

1 **WASTE FEES AMENDMENTS**

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Stephen H. Urquhart**

5

LONG TITLE

6 **General Description:**

7 This bill reduces the nonhazardous waste disposal fee under the Environmental Quality
8 Code, and applies the fee to all nonhazardous waste facilities, both commercial and
9 noncommercial ~~to~~ **and clarifies that waste to be recycled is not subject to this fee** ~~to~~ . This
10 bill reduces the disposal fee on construction and demolition
11 waste. This bill also reduces the disposal fee on municipal waste and provides a flat fee
12 for small municipal waste facilities. This bill allows collection of specified fees
12a at a ~~facility's~~ **facility's**
13 collection or transfer point.

14 **Highlighted Provisions:**

15 This bill:

16 ~~to~~ ~~changes the commercial~~ **applies a** ~~to~~ nonhazardous solid waste disposal fee
16a ~~to~~ ~~from \$2.50 to \$1.50~~ **of \$2.50 to all municipal and commercial waste facilities and exempts**
16b **waste to be recycled** ~~to~~ ;

17 ~~to~~ ~~changes the construction and demolition waste disposal fee from 50 cents~~
17a ~~to~~ ~~30~~ **40** ~~to~~

18 cents ~~to~~ ~~and applies the fee to both commercial and noncommercial facilities~~ **on all commercial**
18a **facilities that receive only construction and demolition waste** ~~to~~ ;

19 ~~to~~ ~~changes the municipal waste disposal fee from 50 cents to~~ ~~30~~ ~~20~~ **19** ~~to~~ cents
19a and applies the
20 fee to both commercial and noncommercial facilities;

21 ~~to~~ ~~allows the state to collect fees~~ ~~from the operator of a collection or transfer facility~~
21a **at a facility's collection or transfer point** ~~to~~



22 within the state ~~to~~ [;] ~~from~~ from which the waste is sent to an unregulated facility, and states
23 the fees that apply ~~to~~ , **and also states that waste to be recycled is not subject to the fee** ~~to~~ ;
24 ▶ deletes the tiered disposal fees regarding waste facilities owned by political
25 subdivisions and receiving waste from the political subdivisions, except that a flat
26 fee of \$800 is imposed on facilities receiving fewer than 10,000 tons of municipal
27 waste per year and this fee is in lieu of other specified fees; and

28 ▶ provides that these political subdivision municipal waste facilities receiving 10,000
29 tons or more per year are subject to the fee of ~~Ĥ~~→ [30] 20 ←~~Ĥ~~ cents per ton.

30 **Monies Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill provides a severability clause.

34 This bill takes effect on July 1, 2005.

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **19-6-119**, as last amended by Chapter 311, Laws of Utah 2003

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

40 Section 1. Section **19-6-119** is amended to read:

41 **19-6-119. Nonhazardous solid waste disposal fee.**

42 (1) (a) An owner or operator of any [~~commercial~~] nonhazardous solid waste disposal
43 facility or incinerator, or ~~Ĥ~~→ the owner or operator of ←~~Ĥ~~ any commercial facility, except for
43a facilities that receive the following

44 wastes solely for the purpose of recycling, reuse, or reprocessing, that accepts for treatment or
45 disposal[~~, and with the intent to make a profit,~~] fly ash waste, bottom ash waste, slag waste, or
46 flue gas emission control waste generated primarily from the combustion of coal or other fossil
47 fuels; waste from the extraction, beneficiation, and processing of ores and minerals, or cement
48 kiln dust wastes for treatment or disposal, that is required to have a plan approval under
49 Section 19-6-108, and that primarily receives waste generated by off-site sources not owned,
50 controlled, or operated by the facility or site owner or operator, shall pay the following fees per
51 ton ~~Ĥ~~→ [~~or fraction of a ton,~~] ←~~Ĥ~~ on all nonhazardous solid waste that is received at the
51a facility or site for

52 disposal:

53 (i) on and after July 1, 1992, through June 30, 1993, a fee of \$1.50 per ton ~~Ĥ~~→ [~~or fraction~~
54 ~~of a ton~~] ←~~Ĥ~~ on all nonhazardous solid waste received at the facility or site for disposal or
54a treatment;

55 (ii) on and after July 1, 1993, through June 30, 1994, a fee of \$2.00 per ton ~~Ĥ~~→ [~~or fraction~~
56 ~~of a ton~~] ←~~Ĥ~~ on all nonhazardous solid waste received at the facility or site for disposal or
56a treatment;

57 [and]

58 (iii) on and after July 1, 1994, ~~Ĥ~~→ through June 30, 2005, ←~~Ĥ~~ a fee of \$2.50 per ton ~~Ĥ~~→
58a [~~or fraction of a ton~~] ←~~Ĥ~~ on all

59 nonhazardous solid waste received at the facility or site for disposal or treatment[-]; and
 60 (iv) on and after July 1, 2005, a fee of ~~H→~~ [\$1.50] \$2.50 ~~←H~~ per ton ~~H→~~ [~~or fraction~~
 60a ~~of a ton]~~ ~~←H~~ on all

61 nonhazardous solid waste received at ~~H→~~ [the facility or site] any nonhazardous waste disposal
 61a facility or incinerator, whether the facility is commercial or noncommercial, ~~←H~~ for disposal
 61b or treatment ~~H→~~ , except that the fee does not apply to waste that is to be recycled ~~←H~~ .

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

68 (c) (i) On and after January 1, 2004, ~~H→~~ through June 30, 2005 ~~←H~~ an owner or operator
 68a of any [~~commercial~~]
 69 nonhazardous solid waste disposal facility that receives only construction and demolition waste
 70 shall pay a fee of ~~H→~~ [~~f~~] 50 [~~]~~ [~~30~~] ~~←H~~ cents per ton ~~H→~~ [~~, or fraction of a ton,]~~ ~~←H~~ on any
 70a construction and demolition
 71 waste received at the facility or site for disposal.

71a ~~H→~~ (ii) On and after July 1, 2005, an owner or operator of any nonhazardous
 71b solid waste disposal facility that receives only construction and demolition waste shall
 71c pay a fee of 40 cents per ton on any construction and demolition waste received at the facility
 71d or site for disposal. ~~←H~~

72 ~~H→~~ [~~(ii)]~~ (iii) ~~←H~~ An owner or operator of any [~~commercial~~] nonhazardous solid
 72a waste disposal
 73 facility that receives municipal waste, including municipal incinerator ash shall pay a fee of
 74 [~~50~~] ~~H→~~ [~~30~~] [~~(20)~~] 19 ~~←H~~ cents per ton ~~H→~~ [~~, or fraction of a ton,]~~ ~~←H~~ on all
 74a municipal waste,
 74a including municipal
 75 incinerator ash, that is received at the facility or site for disposal.

76 ~~H→~~ [~~(iii)]~~ (iv) ~~←H~~ On and after January 1, 2004, through June 30, 2005, the owner or
 76a operator of any
 77 facility under Subsection 19-6-102(3)[~~(a)~~] (b)(iii) shall pay a fee of 50 cents per ton
 77a ~~H→~~ [~~, or fraction~~
 78 ~~of a ton,]~~ ~~←H~~ on all municipal waste received at the facility or site for disposal.
 78a ~~H→~~ (v) On and after July 1, 2005, the owner or operator of any facility under

78b Subsection 19-6-102(3)(b)(iii) shall pay a fee of [20-cents] 19 cents per ton on all municipal
 78c waste received at the facility or site for disposal. ←H

79 (d) H→ [Facilities] Wastes ←H subject to the fee under Subsections (1)(c)(i), (ii),
 79a H→ [-and] ←H (iii) H→ , (iv) and (v) ←H are not subject
 80 to the fee under Subsection (1)(a).

81 (2) (a) The owner or operator of a [commercial] nonhazardous solid waste disposal
 82 facility or incinerator shall pay to the department all fees imposed under this section on or
 83 before the 15th day of the month following the month in which the fee accrued.

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

87 (c) The department shall deposit all fees received under this section into the restricted
 88 account created in Section 19-1-108.

89 (3) (a) The department, in preparing its budget for the governor and the Legislature,

90 shall separately indicate the amount necessary to administer the solid waste program
91 established by this part.

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

93 (c) The department may contract or agree with a county to assist in performing
94 nonhazardous solid waste management activities, including agreements for:

95 (i) the development of a solid waste management plan required under Section
96 17-15-23; and

97 (ii) pass-through of available funding.

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

100 (5) (a) ~~[Each]~~ A waste facility that is owned by a political subdivision and operated
101 solely for the purpose of receiving waste generated within that political subdivision shall pay
102 an annual facility fee of \$800 if the facility receives fewer than 10,000 tons of municipal waste
103 each year. The fee shall be paid to the department on or before January 15 of each year. ~~[The~~
104 ~~fee is:]~~

105 (b) A waste facility subject to the fee under Subsection (5)(a) is not subject to fees
106 under Subsection (1)(a) or (c).

107 ~~[(i) \$800 if the facility receives 5,000 or more but fewer than 10,000 tons of municipal~~
108 ~~waste each year;]~~

109 ~~[(ii) \$1,450 if the facility receives 10,000 or more but fewer than 20,000 tons of~~
110 ~~municipal waste each year;]~~

111 ~~[(iii) \$3,850 if the facility receives 20,000 or more but fewer than 50,000 tons of~~
112 ~~municipal waste each year;]~~

113 ~~[(iv) \$12,250 if the facility receives 50,000 or more but fewer than 100,000 tons of~~
114 ~~municipal waste each year;]~~

115 ~~[(v) \$14,700 if the facility receives 100,000 or more but fewer than 200,000 tons of~~
116 ~~municipal waste each year;]~~

117 ~~[(vi) \$33,000 if the facility receives 200,000 or more but fewer than 500,000 tons of~~
118 ~~municipal waste each year; and]~~

119 ~~[(vii) \$66,000 if the facility receives 500,000 or more tons of municipal waste each~~
120 ~~year.]~~

121 ~~[(b)]~~ (c) The department shall deposit all fees received under this Subsection (5) into
 122 the Environmental Quality Restricted Account created in Section 19-1-108.

123 ~~[(c) Municipal waste subject to the facility fee under this Subsection (5) is not subject
 124 to the fee under Subsection 9-6-119(1)(c).]~~

125 (6) (a) As used in this Subsection (6), "unregulated facility" means a nonhazardous
 126 solid waste disposal facility or incinerator waste facility that is not subject to any fee under this
 127 section.

128 (b) The owner or operator of a transfer station or recycling center that sends
 129 nonhazardous solid waste, construction and demolition waste, or municipal waste, including
 130 municipal incinerator ash, to an unregulated facility shall pay to the department:

131 (i) ~~H→~~ ~~[\$1.50]~~ \$2.50 ~~←H~~ per ton ~~H→~~ ~~[or fraction of a ton]~~ ~~←H~~ on all nonhazardous
 131a solid waste sent to an
 132 unregulated facility for disposal or treatment;

133 (ii) ~~H→~~ ~~[30]~~ 40 ~~←H~~ cents per ton ~~H→~~ ~~[or fraction of a ton]~~ ~~←H~~ on all construction
 133a and demolition waste sent to
 134 an unregulated facility for disposal; ~~H→~~ ~~[and]~~ ~~←H~~

135 (iii) ~~H→~~ ~~[30]~~ ~~§→~~ ~~[20]~~ 19 ~~←\$~~ ~~←H~~ cents per ton ~~H→~~ ~~[or fraction of a ton]~~ ~~←H~~ on all municipal
 135a waste, including municipal
 136 incinerator ash, sent to an unregulated facility for disposal ~~H→~~ ; and

136a (iv) wastes subject to fees under Subsection (6)(b)(ii) or (iii) are not subject to
 136b fees under Subsection (6)(b)(i) ←H .

137 (c) The transfer or recycling facility operator shall pay fees imposed under this
 138 Subsection (6) to the department on or before the 15th day of the month following the month
 139 when the fees accrue.

139a ~~H→~~ **(7) Notwithstanding any other provision of this section, a nonhazardous solid**
 139b **waste facility that receives waste generated primarily by on-site sources, or that receives waste**
 139c **generated primarily by off-site sources that are owned, controlled, or operated by the facility**
 139d **owner or operator, is not subject to the fees imposed in Subsections (1)(a) or (c). ←H**

140 Section 2. **Severability clause.**

141 If any provision of this bill, or the application of any provision to any person or
 142 circumstance, is held invalid, the remainder of this bill shall be given effect without the invalid
 143 provision or application.

143a ~~H→~~ **If this H.B. 246 and S.B. 24, Waste Amendments, both pass, it is the intent of the**
 143b **Legislature that, in preparing the Utah Code database for publication, the Office of**

- 143c **Legislative Research and General Counsel make the following changes in Section 19-6-119:**
- 143d **(1) In H.B. 246, the language in Subsection (1)(a)(iv) supercedes the language in**
- 143e **Subsection (1)(a)(ii) in S.B. 24, except that "(iv)" shall be replaced with "(ii)".**
- 143f **(2) In H.B. 246, Subsection (1)(c)(i) the word "commercial" is reinstated.**
- 143g **(3) In S.B. 24, in Subsection (1)(c)(ii), the word "commercial" is removed and "40**
- 143h **cents" in H.B. 246 supercedes "50 cents" in S.B. 24.**
- 143i **(4) In H.B. 246, in Subsection (1)(c)(iii), "commercial" is reinstated and "19" is**
- 143j **superceded by "50" in S.B. 24.**
- 143k **(5) In H.B. 246, in Subsection (1)(c)(iv), "(iv)" is replaced with "(v)".**
- 143l **(6) In S.B. 24, in Subsection (1)(c)(iv), "50 cents" is replaced with "19 cents", and**
- 143m **"commercial" is removed.**
- 143n **(7) In S.B. 24, in Subsection (1)(c)(vi), "50 cents" is replaced with "19 cents".**
- 143o **(8) In H.B. 246, in Subsection (1)(c)(v), "(v)" is replaced with "(vi)".**
- 143p **(9) In S.B. 24, in Subsection (1)(d), "Facilities" is superceded by "Wastes" in**
- 143q **H.B. 246, and "Subsections (1)(c)(i) through (iv)" in S.B. 24 and "Subsections "(1)(c)(i),**
- 143r **(ii), (iii), (iv), and (v)" in H.B. 246 are both removed and replaced with "Subsections (1)(c)(i)**
- 143s **through (vi)". ←Ĥ**
- 144 Section 3. **Effective date.**
- 145 **This bill takes effect on July 1, 2005.**

Legislative Review Note
as of 1-28-05 10:35 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

AMENDED BILL

State Impact

Provisions of this bill are estimated to increase revenues collected in the General Fund Restricted - Environmental Quality Account by \$26,000 annually.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
General Fund Restricted	\$0	\$0	\$26,000	\$26,000
TOTAL	\$0	\$0	\$26,000	\$26,000

Individual and Business Impact

Waste companies are estimated to pay \$26,000 more in fees to the General Fund Restricted - Environmental Quality Account.

Office of the Legislative Fiscal Analyst