

1 **Environmental Quality Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael K. McKell**

House Sponsor:

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3 **LONG TITLE**

4 **General Description:**

5 This bill modifies provisions related to 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

10 license;

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

- 14 ▶ creates a radioactive waste facility expansion tax on a radioactive waste facility that
- 15 submits an application to the Division of Waste Management and Radiation Control to
- 16 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 for the automatic repeal of the radioactive waste facility expansion tax; and
- 19 ▶ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 This bill provides a special effective date.

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **19-3-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2017, Chapter 360

27 **19-3-104 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 336

28 **19-3-105 (Effective 05/07/25)**, as last amended by Laws of Utah 2018, Chapter 281

29 **59-24-102 (Effective 07/01/25)**, as last amended by Laws of Utah 2003, Chapter 295

30 **59-24-104 (Effective 05/07/25)**, as last amended by Laws of Utah 2019, Chapter 466

31 **59-24-105 (Effective 07/01/25)**, as last amended by Laws of Utah 2003, Chapter 295  
32 **63I-2-259 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Third Special  
33 Session, Chapter 5

34 **63N-1a-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 159

35 ENACTS:

36 **59-24-103.8 (Effective 07/01/25)**, Utah Code Annotated 1953

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

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

40 **19-3-102 (Effective 05/07/25). Definitions.**

41 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  
44 under this chapter or Chapter 5, Water Quality Act, for a permit, license, registration,  
45 certification, or other authorization.

46 [(4)] (3) "Board" means the Waste Management and Radiation Control Board created under  
47 Section 19-1-106.

48 [(2)] (4)(a) "Broker" means a person who performs one or more of the following  
49 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  
54 waste.

55 [(3)] (5) "Byproduct material" means the same as that term is defined in 42 U.S.C. Sec.  
56 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;

59 and

60 (ii) radium-226 up to a maximum radionuclide concentration level of 10,000

61 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  
 66            Act of 1954, 42 U.S.C. Sec. 2014; or
- 67            (iv) uranium-235, if classified as "special nuclear material" under the Atomic Energy  
 68            Act of 1954, 42 U.S.C. Sec. 2014, with a radionuclide concentration level greater  
 69            than the concentration limits for specific conditions and enrichments established  
 70            by an order of the Nuclear Regulatory Commission:
- 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  
 73            waste facility in the state to the Nuclear Regulatory Commission to amend the  
 74            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  
 76            defined in 10 C.F.R. Sec. 61.55.
- 77    [~~(5)~~] (8) "Director" means the director of the Division of Waste Management and Radiation  
 78            Control.
- 79    [~~(6)~~] (9) "Division" means the Division of Waste Management and Radiation Control,  
 80            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) "Hazardous waste corridor" means an area of land within a county that the legislative  
 89            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)(a) "High-level nuclear waste" means spent reactor fuel assemblies, dismantled  
 93            nuclear reactor components, and solid and liquid wastes from fuel reprocessing and  
 94            defense-related wastes.
- 95            (b) "High-level nuclear waste" does not include medical or institutional wastes, naturally  
 96            occurring radioactive materials, or uranium mill tailings.
- 97    [~~(9)~~] (13)(a) "Low-level radioactive waste" means waste material that contains  
 98            radioactive nuclides emitting primarily beta or gamma radiation, or both, in

- 99 concentrations or quantities that exceed applicable federal or state standards for  
 100 unrestricted release.
- 101 (b) "Low-level radioactive waste" does not include waste containing more than 100  
 102 nanocuries of transuranic contaminants per gram of material, nor spent reactor fuel,  
 103 nor material classified as either high-level waste or waste which is unsuited for  
 104 disposal by near-surface burial under any applicable federal regulations.
- 105 ~~[(10)]~~ (14) "Radiation" means ionizing and nonionizing radiation, including gamma rays,  
 106 X-rays, alpha and beta particles, high speed electrons, and other nuclear particles.
- 107 ~~[(11)]~~ (15) "Radioactive" means any solid, liquid, or gas which emits radiation  
 108 spontaneously from decay of unstable nuclei.
- 109 (16)(a) "Radioactive waste facility" means a facility that decays radioactive waste in  
 110 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  
 116 under 42 U.S.C. Sec. 7912(f).
- 117 (17) "Radioactive waste license" means a radioactive material license issued by the director  
 118 to own, construct, modify, or operate a radioactive waste facility.
- 119 ~~[(12)]~~ (18) "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 (Effective 05/07/25). Registration and licensing of radiation sources by**  
 124 **department -- Assessment of fees -- Rulemaking authority and procedure -- Siting**  
 125 **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  
 129 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  
 131 a significant health hazard.
- 132 (3) A source of ionizing radiation, including an ionizing radiation producing machine, shall

- 133 be registered or licensed by the department.
- 134 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
135 board may make rules:
- 136 (a) necessary for controlling exposure to sources of radiation that constitute a significant  
137 health hazard;
- 138 (b) to meet the requirements of federal law relating to radiation control to ensure the  
139 radiation control programs under this part are qualified to maintain primacy from the  
140 federal government;
- 141 (c) to establish certification procedure and qualifications for persons who survey  
142 mammography equipment and oversee quality assurance practices at mammography  
143 facilities; and
- 144 (d) as necessary regarding the possession, use, transfer, or delivery of source and  
145 byproduct material and the disposal of byproduct material to establish requirements  
146 for:
- 147 (i) the licensing, operation, decontamination, and decommissioning, including  
148 financial assurances; and
- 149 (ii) the reclamation of sites, structures, and equipment used in conjunction with the  
150 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  
152 byproduct material and the disposal of byproduct material at uranium mills or  
153 commercial waste facilities, as provided in this Subsection (5).
- 154 (b) If the Nuclear Regulatory Commission does not grant the amendment for state  
155 agreement status on or before March 30, 2003, fees under Subsection (5)(c) do not  
156 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  
159 agreement state status for uranium recovery regulation.
- 160 (c) For the payment periods beginning on and after July 1, 2003, the department shall  
161 establish the fees required under Subsection (5)(a) under Section 63J-1-504, subject  
162 to the restrictions under Subsection (5)(b).
- 163 (d) The division shall deposit fees the division receives under this Subsection (5) into the  
164 Environmental Quality Restricted Account created in Section 19-1-108.
- 165 (6)(a) The division shall assess fees for registration, licensing, and inspection of  
166 radiation sources under this section.

- 167 (b) The division shall comply with the requirements of Section 63J-1-504 in assessing  
168 fees for licensure and registration.
- 169 (c) The division shall deposit fees the division receives under this Subsection (6) into the  
170 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  
172 purpose of the state assuming responsibilities from the United States Nuclear  
173 Regulatory Commission with respect to regulation of sources of ionizing radiation,  
174 that are more stringent than the corresponding federal regulations that address the  
175 same circumstances.
- 176 (b) In adopting rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
177 Rulemaking Act, the board may incorporate corresponding federal regulations by  
178 reference.
- 179 (8)(a) The board may adopt rules, in accordance with Title 63G, Chapter 3, Utah  
180 Administrative Rulemaking Act, that are more stringent than corresponding federal  
181 regulations for the purpose described in Subsection (7) only if the board makes a  
182 written finding after public comment and hearing and based on evidence in the record  
183 that corresponding federal regulations are not adequate to protect public health and  
184 the environment of the state.
- 185 (b) The findings described in Subsection (8)(a) shall be accompanied by an opinion  
186 referring to and evaluating the public health and environmental information and  
187 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,  
189 the board shall by rule:
- 190 (i) authorize independent qualified experts to conduct inspections required under this  
191 chapter of x-ray facilities registered with the division; and
- 192 (ii) establish qualifications and certification procedures necessary for independent  
193 experts to conduct the inspections described in Subsection (9)(a)(i).
- 194 (b) Independent experts under this Subsection (9) are not considered employees or  
195 representatives of the division or the state when conducting the inspections.
- 196 (10)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
197 the board may by rule establish criteria for siting commercial low-level radioactive  
198 waste treatment or disposal facilities, subject to the prohibition imposed by Section  
199 19-3-103.7.
- 200 (b) Subject to Subsection [~~19-3-105(10)~~] 19-3-105(9), any facility under Subsection

- 201 (10)(a) for which a radioactive material license is required by this section shall  
202 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  
204 radioactive material license until siting criteria have been established by the board.  
205 The criteria also apply to facilities that have applied for but not received a radioactive  
206 material license.
- 207 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
208 board shall make rules that:
- 209 (a) establish financial assurance requirements for closure and postclosure care of  
210 radioactive waste land disposal facilities; and
- 211 (b) establish financial assurance requirements for closure and postclosure care of an  
212 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  
215 and postclosure costs in areas subject to the licensed or permitted portions of the  
216 facility;
- 217 (b) financial assurance for an unlicensed facility that supports the operation of a licensed  
218 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  
221 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  
224 the volume of waste already placed and proposed to be placed in the unit within the  
225 surety period is less than the full waste capacity of the unit shall reflect the closure  
226 and postclosure costs for a waste disposal unit smaller than the approved waste  
227 disposal unit, if the unit could be reduced in size, meet closure requirements, and  
228 reduce closure costs;
- 229 (d) financial assurance cost estimates for two approved adjacent waste disposal units that  
230 have been approved to be combined into a single unit and for which the combined  
231 volume of waste already placed and proposed to be placed in the units within the  
232 surety period is less than the combined waste capacity for the two separate units shall  
233 reflect either two separate waste disposal units or a single combined unit, whichever  
234 has the lowest closure and postclosure costs;

- 235 (e) the licensee or permittee shall annually propose closure and postclosure costs upon  
236 which financial assurance amounts are based, including costs of potential remediation  
237 at the licensed or permitted facility and, notwithstanding the obligations described in  
238 Subsection (12)(b), any unlicensed facility;
- 239 (f) to provide the information in Subsection (12)(e), the licensee or permittee shall  
240 provide:
- 241 (i) a proposed annual cost estimate using the current edition of RS Means Facilities  
242 Construction Cost Data or using a process, including an indirect cost multiplier,  
243 previously agreed to between the licensee or permittee and the director; or
- 244 (ii)(A) for an initial financial assurance determination and for each financial  
245 assurance determination every five years thereafter, a proposed competitive  
246 site-specific estimate for closure and postclosure care of the facility at least  
247 once every five years; and
- 248 (B) for each year between a financial assurance determination described in  
249 Subsection (12)(f)(ii)(A), a proposed financial assurance estimate that accounts  
250 for current site conditions and that includes an annual inflation adjustment to  
251 the financial assurance determination using the Gross Domestic Product  
252 Implicit Price Deflator of the Bureau of Economic Analysis, United States  
253 Department of Commerce, calculated by dividing the latest annual deflator by  
254 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  
257 estimate; and
- 258 (ii) approve the estimate if the director determines that the estimate would be  
259 sufficient to provide for closure and postclosure costs.
- 260 (13) Subject to the financial assurance requirements described in Subsections (11) and (12),  
261 if the director and the licensee or permittee do not agree on a final financial assurance  
262 determination made by the director, the licensee or permittee may appeal the  
263 determination in:
- 264 (a) an arbitration proceeding governed by Title 78B, Chapter 11, Utah Uniform  
265 Arbitration Act, with the costs of the arbitration to be split equally between the  
266 licensee or permittee and the division, if both the licensee or permittee and the  
267 director agree in writing to arbitration; or
- 268 (b) a special adjudicative proceeding under Section 19-1-301.5.



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

270 **19-3-105 (Effective 05/07/25). Legislative and gubernatorial approval required**  
 271 **for radioactive waste license -- Exceptions -- Application for new, renewed, or amended**  
 272 **license.**

273 [~~(1) As used in this section:~~]

274 [~~(a) "Alternate feed material" has the same definition as provided in Section 59-24-102.]~~]

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

278 [~~(c)(i) "Class A low-level radioactive waste" means:~~]

279 [~~(A) radioactive waste that is classified as class A waste under 10 C.F.R. 61.55;~~  
 280 ~~and]~~]

281 [~~(B) radium-226 up to a maximum radionuclide concentration level of 10,000~~  
 282 ~~picocuries per gram.]~~]

283 [~~(ii) "Class A low-level radioactive waste" does not include:~~]

284 [~~(A) uranium mill tailings;~~]

285 [~~(B) naturally occurring radioactive materials; or]~~]

286 [~~(C) the following radionuclides if classified as "special nuclear material" under~~  
 287 ~~the Atomic Energy Act of 1954, 42 U.S.C. 2014:]~~]

288 [~~(F) uranium-233; and]~~]

289 [~~(H) uranium-235 with a radionuclide concentration level greater than the~~  
 290 ~~concentration limits for specific conditions and enrichments established by~~  
 291 ~~an order of the Nuclear Regulatory Commission:]~~]

292 [~~(Aa) to ensure criticality safety for a radioactive waste facility in the state;~~  
 293 ~~and]~~]

294 [~~(Bb) in response to a request, submitted prior to January 1, 2004, from a~~  
 295 ~~radioactive waste facility in the state to the Nuclear Regulatory~~  
 296 ~~Commission to amend the facility's special nuclear material exemption~~  
 297 ~~order.]~~]

298 [~~(d)(i) "Radioactive waste facility" or "facility" means a facility that decays~~  
 299 ~~radioactive waste in storage, treats radioactive waste, or disposes of radioactive~~  
 300 ~~waste:]~~]

301 [~~(A) commercially for profit; or]~~]

302 [~~(B) generated at locations other than the radioactive waste facility.]~~]

- 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~~  
306           ~~under 42 U.S.C. 7912(f).]~~
- 307           ~~[(e) "Radioactive waste license" or "license" means a radioactive material license issued~~  
308           ~~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  
310       19-3-103.7.
- 311   ~~[(3)]~~ (2) Subject to Subsection ~~[(8)]~~ (7), a person may not own, construct, modify, or operate  
312       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  
316       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  
318       approval of the governor and the Legislature.
- 319   ~~[(4)]~~ (3) Subject to Subsection ~~[(8)]~~ (7), a new radioactive waste license application, or an  
320       application to renew or amend an existing radioactive waste license, is subject to the  
321       requirements of Subsections ~~[(3)(b)]~~ (2)(b) through (d) if the application, renewal, or  
322       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  
325       facility or the modification would result in an increase in capacity or throughput of a  
326       cumulative total of 50% of the total capacity or throughput which was approved in  
327       the facility license as of January 1, 1990, or the initial approval facility license if the  
328       initial license approval is subsequent to January 1, 1990; or  
329       (c) requests approval to decay radioactive waste in storage, treat radioactive waste, or  
330       dispose of radioactive waste having a higher radionuclide concentration limit than  
331       allowed, under an existing approved license held by the facility, for the specific type  
332       of waste to be decayed in storage, treated, or disposed of.
- 333   ~~[(5)]~~ (4) The requirements of Subsection ~~[(4)(e)]~~ (3)(c) do not apply to an application to  
334       renew or amend an existing radioactive waste license if:
- 335       (a) the radioactive waste facility requesting the renewal or amendment has received a  
336       license prior to January 1, 2004; and

337 (b) the application to renew or amend its license is limited to a request to approve the  
 338 receipt, transfer, storage, decay in storage, treatment, or disposal of class A low-level  
 339 radioactive waste.

340 ~~[(6)]~~ (5) A radioactive waste facility that receives a new radioactive waste license after May  
 341 3, 2004, is subject to the requirements of Subsections ~~[(3)(b)]~~ (2)(b) through (d) for any  
 342 license application, renewal, or amendment that requests approval to decay radioactive  
 343 waste in storage, treat radioactive waste, or dispose of radioactive waste not previously  
 344 approved under an existing license held by the facility.

345 ~~[(7)]~~ (6) If the board finds that approval of additional radioactive waste license applications,  
 346 renewals, or amendments will result in inadequate oversight, monitoring, or licensure  
 347 compliance and enforcement of existing and any additional radioactive waste facilities,  
 348 the board shall suspend acceptance of further applications for radioactive waste licenses.  
 349 The board shall report the suspension to the Legislative Management Committee.

350 ~~[(8)]~~ (7) The requirements of Subsections ~~[(3)(e)]~~ (2)(c) and (d) and Subsection  
 351 19-3-104(10) do not apply to:

- 352 (a) a radioactive waste license that is in effect on December 31, 2006, including all  
 353 amendments to the license that have taken effect as of December 31, 2006;
- 354 (b) a license application for a facility in existence as of December 31, 2006, unless the  
 355 license application includes an area beyond the facility boundary approved in the  
 356 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-]~~  
 358 (7)(a) if the renewal or amendment includes an area ~~[beyond]~~ within:  
 359 (i) the facility boundary approved in the license described in Subsection ~~[(8)(a)-]~~  
 360 (7)(a); or  
 361 (ii) a hazardous waste corridor.

362 ~~[(9)]~~ (8)(a) The director shall review an approval application to determine whether the  
 363 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  
 365 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  
 367 necessary to process the application for approval; and  
 368 (ii)(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  
 370 necessary to complete the application.

- 371 (c) The director shall review information submitted in response to a notice of deficiency  
372 within 30 days after the day on which the director receives the information.
- 373 ~~[(10)]~~ (9) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah  
374 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  
387 radioactive waste facility;
- 388 (C) an amendment to a radioactive waste license, or a groundwater permit, that  
389 allows the design and approval of a new disposal cell;
- 390 (D) an amendment to a radioactive waste license or groundwater discharge permit  
391 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  
394 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  
396 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  
398 days after the day on which the director receives the application;
- 399 (iii) for applications categorized under Subsection ~~[(10)(a)(iii)]~~ (9)(a)(iii), as follows:
- 400 (A) for a new radioactive waste license, within 540 days after the day on which  
401 the director receives the application;
- 402 (B) for a new groundwater permit issued by the director for a radioactive waste  
403 facility consistent with the provisions of Title 19, Chapter 5, Water Quality Act,  
404 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  
 406 which the director receives the application;
- 407 (D) for a groundwater permit renewal issued by the director for a radioactive  
 408 waste facility, within 365 days after the day on which the director receives the  
 409 application;
- 410 (E) for an amendment to a radioactive waste license, or a groundwater permit, that  
 411 allows the design and approval of a new disposal cell, within 365 days after the  
 412 day on which the director receives the application;
- 413 (F) for an amendment to a radioactive waste license, or a groundwater discharge  
 414 permit, for a radioactive waste facility to eliminate groundwater monitoring,  
 415 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  
 417 which the director receives the application;
- 418 (c) toll the time periods described in Subsection [~~(10)(b)~~] (9)(b):
- 419 (i) while an owner or operator of a facility responds to the director's request for  
 420 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  
 424 director's approval or denial of an approval application.

425 Section 4. Section **59-24-102** is amended to read:

426 **59-24-102 (Effective 07/01/25). Definitions.**

427 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  
 430 material may be extracted in a licensed uranium or thorium mill; and
- 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  
 436 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

- 439 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  
441 in the portion of a radioactive waste facility that is licensed to receive containerized  
442 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  
446 radioactive waste facility receives for the disposal of radioactive waste in the state,  
447 without any deduction or expense paid or accrued related to the disposal of the  
448 radioactive waste.
- 449 (b) "Gross receipts" do not include fees collected under Section 19-3-106 or any other  
450 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.
- 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  
464 Material.
- 465 [(9)] (10)(a) "Uncontainerized, unprocessed class A waste" means class A low-level  
466 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  
469 licensed low-level radioactive waste disposal facility.
- 470 (b) "Uncontainerized, unprocessed class A waste" does not include alternate feed  
471 material.
- 472 Section 5. Section **59-24-103.8** is enacted to read:

473 **59-24-103.8 (Effective 07/01/25). Radioactive waste facility expansion tax --**

474 **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  
477 in Section 19-1-105.

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

481 (c) "Radioactive waste facility application" means an application for a new radioactive  
482 waste facility or an amendment to an existing radioactive waste facility under Section  
483 19-3-105 that seeks authorization to construct a new radioactive waste facility or  
484 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 radioactive waste  
486 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  
488 disposal volume, up to and not exceeding 8,700,000 cubic yards of new licensed waste  
489 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  
491 which the radioactive waste facility submits a radioactive waste facility application to  
492 the division.

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

495 (6) Nothing in this section may allow the commission to limit the ability of the director of  
496 the division to approve or deny a radioactive waste facility license under Section  
497 19-3-105.

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

499 **59-24-104 (Effective 05/07/25). Payment of tax.**

500 (1) The tax imposed by Section 59-24-103.5 shall be paid by [~~the owner or operator of~~]a  
501 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  
504 on or before the last day of the month next succeeding each calendar quarterly period.

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

506 **59-24-105 (Effective 07/01/25). Deposit of tax revenue.**

507 (1) [ The] Except as provided in Subsection (2) and otherwise in this chapter, the  
 508 commission shall deposit the tax revenue collected under this chapter into the Uniform  
 509 School Fund.

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

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

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

518 **63I-2-259 (Effective 05/07/25). Repeal dates: Title 59.**

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

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

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

524 (4) Subsection 59-10-210(2)(b)(vi), regarding Section 59-10-1112, is repealed December  
 525 31, 2024.

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

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

530 (7) Section 59-10-1112, Targeted business income tax credit, is repealed December 31,  
 531 2024.

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

534 Section 9. Section **63N-1a-102** is amended to read:

535 **63N-1a-102 (Effective 05/07/25). Definitions.**

536 As used in this title:

537 (1) "Baseline jobs" means the number of full-time employee positions that existed within a  
 538 business entity in the state before the date on which a project related to the business  
 539 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



- 541 business entity or the employees of a business entity during the year before the date on  
542 which a project related to the business entity is approved by the office or by the GOEO  
543 board.
- 544 (3) "Commission" means the Unified Economic Opportunity Commission created in  
545 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  
568 works at least 30 hours per week and:
- 569 (a) may include an employment position filled by more than one employee, if each  
570 employee who works less than 30 hours per week is provided benefits comparable to  
571 a full-time employee; and
- 572 (b) may not include an employment position that is shifted from one jurisdiction in the  
573 state to another jurisdiction in the state.
- 574 (7) "GOEO board" means the Board of Economic Opportunity created in Section

575 63N-1a-401.

576 (8) "High paying job" means a newly created full-time employee position where the  
577 aggregate average annual gross wage of the employment position, not including health  
578 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  
580 exists; or

581 (b) for an employment position related to a project described in Chapter 2, Part 1,  
582 Economic Development Tax Increment Financing, and that is located within the  
583 boundary of a county of the third, fourth, fifth, or sixth class, or located within a  
584 municipality in a county of the second class and where the municipality has a  
585 population of 10,000 or less:

586 (i) at least 100% of the average wage of the county in which the employment position  
587 exists; or

588 (ii) an amount determined by rule made by the office in accordance with Title 63G,  
589 Chapter 3, Utah Administrative Rulemaking Act, if the office determines the  
590 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  
593 related to the business entity; and

594 (ii) is created in addition to the number of baseline jobs that existed within a business  
595 entity.

596 (b) "Incremental job" includes a full-time employment position where the employee is  
597 hired:

598 (i) directly by a business entity; or

599 (ii) by a professional employer organization, as defined in Section 31A-40-102, on  
600 behalf of a business entity.

601 (10) "New state revenue" means the state revenue collected from a business entity or a  
602 business entity's employees during a calendar year minus the baseline state revenue  
603 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  
606 employees under any combination of the following provisions:

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

- 609 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
- 616 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
- 618 Section 53B-34-102.
- 619 (16) "Targeted industry" means an industry or group of industries targeted by the
- 620 commission under Section 63N-1a-202, for economic development in the state.
- 621 Section 10. **Effective Date.**
- 622 (1) Except as provided in Subsection (2), this bill takes effect May 7, 2025.
- 623 (2) The actions affecting the following sections take effect on July 1, 2025:
- 624 (a) Section 59-24-103.8 (Effective 07/01/25);
- 625 (b) Section 59-24-102 (Effective 07/01/25); and
- 626 (c) Section 59-24-105 (Effective 07/01/25).