

Superseded 7/1/2015

19-6-104 Powers of board -- Creation of statewide solid waste management plan.

- (1) The board shall:
 - (a) survey solid and hazardous waste generation and management practices within this state and, after public hearing and after providing opportunities for comment by local governmental entities, industry, and other interested persons, prepare and revise, as necessary, a waste management plan for the state;
 - (b) order the director to:
 - (i) issue orders necessary to effectuate the provisions of this part and rules made under this part;
 - (ii) enforce the orders by administrative and judicial proceedings; or
 - (iii) initiate judicial proceedings to secure compliance with this part;
 - (c) promote the planning and application of resource recovery systems to prevent the unnecessary waste and depletion of natural resources;
 - (d) meet the requirements of federal law related to solid and hazardous wastes to insure that the solid and hazardous wastes program provided for in this part is qualified to assume primacy from the federal government in control over solid and hazardous waste;
 - (e)
 - (i) require any facility, including those listed in Subsection (1)(e)(ii), that is intended for disposing of nonhazardous solid waste or wastes listed in Subsection (1)(e)(ii)(B) to submit plans, specifications, and other information required by the board to the board prior to construction, modification, installation, or establishment of a facility to allow the board to determine whether the proposed construction, modification, installation, or establishment of the facility will be in accordance with rules made under this part;
 - (ii) facilities referred to in Subsection (1)(e)(i) include:
 - (A) any incinerator that is intended for disposing of nonhazardous solid waste; and
 - (B) except for facilities that receive the following wastes solely for the purpose of recycling, reuse, or reprocessing, any commercial facility that accepts for treatment or disposal, and with the intent to make a profit: fly ash waste, bottom ash waste, slag waste, or flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels; wastes from the extraction, beneficiation, and processing of ores and minerals; or cement kiln dust wastes; and
 - (f) to ensure compliance with applicable statutes and regulations:
 - (i) review a settlement negotiated by the director in accordance with Subsection 19-6-107(3)(a) that requires a civil penalty of \$25,000 or more; and
 - (ii) approve or disapprove the settlement.
- (2) The board may:
 - (a)
 - (i) hold a hearing that is not an adjudicative proceeding; or
 - (ii) appoint hearing officers to conduct a hearing that is not an adjudicative proceeding; or
 - (b) advise, consult, cooperate with, or provide technical assistance to other agencies of the state or federal government, other states, interstate agencies, or affected groups, political subdivisions, industries, or other persons in carrying out the purposes of this part.
- (3)
 - (a) The board shall establish a comprehensive statewide solid waste management plan by January 1, 1994.
 - (b) The plan shall:
 - (i) incorporate the solid waste management plans submitted by the counties;

- (ii) provide an estimate of solid waste capacity needed in the state for the next 20 years;
 - (iii) assess the state's ability to minimize waste and recycle;
 - (iv) evaluate solid waste treatment, disposal, and storage options, as well as solid waste needs and existing capacity;
 - (v) evaluate facility siting, design, and operation;
 - (vi) review funding alternatives for solid waste management; and
 - (vii) address other solid waste management concerns that the board finds appropriate for the preservation of the public health and the environment.
- (c) The board shall consider the economic viability of solid waste management strategies prior to incorporating them into the plan and shall consider the needs of population centers.
- (d) The board shall review and modify the comprehensive statewide solid waste management plan no less frequently than every five years.
- (4)
- (a) The board shall determine the type of solid waste generated in the state and tonnage of solid waste disposed of in the state in developing the comprehensive statewide solid waste management plan.
 - (b) The board shall review and modify the inventory no less frequently than once every five years.
- (5) Subject to the limitations contained in Subsection 19-6-102(19)(b), the board shall establish siting criteria for nonhazardous solid waste disposal facilities, including incinerators.
- (6) The board may not issue, amend, renew, modify, revoke, or terminate any of the following that are subject to the authority granted to the director under Section 19-6-107:
- (a) a permit;
 - (b) a license;
 - (c) a registration;
 - (d) a certification; or
 - (e) another administrative authorization made by the director.
- (7) A board member may not speak or act for the board unless the board member is authorized by a majority of a quorum of the board in a vote taken at a meeting of the board.