

**WASTE FEE AMENDMENTS**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: Bill Wright**

**This act modifies the Environmental Quality Code by requiring that commercial waste facilities that receive only construction and demolition waste § AND FACILITIES SOLELY UNDER CONTRACT WITH A POLITICAL SUBDIVISION TO RECEIVE MUNICIPAL WASTE § shall pay a fee of 50 cents**

~~per ton. § [THIS ACT IMPOSES AN ANNUAL FACILITY FEE ON ANY MUNICIPAL WASTE FACILITY OPERATED BY A POLITICAL SUBDIVISION PRIMARILY TO RECEIVE ITS OWN MUNICIPAL WASTE.] §~~

~~§ [This act also amends related language to specify that a facility that contracts with local governments to receive household waste is considered to be a commercial waste facility § AND THAT THESE FACILITIES, IF THEY ACCEPT SOLELY MUNICIPAL WASTE, ARE NOT SUBJECT TO GUBERNATORIAL AND LEGISLATIVE APPROVAL OF OPERATION PLANS §. This act provides that an application for a commercial nonhazardous waste facility operation plan does not need to obtain legislative or gubernatorial approval if the application was submitted on or after January 1, 2002, and prior to January 1, 2003.] §~~

**This act has an effective date of July 1, 2003.**

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

AMENDS:

**19-6-102**, as last amended by Chapter 353, Laws of Utah 1998

**19-6-108**, as last amended by Chapter 13, Laws of Utah 1998

**19-6-119**, as last amended by Chapter 193, Laws of Utah 1997

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

Section 1. Section **19-6-102** is amended to read:

**19-6-102. Definitions.**

As used in this part:

(1) "Board" means the Solid and Hazardous Waste Control Board created in Section 19-1-106.

(2) "Closure plan" means a plan under Section 19-6-108 to close a facility or site at which the owner or operator has disposed of nonhazardous solid waste or has treated, stored, or disposed of hazardous waste including, if applicable, a plan to provide postclosure care at the facility or site.



28 (3) (a) "Commercial nonhazardous solid waste treatment, storage, or disposal facility"  
29 means a facility that receives, for profit, nonhazardous solid waste for treatment, storage, or  
30 disposal.

31 (b) "Commercial nonhazardous solid waste treatment, storage, or disposal facility"  
32 does not include a facility that:

33 (i) receives waste for recycling; § [or] §

34 (ii) receives waste to be used as fuel, in compliance with federal and state  
35 requirements § [f] ; or [f] [e]

36 [f] (iii) is solely under contract with a local government within the state to dispose of  
37 nonhazardous solid waste generated within the boundaries of the local government. [f] §

38 (4) "Construction waste or demolition waste":

39 (a) means waste from building materials, packaging, and rubble resulting from  
40 construction, demolition, remodeling, and repair of pavements, houses, commercial buildings,  
41 and other structures, and from road building and land clearing; and

42 (b) does not include: asbestos; contaminated soils or tanks resulting from remediation  
43 or cleanup at any release or spill; waste paints; solvents; sealers; adhesives; or similar  
44 hazardous or potentially hazardous materials.

45 (5) "Demolition waste" has the same meaning as the definition of construction waste in  
46 this section.

47 (6) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or  
48 placing of any solid or hazardous waste into or on any land or water so that the waste or any  
49 constituent of the waste may enter the environment, be emitted into the air, or discharged into  
50 any waters, including groundwaters.

51 (7) "Executive secretary" means the executive secretary of the board.

52 (8) "Generation" or "generated" means the act or process of producing nonhazardous  
53 solid or hazardous waste.

54 (9) "Hazardous waste" means a solid waste or combination of solid wastes other than  
55 household waste which, because of its quantity, concentration, or physical, chemical, or  
56 infectious characteristics may cause or significantly contribute to an increase in mortality or an  
57 increase in serious irreversible or incapacitating reversible illness or may pose a substantial  
58 present or potential hazard to human health or the environment when improperly treated,

59 stored, transported, disposed of, or otherwise managed.

60 (10) "Health facility" means hospitals, psychiatric hospitals, home health agencies,  
61 hospices, skilled nursing facilities, intermediate care facilities, intermediate care facilities for  
62 the mentally retarded, residential health care facilities, maternity homes or birthing centers, free  
63 standing ambulatory surgical centers, facilities owned or operated by health maintenance  
64 organizations, and state renal disease treatment centers including free standing hemodialysis  
65 units, the offices of private physicians and dentists whether for individual or private practice,  
66 veterinary clinics, and mortuaries.

67 (11) "Household waste" means any waste material, including garbage, trash, and  
68 sanitary wastes in septic tanks, derived from households, including single-family and  
69 multiple-family residences, hotels and motels, bunk houses, ranger stations, crew quarters,  
70 campgrounds, picnic grounds, and day-use recreation areas.

71 (12) "Infectious waste" means a solid waste that contains or may reasonably be  
72 expected to contain pathogens of sufficient virulence and quantity that exposure to the waste by  
73 a susceptible host could result in an infectious disease.

74 (13) "Manifest" means the form used for identifying the quantity, composition, origin,  
75 routing, and destination of hazardous waste during its transportation from the point of  
76 generation to the point of disposal, treatment, or storage.

77 (14) "Mixed waste" means any material that is a hazardous waste as defined in this  
78 chapter and is also radioactive as defined in Section 19-3-102.

79 (15) "Modification plan" means a plan under Section 19-6-108 to modify a facility or  
80 site for the purpose of disposing of nonhazardous solid waste or treating, storing, or disposing  
81 of hazardous waste.

82 (16) "Operation plan" or "nonhazardous solid or hazardous waste operation plan"  
83 means a plan under Section 19-6-108 to own, construct, or operate a facility or site for the  
84 purpose of disposing of nonhazardous solid waste or treating, storing, or disposing of  
85 hazardous waste.

86 (17) (a) "Solid waste" means any garbage, refuse, sludge, including sludge from a  
87 waste treatment plant, water supply treatment plant, or air pollution control facility, or other  
88 discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting  
89 from industrial, commercial, mining, or agricultural operations and from community activities

90 but does not include solid or dissolved materials in domestic sewage or in irrigation return  
91 flows or discharges for which a permit is required under Title 19, Chapter 5, Water Quality  
92 Act, or under the Water Pollution Control Act, 33 U.S.C., Section 1251, et seq.

93 (b) "Solid waste" does not include any of the following wastes unless the waste causes  
94 a public nuisance or public health hazard or is otherwise determined to be a hazardous waste:

95 (i) certain large volume wastes, such as inert construction debris used as fill material;

96 (ii) drilling muds, produced waters, and other wastes associated with the exploration,  
97 development, or production of oil, gas, or geothermal energy;

98 (iii) fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste  
99 generated primarily from the combustion of coal or other fossil fuels;

100 (iv) solid wastes from the extraction, beneficiation, and processing of ores and  
101 minerals; or

102 (v) cement kiln dust.

103 (18) "Storage" means the actual or intended containment of solid or hazardous waste  
104 either on a temporary basis or for a period of years in such a manner as not to constitute  
105 disposal of the waste.

106 (19) "Transportation" means the off-site movement of solid or hazardous waste to any  
107 intermediate point or to any point of storage, treatment, or disposal.

108 (20) "Treatment" means a method, technique, or process designed to change the  
109 physical, chemical, or biological character or composition of any solid or hazardous waste so as  
110 to neutralize the waste or render the waste nonhazardous, safer for transport, amenable for  
111 recovery, amenable to storage, or reduced in volume.

112 (21) "Underground storage tank" means a tank which is regulated under Subtitle I of  
113 the Resource Conservation and Recovery Act, 42 U.S.C., Section 6991, et seq.

114 Section 2. Section **19-6-108** is amended to read:

115 **19-6-108. New nonhazardous solid or hazardous waste operation plans for**  
116 **facility or site -- Administrative and legislative approval required -- Exemptions from**  
117 **legislative and gubernatorial approval -- Time periods for review -- Information required**  
118 **-- Other conditions -- Revocation of approval -- Periodic review.**

119 (1) For purposes of this section, the following items shall be treated as submission of a  
120 new operation plan:

121 (a) the submission of a revised operation plan specifying a different geographic site  
122 than a previously submitted plan;

123 (b) an application for modification of a commercial hazardous waste incinerator if the  
124 construction or the modification would increase the hazardous waste incinerator capacity  
125 above the capacity specified in the operation plan as of January 1, 1990, or the capacity  
126 specified in the operation plan application as of January 1, 1990, if no operation plan approval  
127 has been issued as of January 1, 1990;

128 (c) an application for modification of a commercial nonhazardous solid waste  
129 incinerator if the construction of the modification would cost 50% or more of the cost of  
130 construction of the original incinerator or the modification would result in an increase in the  
131 capacity or throughput of the incinerator of a cumulative total of 50% above the total capacity  
132 or throughput that was approved in the operation plan as of January 1, 1990, or the initial  
133 approved operation plan if the initial approval is subsequent to January 1, 1990; or

134 (d) an application for modification of a commercial nonhazardous solid or hazardous  
135 waste treatment, storage, or disposal facility, other than an incinerator, if the modification  
136 would be outside the boundaries of the property owned or controlled by the applicant, as shown  
137 in the application or approved operation plan as of January 1, 1990, or the initial approved  
138 operation plan if the initial approval is subsequent to January 1, 1990.

139 (2) Capacity under Subsection (1)(b) shall be calculated based on the throughput  
140 tonnage specified for the trial burn in the operation plan or the operation plan application if no  
141 operation plan approval has been issued as of January 1, 1990, and on annual operations of  
142 7,000 hours.

143 (3) (a) No person may own, construct, modify, or operate any facility or site for the  
144 purpose of disposing of nonhazardous solid waste or treating, storing, or disposing of  
145 hazardous waste without first submitting and receiving the approval of the executive secretary  
146 for a nonhazardous solid or hazardous waste operation plan for that facility or site.

147 (b) (i) Except for facilities that receive the following wastes solely for the purpose of  
148 recycling, reuse, or reprocessing, no person may own, construct, modify, or operate any  
149 commercial facility that accepts for treatment or disposal, with the intent to make a profit, any  
150 of the wastes listed in Subsection (3)(b)(ii) without first submitting a request to and receiving  
151 the approval of the executive secretary for an operation plan for that facility site.

152 (ii) Wastes referred to in Subsection (3)(b)(i) are:

153 (A) fly ash waste, bottom ash waste, slag waste, or flue gas emission control waste  
154 generated primarily from the combustion of coal or other fossil fuels;

155 (B) wastes from the extraction, beneficiation, and processing of ores and minerals; or

156 (C) cement kiln dust wastes.

157 (c) (i) No person may construct any facility listed under Subsection (3)(c)(ii) until he  
158 receives, in addition to local government approval and subsequent to the approval required in  
159 Subsection (3)(a), approval by the governor and the Legislature.

160 (ii) Facilities referred to in Subsection (3)(c)(i) are:

161 (A) commercial nonhazardous solid or hazardous waste treatment or disposal facilities;  
162 and

163 (B) except for facilities that receive the following wastes solely for the purpose of  
164 recycling, reuse, or reprocessing, any commercial facility that accepts for treatment or disposal,  
165 with the intent to make a profit: fly ash waste, bottom ash waste, slag waste, or flue gas  
166 emission control waste generated primarily from the combustion of coal or other fossil fuels;  
167 wastes from the extraction, beneficiation, and processing of ores and minerals; or cement kiln  
168 dust wastes.

169 (d) No person need obtain gubernatorial or legislative approval for the construction of  
170 a hazardous waste facility for which an operating plan has been approved by or submitted for  
171 approval to the executive secretary under this section before April 24, 1989, and which has  
172 been determined, on or before December 31, 1990, by the executive secretary to be complete,  
173 in accordance with state and federal requirements for operating plans for hazardous waste  
174 facilities even if a different geographic site is subsequently submitted.

175 (e) No person need obtain gubernatorial and legislative approval for the construction of  
176 a commercial nonhazardous solid waste disposal facility § [e]

177 ~~§ [f]~~ § for which an operation plan has been approved by or submitted for approval to the  
178 executive secretary under this section on or before January 1, 1990, and which, on or before  
179 December 31, 1990, the executive secretary determines to be complete, in accordance with  
180 state and federal requirements applicable to operation plans for nonhazardous solid waste  
181 facilities § [f] . [g] [~~or~~]

182 ~~[(ii) for which an operation plan was submitted to the executive secretary in accordance]~~ §

183 § ~~[with this section on or after January 1, 2002, and before January 1, 2003.]~~ §

184 (f) Any person owning or operating a facility or site on or before November 19, 1980,  
185 who has given timely notification as required by Section 3010 of the Resource Conservation  
186 and Recovery Act of 1976, 42 U.S.C. Section 6921, et seq., and who has submitted a proposed  
187 hazardous waste plan under this section for that facility or site, may continue to operate that  
188 facility or site without violating this section until the plan is approved or disapproved under  
189 this section.

190 (g) (i) The executive secretary shall suspend acceptance of further applications for a  
191 commercial nonhazardous solid or hazardous waste facility upon a finding that he cannot  
192 adequately oversee existing and additional facilities for permit compliance, monitoring, and  
193 enforcement.

194 (ii) The executive secretary shall report any suspension to the Natural Resources,  
195 Agriculture, and Environment Interim Committee.

196 (4) The executive secretary shall review each proposed nonhazardous solid or  
197 hazardous waste operation plan to determine whether that plan complies with the provisions of  
198 this part and the applicable rules of the board.

199 (5) (a) If the facility is a class I or class II facility, the executive secretary shall approve  
200 or disapprove that plan within 270 days from the date it is submitted.

201 (b) Within 60 days after receipt of the plans, specifications, or other information  
202 required by this section for a class I or II facility, the executive secretary shall determine  
203 whether the plan is complete and contains all information necessary to process the plan for  
204 approval.

205 (c) (i) If the plan for a class I or II facility is determined to be complete, the executive  
206 secretary shall issue a notice of completeness.

207 (ii) If the plan is determined by the executive secretary to be incomplete, he shall issue  
208 a notice of deficiency, listing the additional information to be provided by the owner or  
209 operator to complete the plan.

210 (d) The executive secretary shall review information submitted in response to a notice  
211 of deficiency within 30 days after receipt.

212 (e) The following time periods may not be included in the 270 day plan review period  
213 for a class I or II facility:

214 (i) time awaiting response from the owner or operator to requests for information  
215 issued by the executive secretary;

216 (ii) time required for public participation and hearings for issuance of plan approvals;  
217 and

218 (iii) time for review of the permit by other federal or state government agencies.

219 (6) (a) If the facility is a class III or class IV facility, the executive secretary shall  
220 approve or disapprove that plan within 365 days from the date it is submitted.

221 (b) The following time periods may not be included in the 365 day review period:

222 (i) time awaiting response from the owner or operator to requests for information  
223 issued by the executive secretary;

224 (ii) time required for public participation and hearings for issuance of plan approvals;  
225 and

226 (iii) time for review of the permit by other federal or state government agencies.

227 (7) If, within 365 days after receipt of a modification plan or closure plan for any  
228 facility, the executive secretary determines that the proposed plan, or any part of it, will not  
229 comply with applicable rules, the executive secretary shall issue an order prohibiting any action  
230 under the proposed plan for modification or closure in whole or in part.

231 (8) Any person who owns or operates a facility or site required to have an approved  
232 hazardous waste operation plan under this section and who has pending a permit application  
233 before the United States Environmental Protection Agency shall be treated as having an  
234 approved plan until final administrative disposition of the permit application is made under this  
235 section, unless the board determines that final administrative disposition of the application has  
236 not been made because of the failure of the owner or operator to furnish any information  
237 requested, or the facility's interim status has terminated under Section 3005 (e) of the Resource  
238 Conservation and Recovery Act, 42 U.S.C. Section 6925 (e).

239 (9) No proposed nonhazardous solid or hazardous waste operation plan may be  
240 approved unless it contains the information that the board requires, including:

241 (a) estimates of the composition, quantities, and concentrations of any hazardous waste  
242 identified under this part and the proposed treatment, storage, or disposal of it;

243 (b) evidence that the disposal of nonhazardous solid waste or treatment, storage, or  
244 disposal of hazardous waste will not be done in a manner that may cause or significantly



245 contribute to an increase in mortality, an increase in serious irreversible or incapacitating  
246 reversible illness, or pose a substantial present or potential hazard to human health or the  
247 environment;

248 (c) consistent with the degree and duration of risks associated with the disposal of  
249 nonhazardous solid waste or treatment, storage, or disposal of specified hazardous waste,  
250 evidence of financial responsibility in whatever form and amount that the executive secretary  
251 determines is necessary to insure continuity of operation and that upon abandonment, cessation,  
252 or interruption of the operation of the facility or site, all reasonable measures consistent with  
253 the available knowledge will be taken to insure that the waste subsequent to being treated,  
254 stored, or disposed of at the site or facility will not present a hazard to the public or the  
255 environment;

256 (d) evidence that the personnel employed at the facility or site have education and  
257 training for the safe and adequate handling of nonhazardous solid or hazardous waste;

258 (e) plans, specifications, and other information that the executive secretary considers  
259 relevant to determine whether the proposed nonhazardous solid or hazardous waste operation  
260 plan will comply with this part and the rules of the board; and

261 (f) compliance schedules, where applicable, including schedules for corrective action  
262 or other response measures for releases from any solid waste management unit at the facility,  
263 regardless of the time the waste was placed in the unit.

264 (10) The executive secretary may not approve a commercial nonhazardous solid or  
265 hazardous waste operation plan that meets the requirements of Subsection (9) unless it contains  
266 the information required by the board, including:

267 (a) evidence that the proposed commercial facility has a proven market of  
268 nonhazardous solid or hazardous waste, including:

269 (i) information on the source, quantity, and price charged for treating, storing, and  
270 disposing of potential nonhazardous solid or hazardous waste in the state and regionally;

271 (ii) a market analysis of the need for a commercial facility given existing and potential  
272 generation of nonhazardous solid or hazardous waste in the state and regionally; and

273 (iii) a review of other existing and proposed commercial nonhazardous solid or  
274 hazardous waste facilities regionally and nationally that would compete for the treatment,  
275 storage, or disposal of the nonhazardous solid or hazardous waste;

276 (b) a description of the public benefits of the proposed facility, including:  
277 (i) the need in the state for the additional capacity for the management of nonhazardous  
278 solid or hazardous waste;  
279 (ii) the energy and resources recoverable by the proposed facility;  
280 (iii) the reduction of nonhazardous solid or hazardous waste management methods,  
281 which are less suitable for the environment, that would be made possible by the proposed  
282 facility; and  
283 (iv) whether any other available site or method for the management of hazardous waste  
284 would be less detrimental to the public health or safety or to the quality of the environment;  
285 and  
286 (c) compliance history of an owner or operator of a proposed commercial  
287 nonhazardous solid or hazardous waste treatment, storage, or disposal facility, which may be  
288 applied by the executive secretary in a nonhazardous solid or hazardous waste operation plan  
289 decision, including any plan conditions.

290 (11) The executive secretary may not approve a commercial nonhazardous solid or  
291 hazardous waste facility operation plan unless based on the application, and in addition to the  
292 determination required in Subsections (9) and (10), the executive secretary determines that:  
293 (a) the probable beneficial environmental effect of the facility to the state outweighs  
294 the probable adverse environmental effect; and  
295 (b) there is a need for the facility to serve industry within the state.

296 (12) Approval of a nonhazardous solid or hazardous waste operation plan may be  
297 revoked, in whole or in part, if the person to whom approval of the plan has been given fails to  
298 comply with that plan.

299 (13) The executive secretary shall review all approved nonhazardous solid and  
300 hazardous waste operation plans at least once every five years.

301 (14) The provisions of Subsections (10) and (11) do not apply to hazardous waste  
302 facilities in existence or to applications filed or pending in the department prior to April 24,  
303 1989, that are determined by the executive secretary on or before December 31, 1990, to be  
304 complete, in accordance with state and federal requirements applicable to operation plans for  
305 hazardous waste facilities.

306 (15) The provisions of Subsections (9), (10), and (11) do not apply to a nonhazardous

307 solid waste facility in existence or to an application filed or pending in the department prior to  
308 January 1, 1990, that is determined by the executive secretary, on or before December 31,  
309 1990, to be complete in accordance with state and federal requirements applicable to operation  
310 plans for nonhazardous solid waste facilities.

311 (16) Nonhazardous solid waste generated outside of this state that is defined as  
312 hazardous waste in the state where it is generated and which is received for disposal in this  
313 state shall not be disposed of at a nonhazardous waste disposal facility owned and operated by  
314 local government or a facility under contract with a local government solely for disposal of  
315 nonhazardous solid waste generated within the boundaries of the local government, unless  
316 disposal is approved by the executive secretary.

317 (17) This section may not be construed to exempt any facility from applicable  
318 regulation under the federal Atomic Energy Act, 42 U.S.C. Sections 2014 and 2021 through  
319 2114.

320 Section 3. Section **19-6-119** is amended to read:

321 **19-6-119. Nonhazardous solid waste disposal fee.**

322 (1) (a) An owner or operator of any commercial nonhazardous solid waste disposal  
323 facility or incinerator, or any commercial facility, except for facilities that receive the following  
324 wastes solely for the purpose of recycling, reuse, or reprocessing, that accepts for treatment or  
325 disposal, and with the intent to make a profit, fly ash waste, bottom ash waste, slag waste, or  
326 flue gas emission control waste generated primarily from the combustion of coal or other fossil  
327 fuels; waste from the extraction, beneficiation, and processing of ores and minerals, or cement  
328 kiln dust wastes for treatment or disposal, that is required to have a plan approval under  
329 Section 19-6-108, and that primarily receives waste generated by off-site sources not owned,  
330 controlled, or operated by the facility or site owner or operator, shall pay the following fees per  
331 ton or fraction of a ton, on all nonhazardous solid waste that is received at the facility or site for  
332 disposal:

333 (i) on and after July 1, 1992, through June 30, 1993, a fee of \$1.50 per ton or fraction  
334 of a ton on all nonhazardous solid waste received at the facility or site for disposal or treatment;

335 (ii) on and after July 1, 1993, through June 30, 1994, a fee of \$2.00 per ton or fraction  
336 of a ton on all nonhazardous solid waste received at the facility or site for disposal or treatment;  
337 and

338 (iii) on and after July 1, 1994, a fee of \$2.50 per ton or fraction of a ton on all  
339 nonhazardous solid waste received at the facility or site for disposal or treatment.

340 (b) When nonhazardous solid waste, fly ash waste, bottom ash waste, slag waste, or  
341 flue gas emission control waste generated primarily from the combustion of coal or other fossil  
342 fuels; waste from the extraction, beneficiation, and processing of ores and minerals, or cement  
343 kiln dust wastes, is received at a facility for treatment or disposal and the fee required under  
344 Subsection (1)(a) is paid for that treatment or disposal, any subsequent treatment or disposal of  
345 the waste is not subject to additional fees under Subsection (1)(a).

346 (c) ~~§ [An]~~ **(i) ON AND AFTER JANUARY 1, 2004, AN** § owner or operator of any commercial  
346a nonhazardous solid waste disposal facility

347 that receives only construction and demolition waste ~~§ [or that receives municipal waste is not]~~ **SHALL**

348 ~~[required to]~~ § pay ~~§ [the] A~~ § fee ~~§ [under Subsection (1)(a)]~~ **OF 50 CENTS PER TON, OR**

348a **FRACTION OF A TON,** § on any construction and demolition waste ~~§ [or]~~

349 ~~[municipal waste]~~ § received at the facility or site for disposal ~~§ [f] . [(2)]~~

349a **(ii) An owner or operator of any**

**350 commercial nonhazardous solid waste disposal facility that receives municipal waste, including**

**351 municipal incinerator ash** ~~[ § , is not required to pay the fee required by Subsection (1)]~~ ~~§ [but]~~ § shall

352 pay a fee of 50 cents per ton, or fraction of a ton, on all ~~§ [construction and demolition waste and~~

**353 all]** § municipal waste, including municipal incinerator ash, that is received at the facility or site

354 for disposal.

354a **§ (iii) ON AND AFTER JANUARY 1, 2004, THE OWNER OR OPERATOR OF ANY FACILITY UNDER**

354b **SUBSECTION 19-6-102(3)(a)(iii) SHALL PAY A FEE OF 50 CENTS PER TON, OR FRACTION OF A TON,**

354c **ON ALL MUNICIPAL WASTE RECEIVED AT THE FACILITY OR SITE FOR DISPOSAL.**

354d **(d) FACILITIES SUBJECT TO THE FEE UNDER SUBSECTIONS (1)(c)(i), (ii), AND (iii) ARE NOT**

354e **SUBJECT TO THE FEE UNDER SUBSECTION (1)(a). §**

355 ~~[(3)]~~ (2) (a) The owner or operator of a commercial nonhazardous solid waste disposal

356 facility or incinerator shall pay to the department all fees imposed under this section on or

357 before the 15th day of the month following the month in which the fee accrued.

358 (b) With the monthly fee, the owner or operator shall submit a completed form, as

359 prescribed by the department, specifying information required by the department to verify the

360 amount of waste received and the fee amount for which the owner or operator is liable.

361 (c) The department shall deposit all fees received under this section into the restricted

362 account created in Section 19-1-108.

363 ~~[(4)]~~ (3) (a) The department, in preparing its budget for the governor and the

364 Legislature, shall separately indicate the amount necessary to administer the solid waste

365 program established by this part.

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

367 (c) The department may contract or agree with a county to assist in performing

368 nonhazardous solid waste management activities, including agreements for:

369 (i) the development of a solid waste management plan required under Section  
370 17-15-23; and

371 (ii) pass-through of available funding.

372 [~~(5)~~] (4) This section may not be construed to exempt any facility from applicable  
373 regulation under the federal Atomic Energy Act, 42 U.S.C. Sections 2014 and 2021 through  
374 2114.

374a ~~h~~ ~~[§ (5)(a) — EACH WASTE FACILITY THAT IS OWNED BY A POLITICAL SUBDIVISION AND~~  
374b ~~OPERATED PRIMARILY FOR THE PURPOSE OF RECEIVING WASTE GENERATED WITHIN THAT~~  
374c ~~POLITICAL SUBDIVISION SHALL PAY AN ANNUAL FACILITY FEE. THE FEE SHALL BE PAID TO THE~~  
374d ~~DEPARTMENT ON OR BEFORE JANUARY 15 OF EACH YEAR. THE FEE IS:~~

374e ~~—— (i) \$800 IF THE FACILITY RECEIVES 5,000 OR MORE BUT FEWER THAN 10,000 TONS OF~~  
374f ~~MUNICIPAL WASTE EACH YEAR;~~

374g ~~—— AND~~

374h ~~—— (ii) \$1,450 IF THE FACILITY RECEIVES 10,000 OR MORE BUT FEWER THAN 20,000 TONS OF~~  
374i ~~MUNICIPAL WASTE EACH YEAR;~~

374j ~~—— (iii) \$3,850 IF THE FACILITY RECEIVES 20,000 OR MORE BUT FEWER THAN 50,000 TONS OF~~  
374k ~~MUNICIPAL WASTE EACH YEAR;~~

374l ~~—— (iv) \$12,250 IF THE FACILITY RECEIVES 50,000 OR MORE BUT FEWER THAN 100,000 TONS~~  
374m ~~OF MUNICIPAL WASTE EACH YEAR;~~

374n ~~—— (v) \$14,700 IF THE FACILITY RECEIVES 100,000 OR MORE BUT FEWER THAN 200,000 TONS~~  
374o ~~OF MUNICIPAL WASTE EACH YEAR;~~

374p ~~—— (vi) \$33,000 IF THE FACILITY RECEIVES 200,000 OR MORE BUT FEWER THAN 500,000 TONS~~  
374q ~~OF MUNICIPAL WASTE EACH YEAR; AND~~

374r ~~—— (vii) \$66,000 IF THE FACILITY RECEIVES 500,000 OR MORE TONS OF MUNICIPAL WASTE~~  
374s ~~EACH YEAR.~~

374t ~~—— (b) THE DEPARTMENT SHALL DEPOSIT ALL FEES RECEIVED UNDER THIS SUBSECTION (5)~~  
374u ~~INTO THE ENVIRONMENTAL QUALITY RESTRICTED ACCOUNT CREATED IN SECTION 19-1-108.~~

374v ~~—— (c) MUNICIPAL WASTE SUBJECT TO THE FACILITY FEE UNDER THIS SUBSECTION (5) IS~~  
374w ~~NOT SUBJECT TO THE FEE UNDER SUBSECTION 9-16-119(1)(c)§] h~~

375 Section 4. Effective date.

376 This act takes effect on July 1, 2003.

### Legislative Review Note

as of 12-20-02 12:58 PM

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

Office of Legislative Research and General Counsel

**State Impact**

Provisions of this bill imposes a fee on commercial landfills. It is estimated that the 50 cent per ton fee will annually generate \$530,000, beginning in FY 2004. Those funds will be deposited into the General Fund Restricted - Environmental Quality Account.

	<u>FY 04 Approp.</u>	<u>FY 05 Approp.</u>	<u>FY 04 Revenue</u>	<u>FY 05 Revenue</u>
GF Restricted	\$0	\$0	\$530,000	\$530,000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$530,000</b>	<b>\$530,000</b>

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**Individual and Business Impact**

Individuals and businesses that deposit waste into commercial landfills will pay a portion of \$530,000 based on how much waste they generate.

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**Office of the Legislative Fiscal Analyst**