

Waste Classification Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bridger Bolinder

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill relates to nuclear waste classification.

Highlighted Provisions:

This bill:

- modifies the definition of high-level nuclear waste and low-level radioactive waste; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-3-102, as last amended by Laws of Utah 2017, Chapter 360

19-3-303, as last amended by Laws of Utah 2008, Chapter 382

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

Section 1. Section **19-3-102** is amended to read:

19-3-102 . Definitions.

As used in this chapter:

(1) "Board" means the Waste Management and Radiation Control Board created under Section 19-1-106.

(2)(a) "Broker" means a person [who] that performs one or more of the following functions for a generator:

- (i) arranges for transportation of the radioactive waste;
- (ii) collects or consolidates shipments of radioactive waste; or

- (iii) processes radioactive waste in some manner.
- (b) "Broker" does not include a carrier whose sole function is to transport the radioactive waste.
- (3) "Byproduct material" means the same as that term is defined in 42 U.S.C. Sec. 2014(e)(2).
- (4) "Class B and class C low-level radioactive waste" means the same as that term is defined in 10 C.F.R. Sec. 61.55.
- (5) "Director" means the director of the Division of Waste Management and Radiation Control.
- (6) "Division" means the Division of Waste Management and Radiation Control^[7] created in Subsection 19-1-105(1)(d).
- (7) "Generator" means a person ~~[who]~~ that:
- (a) possesses any material or component:
- (i) that contains radioactivity or is radioactively contaminated; and
- (ii) for which the person foresees no further use; and
- (b) transfers the material or component to:
- (i) a commercial radioactive waste treatment or disposal facility; or
- (ii) a broker.
- (8) "High-level nuclear waste" means the same as the term "high-level radioactive waste" is defined in 42 U.S.C. Sec. 10101.
- ~~[(8)(a) "High-level nuclear waste" means spent reactor fuel assemblies, dismantled nuclear reactor components, and solid and liquid wastes from fuel reprocessing and defense-related wastes.]~~
- ~~[(b) "High-level nuclear waste" does not include medical or institutional wastes, naturally occurring radioactive materials, or uranium mill tailings.]~~
- ~~[(9)(a) "Low-level radioactive waste" means waste material that contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release.]~~
- ~~[(b) "Low-level radioactive waste" does not include waste containing more than 100 nanocuries of transuranic contaminants per gram of material, nor spent reactor fuel, nor material classified as either high-level waste or waste which is unsuited for disposal by near-surface burial under any applicable federal regulations.]~~
- (9) "Low-level radioactive waste" means the same as that term is defined in 42 U.S.C. Sec. 10101.

(10) "Radiation" means ionizing and nonionizing radiation, including gamma rays, X-rays, alpha and beta particles, high speed electrons, and other nuclear particles.

(11) "Radioactive" means any solid, liquid, or gas which emits radiation spontaneously from decay of unstable nuclei.

(12) "Unlicensed facility" means a structure, road, or property:

(a) adjacent to, but outside of, a licensed or permitted area; and

(b) that is not used for waste disposal or waste management.

Section 2. Section **19-3-303** is amended to read:

19-3-303 . Definitions.

As used in this part:

(1) "Final judgment" means a final ruling or judgment, including any supporting opinion, that determines the rights of the parties and concerning which all appellate remedies have been exhausted or the time for appeal has expired.

(2) "Goods" means any materials or supplies, whether raw, processed, or manufactured.

(3) "Greater than class C radioactive waste" means low-level radioactive waste that has higher concentrations of specific radionuclides than allowed for class C waste.

(4) "Gross value of the contract" means the totality of the consideration received for any goods, services, or municipal-type services delivered or rendered in the state without any deduction for expense paid or accrued with respect to it.

(5) "High-level nuclear waste" [~~has the same meaning as in~~] means the same as that term is defined in Section 19-3-102.

(6) "Municipal-type services" includes, but is not limited to:

(a) fire protection service;

(b) waste and garbage collection and disposal;

(c) planning and zoning;

(d) street lighting;

(e) life support and paramedic services;

(f) water;

(g) sewer;

(h) electricity;

(i) natural gas or other fuel; or

(j) law enforcement.

(7) "Organization" means a corporation, limited liability company, partnership, limited liability partnership, joint venture, consortium, association, trust, or other entity formed

97 to undertake an enterprise, whether or not for profit.

98 (8) "Placement" means transportation, transfer, storage, decay in storage, treatment, or
99 disposal.

100 (9) "Political subdivision" means any county, city, town, school district, public transit
101 district, redevelopment agency, special improvement or taxing district, or other
102 governmental subdivision or public corporation.

103 (10) "Rule" means a rule made by the department under Title 63G, Chapter 3, Utah
104 Administrative Rulemaking Act.

105 (11) "Service" or "services" means any work or governmental program which provides a
106 benefit.

107 (12) "Storage facility" means any facility which stores, holds, or otherwise provides for the
108 emplacement of waste regardless of the intent to recover that waste for subsequent use,
109 processing, or disposal.

110 (13) "Transfer facility" means any facility which transfers waste from and between
111 transportation modes, vehicles, cars, or other units, and includes rail terminals and
112 intermodal transfer points.

113 (14) "Waste" or "wastes" means high-level nuclear waste and greater than class C
114 radioactive waste.

115 **Section 3. Effective Date.**

116 This bill takes effect on May 7, 2025.