

455B.516 Definitions.

As used in this division, unless the context otherwise requires:

1. "*Commission*" means the environmental protection commission established pursuant to section 455A.6.
2. "*Department*" means the department of natural resources created pursuant to section 455A.2.
3. "*Emergency Planning and Community Right-to-know Act*" or "*EPCRA*" means the federal Emergency Planning and Community Right-to-know Act as defined in section 30.1.
4. "*Environmental waste*" means a pollutant, waste, or release regardless of the type or existence of regulation and regardless of the media affected by the pollutant, waste, or release.
5. "*Existing toxics user*" means a toxics user installation or source constructed prior to July 1, 1991.
6. "*Multimedia*" means any combination of air, water, land, or workplace environments into which toxic substances or wastes are released.
7. "*Release*" means emission, discharge, or disposal into any environmental media including air, water, or land.
8. "*Toxics*" means toxic substances.
9. "*Toxics pollution prevention*" means employment of a practice which reduces the industrial use of toxic substances or reduces the environmental and health hazards associated with an environmental waste without diluting or concentrating the waste before the release, handling, storage, transport, treatment, or disposal of the waste. The term includes toxics pollution prevention techniques but does not include a practice which is applied to an environmental waste after the waste is generated or comes into existence on or after the waste exits a production or commercial operation.

"Toxics pollution prevention" does not include, promote, or require any of the following:

 - a. Waste burning in industrial furnaces, boilers, smelters, or cement kilns for the purpose of energy recovery.
 - b. The transfer of an environmental waste from one environmental medium to another environmental medium, the workplace environment, or a product.
 - c. Off-site waste recycling.
 - d. Any other method of end-of-pipe management of environmental wastes including waste exchange and the incorporation or embedding of regulated environmental wastes into products or by-products.
10. "*Toxics pollution prevention techniques*" means any of the following practices by a toxics user:
 - a. Input substitution, which refers to replacing a toxic substance or raw material used in a production process with a nontoxic or less toxic substance.
 - b. Product reformulation, which refers to substituting for an existing end product an end product which is nontoxic or less toxic upon use or release.
 - c. Production process redesign or modification, which refers to developing and using production processes of a different design other than those currently in use.

d. Production process modernization, which refers to upgrading or replacing existing production process equipment or methods with other equipment or methods based on the same production process.

e. Improved operation and maintenance of existing production process equipment and methods, which refers to modifying or adding to existing equipment or methods, including but not limited to, such techniques as improved housekeeping practices, system adjustments, product and process inspections, and production process control equipment or methods.

f. Recycling, reuse, or extended use of toxic substances by using equipment or methods which become an integral part of the production process.

11. "*Toxic substance*" means any chemical substance in a gaseous, liquid, or solid state which is identified as a reportable substance under the federal Resource Conservation and Recovery Act, EPCRA, or defined as a hazardous air pollutant under the Clean Air Act of 1990. However, "*toxic substance*" does not include a chemical substance present in the article; used as a structural component of a facility; present in a product used for routine janitorial or facility grounds maintenance; present in foods, drugs, cosmetics, or other personal items used by employees or other persons at a toxics user facility; present in process water or noncontact cooling water as drawn from the environment or from municipal sources; present in air used either as compressed air or as part of combustion; present in a pesticide or herbicide when used in agricultural applications; or present in crude, fuel, or lube oils for direct wholesale or retail sale.

12. "*Toxics user*" means a large quantity generator as defined pursuant to the federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq. or a person required to report pursuant to Title III of the federal Superfund Amendments and Reauthorization Act of 1986.

13. "*Waste exchange*" means a method of end-of-pipe management of environmental wastes that involves the transfer of environmental wastes between businesses or facilities owned or operated by the same business for recovery or to serve a productive purpose.

91 Acts, ch 255, § 3; 92 Acts, ch 1239, § 21; 2001 Acts, ch 7, §11; 2002 Acts, ch 1162, §55