

HB0493S02 compared with HB0493

~~deleted text~~ shows text that was in HB0493 but was deleted in HB0493S02.

inserted text shows text that was not in HB0493 but was inserted into HB0493S02.

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Representative Tim Jimenez proposes the following substitute bill:

SOLID WASTE MANAGEMENT AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tim Jimenez

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies definitions relating to solid waste.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ amends the definition of solid waste.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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19-6-102, as last amended by Laws of Utah 2022, Chapter 424

19-6-502, as last amended by Laws of Utah 2020, Chapter 256

19-6-509, as enacted by Laws of Utah 2022, Chapter 385

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

Section 1. Section **19-6-102** is amended to read:

19-6-102. Definitions.

As used in this part:

(1) "Board" means the Waste Management and Radiation Control Board created in Section 19-1-106.

(2) "Closure plan" means a plan under Section 19-6-108 to close a facility or site at which the owner or operator has disposed of nonhazardous solid waste or has treated, stored, or disposed of hazardous waste including, if applicable, a plan to provide postclosure care at the facility or site.

(3) (a) "Commercial nonhazardous solid waste treatment, storage, or disposal facility" means a facility that receives, for profit, nonhazardous solid waste for treatment, storage, or disposal.

(b) "Commercial nonhazardous solid waste treatment, storage, or disposal facility" does not include a commercial facility that:

(i) receives waste for recycling;

(ii) receives waste to be used as fuel, in compliance with federal and state requirements;

(iii) is solely under contract with a local government within the state to dispose of nonhazardous solid waste generated within the boundaries of the local government; or

(iv) receives only waste from the exploration and production of oil and gas.

(4) "Construction waste or demolition waste":

(a) means waste from building materials, packaging, and rubble resulting from construction, demolition, remodeling, and repair of pavements, houses, commercial buildings, and other structures, and from road building and land clearing; and

(b) does not include:

(i) asbestos;

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(ii) contaminated soils or tanks resulting from remediation or cleanup at a release or spill;

(iii) waste paints;

(iv) solvents;

(v) sealers;

(vi) adhesives; or

(vii) hazardous or potentially hazardous materials similar to that described in

Subsections (4)(b)(i) through (vi).

(5) "Director" means the director of the Division of Waste Management and Radiation Control.

(6) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or hazardous waste into or on land or water so that the waste or any constituent of the waste may enter the environment, be emitted into the air, or discharged into any waters, including groundwaters.

(7) "Division" means the Division of Waste Management and Radiation Control, created in Subsection 19-1-105(1)(d).

(8) "Generation" or "generated" means the act or process of producing nonhazardous solid or hazardous waste.

(9) (a) "Hazardous waste" means a solid waste or combination of solid wastes other than household waste that, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(b) "Hazardous waste" does not include those wastes listed in 40 C.F.R. Sec. 261.4(b).

(10) "Health facility" means a:

(a) hospital;

(b) psychiatric hospital;

(c) home health agency;

(d) hospice;

(e) skilled nursing facility;

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- (f) intermediate care facility;
 - (g) intermediate care facility for people with an intellectual disability;
 - (h) residential health care facility;
 - (i) maternity home or birthing center;
 - (j) free standing ambulatory surgical center;
 - (k) facility owned or operated by a health maintenance organization;
 - (l) state renal disease treatment center, including a free standing hemodialysis unit;
 - (m) the office of a private physician or dentist whether for individual or private practice;
 - (n) veterinary clinic; or
 - (o) mortuary.
- (11) "Household waste" means any waste material, including garbage, trash, and sanitary wastes in septic tanks, derived from households, including single-family and multiple-family residences, hotels and motels, bunk houses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.
- (12) "Infectious waste" means a solid waste that contains or may reasonably be expected to contain pathogens of sufficient virulence and quantity that exposure to the waste by a susceptible host could result in an infectious disease.
- (13) "Manifest" means the form used for identifying the quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage.
- (14) "Mixed waste" means material that is a hazardous waste as defined in this chapter and is also radioactive as defined in Section 19-3-102.
- (15) "Modification request" means a request under Section 19-6-108 to modify a permitted facility or site for the purpose of disposing of nonhazardous solid waste or treating, storing, or disposing of hazardous waste.
- (16) "Operation plan" or "nonhazardous solid or hazardous waste operation plan" means a plan or approval under Section 19-6-108, including:
- (a) a plan to own, construct, or operate a facility or site for the purpose of transferring, treating, or disposing of nonhazardous solid waste or treating, storing, or disposing of hazardous waste;

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- (b) a closure plan;
- (c) a modification request; or
- (d) an approval that the director is authorized to issue.

(17) "Permit" includes an operation plan.

(18) "Permittee" means a person who is obligated under an operation plan.

(19) (a) "Solid waste" means garbage, refuse, sludge, including sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations and from community activities.

(b) "Solid waste" does not include solid or dissolved materials in domestic sewage or in irrigation return flows or discharges for which a permit is required under Title 19, Chapter 5, Water Quality Act, or under the Water Pollution Control Act, 33 U.S.C. Sec. 1251 et seq.

(c) "Solid waste" does not include metal that is:

- (i) purchased as a valuable commercial commodity; and
- (ii) not otherwise hazardous waste or subject to conditions of the federal hazardous waste regulations, including the requirements for recyclable materials found at 40 C.F.R. 261.6.

(d) "Solid waste" does not include post-use polymers or recovered feedstock, as those terms are defined in Section 19-6-502, converted or held at an advanced recycling facility.

(20) "Solid waste management facility" means the same as that term is defined in Section 19-6-502.

(21) "Storage" means the actual or intended containment of solid or hazardous waste either on a temporary basis or for a period of years in such a manner as not to constitute disposal of the waste.

(22) (a) "Transfer" means the collection of nonhazardous solid waste from a permanent, fixed, supplemental collection facility for movement to a vehicle for movement to an offsite nonhazardous solid waste storage or disposal facility.

(b) "Transfer" does not mean:

(i) the act of moving nonhazardous solid waste from one location to another location on the site where the nonhazardous solid waste is generated; or

(ii) placement of nonhazardous solid waste on the site where the nonhazardous solid waste is generated in preparation for movement off that site.

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(23) "Transportation" means the off-site movement of solid or hazardous waste to any intermediate point or to any point of storage, treatment, or disposal.

(24) "Treatment" means a method, technique, or process designed to change the physical, chemical, or biological character or composition of any solid or hazardous waste so as to neutralize the waste or render the waste nonhazardous, safer for transport, amenable for recovery, amenable to storage, or reduced in volume.

(25) "Underground storage tank" means a tank that is regulated under Subtitle I of the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.

Section 2. Section **19-6-502** is amended to read:

19-6-502. Definitions.

As used in this part:

~~(1)~~ (1) (a) "Advanced recycling" means a manufacturing process that converts post-use polymers or recovered feedstock into basic raw materials, chemicals, or advanced recycling products using technology including:

- (i) pyrolysis;
- (ii) gasification;
- (iii) depolymerization;
- (iv) catalytic cracking;
- (v) reforming;
- (vi) hydrogenation;
- (vii) solvolysis; or
- (viii) chemolysis.

(b) "Advanced recycling" does not include incineration of plastics ~~or~~, energy recovery processes, ~~or a product sold as fuel.~~

~~(2) (a) "Advanced recycling facility" means a manufacturing facility ~~that~~~~

~~(i) :~~

(a)

that is registered with the Division of Waste Management and Radiation Control, created in Subsection 19-1-105(1)(d);

(b) that receives, stores, and converts post-use polymers or recovered feedstock using advanced recycling; ~~and~~

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~~(f)(c)~~ that is subject to applicable Department of Environmental Quality manufacturing regulations for air, water, waste, and land use~~(f)~~; and

~~(b)(d)~~ "Advanced recycling facility" does not mean a for which the feedstock received by the manufacturing facility~~(f)~~, as described in Section 59-7-610, that is in a recycling market development zone, as defined in Section 19-13-102 is source-separated, diverted, or recovered from municipal or other waste streams prior to acceptance at the facility.

(3) "Advanced recycling product" means a recycled product produced at an advanced recycling facility, including a:

- (a) monomer;
- (b) oligomer;
- (c) plastic;
- (d) chemical feedstock;
- (e) basic and unfinished chemical;
- (f) wax;
- (g) lubricant;
- (h) coating; or
- (i) adhesive.

(4) "Depolymerization" means a manufacturing process that breaks post-use polymers into smaller molecules to produce raw materials or products.

(5) "Gasification" means a manufacturing process that:

(a) heats post-use polymers or recovered feedstock in an oxygen-controlled atmosphere; and

(b) following the process described in Subsection (5)(a), converts the polymers or recovered feedstock into syngas or a raw, intermediate, or final product.

(6) "Governing body" means the governing board, commission, or council of a public entity.

~~(2)~~ (7) "Jurisdiction" means the area within the incorporated limits of:

- (a) a municipality;
- (b) a special service district;
- (c) a municipal-type service district;
- (d) a service area; or

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(e) the territorial area of a county not lying within a municipality.

~~[(3)]~~ (8) "Long-term agreement" means an agreement or contract having a term of more than five years but less than 50 years.

(9) "Mass balance attribution" means a chain of custody accounting methodology with rules defined by a third-party certification system that enables the attribution of the mass of advanced recycling feedstock to at least one advanced recycling product.

~~[(4)]~~ (10) "Municipal residential waste" means solid waste that is:

(a) discarded or rejected at a residence within the public entity's jurisdiction; and

(b) collected at or near the residence by:

(i) a public entity; or

(ii) a person with whom the public entity has as an agreement to provide solid waste management.

(11) "Post-use polymer" means a plastic that:

(a) is derived from an industrial, commercial, agricultural, or domestic activity;

(b) includes pre-consumer materials and post-consumer materials;

(c) has been sorted from solid waste and other regulated waste but may contain residual amounts of waste including organic material and incidental contaminants or impurities;

(d) is not mixed with solid waste or hazardous waste during processing at the advanced recycling facility;

(e) is used as a feedstock for the manufacturing of raw materials, intermediate products, or final products using advanced recycling; and

(f) is held for processing or processed at the advanced recycling facility.

~~(12)~~ "Product sold as fuel" does not mean a recycled product.

~~[(5)]~~ ~~(12)~~ (13) "Public entity" means:

(a) a county;

(b) a municipality;

(c) a special service district under Title 17D, Chapter 1, Special Service District Act;

(d) a service area under Title 17B, Chapter 2a, Part 9, Service Area Act; or

(e) a municipal-type service district created under Title 17, Chapter 34,

Municipal-Type Services to Unincorporated Areas.

~~(13)~~ (14) "Pyrolysis" means a manufacturing process that:

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(a) heats post-use polymers or recovered feedstock, without oxygen, until melted and thermally decomposed; and

(b) following the process described in Subsection (~~(13)~~14)(a), cools, condenses, and converts post-use polymers or recovered feedstock into raw materials and intermediate and final products.

(~~(14)~~15) (a) "Recovered feedstock" means a material:

(i) that includes post-use polymers;~~for~~

(ii) for which the United States Environmental Protection Agency made a non-waste determination or has otherwise determined is feedstock and solid waste~~;~~ or

(iii) that is converted using an advanced recycling process after storage of less than 270 days.

(b) "Recovered feedstock" does not include unprocessed municipal solid waste or recovered feedstock that is not mixed with solid waste or hazardous waste onsite, or during processing, at an advanced recycling facility.

(~~(15)~~16) "Recycled plastic" means a product produced from:

(a) mechanical recycling of pre-consumer feedstock or plastic, or post-consumer plastic;~~for~~

(b) the advanced recycling of pre-consumer feedstock or plastic, or post-consumer plastic, using mass balance attribution under a third-party certification system; or

(c) a recycled material, as that term is defined in Section 4-10-102.

[(6)] (~~(16)~~17) "Requirement" means an ordinance, policy, rule, mandate, or other directive that imposes a legal duty on a person.

[(7)] (~~(17)~~18) "Residence" means an improvement to real property used or occupied as a primary or secondary detached single-family dwelling.

[(8)] (~~(18)~~19) "Resource recovery" means the separation, extraction, recycling, or recovery of usable material, energy, fuel, or heat from solid waste and the disposition of it.

[(9)] (~~(19)~~20) "Short-term agreement" means a contract or agreement having a term of five years or less.

[(10)] (~~(20)~~21) (a) "Solid waste" means a putrescible or nonputrescible material or substance discarded or rejected as being spent, useless, worthless, or in excess of the owner's needs at the time of discard or rejection, including:

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- (i) garbage;
- (ii) refuse;
- (iii) industrial and commercial waste;
- (iv) sludge from an air or water control facility;
- (v) rubbish;
- (vi) ash;
- (vii) contained gaseous material;
- (viii) incinerator residue;
- (ix) demolition and construction debris;
- (x) a discarded automobile; and
- (xi) offal.

(b) "Solid waste" does not include:

(i) sewage or another highly diluted water carried material or substance and those in gaseous form[?]; or

(ii) post-use polymers or recovered feedstock that are converted or held at an advanced recycling facility.

~~[(11)]~~ ~~(21)~~ (22) (a) "Solid waste management" means the purposeful and systematic collection, transportation, storage, processing, recovery, or disposal of solid waste.

(b) "Solid waste management" does not include advanced recycling.

~~[(12)]~~ ~~(22)~~ (23) (a) "Solid waste management facility" means a facility employed for solid waste management, including:

- (i) a transfer station;
- (ii) a transport system;
- (iii) a baling facility;
- (iv) a landfill; and
- (v) a processing system, including:
 - (A) a resource recovery facility;
 - (B) a facility for reducing solid waste volume;
 - (C) a plant or facility for compacting, or composting, of solid waste;
 - (D) an incinerator;
 - (E) a solid waste disposal, reduction, pyrolyzation, or conversion facility;

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(F) a facility for resource recovery of energy consisting of:

(I) a facility for the production, transmission, distribution, and sale of heat and steam;

(II) a facility for the generation and sale of electric energy to a public utility,

municipality, or other public entity that owns and operates an electric power system on March 15, 1982; and

(III) a facility for the generation, sale, and transmission of electric energy on an emergency basis only to a military installation of the United States; and

(G) an auxiliary energy facility that is connected to a facility for resource recovery of energy as described in Subsection [~~(12)(a)(v)(F)~~], (22)(a)(v)(F), that:

(I) is fueled by natural gas, landfill gas, or both;

(II) consists of a facility for the production, transmission, distribution, and sale of supplemental heat and steam to meet all or a portion of the heat and steam requirements of a military installation of the United States; and

(III) consists of a facility for the generation, transmission, distribution, and sale of electric energy to a public utility, a municipality described in Subsection [~~(12)(a)(v)(F)(II)~~], (22)(a)(v)(F)(II), or a political subdivision created under Title 11, Chapter 13, Interlocal Cooperation Act.

(b) "Solid waste management facility" does not mean a facility that:

(i) accepts and processes metal, as described in Subsection 19-6-102(19)(b), by separating, shearing, sorting, shredding, compacting, baling, cutting, or sizing to produce a principle commodity grade product of prepared scrap metal for sale or use for remelting purposes provided that any byproduct or residual that would qualify as solid waste is managed at a solid waste management facility; or

(ii) accepts and processes paper, plastic, rubber, glass, or textiles that:

(A) have been source-separated or otherwise diverted from the solid waste stream before acceptance at the facility and that are not otherwise hazardous waste or subject to conditions of federal hazardous waste regulations; and

(B) are reused or recycled as a valuable commercial commodity by separating, shearing, sorting, shredding, compacting, baling, cutting, or sizing to produce a principle commodity grade product, provided that any byproduct or residual that would qualify as solid waste is managed at a solid waste management facility.

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(c) "Solid waste management facility" does not include an advanced recycling facility.

~~(23)~~24) "Solvolyis" means a manufacturing process that:

(a) purifies post-use polymers using solvents, while heated at low temperatures or pressurized, allowing additives and contaminants to be removed;

(b) uses technology, including:

(i) hydrolysis;

(ii) aminolysis;

(iii) ammonolysis;

(iv) methanololysis; or

(v) glycolysis; and

(c) ~~uses~~manufactures products, including:

(i) monomers;

(ii) intermediates;

(iii) valuable chemicals;

(iv) chemical feedstock; or

(v) raw materials.

~~(24)~~25) "Third-party certification system" means an international or multinational third-party certification system of rules to implement mass balance attribution approaches for advanced recycling, including:

(a) ~~ISO~~International Sustainability and Carbon Certification;

(b) Underwriter Laboratories;

(c) ~~CS~~SCS Recycled Content;

(d) Roundtable on Sustainable Biomaterials;

(e) Ecoloop; or

(f) REDcert2.

Section 3. Section **19-6-509** is amended to read:

19-6-509. Recycling data.

(1) As used in this section:

(a) (i) "Municipal solid waste" means nonhazardous solid waste, including garbage, refuse, office waste, or other similar material that results from the operation of residential, municipal, commercial, or institutional establishments or community activities.

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(ii) "Municipal solid waste" does not include a plastic or material that is converted or held at an advanced recycling facility, including:

(A) post-use polymers; or

(B) recovered feedstock.

(b) "Recyclable material" means municipal solid waste that is suitable for recycling.

(c) "Recyclable material hauler" means a person, including a political subdivision, who:

(i) for compensation, collects and transports recyclable material; and

(ii) uses the billing and collection system of a political subdivision to bill or collect payment from the recyclable material hauler's customers.

(d) "Recycle" means to take action to recover recyclable materials from the municipal solid waste stream for the purposes of use or reuse, conversion into raw materials, or use in the production of new products.

(2) A recyclable material hauler shall report, in accordance with Subsection (3) and according to the best of the recycler's knowledge, the approximate tonnage of recyclable material collected by the recyclable material hauler that the recyclable material hauler delivered to:

(a) a landfill; and

(b) a recycling facility.

(3) (a) At least two times each calendar year, a recyclable material hauler shall provide the information described in Subsection (2) to the political subdivision whose billing and collection system the recyclable material hauler uses.

(b) The recyclable material hauler shall provide data under Subsection (3)(a) for the longer of:

(i) the time since the recyclable material hauler last provided the data; or

(ii) six months before the day on which the data is provided.

(4) Within 45 days after the day on which a recyclable material hauler provides data under this section, a political subdivision shall publish the data, as available:

(a) in a newsletter produced by the municipality; and

(b) on a website operated by the municipality.