering useable energy.

3. "Facility operator" means the person who is responsible for the operation of a treatment, storage or disposal facility as defined in subdivision sixteen of this section.

4. "Facility owner" means the person who owns a facility or part of a facility.

5. "Generator" means any person, by site, whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.

6. "Hazardous waste" means a waste identified or listed as hazardous pursuant to title nine of article twenty-seven of this chapter.

7. "Hazardous waste generation" means the act or process of producing hazardous waste.

8. "Incinerator" means an enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down solid, liquid, or gaseous combustible hazardous wastes, producing residue that contains little or no combustible materials.

9. "Landfill" means a disposal facility or part of a facility where solid waste, including hazardous waste, is placed in or on land, and which is not a land treatment facility, a surface impoundment, or an injection well.

10. "Listed hazardous waste" means a waste which appears on the list promulgated by the commissioner pursuant to title nine of article twenty-seven of this chapter.

11. "Person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, federal government and any agency thereof, municipality, commission, political subdivision of a state, or any interstate body.

12. "State hazardous waste program" means those activities of the department as specified in titles three, seven, nine, and eleven of article twenty-seven of this chapter related to hazardous waste and any related enforcement activities.

13. "Storage" means the containment of hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste.

14. "Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographical depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of solid waste in semi-solid or liquid form, and which is not an injection well.

15. "Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste or as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume.

16. "Treatment, storage or disposal facility" or "facility" means all contiguous land and structures, other appurtenances and improvements on the land, used for treating, storage or disposing of hazardous waste. A facility may consist of several treatment, storage or disposal operational units. For purposes of this title, a facility subject to regulation under section 307(b) of the Clean Water Act shall not be assessed a separate fee for the pre-treatment of hazardous wastes.

17. "Environment" means any water, water vapor, any land including land surface or subsurface, air, fish, wildlife, biota and all other natural resources.

19. "Wastewater" means liquid waste that contains:

a. a minimum of ninety-five percent water by weight, and

b. a maximum of one percent by weight of total organic carbon, and

c. a maximum of one percent by weight of total suspended solids (i.e., total filterable solids).