

1 **HAZARDOUS WASTE AND NONHAZARDOUS**
2 **SOLID WASTE FEE AND TAX AMENDMENTS**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Eli H. Anderson**

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions relating to hazardous waste and treated hazardous waste
10 disposal fees and a tax on hazardous waste facilities and nonhazardous solid waste
11 facilities.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ terminates a \$28 per ton fee on hazardous waste;
- 15 ▶ reinstates a \$14 per ton fee on treated hazardous waste; and
- 16 ▶ terminates a gross receipts tax on certain hazardous waste facilities and

17 nonhazardous solid waste facilities.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **19-6-118**, as last amended by Chapter 295, Laws of Utah 2003

25 **59-25-103**, as enacted by Chapter 295, Laws of Utah 2003

27 *Be it enacted by the Legislature of the state of Utah:*



28 Section 1. Section **19-6-118** is amended to read:

29 **19-6-118. Hazardous waste and treated hazardous waste disposal fees.**

30 (1) (a) An owner or operator of any commercial hazardous waste or mixed waste
31 disposal or treatment facility that primarily receives hazardous or mixed wastes generated by
32 off-site sources not owned, controlled, or operated by the facility or site owner or operator, and
33 that is subject to the requirements of Section 19-6-108, shall collect the fee under Subsection
34 (2) from the generator.

35 (b) The owner or operator of each cement kiln, aggregate kiln, boiler, blender, or
36 industrial furnace that receives for burning hazardous waste generated by off-site sources not
37 owned, controlled, or operated by the owner or operator is subject to the fee under Subsection
38 (2).

39 (2) (a) The owner or operator of each facility under Subsection (1) shall collect from
40 the generators of hazardous waste and mixed waste a fee of \$28 per ton or fraction of a ton on
41 all hazardous waste and mixed waste received at the facility or site for disposal, treatment, or
42 both.

43 (b) When hazardous waste or mixed waste is received at a facility for treatment or
44 disposal and the fee required under this subsection is paid for that treatment or disposal, any
45 subsequent treatment or disposal of the waste is not subject to additional fees under this
46 Subsection (2).

47 (c) (i) On and after July 1, 1997 through June 30, 2003, and on and after April 1, 2004,
48 hazardous waste received at a land disposal facility is subject to a fee of \$14 per ton or fraction
49 of a ton, rather than the \$28 fee under Subsection (2)(a), if the waste is treated so that it:

- 50 (A) meets the state treatment standards required for land disposal at the facility; or
- 51 (B) is no longer a hazardous waste at the time of disposal at that facility.

52 (ii) On and after July 1, 2003, through March 31, 2004, hazardous waste received at a
53 land disposal facility for treatment and disposal is subject to the \$28 fee imposed under
54 Subsection (2)(a).

55 (d) (i) The department shall allocate at least 10% of the fees received from a facility
56 under this section to the county in which the facility is located.

57 (ii) The county may use fees allocated under Subsection (2)(c) to carry out its
58 hazardous waste monitoring and response programs.

59 (e) The department shall deposit the state portion of the fees received under this section
60 into the restricted account created in Section 19-1-108.

61 (3) (a) The owner or operator shall pay the fees imposed under Subsection (1) to the
62 department on or before the 15th day of the month following the month in which the fee
63 accrued.

64 (b) With the monthly fee, the owner or operator shall submit a completed form, as
65 prescribed by the department, specifying information required by the department to verify the
66 amount of waste received and the fee amount for which the owner or operator is liable.

67 (4) The department shall oversee and monitor hazardous waste treatment, disposal, and
68 incineration facilities, including federal government facilities located within the state. The
69 department may determine facility oversight priorities.

70 (5) (a) The department, in preparing its budget for the governor and the Legislature,
71 shall separately indicate the amount necessary to administer the hazardous waste program
72 established by this part.

73 (b) The Legislature shall appropriate the costs of administering this program.

74 (6) The Office of Legislative Fiscal Analyst shall monitor the fees collected under this
75 part.

76 Section 2. Section **59-25-103** is amended to read:

77 **59-25-103. Hazardous waste facility and nonhazardous solid waste facility tax.**

78 (1) On and after July 1, 2003, through December 31, 2003, there is imposed a tax on a
79 hazardous waste facility and a nonhazardous solid waste facility as provided in this chapter.

80 (2) The tax is equal to the sum of the following amounts:

81 (a) 3% of the gross receipts of a hazardous waste facility derived from the treatment or
82 disposal of hazardous waste; and

83 (b) 3% of the gross receipts of a hazardous waste facility or nonhazardous solid waste
84 facility derived from the treatment or disposal of nonhazardous solid waste.

85 (3) If hazardous waste or nonhazardous solid waste is received at a hazardous waste
86 facility or nonhazardous solid waste is received at a nonhazardous solid waste facility and the
87 tax imposed by this chapter is paid for the treatment of the waste, any subsequent treatment or
88 disposal of the waste is not subject to additional taxes under this chapter.

Legislative Review Note
as of 10-22-03 3:09 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Legislative Committee Note
as of 12-10-03 8:03 AM

The Hazardous Waste Regulation and Tax Policy Task Force recommended this bill.

Fiscal Note

Hazardous Waste and Nonhazardous Solid Waste Fee and Tax Amendments 13-Feb-04

Bill Number: HB001311:26 AM

AMENDED NOTE**State Impact**

Provisions of this bill reduces the collections to the General Fund Restricted Environmental Quality Account by an estimated \$250,000 per year. The act repeals the gross receipts tax on hazardous waste facilities and nonhazardous solid waste facilities as of December 31,2003 and estimated at (\$356,500) for FY 2004. The full year gross receipts tax reduction is estimated at \$712,900.

	<u>FY 2004</u>	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2004</u>	<u>FY 2005</u>	<u>FY 2006</u>
	<u>Approp.</u>	<u>Approp.</u>	<u>Approp.</u>	<u>Revenue</u>	<u>Revenue</u>	<u>Revenue</u>
Uniform School Fund	\$0	\$0	\$0	(\$356,500)	(\$712,900)	(\$712,900)
GF Restricted	\$0	\$0	\$0	(\$62,500)	(\$250,000)	(\$250,000)
TOTAL	\$0	\$0	\$0	(\$419,000)	(\$962,900)	(\$962,900)

Individual and Business Impact

Savings to hazardous and nonhazardous waste facilities are estimated to be \$962,900 per year.

Office of the Legislative Fiscal Analyst