

28 **19-6-105. Rules of board.**

29 (1) The board may make rules in accordance with Title 63, Chapter 46a, Utah
30 Administrative Rulemaking Act:

31 (a) establishing minimum standards for protection of human health and the
32 environment, for the storage, collection, transport, recovery, treatment, and disposal of solid
33 waste, including requirements for the approval of plans for the construction, extension,
34 operation, and closure of solid waste disposal sites;

35 (b) identifying wastes which are determined to be hazardous, including wastes
36 designated as hazardous under Sec. 3001 of the Resource Conservation and Recovery Act of
37 1976, 42 U.S.C., Sec. 6921, et seq.;

38 (c) governing generators and transporters of hazardous wastes and owners and
39 operators of hazardous waste treatment, storage, and disposal facilities, including requirements
40 for keeping records, monitoring, submitting reports, and using a manifest, without treating
41 high-volume wastes such as cement kiln dust, mining wastes, utility waste, gas and oil drilling
42 muds, and oil production brines in a manner more stringent than they are treated under federal
43 standards;

44 (d) requiring an owner or operator of a treatment, storage, or disposal facility that is
45 subject to a plan approval under Section 19-6-108 or which received waste after July 26, 1982,
46 to take appropriate corrective action or other response measures for releases of hazardous waste
47 or hazardous waste constituents from the facility, including releases beyond the boundaries of
48 the facility;

49 (e) specifying the terms and conditions under which the board shall approve,
50 disapprove, revoke, or review hazardous wastes operation plans;

51 (f) governing public hearings and participation under this part;

52 (g) establishing standards governing underground storage tanks, in accordance with
53 Title 19, Chapter 6, Part 4, Underground Storage Tank Act;

54 (h) relating to the collection, transportation, processing, treatment, storage, and
55 disposal of infectious waste in health facilities in accordance with the requirements of Section
56 19-6-106;

57 (i) defining closure plans as major or minor;

58 (j) defining modification plans as major or minor; and

59 (k) prohibiting refuse, offal, garbage, dead animals, decaying vegetable matter, or
60 organic waste substance of any kind to be thrown, or remain upon or in any street, road, ditch,
61 canal, gutter, public place, private premises, vacant lot, watercourse, lake, pond, spring, or
62 well.

63 (2) If any of the following are determined to be hazardous waste and are therefore
64 subjected to the provisions of this part, the board shall, in the case of landfills or surface
65 impoundments that receive the solid wastes, take into account the special characteristics of the
66 wastes, the practical difficulties associated with applying requirements for other wastes to the
67 wastes, and site specific characteristics, including the climate, geology, hydrology, and soil
68 chemistry at the site, if the modified requirements assure protection of human health and the
69 environment and are no more stringent than federal standards applicable to wastes:

70 (a) solid waste from the extraction, beneficiation, or processing of ores and minerals,
71 including phosphate rock and overburden from the mining of uranium;

72 (b) fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste
73 generated primarily from the combustion of coal or other fossil fuels; and

74 (c) cement kiln dust waste.

75 (3) The board shall establish criteria for siting commercial hazardous waste treatment,
76 storage, and disposal facilities, including commercial hazardous waste incinerators. Those
77 criteria shall apply to any facility or incinerator for which plan approval is required under
78 Section 19-6-108.

79 (4) The board shall make rules under Title 63, Chapter 46a, Utah Administrative
80 Rulemaking Act, prohibiting the siting, unless allowed by a local zoning ordinance, of any new
81 commercial nonhazardous treatment or disposal facility that receives construction and
82 demolition waste within 1/4 mile of:

83 (a) any existing permanent dwellings or residential areas; or

84 (b) other structures that are incompatible with the operation of the facility, such as
85 schools or churches.

Legislative Review Note
as of 1-26-04 12:31 PM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0254

Solid Waste Landfill Amendments

03-Feb-04

11:50 AM

State Impact

Provisions of this bill can be enacted within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst