

1 **SOLID WASTE AMENDMENTS - FINANCIAL ASSURANCE**

2 **REQUIREMENTS**

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Kevin T. Van Tassell**

6 House Sponsor: _____

7

LONG TITLE

8 **General Description:**

9
10 This bill provides that a solid waste disposal site owned or operated by the federal
11 government, the state government, or a county government is not subject to a financial
12 assurance requirement.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ provides that a solid waste disposal site owned or operated by the federal
- 16 government, the state government, or a county government is not subject to a
- 17 financial assurance requirement; and
- 18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **19-6-105**, as last amended by Laws of Utah 2008, Chapter 382

26

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



28 Section 1. Section **19-6-105** is amended to read:

29 **19-6-105. Rules of board.**

30 (1) The board may make rules in accordance with Title 63G, Chapter 3, Utah
31 Administrative Rulemaking Act:

32 (a) establishing minimum standards for protection of human health and the
33 environment, for the storage, collection, transport, recovery, treatment, and disposal of solid
34 waste, including requirements for the approval of plans for the construction, extension,
35 operation, and closure of solid waste disposal sites, which may not include a financial
36 assurance requirement for a solid waste disposal site owned or operated by the federal
37 government, state government, or a county government;

38 (b) identifying wastes [~~which~~] that are determined to be hazardous, including wastes
39 designated as hazardous under Sec. 3001 of the Resource Conservation and Recovery Act of
40 1976, 42 U.S.C., Sec. 6921, et seq.;

41 (c) governing generators and transporters of hazardous wastes and owners and
42 operators of hazardous waste treatment, storage, and disposal facilities, including requirements
43 for keeping records, monitoring, submitting reports, and using a manifest, without treating
44 high-volume wastes such as cement kiln dust, mining wastes, utility waste, gas and oil drilling
45 muds, and oil production brines in a manner more stringent than they are treated under federal
46 standards;

47 (d) requiring an owner or operator of a treatment, storage, or disposal facility that is
48 subject to a plan approval under Section 19-6-108 or which received waste after July 26, 1982,
49 to take appropriate corrective action or other response measures for releases of hazardous waste
50 or hazardous waste constituents from the facility, including releases beyond the boundaries of
51 the facility;

52 (e) specifying the terms and conditions under which the board shall approve,
53 disapprove, revoke, or review hazardous wastes operation plans;

54 (f) governing public hearings and participation under this part;

55 (g) establishing standards governing underground storage tanks, in accordance with
56 Title 19, Chapter 6, Part 4, Underground Storage Tank Act;

57 (h) relating to the collection, transportation, processing, treatment, storage, and
58 disposal of infectious waste in health facilities in accordance with the requirements of Section

59 19-6-106;
 60 (i) defining closure plans as major or minor;
 61 (j) defining modification plans as major or minor; and
 62 (k) prohibiting refuse, offal, garbage, dead animals, decaying vegetable matter, or
 63 organic waste substance of any kind to be thrown, or remain upon or in any street, road, ditch,
 64 canal, gutter, public place, private premises, vacant lot, watercourse, lake, pond, spring, or
 65 well.

66 (2) If any of the following are determined to be hazardous waste and are therefore
 67 subjected to the provisions of this part, the board shall, in the case of landfills or surface
 68 impoundments that receive the solid wastes, take into account the special characteristics of the
 69 wastes, the practical difficulties associated with applying requirements for other wastes to the
 70 wastes, and site specific characteristics, including the climate, geology, hydrology, and soil
 71 chemistry at the site, if the modified requirements assure protection of human health and the
 72 environment and are no more stringent than federal standards applicable to wastes:

73 (a) solid waste from the extraction, beneficiation, or processing of ores and minerals,
 74 including phosphate rock and overburden from the mining of uranium;

75 (b) fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste
 76 generated primarily from the combustion of coal or other fossil fuels; and

77 (c) cement kiln dust waste.

78 (3) (a) The board shall establish criteria for siting commercial hazardous waste
 79 treatment, storage, and disposal facilities, including commercial hazardous waste incinerators.
 80 [~~Those criteria~~]

81 (b) Criteria established under Subsection (3)(a) shall apply to any facility or incinerator
 82 for which plan approval is required under Section 19-6-108.

Legislative Review Note
 as of 2-3-11 6:14 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 68

SHORT TITLE: **Solid Waste Amendments - Financial Assurance Requirements**

SPONSOR: **Van Tassell, K.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.