

1                    **DEPARTMENT OF ENVIRONMENTAL QUALITY**

2                                    **MODIFICATIONS**

3    2015 GENERAL SESSION

4    STATE OF UTAH

5                                    **Chief Sponsor: Margaret Dayton**

6    House Sponsor: Keith Grover

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8                    **LONG TITLE**

9                    **General Description:**

10                    This bill modifies the organizational structure of the Department of Environmental  
11                    Quality.

12                    **Highlighted Provisions:**

13                    This bill:

14                    ▶ combines the Division of Radiation and the Division of Solid and Hazardous Waste  
15                    to create a new division known as the Division of Waste Management and  
16                    Radiation Control; and

17                    ▶ makes technical changes.

18                    **Money Appropriated in this Bill:**

19                    None

20                    **Other Special Clauses:**

21                    This bill provides a special effective date.

22                    This bill provides a coordination clause.

23                    **Utah Code Sections Affected:**

24                    AMENDS:

25                    **17-15-23**, as last amended by Laws of Utah 1991, Chapter 112

26                    **19-1-105**, as last amended by Laws of Utah 2012, Chapter 360

27                    **19-1-106**, as enacted by Laws of Utah 1991, Chapter 112

28                    **19-1-307**, as last amended by Laws of Utah 2010, Chapter 278

29                    **19-3-102**, as last amended by Laws of Utah 2012, Chapter 360

- 30 [19-3-104](#), as last amended by Laws of Utah 2012, Chapter 360
- 31 [19-3-105](#), as last amended by Laws of Utah 2013, Chapter 330
- 32 [19-5-102](#), as last amended by Laws of Utah 2013, Chapter 227
- 33 [19-6-102](#), as last amended by Laws of Utah 2012, Chapter 360
- 34 [19-6-102.1](#), as last amended by Laws of Utah 2012, Chapter 360
- 35 [19-6-103](#), as last amended by Laws of Utah 2012, Chapter 360
- 36 [19-6-104](#), as last amended by Laws of Utah 2012, Chapter 360
- 37 [19-6-107](#), as last amended by Laws of Utah 2012, Chapter 360
- 38 [19-6-202](#), as last amended by Laws of Utah 2011, Chapter 297
- 39 [19-6-402](#), as last amended by Laws of Utah 2014, Chapter 227
- 40 [19-6-601](#), as last amended by Laws of Utah 2012, Chapter 360
- 41 [19-6-703](#), as last amended by Laws of Utah 2012, Chapter 360
- 42 [19-6-803](#), as last amended by Laws of Utah 2012, Chapters 263 and 360
- 43 [19-6-902](#), as last amended by Laws of Utah 2013, Chapter 278
- 44 [19-6-906](#), as last amended by Laws of Utah 2008, Chapter 382
- 45 [19-6-1002](#), as last amended by Laws of Utah 2012, Chapter 360
- 46 [19-6-1102](#), as last amended by Laws of Utah 2012, Chapter 360
- 47 [26-7-7](#), as enacted by Laws of Utah 2014, Chapter 93
- 48 [59-1-403](#), as last amended by Laws of Utah 2014, Chapter 320
- 49 [63J-4-502](#), as last amended by Laws of Utah 2012, Chapter 212

50 REPEALS:

- 51 [19-3-103](#), as last amended by Laws of Utah 2012, Chapter 360
- 52 [19-3-103.5](#), as last amended by Laws of Utah 2012, Chapter 360
- 53 [19-3-108](#), as last amended by Laws of Utah 2012, Chapter 360

54 **Utah Code Sections Affected by Coordination Clause:**

- 55 [19-1-301.5](#), as enacted by Laws of Utah 2012, Chapter 333 and last amended by
- 56 Coordination Clause, Laws of Utah 2012, Chapter 360

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

59 Section 1. Section **17-15-23** is amended to read:

60 **17-15-23. County solid waste management plans.**

61 (1) (a) Each county or entity created or designated by a county for this purpose shall  
62 submit to the [~~Solid and Hazardous~~] Waste Management and Radiation Control Board,  
63 organized in Section **19-6-103**, a county solid waste management plan providing solid waste  
64 management information as reasonably required by the board and according to a timetable  
65 established by the board.

66 (b) Each county shall review and modify its solid waste management plan no less  
67 frequently than every five years.

68 (2) Each county solid waste management plan shall be consistent with Title 19,  
69 Chapter 6, Part 5, Solid Waste Management Act, and shall establish the county's solid waste  
70 management plan for the next 20 years.

71 (3) Each county solid waste management plan shall include an estimate of the solid  
72 waste capacity needed in the county for the next 20 years and the county's program to ensure  
73 that the county will have sufficient solid waste disposal capacity for the next 20 years.

74 (4) The solid waste management plan mandated by this section is contingent upon the  
75 adoption and implementation of a funding mechanism. Nothing contained in this section  
76 precludes a political subdivision, local health department, or district from undertaking  
77 comprehensive solid waste planning.

78 Section 2. Section **19-1-105** is amended to read:

79 **19-1-105. Divisions of department -- Control by division directors.**

80 (1) The following divisions are created within the department:

81 (a) the Division of Air Quality, to administer Title 19, Chapter 2, Air Conservation  
82 Act;

83 (b) the Division of Drinking Water, to administer Title 19, Chapter 4, Safe Drinking  
84 Water Act;

85 (c) the Division of Environmental Response and Remediation, to administer:

86 (i) Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act; and  
 87 (ii) Title 19, Chapter 6, Part 4, Underground Storage Tank Act;  
 88 [~~(d) the Division of Radiation Control, to administer Title 19, Chapter 3, Radiation~~  
 89 ~~Control Act;~~]  
 90 [~~(e) the Division of Solid and Hazardous Waste, to administer:~~]  
 91 (d) the Division of Waste Management and Radiation Control, to administer:  
 92 (i) Title 19, Chapter 3, Radiation Control Act;  
 93 ~~(i)~~ (ii) Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act;  
 94 ~~(ii)~~ (iii) Title 19, Chapter 6, Part 2, Hazardous Waste Facility Siting Act;  
 95 ~~(iii)~~ (iv) Title 19, Chapter 6, Part 5, Solid Waste Management Act;  
 96 ~~(iv)~~ (v) Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal;  
 97 ~~(v)~~ (vi) Title 19, Chapter 6, Part 7, Used Oil Management Act;  
 98 ~~(vi)~~ (vii) Title 19, Chapter 6, Part 8, Waste Tire Recycling Act;  
 99 ~~(vii)~~ (viii) Title 19, Chapter 6, Part 10, Mercury Switch Removal Act;  
 100 ~~(viii)~~ (ix) Title 19, Chapter 6, Part 11, Industrial Byproduct Reuse; and  
 101 ~~(ix)~~ (x) Title 19, Chapter 6, Part 12, Disposal of Electronic Waste Program; and  
 102 ~~(x)~~ (e) the Division of Water Quality, to administer Title 19, Chapter 5, Water Quality  
 103 Act.

104 (2) Each division is under the immediate direction and control of a division director  
 105 appointed by the executive director.

106 (3) (a) A division director shall possess the administrative skills and training necessary  
 107 to perform the duties of division director.

108 (b) A division director shall hold one of the following degrees from an accredited  
 109 college or university:

- 110 (i) a four-year degree in physical or biological science or engineering;
- 111 (ii) a related degree; or
- 112 (iii) a degree in law.

113 (4) The executive director may remove a division director at will.

114 (5) A division director shall serve as the executive secretary to the policymaking board,  
115 created in Section 19-1-106, that has rulemaking authority over the division director's division.

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

117 **19-1-106. Boards within department.**

118 (1) The following policymaking boards are created within the department:

119 (a) the Air Quality Board, appointed under Section 19-2-103;

120 [~~(b) the Radiation Control Board, appointed under Section 19-3-103;~~]

121 [~~(c)~~] (b) the Drinking Water Board, appointed under Section 19-4-103;

122 [~~(d)~~] (c) the Water Quality Board, appointed under Section 19-5-103; and

123 (d) the Waste Management and Radiation Control Board, appointed under Section

124 19-6-104.

125 [~~(e) the Solid and Hazardous Waste Control Board, appointed under Section 19-6-103;~~]

126 (2) The authority of the boards created in Subsection (1) is limited to the specific  
127 authority granted them under this title.

128 Section 4. Section 19-1-307 is amended to read:

129 **19-1-307. Evaluation of closure, postclosure, and perpetual care and maintenance**  
130 **for hazardous waste and radioactive waste treatment and disposal facilities -- Report.**

131 (1) (a) Beginning in 2006, the [~~Solid and Hazardous~~] Waste Management and  
132 Radiation Control Board created in Section 19-1-106 shall direct an evaluation every five years  
133 of:

134 (i) the adequacy of the amount of financial assurance required for closure and  
135 postclosure care under 40 C.F.R. subpart H, Sections 264.140 through 264.151 submitted  
136 pursuant to a hazardous waste operation plan for a commercial hazardous waste treatment,  
137 storage, or disposal facility under Section 19-6-108; and

138 (ii) the adequacy of the amount of financial assurance or funds required for perpetual  
139 care and maintenance following the closure and postclosure period of a commercial hazardous  
140 waste treatment, storage, or disposal facility, if found necessary following the evaluation under  
141 Subsection (1)(c).

- 142 (b) The evaluation shall determine:
- 143 (i) whether the amount of financial assurance required is adequate for closure and  
144 postclosure care of hazardous waste treatment, storage, or disposal facilities;
- 145 (ii) whether the amount of financial assurance or funds required is adequate for  
146 perpetual care and maintenance following the closure and postclosure period of a commercial  
147 hazardous waste treatment, storage, or disposal facility, if found necessary following the  
148 evaluation under Subsection (1)(c); and
- 149 (iii) the costs above the minimal maintenance and monitoring for reasonable risks that  
150 may occur during closure, postclosure, and perpetual care and maintenance of commercial  
151 hazardous waste treatment, storage, or disposal facilities including:
- 152 (A) groundwater corrective action;
- 153 (B) differential settlement failure; or
- 154 (C) major maintenance of a cell or cells.
- 155 (c) The [~~Solid and Hazardous~~] Waste Management and Radiation Control Board shall  
156 evaluate in 2006 whether financial assurance or funds are necessary for perpetual care and  
157 maintenance following the closure and postclosure period of a commercial hazardous waste  
158 treatment, storage, or disposal facility to protect human health and the environment.
- 159 (2) (a) Beginning in 2006, the Waste Management and Radiation Control Board  
160 created in Section 19-1-106 shall direct an evaluation every five years of:
- 161 (i) the adequacy of the Radioactive Waste Perpetual Care and Maintenance Account  
162 created by Section 19-3-106.2; and
- 163 (ii) the adequacy of the amount of financial assurance required for closure and  
164 postclosure care of commercial radioactive waste treatment or disposal facilities under  
165 Subsection 19-3-104~~(12)~~(11).
- 166 (b) The evaluation shall determine:
- 167 (i) whether the restricted account is adequate to provide for perpetual care and  
168 maintenance of commercial radioactive waste treatment or disposal facilities;
- 169 (ii) whether the amount of financial assurance required is adequate to provide for

170 closure and postclosure care of commercial radioactive waste treatment or disposal facilities;

171 (iii) the costs under Subsection 19-3-106.2(5)(b) of using the Radioactive Waste  
172 Perpetual Care and Maintenance Account during the period before the end of 100 years  
173 following final closure of the facility for maintenance, monitoring, or corrective action in the  
174 event that the owner or operator is unwilling or unable to carry out the duties of postclosure  
175 maintenance, monitoring, or corrective action; and

176 (iv) the costs above the minimal maintenance and monitoring for reasonable risks that  
177 may occur during closure, postclosure, and perpetual care and maintenance of commercial  
178 radioactive waste treatment or disposal facilities including:

179 (A) groundwater corrective action;

180 (B) differential settlement failure; or

181 (C) major maintenance of a cell or cells.

182 (3) The [~~boards~~] board under Subsections (1) and (2) shall submit a [~~joint~~] report on  
183 the evaluations to the Legislative Management Committee on or before October 1 of the year in  
184 which the report is due.

185 Section 5. Section 19-3-102 is amended to read:

186 **19-3-102. Definitions.**

187 As used in this chapter:

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

190 (2) (a) "Broker" means a person who performs one or more of the following functions  
191 for a generator:

192 (i) arranges for transportation of the radioactive waste;

193 (ii) collects or consolidates shipments of radioactive waste; or

194 (iii) processes radioactive waste in some manner.

195 (b) "Broker" does not include a carrier whose sole function is to transport the  
196 radioactive waste.

197 (3) "Byproduct material" has the same meaning as in 42 U.S.C. Sec. 2014(e)(2).

198 (4) "Class B and class C low-level radioactive waste" has the same meaning as in 10  
199 CFR 61.55.

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

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

204 (7) "Generator" means a person who:

205 (a) possesses any material or component:

206 (i) that contains radioactivity or is radioactively contaminated; and

207 (ii) for which the person foresees no further use; and

208 (b) transfers the material or component to:

209 (i) a commercial radioactive waste treatment or disposal facility; or

210 (ii) a broker.

211 (8) (a) "High-level nuclear waste" means spent reactor fuel assemblies, dismantled  
212 nuclear reactor components, and solid and liquid wastes from fuel reprocessing and  
213 defense-related wastes.

214 (b) "High-level nuclear waste" does not include medical or institutional wastes,  
215 naturally-occurring radioactive materials, or uranium mill tailings.

216 (9) (a) "Low-level radioactive waste" means waste material which contains radioactive  
217 nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities  
218 which exceed applicable federal or state standards for unrestricted release.

219 (b) "Low-level radioactive waste" does not include waste containing more than 100  
220 nanocuries of transuranic contaminants per gram of material, nor spent reactor fuel, nor  
221 material classified as either high-level waste or waste which is unsuited for disposal by  
222 near-surface burial under any applicable federal regulations.

223 (10) "Radiation" means ionizing and nonionizing radiation, including gamma rays,  
224 X-rays, alpha and beta particles, high speed electrons, and other nuclear particles.

225 (11) "Radioactive" means any solid, liquid, or gas which emits radiation spontaneously



226 from decay of unstable nuclei.

227 Section 6. Section **19-3-104** is amended to read:

228 **19-3-104. Registration and licensing of radiation sources by department --**  
229 **Assessment of fees -- Rulemaking authority and procedure -- Siting criteria.**

230 (1) As used in this section:

231 (a) "Decommissioning" includes financial assurance.

232 (b) "Source material" and "byproduct material" have the same definitions as in 42  
233 U.S.C.A. 2014, Atomic Energy Act of 1954, as amended.

234 (2) The division may require the registration or licensing of radiation sources that  
235 constitute a significant health hazard.

236 (3) All sources of ionizing radiation, including ionizing radiation producing machines,  
237 shall be registered or licensed by the department.

238 (4) The board may make rules:

239 (a) necessary for controlling exposure to sources of radiation that constitute a  
240 significant health hazard;

241 (b) to meet the requirements of federal law relating to radiation control to ensure the  
242 radiation control program under this part is qualified to maintain primacy from the federal  
243 government;

244 [~~(c) to establish:~~]

245 [~~(i) board accreditation requirements and procedures for mammography facilities; and]~~

246 [~~(ii)~~] (c) to establish certification procedure and qualifications for persons who survey  
247 mammography equipment and oversee quality assurance practices at mammography facilities;  
248 and

249 (d) as necessary regarding the possession, use, transfer, or delivery of source and  
250 byproduct material and the disposal of byproduct material to establish requirements for:

251 (i) the licensing, operation, decontamination, and decommissioning, including financial  
252 assurances; and

253 (ii) the reclamation of sites, structures, and equipment used in conjunction with the

254 activities described in this Subsection (4).

255 (5) (a) On and after January 1, 2003, a fee is imposed for the regulation of source and  
256 byproduct material and the disposal of byproduct material at uranium mills or commercial  
257 waste facilities, as provided in this Subsection (5).

258 (b) On and after January 1, 2003 through March 30, 2003:

259 (i) \$6,667 per month for uranium mills or commercial sites disposing of or  
260 reprocessing byproduct material; and

261 (ii) \$4,167 per month for those uranium mills the director has determined are on  
262 standby status.

263 (c) On and after March 31, 2003 through June 30, 2003 the same fees as in Subsection  
264 (5)(b) apply, but only if the federal Nuclear Regulatory Commission grants to Utah an  
265 amendment for agreement state status for uranium recovery regulation on or before March 30,  
266 2003.

267 (d) If the Nuclear Regulatory Commission does not grant the amendment for state  
268 agreement status on or before March 30, 2003, fees under Subsection (5)(e) do not apply and  
269 are not required to be paid until on and after the later date of:

270 (i) October 1, 2003; or

271 (ii) the date the Nuclear Regulatory Commission grants to Utah an amendment for  
272 agreement state status for uranium recovery regulation.

273 (e) For the payment periods beginning on and after July 1, 2003, the department shall  
274 establish the fees required under Subsection (5)(a) under Section [63J-1-504](#), subject to the  
275 restrictions under Subsection (5)(d).

276 (f) The division shall deposit fees it receives under this Subsection (5) into the  
277 Environmental Quality Restricted Account created in Section [19-1-108](#).

278 (6) (a) The division shall assess fees for registration, licensing, and inspection of  
279 radiation sources under this section.

280 (b) The division shall comply with the requirements of Section [63J-1-504](#) in assessing  
281 fees for licensure and registration.

282           ~~[(7) The division shall coordinate its activities with the Department of Health rules~~  
283 ~~made under Section 26-21a-203.]~~

284           ~~[(8)]~~ (7) (a) Except as provided in Subsection ~~[(9)]~~ (8), the board may not adopt rules,  
285 for the purpose of the state assuming responsibilities from the United States Nuclear  
286 Regulatory Commission with respect to regulation of sources of ionizing radiation, that are  
287 more stringent than the corresponding federal regulations which address the same  
288 circumstances.

289           (b) In adopting those rules, the board may incorporate corresponding federal  
290 regulations by reference.

291           ~~[(9)]~~ (8) (a) The board may adopt rules more stringent than corresponding federal  
292 regulations for the purpose described in Subsection ~~[(8)]~~ (7) only if it makes a written finding  
293 after public comment and hearing and based on evidence in the record that corresponding  
294 federal regulations are not adequate to protect public health and the environment of the state.

295           (b) Those findings shall be accompanied by an opinion referring to and evaluating the  
296 public health and environmental information and studies contained in the record which form  
297 the basis for the board's conclusion.

298           ~~[(10)]~~ (9) (a) The board shall by rule:

299           (i) authorize independent qualified experts to conduct inspections required under this  
300 chapter of x-ray facilities registered with the division; and

301           (ii) establish qualifications and certification procedures necessary for independent  
302 experts to conduct these inspections.

303           (b) Independent experts under this Subsection ~~[(10)]~~ (9) are not considered employees  
304 or representatives of the division or the state when conducting the inspections.

305           ~~[(11)]~~ (10) (a) The board may by rule establish criteria for siting commercial low-level  
306 radioactive waste treatment or disposal facilities, subject to the prohibition imposed by Section  
307 19-3-103.7.

308           (b) Subject to Subsection 19-3-105(10), any facility under Subsection ~~[(11)]~~ (10)(a) for  
309 which a radioactive material license is required by this section shall comply with those criteria.

310 (c) Subject to Subsection 19-3-105(10), a facility may not receive a radioactive  
311 material license until siting criteria have been established by the board. The criteria also apply  
312 to facilities that have applied for but not received a radioactive material license.

313 ~~[(12)]~~ (11) The board shall by rule establish financial assurance requirements for  
314 closure and postclosure care of radioactive waste land disposal facilities, taking into account  
315 existing financial assurance requirements.

316 Section 7. Section 19-3-105 is amended to read:

317 **19-3-105. Definitions -- Legislative and gubernatorial approval required for**  
318 **radioactive waste license -- Exceptions -- Application for new, renewed, or amended**  
319 **license.**

320 (1) As used in this section:

321 (a) "Alternate feed material" has the same definition as provided in Section 59-24-102.

322 (b) "Approval application" means an application by a radioactive waste facility  
323 regulated under this chapter or Title 19, Chapter 5, Water Quality Act, for a permit, license,  
324 registration, certification, or other authorization.

325 (c) (i) "Class A low-level radioactive waste" means:

326 (A) radioactive waste that is classified as class A waste under 10 C.F.R. 61.55; and

327 (B) radium-226 up to a maximum radionuclide concentration level of 10,000  
328 picocuries per gram.

329 (ii) "Class A low-level radioactive waste" does not include:

330 (A) uranium mill tailings;

331 (B) naturally occurring radioactive materials; or

332 (C) the following radionuclides if classified as "special nuclear material" under the  
333 Atomic Energy Act of 1954, 42 U.S.C. 2014:

334 (I) uranium-233; and

335 (II) uranium-235 with a radionuclide concentration level greater than the concentration  
336 limits for specific conditions and enrichments established by an order of the Nuclear  
337 Regulatory Commission:

338 (Aa) to ensure criticality safety for a radioactive waste facility in the state; and  
339 (Bb) in response to a request, submitted prior to January 1, 2004, from a radioactive  
340 waste facility in the state to the Nuclear Regulatory Commission to amend the facility's special  
341 nuclear material exemption order.

342 (d) (i) "Radioactive waste facility" or "facility" means a facility that receives, transfers,  
343 stores, decays in storage, treats, or disposes of radioactive waste:

344 (A) commercially for profit; or

345 (B) generated at locations other than the radioactive waste facility.

346 (ii) "Radioactive waste facility" does not include a facility that receives:

347 (A) alternate feed material for reprocessing; or

348 (B) radioactive waste from a location in the state designated as a processing site under  
349 42 U.S.C. 7912(f).

350 (e) "Radioactive waste license" or "license" means a radioactive material license issued  
351 by the director under Subsection 19-3-108(2)(d), to own, construct, modify, or operate a  
352 radioactive waste facility.

353 (2) The provisions of this section are subject to the prohibition under Section  
354 19-3-103.7.

355 (3) Subject to Subsection (8), a person may not own, construct, modify, or operate a  
356 radioactive waste facility without:

357 (a) having received a radioactive waste license for the facility;

358 (b) meeting the requirements established by rule under Section 19-3-104;

359 (c) the approval of the governing body of the municipality or county responsible for  
360 local planning and zoning where the radioactive waste is or will be located; and

361 (d) subsequent to meeting the requirements of Subsections (3)(a) through (c), the  
362 approval of the governor and the Legislature.

363 (4) Subject to Subsection (8), a new radioactive waste license application, or an  
364 application to renew or amend an existing radioactive waste license, is subject to the  
365 requirements of Subsections (3)(b) through (d) if the application, renewal, or amendment:

366 (a) specifies a different geographic site than a previously submitted application;  
367 (b) would cost 50% or more of the cost of construction of the original radioactive  
368 waste facility or the modification would result in an increase in capacity or throughput of a  
369 cumulative total of 50% of the total capacity or throughput which was approved in the facility  
370 license as of January 1, 1990, or the initial approval facility license if the initial license  
371 approval is subsequent to January 1, 1990; or

372 (c) requests approval to receive, transfer, store, decay in storage, treat, or dispose of  
373 radioactive waste having a higher radionuclide concentration limit than allowed, under an  
374 existing approved license held by the facility, for the specific type of waste to be received,  
375 transferred, stored, decayed in storage, treated, or disposed of.

376 (5) The requirements of Subsection (4)(c) do not apply to an application to renew or  
377 amend an existing radioactive waste license if:

378 (a) the radioactive waste facility requesting the renewal or amendment has received a  
379 license prior to January 1, 2004; and

380 (b) the application to renew or amend its license is limited to a request to approve the  
381 receipt, transfer, storage, decay in storage, treatment, or disposal of class A low-level  
382 radioactive waste.

383 (6) A radioactive waste facility which receives a new radioactive waste license after  
384 May 3, 2004, is subject to the requirements of Subsections (3)(b) through (d) for any license  
385 application, renewal, or amendment that requests approval to receive, transfer, store, decay in  
386 storage, treat, or dispose of radioactive waste not previously approved under an existing license  
387 held by the facility.

388 (7) If the board finds that approval of additional radioactive waste license applications,  
389 renewals, or amendments will result in inadequate oversight, monitoring, or licensure  
390 compliance and enforcement of existing and any additional radioactive waste facilities, the  
391 board shall suspend acceptance of further applications for radioactive waste licenses. The  
392 board shall report the suspension to the Legislative Management Committee.

393 (8) The requirements of Subsections (3)(c) and (d) and Subsection [19-3-104](#)~~(11)~~(10)

394 do not apply to:

395 (a) a radioactive waste license that is in effect on December 31, 2006, including all  
396 amendments to the license that have taken effect as of December 31, 2006;

397 (b) a license application for a facility in existence as of December 31, 2006, unless the  
398 license application includes an area beyond the facility boundary approved in the license  
399 described in Subsection (8)(a); or

400 (c) an application to renew or amend a license described in Subsection (8)(a), unless  
401 the renewal or amendment includes an area beyond the facility boundary approved in the  
402 license described in Subsection (8)(a).

403 (9) (a) The director shall review an approval application to determine whether the  
404 application complies with the requirements of this chapter and the rules of the board.

405 (b) Within 60 days after the day on which the director receives an approval application  
406 described in Subsection (10)(a)(ii) or (iii), the director shall:

407 (i) determine whether the application is complete and contains all the information  
408 necessary to process the application for approval; and

409 (ii) (A) issue a notice of completeness to the applicant; or

410 (B) issue a notice of deficiency to the applicant and list the additional information  
411 necessary to complete the application.

412 (c) The director shall review information submitted in response to a notice of  
413 deficiency within 30 days after the day on which the director receives the information.

414 (10) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah  
415 Administrative Rulemaking Act, to:

416 (a) categorize approval applications as follows:

417 (i) approval applications that:

418 (A) are administrative in nature;

419 (B) require limited scrutiny by the director; and

420 (C) do not require public input;

421 (ii) approval applications that:

- 422 (A) require substantial scrutiny by the director;
- 423 (B) require public input; and
- 424 (C) are not described in Subsection (10)(a)(iii); and
- 425 (iii) approval applications for:
  - 426 (A) the granting or renewal of a radioactive waste license;
  - 427 (B) the granting or renewal of a groundwater permit issued by the director for a
  - 428 radioactive waste facility;
  - 429 (C) an amendment to a radioactive waste license, or a groundwater permit, that allows
  - 430 the design and approval of a new disposal cell;
  - 431 (D) an amendment to a radioactive waste license or groundwater discharge permit for a
  - 432 radioactive waste facility to eliminate groundwater monitoring; and
  - 433 (E) a radioactive waste facility closure plan;
- 434 (b) provide time periods for the director to review, and approve or deny, an application
- 435 described in Subsection (10)(a) as follows:
  - 436 (i) for applications categorized under Subsection (10)(a)(i), within 30 days after the day
  - 437 on which the director receives the application;
  - 438 (ii) for applications categorized under Subsection (10)(a)(ii), within 180 days after the
  - 439 day on which the director receives the application;
  - 440 (iii) for applications categorized under Subsection (10)(a)(iii), as follows:
    - 441 (A) for a new radioactive waste license, within 540 days after the day on which the
    - 442 director receives the application;
    - 443 (B) for a new groundwater permit issued by the director for a radioactive waste facility
    - 444 consistent with the provisions of Title 19, Chapter 5, Water Quality Act, within 540 days after
    - 445 the day on which the director receives the application;
    - 446 (C) for a radioactive waste license renewal, within 365 days after the day on which the
    - 447 director receives the application;
    - 448 (D) for a groundwater permit renewal issued by the director for a radioactive waste
    - 449 facility, within 365 days after the day on which the director receives the application;



450 (E) for an amendment to a radioactive waste license, or a groundwater permit, that  
451 allows the design and approval of a new disposal cell, within 365 days after the day on which  
452 the director receives the application;

453 (F) for an amendment to a radioactive waste license, or a groundwater discharge  
454 permit, for a radioactive waste facility to eliminate groundwater monitoring, within 365 days  
455 after the day on which the director receives the application; and

456 (G) for a radioactive waste facility closure plan, within 365 days after the day on which  
457 the director receives the application;

458 (c) toll the time periods described in Subsection (10)(b):

459 (i) while an owner or operator of a facility responds to the director's request for  
460 information;

461 (ii) during a public comment period; or

462 (iii) while the federal government reviews the application; and

463 (d) require the director to prepare a detailed written explanation of the basis for the  
464 director's approval or denial of an approval application.

465 Section 8. Section **19-5-102** is amended to read:

466 **19-5-102. Definitions.**

467 As used in this chapter:

468 (1) "Agriculture discharge":

469 (a) means the release of agriculture water from the property of a farm, ranch, or feed lot  
470 that:

471 (i) pollutes a surface body of water, including a stream, lake, pond, marshland,  
472 watercourse, waterway, river, ditch, and other water conveyance system of the state;

473 (ii) pollutes the ground water of the state; or

474 (iii) constitutes a significant nuisance on urban land; and

475 (b) does not include:

476 (i) runoff from a farm, ranch, or feed lot or return flows from irrigated fields onto land  
477 that is not part of a body of water; or

478 (ii) a release into a normally dry water conveyance to an active body of water, unless  
479 the release reaches the water of a lake, pond, stream, marshland, river, or other active body of  
480 water.

481 (2) "Agriculture water" means:

482 (a) water used by a farmer, rancher, or feed lot for the production of food, fiber, or fuel;

483 (b) return flows from irrigated agriculture; and

484 (c) agricultural storm water runoff.

485 (3) "Board" means the Water Quality Board created in Section 19-1-106.

486 (4) "Commission" means the Conservation Commission, created in Section 4-18-104.

487 (5) "Contaminant" means any physical, chemical, biological, or radiological substance  
488 or matter in water.

489 (6) "Director" means the director of the Division of Water Quality or, for purposes of  
490 groundwater quality at a facility licensed by and under the jurisdiction of the Division of  
491 Waste Management and Radiation Control, the director of the Division of Waste Management  
492 and Radiation Control.

493 (7) "Discharge" means the addition of any pollutant to any waters of the state.

494 (8) "Discharge permit" means a permit issued to a person who:

495 (a) discharges or whose activities would probably result in a discharge of pollutants  
496 into the waters of the state; or

497 (b) generates or manages sewage sludge.

498 (9) "Disposal system" means a system for disposing of wastes and includes sewerage  
499 systems and treatment works.

500 (10) "Division" means the Division of Water Quality, created in Subsection  
501 19-1-105(1)(~~f~~)(e).

502 (11) "Effluent limitations" means any restrictions, requirements, or prohibitions,  
503 including schedules of compliance established under this chapter, which apply to discharges.

504 (12) "Point source":

505 (a) means any discernible, confined, and discrete conveyance, including any pipe,

506 ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated  
507 animal feeding operation, or vessel or other floating craft, from which pollutants are or may be  
508 discharged; and

509 (b) does not include return flows from irrigated agriculture.

510 (13) "Pollution" means any man-made or man-induced alteration of the chemical,  
511 physical, biological, or radiological integrity of any waters of the state, unless the alteration is  
512 necessary for the public health and safety.

513 (14) "Publicly owned treatment works" means any facility for the treatment of  
514 pollutants owned by the state, its political subdivisions, or other public entity.

515 (15) "Schedule of compliance" means a schedule of remedial measures, including an  
516 enforceable sequence of actions or operations leading to compliance with this chapter.

517 (16) "Sewage sludge" means any solid, semisolid, or liquid residue removed during the  
518 treatment of municipal wastewater or domestic sewage.

519 (17) "Sewerage system" means pipelines or conduits, pumping stations, and all other  
520 constructions, devices, appurtenances, and facilities used for collecting or conducting wastes to  
521 a point of ultimate disposal.

522 (18) "Total maximum daily load" means a calculation of the maximum amount of a  
523 pollutant that a body of water can receive and still meet water quality standards.

524 (19) "Treatment works" means any plant, disposal field, lagoon, dam, pumping station,  
525 incinerator, or other works used for the purpose of treating, stabilizing, or holding wastes.

526 (20) "Underground injection" means the subsurface emplacement of fluids by well  
527 injection.

528 (21) "Underground wastewater disposal system" means a system for disposing of  
529 domestic wastewater discharges as defined by the board and the executive director.

530 (22) "Waste" or "pollutant" means dredged spoil, solid waste, incinerator residue,  
531 sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive  
532 materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial,  
533 municipal, and agricultural waste discharged into water.

534 (23) "Waters of the state":

535 (a) means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs,  
536 irrigation systems, drainage systems, and all other bodies or accumulations of water, surface  
537 and underground, natural or artificial, public or private, which are contained within, flow  
538 through, or border upon this state or any portion of the state; and

539 (b) does not include bodies of water confined to and retained within the limits of  
540 private property, and which do not develop into or constitute a nuisance, a public health hazard,  
541 or a menace to fish or wildlife.

542 Section 9. Section **19-6-102** is amended to read:

543 **19-6-102. Definitions.**

544 As used in this part:

545 (1) "Board" means the [~~Solid and Hazardous Waste Control~~] Waste Management and  
546 Radiation Control Board created in Section [19-1-106](#).

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

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

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

556 (i) receives waste for recycling;

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

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

561 (4) "Construction waste or demolition waste":

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

565 (b) does not include: asbestos; contaminated soils or tanks resulting from remediation  
566 or cleanup at any release or spill; waste paints; solvents; sealers; adhesives; or similar  
567 hazardous or potentially hazardous materials.

568 (5) "Demolition waste" has the same meaning as the definition of construction waste in  
569 this section.

570 (6) "Director" means the director of the Division of [~~Solid and Hazardous~~] Waste  
571 Management and Radiation Control.

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

576 (8) "Division" means the Division of [~~Solid and Hazardous~~] Waste Management and  
577 Radiation Control, created in Subsection 19-1-105(1)(~~e~~)(d).

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

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

586 (11) "Health facility" means hospitals, psychiatric hospitals, home health agencies,  
587 hospices, skilled nursing facilities, intermediate care facilities, intermediate care facilities for  
588 people with an intellectual disability, residential health care facilities, maternity homes or  
589 birthing centers, free standing ambulatory surgical centers, facilities owned or operated by

590 health maintenance organizations, and state renal disease treatment centers including free  
591 standing hemodialysis units, the offices of private physicians and dentists whether for  
592 individual or private practice, veterinary clinics, and mortuaries.

593 (12) "Household waste" means any waste material, including garbage, trash, and  
594 sanitary wastes in septic tanks, derived from households, including single-family and  
595 multiple-family residences, hotels and motels, bunk houses, ranger stations, crew quarters,  
596 campgrounds, picnic grounds, and day-use recreation areas.

597 (13) "Infectious waste" means a solid waste that contains or may reasonably be  
598 expected to contain pathogens of sufficient virulence and quantity that exposure to the waste by  
599 a susceptible host could result in an infectious disease.

600 (14) "Manifest" means the form used for identifying the quantity, composition, origin,  
601 routing, and destination of hazardous waste during its transportation from the point of  
602 generation to the point of disposal, treatment, or storage.

603 (15) "Mixed waste" means any material that is a hazardous waste as defined in this  
604 chapter and is also radioactive as defined in Section 19-3-102.

605 (16) "Modification plan" means a plan under Section 19-6-108 to modify a facility or  
606 site for the purpose of disposing of nonhazardous solid waste or treating, storing, or disposing  
607 of hazardous waste.

608 (17) "Operation plan" or "nonhazardous solid or hazardous waste operation plan"  
609 means a plan or approval under Section 19-6-108, including:

610 (a) a plan to own, construct, or operate a facility or site for the purpose of disposing of  
611 nonhazardous solid waste or treating, storing, or disposing of hazardous waste;

612 (b) a closure plan;

613 (c) a modification plan; or

614 (d) an approval that the director is authorized to issue.

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

616 (19) (a) "Solid waste" means any garbage, refuse, sludge, including sludge from a  
617 waste treatment plant, water supply treatment plant, or air pollution control facility, or other

618 discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting  
619 from industrial, commercial, mining, or agricultural operations and from community activities  
620 but does not include solid or dissolved materials in domestic sewage or in irrigation return  
621 flows or discharges for which a permit is required under Title 19, Chapter 5, Water Quality  
622 Act, or under the Water Pollution Control Act, 33 U.S.C., Section 1251, et seq.

623 (b) "Solid waste" does not include any of the following wastes unless the waste causes  
624 a public nuisance or public health hazard or is otherwise determined to be a hazardous waste:

625 (i) certain large volume wastes, such as inert construction debris used as fill material;

626 (ii) drilling muds, produced waters, and other wastes associated with the exploration,  
627 development, or production of oil, gas, or geothermal energy;

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

630 (iv) solid wastes from the extraction, beneficiation, and processing of ores and  
631 minerals; or

632 (v) cement kiln dust.

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

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

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

642 (23) "Underground storage tank" means a tank which is regulated under Subtitle I of  
643 the Resource Conservation and Recovery Act, 42 U.S.C., Section 6991, et seq.

644 Section 10. Section **19-6-102.1** is amended to read:

645 **19-6-102.1. Treatment and disposal -- Exclusions.**

646 As used in Subsections ~~19-6-104(1)(3)(c)(ii)(B)~~, ~~19-6-108(3)(b)~~ ~~and~~,  
 647 19-6-108(3)(c)(ii)(B), ~~and~~ 19-6-119(1)(a), ~~and~~ 19-3-103.5(2)(f)(i) and (ii), the term  
 648 "treatment and disposal" specifically excludes the recycling, use, reuse, or reprocessing of fly  
 649 ash waste, bottom ash waste, slag waste, or flue gas emission control waste generated primarily  
 650 from the combustion of coal or other fossil fuels; waste from the extraction, beneficiation, and  
 651 processing of ores and minerals; or cement kiln dust, including recycle, reuse, use, or  
 652 reprocessing for road sanding, sand blasting, road construction, railway ballast, construction  
 653 fill, aggregate, and other construction-related purposes.

654 Section 11. Section **19-6-103** is amended to read:

655 **19-6-103. Waste Management and Radiation Control Board -- Members -- Terms**  
 656 **-- Organization -- Meetings -- Per diem and expenses.**

657 (1) The board consists of the following ~~nine~~ 12 members:

658 (a) the following non-voting member, except that the member may vote to break a tie  
 659 vote between the voting members:

660 (i) the executive director; or

661 (ii) an employee of the department designated by the executive director; and

662 (b) the following ~~eight~~ 11 voting members appointed by the governor with the  
 663 consent of the Senate:

664 (i) one representative who is:

665 (A) ~~is~~ not connected with industry; and

666 ~~(B) is an expert in waste management matters; and~~

667 ~~(C) is~~ (B) a Utah-licensed professional engineer;

668 (ii) two government representatives who do not represent the federal government;

669 (iii) one representative from the manufacturing, mining, or fuel industry;

670 (iv) one representative from the private solid or hazardous waste disposal industry;

671 (v) one representative from the private hazardous waste recovery industry;

672 (vi) one representative from the radioactive waste management industry;

673 (vii) one representative from the uranium milling industry;



674            [~~(vi)~~] (viii) one representative from the public who represents:  
675            (A) an environmental nongovernmental organization; or  
676            (B) a nongovernmental organization that represents community interests and does not  
677 represent industry interests; [~~and~~]  
678            [~~(vii)~~] (ix) one representative from the public who is trained and experienced in public  
679 health[-] and a licensed:  
680            (A) medical doctor; or  
681            (B) dentist; and  
682            (x) one representative who is:  
683            (A) a medical physicist or a health physicist; or  
684            (B) a professional employed in the field of radiation safety.  
685            (2) A member of the board shall:  
686            (a) be knowledgeable about solid and hazardous waste matters and radiation safety and  
687 protection as evidenced by a professional degree, a professional accreditation, or documented  
688 experience;  
689            (b) be a resident of Utah;  
690            (c) attend board meetings in accordance with the attendance rules made by the  
691 department under Subsection 19-1-201(1)(d)(i)(A); and  
692            (d) comply with all applicable statutes, rules, and policies, including the conflict of  
693 interest rules made by the department in accordance with Subsection 19-1-201(1)(d)(i)(B).  
694            (3) No more than [~~five~~] six of the appointed members may be from the same political  
695 party.  
696            (4) (a) Members shall be appointed for terms of four years each.  
697            (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
698 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
699 board members are staggered so that half of the appointed board is appointed every two years.  
700            (c) (i) Notwithstanding Subsection (4)(a), the term of a board member who is  
701 appointed before March 1, 2013, shall expire on February 28, 2013.

702 (ii) On March 1, 2013, the governor shall appoint or reappoint board members in  
703 accordance with this section.

704 (5) Each member is eligible for reappointment.

705 (6) Board members shall continue in office until the expiration of their terms and until  
706 their successors are appointed, but not more than 90 days after the expiration of their terms.

707 (7) When a vacancy occurs in the membership for any reason, the replacement shall be  
708 appointed for the unexpired term by the governor, after considering recommendations of the  
709 board and with the consent of the Senate.

710 (8) The board shall elect a chair and vice chair on or before April 1 of each year from  
711 its membership.

712 (9) A member may not receive compensation or benefits for the member's service, but  
713 may receive per diem and travel expenses in accordance with:

714 (a) Section 63A-3-106;

715 (b) Section 63A-3-107; and

716 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
717 63A-3-107.

718 (10) (a) The board shall hold a meeting at least once every three months including one  
719 meeting during each annual general session of the Legislature.

720 (b) Meetings shall be held on the call of the chair, the director, or any three of the  
721 members.

722 (11) [~~Five~~] Six members constitute a quorum at any meeting, and the action of the  
723 majority of members present is the action of the board.

724 Section 12. Section **19-6-104** is amended to read:

725 **19-6-104. Powers of board -- Creation of statewide solid waste management plan.**

726 (1) The board may:

727 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative

728 Rulemaking Act, that are necessary to implement the provisions of the Radiation Control Act;

729 (b) recommend that the director:

- 730 (i) issue orders necessary to enforce the provisions of the Radiation Control Act;
- 731 (ii) enforce the orders by appropriate administrative and judicial proceedings; or
- 732 (iii) institute judicial proceedings to secure compliance with this part;
- 733 (c) (i) hold a hearing that is not an adjudicative proceeding; or
- 734 (ii) appoint hearing officers to conduct a hearing that is not an adjudicative proceeding;
- 735 (d) accept, receive, and administer grants or other funds or gifts from public and
- 736 private agencies, including the federal government, for the purpose of carrying out any of the
- 737 functions of the Radiation Control Act; or
- 738 (e) order the director to impound radioactive material in accordance with Section
- 739 [19-3-111](#).
- 740 (2) (a) The board shall promote the planning and application of pollution prevention
- 741 and radioactive waste minimization measures to prevent the unnecessary waste and depletion
- 742 of natural resources; and
- 743 (b) review the qualifications of, and issue certificates of approval to, individuals who:
- 744 (i) survey mammography equipment; or
- 745 (ii) oversee quality assurance practices at mammography facilities.
- 746 [~~(1)~~] (3) The board shall:
- 747 (a) survey solid and hazardous waste generation and management practices within this
- 748 state and, after public hearing and after providing opportunities for comment by local
- 749 governmental entities, industry, and other interested persons, prepare and revise, as necessary, a
- 750 waste management plan for the state;
- 751 (b) order the director to:
- 752 (i) issue orders necessary to effectuate the provisions of this part and rules made under
- 753 this part;
- 754 (ii) enforce the orders by administrative and judicial proceedings; or
- 755 (iii) initiate judicial proceedings to secure compliance with this part;
- 756 (c) promote the planning and application of resource recovery systems to prevent the
- 757 unnecessary waste and depletion of natural resources;

758 (d) meet the requirements of federal law related to solid and hazardous wastes to insure  
759 that the solid and hazardous wastes program provided for in this part is qualified to assume  
760 primacy from the federal government in control over solid and hazardous waste;

761 (e) (i) require any facility, including those listed in Subsection [~~(1)~~] (3)(e)(ii), that is  
762 intended for disposing of nonhazardous solid waste or wastes listed in Subsection [~~(1)~~]  
763 (3)(e)(ii)(B) to submit plans, specifications, and other information required by the board to the  
764 board prior to construction, modification, installation, or establishment of a facility to allow the  
765 board to determine whether the proposed construction, modification, installation, or  
766 establishment of the facility will be in accordance with rules made under this part;

767 (ii) facilities referred to in Subsection [~~(1)~~] (3)(e)(i) include:

768 (A) any incinerator that is intended for disposing of nonhazardous solid waste; and

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

775 (f) to ensure compliance with applicable statutes and regulations:

776 (i) review a settlement negotiated by the director in accordance with Subsection  
777 [19-6-107\(3\)\(a\)](#) that requires a civil penalty of \$25,000 or more; and

778 (ii) approve or disapprove the settlement.

779 [~~(2)~~] (4) The board may:

780 (a) (i) hold a hearing that is not an adjudicative proceeding; or

781 (ii) appoint hearing officers to conduct a hearing that is not an adjudicative proceeding;

782 or

783 (b) advise, consult, cooperate with, or provide technical assistance to other agencies of  
784 the state or federal government, other states, interstate agencies, or affected groups, political  
785 subdivisions, industries, or other persons in carrying out the purposes of this part.

786           ~~[(3)]~~ (5) (a) The board shall establish a comprehensive statewide ~~[solid]~~ waste  
787 management plan by January 1, 1994.

788           (b) The plan shall:

789           (i) incorporate the solid waste management plans submitted by the counties;

790           (ii) provide an estimate of solid waste capacity needed in the state for the next 20  
791 years;

792           (iii) assess the state's ability to minimize waste and recycle;

793           (iv) evaluate solid waste treatment, disposal, and storage options, as well as solid waste  
794 needs and existing capacity;

795           (v) evaluate facility siting, design, and operation;

796           (vi) review funding alternatives for solid waste management; and

797           (vii) address other solid waste management concerns that the board finds appropriate  
798 for the preservation of the public health and the environment.

799           (c) The board shall consider the economic viability of solid waste management  
800 strategies prior to incorporating them into the plan and shall consider the needs of population  
801 centers.

802           (d) The board shall review and modify the comprehensive statewide solid waste  
803 management plan no less frequently than every five years.

804           ~~[(4)]~~ (6) (a) The board shall determine the type of solid waste generated in the state and  
805 tonnage of solid waste disposed of in the state in developing the comprehensive statewide solid  
806 waste management plan.

807           (b) The board shall review and modify the inventory no less frequently than once every  
808 five years.

809           ~~[(5)]~~ (7) Subject to the limitations contained in Subsection [19-6-102\(19\)\(b\)](#), the board  
810 shall establish siting criteria for nonhazardous solid waste disposal facilities, including  
811 incinerators.

812           ~~[(6)]~~ (8) The board may not issue, amend, renew, modify, revoke, or terminate any of  
813 the following that are subject to the authority granted to the director under Section [19-6-107](#):

- 814 (a) a permit;
- 815 (b) a license;
- 816 (c) a registration;
- 817 (d) a certification; or
- 818 (e) another administrative authorization made by the director.

819 ~~[(7)]~~ (9) A board member may not speak or act for the board unless the board member  
820 is authorized by a majority of a quorum of the board in a vote taken at a meeting of the board.

821 Section 13. Section **19-6-107** is amended to read:

822 **19-6-107. Director -- Appointment -- Powers.**

823 (1) The executive director shall appoint the director. The director shall serve under the  
824 administrative direction of the executive director.

825 (2) The director shall:

826 (a) develop programs to promote and protect the public from radiation sources in the  
827 state;

828 (b) advise, consult, cooperate with, and provide technical assistance to other agencies,  
829 states, the federal government, political subdivisions, industries, and other persons in carrying  
830 out the provisions of the Radiation Control Act;

831 (c) receive specifications or other information relating to licensing applications for  
832 radioactive materials or registration of radiation sources for review, approval, disapproval, or  
833 termination;

834 (d) issue permits, licenses, registrations, certifications, and other administrative  
835 authorizations;

836 (e) review and approve plans;

837 (f) assess penalties in accordance with Section 19-3-109;

838 (g) impound radioactive material under Section 19-3-111;

839 (h) issue orders necessary to enforce the provisions of this part, to enforce the orders by  
840 appropriate administrative and judicial proceedings, or to institute judicial proceedings to  
841 secure compliance with this part;

842           ~~[(a)]~~ (i) carry out inspections pursuant to Section 19-6-109;

843           ~~[(b)]~~ (j) require submittal of specifications or other information relating to hazardous  
844 waste plans for review, and approve, disapprove, revoke, or review the plans;

845           ~~[(c)]~~ (k) develop programs for solid waste and hazardous waste management and  
846 control within the state;

847           ~~[(d)]~~ (l) advise, consult, and cooperate with other agencies of the state, the federal  
848 government, other states and interstate agencies, and with affected groups, political  
849 subdivisions, and industries in furtherance of the purposes of this part;

850           ~~[(e)]~~ (m) subject to the provisions of this part, enforce rules made or revised by the  
851 board through the issuance of orders;

852           ~~[(f)]~~ (n) review plans, specifications or other data relative to solid waste and hazardous  
853 waste control systems or any part of the systems as provided in this part;

854           ~~[(g)]~~ (o) under the direction of the executive director, represent the state in all matters  
855 pertaining to interstate solid waste and hazardous waste management and control including,  
856 under the direction of the board, entering into interstate compacts and other similar agreements;  
857 and

858           ~~[(h)]~~ (p) as authorized by the board and subject to the provisions of this part, act as  
859 executive secretary of the board under the direction of the chairman of the board.

860           (3) The director may:

861           (a) subject to Subsection 19-6-104~~[(1)]~~(3)(f), settle or compromise any administrative  
862 or civil action initiated to compel compliance with this part and any rules adopted under this  
863 part;

864           (b) employ full-time employees necessary to carry out this part;

865           (c) as authorized by the board pursuant to the provisions of this part, authorize any  
866 employee or representative of the department to conduct inspections as permitted in this part;

867           (d) encourage, participate in, or conduct studies, investigations, research, and  
868 demonstrations relating to solid waste and hazardous waste management and control necessary  
869 for the discharge of duties assigned under this part;

870 (e) collect and disseminate information relating to solid waste and hazardous waste  
871 management control; [~~and~~]

872 (f) cooperate with any person in studies and research regarding solid waste and  
873 hazardous waste management and control[.];

874 (g) cooperate with any person in studies, research, or demonstration projects regarding  
875 radioactive waste management or control of radiation sources;

876 (h) settle or compromise any civil action initiated by the division to compel compliance  
877 with this chapter or the rules made under this chapter; and

878 (i) authorize employees or representatives of the department to enter, at reasonable  
879 times and upon reasonable notice, in and upon public or private property for the purpose of  
880 inspecting and investigating conditions and records concerning radiation sources.

881 Section 14. Section **19-6-202** is amended to read:

882 **19-6-202. Definitions.**

883 As used in this part:

884 (1) "Board" means the [~~Solid and Hazardous~~] Waste Management and Radiation  
885 Control Board created in Section [19-1-106](#).

886 (2) "Disposal" means the final disposition of hazardous wastes into or onto the lands,  
887 waters, and air of this state.

888 (3) "Hazardous wastes" means wastes as defined in Section [19-6-102](#).

889 (4) "Hazardous waste treatment, disposal, and storage facility" means a facility or site  
890 used or intended to be used for the treatment, storage, or disposal of hazardous waste materials,  
891 including physical, chemical, or thermal processing systems, incinerators, and secure landfills.

892 (5) "Site" means land used for the treatment, disposal, or storage of hazardous wastes.

893 (6) "Siting plan" means the state hazardous waste facilities siting plan adopted by the  
894 board pursuant to Sections [19-6-204](#) and [19-6-205](#).

895 (7) "Storage" means the containment of hazardous wastes for a period of more than 90  
896 days.

897 (8) "Treatment" means any method, technique, or process designed to change the



898 physical, chemical, or biological character or composition of any hazardous waste to neutralize  
899 or render it nonhazardous, safer for transport, amenable to recovery or storage, convertible to  
900 another usable material, or reduced in volume and suitable for ultimate disposal.

901 Section 15. Section **19-6-402** is amended to read:

902 **19-6-402. Definitions.**

903 As used in this part:

904 (1) "Abatement action" means action taken to limit, reduce, mitigate, or eliminate:

905 (a) a release from an underground storage tank or petroleum storage tank; or

906 (b) the damage caused by that release.

907 (2) "Board" means the [~~Solid and Hazardous~~] Waste Management and Radiation  
908 Control Board created in Section 19-1-106.

909 (3) "Bodily injury" means bodily harm, sickness, disease, or death sustained by a  
910 person.

911 (4) "Certificate of compliance" means a certificate issued to a facility by the director:

912 (a) demonstrating that an owner or operator of a facility containing one or more  
913 petroleum storage tanks has met the requirements of this part; and

914 (b) listing all tanks at the facility, specifying:

915 (i) which tanks may receive petroleum; and

916 (ii) which tanks have not met the requirements for compliance.

917 (5) "Certificate of registration" means a certificate issued to a facility by the director  
918 demonstrating that an owner or operator of a facility containing one or more underground  
919 storage tanks has:

920 (a) registered the tanks; and

921 (b) paid the annual underground storage tank fee.

922 (6) (a) "Certified underground storage tank consultant" means a person who:

923 (i) for a fee, or in connection with services for which a fee is charged, provides or  
924 contracts to provide information, opinions, or advice relating to underground storage tank  
925 release:

- 926 (A) management;
- 927 (B) abatement;
- 928 (C) investigation;
- 929 (D) corrective action; or
- 930 (E) evaluation;
- 931 (ii) has submitted an application to the director;
- 932 (iii) received a written statement of certification from the director; and
- 933 (iv) meets the education and experience standards established by the board under
- 934 Subsection [19-6-403\(1\)\(a\)\(vii\)](#).
- 935 (b) "Certified underground storage tank consultant" does not include:
- 936 (i) (A) an employee of the owner or operator of the underground storage tank; or
- 937 (B) an employee of a business operation that has a business relationship with the owner
- 938 or operator of the underground storage tank, and markets petroleum products or manages
- 939 underground storage tanks; or
- 940 (ii) a person licensed to practice law in this state who offers only legal advice on
- 941 underground storage tank release:
- 942 (A) management;
- 943 (B) abatement;
- 944 (C) investigation;
- 945 (D) corrective action; or
- 946 (E) evaluation.
- 947 (7) "Closed" means an underground storage tank no longer in use that has been:
- 948 (a) emptied and cleaned to remove all liquids and accumulated sludges; and
- 949 (b) (i) removed from the ground; or
- 950 (ii) filled with an inert solid material.
- 951 (8) "Corrective action plan" means a plan for correcting a release from a petroleum
- 952 storage tank that includes provisions for any of the following:
- 953 (a) cleanup or removal of the release;

- 954 (b) containment or isolation of the release;
- 955 (c) treatment of the release;
- 956 (d) correction of the cause of the release;
- 957 (e) monitoring and maintenance of the site of the release;
- 958 (f) provision of alternative water supplies to a person whose drinking water has  
959 become contaminated by the release; or
- 960 (g) temporary or permanent relocation, whichever is determined by the director to be  
961 more cost-effective, of a person whose dwelling has been determined by the director to be no  
962 longer habitable due to the release.
- 963 (9) "Costs" means money expended for:
- 964 (a) investigation;
- 965 (b) abatement action;
- 966 (c) corrective action;
- 967 (d) judgments, awards, and settlements for bodily injury or property damage to third  
968 parties;
- 969 (e) legal and claims adjusting costs incurred by the state in connection with judgments,  
970 awards, or settlements for bodily injury or property damage to third parties; or
- 971 (f) costs incurred by the state risk manager in determining the actuarial soundness of  
972 the fund.
- 973 (10) "Covered by the fund" means the requirements of Section [19-6-424](#) have been  
974 met.
- 975 (11) "Director" means the director of the Division of Environmental Response and  
976 Remediation.
- 977 (12) "Division" means the Division of Environmental Response and Remediation,  
978 created in Subsection [19-1-105\(1\)\(c\)](#).
- 979 (13) "Dwelling" means a building that is usually occupied by a person lodging there at  
980 night.
- 981 (14) "Enforcement proceedings" means a civil action or the procedures to enforce

982 orders established by Section 19-6-425.

983 (15) "Facility" means all underground storage tanks located on a single parcel of  
984 property or on any property adjacent or contiguous to that parcel.

985 (16) "Fund" means the Petroleum Storage Tank Trust Fund created in Section  
986 19-6-409.

987 (17) "Operator" means a person in control of or who is responsible on a daily basis for  
988 the maintenance of an underground storage tank that is in use for the storage, use, or dispensing  
989 of a regulated substance.

990 (18) "Owner" means:

991 (a) in the case of an underground storage tank in use on or after November 8, 1984, a  
992 person who owns an underground storage tank used for the storage, use, or dispensing of a  
993 regulated substance; and

994 (b) in the case of an underground storage tank in use before November 8, 1984, but not  
995 in use on or after November 8, 1984, a person who owned the tank immediately before the  
996 discontinuance of its use for the storage, use, or dispensing of a regulated substance.

997 (19) "Petroleum" includes crude oil or a fraction of crude oil that is liquid at:

998 (a) 60 degrees Fahrenheit; and

999 (b) a pressure of 14.7 pounds per square inch absolute.

1000 (20) "Petroleum storage tank" means a tank that:

1001 (a) (i) is underground;

1002 (ii) is regulated under Subtitle I of the Resource Conservation and Recovery Act, 42  
1003 U.S.C. Sec. 6991c, et seq.; and

1004 (iii) contains petroleum; or

1005 (b) the owner or operator voluntarily submits for participation in the Petroleum Storage  
1006 Tank Trust Fund under Section 19-6-415.

1007 (21) "Petroleum Storage Tank Restricted Account" means the account created in  
1008 Section 19-6-405.5.

1009 (22) "Program" means the Environmental Assurance Program under Section

1010 19-6-410.5.

1011 (23) "Property damage" means physical injury to, destruction of, or loss of use of  
1012 tangible property.

1013 (24) (a) "Regulated substance" means petroleum and petroleum-based substances  
1014 comprised of a complex blend of hydrocarbons derived from crude oil through processes of  
1015 separation, conversion, upgrading, and finishing.

1016 (b) "Regulated substance" includes motor fuels, jet fuels, distillate fuel oils, residual  
1017 fuel oils, lubricants, petroleum solvents, and used oils.

1018 (25) (a) "Release" means spilling, leaking, emitting, discharging, escaping, leaching, or  
1019 disposing a regulated substance from an underground storage tank or petroleum storage tank.

1020 (b) A release of a regulated substance from an underground storage tank or petroleum  
1021 storage tank is considered a single release from that tank system.

1022 (26) (a) "Responsible party" means a person who:

1023 (i) is the owner or operator of a facility;

1024 (ii) owns or has legal or equitable title in a facility or an underground storage tank;

1025 (iii) owned or had legal or equitable title in a facility at the time petroleum was  
1026 received or contained at the facility;

1027 (iv) operated or otherwise controlled activities at a facility at the time petroleum was  
1028 received or contained at the facility; or

1029 (v) is an underground storage tank installation company.

1030 (b) "Responsible party" is as defined in Subsections (26)(a)(i), (ii), and (iii) does not  
1031 include:

1032 (i) a person who is not an operator and, without participating in the management of a  
1033 facility and otherwise not engaged in petroleum production, refining, and marketing, holds  
1034 indicia of ownership:

1035 (A) primarily to protect the person's security interest in the facility; or

1036 (B) as a fiduciary or custodian under Title 75, Utah Uniform Probate Code, or under an  
1037 employee benefit plan; or

1038 (ii) governmental ownership or control of property by involuntary transfers as provided  
1039 in CERCLA Section 101(20)(D), 42 U.S.C. Sec. 9601(20)(D).

1040 (c) The exemption created by Subsection (26)(b)(i)(B) does not apply to actions taken  
1041 by the state or its officials or agencies under this part.

1042 (d) The terms and activities "indicia of ownership," "primarily to protect a security  
1043 interest," "participation in management," and "security interest" under this part are in  
1044 accordance with 40 C.F.R. Part 280, Subpart I, as amended, and 42 U.S.C. Sec. 6991b(h)(9).

1045 (e) The terms "participate in management" and "indicia of ownership" as defined in 40  
1046 C.F.R. Part 280, Subpart I, as amended, and 42 U.S.C. Sec. 6991b(h)(9) include and apply to  
1047 the fiduciaries listed in Subsection (26)(b)(i)(B).

1048 (27) "Soil test" means a test, established or approved by board rule, to detect the  
1049 presence of petroleum in soil.

1050 (28) "State cleanup appropriation" means money appropriated by the Legislature to the  
1051 department to fund the investigation, abatement, and corrective action regarding releases not  
1052 covered by the fund.

1053 (29) "Underground storage tank" means a tank regulated under Subtitle I, Resource  
1054 Conservation and Recovery Act, 42 U.S.C. Sec. 6991c, et seq., including:

- 1055 (a) a petroleum storage tank;
- 1056 (b) underground pipes and lines connected to a storage tank;
- 1057 (c) underground ancillary equipment;
- 1058 (d) a containment system; and
- 1059 (e) each compartment of a multi-compartment storage tank.

1060 (30) "Underground storage tank installation company" means a person, firm,  
1061 partnership, corporation, governmental entity, association, or other organization who installs  
1062 underground storage tanks.

1063 (31) "Underground storage tank installation company permit" means a permit issued to  
1064 an underground storage tank installation company by the director.

1065 (32) "Underground storage tank technician" means a person employed by and acting

1066 under the direct supervision of a certified underground storage tank consultant to assist in  
1067 carrying out the functions described in Subsection (6)(a).

1068 Section 16. Section **19-6-601** is amended to read:

1069 **19-6-601. Definitions.**

1070 As used in this part:

1071 (1) "Board" means the [~~Solid and Hazardous~~] Waste Management and Radiation  
1072 Control Board appointed under Title 19, Chapter 6, Hazardous Substances.

1073 (2) "Director" means the director of the Division of [~~Solid and Hazardous~~] Waste  
1074 Management and Radiation Control.

1075 Section 17. Section **19-6-703** is amended to read:

1076 **19-6-703. Definitions.**

1077 (1) "Board" means the [~~Solid and Hazardous~~] Waste Management and Radiation  
1078 Control Board created in Section **19-1-106**.

1079 (2) "Commission" means the State Tax Commission.

1080 (3) "Department" means the Department of Environmental Quality created in Title 19,  
1081 Chapter 1, General Provisions.

1082 (4) "Director" means the director of the Division of [~~Solid and Hazardous~~] Waste  
1083 Management and Radiation Control.

1084 (5) "Division" means the Division of [~~Solid and Hazardous~~] Waste Management and  
1085 Radiation Control, created in [~~Subsection~~] Section **19-1-105**~~(+)(c)~~.

1086 (6) "DIY" means do it yourself.

1087 (7) "DIYer" means a person who generates used oil through household activities,  
1088 including maintenance of personal vehicles.

1089 (8) "DIYer used oil" means used oil a person generates through household activities,  
1090 including maintenance of personal vehicles.

1091 (9) "DIYer used oil collection center" means any site or facility that accepts or  
1092 aggregates and stores used oil collected only from DIYers.

1093 (10) "Hazardous waste" means any substance defined as hazardous waste under Title

1094 19, Chapter 6, Hazardous Substances.

1095 (11) "Lubricating oil" means the fraction of crude oil or synthetic oil used to reduce  
1096 friction in an industrial or mechanical device. Lubricating oil includes rerefined oil.

1097 (12) "Lubricating oil vendor" means the person making the first sale of a lubricating oil  
1098 in Utah.

1099 (13) "Manifest" means the form used for identifying the quantity and composition and  
1100 the origin, routing, and destination of used oil during its transportation from the point of  
1101 collection to the point of storage, processing, use, or disposal.

1102 (14) "Off-specification used oil" means used oil that exceeds levels of constituents and  
1103 properties as specified by board rule and consistent with 40 CFR 279, Standards for the  
1104 Management of Used Oil.

1105 (15) "On-specification used oil" means used oil that does not exceed levels of  
1106 constituents and properties as specified by board rule and consistent with 40 CFR 279,  
1107 Standards for the Management of Used Oil.

1108 (16) (a) "Processing" means chemical or physical operations under Subsection (16)(b)  
1109 designed to produce from used oil, or to make used oil more amenable for production of:

1110 (i) gasoline, diesel, and other petroleum derived fuels;

1111 (ii) lubricants; or

1112 (iii) other products derived from used oil.

1113 (b) "Processing" includes:

1114 (i) blending used oil with virgin petroleum products;

1115 (ii) blending used oils to meet fuel specifications;

1116 (iii) filtration;

1117 (iv) simple distillation;

1118 (v) chemical or physical separation; and

1119 (vi) rerefining.

1120 (17) "Recycled oil" means oil reused for any purpose following its original use,  
1121 including:



1122 (a) the purpose for which the oil was originally used; and

1123 (b) used oil processed or burned for energy recovery.

1124 (18) "Rerefining distillation bottoms" means the heavy fraction produced by vacuum  
1125 distillation of filtered and dehydrated used oil. The composition varies with column operation  
1126 and feedstock.

1127 (19) "Used oil" means any oil, refined from crude oil or a synthetic oil, that has been  
1128 used and as a result of that use is contaminated by physical or chemical impurities.

1129 (20) (a) "Used oil aggregation point" means any site or facility that accepts, aggregates,  
1130 or stores used oil collected only from other used oil generation sites owned or operated by the  
1131 owner or operator of the aggregation point, from which used oil is transported to the  
1132 aggregation point in shipments of no more than 55 gallons.

1133 (b) A used oil aggregation point may also accept oil from DIYers.

1134 (21) "Used oil burner" means a person who burns used oil for energy recovery.

1135 (22) "Used oil collection center" means any site or facility registered with the state to  
1136 manage used oil and that accepts or aggregates and stores used oil collected from used oil  
1137 generators, other than DIYers, who are regulated under this part and bring used oil to the  
1138 collection center in shipments of no more than 55 gallons and under the provisions of this part.  
1139 Used oil collection centers may accept DIYer used oil also.

1140 (23) "Used oil fuel marketer" means any person who:

1141 (a) directs a shipment of off-specification used oil from its facility to a used oil burner;  
1142 or

1143 (b) first claims the used oil to be burned for energy recovery meets the used oil fuel  
1144 specifications of 40 CFR 279, Standards for the Management of Used Oil, except when the oil  
1145 is to be burned in accordance with rules for on-site burning in space heaters in accordance with  
1146 40 CFR 279.

1147 (24) "Used oil generator" means any person, by site, whose act or process produces  
1148 used oil or whose act first causes used oil to become subject to regulation.

1149 (25) "Used oil handler" means a person generating used oil, collecting used oil,

1150 transporting used oil, operating a transfer facility or aggregation point, processing or rerefining  
1151 used oil, or marketing used oil.

1152 (26) "Used oil processor or rerefiner" means a facility that processes used oil.

1153 (27) "Used oil transfer facility" means any transportation-related facility, including  
1154 loading docks, parking areas, storage areas, and other areas where shipments of used oil are  
1155 held for more than 24 hours during the normal course of transportation and not longer than 35  
1156 days.

1157 (28) (a) "Used oil transporter" means the following persons unless they are exempted  
1158 under Subsection (28)(b):

1159 (i) any person who transports used oil;

1160 (ii) any person who collects used oil from more than one generator and transports the  
1161 collected oil;

1162 (iii) except as exempted under Subsection (28)(b)(i), (ii), or (iii), any person who  
1163 transports collected DIYer used oil from used oil generators, collection centers, aggregation  
1164 points, or other facilities required to be permitted or registered under this part and where  
1165 household DIYer used oil is collected; and

1166 (iv) owners and operators of used oil transfer facilities.

1167 (b) "Used oil transporter" does not include:

1168 (i) persons who transport oil on site;

1169 (ii) generators who transport shipments of used oil totalling 55 gallons or less from the  
1170 generator to a used oil collection center as allowed under 40 CFR 279.24, Off-site Shipments;

1171 (iii) generators who transport shipments of used oil totalling 55 gallons or less from the  
1172 generator to a used oil aggregation point owned or operated by the same generator as allowed  
1173 under 40 CFR 279.24, Off-site Shipments;

1174 (iv) persons who transport used oil generated by DIYers from the initial generator to a  
1175 used oil generator, used oil collection center, used oil aggregation point, used oil processor or  
1176 rerefiner, or used oil burner subject to permitting or registration under this part; or

1177 (v) railroads that transport used oil and are regulated under 49 U.S.C. Subtitle V, Rail

1178 Programs, and 49 U.S.C. 5101 et seq., federal Hazardous Materials Transportation Uniform  
1179 Safety Act.

1180 Section 18. Section **19-6-803** is amended to read:

1181 **19-6-803. Definitions.**

1182 As used in this part:

1183 (1) "Abandoned waste tire pile" means a waste tire pile regarding which the local  
1184 department of health has not been able to:

- 1185 (a) locate the persons responsible for the tire pile; or
- 1186 (b) cause the persons responsible for the tire pile to remove it.

1187 (2) (a) "Beneficial use" means the use of chipped tires in a manner that is not recycling,  
1188 storage, or disposal, but that serves as a replacement for another product or material for specific  
1189 purposes.

1190 (b) "Beneficial use" includes the use of chipped tires:

- 1191 (i) as daily landfill cover;
- 1192 (ii) for civil engineering purposes;
- 1193 (iii) as low-density, light-weight aggregate fill; or
- 1194 (iv) for septic or drain field construction.

1195 (c) "Beneficial use" does not include the use of waste tires or material derived from  
1196 waste tires:

- 1197 (i) in the construction of fences; or
- 1198 (ii) as fill, other than low-density, light-weight aggregate fill.

1199 (3) "Board" means the [~~Solid and Hazardous~~] Waste Management and Radiation  
1200 Control Board created under Section [19-1-106](#).

1201 (4) "Chip" or "chipped tire" means a two inch square or smaller piece of a waste tire.

1202 (5) "Commission" means the Utah State Tax Commission.

1203 (6) (a) "Consumer" means a person who purchases a new tire to satisfy a direct need,  
1204 rather than for resale.

1205 (b) "Consumer" includes a person who purchases a new tire for a motor vehicle to be

1206 rented or leased.

1207 (7) "Crumb rubber" means waste tires that have been ground, shredded, or otherwise  
1208 reduced in size such that the particles are less than or equal to 3/8 inch in diameter and are 98%  
1209 wire free by weight.

1210 (8) "Director" means the director of the Division of [~~Solid and Hazardous~~] Waste  
1211 Management and Radiation Control.

1212 (9) "Disposal" means the deposit, dumping, or permanent placement of any waste tire  
1213 in or on any land or in any water in the state.

1214 (10) "Dispose of" means to deposit, dump, or permanently place any waste tire in or on  
1215 any land or in any water in the state.

1216 (11) "Division" means the Division of [~~Solid and Hazardous~~] Waste[;] Management  
1217 and Radiation Control created in [~~Subsection~~] Section 19-1-105[~~(1)(c)~~].

1218 (12) "Fund" means the Waste Tire Recycling Fund created in Section 19-6-807.

1219 (13) "Landfill waste tire pile" means a waste tire pile:

1220 (a) located within the permitted boundary of a landfill operated by a governmental  
1221 entity; and

1222 (b) consisting solely of waste tires brought to a landfill for disposal and diverted from  
1223 the landfill waste stream to the waste tire pile.

1224 (14) "Local health department" means the local health department, as defined in  
1225 Section 26A-1-102, with jurisdiction over the recycler.

1226 (15) "Materials derived from waste tires" means tire sections, tire chips, tire  
1227 shreds, rubber, steel, fabric, or other similar materials derived from waste tires.

1228 (16) "Mobile facility" means a mobile facility capable of cutting waste tires on site so  
1229 the waste tires may be effectively disposed of by burial, such as in a landfill.

1230 (17) "New motor vehicle" means a motor vehicle which has never been titled or  
1231 registered.

1232 (18) "Passenger tire equivalent" means a measure of mixed sizes of tires where each 25  
1233 pounds of whole tires or material derived from waste tires is equal to one waste tire.

1234 (19) "Proceeds of the fee" means the money collected by the commission from  
1235 payment of the recycling fee including interest and penalties on delinquent payments.

1236 (20) "Recycler" means a person who:

1237 (a) annually uses, or can reasonably be expected within the next year to use, a  
1238 minimum of 100,000 waste tires generated in the state or 1,000 tons of waste tires generated in  
1239 the state to recover energy or produce energy, crumb rubber, chipped tires, or an ultimate  
1240 product; and

1241 (b) is registered as a recycler in accordance with Section [19-6-806](#).

1242 (21) "Recycling fee" means the fee provided for in Section [19-6-805](#).

1243 (22) "Shredded waste tires" means waste tires or material derived from waste tires that  
1244 has been reduced to a six inch square or smaller.

1245 (23) (a) "Storage" means the placement of waste tires in a manner that does not  
1246 constitute disposal of the waste tires.

1247 (b) "Storage" does not include:

1248 (i) the use of waste tires as ballast to maintain covers on agricultural materials or to  
1249 maintain covers at a construction site;

1250 (ii) the storage for five or fewer days of waste tires or material derived from waste tires  
1251 that are to be recycled or applied to a beneficial use; or

1252 (iii) the storage of a waste tire before the tire is:

1253 (A) resold wholesale or retail; or

1254 (B) recapped.

1255 (24) (a) "Store" means to place waste tires in a manner that does not constitute disposal  
1256 of the waste tires.

1257 (b) "Store" does not include:

1258 (i) to use waste tires as ballast to maintain covers on agricultural materials or to  
1259 maintain covers at a construction site; or

1260 (ii) to store for five or fewer days waste tires or material derived from waste tires that  
1261 are to be recycled or applied to a beneficial use.

1262 (25) "Tire" means a pneumatic rubber covering designed to encircle the wheel of a  
1263 vehicle in which a person or property is or may be transported or drawn upon a highway.

1264 (26) "Tire retailer" means any person engaged in the business of selling new tires either  
1265 as replacement tires or as part of a new vehicle sale.

1266 (27) (a) "Ultimate product" means a product that has as a component materials derived  
1267 from waste tires and that the director finds has a demonstrated market.

1268 (b) "Ultimate product" includes pyrolyzed materials derived from:

1269 (i) waste tires; or

1270 (ii) chipped tires.

1271 (c) "Ultimate product" does not include a product regarding which a waste tire remains  
1272 after the product is disposed of or disassembled.

1273 (28) "Waste tire" means:

1274 (a) a tire that is no longer suitable for its original intended purpose because of wear,  
1275 damage, or defect; or

1276 (b) a tire that a tire retailer removes from a vehicle for replacement with a new or used  
1277 tire.

1278 (29) "Waste tire pile" means a pile of 1,000 or more waste tires at one location.

1279 (30) (a) "Waste tire transporter" means a person or entity engaged in picking up or  
1280 transporting at one time more than 10 whole waste tires, or the equivalent amount of material  
1281 derived from waste tires, generated in Utah for the purpose of storage, processing, or disposal.

1282 (b) "Waste tire transporter" includes any person engaged in the business of collecting,  
1283 hauling, or transporting waste tires or who performs these functions for another person, except  
1284 as provided in Subsection (30)(c).

1285 (c) "Waste tire transporter" does not include:

1286 (i) a person transporting waste tires generated solely by:

1287 (A) that person's personal vehicles;

1288 (B) a commercial vehicle fleet owned or operated by that person or that person's  
1289 employer;

1290 (C) vehicles sold, leased, or purchased by a motor vehicle dealership owned or  
1291 operated by that person or that person's employer; or

1292 (D) a retail tire business owned or operated by that person or that person's employer;

1293 (ii) a solid waste collector operating under a license issued by a unit of local  
1294 government as defined in Section 63M-5-103, or a local health department;

1295 (iii) a recycler of waste tires;

1296 (iv) a person transporting tires by rail as a common carrier subject to federal regulation;

1297 or

1298 (v) a person transporting processed or chipped tires.

1299 Section 19. Section 19-6-902 is amended to read:

1300 **19-6-902. Definitions.**

1301 As used in this part:

1302 (1) "Board" means the [~~Solid and Hazardous~~] Waste Management and Radiation  
1303 Control Board, as defined in Section 19-1-106, within the Department of Environmental  
1304 Quality.

1305 (2) "Certified decontamination specialist" means an individual who has met the  
1306 standards for certification as a decontamination specialist and has been certified by the board  
1307 under Subsection 19-6-906(2).

1308 (3) "Contaminated" or "contamination" means:

1309 (a) polluted by hazardous materials that cause property to be unfit for human habitation  
1310 or use due to immediate or long-term health hazards; or

1311 (b) that a property is polluted by hazardous materials as a result of the use, production,  
1312 or presence of methamphetamine in excess of decontamination standards adopted by the  
1313 Department of Health under Section 26-51-201.

1314 (4) "Contamination list" means a list maintained by the local health department of  
1315 properties:

1316 (a) reported to the local health department under Section 19-6-903; and

1317 (b) determined by the local health department to be contaminated.

1318 (5) (a) "Decontaminated" means property that at one time was contaminated, but the  
1319 contaminants have been removed.

1320 (b) "Decontaminated" for a property that was contaminated by the use, production, or  
1321 presence of methamphetamine means that the property satisfies decontamination standards  
1322 adopted by the Department of Health under Section 26-51-201.

1323 (6) "Hazardous materials":

1324 (a) has the same meaning as "hazardous or dangerous material" as defined in Section  
1325 58-37d-3; and

1326 (b) includes any illegally manufactured controlled substances.

1327 (7) "Health department" means a local health department under Title 26A, Local  
1328 Health Authorities.

1329 (8) "Owner of record":

1330 (a) means the owner of real property as shown on the records of the county recorder in  
1331 the county where the property is located; and

1332 (b) may include an individual, financial institution, company, corporation, or other  
1333 entity.

1334 (9) "Property":

1335 (a) means any real property, site, structure, part of a structure, or the grounds  
1336 surrounding a structure; and

1337 (b) includes single-family residences, outbuildings, garages, units of multiplexes,  
1338 condominiums, apartment buildings, warehouses, hotels, motels, boats, motor vehicles, trailers,  
1339 manufactured housing, shops, or booths.

1340 (10) "Reported property" means property that is the subject of a law enforcement report  
1341 under Section 19-6-903.

1342 Section 20. Section 19-6-906 is amended to read:

1343 **19-6-906. Decontamination standards -- Specialist certification standards --**  
1344 **Rulemaking.**

1345 (1) The Department of Health shall make rules under Title 63G, Chapter 3, Utah



1346 Administrative Rulemaking Act, in consultation with the local health departments and the  
1347 Department of Environmental Quality, to establish:

1348 (a) decontamination and sampling standards and best management practices for the  
1349 inspection and decontamination of property and the disposal of contaminated debris under this  
1350 part;

1351 (b) appropriate methods for the testing of buildings and interior surfaces, and  
1352 furnishings, soil, and septic tanks for contamination; and

1353 (c) when testing for contamination may be required.

1354 (2) The Department of Environmental Quality [~~Solid and Hazardous~~] Waste  
1355 Management and Radiation Control Board shall make rules under Title 63G, Chapter 3, Utah  
1356 Administrative Rulemaking Act, in consultation with the Department of Health and local  
1357 health departments, to establish within the Department of Environmental Quality Division of  
1358 Environmental Response and Remediation:

1359 (a) certification standards for any private person, firm, or entity involved in the  
1360 decontamination of contaminated property; and

1361 (b) a process for revoking the certification of a decontamination specialist who fails to  
1362 maintain the certification standards.

1363 (3) All rules made under this part shall be consistent with other state and federal  
1364 requirements.

1365 (4) The board has authority to enforce the provisions under Subsection (2).

1366 Section 21. Section **19-6-1002** is amended to read:

1367 **19-6-1002. Definitions.**

1368 (1) "Board" means the [~~Solid and Hazardous~~] Waste Management and Radiation  
1369 Control Board created in Section [19-1-106](#).

1370 (2) "Director" means the director of the Division [~~of Solid and Hazardous~~] Waste  
1371 Management and Radiation Control.

1372 (3) "Division" means the Division of [~~Solid and Hazardous~~] Waste[;] Management and  
1373 Radiation Control created in [~~Subsection~~] Section [19-1-105](#)~~[(+)(c)]~~.

1374 (4) "Manufacturer" means the last person in the production or assembly process of a  
1375 vehicle.

1376 (5) "Mercury switch" means a mercury-containing capsule that is part of a convenience  
1377 light switch assembly installed in a vehicle's hood or trunk.

1378 (6) "Person" means an individual, a firm, an association, a partnership, a corporation,  
1379 the state, or a local government.

1380 (7) "Plan" means a plan for removing and collecting mercury switches from vehicles.

1381 (8) "Vehicle" means any passenger automobile or car, station wagon, truck, van, or  
1382 sport utility vehicle that may contain one or more mercury switches.

1383 Section 22. Section **19-6-1102** is amended to read:

1384 **19-6-1102. Definitions.**

1385 As used in this part:

1386 (1) "Board" means the [~~Solid and Hazardous~~] Waste Management and Radiation  
1387 Control Board created under Section 19-1-106.

1388 (2) "Director" means the director of the Division of [~~Solid and Hazardous~~] Waste  
1389 Management and Radiation Control.

1390 (3) "Division" means the Division of [~~Solid and Hazardous~~] Waste[;] Management and  
1391 Radiation Control created in [~~Subsection~~] Section 19-1-105<sup>(1)(e)</sup>.

1392 (4) (a) "Industrial byproduct" means an industrial residual, including:

1393 (i) inert construction debris;

1394 (ii) fly ash;

1395 (iii) bottom ash;

1396 (iv) slag;

1397 (v) flue gas emission control residuals generated primarily from the combustion of coal  
1398 or other fossil fuel;

1399 (vi) residual from the extraction, beneficiation, and processing of an ore or mineral;

1400 (vii) cement kiln dust; or

1401 (viii) contaminated soil extracted as a result of a corrective action subject to an

1402 operation plan under Part 1, Solid and Hazardous Waste Act.

1403 (b) "Industrial byproduct" does not include material that:

1404 (i) causes a public nuisance or public health hazard; or

1405 (ii) is a hazardous waste under Part 1, Solid and Hazardous Waste Act.

1406 (5) "Public project" means a project of the Department of Transportation to construct:

1407 (a) a highway or road;

1408 (b) a curb;

1409 (c) a gutter;

1410 (d) a walkway;

1411 (e) a parking facility;

1412 (f) a public transportation facility; or

1413 (g) a facility, infrastructure, or transportation improvement that benefits the public.

1414 (6) "Reuse" means to use an industrial byproduct in place of a raw material.

1415 Section 23. Section **26-7-7** is amended to read:

1416 **26-7-7. Radon awareness campaign.**

1417 The department shall, in consultation with the Division of Waste Management and  
1418 Radiation Control, develop a statewide electronic awareness campaign to educate the public  
1419 regarding:

1420 (1) the existence and prevalence of radon gas in buildings and structures;

1421 (2) the health risks associated with radon gas;

1422 (3) options for radon gas testing; and

1423 (4) options for radon gas remediation.

1424 Section 24. Section **59-1-403** is amended to read:

1425 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

1426 (1) (a) Any of the following may not divulge or make known in any manner any  
1427 information gained by that person from any return filed with the commission:

1428 (i) a tax commissioner;

1429 (ii) an agent, clerk, or other officer or employee of the commission; or

1430 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or  
1431 town.

1432 (b) An official charged with the custody of a return filed with the commission is not  
1433 required to produce the return or evidence of anything contained in the return in any action or  
1434 proceeding in any court, except:

1435 (i) in accordance with judicial order;

1436 (ii) on behalf of the commission in any action or proceeding under:

1437 (A) this title; or

1438 (B) other law under which persons are required to file returns with the commission;

1439 (iii) on behalf of the commission in any action or proceeding to which the commission  
1440 is a party; or

1441 (iv) on behalf of any party to any action or proceeding under this title if the report or  
1442 facts shown by the return are directly involved in the action or proceeding.

1443 (c) Notwithstanding Subsection (1)(b), a court may require the production of, and may  
1444 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically  
1445 pertinent to the action or proceeding.

1446 (2) This section does not prohibit:

1447 (a) a person or that person's duly authorized representative from receiving a copy of  
1448 any return or report filed in connection with that person's own tax;

1449 (b) the publication of statistics as long as the statistics are classified to prevent the  
1450 identification of particular reports or returns; and

1451 (c) the inspection by the attorney general or other legal representative of the state of the  
1452 report or return of any taxpayer:

1453 (i) who brings action to set aside or review a tax based on the report or return;

1454 (ii) against whom an action or proceeding is contemplated or has been instituted under  
1455 this title; or

1456 (iii) against whom the state has an unsatisfied money judgment.

1457 (3) (a) Notwithstanding Subsection (1) and for purposes of administration, the

1458 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative  
1459 Rulemaking Act, provide for a reciprocal exchange of information with:

1460 (i) the United States Internal Revenue Service; or

1461 (ii) the revenue service of any other state.

1462 (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
1463 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,  
1464 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and  
1465 other written statements with the federal government, any other state, any of the political  
1466 subdivisions of another state, or any political subdivision of this state, except as limited by  
1467 Sections [59-12-209](#) and [59-12-210](#), if the political subdivision, other state, or the federal  
1468 government grant substantially similar privileges to this state.

1469 (c) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
1470 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,  
1471 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the  
1472 identity and other information of taxpayers who have failed to file tax returns or to pay any tax  
1473 due.

1474 (d) Notwithstanding Subsection (1), the commission shall provide to the director of the  
1475 Division of [~~Solid and Hazardous Waste~~] Environmental Response and Remediation, as  
1476 defined in Section [~~19-6-102~~] [19-6-402](#), as requested by the director of the Division of [~~Solid  
1477 and Hazardous Waste~~] Environmental Response and Remediation, any records, returns, or  
1478 other information filed with the commission under Chapter 13, Motor and Special Fuel Tax  
1479 Act, or Section [19-6-410.5](#) regarding the environmental assurance program participation fee.

1480 (e) Notwithstanding Subsection (1), at the request of any person the commission shall  
1481 provide that person sales and purchase volume data reported to the commission on a report,  
1482 return, or other information filed with the commission under:

1483 (i) Chapter 13, Part 2, Motor Fuel; or

1484 (ii) Chapter 13, Part 4, Aviation Fuel.

1485 (f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer,

1486 as defined in Section 59-22-202, the commission shall report to the manufacturer:

1487 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the  
1488 manufacturer and reported to the commission for the previous calendar year under Section  
1489 59-14-407; and

1490 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the  
1491 manufacturer for which a tax refund was granted during the previous calendar year under  
1492 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

1493 (g) Notwithstanding Subsection (1), the commission shall notify manufacturers,  
1494 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited  
1495 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

1496 (h) Notwithstanding Subsection (1), the commission may:

1497 (i) provide to the Division of Consumer Protection within the Department of  
1498 Commerce and the attorney general data:

1499 (A) reported to the commission under Section 59-14-212; or

1500 (B) related to a violation under Section 59-14-211; and

1501 (ii) upon request, provide to any person data reported to the commission under  
1502 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

1503 (i) Notwithstanding Subsection (1), the commission shall, at the request of a committee  
1504 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of  
1505 Management and Budget, provide to the committee or office the total amount of revenues  
1506 collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the  
1507 time period specified by the committee or office.

1508 (j) Notwithstanding Subsection (1), the commission shall make the directory required  
1509 by Section 59-14-603 available for public inspection.

1510 (k) Notwithstanding Subsection (1), the commission may share information with  
1511 federal, state, or local agencies as provided in Subsection 59-14-606(3).

1512 (l) (i) Notwithstanding Subsection (1), the commission shall provide the Office of  
1513 Recovery Services within the Department of Human Services any relevant information

1514 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer  
1515 who has become obligated to the Office of Recovery Services.

1516 (ii) The information described in Subsection (3)(l)(i) may be provided by the Office of  
1517 Recovery Services to any other state's child support collection agency involved in enforcing  
1518 that support obligation.

1519 (m) (i) Notwithstanding Subsection (1), upon request from the state court  
1520 administrator, the commission shall provide to the state court administrator, the name, address,  
1521 telephone number, county of residence, and Social Security number on resident returns filed  
1522 under Chapter 10, Individual Income Tax Act.

1523 (ii) The state court administrator may use the information described in Subsection  
1524 (3)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.

1525 (n) Notwithstanding Subsection (1), the commission shall at the request of a  
1526 committee, commission, or task force of the Legislature provide to the committee, commission,  
1527 or task force of the Legislature any information relating to a tax imposed under Chapter 9,  
1528 Taxation of Admitted Insurers, relating to the study required by Section 59-9-101.

1529 (o) (i) As used in this Subsection (3)(o), "office" means the:

- 1530 (A) Office of the Legislative Fiscal Analyst; or
- 1531 (B) Office of Legislative Research and General Counsel.

1532 (ii) Notwithstanding Subsection (1) and except as provided in Subsection (3)(o)(iii),  
1533 the commission shall at the request of an office provide to the office all information:

- 1534 (A) gained by the commission; and
- 1535 (B) required to be attached to or included in returns filed with the commission.

1536 (iii) (A) An office may not request and the commission may not provide to an office a  
1537 person's:

- 1538 (I) address;
- 1539 (II) name;
- 1540 (III) Social Security number; or
- 1541 (IV) taxpayer identification number.

1542 (B) The commission shall in all instances protect the privacy of a person as required by  
1543 Subsection (3)(o)(iii)(A).

1544 (iv) An office may provide information received from the commission in accordance  
1545 with this Subsection (3)(o) only:

1546 (A) as:

1547 (I) a fiscal estimate;

1548 (II) fiscal note information; or

1549 (III) statistical information; and

1550 (B) if the information is classified to prevent the identification of a particular return.

1551 (v) (A) A person may not request information from an office under Title 63G, Chapter  
1552 2, Government Records Access and Management Act, or this section, if that office received the  
1553 information from the commission in accordance with this Subsection (3)(o).

1554 (B) An office may not provide to a person that requests information in accordance with  
1555 Subsection (3)(o)(v)(A) any information other than the information the office provides in  
1556 accordance with Subsection (3)(o)(iv).

1557 (p) Notwithstanding Subsection (1), the commission may provide to the governing  
1558 board of the agreement or a taxing official of another state, the District of Columbia, the United  
1559 States, or a territory of the United States:

1560 (i) the following relating to an agreement sales and use tax:

1561 (A) information contained in a return filed with the commission;

1562 (B) information contained in a report filed with the commission;

1563 (C) a schedule related to Subsection (3)(p)(i)(A) or (B); or

1564 (D) a document filed with the commission; or

1565 (ii) a report of an audit or investigation made with respect to an agreement sales and  
1566 use tax.

1567 (q) Notwithstanding Subsection (1), the commission may provide information  
1568 concerning a taxpayer's state income tax return or state income tax withholding information to  
1569 the Driver License Division if the Driver License Division:



1570 (i) requests the information; and  
1571 (ii) provides the commission with a signed release form from the taxpayer allowing the  
1572 Driver License Division access to the information.

1573 (r) Notwithstanding Subsection (1), the commission shall provide to the Utah 911  
1574 Committee the information requested by the Utah 911 Committee under Subsection  
1575 [63H-7-303\(4\)](#).

1576 (s) Notwithstanding Subsection (1), the commission shall provide to the Utah  
1577 Educational Savings Plan information related to a resident or nonresident individual's  
1578 contribution to a Utah Educational Savings Plan account as designated on the resident or  
1579 nonresident's individual income tax return as provided under Section [59-10-1313](#).

1580 (t) Notwithstanding Subsection (1), for the purpose of verifying eligibility under  
1581 Sections [26-18-2.5](#) and [26-40-105](#), the commission shall provide an eligibility worker with the  
1582 Department of Health or its designee with the adjusted gross income of an individual if:

1583 (i) an eligibility worker with the Department of Health or its designee requests the  
1584 information from the commission; and

1585 (ii) the eligibility worker has complied with the identity verification and consent  
1586 provisions of Sections [26-18-2.5](#) and [26-40-105](#).

1587 (u) Notwithstanding Subsection (1), the commission may provide to a county, as  
1588 determined by the commission, information declared on an individual income tax return in  
1589 accordance with Section [59-10-103.1](#) that relates to eligibility to claim a residential exemption  
1590 authorized under Section [59-2-103](#).

1591 (4) (a) Each report and return shall be preserved for at least three years.

1592 (b) After the three-year period provided in Subsection (4)(a) the commission may  
1593 destroy a report or return.

1594 (5) (a) Any person who violates this section is guilty of a class A misdemeanor.

1595 (b) If the person described in Subsection (5)(a) is an officer or employee of the state,  
1596 the person shall be dismissed from office and be disqualified from holding public office in this  
1597 state for a period of five years thereafter.

1598 (c) Notwithstanding Subsection (5)(a) or (b), an office that requests information in  
1599 accordance with Subsection (3)(o)(iii) or a person that requests information in accordance with  
1600 Subsection (3)(o)(v):

1601 (i) is not guilty of a class A misdemeanor; and

1602 (ii) is not subject to:

1603 (A) dismissal from office in accordance with Subsection (5)(b); or

1604 (B) disqualification from holding public office in accordance with Subsection (5)(b).

1605 (6) Except as provided in Section 59-1-404, this part does not apply to the property tax.

1606 Section 25. Section 63J-4-502 is amended to read:

1607 **63J-4-502. Membership -- Terms -- Chair -- Expenses.**

1608 (1) The Resource Development Coordinating Committee shall consist of the following  
1609 [~~25~~] 24 members:

1610 (a) the state science advisor;

1611 (b) a representative from the Department of Agriculture and Food appointed by the  
1612 executive director;

1613 (c) a representative from the Department of Heritage and Arts appointed by the  
1614 executive director;

1615 (d) a representative from the Department of Environmental Quality appointed by the  
1616 executive director;

1617 (e) a representative from the Department of Natural Resources appointed by the  
1618 executive director;

1619 (f) a representative from the Department of Transportation appointed by the executive  
1620 director;

1621 (g) a representative from the Governor's Office of Economic Development appointed  
1622 by the director;

1623 (h) a representative from the Housing and Community Development Division  
1624 appointed by the director;

1625 (i) a representative from the Division of State History appointed by the director;

- 1626 (j) a representative from the Division of Air Quality appointed by the director;
- 1627 (k) a representative from the Division of Drinking Water appointed by the director;
- 1628 (l) a representative from the Division of Environmental Response and Remediation  
1629 appointed by the director;
- 1630 ~~[(m) a representative from the Division of Radiation appointed by the director;]~~
- 1631 ~~[(n)]~~ (m) a representative from the Division of ~~[Solid and Hazardous]~~ Waste  
1632 Management and Radiation Control appointed by the director;
- 1633 ~~[(o)]~~ (n) a representative from the Division of Water Quality appointed by the director;
- 1634 ~~[(p)]~~ (o) a representative from the Division of Oil, Gas, and Mining appointed by the  
1635 director;
- 1636 ~~[(q)]~~ (p) a representative from the Division of Parks and Recreation appointed by the  
1637 director;
- 1638 ~~[(r)]~~ (q) a representative from the Division of Forestry, Fire, and State Lands appointed  
1639 by the director;
- 1640 ~~[(s)]~~ (r) a representative from the Utah Geological Survey appointed by the director;
- 1641 ~~[(t)]~~ (s) a representative from the Division of Water Resources appointed by the  
1642 director;
- 1643 ~~[(u)]~~ (t) a representative from the Division of Water Rights appointed by the director;
- 1644 ~~[(v)]~~ (u) a representative from the Division of Wildlife Resources appointed by the  
1645 director;
- 1646 ~~[(w)]~~ (v) a representative from the School and Institutional Trust Lands Administration  
1647 appointed by the director;
- 1648 ~~[(x)]~~ (w) a representative from the Division of Facilities Construction and Management  
1649 appointed by the director; and
- 1650 ~~[(y)]~~ (x) a representative from the Division of Emergency Management appointed by  
1651 the director.
- 1652 (2) (a) As particular issues require, the committee may, by majority vote of the  
1653 members present, and with the concurrence of the state planning coordinator, appoint

1654 additional temporary members to serve as ex officio voting members.

1655 (b) Those ex officio members may discuss and vote on the issue or issues for which  
1656 they were appointed.

1657 (3) A chair shall be selected by a majority vote of committee members with the  
1658 concurrence of the state planning coordinator.

1659 (4) A member may not receive compensation or benefits for the member's service, but  
1660 may receive per diem and travel expenses in accordance with:

1661 (a) Section [63A-3-106](#);

1662 (b) Section [63A-3-107](#); and

1663 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1664 [63A-3-107](#).

1665 Section 26. **Repealer.**

1666 This bill repeals:

1667 Section [19-3-103](#), **Radiation Control Board -- Members -- Organization -- Meetings**  
1668 **-- Per diem and expenses.**

1669 Section [19-3-103.5](#), **Board authority and duties.**

1670 Section [19-3-108](#), **Powers and duties of director.**

1671 Section 27. **Effective date.**

1672 This bill takes effect on July 1, 2015.

1673 Section 28. **Coordinating S.B. 244 with S.B. 173 -- Technical amendment.**

1674 If this S.B. 244 and S.B. 173, Financial Assurance Determination Review Process, both  
1675 pass and become law, it is the intent of the Legislature that the Office of Legislative Research  
1676 and General Counsel, in preparing the Utah Code database for publication, modify Subsection  
1677 [19-1-301.5\(1\)\(c\)](#) to read:

1678 (c) "Financial assurance determination" means a decision on whether a facility, site,  
1679 plan, party, broker, owner, operator, generator, or permittee has met financial assurance or  
1680 financial responsibility requirements as determined by the director of the Division of Waste  
1681 Management and Radiation Control.

