

1 **JOINT RESOLUTION ON NONHAZARDOUS SOLID WASTE**

2 **FEES**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Mike K. McKell**

6 Senate Sponsor: _____

8 **LONG TITLE**

9 **General Description:**

10 This joint resolution of the Legislature encourages the Department of Environmental
11 Quality to address the disparate fee structures that are applied to commercial and
12 political subdivision owned nonhazardous solid waste facilities.

13 **Highlighted Provisions:**

14 This resolution:

- 15 ▶ recognizes the different fee structures that are applied to commercial nonhazardous
- 16 solid waste disposal facilities and facilities owned by a political subdivision; and
- 17 ▶ encourages the Department of Environmental Quality to review the fee structures
- 18 and make recommendations to an interim committee.

19 **Special Clauses:**

20 None

22 *Be it resolved by the Legislature of the state of Utah:*

23 WHEREAS, Utah Code Section 19-6-119 provides for different fee structures for an
24 owner or operator of a commercial nonhazardous solid waste disposal facility or incinerator
25 than for a political subdivision that owns a waste facility;

26 WHEREAS, Utah Code Section 19-6-119 sets fees for a commercial nonhazardous
27 solid waste disposal facility or incinerator that are to be paid to the Department of



28 Environmental Quality (department);

29 WHEREAS, the fees for a commercial nonhazardous solid waste disposal facility or
30 incinerator are 13 cents, 50 cents, and \$2.50 per ton depending on the type of nonhazardous
31 solid waste in question;

32 WHEREAS, Utah Code Section 19-6-119 also sets fees for a waste facility that is
33 owned by a political subdivision, which are also paid to the department;

34 WHEREAS, the fees for a waste facility that is owned by a political subdivision are
35 organized into graduated rates based on disposal volume, with seven different fee amounts
36 ranging between \$800 and \$66,000 for waste disposal volumes of 5,000 to over 500,000 tons;

37 WHEREAS, Utah Code Section 19-6-119 requires the department to deposit all fees
38 that are received under this section into the Environmental Quality Restricted Account created
39 in Utah Code Section 19-1-108;

40 WHEREAS, concerns have been raised about the equitable nature of these fees paid to
41 the department, given the disparate fee structures between commercial and political subdivision
42 nonhazardous solid waste facilities;

43 WHEREAS, conditional upon volume and type of nonhazardous solid waste, a
44 commercially owned nonhazardous solid waste disposal facility or incinerator may pay the
45 department considerably higher fees than a waste facility owned by a political subdivision;

46 WHEREAS, requiring a commercial business to pay higher fees to the department than
47 a political subdivision puts a commercial business that employs Utah citizens at an unfair and
48 unnecessary financial disadvantage compared with a government-owned waste facility; and

49 WHEREAS, the Legislature desires the owner or operator of a commercial
50 nonhazardous solid waste disposal facility or incinerator to pay equitable fees to the department
51 as compared to a waste facility that is owned by a political subdivision:

52 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah
53 encourages the department to conduct a study to review Utah Code Section 19-6-119,
54 Nonhazardous Solid Waste Disposal Fees, and make recommendations for a fee structure that
55 creates equitable and fair fees paid by all persons for similar waste streams.

56 BE IT FURTHER RESOLVED that the department shall report the findings of the
57 study and its recommendations to create a fair and equitable fee structure to the Natural
58 Resources, Agriculture, and Environment Interim Committee during the 2016 interim.

Legislative Review Note
Office of Legislative Research and General Counsel