

**Effective 5/9/2017**

**Superseded 7/1/2018**

**19-6-119 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).
  - (c) The owner or operator of a facility described in Subsection 19-6-102(3)(b)(iii) shall pay a fee of 13 cents per ton on all municipal waste received for disposal at the facility.
- (2)
- (a) Through December 31, 2018, and except as provided in Subsections (2)(c) and (4), a waste facility that is owned by a political subdivision shall pay the following annual facility fee to the department by January 15 of each year:
    - (i) \$800 if the facility receives 5,000 or more but fewer than 10,000 tons of municipal waste each year;
    - (ii) \$1,450 if the facility receives 10,000 or more but fewer than 20,000 tons of municipal waste each year;
    - (iii) \$3,850 if the facility receives 20,000 or more but fewer than 50,000 tons of municipal waste each year;
    - (iv) \$12,250 if the facility receives 50,000 or more but fewer than 100,000 tons of municipal waste each year;

- (v) \$14,700 if the facility receives 100,000 or more but fewer than 200,000 tons of municipal waste each year;
  - (vi) \$33,000 if the facility receives 200,000 or more but fewer than 500,000 tons of municipal waste each year; and
  - (vii) \$66,000 if the facility receives 500,000 or more tons of municipal waste each year.
- (b) The fee identified in Subsection (2)(a) for 2018 shall be paid by January 15, 2019.
  - (c) Through December 31, 2018, and except as provided in Subsection (4), a waste facility that is owned by a political subdivision shall pay \$2.50 per ton for:
    - (i) nonhazardous solid waste that is not a waste described in Subsection (1)(a)(i) or (ii) received for disposal if the waste is:
      - (A) generated outside the boundaries of the political subdivision; and
      - (B) received from a single generator and exceeds 500 tons in a calendar year; and
    - (ii) waste described in Subsection (1)(a)(iii)(B) received for disposal if the waste is:
      - (A) generated outside the boundaries of the political subdivision; and
      - (B) received from a single generator and exceeds 500 tons in a calendar year.
  - (d) Waste received at a facility owned by a political subdivision under Subsection (2)(c) may not be counted as part of the total tonnage received by the facility under Subsection (2)(a).
- (3)
- (a) As used in this Subsection (3):
    - (i) "Recycling center" means a facility that extracts valuable materials from a waste stream or transforms or remanufactures the material into a usable form that has demonstrated or potential market value.
    - (ii) "Transfer station" means a permanent, fixed, supplemental collection and transportation facility that is used to deposit collected solid waste from off-site into a transfer vehicle for transport to a solid waste handling or disposal facility.
  - (b) Through December 31, 2018, and except as provided in Subsection (4), the owner or operator of a transfer station or recycling center shall pay to the department the following fees on waste sent for disposal to a nonhazardous solid waste disposal or treatment facility that is not subject to a fee under this section:
    - (i) \$1.25 per ton on:
      - (A) all nonhazardous solid waste; and
      - (B) waste described in Subsection (1)(a)(iii)(B);
    - (ii) 10 cents per ton on all construction and demolition waste; and
    - (iii) 5 cents per ton on all municipal waste or municipal incinerator ash.
  - (c) Wastes subject to fees under Subsection (3)(b)(ii) or (iii) are not subject to the fee required under Subsection (3)(b)(i).
- (4) The owner or operator of a waste disposal facility that receives nonhazardous solid waste described in Subsection (1)(a)(iii)(B) is not required to pay any fee on those nonhazardous solid wastes if received solely for the purpose of recycling, reuse, or reprocessing.
- (5) Through December 31, 2018, and except as provided in Subsection (2)(a), a facility required to pay fees under this section shall:
- (a) calculate the fees by multiplying the total tonnage of nonhazardous solid waste received during the calendar month, computed to the first decimal place, by the required fee rate;
  - (b) pay the fees imposed by this section to the department by the 15th day of the month following the month in which the fees accrued; and
  - (c) with the fees required under Subsection (6)(b), submit to the department, on a form prescribed by the department, information that verifies the amount of nonhazardous solid waste received and the fees that the owner or operator is required to pay.

- (6)
  - (a) In accordance with Section 63J-1-504, on or before July 1, 2018, the department shall establish a fee schedule for the treatment, transfer, and disposal of all nonhazardous solid waste.
  - (b) The department shall, before establishing the fee schedule described in Subsection (6)(a), consult with industry and local government and complete a review of program costs and indirect costs of regulating nonhazardous solid waste in the state and use the findings of the review to create the fee schedule.
  - (c) The fee schedule described in Subsection (6)(a) shall:
    - (i) create an equitable and fair fee to be paid by all persons whose treatment, transfer, or disposal of nonhazardous solid waste creates a regulatory burden to the department, except as provided in Subsection (6)(d);
    - (ii) cover the fully burdened costs of the program and provide for reasonable and timely oversight by the department;
    - (iii) adequately meet the needs of industry, local government, and the department, including enabling the department to employ qualified personnel to appropriately oversee industry and local government regulation;
    - (iv) provide stable funding for the Environmental Quality Restricted Account created in Section 19-1-108; and
    - (v) give consideration to a fee differential regarding solid waste managed at a transfer facility, no greater than 50 percent of the fee set for the treatment or disposal of the same solid waste.
  - (d) Any person who treats, transfers, stores, or disposes of solid waste from the extraction, beneficiation, and processing of ores and minerals on a site owned, controlled, or operated by that person may not be charged a fee under this section for the treatment, transfer, storage, or disposal of solid waste from the extraction, beneficiation, and processing of ores and minerals that are generated:
    - (i) on-site by the person; or
    - (ii) by off-site sources owned, controlled, or operated by the person.
  - (e) The fees in the fee schedule established by Subsection (6)(a) shall take effect on January 1, 2019.
- (7) On and after January 1, 2019, a facility required to pay fees under this section shall:
  - (a) pay the fees imposed by this section to the department by the 15th day of the month following the quarter in which the fees accrued; and
  - (b) with the fees required under Subsection (7)(a), submit to the department, on a form prescribed by the department, information that verifies the amount of nonhazardous solid waste received and the fees that the owner or operator is required to pay.
- (8) In setting the fee schedule described in Subsection (6)(a), the department shall ensure that a party is not charged multiple fees for the same solid waste, except the department may charge a separate fee for a transfer station.
- (9) The department shall:
  - (a) deposit all fees received under this section into the Environmental Quality Restricted Account created in Section 19-1-108; and
  - (b) in preparing its budget for the governor and the Legislature, separately indicate the amount of the department's budget necessary to administer the solid and hazardous waste program established by this part.
- (10) The department may contract or agree with a county to assist in performing nonhazardous solid waste management activities, including agreements for:

- (a) the development of a solid waste management plan required under Section 17-15-23; and
  - (b) pass-through of available funding.
- (11) This section does not exempt any facility from applicable regulation under the Atomic Energy Act, 42 U.S.C. Sec. 2014 and 2021 through 2114.
- (12) The department shall report to the Natural Resources, Agriculture, and Environment Interim Committee by November 30, 2017, on the fee schedule described in Subsection (6)(a).