

**HAZARDOUS WASTE FEE ALLOCATION**

**AMENDMENTS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Ron Allen**

**This act modifies the Environmental Quality Code by increasing the percentage of facility hazardous waste fees allocated to the county where the facility is sited from 10% to 25%.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**19-6-118**, as last amended by Chapter 380, Laws of Utah 1997

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

Section 1. Section **19-6-118** is amended to read:

**19-6-118. Hazardous waste and treated hazardous waste disposal fees.**

(1) (a) An owner or operator of any commercial hazardous waste or mixed waste disposal or treatment facility that primarily receives hazardous or mixed wastes generated by off-site sources not owned, controlled, or operated by the facility or site owner or operator, and that is subject to the requirements of Section 19-6-108, shall collect the fee under Subsection (2) from the generator.

(b) The owner or operator of each cement kiln, aggregate kiln, boiler, blender, or industrial furnace that receives for burning hazardous waste generated by off-site sources not owned, controlled, or operated by the owner or operator is subject to the fee under Subsection (2).

(2) (a) The owner or operator of each facility under Subsection (1) shall collect from the generators of hazardous waste and mixed waste a fee of \$28 per ton or fraction of a ton on all hazardous waste and mixed waste received at the facility or site for disposal, treatment, or both.

(b) When hazardous waste or mixed waste is received at a facility for treatment or disposal and the fee required under this Subsection (2) is paid for that treatment or disposal, any subsequent treatment or disposal of the waste is not subject to additional fees under this Subsection (2).



28 (c) hazardous waste received at a land disposal facility is subject to a fee of \$14 per ton  
29 or fraction of a ton, rather than the \$28 fee under Subsection (2)(a), if the waste is treated so that  
30 it:

31 (i) meets the state treatment standards required for land disposal at the facility; or

32 (ii) is no longer a hazardous waste at the time of disposal at that facility.

33 (d) (i) The department shall allocate at least [~~10%~~] 25% of the fees received from a facility  
34 under this section to the county in which the facility is located.

35 (ii) The county may use fees allocated under Subsection (2)(c) to carry out its hazardous  
36 waste monitoring and response programs.

37 (e) The department shall deposit the state portion of the fees received under this section  
38 into the restricted account created in Section 19-1-108.

39 (3) (a) The owner or operator shall pay the fees imposed under Subsection (1) to the  
40 department on or before the 15th day of the month following the month in which the fee accrued.

41 (b) With the monthly fee, the owner or operator shall submit a completed form, as  
42 prescribed by the department, specifying information required by the department to verify the  
43 amount of waste received and the fee amount for which the owner or operator is liable.

44 (4) The department shall oversee and monitor hazardous waste treatment, disposal, and  
45 incineration facilities, including federal government facilities located within the state. The  
46 department may determine facility oversight priorities.

47 (5) (a) The department, in preparing its budget for the governor and the Legislature, shall  
48 separately indicate the amount necessary to administer the hazardous waste program established  
49 by this part.

50 (b) The Legislature shall appropriate the costs of administering this program.

51 (6) The Office of Legislative Fiscal Analyst shall monitor the fees collected under this part.

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**Legislative Review Note**

**as of 2-8-01 9:24 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**