

Representative Mike K. McKell proposes the following substitute bill:

SOLID WASTE REVISIONS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike K. McKell

Senate Sponsor: _____

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



26 **19-6-119**, as last amended by Laws of Utah 2012, Chapter 360
27 **63I-2-219**, as last amended by Laws of Utah 2016, Chapter 369



28
29 *Be it enacted by the Legislature of the state of Utah:*

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

31 **19-6-108. New nonhazardous solid or hazardous waste operation plans for**
32 **facility or site -- Administrative and legislative approval required -- Exemptions from**
33 **legislative and gubernatorial approval -- Time periods for review -- Information required**
34 **-- Other conditions -- Revocation of approval -- Periodic review.**

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

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

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

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

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

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

57 (2) Capacity under Subsection (1)(b) shall be calculated based on the throughput
58 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 December 31, 2018, and except as provided in Subsection
281 (5), the owner or operator of a commercial nonhazardous solid waste disposal facility or
282 incinerator shall pay the following fees for waste received for treatment or disposal at the
283 facility if the facility or incinerator is required to have operation plan approval under Section
284 **19-6-108** and primarily receives waste generated by off-site sources not owned, controlled, or
285 operated by the 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 December 31, 2018, and except as provided in Subsections
311 (2)[~~(b)~~](c) and [~~(5)~~] (4), 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 December 31, 2018, and except as provided in [~~Subsection~~]
329 Subsections (4) and (5), a waste facility that is owned by a political subdivision shall pay \$2.50
330 per ton for:

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

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

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

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

336 (A) generated outside the boundaries of the political subdivision; and
337 (B) received from a single generator and exceeds 500 tons in a calendar year.
338 ~~[(c)]~~ (d) Waste received at a facility owned by a political subdivision under Subsection
339 (2)~~[(b)]~~(c) may not be counted as part of the total tonnage received by the facility under
340 Subsection (2)(a).

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

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

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

348 (b) ~~[Except]~~ Through December 31, 2018, and except as provided in ~~[Subsection]~~
349 Subsections (4) and (5), the owner or operator of a transfer station or recycling center shall pay
350 to the department the following fees on waste sent for disposal to a nonhazardous solid waste
351 disposal or treatment facility that is not subject to a fee under this section:

352 (i) \$1.25 per ton on:

353 (A) all nonhazardous solid waste; and

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

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

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

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

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

363 ~~[(5)]~~ (4) The owner or operator of a waste disposal facility that receives nonhazardous
364 solid waste described in Subsection (1)(a)(iii)(B) is not required to pay any fee on those
365 nonhazardous solid wastes if received solely for the purpose of recycling, reuse, or
366 reprocessing.

367 (5) A person who treats, transfers, stores, or disposes of solid waste from the extraction
368 and processing of metal recycling on a site owned, controlled, or operated by that person may
369 not be charged a fee under this section for the treatment, transfer, storage, or disposal of
370 nonhazardous solid waste that occurs:

371 (a) on-site by the person; or

372 (b) by off-site sources owned, controlled, or operated by that person.

373 (6) [Except] Through December 31, 2018, and except as provided in Subsection (2)(a),
374 a facility required to pay fees under this section shall:

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

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

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

383 (7) (a) In accordance with Section 63J-1-504, on or before July 1, 2018, the department
384 shall establish a fee schedule for the treatment, transfer, storage, and disposal of all
385 nonhazardous solid waste.

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

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

390 (i) create an equitable and fair fee:

391 (A) no greater than 28 cents per ton; and

392 (B) to be paid by all persons who treat, transfer, store, or dispose of nonhazardous solid
393 waste, except as provided in Subsection (7)(d);

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) Any person who treats, transfers, stores, or disposes of solid waste from the
399 extraction, beneficiation, and processing of ores and minerals on a site owned, controlled, or
400 operated by that person may not be charged a fee under this section for the treatment, transfer,
401 storage, or disposal of solid waste from the extraction, beneficiation, and processing of ores
402 and minerals that are generated:

403 (i) on-site by the person; or

404 (ii) by off-site sources owned, controlled, or operated by the person.

405 (e) The fees in the fee schedule established by Subsection (7)(a) shall take effect on
406 January 1, 2019.

407 (8) On and after January 1, 2019, a facility required to pay fees under this section shall:

408 (a) calculate the fees by multiplying the total tonnage of nonhazardous solid waste
409 treated, transferred, stored, or disposed of during the quarter, computed to the first decimal
410 place, by the required fee rate;

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

413 (c) with the fees required under Subsection (8)(b), submit to the department, on a form
414 prescribed by the department, information that verifies the amount of nonhazardous solid waste
415 received and the fees that the owner or operator is required to pay.

416 [~~7~~] (9) The department shall:

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

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

422 [~~8~~] (10) The department may contract or agree with a county to assist in performing
423 nonhazardous solid waste management activities, including agreements for:

424 (a) the development of a solid waste management plan required under Section
425 17-15-23; and

426 (b) pass-through of available funding.

427 [~~9~~] (11) This section does not exempt any facility from applicable regulation under
428 the Atomic Energy Act, 42 U.S.C. Sec. 2014 and 2021 through 2114.

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

430 **63I-2-219. Repeal dates -- Title 19.**

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

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

435 Subsection [19-6-119](#)(7)(c)(i)(A), the language that states "no greater than 28 cents per
436 ton; and" is repealed on January 1, 2021.