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**SOLID WASTE REVISIONS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mike K. McKell**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies regulations in regard to nonhazardous solid waste.

**Highlighted Provisions:**

This bill:

- ▶ states that no person may own, construct, modify, or operate any facility or site for the purpose of transferring, treating, storing, or disposing of nonhazardous solid waste without first submitting and receiving the approval of the director for an operation plan for that facility or site;
- ▶ modifies fee structures for nonhazardous solid waste streams;
- ▶ includes a sunset repeal date for certain language; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 19-6-108**, as last amended by Laws of Utah 2013, Chapter 378
- 19-6-119**, as last amended by Laws of Utah 2012, Chapter 360
- 63I-2-219**, as last amended by Laws of Utah 2016, Chapter 369



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

Section 1. Section **19-6-108** is amended to read:

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

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

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

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

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

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

(e) a submission of an operation plan to construct a facility, if previous approvals of the operation plan to construct the facility have been revoked pursuant to Subsection (3)(c)(iii).

(2) Capacity under Subsection (1)(b) shall be calculated based on the throughput tonnage specified for the trial burn in the operation plan or the operation plan application if no

59 operation plan approval has been issued as of January 1, 1990, and on annual operations of  
60 7,000 hours.

61 (3) (a) (i) No person may own, construct, modify, or operate any facility or site for the  
62 purpose of transferring, treating, storing, or disposing of nonhazardous solid waste or treating,  
63 storing, or disposing of hazardous waste without first submitting and receiving the approval of  
64 the director for an operation plan for that facility or site.

65 (ii) (A) A permittee who is the current owner of a facility or site that is subject to an  
66 operation plan may submit to the director information, a report, a plan, or other request for  
67 approval for a proposed activity under an operation plan:

68 (I) after obtaining the consent of any other permittee who is a current owner of the  
69 facility or site; and

70 (II) without obtaining the consent of any other permittee who is not a current owner of  
71 the facility or site.

72 (B) The director may not:

73 (I) withhold an approval of an operation plan requested by a permittee who is a current  
74 owner of the facility or site on the grounds that another permittee who is not a current owner of  
75 the facility or site has not consented to the request; or

76 (II) give an approval of an operation plan requested by a permittee who is not a current  
77 owner before receiving consent of the current owner of the facility or site.

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

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

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

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

87 (C) cement kiln dust wastes.

88 (c) (i) No person may construct a facility listed under Subsection (3)(c)(ii) until the  
89 person receives:

90 (A) local government approval and the approval described in Subsection (3)(a);

91 (B) approval from the Legislature; and

92 (C) after receiving the approvals described in Subsections (3)(c)(i)(A) and (B),

93 approval from the governor.

94 (ii) A facility referred to in Subsection (3)(c)(i) is:

95 (A) a commercial nonhazardous solid waste disposal facility;

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

102 (C) a commercial hazardous waste treatment, storage, or disposal facility.

103 (iii) The required approvals described in Subsection (3)(c)(i) for a facility described in  
104 Subsection (3)(c)(ii)(A) or (B) are automatically revoked if:

105 (A) the governor's approval is received on or after May 10, 2011, and the facility is not  
106 operational within five years after the day on which the governor's approval is received; or

107 (B) the governor's approval is received before May 10, 2011, and the facility is not  
108 operational on or before May 10, 2016.

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

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

118 (e) No person need obtain gubernatorial and legislative approval for the construction of  
119 a commercial nonhazardous solid waste disposal facility for which an operation plan has been  
120 approved by or submitted for approval to the executive secretary of the board under this section

121 on or before January 1, 1990, and which, on or before December 31, 1990, the executive  
122 secretary of the board determines to be complete, in accordance with state and federal  
123 requirements applicable to operation plans for nonhazardous solid waste facilities.

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

130 (g) (i) The director shall suspend acceptance of further applications for a commercial  
131 nonhazardous solid or hazardous waste facility upon a finding that the director cannot  
132 adequately oversee existing and additional facilities for permit compliance, monitoring, and  
133 enforcement.

134 (ii) The director shall report any suspension to the Natural Resources, Agriculture, and  
135 Environment Interim Committee.

136 (4) The director shall review each proposed nonhazardous solid or hazardous waste  
137 operation plan to determine whether that plan complies with the provisions of this part and the  
138 applicable rules of the board.

139 (5) (a) If the facility is a class I or class II facility, the director shall approve or  
140 disapprove that plan within 270 days from the date it is submitted.

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

144 (c) (i) If the plan for a class I or II facility is determined to be complete, the director  
145 shall issue a notice of completeness.

146 (ii) If the plan is determined by the director to be incomplete, the director shall issue a  
147 notice of deficiency, listing the additional information to be provided by the owner or operator  
148 to complete the plan.

149 (d) The director shall review information submitted in response to a notice of  
150 deficiency within 30 days after receipt.

151 (e) The following time periods may not be included in the 270 day plan review period

152 for a class I or II facility:

153 (i) time awaiting response from the owner or operator to requests for information  
154 issued by the director;

155 (ii) time required for public participation and hearings for issuance of plan approvals;  
156 and

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

158 (6) (a) If the facility is a class III or class IV facility, the director shall approve or  
159 disapprove that plan within 365 days from the date it is submitted.

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

161 (i) time awaiting response from the owner or operator to requests for information  
162 issued by the director;

163 (ii) time required for public participation and hearings for issuance of plan approvals;  
164 and

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

166 (7) If, within 365 days after receipt of a modification plan or closure plan for any  
167 facility, the director determines that the proposed plan, or any part of it, will not comply with  
168 applicable rules, the director shall issue an order prohibiting any action under the proposed plan  
169 for modification or closure in whole or in part.

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

178 (9) The director may not approve a proposed nonhazardous solid or hazardous waste  
179 operation plan unless the plan contains the information that the board requires, including:

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

182 (b) evidence that the disposal of nonhazardous solid waste or treatment, storage, or

183 disposal of hazardous waste will not be done in a manner that may cause or significantly  
184 contribute to an increase in mortality, an increase in serious irreversible or incapacitating  
185 reversible illness, or pose a substantial present or potential hazard to human health or the  
186 environment;

187 (c) consistent with the degree and duration of risks associated with the disposal of  
188 nonhazardous solid waste or treatment, storage, or disposal of specified hazardous waste,  
189 evidence of financial responsibility in whatever form and amount that the director determines is  
190 necessary to insure continuity of operation and that upon abandonment, cessation, or  
191 interruption of the operation of the facility or site, all reasonable measures consistent with the  
192 available knowledge will be taken to insure that the waste subsequent to being treated, stored,  
193 or disposed of at the site or facility will not present a hazard to the public or the environment;

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

196 (e) plans, specifications, and other information that the director considers relevant to  
197 determine whether the proposed nonhazardous solid or hazardous waste operation plan will  
198 comply with this part and the rules of the board;

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

202 (g) for a proposed operation plan submitted on or after July 1, 2013, for a new solid or  
203 hazardous waste facility other than a water treatment facility that treats, stores, or disposes  
204 site-generated solid or hazardous waste onsite, a traffic impact study that:

205 (i) takes into consideration the safety, operation, and condition of roadways serving the  
206 proposed facility; and

207 (ii) is reviewed and approved by the Department of Transportation or a local highway  
208 authority, whichever has jurisdiction over each road serving the proposed facility, with the cost  
209 of the review paid by the person who submits the proposed operation plan; and

210 (h) for a proposed operation plan submitted on or after July 1, 2013, for a new  
211 nonhazardous solid waste facility owned or operated by a local government, financial  
212 information that discloses all costs of establishing and operating the facility, including:

213 (i) land acquisition and leasing;

- 214 (ii) construction;
- 215 (iii) estimated annual operation;
- 216 (iv) equipment;
- 217 (v) ancillary structures;
- 218 (vi) roads;
- 219 (vii) transfer stations; and
- 220 (viii) using other operations that are not contiguous to the proposed facility but are
- 221 necessary to support the facility's construction and operation.

222 (10) The director may not approve a commercial nonhazardous solid or hazardous  
223 waste operation plan that meets the requirements of Subsection (9) unless it contains the  
224 information required by the board, including:

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

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

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

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

234 (b) a description of the public benefits of the proposed facility, including:

235 (i) the need in the state for the additional capacity for the management of nonhazardous  
236 solid or hazardous waste;

237 (ii) the energy and resources recoverable by the proposed facility;

238 (iii) the reduction of nonhazardous solid or hazardous waste management methods,  
239 which are less suitable for the environment, that would be made possible by the proposed  
240 facility; and

241 (iv) whether any other available site or method for the management of hazardous waste  
242 would be less detrimental to the public health or safety or to the quality of the environment;  
243 and

244 (c) compliance history of an owner or operator of a proposed commercial



245 nonhazardous solid or hazardous waste treatment, storage, or disposal facility, which may be  
246 applied by the director in a nonhazardous solid or hazardous waste operation plan decision,  
247 including any plan conditions.

248 (11) The director may not approve a commercial nonhazardous solid or hazardous  
249 waste facility operation plan unless based on the application, and in addition to the  
250 determination required in Subsections (9) and (10), the director determines that:

251 (a) the probable beneficial environmental effect of the facility to the state outweighs  
252 the probable adverse environmental effect; and

253 (b) there is a need for the facility to serve industry within the state.

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

257 (13) The director shall review all approved nonhazardous solid and hazardous waste  
258 operation plans at least once every five years.

259 (14) The provisions of Subsections (10) and (11) do not apply to hazardous waste  
260 facilities in existence or to applications filed or pending in the department prior to April 24,  
261 1989, that are determined by the executive secretary of the board on or before December 31,  
262 1990, to be complete, in accordance with state and federal requirements applicable to operation  
263 plans for hazardous waste facilities.

264 (15) The provisions of Subsections (9), (10), and (11) do not apply to a nonhazardous  
265 solid waste facility in existence or to an application filed or pending in the department prior to  
266 January 1, 1990, that is determined by the director, on or before December 31, 1990, to be  
267 complete in accordance with state and federal requirements applicable to operation plans for  
268 nonhazardous solid waste facilities.

269 (16) Nonhazardous solid waste generated outside of this state that is defined as  
270 hazardous waste in the state where it is generated and which is received for disposal in this  
271 state may not be disposed of at a nonhazardous waste disposal facility owned and operated by  
272 local government or a facility under contract with a local government solely for disposal of  
273 nonhazardous solid waste generated within the boundaries of the local government, unless  
274 disposal is approved by the director.

275 (17) This section may not be construed to exempt any facility from applicable

276 regulation under the federal Atomic Energy Act, 42 U.S.C. Sections 2014 and 2021 through  
277 2114.

278 Section 2. Section **19-6-119** is amended to read:

279 **19-6-119. Nonhazardous solid waste disposal fees.**

280 (1) (a) [~~Except~~] Through June 30, 2017, and except as provided in Subsection (5), the  
281 owner or operator of a commercial nonhazardous solid waste disposal facility or incinerator  
282 shall pay the following fees for waste received for treatment or disposal at the facility if the  
283 facility or incinerator is required to have operation plan approval under Section **19-6-108** and  
284 primarily receives waste generated by off-site sources not owned, controlled, or operated by the  
285 facility or site owner or operator:

- 286 (i) 13 cents per ton on all municipal waste and municipal incinerator ash;
- 287 (ii) 50 cents per ton on the following wastes if the facility disposes of one or more of  
288 the following wastes in a cell exclusively designated for the waste being disposed:
  - 289 (A) construction waste or demolition waste;
  - 290 (B) yard waste, including vegetative matter resulting from landscaping, land  
291 maintenance, and land clearing operations;
  - 292 (C) dead animals;
  - 293 (D) waste tires and materials derived from waste tires disposed of in accordance with  
294 Title 19, Chapter 6, Part 8, Waste Tire Recycling Act; and
  - 295 (E) petroleum contaminated soils that are approved by the director; and
- 296 (iii) \$2.50 per ton on:
  - 297 (A) all nonhazardous solid waste not described in Subsections (1)(a)(i) and (ii); and
  - 298 (B) (I) fly ash waste;
  - 299 (II) bottom ash waste;
  - 300 (III) slag waste;
  - 301 (IV) flue gas emission control waste generated primarily from the combustion of coal  
302 or other fossil fuels;
  - 303 (V) waste from the extraction, beneficiation, and processing of ores and minerals; and
  - 304 (VI) cement kiln dust wastes.
- 305 (b) A commercial nonhazardous solid waste disposal facility or incinerator subject to  
306 the fees under Subsection (1)(a)(i) or (ii) is not subject to the fee under Subsection (1)(a)(iii)

307 for those wastes described in Subsections (1)(a)(i) and (ii).

308 (c) The owner or operator of a facility described in Subsection 19-6-102(3)(b)(iii) shall  
309 pay a fee of 13 cents per ton on all municipal waste received for disposal at the facility.

310 (2) (a) [~~Except~~] Through June 30, 2017, and except as provided in Subsections  
311 (2)(~~b~~)(c) and (5), a waste facility that is owned by a political subdivision shall pay the  
312 following annual facility fee to the department by January 15 of each year:

313 (i) \$800 if the facility receives 5,000 or more but fewer than 10,000 tons of municipal  
314 waste each year;

315 (ii) \$1,450 if the facility receives 10,000 or more but fewer than 20,000 tons of  
316 municipal waste each year;

317 (iii) \$3,850 if the facility receives 20,000 or more but fewer than 50,000 tons of  
318 municipal waste each year;

319 (iv) \$12,250 if the facility receives 50,000 or more but fewer than 100,000 tons of  
320 municipal waste each year;

321 (v) \$14,700 if the facility receives 100,000 or more but fewer than 200,000 tons of  
322 municipal waste each year;

323 (vi) \$33,000 if the facility receives 200,000 or more but fewer than 500,000 tons of  
324 municipal waste each year; and

325 (vii) \$66,000 if the facility receives 500,000 or more tons of municipal waste each  
326 year.

327 (b) The fee identified in Subsection (2)(a) for 2018 shall be paid by January 15, 2019.

328 [~~b~~]-~~Except~~] (c) Through June 30, 2017, and except as provided in Subsection (5), a  
329 waste facility that is owned by a political subdivision shall pay \$2.50 per ton for:

330 (i) nonhazardous solid waste that is not a waste described in Subsection (1)(a)(i) or (ii)  
331 received for disposal if the waste is:

332 (A) generated outside the boundaries of the political subdivision; and

333 (B) received from a single generator and exceeds 500 tons in a calendar year; and

334 (ii) waste described in Subsection (1)(a)(iii)(B) received for disposal if the waste is:

335 (A) generated outside the boundaries of the political subdivision; and

336 (B) received from a single generator and exceeds 500 tons in a calendar year.

337 [~~e~~] (d) Waste received at a facility owned by a political subdivision under Subsection

338 (2)(~~b~~)(c) may not be counted as part of the total tonnage received by the facility under  
339 Subsection (2)(a).

340 (3) (a) As used in this Subsection (3):

341 (i) "Recycling center" means a facility that extracts valuable materials from a waste  
342 stream or transforms or remanufactures the material into a usable form that has demonstrated  
343 or potential market value.

344 (ii) "Transfer station" means a permanent, fixed, supplemental collection and  
345 transportation facility that is used to deposit collected solid waste from off-site into a transfer  
346 vehicle for transport to a solid waste handling or disposal facility.

347 (b) [~~Except~~] Through June 30, 2017, and except as provided in Subsection (5), the  
348 owner or operator of a transfer station or recycling center shall pay to the department the  
349 following fees on waste sent for disposal to a nonhazardous solid waste disposal or treatment  
350 facility that is not subject to a fee under this section:

351 (i) \$1.25 per ton on:

352 (A) all nonhazardous solid waste; and

353 (B) waste described in Subsection (1)(a)(iii)(B);

354 (ii) 10 cents per ton on all construction and demolition waste; and

355 (iii) 5 cents per ton on all municipal waste or municipal incinerator ash.

356 (c) Wastes subject to fees under Subsection (3)(b)(ii) or (iii) are not subject to the fee  
357 required under Subsection (3)(b)(i).

358 (4) If a facility required to pay fees under this section receives nonhazardous solid  
359 waste for transfer, treatment, storage, or disposal, and the fee required under this section is paid  
360 for that transfer, treatment, storage, or disposal, any subsequent treatment or disposal of the  
361 nonhazardous solid waste is not subject to additional fees under this section.

362 (5) The owner or operator of a waste disposal facility that receives nonhazardous solid  
363 waste described in Subsection (1)(a)(iii)(B) is not required to pay any fee on those  
364 nonhazardous solid wastes if received solely for the purpose of recycling, reuse, or  
365 reprocessing.

366 (6) [~~Except~~] Through June 30, 2017, and except as provided in Subsection (2)(a), a  
367 facility required to pay fees under this section shall:

368 (a) calculate the fees by multiplying the total tonnage of nonhazardous solid waste

369 received during the calendar month, computed to the first decimal place, by the required fee  
370 rate;

371 (b) pay the fees imposed by this section to the department by the 15th day of the month  
372 following the month in which the fees accrued; and

373 (c) with the fees required under Subsection (6)(b), submit to the department, on a form  
374 prescribed by the department, information that verifies the amount of nonhazardous solid waste  
375 received and the fees that the owner or operator is required to pay.

376 (7) (a) In accordance with Section 63J-1-504, on or before July 1, 2017, the department  
377 shall establish a fee schedule for the treatment, transfer, storage, and disposal of all  
378 nonhazardous solid waste.

379 (b) The department shall, before establishing the fee schedule described in Subsection  
380 (7)(a), complete a review of program costs and indirect costs of regulating nonhazardous solid  
381 waste in the state and use the findings of the review to create the fee schedule.

382 (c) The fee schedule described in Subsection (7)(a) shall:

383 (i) create an equitable and fair fee:

384 (A) no greater than \$0.33 per ton;

385 (B) to be paid by all persons who treat, transfer, store, or dispose of similar streams of  
386 nonhazardous solid waste;

387 (C) for a nonhazardous solid waste disposal facility regulated by the division,  
388 calculated according to the amount of nonhazardous solid waste placed in the disposal cell at  
389 the facility; and

390 (D) for a nonhazardous solid waste treatment, transfer, or storage facility that manages  
391 nonhazardous solid waste subsequently sent to a treatment, transfer, storage, or disposal facility  
392 not subject to a fee under this section, calculated according to the amount of nonhazardous  
393 solid waste treated, transferred, or stored at the treatment, transfer, or storage facility;

394 (ii) provide for reasonable and timely oversight by the department; and

395 (iii) adequately meet the needs of industry, local government, and the department,  
396 including enabling the department to employ qualified personnel to appropriately oversee  
397 industry and local government regulation.

398 (d) The fees in the fee schedule established by Subsection (7)(a) shall take effect on  
399 July 1, 2017.

400 (8) On and after July 1, 2017, a facility required to pay fees under this section shall:

401 (a) calculate the fees by multiplying the total tonnage of nonhazardous solid waste  
402 received during the calendar month, computed to the first decimal place, by the required fee  
403 rate;

404 (b) pay the fees imposed by this section to the department by the 15th day of the month  
405 following the month in which the fees accrued; and

406 (c) with the fees required under Subsection (6)(b), submit to the department, on a form  
407 prescribed by the department, information that verifies the amount of nonhazardous solid waste  
408 received and the fees that the owner or operator is required to pay.

409 [~~7~~] (9) The department shall:

410 (a) deposit all fees received under this section into the Environmental Quality  
411 Restricted Account created in Section 19-1-108; and

412 (b) in preparing its budget for the governor and the Legislature, separately indicate the  
413 amount of the department's budget necessary to administer the solid and hazardous waste  
414 program established by this part.

415 [~~8~~] (10) The department may contract or agree with a county to assist in performing  
416 nonhazardous solid waste management activities, including agreements for:

417 (a) the development of a solid waste management plan required under Section  
418 17-15-23; and

419 (b) pass-through of available funding.

420 [~~9~~] (11) This section does not exempt any facility from applicable regulation under  
421 the Atomic Energy Act, 42 U.S.C. Sec. 2014 and 2021 through 2114.

422 Section 3. Section **63I-2-219** is amended to read:

423 **63I-2-219. Repeal dates -- Title 19.**

424 [~~1~~] ~~Subsection 19-1-403(2)(c)(i), the language that states "minus the amount of any~~  
425 ~~tax credit claimed under Section 59-7-605 or 59-10-1009" is repealed on January 1, 2017.]~~

426 [~~2~~] ~~Subsection 19-1-403(2)(c)(ii), the language that states "minus the amount of any~~  
427 ~~tax credit claimed under Section 59-7-605 or 59-10-1009" is repealed on January 1, 2017.]~~

428 Subsection 19-6-119(7)(c)(i)(A), the language that states "no greater than \$0.33 per ton"  
429 is repealed on January 1, 2023.

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**