

SB0146S01 compared with SB0146

~~{Omitted text}~~ shows text that was in SB0146 but was omitted in SB0146S01
inserted text shows text that was not in SB0146 but was inserted into SB0146S01

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1 **Industrial Byproduct Amendments**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Keith Grover
House Sponsor:



2
3 **LONG TITLE**

4 **General Description:**

5 This bill addresses provisions related to industrial byproduct reuse.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ ~~{defines and}~~ modifies terms;
- 9 ▶ provides that an industrial byproduct may be used in any ~~{public}~~ project, if ~~{the}~~ the director of the Division of Waste Management and Radiation Control approves or has approved an application to reuse the industrial byproduct; and
- 12 ▶ makes technical and conforming changes.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

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19 **19-6-1102** , as last amended by Laws of Utah 2015, Chapter 451

20 **19-6-1104** , as last amended by Laws of Utah 2012, Chapter 360

21 REPEALS:

22 **19-6-1101** , as enacted by Laws of Utah 2009, Chapter 340

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

25 Section 1. Section **19-6-1102** is amended to read:

26 **19-6-1102. Definitions.**

As used in this part:

28 (1) "Board" means the Waste Management and Radiation Control Board created [~~under~~] in Section
19-1-106.

30 (2) "Director" means the director of the Division of Waste Management and Radiation Control.

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

34 ~~{(4) "Inactive industrial site" means the same as that term is defined in Section 17C-1-102.}~~

35 ~~{(4)} {5}~~

(a) "Industrial byproduct" means an industrial residual, including:

36 (i) inert construction debris;

37 (ii) fly ash;

38 (iii) bottom ash;

39 (iv) slag;

40 (v) flue gas emission control residuals generated primarily from the combustion of coal or other
fossil fuel;

42 (vi) residual from the extraction, beneficiation, and processing of an ore or mineral;

43 (vii) cement kiln dust; or

44 (viii) contaminated soil extracted as a result of a corrective action subject to an operation plan under
Part 1, Solid and Hazardous Waste Act.

46 (b) "Industrial byproduct" does not include material that:

47 (i) causes a public nuisance or public health hazard; ~~[or]~~

48 (ii) is a hazardous waste under Part 1, Solid and Hazardous Waste Act ~~[or]~~ ; or

48 (iii) is coal mine waste, as that term is defined in 30 C.F.R. Sec. 701.

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49 (6)(5) "Project" means a project to construct a:

50 (a) highway or road;

51 (b) curb;

52 (c) gutter;

53 (d) walkway;

54 (e) parking facility;

55 (f) public transportation facility; or

56 (g) facility, infrastructure, or transportation improvement that benefits the public.

57 ~~(5)~~

57 ~~{(7)} {"Public project" means a project:}~~

~~{by the Department of Transportation created in Section 72-1-201;}~~

59 ~~{(b)} {by a county or municipality; or}~~

60 ~~{(e)} {within a project area development, as that term is defined in Section 17C-1-102.}~~

61 ~~{(5)} "Public project" means a project of the Department of Transportation to construct:~~

62 ~~[(a) a highway or road;]~~

63 ~~[(b) a curb;]~~

64 ~~[(c) a gutter;]~~

65 ~~[(d) a walkway;]~~

66 ~~[(e) a parking facility;]~~

67 ~~[(f) a public transportation facility; or]~~

68 ~~[(g) a facility, infrastructure, or transportation improvement that benefits the public.]~~

69 ~~{(6){f}} {(8){f}}~~ "Reuse" means to use an industrial byproduct as a product in place of a raw material.

66 Section 2. Section **19-6-1104** is amended to read:

67 **19-6-1104. Applications for industrial byproduct reuse -- Approval by the director --**

Exemption of approved industrial byproducts.

73 (1) A person may submit to the director an application ~~[for reuse of an]~~ to reuse an industrial byproduct ~~from an inactive industrial site {f}~~, as defined in Section 17C-1-102] in a ~~{public}~~ project.

76 (2) The director shall respond to an application submitted under Subsection (1) within 60 days of the day on which the director determines the application is complete.

78 (3) The director shall approve an application submitted under Subsection (1) if the applicant shows:

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- (a) the industrial byproduct meets the ~~applicable~~ health risk standard applicable to commercial or industrial exposure;
- 81 (b) the industrial byproduct satisfies the applicable toxicity characteristic leaching procedure; and
- 83 (c) the proposed method of installation and type of reuse meet the applicable health risk standard.
- 85 (4) ~~{ Beginning on May 6, 2026, if }~~ If the director approves or has approved an application to reuse an industrial byproduct under Subsection (3):
- 87 (a) a person may ~~{ use }~~ reuse the industrial byproduct in any ~~{ public }~~ project; and
- 88 (b) ~~the { use } reuse of the industrial byproduct { in a public project }~~ is exempt from a requirement under this chapter to provide:
- 89 (i) ~~{ the requirements of this part }~~ a human health or ecological risk assessment or site management plan; and
- 90 (ii) ~~{ a requirement related to industrial byproduct reuse under this title }~~ an environmental covenant, as that term is defined in Section 57-25-102.

88 Section 3. **Repealer.**

This Bill Repeals:

89 This bill repeals:

90 Section **19-6-1101, Title.**

91 Section 4. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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