

WASTE FEES AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Stephen H. Urquhart

LONG TITLE**General Description:**

This bill reduces the nonhazardous waste disposal fee under the Environmental Quality Code, and applies the fee to all nonhazardous waste facilities, both commercial and noncommercial. This bill reduces the disposal fee on construction and demolition waste. This bill also reduces the disposal fee on municipal waste and provides a flat fee for small municipal waste facilities. This bill allows collection of specified fees at a collection or transfer point.

Highlighted Provisions:

This bill:

- ▶ changes the commercial nonhazardous solid waste disposal fee from \$2.50 to \$1.50;
- ▶ changes the construction and demolition waste disposal fee from 50 cents to 30 cents and applies the fee to both commercial and noncommercial facilities;
- ▶ changes the municipal waste disposal fee from 50 cents to 30 cents and applies the fee to both commercial and noncommercial facilities;
- ▶ allows the state to collect fees from the operator of a collection or transfer facility within the state, from which the waste is sent to an unregulated facility, and states the fees that apply;
- ▶ deletes the tiered disposal fees regarding waste facilities owned by political subdivisions and receiving waste from the political subdivisions, except that a flat fee of \$800 is imposed on facilities receiving fewer than 10,000 tons of municipal 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 30 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 any commercial facility, except for 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 or fraction of a ton, on all nonhazardous solid waste that is received at the 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 or fraction
54 of a ton on all nonhazardous solid waste received at the facility or site for disposal or treatment;

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

57 [~~and~~]

58 (iii) on and after July 1, 1994, a fee of \$2.50 per ton or fraction of a ton 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 \$1.50 per ton or fraction of a ton on all
61 nonhazardous solid waste received at the facility or site for disposal or treatment.

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, an owner or operator of any [commercial]
69 nonhazardous solid waste disposal facility that receives only construction and demolition waste
70 shall pay a fee of [50] 30 cents per ton, or fraction of a ton, on any construction and demolition
71 waste received at the facility or site for disposal.

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

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

79 (d) Facilities subject to the fee under Subsections (1)(c)(i), (ii), and (iii) 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) \$1.50 per ton or fraction of a ton on all nonhazardous solid waste sent to an
132 unregulated facility for disposal or treatment;

133 (ii) 30 cents per ton or fraction of a ton on all construction and demolition waste sent to
134 an unregulated facility for disposal; and

135 (iii) 30 cents per ton or fraction of a ton on all municipal waste, including municipal
136 incinerator ash, sent to an unregulated facility for disposal.

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.

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.

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

State Impact

Provisions of this bill are estimated to reduce revenues collected in the General Fund Restricted - Environmental Quality Account by \$83,400 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	(\$83,400)	(\$83,400)
TOTAL	\$0	\$0	(\$83,400)	(\$83,400)

Individual and Business Impact

Waste companies are estimated to pay \$83,400 less in fees to the General Fund Restricted - Environmental Quality Account.

Office of the Legislative Fiscal Analyst