

(5) "Hazardous substance" means any matter that conveys toxic, lethal, or sublethal effects to plant, aquatic, or animal life, or which may be injurious to human health, or persists in the environment; or which causes sublethal alterations to aquatic, plant, animal, or human systems through their cumulative or immediate reactions. The term includes any matter identified as a hazardous substance by the Environmental Protection Agency in Regulation 40 CFR Part 116.

(6) "Designated hazardous substance OR LOW-LEVEL NUCLEAR WASTE hauler" means a person certified by the Department of Health and Mental Hygiene to transport designated hazardous substances OR LOW-LEVEL NUCLEAR WASTE to a facility.

(7) "LOW-LEVEL NUCLEAR WASTE" MEANS WASTES CONTAINING--OR--CONTAMINATED--WITH---RADIOACTIVE---MATERIALS EMITTING--PRIMARILY--BETA-OR-GAMMA-RADIATION- ANY SUBSTANCE OR MATERIAL DESIGNATED AS LOW-LEVEL NUCLEAR WASTE UNDER § 689B(C) OF ARTICLE 43 OF THIS CODE.--THE-TERM-EXCLUDES HIGH-LEVEL-NUCLEAR-WASTES-AND-TRANSURANIC-WASTES-

[(7)] (8) "Operator" means any person that owns or operates a facility whether by lease, contract, or any other agreement.

[(8)] (9) "Resource recovery" means the recovery of materials or energy from solid waste.

(b) (1) With the advice of the Council, the Department of Health and Mental Hygiene shall adopt regulations to carry out the purposes of this section. The regulations shall be adopted after review and approval by the Secretary of Agriculture for matters under his jurisdiction as related to the Federal Insecticide, Fungicide and Rodenticide Act.

(2) IN CARRYING OUT ITS RESPONSIBILITIES UNDER THIS SUBTITLE, THE DEPARTMENT SHALL TREAT HAZARDOUS WASTE AND LOW-LEVEL NUCLEAR WASTE SEPARATELY.

(c) The Department of Health and Mental Hygiene, in its regulations, shall:

(1) Identify designated hazardous substances AND LOW-LEVEL NUCLEAR WASTE;

(2) Establish criteria and describe tests for identifying lethal, sublethal, and toxic effects; and determining injurious effects of designated hazardous substances AND LOW-LEVEL NUCLEAR WASTE;

(3) Establish minimum design criteria for facilities;