

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: Curtis S. Bramble

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, 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; 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



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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

57 operation plan approval has been issued as of January 1, 1990, and on annual operations of
58 7,000 hours.

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

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

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

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

70 (B) The director may not:

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

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

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

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

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

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

85 (C) cement kiln dust wastes.

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

88 (A) local government approval and the approval described in Subsection (3)(a);
89 (B) approval from the Legislature; and
90 (C) after receiving the approvals described in Subsections (3)(c)(i)(A) and (B),
91 approval from the governor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

150 for a class I or II facility:

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

153 (ii) time required for public participation and hearings for issuance of plan approvals;
154 and

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

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

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

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

161 (ii) time required for public participation and hearings for issuance of plan approvals;
162 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

211 (i) land acquisition and leasing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

274 regulation under the federal Atomic Energy Act, 42 U.S.C. Sections 2014 and 2021 through
275 2114.

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

277 **19-6-119. Nonhazardous solid waste disposal fees.**

278 (1) (a) [~~Except~~] Through December 31, 2018, and except as provided in Subsection
279 [~~(5)~~] (4), the owner or operator of a commercial nonhazardous solid waste disposal facility or
280 incinerator shall pay the following fees for waste received for treatment or disposal at the
281 facility if the facility or incinerator is required to have operation plan approval under Section
282 **19-6-108** and primarily receives waste generated by off-site sources not owned, controlled, or
283 operated by the facility or site owner or operator:

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

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

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

308 (2) (a) [~~Except~~] Through December 31, 2018, and except as provided in Subsections
309 (2)(~~b~~)(c) and [~~(5)~~] (4), a waste facility that is owned by a political subdivision shall pay the
310 following annual facility fee to the department by January 15 of each year:

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

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

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

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

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

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

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

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

326 [~~(b)~~] (c) [~~Except~~] Through December 31, 2018, and except as provided in Subsection
327 [~~(5)~~] (4), a waste facility that is owned by a political subdivision shall pay \$2.50 per ton for:

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

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

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

332 (ii) waste described in Subsection (1)(a)(iii)(B) 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.

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

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

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

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

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

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

349 (i) \$1.25 per ton on:

350 (A) all nonhazardous solid waste; and

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

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

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

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

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

360 ~~[(5)]~~ (4) The owner or operator of a waste disposal facility that receives nonhazardous
361 solid waste described in Subsection (1)(a)(iii)(B) is not required to pay any fee on those
362 nonhazardous solid wastes if received solely for the purpose of recycling, reuse, or
363 reprocessing.

364 ~~[(6)]~~ (5) ~~[Except]~~ Through December 31, 2018, and except as provided in Subsection
365 (2)(a), a facility required to pay fees under this section shall:

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

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

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

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

374 (6) (a) In accordance with Section [63J-1-504](#), on or before July 1, 2018, the department
375 shall establish a fee schedule for the treatment, transfer, and disposal of all nonhazardous solid
376 waste.

377 (b) The department shall, before establishing the fee schedule described in Subsection
378 (6)(a), ~~Ĥ~~→ **consult with industry and local government and** ←~~Ĥ~~ complete a review of program
378a costs and indirect costs of regulating nonhazardous solid
379 waste in the state and use the findings of the review to create the fee schedule.

380 (c) The fee schedule described in Subsection (6)(a) shall:

381 (i) create an equitable and fair fee to be paid by all persons whose treatment, transfer,
382 or disposal of nonhazardous solid waste creates a regulatory burden to the department, except
383 as provided in Subsection (6)(d);

384 (ii) cover the fully burdened costs of the program and provide for reasonable and
385 timely oversight by the department;

386 (iii) adequately meet the needs of industry, local government, and the department,
387 including enabling the department to employ qualified personnel to appropriately oversee
388 industry and local government regulation; ~~Ĥ~~→ **[and]** ←~~Ĥ~~

389 (iv) provide stable funding for the Environmental Quality Restricted Account created
390 in ~~Ĥ~~→ **Section** ←~~Ĥ~~ [19-1-108](#) ~~Ĥ~~→ **[e]** ; and

390a (v) **give consideration to a fee differential regarding solid waste managed at a transfer**
390b **facility.** ←~~Ĥ~~

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

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

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

398 (e) The fees in the fee schedule established by Subsection (6)(a) shall take effect on
399 January 1, 2019.

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

401 (a) pay the fees imposed by this section to the department by the 15th day of the month
402 following the quarter in which the fees accrued; and

403 (b) with the fees required under Subsection (7)(a), submit to the department, on a form
404 prescribed by the department, information that verifies the amount of nonhazardous solid waste
405 received and the fees that the owner or operator is required to pay.

406 [~~7~~] (8) The department shall:

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

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

412 [~~8~~] (9) The department may contract or agree with a county to assist in performing
413 nonhazardous solid waste management activities, including agreements for:

414 (a) the development of a solid waste management plan required under Section
415 17-15-23; and

416 (b) pass-through of available funding.

417 [~~9~~] (10) This section does not exempt any facility from applicable regulation under
418 the Atomic Energy Act, 42 U.S.C. Sec. 2014 and 2021 through 2114.

419 (11) The department shall report to the Natural Resources, Agriculture, and
420 Environment Interim Committee by November 30, 2017 ~~to~~ on the fee schedule described in
421 Subsection (6)(a).