

# SB0217S02 compared with SB0217

~~{Omitted text}~~ shows text that was in SB0217 but was omitted in SB0217S02

inserted text shows text that was not in SB0217 but was inserted into SB0217S02

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## Recycling and Waste Amendments

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor:

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### LONG TITLE

#### General Description:

This bill addresses issues related to the disposal and recycling of electronic and solid waste.

#### Highlighted Provisions:

This bill:

▸ defines "community collection event";

▸ requires a manufacturer of a consumer electronic device to ~~{provide information to}~~ develop a ~~{consumer at the point of sale}~~ public education program about a collection, reuse, or recycling program for a consumer electronic device;

▸ requires the Department of Environmental Quality (department) to develop a public education program related to electronic and other waste;

▸ requires the department to publish information related to recycling programs and recycling resources on the department's website;

▸ removes an exception for the department to charge more than one fee for the same solid waste; and

▸ makes technical and conforming changes.

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18 **Money Appropriated in this Bill:**

19 None

20 This bill provides a special effective date.

23 AMENDS:

24 **19-6-119** (Effective 07/01/26), as last amended by Laws of Utah 2021, Chapter 64 (Effective  
07/01/26), as last amended by Laws of Utah 2021, Chapter 64

25 **19-6-1202** (Effective 05/07/25), as enacted by Laws of Utah 2011, Chapter 213 (Effective  
05/07/25), as enacted by Laws of Utah 2011, Chapter 213

26 **19-6-1203** (Effective 05/07/25), as last amended by Laws of Utah 2016, Chapters 13,  
143 (Effective 05/07/25), as last amended by Laws of Utah 2016, Chapters 13, 143

27 **19-6-1204** (Effective 07/01/26), as enacted by Laws of Utah 2011, Chapter 213 (Effective  
07/01/26), as enacted by Laws of Utah 2011, Chapter 213

28 **19-6-1205** (Effective 05/07/25), as enacted by Laws of Utah 2011, Chapter 213 (Effective  
05/07/25), as enacted by Laws of Utah 2011, Chapter 213

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

31 Section 1. Section **19-6-119** is amended to read:

32 **19-6-119.** (Effective 07/01/26) **Nonhazardous solid waste disposal fees.**

34 (1)

(a) Through December 31, 2018, and except as provided in Subsection (4), the owner or operator of a commercial nonhazardous solid waste disposal facility or incinerator shall pay the following fees for waste received for treatment or disposal at the facility if the facility or incinerator is required to have operation plan approval under Section 19-6-108 and primarily receives waste generated by off-site sources not owned, controlled, or operated by the facility or site owner or operator:

40 (i) 13 cents per ton on all municipal waste and municipal incinerator ash;

41 (ii) 50 cents per ton on the following wastes if the facility disposes of one or more of the following wastes in a cell exclusively designated for the waste being disposed:

43 (A) construction waste or demolition waste;

44 (B) yard waste, including vegetative matter resulting from landscaping, land maintenance, and land clearing operations;

46 (C) dead animals;

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- 47 (D) waste tires and materials derived from waste tires disposed of in accordance with Title 19, Chapter  
6, Part 8, Waste Tire Recycling Act; and
- 49 (E) petroleum contaminated soils that are approved by the director; and
- 50 (iii) \$2.50 per ton on:
- 51 (A) all nonhazardous solid waste not described in Subsections (1)(a)(i) and (ii); and
- 53 (B)
- . (I) fly ash waste;
- 54 (II) bottom ash waste;
- 55 (III) slag waste;
- 56 (IV) flue gas emission control waste generated primarily from the combustion of coal or other fossil  
fuels;
- 58 (V) waste from the extraction, beneficiation, and processing of ores and minerals; and
- 60 (VI) cement kiln dust wastes.
- 61 (b) A commercial nonhazardous solid waste disposal facility or incinerator subject to the fees under  
Subsection (1)(a)(i) or (ii) is not subject to the fee under Subsection (1)(a)(iii) for those wastes  
described in Subsections (1)(a)(i) and (ii).
- 64 (c) The owner or operator of a facility described in Subsection 19-6-102(3)(b)(iii) shall pay a fee of 13  
cents per ton on all municipal waste received for disposal at the facility.
- 67 (2)
- . (a) Through December 31, 2018, and except as provided in Subsections (2)(c) and (4), a waste facility  
that is owned by a political subdivision shall pay the following annual facility fee to the department  
by January 15 of each year:
- 70 (i) \$800 if the facility receives 5,000 or more but fewer than 10,000 tons of municipal waste each  
year;
- 72 (ii) \$1,450 if the facility receives 10,000 or more but fewer than 20,000 tons of municipal waste  
each year;
- 74 (iii) \$3,850 if the facility receives 20,000 or more but fewer than 50,000 tons of municipal waste  
each year;
- 76 (iv) \$12,250 if the facility receives 50,000 or more but fewer than 100,000 tons of municipal waste  
each year;

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- (v) \$14,700 if the facility receives 100,000 or more but fewer than 200,000 tons of municipal waste each year;
- 80 (vi) \$33,000 if the facility receives 200,000 or more but fewer than 500,000 tons of municipal waste each year; and
- 82 (vii) \$66,000 if the facility receives 500,000 or more tons of municipal waste each year.
- 84 (b) The fee identified in Subsection (2)(a) for 2018 shall be paid by January 15, 2019.
- 85 (c) Through December 31, 2018, and except as provided in Subsection (4), a waste facility that is owned by a political subdivision shall pay \$2.50 per ton for:
- 87 (i) nonhazardous solid waste that is not a waste described in Subsection (1)(a)(i) or (ii) received for disposal if the waste is:
- 89 (A) generated outside the boundaries of the political subdivision; and
- 90 (B) received from a single generator and exceeds 500 tons in a calendar year; and
- 91 (ii) waste described in Subsection (1)(a)(iii)(B) received for disposal if the waste is:
- 92 (A) generated outside the boundaries of the political subdivision; and
- 93 (B) received from a single generator and exceeds 500 tons in a calendar year.
- 94 (d) Waste received at a facility owned by a political subdivision under Subsection (2)(c) may not be counted as part of the total tonnage received by the facility under Subsection (2)(a).
- 97 (3)
- . (a) As used in this Subsection (3):
- 98 (i) "Recycling center" means a facility that extracts valuable materials from a waste stream or transforms or remanufactures the material into a usable form that has demonstrated or potential market value.
- 101 (ii) "Transfer station" means a permanent, fixed, supplemental collection and transportation facility that is used to deposit collected solid waste from off-site into a transfer vehicle for transport to a solid waste handling or disposal facility.
- 104 (b) Through December 31, 2018, and except as provided in Subsection (4), the owner or operator of a transfer station or recycling center shall pay to the department the following fees on waste sent for disposal to a nonhazardous solid waste disposal or treatment facility that is not subject to a fee under this section:
- 108 (i) \$1.25 per ton on:
- 109 (A) all nonhazardous solid waste; and

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- 110 (B) waste described in Subsection (1)(a)(iii)(B);
- 111 (ii) 10 cents per ton on all construction and demolition waste; and
- 112 (iii) 5 cents per ton on all municipal waste or municipal incinerator ash.
- 113 (c) Wastes subject to fees under Subsection (3)(b)(ii) or (iii) are not subject to the fee required under Subsection (3)(b)(i).
- 115 (4) The owner or operator of a waste disposal facility that receives nonhazardous solid waste described in Subsection (1)(a)(iii)(B) is not required to pay any fee on those nonhazardous solid wastes if received solely for the purpose of recycling, reuse, or reprocessing.
- 119 (5) Through December 31, 2018, and except as provided in Subsection (2)(a), a facility required to pay fees under this section shall:
- 121 (a) calculate the fees by multiplying the total tonnage of nonhazardous solid waste received during the calendar month, computed to the first decimal place, by the required fee rate;
- 124 (b) pay the fees imposed by this section to the department by the 15th day of the month following the month in which the fees accrued; and
- 126 (c) with the fees required under Subsection (6)(b), submit to the department, on a form prescribed by the department, information that verifies the amount of nonhazardous solid waste received and the fees that the owner or operator is required to pay.
- 129 (6)
- . (a) In accordance with Section 63J-1-504~~[, on or before July 1, 2018, and each fiscal year thereafter]~~ and on or before the start of each fiscal year, the department shall establish a fee schedule for the treatment, transfer, and disposal of all nonhazardous solid waste.
- 133 (b) The department shall, before establishing the annual fee schedule described in Subsection (6)(a), consult with industry and local government and complete a review of program costs and indirect costs of regulating nonhazardous solid waste in the state and use the findings of the review to create the fee schedule.
- 137 (c) The fee schedule described in Subsection (6)(a) shall:
- 138 (i) create an equitable and fair, though not necessarily equal or uniform, fee to be paid by all persons whose treatment, transfer, or disposal of nonhazardous solid waste creates a regulatory burden to the department, based on the actual cost, and taking into consideration whether the owner or operator of a facility elects to self-inspect under Section 19-6-109, except as provided in Subsection (6)(d);

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- (ii) cover the fully burdened costs of the program and provide for reasonable and timely oversight by the department;
- 145 (iii) adequately meet the needs of industry, local government, and the department, including enabling the department to employ the appropriate number of qualified personnel to appropriately oversee industry and local government regulation;
- 148 (iv) provide stable funding for the Environmental Quality Restricted Account created in Section 19-1-108; and
- 150 (v) for solid waste managed at a transfer facility, be no greater than the cost ~~[of regulatory services provided to]~~ to the division to inspect the transfer facility.
- 152 (d) Any person who treats, transfers, stores, or disposes of solid waste from the extraction, beneficiation, and processing of ores and minerals on a site owned, controlled, or operated by that person may not be charged a fee under this section for the treatment, transfer, storage, or disposal of solid waste from the extraction, beneficiation, and processing of ores and minerals that are generated:
- 157 (i) on-site by the person; or
- 158 (ii) by off-site sources owned, controlled, or operated by the person.
- 159 (e) The fees in the fee schedule established by Subsection (6)(a) shall take effect on January 1 ~~[, 2019]~~ of each year.
- 161 (7) ~~[On and after January 1, 2019, a]~~ A facility required to pay fees under this section shall:
- 162 (a) pay the fees imposed by this section to the department by the 15th day of the month following the quarter in which the fees accrued; and
- 164 (b) with the fees required under Subsection (7)(a), submit to the department, on a form prescribed by the department, information that verifies the amount of nonhazardous solid waste received and the fees that the owner or operator is required to pay.
- 167 (8) In setting the fee schedule described in Subsection (6)(a), the department shall ensure that a party is not charged multiple fees for the same solid waste ~~[, except the department may charge a separate fee for a transfer station]~~.
- 170 (9) The department shall:
- 171 (a) deposit all fees received under this section into the Environmental Quality Restricted Account created in Section 19-1-108; and

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(b) in preparing its budget for the governor and the Legislature, separately indicate the amount of the department's budget necessary to administer the solid and hazardous waste program established by this part.

176 (10) The department may contract or agree with a county to assist in performing nonhazardous solid  
waste management activities, including agreements for:

178 (a) the development of a solid waste management plan required under Section 17-15-23; and

180 (b) pass-through of available funding.

181 (11) This section does not exempt any facility from applicable regulation under the Atomic Energy Act,  
42 U.S.C. Sec. 2014 and 2021 through 2114.

183 [~~(12) The department shall report to the Natural Resources, Agriculture, and Environment Interim  
Committee by November 30, 2017, on the fee schedule described in Subsection (6)(a).]~~

185 Section 2. Section **19-6-1202** is amended to read:

186 **19-6-1202. (Effective 05/07/25)Definitions.**

As used in this part:

189 (1) "Collection":

190 (a) means the aggregation of consumer electronic devices from consumers; and

191 (b) includes all the activities up to the time a consumer electronic device is delivered to a recycler.

193 (2) "Community collection event" means a scheduled event for a member of the public to dispose of or  
recycle:

195 (a) a consumer electronic device or other electronic waste;

196 (b) green or organic waste;

197 (c) hazardous waste as that term is defined in Section 19-6-102; or

198 (d) an item not considered household waste that is difficult to dispose of or recycle.

199 [~~(2)~~] (3)

(a) "Computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data  
processing device performing a logical, arithmetic, or storage function, including:

202 (i) a laptop computer;

203 (ii) a desktop computer; or

204 (iii) a tablet computer.

205 (b) "Computer" includes the following permanently affixed to or incorporated into a device described in  
Subsection [~~(2)~~](a) (3)(a):

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- 207 (i) a cable cord;
- 208 (ii) permanent wiring;
- 209 (iii) a central processing unit; or
- 210 (iv) a monitor.
- 211 (c) "Computer" does not include an automated typewriter or typesetter, a portable hand-held calculator, a portable digital assistant, a server, or similar device.
- 213 ~~[(3)]~~ (4) "Consumer" means a person who owns or uses a covered electronic device that is purchased primarily for personal or home business use.
- 215 ~~[(4)]~~ (5) "Consumer electronic device" means the following products sold to a consumer:
- 216 (a) a computer;
- 217 (b) a computer peripheral;
- 218 (c) a television; or
- 219 (d) a television peripheral.
- 220 ~~[(5)]~~ (6) "Eligible program" means a collection, reuse, or recycling system for a consumer electronic device, including:
- 222 (a) a system by which a manufacturer, manufacturer's designee, or other private entity offers a consumer an option to return a consumer electronic device by mail;
- 224 (b) a system using a physical collection site that a manufacturer, manufacturer's designee, or other private or public entity provides for a consumer to return a covered consumer electronic device; or
- 227 (c) a system that uses a collection event held by a manufacturer, manufacturer's designee, or other private or public entity at which a consumer may return a consumer electronic device.
- 230 ~~[(6)]~~ (7) "Manufacturer" means a person who:
- 231 (a) manufactures a consumer electronic device under a brand the person owns or is licensed to use; or
- 233 (b) assumes the responsibilities and obligations of a person described in Subsection ~~[(6)(a)]~~ (7)(a).
- 235 ~~[(7)]~~ (8) "Peripheral" means a keyboard, printer, or other device that:
- 236 (a) is sold exclusively for external use with a television or computer; and
- 237 (b) provides input into or output from a television or computer.
- 238 ~~[(8)]~~ (9)
- . (a) "Recycling" means the process of collecting and preparing electronic products for:
- 240 (i) use in a manufacturing process; or
- 241 (ii) recovery of reusable materials followed by delivery of reusable materials for use.



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- 242 (b) "Recycling" does not include destruction by incineration, waste-to-energy incineration, or other  
similar processes or land disposal.
- 244 [(9)] (10) "Reuse" means electronic waste:
- 245 (a) that is tested and determined to be in good working order; and
- 246 (b) that is removed from the waste stream to use for the same purpose for which it was manufactured,  
including the continued use of the whole system or components.
- 248 [(10)] (11)
- . (a) "Sell" or "sale" means any transfer for consideration of title or of the right to use by lease or sales  
contract of a consumer electronic device to a consumer.
- 250 (b) "Sell" or "sale" does not include:
- 251 (i) the sale, resale, lease, or transfer of used consumer electronic devices; or
- 252 (ii) a manufacturer's or a distributor's wholesale transaction with a distributor or retailer involving a  
consumer electronic device.
- 254 [(11)] (12) "Television" means a display system primarily intended to receive video programming via  
broadcast, cable, or satellite transmission.
- 255 Section 3. Section **19-6-1203** is amended to read:
- 256 **19-6-1203. (Effective 05/07/25)Reporting requirements.**
- 258 (1) [~~On or after July 1, 2011, a~~] A manufacturer may not offer a consumer electronic device for sale in  
the state unless the manufacturer, either individually, through a group manufacturer organization, or  
through the manufacturer's industry trade group, prepares and submits, subject to Subsection (2), a  
report on or before August 1 of each year to the department.
- 263 (2) The report required under Subsection (1):
- 264 (a) shall include a list of eligible programs, subject to Subsection (3); and
- 265 (b) may include:
- 266 (i) an existing collection, transportation, or recycling system for a consumer electronic device; and
- 268 (ii) an eligible program offered by:
- 269 (A) a consumer electronic device recycler;
- 270 (B) a consumer electronic device repair shop;
- 271 (C) a recycler of other commodities;
- 272 (D) a reuse organization;
- 273 (E) a not-for-profit corporation;

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- 274 (F) a retailer; or
- 275 (G) another similar operation, including a local government collection event.
- 276 (3) The list required in Subsection (2)(a) may be in the form of a geographic map identifying the type and location of an eligible program.
- 277 Section 4. Section **19-6-1204** is amended to read:
- 278 **19-6-1204. (Effective 07/01/26)Public education programs -- Publication on department website.**
- 280 (1) [~~Effective January 1, 2012, a~~] A manufacturer may not offer a consumer electronic device for sale in the state unless the manufacturer individually, through a group manufacturer organization, or through the manufacturer's industry trade group establishes and implements [~~in accordance with Subsection (2), a public education program regarding the eligible programs]~~ a public education program in accordance with Subsection (2).
- 286 (2)
- . (a) The public education program required under Subsection (1) shall:
- 287 (i) inform a consumer about eligible programs [~~at the point of sale of the consumer electronic device~~]; and
- 289 (ii) use manufacturer-developed customer outreach materials, such as packaging inserts, company websites, and other communication methods, to inform a consumer about eligible programs.
- 292 (b) A manufacturer described in Subsection (1) shall work with the department and other interested parties to develop educational materials that inform consumers about an eligible program.
- 295 (3) The department shall develop a public education program to:
- 296 (a) promote eligible programs;
- 297 (b) promote existing recycling resources in this state;
- 298 (c) assist a manufacturer's public outreach program in accordance with Subsection (2)(b); {and}
- 298 (d) encourage a retailer to inform a consumer of eligible programs at the point of sale of a consumer electronic device; and
- 300 {(d)} (e) support a local government or other entity interested in creating a community collection event.
- 302 (4) The department shall publish on the department's website:
- 303 (a) the public education program developed by the department under Subsection (3);
- 304 (b) a community collection event submitted to the department under Subsection 19-6-1205(2); and
- 306 (c) a report received by the department under Section 19-6-1203.

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307 Section 5. Section 19-6-1205 is amended to read:

308 **19-6-1205. (Effective 05/07/25)Local government arrangement -- Community collection event publication.**

310 (1) If a local government enters into an arrangement with a manufacturer to facilitate consumer electronics recycling in accordance with this part, the local government may enter into the arrangement without requiring a request for proposal or similar competitive procurement process required by law.

314 (2)

. (a) A local government may submit a community collection event to the department for publication on the department's website as described in Subsection 19-6-1204(3).

316 (b) To publish a community collection event on the department's website, a local government or person shall provide the following information to the department:

318 (i) the location of the community collection event;

319 (ii) a description of a consumer electronic device accepted for recycling;

320 (iii) hours of operation for the community collection event; and

321 (iv) other relevant information as requested by the department.

322 Section 6. **Effective date.**

~~{This}~~ Except as provided in Subsection (2), this bill takes effect ~~{on}~~ May 7, 2025.

324 (2) The actions affecting Sections 19-6-119 and 19-6-1204 take effect on July 1, 2026.

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