

Michael K. McKell proposes the following substitute bill:

Environmental Quality Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: Bridger Bolinder

LONG TITLE

General Description:

This bill modifies provisions related to radioactive waste.

Highlighted Provisions:

This bill:

- defines and modifies terms;
- modifies the requirements for a waste facility to renew or amend a radioactive waste license;
- 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;
- 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;
- provides for the payment and deposit of the radioactive waste facility expansion tax;
- implements a sunset date for the radioactive waste facility expansion tax; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

19-3-102 (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

29 **19-3-105 (Effective 05/07/25)**, as last amended by Laws of Utah 2018, Chapter 281
 30 **59-24-102 (Effective 07/01/25)**, as last amended by Laws of Utah 2003, Chapter 295
 31 **59-24-103.5 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 192
 32 **59-24-104 (Effective 07/01/25)**, as last amended by Laws of Utah 2019, Chapter 466
 33 **59-24-105 (Effective 07/01/25)**, as last amended by Laws of Utah 2003, Chapter 295
 34 **63I-2-259 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Third Special
 35 Session, Chapter 5

36 ENACTS:

37 **59-24-103.8 (Effective 07/01/25)**, Utah Code Annotated 1953

38 **Utah Code Sections affected by Coordination Clause:**



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

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

42 **19-3-102 (Effective 05/07/25). Definitions.**

43 As used in this chapter:

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

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

48 [~~4~~] (3) "Board" means the Waste Management and Radiation Control Board created under
 49 Section 19-1-106.

50 [~~2~~] (4)(a) "Broker" means a person who performs one or more of the following
 51 functions for a generator:

- 52 (i) arranges for transportation of the radioactive waste;
- 53 (ii) collects or consolidates shipments of radioactive waste; or
- 54 (iii) processes radioactive waste in some manner.

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

57 [~~3~~] (5) "Byproduct material" means the same as that term is defined in 42 U.S.C. Sec.
 58 2014(e)(2).

59 (6)(a) "Class A low-level radioactive waste" means:

- 60 (i) radioactive waste that is classified as class A waste under 10 C.F.R. Sec. 61.55;
- 61 and
- 62 (ii) radium-226 up to a maximum radionuclide concentration level of 10,000

63 picocuries per gram.

64 (b) "Class A low-level radioactive waste" does not include:

65 (i) uranium mill tailings;

66 (ii) naturally occurring radioactive materials;

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

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

73 (A) to ensure criticality safety for a radioactive waste facility in the state; and

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

77 [~~(4)~~] (7) "Class B and class C low-level radioactive waste" means the same as that term is
78 defined in 10 C.F.R. Sec. 61.55.

79 [~~(5)~~] (8) "Director" means the director of the Division of Waste Management and Radiation
80 Control.

81 [~~(6)~~] (9) "Division" means the Division of Waste Management and Radiation Control,
82 created in Subsection 19-1-105(1)(d).

83 [~~(7)~~] (10) "Generator" means a person who:

84 (a) possesses any material or component:

85 (i) that contains radioactivity or is radioactively contaminated; and

86 (ii) for which the person foresees no further use; and

87 (b) transfers the material or component to:

88 (i) a commercial radioactive waste treatment or disposal facility; or

89 (ii) a broker.

90 (11) "Hazardous waste corridor" means an area of land within a county that the legislative
91 body of the county:

92 (a) designates for the siting of a radioactive waste facility; and

93 (b) restricts from all residential use or development.

94 [~~(8)~~] (12)(a) "High-level nuclear waste" means spent reactor fuel assemblies, dismantled
95 nuclear reactor components, and solid and liquid wastes from fuel reprocessing and
96 defense-related wastes.

97 (b) "High-level nuclear waste" does not include medical or institutional wastes, naturally
98 occurring radioactive materials, or uranium mill tailings.

99 ~~[(9)]~~ (13)(a) "Low-level radioactive waste" means waste material that contains
100 radioactive nuclides emitting primarily beta or gamma radiation, or both, in
101 concentrations or quantities that exceed applicable federal or state standards for
102 unrestricted release.

103 (b) "Low-level radioactive waste" does not include waste containing more than 100
104 nanocuries of transuranic contaminants per gram of material, nor spent reactor fuel,
105 nor material classified as either high-level waste or waste which is unsuited for
106 disposal by near-surface burial under any applicable federal regulations.

107 ~~[(10)]~~ (14) "Radiation" means ionizing and nonionizing radiation, including gamma rays,
108 X-rays, alpha and beta particles, high speed electrons, and other nuclear particles.

109 ~~[(11)]~~ (15) "Radioactive" means any solid, liquid, or gas which emits radiation
110 spontaneously from decay of unstable nuclei.

111 (16)(a) "Radioactive waste facility" means a facility that decays radioactive waste in
112 storage, treats radioactive waste, or disposes of radioactive waste:

113 (i) commercially for profit; or

114 (ii) generated at locations other than the radioactive waste facility.

115 (b) "Radioactive waste facility" does not include a facility that receives:

116 (i) alternate feed material for reprocessing; or

117 (ii) radioactive waste from a location in the state designated as a processing site
118 under 42 U.S.C. Sec. 7912(f).

119 (17) "Radioactive waste license" means a radioactive material license issued by the director
120 to own, construct, modify, or operate a radioactive waste facility.

121 ~~[(12)]~~ (18) "Unlicensed facility" means a structure, road, or property:

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

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

124 Section 2. Section **19-3-104** is amended to read:

125 **19-3-104 (Effective 05/07/25). Registration and licensing of radiation sources by**
126 **department -- Assessment of fees -- Rulemaking authority and procedure -- Siting**
127 **criteria -- Indirect and direct costs.**

128 (1) As used in this section:

129 (a) "Decommissioning" includes financial assurance.

130 (b) "Source material" and "byproduct material" mean the same as those terms are

- 131 defined in the Atomic Energy Act of 1954, 42 U.S.C. Sec. 2014, as amended.
- 132 (2) The division may require the registration or licensing of radiation sources that constitute
133 a significant health hazard.
- 134 (3) A source of ionizing radiation, including an ionizing radiation producing machine, shall
135 be registered or licensed by the department.
- 136 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
137 board may make rules:
- 138 (a) necessary for controlling exposure to sources of radiation that constitute a significant
139 health hazard;
- 140 (b) to meet the requirements of federal law relating to radiation control to ensure the
141 radiation control programs under this part are qualified to maintain primacy from the
142 federal government;
- 143 (c) to establish certification procedure and qualifications for persons who survey
144 mammography equipment and oversee quality assurance practices at mammography
145 facilities; and
- 146 (d) as necessary regarding the possession, use, transfer, or delivery of source and
147 byproduct material and the disposal of byproduct material to establish requirements
148 for:
- 149 (i) the licensing, operation, decontamination, and decommissioning, including
150 financial assurances; and
- 151 (ii) the reclamation of sites, structures, and equipment used in conjunction with the
152 activities described in this Subsection (4).
- 153 (5)(a) ~~On and after January 1, 2003, a~~ A fee is imposed for the regulation of source and
154 byproduct material and the disposal of byproduct material at uranium mills or
155 commercial waste facilities, as provided in this Subsection (5).
- 156 (b) If the Nuclear Regulatory Commission does not grant the amendment for state
157 agreement status on or before March 30, 2003, fees under Subsection (5)(c) do not
158 apply and are not required to be paid until on and after the later date of:
- 159 (i) October 1, 2003; or
- 160 (ii) the date the Nuclear Regulatory Commission grants to Utah an amendment for
161 agreement state status for uranium recovery regulation.
- 162 (c) For the payment periods beginning on and after July 1, 2003, the department shall
163 establish the fees required under Subsection (5)(a) under Section 63J-1-504, subject
164 to the restrictions under Subsection (5)(b).

- 165 (d) The division shall deposit fees the division receives under this Subsection (5) into the
166 Environmental Quality Restricted Account created in Section 19-1-108.
- 167 (6)(a) The division shall assess fees for registration, licensing, and inspection of
168 radiation sources under this section.
- 169 (b) The division shall comply with the requirements of Section 63J-1-504 in assessing
170 fees for licensure and registration.
- 171 (c) The division shall deposit fees the division receives under this Subsection (6) into the
172 Environmental Quality Restricted Account created in Section 19-1-108.
- 173 (7)(a) Except as provided in Subsection (8), the board may not adopt rules, for the
174 purpose of the state assuming responsibilities from the United States Nuclear
175 Regulatory Commission with respect to regulation of sources of ionizing radiation,
176 that are more stringent than the corresponding federal regulations that address the
177 same circumstances.
- 178 (b) In adopting rules, in accordance with Title 63G, Chapter 3, Utah Administrative
179 Rulemaking Act, the board may incorporate corresponding federal regulations by
180 reference.
- 181 (8)(a) The board may adopt rules, in accordance with Title 63G, Chapter 3, Utah
182 Administrative Rulemaking Act, that are more stringent than corresponding federal
183 regulations for the purpose described in Subsection (7) only if the board makes a
184 written finding after public comment and hearing and based on evidence in the record
185 that corresponding federal regulations are not adequate to protect public health and
186 the environment of the state.
- 187 (b) The findings described in Subsection (8)(a) shall be accompanied by an opinion
188 referring to and evaluating the public health and environmental information and
189 studies contained in the record that form the basis for the board's conclusion.
- 190 (9)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
191 the board shall by rule:
- 192 (i) authorize independent qualified experts to conduct inspections required under this
193 chapter of x-ray facilities registered with the division; and
- 194 (ii) establish qualifications and certification procedures necessary for independent
195 experts to conduct the inspections described in Subsection (9)(a)(i).
- 196 (b) Independent experts under this Subsection (9) are not considered employees or
197 representatives of the division or the state when conducting the inspections.
- 198 (10)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

- 199 the board may by rule establish criteria for siting commercial low-level radioactive
200 waste treatment or disposal facilities, subject to the prohibition imposed by Section
201 19-3-103.7.
- 202 (b) Subject to Subsection [~~19-3-105(10)~~] 19-3-105(9), any facility under Subsection
203 (10)(a) for which a radioactive material license is required by this section shall
204 comply with criteria established under this Subsection (10).
- 205 (c) Subject to Subsection [~~19-3-105(10)~~] 19-3-105(9), a facility may not receive a
206 radioactive material license until siting criteria have been established by the board.
207 The criteria also apply to facilities that have applied for but not received a radioactive
208 material license.
- 209 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
210 board shall make rules that:
- 211 (a) establish financial assurance requirements for closure and postclosure care of
212 radioactive waste land disposal facilities; and
- 213 (b) establish financial assurance requirements for closure and postclosure care of an
214 unlicensed facility.
- 215 (12) The rules described in Subsection (11) shall include the following provisions:
- 216 (a) the financial assurance shall be based on an annual estimate and shall include closure
217 and postclosure costs in areas subject to the licensed or permitted portions of the
218 facility;
- 219 (b) financial assurance for an unlicensed facility that supports the operation of a licensed
220 or permitted facility shall include the estimated cost of:
- 221 (i) the removal of structures;
- 222 (ii) the testing of structures, roads, and property to ensure no radiological
223 contamination has occurred outside of the licensed area; and
- 224 (iii) stabilization and water infiltration control;
- 225 (c) financial assurance cost estimates for a single approved waste disposal unit for which
226 the volume of waste already placed and proposed to be placed in the unit within the
227 surety period is less than the full waste capacity of the unit shall reflect the closure
228 and postclosure costs for a waste disposal unit smaller than the approved waste
229 disposal unit, if the unit could be reduced in size, meet closure requirements, and
230 reduce closure costs;
- 231 (d) financial assurance cost estimates for two approved adjacent waste disposal units that
232 have been approved to be combined into a single unit and for which the combined

- 233 volume of waste already placed and proposed to be placed in the units within the
234 surety period is less than the combined waste capacity for the two separate units shall
235 reflect either two separate waste disposal units or a single combined unit, whichever
236 has the lowest closure and postclosure costs;
- 237 (e) the licensee or permittee shall annually propose closure and postclosure costs upon
238 which financial assurance amounts are based, including costs of potential remediation
239 at the licensed or permitted facility and, notwithstanding the obligations described in
240 Subsection (12)(b), any unlicensed facility;
- 241 (f) to provide the information in Subsection (12)(e), the licensee or permittee shall
242 provide:
- 243 (i) a proposed annual cost estimate using the current edition of RS Means Facilities
244 Construction Cost Data or using a process, including an indirect cost multiplier,
245 previously agreed to between the licensee or permittee and the director; or
- 246 (ii)(A) for an initial financial assurance determination and for each financial
247 assurance determination every five years thereafter, a proposed competitive
248 site-specific estimate for closure and postclosure care of the facility at least
249 once every five years; and
- 250 (B) for each year between a financial assurance determination described in
251 Subsection (12)(f)(ii)(A), a proposed financial assurance estimate that accounts
252 for current site conditions and that includes an annual inflation adjustment to
253 the financial assurance determination using the Gross Domestic Product
254 Implicit Price Deflator of the Bureau of Economic Analysis, United States
255 Department of Commerce, calculated by dividing the latest annual deflator by
256 the deflator for the previous year; and
- 257 (g) the director shall:
- 258 (i) annually review the licensee's or permittee's proposed closure and postclosure
259 estimate; and
- 260 (ii) approve the estimate if the director determines that the estimate would be
261 sufficient to provide for closure and postclosure costs.
- 262 (13) Subject to the financial assurance requirements described in Subsections (11) and (12),
263 if the director and the licensee or permittee do not agree on a final financial assurance
264 determination made by the director, the licensee or permittee may appeal the
265 determination in:
- 266 (a) an arbitration proceeding governed by Title 78B, Chapter 11, Utah Uniform

267 Arbitration Act, with the costs of the arbitration to be split equally between the
 268 licensee or permittee and the division, if both the licensee or permittee and the
 269 director agree in writing to arbitration; or

270 (b) a special adjudicative proceeding under Section 19-1-301.5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

300 [~~(d)(i) "Radioactive waste facility" or "facility" means a facility that decays~~

301 radioactive waste in storage, treats radioactive waste, or disposes of radioactive
302 waste:]

303 [(A) commercially for profit; or]
304 [(B) generated at locations other than the radioactive waste facility.]

305 [(ii) "Radioactive waste facility" does not include a facility that receives:]

306 [(A) alternate feed material for reprocessing; or]
307 [(B) radioactive waste from a location in the state designated as a processing site
308 under 42 U.S.C. 7912(f).]

309 [(e) "Radioactive waste license" or "license" means a radioactive material license issued
310 by the director to own, construct, modify, or operate a radioactive waste facility.]

311 [(2)] (1) The provisions of this section are subject to the prohibition under Section
312 19-3-103.7.

313 [(3)] (2) Subject to Subsection [(8)] (7), a person may not own, construct, modify, or operate
314 a radioactive waste facility without:

315 (a) having received a radioactive waste license for the facility;
316 (b) meeting the requirements established by rule under Section 19-3-104;
317 (c) the approval of the governing body of the municipality or county responsible for
318 local planning and zoning where the radioactive waste is or will be located; and
319 (d) subsequent to meeting the requirements of Subsections [(3)(a)] (2)(a) through (c), the
320 approval of the governor and the Legislature.

321 [(4)] (3) Subject to Subsection [(8)] (7), a new radioactive waste license application, or an
322 application to renew or amend an existing radioactive waste license, is subject to the
323 requirements of Subsections [(3)(b)] (2)(b) through (d) if the application, renewal, or
324 amendment:

325 (a) specifies a different geographic site than a previously submitted application;
326 (b) would cost 50% or more of the cost of construction of the original radioactive waste
327 facility or the modification would result in an increase in capacity or throughput of a
328 cumulative total of 50% of the total capacity or throughput which was approved in
329 the facility license as of January 1, 1990, or the initial approval facility license if the
330 initial license approval is subsequent to January 1, 1990; or
331 (c) requests approval to decay radioactive waste in storage, treat radioactive waste, or
332 dispose of radioactive waste having a higher radionuclide concentration limit than
333 allowed, under an existing approved license held by the facility, for the specific type
334 of waste to be decayed in storage, treated, or disposed of.

335 ~~[(5)]~~ (4) The requirements of Subsection ~~[(4)(e)]~~ (3)(c) do not apply to an application to
 336 renew or amend an existing radioactive waste license if:
 337 (a) the radioactive waste facility requesting the renewal or amendment has received a
 338 license prior to January 1, 2004; and
 339 (b) the application to renew or amend its license is limited to a request to approve the
 340 receipt, transfer, storage, decay in storage, treatment, or disposal of class A low-level
 341 radioactive waste.

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

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

352 ~~[(8)]~~ (7) The requirements of Subsections ~~[(3)(e)]~~ (2)(c) and (d) and Subsection
 353 19-3-104(10) do not apply to:
 354 (a) a radioactive waste license~~[-that is]~~ in effect on December 31, 2006, including all
 355 amendments to the license ~~[that have taken effect as of December 31, 2006]~~ thereafter;
 356 (b) a license application for a facility in existence as of December 31, 2006, unless the
 357 license application includes an area beyond the facility boundary approved in the
 358 license described in Subsection ~~[(8)(a)]~~ (7)(a); or
 359 (c) an application to renew or amend a license described in Subsection ~~[(8)(a), unless-]~~
 360 (7)(a) if the renewal or amendment includes an area[-beyond] :
 361 (i) within the facility boundary approved in the license described in Subsection ~~[(8)(a):]~~
 362 (7)(a); or
 363 (ii) within a hazardous waste corridor.

364 ~~[(9)]~~ (8)(a) The director shall review an approval application to determine whether the
 365 application complies with the requirements of this chapter and the rules of the board.
 366 (b) Within 60 days after the day on which the director receives an approval application
 367 described in Subsection ~~[(10)(a)(ii)]~~ (9)(a)(ii) or (iii), the director shall:
 368 (i) determine whether the application is complete and contains all the information

- 369 necessary to process the application for approval; and
- 370 (ii)(A) issue a notice of completeness to the applicant; or
- 371 (B) issue a notice of deficiency to the applicant and list the additional information
- 372 necessary to complete the application.
- 373 (c) The director shall review information submitted in response to a notice of deficiency
- 374 within 30 days after the day on which the director receives the information.
- 375 ~~[(10)]~~ (9) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 376 Administrative Rulemaking Act, to:
- 377 (a) categorize approval applications as follows:
- 378 (i) approval applications that:
- 379 (A) are administrative in nature;
- 380 (B) require limited scrutiny by the director; and
- 381 (C) do not require public input;
- 382 (ii) approval applications that:
- 383 (A) require substantial scrutiny by the director;
- 384 (B) require public input; and
- 385 (C) are not described in Subsection ~~[(10)(a)(iii)]~~ (9)(a)(iii); and
- 386 (iii) approval applications for:
- 387 (A) the granting or renewal of a radioactive waste license;
- 388 (B) the granting or renewal of a groundwater permit issued by the director for a
- 389 radioactive waste facility;
- 390 (C) an amendment to a radioactive waste license, or a groundwater permit, that
- 391 allows the design and approval of a new disposal cell;
- 392 (D) an amendment to a radioactive waste license or groundwater discharge permit
- 393 for a radioactive waste facility to eliminate groundwater monitoring; and
- 394 (E) a radioactive waste facility closure plan;
- 395 (b) provide time periods for the director to review, and approve or deny, an application
- 396 described in Subsection ~~[(10)(a)]~~ (9)(a) as follows:
- 397 (i) for applications categorized under Subsection ~~[(10)(a)(i)]~~ (9)(a)(i), within 30 days
- 398 after the day on which the director receives the application; and
- 399 (ii) for applications categorized under Subsection ~~[(10)(a)(ii)]~~ (9)(a)(ii), within 180
- 400 days after the day on which the director receives the application;
- 401 (iii) for applications categorized under Subsection ~~[(10)(a)(iii)]~~ (9)(a)(iii), as follows:
- 402 (A) for a new radioactive waste license, within 540 days after the day on which

- 403 the director receives the application;
- 404 (B) for a new groundwater permit issued by the director for a radioactive waste
405 facility consistent with the provisions of Title 19, Chapter 5, Water Quality Act,
406 within 540 days after the day on which the director receives the application;
- 407 (C) for a radioactive waste license renewal, within 365 days after the day on
408 which the director receives the application;
- 409 (D) for a groundwater permit renewal issued by the director for a radioactive
410 waste facility, within 365 days after the day on which the director receives the
411 application;
- 412 (E) for an amendment to a radioactive waste license, or a groundwater permit, that
413 allows the design and approval of a new disposal cell, within 365 days after the
414 day on which the director receives the application;
- 415 (F) for an amendment to a radioactive waste license, or a groundwater discharge
416 permit, for a radioactive waste facility to eliminate groundwater monitoring,
417 within 365 days after the day on which the director receives the application; and
- 418 (G) for a radioactive waste facility closure plan, within 365 days after the day on
419 which the director receives the application;
- 420 (c) toll the time periods described in Subsection [~~(10)(b)~~] (9)(b):
- 421 (i) while an owner or operator of a facility responds to the director's request for
422 information;
- 423 (ii) during a public comment period; or
- 424 (iii) while the federal government reviews the application; and
- 425 (d) require the director to prepare a detailed written explanation of the basis for the
426 director's approval or denial of an approval application.

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

428 **59-24-102 (Effective 07/01/25). Definitions.**

429 As used in this chapter:

- 430 (1)(a) "Alternate feed material" means a natural or native material:
- 431 (i) mined for the extraction of its constituents or other matter from which source
432 material may be extracted in a licensed uranium or thorium mill; and
- 433 (ii) may be reprocessed for its source material content.
- 434 (b) "Alternate feed material" does not include:
- 435 (i) material containing hazardous waste listed under 40 C.F.R. Part 261, Subpart D;
- 436 (ii) natural or unprocessed ore; or

- 437 (iii) naturally occurring radioactive materials containing greater than 15 picocuries
438 per gram of radium-226.
- 439 (2) "Byproduct material" is as defined in 42 U.S.C. Sec. 2014(e)(2).
- 440 (3) "Class A low-level radioactive waste" means radioactive waste that is classified as class
441 A waste under 10 C.F.R. 61.55.
- 442 (4) "Containerized class A waste" means class A low-level radioactive waste that is placed
443 in the portion of a radioactive waste facility that is licensed to receive containerized
444 class A waste.
- 445 (5)(a) "Generator" means the same as that term is defined in Section 19-3-102.
- 446 (b) "Generator" includes an affiliate, subsidiary, or successor of the generator.
- 447 [~~5~~](6)(a) "Gross receipts" means all consideration an owner or operator of a
448 radioactive waste facility receives for the disposal of radioactive waste in the state,
449 without any deduction or expense paid or accrued related to the disposal of the
450 radioactive waste.
- 451 (b) "Gross receipts" do not include fees collected under Section 19-3-106 or any other
452 taxes collected for a state or federal governmental entity.
- 453 [~~6~~](7)(a) "Processed class A waste" means waste that:
- 454 (i) is class A low-level radioactive waste; and
455 (ii) has been concentrated by a processor.
- 456 (b) "Processed class A waste" does not include containerized class A waste.
- 457 [~~7~~](8) "Radioactive waste" means:
- 458 (a) alternate feed material;
459 (b) byproduct material;
460 (c) containerized class A waste;
461 (d) processed class A waste; or
462 (e) uncontainerized, unprocessed class A waste.
- 463 [~~8~~](9) "Radioactive waste facility" or "facility" means:
- 464 (a) a facility licensed under Section 19-3-105; or
465 (b) a uranium mill licensed under 10 C.F.R. Part 40, Domestic Licensing of Source
466 Material.
- 467 [~~9~~](10)(a) "Uncontainerized, unprocessed class A waste" means class A low-level
468 radioactive waste that:
- 469 (i) is neither containerized class A waste, nor processed class A waste; and
470 (ii) must be disposed of under rules of the Nuclear Regulatory Commission in a

471 licensed low-level radioactive waste disposal facility.

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

474 Section 5. Section **59-24-103.5** is amended to read:

475 **59-24-103.5 (Effective 07/01/25). Radioactive waste disposal, processing, and**
476 **recycling facility tax.**

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

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

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

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

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

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

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

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

491 (iv) not pursuant to a contract;

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

496 (e) .5% of the gross receipts of a radioactive waste facility derived from the disposal of
497 uncontainerized, unprocessed class A waste received by the facility if the
498 uncontainerized, unprocessed class A waste does not exceed 10% of the radioactive
499 concentration limit for class A waste as defined in 10 C.F.R. Sec. 61.55;

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

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

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

- 505 (A) pursuant to a contract entered into on or after April 30, 2005;
- 506 (B) pursuant to a contract substantially modified on or after April 30, 2005;
- 507 (C) pursuant to a contract renewed or extended on or after April 30, 2005; or
- 508 (D) not pursuant to a contract;
- 509 (g) 10% of the gross receipts of a radioactive waste facility derived from the disposal of
- 510 mixed waste:
- 511 (i)(A) received from an entity other than a governmental entity or an agent of a
- 512 governmental entity; or
- 513 (B) received from a governmental entity or an agent of a governmental entity:
- 514 (I) pursuant to a contract entered into on or after April 30, 2005;
- 515 (II) pursuant to a contract substantially modified on or after April 30, 2005;
- 516 (III) pursuant to a contract renewed or extended on or after April 30, 2005; or
- 517 (IV) not pursuant to a contract; and
- 518 (ii) that contains a higher radionuclide concentration level than the mixed waste
- 519 received by any radioactive waste facility in the state before April 1, 2004;
- 520 (h) 10 cents per cubic foot of alternate feed material received at a radioactive waste
- 521 facility for disposal or reprocessing; and
- 522 (i) 10 cents per cubic foot of byproduct material received at a radioactive waste facility
- 523 for disposal.

524 (3) The tax is equal to 16.67% of the gross receipts of a radioactive waste facility derived

525 from the disposal of radioactive waste received from a generator that ships to the

526 radioactive waste facility for the first time between June 30, 2025, and June 30, 2028.

527 [~~3~~] (4) For purposes of the tax imposed by this section, a fraction of a cubic foot is

528 considered to be a full cubic foot.

529 [~~4~~] (5) Except as provided in Subsections (2)(f) and (g), the tax imposed by this section

530 does not apply to radioactive waste containing material classified as hazardous waste

531 under 40 C.F.R. Part 261.

532 Section 6. Section **59-24-103.8** is enacted to read:

533 **59-24-103.8 (Effective 07/01/25). Radioactive waste facility expansion tax --**

534 **Payment -- Deposit of tax revenue.**

535 (1) As used in this section:

536 (a) "Division" means the Division of Waste Management and Radiation Control created

537 in Section 19-1-105.

538 (b) "New licensed waste disposal volume" means the increased radioactive waste

539 disposal volume capacity that a radioactive waste facility requests for approval by the
 540 division in a radioactive waste facility application.

541 (c) "Radioactive waste facility application" means an application for a new radioactive
 542 waste facility, or an amendment to an existing radioactive waste facility, under
 543 Section 19-3-105 that requests authorization to construct a new radioactive waste
 544 facility or expand the geographic site covered by an existing radioactive waste
 545 facility.

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

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

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

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

556 (6) Nothing in this section limits the ability of the director of the division to approve a
 557 radioactive waste facility application exceeding the maximum new licensed waste
 558 disposal volume described in Subsection (3).

559 Section 7. Section **59-24-104** is amended to read:

560 **59-24-104 (Effective 07/01/25). Payment of tax.**

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

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

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

566 Section 8. Section **59-24-105** is amended to read:

567 **59-24-105 (Effective 07/01/25). Deposit of tax revenue.**

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

571 (2)(a) The commission shall deposit tax revenue collected under Subsection
 572 59-24-103.5(3) into the Utah Energy Research Fund created in Section 79-6-1002.

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

576 Section 9. Section **63I-2-259** is amended to read:

577 **63I-2-259 (Effective 05/07/25). Repeal dates: Title 59.**

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

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

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

583 (4) Subsection 59-10-210(2)(b)(vi), regarding Section 59-10-1112, is repealed December
 584 31, 2024.

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

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

589 (7) Section 59-10-1112, Targeted business income tax credit, is repealed December 31,
 590 2024.

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

593 Section 10. **Effective Date.**

594 (1) Except as provided in Subsection (2), this bill takes effect July 1, 2025.

595 (2) The actions affecting the following sections take effect on May 7, 2025:

596 (a) Section 19-3-105 (Effective 05/07/25);

597 (b) Section 63I-2-259 (Effective 05/07/25);

598 (c) Section 19-3-102 (Effective 05/07/25); and

599 (d) Section 19-3-104 (Effective 05/07/25).

600 Section 11. **Coordinating S.B. 216 with H.B. 249.**

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

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

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

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

607 "(2)(a) The commission shall deposit tax revenue collected under Subsection 59-24-103.5(3)
608 into the Electrical Energy Development Investment Fund created in Section 79-6-1105"; and
609 (3) Subsection 79-6-1105(2), enacted in H.B. 249, be amended to read:
610 "(2) The fund consists of:
611 (a) property tax differential revenue collected under Section 79-6-1104;
612 (b) revenue from the radioactive waste facility expansion tax collected under Section
613 59-24-103.8; and
614 (c) revenue from a tax on new generators of radioactive waste as described in Subsection
615 59-24-103.5(3).".