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Sec. 22a-122-1. Minimum distance requirements

(a) **Minimum distances.** Unless the applicant makes the demonstration required by subsection (c), the minimum distances between active parts of the following specified types of facilities and other land uses shall not be less than the following:

(1) For land based facilities, including landfills, surface impoundments, land treatment facilities, injection wells, and waste piles, the minimum distance shall be 400 feet from all other land uses;

(2) For non-land based facilities, including incinerators, thermal, physical, chemical, and biological treatment facilities, recovery facilities, and storage facilities, the minimum distance shall be 150 feet from all other land uses.

(b) **Additional information.** The applicant shall identify in its application all existing and presently planned schools, hospitals, nursing homes, and occupied dwellings within 2000 feet of all active parts of the proposed facility. The applicant shall demonstrate that the health and safety of persons utilizing such structures will not be jeopardized by the siting of the facility. If the applicant fails to make the required showing or the council otherwise determines that the minimum distances set forth in subsection (a) are inadequate to protect the public health and safety, the council may require distances in excess of such minimum distances.

(c) **Maximum safety demonstration.** If the applicant affirmatively demonstrates to the council's satisfaction that a distance less than the minimum set forth in Subsection (a) will insure the maximum safety of the public from potential dangers associated with the siting of the facility, then the council may reduce the minimum required distance accordingly, provided, however, that in no event shall the required minimum distance be less than 200 feet from active parts of land based disposal facilities and 75 feet from active parts of non-land based facilities.

(d) **Considerations.** In determining whether to require or allow distances which differ from the minimum distances set forth in subsection (a), the council will consider, among other relevant facts and circumstances, the following factors:

(1) Whether a different distance will provide sufficient space, including an adequate margin of safety:

(A) to detect migration of hazardous wastes from the active part of the facility;

(B) to conduct remedial measures which will prevent escape of such hazardous waste from the facility (e.g., excavation of contaminated material, cut off walls, well points); and

(C) to adequately protect the public against the adverse effects of hazardous waste spills, fires, and explosions;

(2) Site specific hydrogeological conditions, such as the rate and direction of ground water flow, and soil permeability;

(3) Localized climatic conditions, such as prevailing wind direction and net precipitation;

(4) Population density in the vicinity of the facility;

(5) The degree of hazard of the wastes proposed to be handled, stored, disposed, treated, or recovered at the facility; and

(6) Specific design features and operation procedures incorporated into the facility proposal which eliminate or significantly reduce potential dangers to the public associated with the facility.

(e) **Minimum distance land ownership or restrictions.** The minimum distance required by the council pursuant to subsections (a) or (c) shall be maintained on

property of the owner of the hazardous waste facility. If the council, pursuant to subsection (b), determines that additional distances are required, it may, as a condition of the certificate, require the applicant to obtain legally enforceable restrictions on adjacent property which preclude the establishment of inconsistent land uses within the minimum distance determined to be necessary by the council. The minimum distances established by this section shall not apply to the facility's entrance and vehicular access route.

(Effective March 7, 1989)