

Wayne A. Harper proposes the following substitute bill:

Recycling and Waste Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Jason B. Kyle

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 develop a 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.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 19-6-119 (Effective 07/01/26)**, as last amended by Laws of Utah 2021, Chapter 64
- 19-6-1202 (Effective 05/07/25)**, as enacted by Laws of Utah 2011, Chapter 213
- 19-6-1203 (Effective 05/07/25)**, as last amended by Laws of Utah 2016, Chapters 13, 143
- 19-6-1204 (Effective 07/01/26)**, as enacted by Laws of Utah 2011, Chapter 213
- 19-6-1205 (Effective 05/07/25)**, as enacted by Laws of Utah 2011, Chapter 213

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

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

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

(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:

- (i) 13 cents per ton on all municipal waste and municipal incinerator ash;
- (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:
 - (A) construction waste or demolition waste;
 - (B) yard waste, including vegetative matter resulting from landscaping, land maintenance, and land clearing operations;
 - (C) dead animals;
 - (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
 - (E) petroleum contaminated soils that are approved by the director; and
- (iii) \$2.50 per ton on:
 - (A) all nonhazardous solid waste not described in Subsections (1)(a)(i) and (ii);
and
 - (B)(I) fly ash waste;
 - (II) bottom ash waste;
 - (III) slag waste;
 - (IV) flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;
 - (V) waste from the extraction, beneficiation, and processing of ores and minerals; and
 - (VI) cement kiln dust wastes.

(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).

- 63 (c) The owner or operator of a facility described in Subsection 19-6-102(3)(b)(iii) shall
64 pay a fee of 13 cents per ton on all municipal waste received for disposal at the
65 facility.
- 66 (2)(a) Through December 31, 2018, and except as provided in Subsections (2)(c) and (4),
67 a waste facility that is owned by a political subdivision shall pay the following annual
68 facility fee to the department by January 15 of each year:
- 69 (i) \$800 if the facility receives 5,000 or more but fewer than 10,000 tons of municipal
70 waste each year;
 - 71 (ii) \$1,450 if the facility receives 10,000 or more but fewer than 20,000 tons of
72 municipal waste each year;
 - 73 (iii) \$3,850 if the facility receives 20,000 or more but fewer than 50,000 tons of
74 municipal waste each year;
 - 75 (iv) \$12,250 if the facility receives 50,000 or more but fewer than 100,000 tons of
76 municipal waste each year;
 - 77 (v) \$14,700 if the facility receives 100,000 or more but fewer than 200,000 tons of
78 municipal waste each year;
 - 79 (vi) \$33,000 if the facility receives 200,000 or more but fewer than 500,000 tons of
80 municipal waste each year; and
 - 81 (vii) \$66,000 if the facility receives 500,000 or more tons of municipal waste each
82 year.
- 83 (b) The fee identified in Subsection (2)(a) for 2018 shall be paid by January 15, 2019.
- 84 (c) Through December 31, 2018, and except as provided in Subsection (4), a waste
85 facility that is owned by a political subdivision shall pay \$2.50 per ton for:
- 86 (i) nonhazardous solid waste that is not a waste described in Subsection (1)(a)(i) or
87 (ii) received for disposal if the waste is:
 - 88 (A) generated outside the boundaries of the political subdivision; and
 - 89 (B) received from a single generator and exceeds 500 tons in a calendar year; and
 - 90 (ii) waste described in Subsection (1)(a)(iii)(B) received for disposal if the waste is:
 - 91 (A) generated outside the boundaries of the political subdivision; and
 - 92 (B) received from a single generator and exceeds 500 tons in a calendar year.
- 93 (d) Waste received at a facility owned by a political subdivision under Subsection (2)(c)
94 may not be counted as part of the total tonnage received by the facility under
95 Subsection (2)(a).
- 96 (3)(a) As used in this Subsection (3):

- 97 (i) "Recycling center" means a facility that extracts valuable materials from a waste
98 stream or transforms or remanufactures the material into a usable form that has
99 demonstrated or potential market value.
- 100 (ii) "Transfer station" means a permanent, fixed, supplemental collection and
101 transportation facility that is used to deposit collected solid waste from off-site
102 into a transfer vehicle for transport to a solid waste handling or disposal facility.
- 103 (b) Through December 31, 2018, and except as provided in Subsection (4), the owner or
104 operator of a transfer station or recycling center shall pay to the department the
105 following fees on waste sent for disposal to a nonhazardous solid waste disposal or
106 treatment facility that is not subject to a fee under this section:
- 107 (i) \$1.25 per ton on:
- 108 (A) all nonhazardous solid waste; and
109 (B) waste described in Subsection (1)(a)(iii)(B);
- 110 (ii) 10 cents per ton on all construction and demolition waste; and
111 (iii) 5 cents per ton on all municipal waste or municipal incinerator ash.
- 112 (c) Wastes subject to fees under Subsection (3)(b)(ii) or (iii) are not subject to the fee
113 required under Subsection (3)(b)(i).
- 114 (4) The owner or operator of a waste disposal facility that receives nonhazardous solid
115 waste described in Subsection (1)(a)(iii)(B) is not required to pay any fee on those
116 nonhazardous solid wastes if received solely for the purpose of recycling, reuse, or
117 reprocessing.
- 118 (5) Through December 31, 2018, and except as provided in Subsection (2)(a), a facility
119 required to pay fees under this section shall:
- 120 (a) calculate the fees by multiplying the total tonnage of nonhazardous solid waste
121 received during the calendar month, computed to the first decimal place, by the
122 required fee rate;
- 123 (b) pay the fees imposed by this section to the department by the 15th day of the month
124 following the month in which the fees accrued; and
- 125 (c) with the fees required under Subsection (6)(b), submit to the department, on a form
126 prescribed by the department, information that verifies the amount of nonhazardous
127 solid waste received and the fees that the owner or operator is required to pay.
- 128 (6)(a) In accordance with Section 63J-1-504[~~on or before July 1, 2018, and each fiscal~~
129 ~~year thereafter]~~ and on or before the start of each fiscal year, the department shall
130 establish a fee schedule for the treatment, transfer, and disposal of all nonhazardous

- 131 solid waste.
- 132 (b) The department shall, before establishing the annual fee schedule described in
133 Subsection (6)(a), consult with industry and local government and complete a review
134 of program costs and indirect costs of regulating nonhazardous solid waste in the
135 state and use the findings of the review to create the fee schedule.
- 136 (c) The fee schedule described in Subsection (6)(a) shall:
- 137 (i) create an equitable and fair, though not necessarily equal or uniform, fee to be
138 paid by all persons whose treatment, transfer, or disposal of nonhazardous solid
139 waste creates a regulatory burden to the department, based on the actual cost, and
140 taking into consideration whether the owner or operator of a facility elects to
141 self-inspect under Section 19-6-109, except as provided in Subsection (6)(d);
- 142 (ii) cover the fully burdened costs of the program and provide for reasonable and
143 timely oversight by the department;
- 144 (iii) adequately meet the needs of industry, local government, and the department,
145 including enabling the department to employ the appropriate number of qualified
146 personnel to appropriately oversee industry and local government regulation;
- 147 (iv) provide stable funding for the Environmental Quality Restricted Account created
148 in Section 19-1-108; and
- 149 (v) for solid waste managed at a transfer facility, be no greater than the cost [~~of~~
150 ~~regulatory services provided to~~] to the division to inspect the transfer facility.
- 151 (d) Any person who treats, transfers, stores, or disposes of solid waste from the
152 extraction, beneficiation, and processing of ores and minerals on a site owned,
153 controlled, or operated by that person may not be charged a fee under this section for
154 the treatment, transfer, storage, or disposal of solid waste from the extraction,
155 beneficiation, and processing of ores and minerals that are generated:
- 156 (i) on-site by the person; or
157 (ii) by off-site sources owned, controlled, or operated by the person.
- 158 (e) The fees in the fee schedule established by Subsection (6)(a) shall take effect on
159 January 1~~[, 2019]~~ of each year.
- 160 (7) [~~On and after January 1, 2019, a~~] A facility required to pay fees under this section shall:
- 161 (a) pay the fees imposed by this section to the department by the 15th day of the month
162 following the quarter in which the fees accrued; and
- 163 (b) with the fees required under Subsection (7)(a), submit to the department, on a form
164 prescribed by the department, information that verifies the amount of nonhazardous

- 165 solid waste received and the fees that the owner or operator is required to pay.
- 166 (8) In setting the fee schedule described in Subsection (6)(a), the department shall ensure
167 that a party is not charged multiple fees for the same solid waste~~[-except the department
168 may charge a separate fee for a transfer station].~~
- 169 (9) The department shall:
- 170 (a) deposit all fees received under this section into the Environmental Quality Restricted
171 Account created in Section 19-1-108; and
- 172 (b) in preparing its budget for the governor and the Legislature, separately indicate the
173 amount of the department's budget necessary to administer the solid and hazardous
174 waste program established by this part.
- 175 (10) The department may contract or agree with a county to assist in performing
176 nonhazardous solid waste management activities, including agreements for:
- 177 (a) the development of a solid waste management plan required under Section 17-15-23;
178 and
- 179 (b) pass-through of available funding.
- 180 (11) This section does not exempt any facility from applicable regulation under the Atomic
181 Energy Act, 42 U.S.C. Sec. 2014 and 2021 through 2114.
- 182 ~~[(12) The department shall report to the Natural Resources, Agriculture, and Environment
183 Interim Committee by November 30, 2017, on the fee schedule described in Subsection
184 (6)(a).]~~
- 185 Section 2. Section **19-6-1202** is amended to read:
- 186 **19-6-1202 (Effective 05/07/25). Definitions.**
- 187 As used in this part:
- 188 (1) "Collection":
- 189 (a) means the aggregation of consumer electronic devices from consumers; and
- 190 (b) includes all the activities up to the time a consumer electronic device is delivered to a
191 recycler.
- 192 (2) "Community collection event" means a scheduled event for a member of the public to
193 dispose of or recycle:
- 194 (a) a consumer electronic device or other electronic waste;
- 195 (b) green or organic waste;
- 196 (c) hazardous waste as that term is defined in Section 19-6-102; or
- 197 (d) an item not considered household waste that is difficult to dispose of or recycle.
- 198 ~~[(2)]~~ (3)(a) "Computer" means an electronic, magnetic, optical, electrochemical, or other

- 199 high-speed data processing device performing a logical, arithmetic, or storage
200 function, including:
- 201 (i) a laptop computer;
 - 202 (ii) a desktop computer; or
 - 203 (iii) a tablet computer.
- 204 (b) "Computer" includes the following permanently affixed to or incorporated into a
205 device described in Subsection [~~(2)~~(a)] (3)(a):
- 206 (i) a cable cord;
 - 207 (ii) permanent wiring;
 - 208 (iii) a central processing unit; or
 - 209 (iv) a monitor.
- 210 (c) "Computer" does not include an automated typewriter or typesetter, a portable
211 hand-held calculator, a portable digital assistant, a server, or similar device.
- 212 [~~(3)~~] (4) "Consumer" means a person who owns or uses a covered electronic device that is
213 purchased primarily for personal or home business use.
- 214 [~~(4)~~] (5) "Consumer electronic device" means the following products sold to a consumer:
- 215 (a) a computer;
 - 216 (b) a computer peripheral;
 - 217 (c) a television; or
 - 218 (d) a television peripheral.
- 219 [~~(5)~~] (6) "Eligible program" means a collection, reuse, or recycling system for a consumer
220 electronic device, including:
- 221 (a) a system by which a manufacturer, manufacturer's designee, or other private entity
222 offers a consumer an option to return a consumer electronic device by mail;
 - 223 (b) a system using a physical collection site that a manufacturer, manufacturer's
224 designee, or other private or public entity provides for a consumer to return a covered
225 consumer electronic device; or
 - 226 (c) a system that uses a collection event held by a manufacturer, manufacturer's
227 designee, or other private or public entity at which a consumer may return a
228 consumer electronic device.
- 229 [~~(6)~~] (7) "Manufacturer" means a person who:
- 230 (a) manufactures a consumer electronic device under a brand the person owns or is
231 licensed to use; or
 - 232 (b) assumes the responsibilities and obligations of a person described in Subsection [

233 ~~(6)(a)~~ (7)(a).

234 ~~[(7)]~~ (8) "Peripheral" means a keyboard, printer, or other device that:

235 (a) is sold exclusively for external use with a television or computer; and

236 (b) provides input into or output from a television or computer.

237 ~~[(8)]~~ (9)(a) "Recycling" means the process of collecting and preparing electronic
238 products for:

239 (i) use in a manufacturing process; or

240 (ii) recovery of reusable materials followed by delivery of reusable materials for use.

241 (b) "Recycling" does not include destruction by incineration, waste-to-energy
242 incineration, or other similar processes or land disposal.

243 ~~[(9)]~~ (10) "Reuse" means electronic waste:

244 (a) that is tested and determined to be in good working order; and

245 (b) that is removed from the waste stream to use for the same purpose for which it was
246 manufactured, including the continued use of the whole system or components.

247 ~~[(10)]~~ (11)(a) "Sell" or "sale" means any transfer for consideration of title or of the right
248 to use by lease or sales contract of a consumer electronic device to a consumer.

249 (b) "Sell" or "sale" does not include:

250 (i) the sale, resale, lease, or transfer of used consumer electronic devices; or

251 (ii) a manufacturer's or a distributor's wholesale transaction with a distributor or
252 retailer involving a consumer electronic device.

253 ~~[(11)]~~ (12) "Television" means a display system primarily intended to receive video
254 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.**

257 (1) ~~On or after July 1, 2011, a~~ A manufacturer may not offer a consumer electronic device
258 for sale in the state unless the manufacturer, either individually, through a group
259 manufacturer organization, or through the manufacturer's industry trade group, prepares
260 and submits, subject to Subsection (2), a report on or before August 1 of each year to the
261 department.

262 (2) The report required under Subsection (1):

263 (a) shall include a list of eligible programs, subject to Subsection (3); and

264 (b) may include:

265 (i) an existing collection, transportation, or recycling system for a consumer
266 electronic device; and

- 267 (ii) an eligible program offered by:
- 268 (A) a consumer electronic device recycler;
- 269 (B) a consumer electronic device repair shop;
- 270 (C) a recycler of other commodities;
- 271 (D) a reuse organization;
- 272 (E) a not-for-profit corporation;
- 273 (F) a retailer; or
- 274 (G) another similar operation, including a local government collection event.

275 (3) The list required in Subsection (2)(a) may be in the form of a geographic map
276 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**
279 **department website.**

280 (1) [~~Effective January 1, 2012, a~~] A manufacturer may not offer a consumer electronic
281 device for sale in the state unless the manufacturer individually, through a group
282 manufacturer organization, or through the manufacturer's industry trade group
283 establishes and implements[~~, in accordance with Subsection (2), a public education~~
284 program regarding the eligible programs] a public education program in accordance with
285 Subsection (2).

286 (2)(a) The public education program required under Subsection (1) shall:

- 287 (i) inform a consumer about eligible programs; and
- 288 (ii) use manufacturer-developed customer outreach materials, such as packaging
289 inserts, company websites, and other communication methods, to inform a
290 consumer about eligible programs.

291 (b) A manufacturer described in Subsection (1) shall work with the department and other
292 interested parties to develop educational materials that inform consumers about an
293 eligible program.

294 (3) The department shall develop a public education program to:

- 295 (a) promote eligible programs;
- 296 (b) promote existing recycling resources in this state;
- 297 (c) assist a manufacturer's public outreach program in accordance with Subsection (2)(b);
- 298 (d) encourage a retailer to inform a consumer of eligible programs at the point of sale of
299 a consumer electronic device; and
- 300 (e) support a local government or other entity interested in creating a community

301 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

305 19-6-1205(2); and

306 (c) a report received by the department under Section 19-6-1203.

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

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

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

314 (2)(a) A local government may submit a community collection event to the department
315 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
317 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.**

323 (1) Except as provided in Subsection (2), this bill takes effect May 7, 2025.

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