

**Senator Scott D. Sandall** proposes the following substitute bill:

**RADIOACTIVE WASTE AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carl R. Albrecht**

Senate Sponsor: Scott D. Sandall

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to the disposal of radioactive waste.

**Highlighted Provisions:**

This bill:

- ▶ provides that certain waste classifications are determined at the time of acceptance;
- ▶ allows the director of the Division of Waste Management and Radiation Control to authorize alternate requirements for waste classification and characteristics that would allow an entity to accept certain waste at a specific site;
- ▶ requires notice to a legislative committee;
- ▶ directs the director to require certain actions related to concentrated depleted uranium;
- ▶ imposes tax on certain waste; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



26 AMENDS:

27 **19-3-103.7**, as last amended by Laws of Utah 2005, Chapter 10

28 ENACTS:

29 **59-24-103.7**, Utah Code Annotated 1953



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

32 Section 1. Section **19-3-103.7** is amended to read:

33 **19-3-103.7. Prohibition of certain radioactive wastes -- Alternative classification**  
34 **-- Concentrated depleted uranium.**

35 ~~[(1)]~~ (1) Except as provided in Subsection (2), an entity may not accept in the state or  
36 apply for a license to accept in the state for commercial storage, decay in storage, treatment,  
37 incineration, or disposal waste, that at the time of acceptance is:

38 ~~[(1)]~~ (a) class B or class C low-level radioactive waste; or

39 ~~[(2)]~~ (b) radioactive waste having a higher radionuclide concentration than the highest  
40 radionuclide concentration allowed under licenses existing on February 25, 2005, that have met  
41 all the requirements of Section **19-3-105**.

42 (2) (a) Subject to the other provisions of this Subsection (2), at the request of a licensee  
43 or applicant, the director may authorize provisions for the classification and characteristics of  
44 waste for land disposal within the state on a specific basis, if after evaluation of the specific  
45 characteristics of the waste, disposal site, and method of disposal, the director finds that:

46 (i) when considering the characteristics of the waste and the site-specific applicable  
47 method of disposal, there is reasonable assurance of compliance with the performance  
48 objectives, dose limits, and other applicable requirements set forth in rules made by the board  
49 that govern the type of issues addressed in 10 C.F.R. Part 61, Licensing Requirements for Land

50 Disposal of Radioactive Waste, Subpart C, Performance Objectives; and

51 (ii) the dose limits of the waste are equal to or less than that of:

52 (A) class A low-level radioactive waste; and

53 (B) waste described under Subsection (1)(b).

54 (b) The prohibition of accepting waste or applying for accepting waste described in  
55 Subsection (1) does not apply to waste that is classified in compliance with the requirements of  
56 this Subsection (2).

57 (c) Within five business days of the day on which the director makes findings to  
58 authorize the classification and characteristics of waste on a specific basis under Subsection  
59 (2)(a), the director shall notify:

60 (i) the chairs of the Natural Resources, Agriculture, and Environment Interim  
61 Committee; or

62 (ii) if the findings are issued during a general legislative session, the chair of the House  
63 Natural Resources, Agriculture, and Environment Standing Committee and the chair of the  
64 Senate Natural Resources, Agriculture, and Environment Standing Committee.

65 (d) The director's authorization for the classification and characteristics of waste on a  
66 specific basis under this Subsection (2) does not take effect until 90 days from the day on  
67 which the director makes the findings under Subsection (2)(a) to authorize the classification  
68 and characteristics of the waste.

69 (e) The board may make rules, in accordance with Title 63G, Chapter 3, Utah  
70 Administrative Rulemaking Act, to implement this Subsection (2).

71 (3) The director shall require as a condition to the disposal by a radioactive waste  
72 facility of a total aggregate quantity of more than one metric ton of concentrated depleted  
73 uranium:

74 (a) an approved performance assessment;

75 (b) designation of a federal cell by the director; and

76 (c) pursuant to an agreement acceptable to the director, that the United States  
77 Department of Energy accepts perpetual management of the federal cell, title to the land on  
78 which the federal cell is located, title to the waste in the federal cell, and financial stewardship  
79 for the federal cell and waste in the federal cell.

80 Section 2. Section **59-24-103.7** is enacted to read:

81 **59-24-103.7. Radioactive waste facility disposal tax for concentrated depleted**  
82 **uranium and specific site approved waste.**

83 (1) On and after July 1, 2019, there is imposed a tax on a radioactive waste facility as  
84 provided in this section.

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

86 (a) 12% of the gross receipts of a radioactive waste facility derived from the disposal  
87 of:

- 88            (i) concentrated depleted uranium; and  
89            (ii) containerized waste disposed under Subsection [19-3-103.7\(2\)](#);  
90            (b) 10% of the gross receipts of a radioactive waste facility derived from the disposal  
91 of processed waste disposed under Subsection [19-3-103.7\(2\)](#); and  
92            (c) 5% of the gross receipts of a radioactive waste facility derived from the disposal of  
93 uncontainerized, unprocessed waste disposed under Subsection [19-3-103.7\(2\)](#).