

COMMERCIAL WASTE FEE AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John Knotwell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to a fee paid by an owner or operator of a commercial radioactive waste treatment or disposal facility that receives radioactive waste.

Highlighted Provisions:

This bill:

▸ reduces the annual fee paid by an owner or operator of a commercial radioactive waste treatment or disposal facility that receives radioactive waste.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-3-106, as last amended by Laws of Utah 2010, Chapter 17

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

Section 1. Section **19-3-106** is amended to read:

19-3-106. Fee for commercial radioactive waste disposal or treatment.

(1) (a) An owner or operator of a commercial radioactive waste treatment or disposal



28 facility that receives radioactive waste shall pay a fee as provided in Subsection (1)(b).

29 ~~[(b) (i) On or after July 1, 2010, but on or before June 30, 2011, the fee is equal to the~~
30 ~~sum of the following amounts:]~~

31 ~~[(A) 30 cents per cubic foot of radioactive waste, other than 11e.(2) byproduct material,~~
32 ~~received at the facility for disposal or treatment; and]~~

33 ~~[(B) \$1 per curie of radioactive waste, other than 11e.(2) byproduct material, received~~
34 ~~at the facility for disposal or treatment.]~~

35 ~~[(ii)] (b) (i) On or after July 1, 2011, the fee shall be established by the department in~~
36 ~~accordance with Section 63J-1-504.~~

37 ~~[(iii)] (ii) In the development of a fee schedule prepared under Subsection~~
38 ~~(1)(b)[(ii)](i), the department may conduct by no later than July 1, 2011, a review of the~~
39 ~~program costs and indirect costs of regulating radioactive waste in the state.~~

40 ~~[(iv)] (iii) In addition to the process required by Section 63J-1-504, the department~~
41 ~~shall establish a fee that:~~

42 (A) is a flat fee, not based on the amount of waste treated or disposed of;

43 (B) provides for reasonable and timely oversight of radioactive waste by the
44 department; and

45 (C) adequately meets the needs of industry and the department, including allowing for
46 the department to employ qualified personnel to appropriately oversee industry regulation.

47 ~~[(2) (a) The portion of the fee required under Subsection (1)(b)(i)(A) shall be~~
48 ~~calculated by multiplying the total cubic feet of waste, computed to the first decimal place,~~
49 ~~received during the calendar month by 30 cents.]~~

50 ~~[(b) The portion of the fee required in Subsection (1)(b)(i)(B) shall be calculated by~~
51 ~~multiplying the total curies of waste, computed to the first decimal place, received during the~~
52 ~~calendar month by \$1.]~~

53 ~~[(3)] (2) (a) The owner or operator shall remit the fees imposed under this section to~~
54 ~~the department on or before the 15th day of the month following the month in which the fee~~
55 ~~accrued.~~

56 (b) The department shall deposit the fees received under this section into the
57 Environmental Quality Restricted Account created in Section 19-1-108.

58 ~~[(c) The owner or operator shall submit to the department with the payment of the fee~~

59 ~~under this Subsection (3) a completed form as prescribed by the department that provides~~
60 ~~information the department requires to verify the amount of waste received and the fee amount~~
61 ~~for which the owner or operator is liable.]~~

62 (3) (a) The annual fee required under Subsection (1)(a) shall be reduced by the amount
63 paid in tax annually by the owner or operator under Section [59-24-103.5](#).

64 (b) Beginning January 2019, the owner or operator shall submit annually on or before
65 January 31 tax vouchers verifying the amount of tax paid during the previous calendar year
66 under Section [59-24-103.5](#).

67 (c) The department shall apply the tax amount established in Subsection (3)(b) to
68 reduce the fee paid during the upcoming fiscal year by the owner or operator under Subsection
69 (1)(a).

70 (4) The Legislature shall appropriate adequate funding to the department [~~money to~~
71 ~~cover the cost of~~] for the regulation of radioactive waste treatment and disposal [~~supervision~~].

72 (5) Radioactive waste that is subject to a fee under this section is not subject to a fee
73 under Section [19-6-119](#).

Legislative Review Note
Office of Legislative Research and General Counsel