

**Senator Kevin T. Van Tassell** proposes the following substitute bill:

**SOLID WASTE AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kevin T. Van Tassell**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill provides that if a person obtains approval to build a commercial nonhazardous solid waste disposal facility that requires approval by the Legislature and the governor, the approved facility shall be operational within five years of the governor's approval, or approval to build the facility is revoked.

**Highlighted Provisions:**

This bill:

▶ provides that if a person obtains each approval required to build a commercial nonhazardous solid waste disposal facility for a facility that requires approval by the Legislature and the governor, the approvals will be revoked unless the approved facility is operational:

• within five years after the day on which the governor's approval is received, if the person receives the governor's approval on or after May 10, 2011; or

• on or before May 10, 2016, if the person receives all required approvals before May 10, 2011;

▶ clarifies the approval process required to build certain commercial nonhazardous or hazardous waste facilities; **§→ [and]**

▶ **provides that a person that has received each approval to build a commercial nonhazardous solid waste disposal facility that requires approval by the Legislature and the governor, may not transfer the approvals, including the approved operation plan, to another person within five years after the day on which the governor's approval is received; and ←§**

▶ makes technical changes.



**1st Sub. S.B. 68**

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

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

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

92 (C) cement kiln dust wastes.

93 (c) (i) No person may construct ~~[any]~~ a facility listed under Subsection (3)(c)(ii) until  
94 ~~[he]~~ the person receives~~[-in addition to and subsequent to]:~~

95 (A) local government approval and ~~[subsequent to]~~ the approval ~~[required]~~ described in  
96 Subsection (3)(a)~~[-];~~;

97 (B) approval from the Legislature; and

98 (C) after receiving the approvals described in Subsections (3)(c)(i)(A) and (B),  
99 approval ~~[by]~~ from the governor ~~[and the Legislature].~~

100 (ii) ~~[Facilities]~~ A facility referred to in Subsection (3)(c)(i) ~~[are]~~ is:

101 (A) a commercial nonhazardous solid ~~[or hazardous]~~ waste ~~[treatment or]~~ disposal  
102 ~~[facilities]~~ facility; [and]

103 (B) except for facilities that receive the following wastes solely for the purpose of  
104 recycling, reuse, or reprocessing, any commercial facility that accepts for treatment or disposal,  
105 with the intent to make a profit: fly ash waste, bottom ash waste, slag waste, or flue gas  
106 emission control waste generated primarily from the combustion of coal or other fossil fuels;  
107 wastes from the extraction, beneficiation, and processing of ores and minerals; or cement kiln  
108 dust wastes[-]; or

109 (C) a ~~Ŝ→~~ commercial ~~←Ŝ~~ hazardous waste treatment, storage, or disposal facility.

110 (iii) The required approvals described in Subsection (3)(c)(i) for a facility described in  
111 Subsection (3)(c)(ii)(A) or ~~Ŝ→~~ [(3)(c)(iii)] ~~←Ŝ~~ (B) are automatically revoked if:

112 (A) the governor's approval is received on or after May 10, 2011 ~~Ŝ→~~ , ~~←Ŝ~~ and the facility  
112a is not

113 operational within five years after the day on which the governor's approval is received; or

114 (B) the governor's approval is received before May 10, 2011 ~~Ŝ→~~ , ~~←Ŝ~~ and the facility is not  
115 operational on or before May 10, 2016.

115a **~~Ŝ→~~ (iv) The required approvals described in Subsection (3)(c)(i) for a facility described in**  
115b **Subsection (3)(c)(ii)(A) or (B), including the approved operation plan, are not transferrable to**  
115c **another person for five years after the day on which the governor's approval is received. ~~←Ŝ~~**

116 (d) No person need obtain gubernatorial or legislative approval for the construction of  
117 a hazardous waste facility for which an operating plan has been approved by or submitted for  
118 approval to the executive secretary under this section before April 24, 1989, and which has