

# SB0216S02 compared with SB0216

~~{Omitted text}~~ shows text that was in SB0216 but was omitted in SB0216S02

inserted text shows text that was not in SB0216 but was inserted into SB0216S02

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## Environmental Quality Amendments

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael K. McKell**

House Sponsor: Bridger Bolinder

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### 3 LONG TITLE

#### 4 General Description:

5 This bill modifies provisions related to the licensing and taxation of radioactive waste.

#### 6 Highlighted Provisions:

7 This bill:

8 ▶ defines ~~{and modifies}~~ terms;

9 ▶ modifies the requirements for a waste facility to renew or amend a radioactive waste license;

11 ▶ requires the State Tax Commission to deposit into an energy-related fund the portion of new tax revenue derived from a radioactive waste facility receiving radioactive waste from a new generator;

14 ▶ creates a radioactive waste facility expansion tax on a radioactive waste facility that submits an application to the Division of Waste Management and Radiation Control to construct a new radioactive waste facility or expand an existing facility;

17 ▶ provides for the payment and deposit of the radioactive waste facility expansion tax;

18 ▶ ~~{provides}~~ implements a sunset date for ~~{the automatic repeal of}~~ the radioactive waste facility expansion tax; and

19 ▶ makes technical and conforming changes.

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### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides a special effective date.

This bill provides a coordination clause.

### AMENDS:

**19-3-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2017, Chapter 360 (**Effective 05/07/25**), as last amended by Laws of Utah 2017, Chapter 360

~~{19-3-104 (Effective 05/07/25), as last amended by Laws of Utah 2022, Chapter 336 (Effective 05/07/25), as last amended by Laws of Utah 2022, Chapter 336}~~

**19-3-105 (Effective 05/07/25)**, as last amended by Laws of Utah 2018, Chapter 281 (**Effective 05/07/25**), as last amended by Laws of Utah 2018, Chapter 281

**59-24-102 (Effective 07/01/25)**, as last amended by Laws of Utah 2003, Chapter 295 (**Effective 07/01/25**), as last amended by Laws of Utah 2003, Chapter 295

**59-24-103.5 (Effective 07/01/25), as last amended by Laws of Utah 2024, Chapter 192 (Effective 07/01/25), as last amended by Laws of Utah 2024, Chapter 192**

**59-24-104** ~~{(Effective 05/07/25)}~~**(Effective 07/01/25)**, as last amended by Laws of Utah 2019, Chapter 466 ~~{(Effective 05/07/25)}~~**(Effective 07/01/25)**, as last amended by Laws of Utah 2019, Chapter 466

**59-24-105 (Effective 07/01/25)**, as last amended by Laws of Utah 2003, Chapter 295 (**Effective 07/01/25**), as last amended by Laws of Utah 2003, Chapter 295

**63I-2-259 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 (**Effective 05/07/25**), as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

~~{63N-1a-102 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 159 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 159}~~

### ENACTS:

**59-24-103.8 (Effective 07/01/25)**, Utah Code Annotated 1953 (**Effective 07/01/25**), Utah Code Annotated 1953

### Utah Code Sections affected by Coordination Clause:

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

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

41 **19-3-102. Definitions.**

As used in this chapter:

42 ~~{(1)} {"Alternate feed material" means the same as that term is defined in Section 59-24-102.}~~

43 ~~{(2)} {"Approval application" means an application by a radioactive waste facility regulated under this chapter or Chapter 5, Water Quality Act, for a permit, license, registration, certification, or other authorization.}~~

46 ~~{(1){}} {(3){}}~~ "Board" means the Waste Management and Radiation Control Board created under Section 19-1-106.

48 ~~{(2){}} {(4){}}~~

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

50 (i) arranges for transportation of the radioactive waste;

51 (ii) collects or consolidates shipments of radioactive waste; or

52 (iii) processes radioactive waste in some manner.

53 (b) "Broker" does not include a carrier whose sole function is to transport the radioactive waste.

55 ~~{(3){}} {(5){}}~~ "Byproduct material" means the same as that term is defined in 42 U.S.C. Sec. 2014(e) (2).

57 ~~{(6)}~~

~~{(a)} {"Class A low-level radioactive waste" means:}~~

58 (i) ~~{radioactive waste that is classified as class A waste under 10 C.F.R. Sec. 61.55; and}~~

60 (ii) ~~{radium-226 up to a maximum radionuclide concentration level of 10,000 picocuries per gram.}~~

62 ~~{(b)} {"Class A low-level radioactive waste" does not include:}~~

63 ~~{(i)} {uranium mill tailings;}~~

64 ~~{(ii)} {naturally occurring radioactive materials;}~~

65 ~~{(iii)} {uranium-233 if classified as "special nuclear material" under the Atomic Energy Act of 1954, 42 U.S.C. Sec. 2014; or}~~

67 ~~{(iv)} {uranium-235, if classified as "special nuclear material" under the Atomic Energy Act of 1954, 42 U.S.C. Sec. 2014, with a radionuclide concentration level greater than the concentration limits for specific conditions and enrichments established by an order of the Nuclear Regulatory Commission;}~~

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- 71    ~~{(A)}~~ ~~{to ensure criticality safety for a radioactive waste facility in the state; and}~~
- 72    ~~{(B)}~~ ~~{in response to a request, submitted prior to January 1, 2004, from a radioactive waste facility~~  
~~in the state to the Nuclear Regulatory Commission to amend the facility's special nuclear material~~  
~~exemption order.}~~
- 75    ~~{(4)}~~ ~~{(7)}~~ "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.
- 77    ~~{(5)}~~ ~~{(8)}~~ "Director" means the director of the Division of Waste Management and Radiation  
Control.
- 79    ~~{(6)}~~ ~~{(9)}~~ "Division" means the Division of Waste Management and Radiation Control, created  
in Subsection 19-1-105(1)(d).
- 81    ~~{(7)}~~ ~~{(10)}~~ "Generator" means a person who:
- 82    (a) possesses any material or component:
- 83    (i) that contains radioactivity or is radioactively contaminated; and
- 84    (ii) for which the person foresees no further use; and
- 85    (b) transfers the material or component to:
- 86    (i) a commercial radioactive waste treatment or disposal facility; or
- 87    (ii) a broker.
- 88    ~~{(11)}~~ (8) "Hazardous waste corridor" means an area of land within a county that the legislative body of  
the county:
- 90    (a) designates for the siting of a radioactive waste facility; and
- 91    (b) restricts from all residential use or development.
- 92    [(8)] ~~{(12)}~~ (9)
- (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.
- 95    (b) "High-level nuclear waste" does not include medical or institutional wastes, naturally occurring  
      radioactive materials, or uranium mill tailings.
- 97    [(9)] ~~{(13)}~~ (10)
- (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.

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(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.

105 [(10)] ~~{(14)}~~ (11) "Radiation" means ionizing and nonionizing radiation, including gamma rays, X-rays, alpha and beta particles, high speed electrons, and other nuclear particles.

107 [(11)] ~~{(15)}~~ (12) "Radioactive" means any solid, liquid, or gas which emits radiation spontaneously from decay of unstable nuclei.

109 ~~{(16)}~~

~~{(a)} {"Radioactive waste facility" means a facility that decays radioactive waste in storage, treats radioactive waste, or disposes of radioactive waste: }~~

111 ~~(i) {commercially for profit; or }~~

112 ~~(ii) {generated at locations other than the radioactive waste facility: }~~

113 ~~{(b)} {"Radioactive waste facility" does not include a facility that receives: }~~

114 ~~{(i)} {alternate feed material for reprocessing; or }~~

115 ~~{(ii)} {radioactive waste from a location in the state designated as a processing site under 42 U.S.C. Sec. 7912(f): }~~

117 ~~{(17)} {"Radioactive waste license" means a radioactive material license issued by the director to own, construct, modify, or operate a radioactive waste facility: }~~

119 [(12)] ~~{(18)}~~ (13) "Unlicensed facility" means a structure, road, or property:

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

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

122 ~~{Section 2. Section 19-3-104 is amended to read: }~~

123 **19-3-104. Registration and licensing of radiation sources by department -- Assessment of fees -- Rulemaking authority and procedure -- Siting criteria -- Indirect and direct costs.**

126 (1) As used in this section:

127 (a) "Decommissioning" includes financial assurance.

128 (b) "Source material" and "byproduct material" mean the same as those terms are defined in the Atomic Energy Act of 1954, 42 U.S.C. Sec. 2014, as amended.

130 (2) The division may require the registration or licensing of radiation sources that constitute a significant health hazard.

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- 132 (3) A source of ionizing radiation, including an ionizing radiation producing machine, shall be  
registered or licensed by the department.
- 134 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may make  
rules:
- 136 (a) necessary for controlling exposure to sources of radiation that constitute a significant health hazard;
- 138 (b) to meet the requirements of federal law relating to radiation control to ensure the radiation control  
programs under this part are qualified to maintain primacy from the federal government;
- 141 (c) to establish certification procedure and qualifications for persons who survey mammography  
equipment and oversee quality assurance practices at mammography facilities; and
- 144 (d) as necessary regarding the possession, use, transfer, or delivery of source and byproduct material  
and the disposal of byproduct material to establish requirements for:
- 147 (i) the licensing, operation, decontamination, and decommissioning, including financial assurances; and
- 149 (ii) the reclamation of sites, structures, and equipment used in conjunction with the activities described  
in this Subsection (4).
- 151 (5)
- (a) ~~On and after January 1, 2003, a~~ A fee is imposed for the regulation of source and byproduct  
material and the disposal of byproduct material at uranium mills or commercial waste facilities, as  
provided in this Subsection (5).
- 154 (b) If the Nuclear Regulatory Commission does not grant the amendment for state agreement status on  
or before March 30, 2003, fees under Subsection (5)(c) do not apply and are not required to be paid  
until on and after the later date of:
- 157 (i) October 1, 2003; or
- 158 (ii) the date the Nuclear Regulatory Commission grants to Utah an amendment for agreement state  
status for uranium recovery regulation.
- 160 (c) For the payment periods beginning on and after July 1, 2003, the department shall establish the  
fees required under Subsection (5)(a) under Section 63J-1-504, subject to the restrictions under  
Subsection (5)(b).
- 163 (d) The division shall deposit fees the division receives under this Subsection (5) into the  
Environmental Quality Restricted Account created in Section 19-1-108.
- 165 (6)

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- (a) The division shall assess fees for registration, licensing, and inspection of radiation sources under this section.
- 167 (b) The division shall comply with the requirements of Section 63J-1-504 in assessing fees for licensure and registration.
- 169 (c) The division shall deposit fees the division receives under this Subsection (6) into the Environmental Quality Restricted Account created in Section 19-1-108.
- 171 (7)
- (a) Except as provided in Subsection (8), the board may not adopt rules, for the purpose of the state assuming responsibilities from the United States Nuclear Regulatory Commission with respect to regulation of sources of ionizing radiation, that are more stringent than the corresponding federal regulations that address the same circumstances.
- 176 (b) In adopting rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may incorporate corresponding federal regulations by reference.
- 179 (8)
- (a) The board may adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that are more stringent than corresponding federal regulations for the purpose described in Subsection (7) only if the board makes a written finding after public comment and hearing and based on evidence in the record that corresponding federal regulations are not adequate to protect public health and the environment of the state.
- 185 (b) The findings described in Subsection (8)(a) shall be accompanied by an opinion referring to and evaluating the public health and environmental information and studies contained in the record that form the basis for the board's conclusion.
- 188 (9)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall by rule:
- 190 (i) authorize independent qualified experts to conduct inspections required under this chapter of x-ray facilities registered with the division; and
- 192 (ii) establish qualifications and certification procedures necessary for independent experts to conduct the inspections described in Subsection (9)(a)(i).
- 194 (b) Independent experts under this Subsection (9) are not considered employees or representatives of the division or the state when conducting the inspections.

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- 196 (10)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may by rule establish criteria for siting commercial low-level radioactive waste treatment or disposal facilities, subject to the prohibition imposed by Section 19-3-103.7.
- 200 (b) Subject to Subsection [~~19-3-105(10)~~] 19-3-105(9), any facility under Subsection (10)(a) for which a radioactive material license is required by this section shall comply with criteria established under this Subsection (10).
- 203 (c) Subject to Subsection [~~19-3-105(10)~~] 19-3-105(9), a facility may not receive a radioactive material license until siting criteria have been established by the board. The criteria also apply to facilities that have applied for but not received a radioactive material license.
- 207 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules that:
- 209 (a) establish financial assurance requirements for closure and postclosure care of radioactive waste land disposal facilities; and
- 211 (b) establish financial assurance requirements for closure and postclosure care of an unlicensed facility.
- 213 (12) The rules described in Subsection (11) shall include the following provisions:
- 214 (a) the financial assurance shall be based on an annual estimate and shall include closure and postclosure costs in areas subject to the licensed or permitted portions of the facility;
- 217 (b) financial assurance for an unlicensed facility that supports the operation of a licensed or permitted facility shall include the estimated cost of:
- 219 (i) the removal of structures;
- 220 (ii) the testing of structures, roads, and property to ensure no radiological contamination has occurred outside of the licensed area; and
- 222 (iii) stabilization and water infiltration control;
- 223 (c) financial assurance cost estimates for a single approved waste disposal unit for which the volume of waste already placed and proposed to be placed in the unit within the surety period is less than the full waste capacity of the unit shall reflect the closure and postclosure costs for a waste disposal unit smaller than the approved waste disposal unit, if the unit could be reduced in size, meet closure requirements, and reduce closure costs;
- 229 (d) financial assurance cost estimates for two approved adjacent waste disposal units that have been approved to be combined into a single unit and for which the combined volume of waste already



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placed and proposed to be placed in the units within the surety period is less than the combined waste capacity for the two separate units shall reflect either two separate waste disposal units or a single combined unit, whichever has the lowest closure and postclosure costs;

- 235 (e) the licensee or permittee shall annually propose closure and postclosure costs upon which financial  
assurance amounts are based, including costs of potential remediation at the licensed or permitted  
239 facility and, notwithstanding the obligations described in Subsection (12)(b), any unlicensed facility;
- 241 (f) to provide the information in Subsection (12)(e), the licensee or permittee shall provide:
- 244 (i) a proposed annual cost estimate using the current edition of RS Means Facilities Construction Cost  
Data or using a process, including an indirect cost multiplier, previously agreed to between the  
licensee or permittee and the director; or
- (ii)
- (A) for an initial financial assurance determination and for each financial assurance determination every  
five years thereafter, a proposed competitive site-specific estimate for closure and postclosure care  
of the facility at least once every five years; and
- 248 (B) for each year between a financial assurance determination described in Subsection (12)(f)(ii)(A),  
a proposed financial assurance estimate that accounts for current site conditions and that includes  
an annual inflation adjustment to the financial assurance determination using the Gross Domestic  
Product Implicit Price Deflator of the Bureau of Economic Analysis, United States Department of  
Commerce, calculated by dividing the latest annual deflator by the deflator for the previous year;  
and
- 255 (g) the director shall:
- 256 (i) annually review the licensee's or permittee's proposed closure and postclosure estimate; and
- 258 (ii) approve the estimate if the director determines that the estimate would be sufficient to provide for  
closure and postclosure costs.
- 260 (13) Subject to the financial assurance requirements described in Subsections (11) and (12), if the  
director and the licensee or permittee do not agree on a final financial assurance determination made  
by the director, the licensee or permittee may appeal the determination in:
- 264 (a) an arbitration proceeding governed by Title 78B, Chapter 11, Utah Uniform Arbitration Act, with  
the costs of the arbitration to be split equally between the licensee or permittee and the division, if  
both the licensee or permittee and the director agree in writing to arbitration; or
- 268 (b) a special adjudicative proceeding under Section 19-1-301.5.

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Section 2. Section **19-3-105** is amended to read:

**19-3-105. Definitions -- Legislative and gubernatorial approval required for radioactive waste license -- Exceptions -- Application for new, renewed, or amended license.**

{(1) As used in this section:}

{(a) "Alternate feed material" has the same definition as provided in Section 59-24-102.}

{(b) "Approval application" means an application by a radioactive waste facility regulated under this chapter or Title 19, Chapter 5, Water Quality Act, for a permit, license, registration, certification, or other authorization.}

{(c)}

{(i) "Class A low-level radioactive waste" means:}

{(A) radioactive waste that is classified as class A waste under 10 C.F.R. 61.55; and}

{(B) radium-226 up to a maximum radionuclide concentration level of 10,000 picocuries per gram.}

{(ii) "Class A low-level radioactive waste" does not include:}

{(A) uranium mill tailings;}

{(B) naturally occurring radioactive materials; or}

{(C) the following radionuclides if classified as "special nuclear material" under the Atomic Energy Act of 1954, 42 U.S.C. 2014:}

{(I) uranium-233; and}

{(II) uranium-235 with a radionuclide concentration level greater than the concentration limits for specific conditions and enrichments established by an order of the Nuclear Regulatory Commission:}

{(Aa) to ensure criticality safety for a radioactive waste facility in the state; and}

{(Bb) in response to a request, submitted prior to January 1, 2004, from a radioactive waste facility in the state to the Nuclear Regulatory Commission to amend the facility's special nuclear material exemption order.}

{(d)}

{(i) "Radioactive waste facility" or "facility" means a facility that decays radioactive waste in storage, treats radioactive waste, or disposes of radioactive waste:}

{(A) commercially for profit; or}

{(B) generated at locations other than the radioactive waste facility.}

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- 303    {{(ii) "Radioactive waste facility" does not include a facility that receives:}}
- 304    {{(A) alternate feed material for reprocessing; or}}
- 305    {{(B) radioactive waste from a location in the state designated as a processing site under 42 U.S.C.  
7912(f).}}
- 307    {{(e) "Radioactive waste license" or "license" means a radioactive material license issued by the  
director to own, construct, modify, or operate a radioactive waste facility.}}
- 309    {{(2)}} ~~{{(1)}}~~ The provisions of this section are subject to the prohibition under Section 19-3-103.7.
- 311    {{(3)}} ~~{{(2)}}~~ Subject to Subsection {{(8)}} ~~{{(7)}}~~, a person may not own, construct, modify, or  
operate a radioactive waste facility without:
- 313    (a) having received a radioactive waste license for the facility;
- 314    (b) meeting the requirements established by rule under Section 19-3-104;
- 315    (c) the approval of the governing body of the municipality or county responsible for local planning and  
zoning where the radioactive waste is or will be located; and
- 317    (d) subsequent to meeting the requirements of Subsections {{(3)(a)}} ~~{{(2)(a)}}~~ through (c), the approval  
of the governor and the Legislature.
- 319    {{(4)}} ~~{{(3)}}~~ Subject to Subsection {{(8)}} ~~{{(7)}}~~, a new radioactive waste license application, or an  
application to renew or amend an existing radioactive waste license, is subject to the requirements of  
Subsections {{(3)(b)}} ~~{{(2)(b)}}~~ through (d) if the application, renewal, or amendment:
- 323    (a) specifies a different geographic site than a previously submitted application;
- 324    (b) would cost 50% or more of the cost of construction of the original radioactive waste facility or the  
modification would result in an increase in capacity or throughput of a cumulative total of 50% of  
the total capacity or throughput which was approved in the facility license as of January 1, 1990, or  
the initial approval facility license if the initial license approval is subsequent to January 1, 1990; or
- 329    (c) requests approval to decay radioactive waste in storage, treat radioactive waste, or dispose of  
radioactive waste having a higher radionuclide concentration limit than allowed, under an existing  
approved license held by the facility, for the specific type of waste to be decayed in storage, treated,  
or disposed of.
- 333    {{(5)}} ~~{{(4)}}~~ The requirements of Subsection {{(4)(c)}} ~~{{(3)(e)}}~~ do not apply to an application to  
renew or amend an existing radioactive waste license if:
- 335    (a) the radioactive waste facility requesting the renewal or amendment has received a license prior to  
January 1, 2004; and

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- 337 (b) the application to renew or amend its license is limited to a request to approve the receipt, transfer,  
storage, decay in storage, treatment, or disposal of class A low-level radioactive waste.
- 340 ~~{(6){}}~~ ~~{(5){}}~~ A radioactive waste facility that receives a new radioactive waste license after May 3,  
2004, is subject to the requirements of Subsections ~~{(3)(b){}}~~ ~~(2)(b)~~ through (d) for any license  
application, renewal, or amendment that requests approval to decay radioactive waste in storage,  
treat radioactive waste, or dispose of radioactive waste not previously approved under an existing  
license held by the facility.
- 345 ~~{(7){}}~~ ~~{(6){}}~~ If the board finds that approval of additional radioactive waste license applications,  
renewals, or amendments will result in inadequate oversight, monitoring, or licensure compliance  
and enforcement of existing and any additional radioactive waste facilities, the board shall suspend  
acceptance of further applications for radioactive waste licenses. The board shall report the  
suspension to the Legislative Management Committee.
- 350 ~~{(8){}}~~ ~~{(7){}}~~ The requirements of Subsections ~~{(3)(c){}}~~ ~~(2)(c)~~ and (d) and Subsection  
19-3-104(10) do not apply to:
- 352 (a) a radioactive waste license ~~[that is]~~ in effect on December 31, 2006, including all amendments to the  
license ~~[that have taken effect as of December 31, 2006]~~ thereafter;
- 354 (b) a license application for a facility in existence as of December 31, 2006, unless the license  
application includes an area beyond the facility boundary approved in the license described in  
Subsection ~~{(8)(a){}}~~ ~~(7)(a)~~; or
- 357 (c) an application to renew or amend a license described in Subsection ~~{(8)(a),}~~ ~~[unless]~~ if ~~{ }~~ ~~(7)(a)~~  
if the renewal or amendment includes an area ~~[{ } beyond]~~ within :
- 359 (i) within the facility boundary approved in the license described in Subsection ~~{(8)(a)}~~ ~~[{ } (7)(a)]~~ ; or
- 361 (ii) within a hazardous waste corridor.
- 362 ~~{(9){}}~~ ~~{(8){}}~~
- (a) The director shall review an approval application to determine whether the application complies  
with the requirements of this chapter and the rules of the board.
- 364 (b) Within 60 days after the day on which the director receives an approval application described in  
Subsection ~~{(10)(a)(ii){}}~~ ~~(9)(a)(ii)~~ or (iii), the director shall:
- 366 (i) determine whether the application is complete and contains all the information necessary to process  
the application for approval; and
- 368 (ii)

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- (A) issue a notice of completeness to the applicant; or
- 369 (B) issue a notice of deficiency to the applicant and list the additional information necessary to complete the application.
- 371 (c) The director shall review information submitted in response to a notice of deficiency within 30 days after the day on which the director receives the information.
- 373 ~~{(10){1}}~~ ~~{(9)}~~ The board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
- 375 (a) categorize approval applications as follows:
- 376 (i) approval applications that:
- 377 (A) are administrative in nature;
- 378 (B) require limited scrutiny by the director; and
- 379 (C) do not require public input;
- 380 (ii) approval applications that:
- 381 (A) require substantial scrutiny by the director;
- 382 (B) require public input; and
- 383 (C) are not described in Subsection ~~{(10)(a)(iii)}~~ ~~{(9)(a)(iii)}~~; and
- 384 (iii) approval applications for:
- 385 (A) the granting or renewal of a radioactive waste license;
- 386 (B) the granting or renewal of a groundwater permit issued by the director for a radioactive waste facility;
- 388 (C) an amendment to a radioactive waste license, or a groundwater permit, that allows the design and approval of a new disposal cell;
- 390 (D) an amendment to a radioactive waste license or groundwater discharge permit for a radioactive waste facility to eliminate groundwater monitoring; and
- 392 (E) a radioactive waste facility closure plan;
- 393 (b) provide time periods for the director to review, and approve or deny, an application described in Subsection ~~{(10)(a)}~~ ~~{(9)(a)}~~ as follows:
- 395 (i) for applications categorized under Subsection ~~{(10)(a)(i)}~~ ~~{(9)(a)(i)}~~, within 30 days after the day on which the director receives the application; and
- 397 (ii) for applications categorized under Subsection ~~{(10)(a)(ii)}~~ ~~{(9)(a)(ii)}~~, within 180 days after the day on which the director receives the application;

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- 399 (iii) for applications categorized under Subsection {~~f(10)(a)(iii)~~} ~~(9)(a)(iii)~~, as follows:
- 400 (A) for a new radioactive waste license, within 540 days after the day on which the director receives the application;
- 402 (B) for a new groundwater permit issued by the director for a radioactive waste facility consistent with the provisions of Title 19, Chapter 5, Water Quality Act, within 540 days after the day on which the director receives the application;
- 405 (C) for a radioactive waste license renewal, within 365 days after the day on which the director receives the application;
- 407 (D) for a groundwater permit renewal issued by the director for a radioactive waste facility, within 365 days after the day on which the director receives the application;
- 410 (E) for an amendment to a radioactive waste license, or a groundwater permit, that allows the design and approval of a new disposal cell, within 365 days after the day on which the director receives the application;
- 413 (F) for an amendment to a radioactive waste license, or a groundwater discharge permit, for a radioactive waste facility to eliminate groundwater monitoring, within 365 days after the day on which the director receives the application; and
- 416 (G) for a radioactive waste facility closure plan, within 365 days after the day on which the director receives the application;
- 418 (c) toll the time periods described in Subsection {~~f(10)(b)~~} ~~(9)(b)~~:
- 419 (i) while an owner or operator of a facility responds to the director's request for information;
- 421 (ii) during a public comment period; or
- 422 (iii) while the federal government reviews the application; and
- 423 (d) require the director to prepare a detailed written explanation of the basis for the director's approval or denial of an approval application.

244 Section 3. Section **59-24-102** is amended to read:

245 **59-24-102. Definitions.**

As used in this chapter:

- 428 (1)
- (a) "Alternate feed material" means a natural or native material:
- 429 (i) mined for the extraction of its constituents or other matter from which source material may be extracted in a licensed uranium or thorium mill; and

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- 431 (ii) may be reprocessed for its source material content.
- 432 (b) "Alternate feed material" does not include:
- 433 (i) material containing hazardous waste listed under 40 C.F.R. Part 261, Subpart D;
- 434 (ii) natural or unprocessed ore; or
- 435 (iii) naturally occurring radioactive materials containing greater than 15 picocuries per gram of  
radium-226.
- 437 (2) "Byproduct material" is as defined in 42 U.S.C. Sec. 2014(e)(2).
- 438 (3) "Class A low-level radioactive waste" means radioactive waste that is classified as class A waste  
under 10 C.F.R. 61.55.
- 440 (4) "Containerized class A waste" means class A low-level radioactive waste that is placed in the  
portion of a radioactive waste facility that is licensed to receive containerized class A waste.
- 443 (5)
- (a) "Generator" means the same as that term is defined in Section 19-3-102.
- 444 (b) "Generator" includes an affiliate, subsidiary, or successor of the generator.
- 445 ~~[(5)]~~ (6)
- (a) "Gross receipts" means all consideration an owner or operator of a radioactive waste facility  
receives for the disposal of radioactive waste in the state, without any deduction or expense paid or  
accrued related to the disposal of the radioactive waste.
- 449 (b) "Gross receipts" do not include fees collected under Section 19-3-106 or any other taxes collected  
for a state or federal governmental entity.
- 451 ~~[(6)]~~ (7)
- (a) "Processed class A waste" means waste that:
- 452 (i) is class A low-level radioactive waste; and
- 453 (ii) has been concentrated by a processor.
- 454 (b) "Processed class A waste" does not include containerized class A waste.
- 455 ~~[(7)]~~ (8) "Radioactive waste" means:
- 456 (a) alternate feed material;
- 457 (b) byproduct material;
- 458 (c) containerized class A waste;
- 459 (d) processed class A waste; or
- 460 (e) uncontainerized, unprocessed class A waste.

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461 [(8)] (9) "Radioactive waste facility" or "facility" means:

462 (a) a facility licensed under Section 19-3-105; or

463 (b) a uranium mill licensed under 10 C.F.R. Part 40, Domestic Licensing of Source Material.

465 [(9)] (10)

(a) "Uncontainerized, unprocessed class A waste" means class A low-level radioactive waste that:

467 (i) is neither containerized class A waste, nor processed class A waste; and

468 (ii) must be disposed of under rules of the Nuclear Regulatory Commission in a licensed low-level radioactive waste disposal facility.

470 (b) "Uncontainerized, unprocessed class A waste" does not include alternate feed material.

291 Section 4. Section 59-24-103.5 is amended to read:

292 **59-24-103.5. Radioactive waste disposal, processing, and recycling facility tax.**

294 (1) [~~On and after July 1, 2003, there~~] There is imposed a tax on a radioactive waste facility, or a processing or recycling facility, as provided in this chapter.

296 (2) [~~The~~] Except as provided in Subsection (3), the tax is equal to the sum of the following amounts:

298 (a) 12% of the gross receipts of a radioactive waste facility derived from the disposal of containerized class A waste;

300 (b) 10% of the gross receipts of a radioactive waste facility derived from the disposal of processed class A waste;

302 (c) except as provided in Subsection (2)(e), 5% of the gross receipts of a radioactive waste facility derived from the disposal of uncontainerized, unprocessed class A waste from a governmental entity or an agent of a governmental entity:

305 (i) pursuant to a contract entered into on or after April 30, 2001;

306 (ii) pursuant to a contract substantially modified on or after April 30, 2001;

307 (iii) pursuant to a contract renewed or extended on or after April 30, 2001; or

308 (iv) not pursuant to a contract;

309 (d) except as provided in Subsection (2)(e), 5% of the gross receipts of a radioactive waste facility derived from the disposal of uncontainerized, unprocessed class A waste received by the facility from an entity other than a governmental entity or an agent of a governmental entity;

313 (e) .5% of the gross receipts of a radioactive waste facility derived from the disposal of uncontainerized, unprocessed class A waste received by the facility if the uncontainerized, unprocessed class A waste



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does not exceed 10% of the radioactive concentration limit for class A waste as defined in 10 C.F.R. Sec. 61.55;

317 (f) 5% of the gross receipts of a radioactive waste facility derived from the disposal of mixed waste,  
other than the mixed waste described in Subsection (2)(g), received from:

320 (i) an entity other than a governmental entity or an agent of a governmental entity; or

321 (ii) a governmental entity or an agent of a governmental entity:

322 (A) pursuant to a contract entered into on or after April 30, 2005;

323 (B) pursuant to a contract substantially modified on or after April 30, 2005;

324 (C) pursuant to a contract renewed or extended on or after April 30, 2005; or

325 (D) not pursuant to a contract;

326 (g) 10% of the gross receipts of a radioactive waste facility derived from the disposal of mixed waste:

328 (i)

(A) received from an entity other than a governmental entity or an agent of a governmental entity; or

330 (B) received from a governmental entity or an agent of a governmental entity:

331 (I) pursuant to a contract entered into on or after April 30, 2005;

332 (II) pursuant to a contract substantially modified on or after April 30, 2005;

333 (III) pursuant to a contract renewed or extended on or after April 30, 2005; or

334 (IV) not pursuant to a contract; and

335 (ii) that contains a higher radionuclide concentration level than the mixed waste received by any  
radioactive waste facility in the state before April 1, 2004;

337 (h) 10 cents per cubic foot of alternate feed material received at a radioactive waste facility for disposal  
or reprocessing; and

339 (i) 10 cents per cubic foot of byproduct material received at a radioactive waste facility for disposal.

341 (3) The tax is equal to 16.67% of the gross receipts of a radioactive waste facility derived from the  
disposal of radioactive waste received from a generator that ships to the radioactive waste facility  
for the first time between June 30, 2025, and June 30, 2028.

344 ~~[(3)]~~ (4) For purposes of the tax imposed by this section, a fraction of a cubic foot is considered to be a  
full cubic foot.

346 ~~[(4)]~~ (5) Except as provided in Subsections (2)(f) and (g), the tax imposed by this section does not apply  
to radioactive waste containing material classified as hazardous waste under 40 C.F.R. Part 261.

349 Section 5. Section **5** is enacted to read:

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350 **59-24-103.8. Radioactive waste facility expansion tax -- Payment -- Deposit of tax revenue.**

475 (1) As used in this section:

476 (a) "Division" means the Division of Waste Management and Radiation Control created in Section 19-1-105.

478 (b) "New licensed waste disposal volume" means the increased { ~~volume of~~ } radioactive waste ~~disposal volume capacity~~ that a radioactive waste facility requests for approval by the division in a radioactive waste facility application.

481 (c) "Radioactive waste facility application" means an application for a new radioactive waste facility, or an amendment to an existing radioactive waste facility, under Section 19-3-105 that { ~~seeks~~ } ~~requests~~ authorization to construct a new radioactive waste facility or expand the geographic site covered by an existing radioactive waste facility.

485 (2) There is imposed a tax on a radioactive waste facility that submits a ~~new~~ radioactive waste facility application to the division on or before December 31, 2025.

487 (3) The tax imposed by this section is equal to \$3.45 per cubic yard of new licensed waste disposal volume, up to and not exceeding 8,700,000 cubic yards of new licensed waste disposal volume for a radioactive waste facility.

490 (4) The tax imposed by this section shall be paid no later than 60 days after the day on which the radioactive waste facility submits a radioactive waste facility application to the division.

493 (5) The commission shall deposit the tax revenue collected under this section into the Utah Energy Research Fund created in Section 79-6-1002.

495 (6) Nothing in this section { ~~may allow the commission to limit~~ } ~~limits~~ the ability of the director of the division to approve { ~~or deny~~ } a radioactive waste facility { ~~license under Section 19-3-105~~ } ~~application exceeding the maximum new licensed waste disposal volume described in Subsection (3).~~

376 Section 6. Section **59-24-104** is amended to read:

377 **59-24-104. {~~(Effective 05/07/25)~~}(Effective 07/01/25)Payment of tax.**

500 (1) The tax imposed by Section 59-24-103.5 shall be paid by [~~the owner or operator of~~]a radioactive waste facility that receives radioactive waste for disposal or reprocessing.

502 (2) The payment shall be accompanied by the form prescribed by the commission.

503 (3) [~~The~~] Except as otherwise provided in this chapter, the payment shall be paid quarterly on or before the last day of the month next succeeding each calendar quarterly period.

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Section 7. Section **59-24-105** is amended to read:

**59-24-105. Deposit of tax revenue.**

(1) [~~—The~~] Except as provided in {~~Subsection~~} Subsections (2) and {~~otherwise in this chapter~~} 59-24-103.8(5), the commission shall deposit the tax revenue collected under this chapter into the Uniform School Fund.

(2)

(a) The commission shall deposit tax revenue collected under {~~Section 59-24-103.5 from a radioactive waste facility for radioactive waste received from a generator that did not ship to the radioactive waste facility on or before June 30, 2025,~~} Subsection 59-24-103.5(3) into the Utah Energy Research Fund created in Section 79-6-1002.

(b) The commission may require a radioactive waste facility to share data related to radioactive waste delivered by a generator to the radioactive waste facility for the purposes of calculating the deposit of tax revenue as described in Subsection (2)(a).

Section 8. Section **63I-2-259** is amended to read:

**63I-2-259. Repeal dates: Title 59.**

(1) Subsection 59-7-610(8), regarding claiming a tax credit in the same taxable year as the targeted business income tax credit, is repealed December 31, 2024.

(2) Subsection 59-7-614.10(5), regarding claiming a tax credit in the same taxable year as the targeted business income tax credit, is repealed December 31, 2024.

(3) Section 59-7-624, Targeted business income tax credit, is repealed December 31, 2024.

(4) Subsection 59-10-210(2)(b)(vi), regarding Section 59-10-1112, is repealed December 31, 2024.

(5) Subsection 59-10-1007(8), regarding claiming a tax credit in the same taxable year as the targeted business income tax credit, is repealed December 31, 2024.

(6) Subsection 59-10-1037(5), regarding claiming a tax credit in the same taxable year as the targeted business income tax credit, is repealed December 31, 2024.

(7) Section 59-10-1112, Targeted business income tax credit, is repealed December 31, 2024.

(8) Section 59-24-103.8, Radioactive waste facility expansion tax -- Payment -- Deposit of tax revenue, is repealed July 1, 2026.

~~{Section 9. Section **63N-1a-102** is amended to read: }~~

**63N-1a-102. Definitions.**

As used in this title:

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- 537 (1) "Baseline jobs" means the number of full-time employee positions that existed within a business  
entity in the state before the date on which a project related to the business entity is approved by the  
office or by the GOEO board.
- 540 (2) "Baseline state revenue" means the amount of state tax revenue collected from a business entity or  
the employees of a business entity during the year before the date on which a project related to the  
business entity is approved by the office or by the GOEO board.
- 544 (3) "Commission" means the Unified Economic Opportunity Commission created in Section  
63N-1a-201.
- 546 (4) "Economic opportunity agency" includes:
- 547 (a) the Department of Workforce Services;
- 548 (b) the Department of Cultural and Community Engagement;
- 549 (c) the Department of Commerce;
- 550 (d) the Department of Natural Resources;
- 551 (e) the Office of Energy Development;
- 552 (f) the State Board of Education;
- 553 (g) institutions of higher education;
- 554 (h) the Utah Multicultural Commission;
- 555 (i) the World Trade Center Utah;
- 556 (j) local government entities;
- 557 (k) associations of governments;
- 558 (l) the Utah League of Cities and Towns;
- 559 (m) the Utah Association of Counties;
- 560 (n) the Economic Development Corporation of Utah;
- 561 (o) the Small Business Administration;
- 562 (p) chambers of commerce;
- 563 (q) industry associations;
- 564 (r) small business development centers; and
- 565 (s) other entities identified by the commission or the executive director.
- 566 (5) "Executive director" means the executive director of the office.
- 567 (6) "Full-time employee" means an employment position that is filled by an employee who works at  
least 30 hours per week and:

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- 569 (a) may include an employment position filled by more than one employee, if each employee who  
works less than 30 hours per week is provided benefits comparable to a full-time employee; and
- 572 (b) may not include an employment position that is shifted from one jurisdiction in the state to another  
jurisdiction in the state.
- 574 (7) "GOEO board" means the Board of Economic Opportunity created in Section 63N-1a-401.
- 576 (8) "High paying job" means a newly created full-time employee position where the aggregate average  
annual gross wage of the employment position, not including health care or other paid or unpaid  
benefits, is:
- 579 (a) at least 110% of the average wage of the county in which the employment position exists; or
- 581 (b) for an employment position related to a project described in Chapter 2, Part 1, Economic  
Development Tax Increment Financing, and that is located within the boundary of a county of the  
third, fourth, fifth, or sixth class, or located within a municipality in a county of the second class and  
where the municipality has a population of 10,000 or less:
- 586 (i) at least 100% of the average wage of the county in which the employment position exists; or
- 588 (ii) an amount determined by rule made by the office in accordance with Title 63G, Chapter 3, Utah  
Administrative Rulemaking Act, if the office determines the project is in a county experiencing  
economic distress.
- 591 (9)
- (a) "Incremental job" means a full-time employment position in the state that:
- 592 (i) did not exist within a business entity in the state before the beginning of a project related to the  
business entity; and
- 594 (ii) is created in addition to the number of baseline jobs that existed within a business entity.
- 596 (b) "Incremental job" includes a full-time employment position where the employee is hired:
- 598 (i) directly by a business entity; or
- 599 (ii) by a professional employer organization, as defined in Section 31A-40-102, on behalf of a business  
entity.
- 601 (10) "New state revenue" means the state revenue collected from a business entity or a business entity's  
employees during a calendar year minus the baseline state revenue calculation.
- 604 (11) "Office" or "GOEO" means the Governor's Office of Economic Opportunity.
- 605 (12) "State revenue" means state tax liability paid by a business entity or a business entity's employees  
under any combination of the following provisions:

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- 607 (a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;  
608 (b) Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and Information;  
610 (c) Title 59, Chapter 10, Part 2, Trusts and Estates;  
611 (d) Title 59, Chapter 10, Part 4, Withholding of Tax;[-and]  
612 (e) Title 59, Chapter 12, Sales and Use Tax Act[-] ; and  
613 (f) Title 59, Chapter 24, Radioactive Waste Facility Tax Act.  
614 (13) "State strategic goals" means the strategic goals listed in Section 63N-1a-103.  
615 (14) "Statewide economic development strategy" means the economic development strategy developed  
by the commission in accordance with Section 63N-1a-202.  
617 (15) "Talent board" means the Talent, Education, and Industry Alignment Board created in Section  
53B-34-102.  
619 (16) "Targeted industry" means an industry or group of industries targeted by the commission under  
Section 63N-1a-202, for economic development in the state.

### 409 Section 9. **Effective date.**

- 622 (1) Except as provided in Subsection (2), this bill takes effect {~~May 7,~~ July 1, 2025.  
623 (2) The actions affecting the following sections take effect on {~~July 1,~~ May 7, 2025:  
624 (a) Section {~~59-24-103.8~~ 19-3-102 (Effective {~~07/01/25~~ 05/07/25);  
625 (b) Section {~~59-24-102~~ 19-3-105 (Effective {~~07/01/25~~ 05/07/25); and  
626 (c) Section {~~59-24-105~~ 63I-2-259 (Effective {~~07/01/25~~ 05/07/25).

### 415 Section 10. **Coordinating S.B. 216 with H.B. 249.**

If S.B. 216, Environmental Quality Amendments, and H.B. 249, Nuclear Power Amendments, both pass and become law, the Legislature intends that, on July 1, 2025:

(1) Subsection 59-24-103.8(5), enacted in S.B. 216, be amended to read:

"(5) The commission shall deposit the tax revenue collected under this section into the Electrical Energy Development Investment Fund created in Section 79-6-1105.";

(2) Subsection 59-24-105(2)(a), enacted in S.B. 216, be amended to read:

"(2)(a) The commission shall deposit tax revenue collected under Subsection 59-24-103.5(3) into the Electrical Energy Development Investment Fund created in Section 79-6-1105"; and

(3) Subsection 79-6-1105(2), enacted in H.B. 249, be amended to read:

"(2) The fund consists of:

(a) property tax differential revenue collected under Section 79-6-1104;

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428 (b) revenue from the radioactive waste facility expansion tax collected under Section  
59-24-103.8; and

430 (c) revenue from a tax on new generators of radioactive waste as described in Subsection  
59-24-103.5(3)".

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