

Industrial Byproduct Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keith Grover

House Sponsor:

LONG TITLE**General Description:**

This bill addresses provisions related to industrial byproduct reuse.

Highlighted Provisions:

This bill:

- defines and modifies terms;
- 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 an application to reuse the industrial byproduct; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

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

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

REPEALS:

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

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

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

19-6-1102 . Definitions.

As used in this part:

- (1) "Board" means the Waste Management and Radiation Control Board created ~~[under]~~ in Section 19-1-106.
- (2) "Director" means the director of the Division of Waste Management and Radiation

31 Control.

32 (3) "Division" means the Division of Waste Management and Radiation Control created in
33 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
41 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
45 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.

49 (6) "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 (7) "Public project" means a project:

58 (a) by the Department of Transportation created in Section 72-1-201;

59 (b) by a county or municipality; or

60 (c) 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)]~~ (8) "Reuse" means to use an industrial byproduct in place of a raw material.

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

71 **19-6-1104 . Applications for industrial byproduct reuse -- Approval by the**
72 **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
74 byproduct from an inactive industrial site~~[-as defined in Section 17C-1-102]~~ in a public
75 project.

76 (2) The director shall respond to an application submitted under Subsection (1) within 60
77 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
79 shows:

80 (a) the industrial byproduct meets the applicable health risk standard;

81 (b) the industrial byproduct satisfies the applicable toxicity characteristic leaching
82 procedure; and

83 (c) the proposed method of installation and type of reuse meet the applicable health risk
84 standard.

85 (4) Beginning on May 6, 2026, if the director approves an application to reuse an industrial
86 byproduct under Subsection (3):

87 (a) a person may use the industrial byproduct in any public project; and

88 (b) the use of the industrial byproduct in a public project is exempt from:

89 (i) the requirements of this part; and

90 (ii) a requirement related to industrial byproduct reuse under this title.

91 Section 3. **Repealer.**

92 This bill repeals:

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

94 Section 4. **Effective Date.**

95 This bill takes effect on May 6, 2026.