

DEPARTMENT OF ENVIRONMENTAL QUALITY

MODIFICATIONS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ combines the Division of Radiation and the Division of Solid and Hazardous Waste to create a new division known as the Division of Waste Management; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 17-15-23**, as last amended by Laws of Utah 1991, Chapter 112
- 19-1-105**, as last amended by Laws of Utah 2012, Chapter 360
- 19-1-106**, as enacted by Laws of Utah 1991, Chapter 112
- 19-1-205**, as enacted by Laws of Utah 1991, Chapter 112
- 19-1-307**, as last amended by Laws of Utah 2010, Chapter 278



- 28 **19-3-102**, as last amended by Laws of Utah 2012, Chapter 360
- 29 **19-3-104**, as last amended by Laws of Utah 2012, Chapter 360
- 30 **19-3-105**, as last amended by Laws of Utah 2013, Chapter 330
- 31 **19-5-102**, as last amended by Laws of Utah 2013, Chapter 227
- 32 **19-6-102**, as last amended by Laws of Utah 2012, Chapter 360
- 33 **19-6-102.1**, as last amended by Laws of Utah 2012, Chapter 360
- 34 **19-6-103**, as last amended by Laws of Utah 2012, Chapter 360
- 35 **19-6-104**, as last amended by Laws of Utah 2012, Chapter 360
- 36 **19-6-107**, as last amended by Laws of Utah 2012, Chapter 360
- 37 **19-6-202**, as last amended by Laws of Utah 2011, Chapter 297
- 38 **19-6-402**, as last amended by Laws of Utah 2014, Chapter 227
- 39 **19-6-601**, as last amended by Laws of Utah 2012, Chapter 360
- 40 **19-6-703**, as last amended by Laws of Utah 2012, Chapter 360
- 41 **19-6-803**, as last amended by Laws of Utah 2012, Chapters 263 and 360
- 42 **19-6-902**, as last amended by Laws of Utah 2013, Chapter 278
- 43 **19-6-906**, as last amended by Laws of Utah 2008, Chapter 382
- 44 **19-6-1002**, as last amended by Laws of Utah 2012, Chapter 360
- 45 **19-6-1102**, as last amended by Laws of Utah 2012, Chapter 360
- 46 **26-7-7**, as enacted by Laws of Utah 2014, Chapter 93
- 47 **59-1-403**, as last amended by Laws of Utah 2014, Chapter 320
- 48 **63J-4-502**, as last amended by Laws of Utah 2012, Chapter 212

49 REPEALS:

- 50 **19-3-103**, as last amended by Laws of Utah 2012, Chapter 360
- 51 **19-3-103.5**, as last amended by Laws of Utah 2012, Chapter 360
- 52 **19-3-108**, as last amended by Laws of Utah 2012, Chapter 360



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

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

56 **17-15-23. County solid waste management plans.**

57 (1) (a) Each county or entity created or designated by a county for this purpose shall
58 submit to the [~~Solid and Hazardous~~] Waste [~~Control~~] Management Board, organized in Section

59 19-6-103, a county solid waste management plan providing solid waste management
 60 information as reasonably required by the board and according to a timetable established by the
 61 board.

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

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

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

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

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

75 **19-1-105. Divisions of department -- Control by division directors.**

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

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

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

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

82 (i) Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act; and

83 (ii) Title 19, Chapter 6, Part 4, Underground Storage Tank Act;

84 [~~(d) the Division of Radiation Control, to administer Title 19, Chapter 3, Radiation
 85 Control Act;~~]

86 [~~(e) the Division of Solid and Hazardous Waste, to administer;~~]

87 (d) the Division of Waste Management, to administer:

88 (i) Title 19, Chapter 3, Radiation Control Act;

89 [(†) (ii) Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act;

90 ~~[(ii)]~~ (iii) Title 19, Chapter 6, Part 2, Hazardous Waste Facility Siting Act;
 91 ~~[(iii)]~~ (iv) Title 19, Chapter 6, Part 5, Solid Waste Management Act;
 92 ~~[(iv)]~~ (v) Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal;
 93 ~~[(v)]~~ (vi) Title 19, Chapter 6, Part 7, Used Oil Management Act;
 94 ~~[(vi)]~~ (vii) Title 19, Chapter 6, Part 8, Waste Tire Recycling Act;
 95 ~~[(vii)]~~ (viii) Title 19, Chapter 6, Part 10, Mercury Switch Removal Act;
 96 ~~[(viii)]~~ (ix) Title 19, Chapter 6, Part 11, Industrial Byproduct Reuse; and
 97 ~~[(ix)]~~ (x) Title 19, Chapter 6, Part 12, Disposal of Electronic Waste Program; and
 98 ~~[(f)]~~ (e) the Division of Water Quality, to administer Title 19, Chapter 5, Water Quality
 99 Act.

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

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

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

106 (i) a four-year degree in physical or biological science or engineering;

107 (ii) a related degree; or

108 (iii) a degree in law.

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

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

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

113 **19-1-106. Boards within department.**

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

115 (a) the Air Quality Board, appointed under Section [19-2-103](#);

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

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

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

119 (d) the Waste Management Board, appointed under Section [19-6-104](#).

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

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

123 Section 4. Section **19-1-205** is amended to read:

124 **19-1-205. Assumption of responsibilities.**

125 The department assumes all the policymaking functions, regulatory and enforcement
126 powers, rights, duties, and responsibilities of the Division of Environmental Health, the Air
127 Conservation Committee, the [~~Solid and Hazardous~~] Waste Management Committee, the Utah
128 Safe Drinking Water Committee, and the Water Pollution Control Committee previously
129 vested in the Department of Health and its executive director:

130 (1) including programs for individual wastewater disposal systems, liquid scavenger
131 operations, and vault and earthen pit privies; but

132 (2) excluding all other sanitation programs, which shall be administered by the
133 Department of Health.

134 Section 5. Section **19-1-307** is amended to read:

135 **19-1-307. Evaluation of closure, postclosure, and perpetual care and maintenance**
136 **for hazardous waste and radioactive waste treatment and disposal facilities -- Report.**

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

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

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

147 (b) The evaluation shall determine:

148 (i) whether the amount of financial assurance required is adequate for closure and
149 postclosure care of hazardous waste treatment, storage, or disposal facilities;

150 (ii) whether the amount of financial assurance or funds required is adequate for
151 perpetual care and maintenance following the closure and postclosure period of a commercial

152 hazardous waste treatment, storage, or disposal facility, if found necessary following the
153 evaluation under Subsection (1)(c); and

154 (iii) the costs above the minimal maintenance and monitoring for reasonable risks that
155 may occur during closure, postclosure, and perpetual care and maintenance of commercial
156 hazardous waste treatment, storage, or disposal facilities including:

157 (A) groundwater corrective action;

158 (B) differential settlement failure; or

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

160 (c) The [~~Solid and Hazardous~~] Waste [~~Control~~] Management Board shall evaluate in
161 2006 whether financial assurance or funds are necessary for perpetual care and maintenance
162 following the closure and postclosure period of a commercial hazardous waste treatment,
163 storage, or disposal facility to protect human health and the environment.

164 (2) (a) Beginning in 2006, the [~~Radiation Control~~] Waste Management Board created
165 in Section 19-1-106 shall direct an evaluation every five years of:

166 (i) the adequacy of the Radioactive Waste Perpetual Care and Maintenance Account
167 created by Section 19-3-106.2; and

168 (ii) the adequacy of the amount of financial assurance required for closure and
169 postclosure care of commercial radioactive waste treatment or disposal facilities under
170 Subsection 19-3-104[~~(12)~~](11).

171 (b) The evaluation shall determine:

172 (i) whether the restricted account is adequate to provide for perpetual care and
173 maintenance of commercial radioactive waste treatment or disposal facilities;

174 (ii) whether the amount of financial assurance required is adequate to provide for
175 closure and postclosure care of commercial radioactive waste treatment or disposal facilities;

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

181 (iv) the costs above the minimal maintenance and monitoring for reasonable risks that
182 may occur during closure, postclosure, and perpetual care and maintenance of commercial

183 radioactive waste treatment or disposal facilities including:

184 (A) groundwater corrective action;

185 (B) differential settlement failure; or

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

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

190 Section 6. Section **19-3-102** is amended to read:

191 **19-3-102. Definitions.**

192 As used in this chapter:

193 (1) "Board" means the [~~Radiation Control~~] Waste Management Board created under
194 Section **19-1-106**.

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

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

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

199 (iii) processes radioactive waste in some manner.

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

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

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

205 (5) "Director" means the director of the Division of [~~Radiation Control~~] Waste
206 Management.

207 (6) "Division" means the Division of [~~Radiation Control~~] Waste Management, created
208 in Subsection **19-1-105**(1)(d).

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

210 (a) possesses any material or component:

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

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

213 (b) transfers the material or component to:

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

215 (ii) a broker.

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

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

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

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

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

230 (11) "Radioactive" means any solid, liquid, or gas which emits radiation spontaneously
231 from decay of unstable nuclei.

232 Section 7. Section **19-3-104** is amended to read:

233 **19-3-104. Registration and licensing of radiation sources by department --**

234 **Assessment of fees -- Rulemaking authority and procedure -- Siting criteria.**

235 (1) As used in this section:

236 (a) "Decommissioning" includes financial assurance.

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

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

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

243 (4) The board may make rules:

244 (a) necessary for controlling exposure to sources of radiation that constitute a

245 significant health hazard;

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

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

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

251 [(ii)] (c) to establish certification procedure and qualifications for persons who survey
252 mammography equipment and oversee quality assurance practices at mammography facilities;
253 and

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

256 (i) the licensing, operation, decontamination, and decommissioning, including financial
257 assurances; and

258 (ii) the reclamation of sites, structures, and equipment used in conjunction with the
259 activities described in this Subsection (4).

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

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

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

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

268 (c) On and after March 31, 2003 through June 30, 2003 the same fees as in Subsection
269 (5)(b) apply, but only if the federal Nuclear Regulatory Commission grants to Utah an
270 amendment for agreement state status for uranium recovery regulation on or before March 30,
271 2003.

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

275 (i) October 1, 2003; or

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

278 (e) For the payment periods beginning on and after July 1, 2003, the department shall
279 establish the fees required under Subsection (5)(a) under Section 63J-1-504, subject to the
280 restrictions under Subsection (5)(d).

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

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

285 (b) The division shall comply with the requirements of Section 63J-1-504 in assessing
286 fees for licensure and registration.

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

289 ~~[(8)]~~ (7) (a) Except as provided in Subsection ~~[(9)]~~ (8), the board may not adopt rules,
290 for the purpose of the state assuming responsibilities from the United States Nuclear
291 Regulatory Commission with respect to regulation of sources of ionizing radiation, that are
292 more stringent than the corresponding federal regulations which address the same
293 circumstances.

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

296 ~~[(9)]~~ (8) (a) The board may adopt rules more stringent than corresponding federal
297 regulations for the purpose described in Subsection ~~[(8)]~~ (7) only if it makes a written finding
298 after public comment and hearing and based on evidence in the record that corresponding
299 federal regulations are not adequate to protect public health and the environment of the state.

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

303 ~~[(10)]~~ (9) (a) The board shall by rule:

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

306 (ii) establish qualifications and certification procedures necessary for independent

307 experts to conduct these inspections.

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

310 [~~(11)~~] (10) (a) The board may by rule establish criteria for siting commercial low-level
311 radioactive waste treatment or disposal facilities, subject to the prohibition imposed by Section
312 19-3-103.7.

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

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

318 [~~(12)~~] (11) The board shall by rule establish financial assurance requirements for
319 closure and postclosure care of radioactive waste land disposal facilities, taking into account
320 existing financial assurance requirements.

321 Section 8. Section 19-3-105 is amended to read:

322 **19-3-105. Definitions -- Legislative and gubernatorial approval required for**
323 **radioactive waste license -- Exceptions -- Application for new, renewed, or amended**
324 **license.**

325 (1) As used in this section:

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

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

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

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

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

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

335 (A) uranium mill tailings;

336 (B) naturally occurring radioactive materials; or

337 (C) the following radionuclides if classified as "special nuclear material" under the

338 Atomic Energy Act of 1954, 42 U.S.C. 2014:

339 (I) uranium-233; and

340 (II) uranium-235 with a radionuclide concentration level greater than the concentration

341 limits for specific conditions and enrichments established by an order of the Nuclear

342 Regulatory Commission:

343 (Aa) to ensure criticality safety for a radioactive waste facility in the state; and

344 (Bb) in response to a request, submitted prior to January 1, 2004, from a radioactive

345 waste facility in the state to the Nuclear Regulatory Commission to amend the facility's special

346 nuclear material exemption order.

347 (d) (i) "Radioactive waste facility" or "facility" means a facility that receives, transfers,

348 stores, decays in storage, treats, or disposes of radioactive waste:

349 (A) commercially for profit; or

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

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

352 (A) alternate feed material for reprocessing; or

353 (B) radioactive waste from a location in the state designated as a processing site under

354 42 U.S.C. 7912(f).

355 (e) "Radioactive waste license" or "license" means a radioactive material license issued

356 by the director under Subsection 19-3-108(2)(d), to own, construct, modify, or operate a

357 radioactive waste facility.

358 (2) The provisions of this section are subject to the prohibition under Section

359 19-3-103.7.

360 (3) Subject to Subsection (8), a person may not own, construct, modify, or operate a

361 radioactive waste facility without:

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

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

364 (c) the approval of the governing body of the municipality or county responsible for

365 local planning and zoning where the radioactive waste is or will be located; and

366 (d) subsequent to meeting the requirements of Subsections (3)(a) through (c), the

367 approval of the governor and the Legislature.

368 (4) Subject to Subsection (8), a new radioactive waste license application, or an

369 application to renew or amend an existing radioactive waste license, is subject to the
370 requirements of Subsections (3)(b) through (d) if the application, renewal, or amendment:

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

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

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

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

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

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

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

398 (8) The requirements of Subsections (3)(c) and (d) and Subsection 19-3-104[~~(11)~~](10)
399 do not apply to:

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

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

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

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

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

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

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

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

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

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

421 (a) categorize approval applications as follows:

422 (i) approval applications that:

423 (A) are administrative in nature;

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

425 (C) do not require public input;

426 (ii) approval applications that:

427 (A) require substantial scrutiny by the director;

428 (B) require public input; and

429 (C) are not described in Subsection (10)(a)(iii); and

430 (iii) approval applications for:

- 431 (A) the granting or renewal of a radioactive waste license;
- 432 (B) the granting or renewal of a groundwater permit issued by the director for a
433 radioactive waste facility;
- 434 (C) an amendment to a radioactive waste license, or a groundwater permit, that allows
435 the design and approval of a new disposal cell;
- 436 (D) an amendment to a radioactive waste license or groundwater discharge permit for a
437 radioactive waste facility to eliminate groundwater monitoring; and
- 438 (E) a radioactive waste facility closure plan;
- 439 (b) provide time periods for the director to review, and approve or deny, an application
440 described in Subsection (10)(a) as follows:
- 441 (i) for applications categorized under Subsection (10)(a)(i), within 30 days after the day
442 on which the director receives the application;
- 443 (ii) for applications categorized under Subsection (10)(a)(ii), within 180 days after the
444 day on which the director receives the application;
- 445 (iii) for applications categorized under Subsection (10)(a)(iii), as follows:
- 446 (A) for a new radioactive waste license, within 540 days after the day on which the
447 director receives the application;
- 448 (B) for a new groundwater permit issued by the director for a radioactive waste facility
449 consistent with the provisions of Title 19, Chapter 5, Water Quality Act, within 540 days after
450 the day on which the director receives the application;
- 451 (C) for a radioactive waste license renewal, within 365 days after the day on which the
452 director receives the application;
- 453 (D) for a groundwater permit renewal issued by the director for a radioactive waste
454 facility, within 365 days after the day on which the director receives the application;
- 455 (E) for an amendment to a radioactive waste license, or a groundwater permit, that
456 allows the design and approval of a new disposal cell, within 365 days after the day on which
457 the director receives the application;
- 458 (F) for an amendment to a radioactive waste license, or a groundwater discharge
459 permit, for a radioactive waste facility to eliminate groundwater monitoring, within 365 days
460 after the day on which the director receives the application; and
- 461 (G) for a radioactive waste facility closure plan, within 365 days after the day on which

462 the director receives the application;

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

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

466 (ii) during a public comment period; or

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

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

470 Section 9. Section **19-5-102** is amended to read:

471 **19-5-102. Definitions.**

472 As used in this chapter:

473 (1) "Agriculture discharge":

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

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

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

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

480 (b) does not include:

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

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

486 (2) "Agriculture water" means:

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

488 (b) return flows from irrigated agriculture; and

489 (c) agricultural storm water runoff.

490 (3) "Board" means the Water Quality Board created in Section [19-1-106](#).

491 (4) "Commission" means the Conservation Commission, created in Section [4-18-104](#).

492 (5) "Contaminant" means any physical, chemical, biological, or radiological substance

493 or matter in water.

494 (6) "Director" means the director of the Division of Water Quality or, for purposes of
495 groundwater quality at a facility licensed by and under the jurisdiction of the Division of
496 ~~[Radiation Control]~~ Waste Management, the director of the Division of ~~[Radiation Control]~~
497 Waste Management.

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

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

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

502 (b) generates or manages sewage sludge.

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

505 (10) "Division" means the Division of Water Quality, created in Subsection
506 [19-1-105\(1\)\(f\)\(e\)](#).

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

509 (12) "Point source":

510 (a) means any discernible, confined, and discrete conveyance, including any pipe,
511 ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated
512 animal feeding operation, or vessel or other floating craft, from which pollutants are or may be
513 discharged; and

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

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

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

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

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

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

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

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

531 (20) "Underground injection" means the subsurface emplacement of fluids by well
532 injection.

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

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

539 (23) "Waters of the state":

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

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

547 Section 10. Section **19-6-102** is amended to read:

548 **19-6-102. Definitions.**

549 As used in this part:

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

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

555 facility or site.

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

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

561 (i) receives waste for recycling;

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

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

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

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

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

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

575 (6) "Director" means the director of the Division of ~~[Solid and Hazardous]~~ Waste
576 Management.

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

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

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

585 (10) "Hazardous waste" means a solid waste or combination of solid wastes other than

586 household waste which, because of its quantity, concentration, or physical, chemical, or
587 infectious characteristics may cause or significantly contribute to an increase in mortality or an
588 increase in serious irreversible or incapacitating reversible illness or may pose a substantial
589 present or potential hazard to human health or the environment when improperly treated,
590 stored, transported, disposed of, or otherwise managed.

591 (11) "Health facility" means hospitals, psychiatric hospitals, home health agencies,
592 hospices, skilled nursing facilities, intermediate care facilities, intermediate care facilities for
593 people with an intellectual disability, residential health care facilities, maternity homes or
594 birthing centers, free standing ambulatory surgical centers, facilities owned or operated by
595 health maintenance organizations, and state renal disease treatment centers including free
596 standing hemodialysis units, the offices of private physicians and dentists whether for
597 individual or private practice, veterinary clinics, and mortuaries.

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

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

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

608 (15) "Mixed waste" means any material that is a hazardous waste as defined in this
609 chapter and is also radioactive as defined in Section [19-3-102](#).

610 (16) "Modification plan" means a plan under Section [19-6-108](#) to modify a facility or
611 site for the purpose of disposing of nonhazardous solid waste or treating, storing, or disposing
612 of hazardous waste.

613 (17) "Operation plan" or "nonhazardous solid or hazardous waste operation plan"
614 means a plan or approval under Section [19-6-108](#), including:

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

617 (b) a closure plan;

618 (c) a modification plan; or

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

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

621 (19) (a) "Solid waste" means any garbage, refuse, sludge, including sludge from a
622 waste treatment plant, water supply treatment plant, or air pollution control facility, or other
623 discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting
624 from industrial, commercial, mining, or agricultural operations and from community activities
625 but does not include solid or dissolved materials in domestic sewage or in irrigation return
626 flows or discharges for which a permit is required under Title 19, Chapter 5, Water Quality
627 Act, or under the Water Pollution Control Act, 33 U.S.C., Section 1251, et seq.

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

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

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

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

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

637 (v) cement kiln dust.

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

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

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

647 (23) "Underground storage tank" means a tank which is regulated under Subtitle I of

648 the Resource Conservation and Recovery Act, 42 U.S.C., Section 6991, et seq.

649 Section 11. Section **19-6-102.1** is amended to read:

650 **19-6-102.1. Treatment and disposal -- Exclusions.**

651 As used in Subsections ~~19-6-104(1)(3)(c)(ii)(B)~~, ~~19-6-108(3)(b)~~ ~~and~~,

652 ~~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

653 "treatment and disposal" specifically excludes the recycling, use, reuse, or reprocessing of fly

654 ash waste, bottom ash waste, slag waste, or flue gas emission control waste generated primarily

655 from the combustion of coal or other fossil fuels; waste from the extraction, beneficiation, and

656 processing of ores and minerals; or cement kiln dust, including recycle, reuse, use, or

657 reprocessing for road sanding, sand blasting, road construction, railway ballast, construction

658 fill, aggregate, and other construction-related purposes.

659 Section 12. Section **19-6-103** is amended to read:

660 **19-6-103. Waste Management Board -- Members -- Terms -- Organization --**

661 **Meetings -- Per diem and expenses.**

662 (1) The board consists of the following ~~nine~~ 11 members:

663 (a) the following non-voting member, except that the member may vote to break a tie

664 vote between the voting members:

665 (i) the executive director; or

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

667 (b) the following ~~eight~~ 10 voting members appointed by the governor with the

668 consent of the Senate:

669 (i) one representative who is:

670 ~~[(A) is not connected with industry;]~~

671 ~~[(B) is an expert in waste management matters; and]~~

672 ~~[(C) is a Utah-licensed professional engineer;]~~

673 (A) a health physicist; or

674 (B) a professional employed in the field of radiation safety;

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

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

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

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

- 679 (vi) one representative from the radioactive waste management industry;
680 (vii) one representative from the uranium milling industry;
681 ~~[(vi)]~~ (viii) one representative from the public who represents:
682 (A) an environmental nongovernmental organization; or
683 (B) a nongovernmental organization that represents community interests and does not
684 represent industry interests; and
685 ~~[(vii)]~~ (ix) one representative from the public who is trained and experienced in public
686 health[-] and a licensed:
687 (A) medical doctor; or
688 (B) dentist.
689 (2) A member of the board shall:
690 (a) be knowledgeable about solid and hazardous waste matters as evidenced by a
691 professional degree, a professional accreditation, or documented experience;
692 (b) be a resident of Utah;
693 (c) attend board meetings in accordance with the attendance rules made by the
694 department under Subsection 19-1-201(1)(d)(i)(A); and
695 (d) comply with all applicable statutes, rules, and policies, including the conflict of
696 interest rules made by the department in accordance with Subsection 19-1-201(1)(d)(i)(B).
697 (3) No more than ~~[five]~~ six of the appointed members may be from the same political
698 party.
699 (4) (a) Members shall be appointed for terms of four years each.
700 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
701 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
702 board members are staggered so that half of the appointed board is appointed every two years.
703 (c) (i) Notwithstanding Subsection (4)(a), the term of a board member who is
704 appointed before March 1, 2013, shall expire on February 28, 2013.
705 (ii) On March 1, 2013, the governor shall appoint or reappoint board members in
706 accordance with this section.
707 (5) Each member is eligible for reappointment.
708 (6) Board members shall continue in office until the expiration of their terms and until
709 their successors are appointed, but not more than 90 days after the expiration of their terms.

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

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

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

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

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

719 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
720 63A-3-107.

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

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

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

727 Section 13. Section 19-6-104 is amended to read:

728 **19-6-104. Powers of board -- Creation of statewide solid waste management plan.**

729 (1) The board may:

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

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

732 (b) recommend that the director:

733 (i) issue orders necessary to enforce the provisions of the Radiation Control Act;

734 (ii) enforce the orders by appropriate administrative and judicial proceedings; or

735 (iii) institute judicial proceedings to secure compliance with this part;

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

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

738 (d) accept, receive, and administer grants or other funds or gifts from public and

739 private agencies, including the federal government, for the purpose of carrying out any of the

740 functions of the Radiation Control Act; or

741 (e) order the director to impound radioactive material in accordance with Section
742 19-3-111.

743 (2) The board shall:

744 (a) prepare a radioactive waste management plan in compliance with Section 19-3-107

745 as soon as practicable;

746 (b) promote the planning and application of pollution prevention and radioactive waste
747 minimization measures to prevent the unnecessary waste and depletion of natural resources;

748 and

749 (c) to ensure compliance with applicable statutes and regulations:

750 (i) review a settlement negotiated by the director that requires a civil penalty of

751 \$25,000 or more; and

752 (ii) approve or disapprove the settlement.

753 ~~[(+)]~~ (3) The board shall:

754 (a) survey solid and hazardous waste generation and management practices within this
755 state and, after public hearing and after providing opportunities for comment by local
756 governmental entities, industry, and other interested persons, prepare and revise, as necessary, a
757 waste management plan for the state;

758 (b) order the director to:

759 (i) issue orders necessary to effectuate the provisions of this part and rules made under
760 this part;

761 (ii) enforce the orders by administrative and judicial proceedings; or

762 (iii) initiate judicial proceedings to secure compliance with this part;

763 (c) promote the planning and application of resource recovery systems to prevent the
764 unnecessary waste and depletion of natural resources;

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

768 (e) (i) require any facility, including those listed in Subsection ~~[(+)]~~ (3)(e)(ii), that is
769 intended for disposing of nonhazardous solid waste or wastes listed in Subsection ~~[(+)]~~

770 (3)(e)(ii)(B) to submit plans, specifications, and other information required by the board to the

771 board prior to construction, modification, installation, or establishment of a facility to allow the

772 board to determine whether the proposed construction, modification, installation, or
773 establishment of the facility will be in accordance with rules made under this part;

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

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

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

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

783 (i) review a settlement negotiated by the director in accordance with Subsection
784 19-6-107(3)(a) that requires a civil penalty of \$25,000 or more; and

785 (ii) approve or disapprove the settlement.

786 [~~(2)~~] (4) The board may:

787 (a) (i) hold a hearing that is not an adjudicative proceeding; or
788 (ii) appoint hearing officers to conduct a hearing that is not an adjudicative proceeding;

789 or

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

793 [~~(3)~~] (5) (a) The board shall establish a comprehensive statewide [~~solid~~] waste
794 management plan by January 1, 1994.

795 (b) The plan shall:

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

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

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

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

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

803 (vi) review funding alternatives for solid waste management; and
804 (vii) address other solid waste management concerns that the board finds appropriate
805 for the preservation of the public health and the environment.

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

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

811 [~~4~~] (6) (a) The board shall determine the type of solid waste generated in the state and
812 tonnage of solid waste disposed of in the state in developing the comprehensive statewide solid
813 waste management plan.

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

816 [~~5~~] (7) Subject to the limitations contained in Subsection 19-6-102(19)(b), the board
817 shall establish siting criteria for nonhazardous solid waste disposal facilities, including
818 incinerators.

819 [~~6~~] (8) The board may not issue, amend, renew, modify, revoke, or terminate any of
820 the following that are subject to the authority granted to the director under Section 19-6-107:

- 821 (a) a permit;
- 822 (b) a license;
- 823 (c) a registration;
- 824 (d) a certification; or
- 825 (e) another administrative authorization made by the director.

826 [~~7~~] (9) A board member may not speak or act for the board unless the board member
827 is authorized by a majority of a quorum of the board in a vote taken at a meeting of the board.

828 Section 14. Section 19-6-107 is amended to read:

829 **19-6-107. Director -- Appointment -- Powers.**

830 (1) The executive director shall appoint the director. The director shall serve under the
831 administrative direction of the executive director.

832 (2) The director shall:

833 (a) develop programs to promote and protect the public from radiation sources in the

834 state;

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

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

841 (d) issue permits, licenses, registrations, certifications, and other administrative
842 authorizations;

843 (e) review and approve plans;

844 (f) assess penalties in accordance with Section [19-3-109](#);

845 (g) impound radioactive material under Section [19-3-111](#);

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

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

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

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

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

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

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

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

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

867 (3) The director may:

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

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

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

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

877 (e) collect and disseminate information relating to solid waste and hazardous waste
 878 management control; ~~and~~

879 (f) cooperate with any person in studies and research regarding solid waste and
 880 hazardous waste management and control~~[-];~~

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

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

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

888 Section 15. Section 19-6-202 is amended to read:

889 **19-6-202. Definitions.**

890 As used in this part:

891 (1) "Board" means the ~~[Solid and Hazardous]~~ Waste ~~[Control]~~ Management Board
 892 created in Section 19-1-106.

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

895 (3) "Hazardous wastes" means wastes as defined in Section 19-6-102.

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

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

900 (6) "Siting plan" means the state hazardous waste facilities siting plan adopted by the
901 board pursuant to Sections 19-6-204 and 19-6-205.

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

904 (8) "Treatment" means any method, technique, or process designed to change the
905 physical, chemical, or biological character or composition of any hazardous waste to neutralize
906 or render it nonhazardous, safer for transport, amenable to recovery or storage, convertible to
907 another usable material, or reduced in volume and suitable for ultimate disposal.

908 Section 16. Section 19-6-402 is amended to read:

909 **19-6-402. Definitions.**

910 As used in this part:

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

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

913 (b) the damage caused by that release.

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

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

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

919 (a) demonstrating that an owner or operator of a facility containing one or more

920 petroleum storage tanks has met the requirements of this part; and

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

922 (i) which tanks may receive petroleum; and

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

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

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

958 (8) "Corrective action plan" means a plan for correcting a release from a petroleum
959 storage tank that includes provisions for any of the following:

- 960 (a) cleanup or removal of the release;
- 961 (b) containment or isolation of the release;
- 962 (c) treatment of the release;
- 963 (d) correction of the cause of the release;
- 964 (e) monitoring and maintenance of the site of the release;
- 965 (f) provision of alternative water supplies to a person whose drinking water has

966 become contaminated by the release; or

967 (g) temporary or permanent relocation, whichever is determined by the director to be
968 more cost-effective, of a person whose dwelling has been determined by the director to be no
969 longer habitable due to the release.

970 (9) "Costs" means money expended for:

- 971 (a) investigation;
- 972 (b) abatement action;
- 973 (c) corrective action;
- 974 (d) judgments, awards, and settlements for bodily injury or property damage to third
975 parties;

976 (e) legal and claims adjusting costs incurred by the state in connection with judgments,
977 awards, or settlements for bodily injury or property damage to third parties; or

978 (f) costs incurred by the state risk manager in determining the actuarial soundness of
979 the fund.

980 (10) "Covered by the fund" means the requirements of Section [19-6-424](#) have been
981 met.

982 (11) "Director" means the director of the Division of Environmental Response and
983 Remediation.

984 (12) "Division" means the Division of Environmental Response and Remediation,
985 created in Subsection [19-1-105\(1\)\(c\)](#).

986 (13) "Dwelling" means a building that is usually occupied by a person lodging there at
987 night.

988 (14) "Enforcement proceedings" means a civil action or the procedures to enforce

989 orders established by Section 19-6-425.

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

992 (16) "Fund" means the Petroleum Storage Tank Trust Fund created in Section
993 19-6-409.

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

997 (18) "Owner" means:

998 (a) in the case of an underground storage tank in use on or after November 8, 1984, a
999 person who owns an underground storage tank used for the storage, use, or dispensing of a
1000 regulated substance; and

1001 (b) in the case of an underground storage tank in use before November 8, 1984, but not
1002 in use on or after November 8, 1984, a person who owned the tank immediately before the
1003 discontinuance of its use for the storage, use, or dispensing of a regulated substance.

1004 (19) "Petroleum" includes crude oil or a fraction of crude oil that is liquid at:

1005 (a) 60 degrees Fahrenheit; and

1006 (b) a pressure of 14.7 pounds per square inch absolute.

1007 (20) "Petroleum storage tank" means a tank that:

1008 (a) (i) is underground;

1009 (ii) is regulated under Subtitle I of the Resource Conservation and Recovery Act, 42
1010 U.S.C. Sec. 6991c, et seq.; and

1011 (iii) contains petroleum; or

1012 (b) the owner or operator voluntarily submits for participation in the Petroleum Storage
1013 Tank Trust Fund under Section 19-6-415.

1014 (21) "Petroleum Storage Tank Restricted Account" means the account created in
1015 Section 19-6-405.5.

1016 (22) "Program" means the Environmental Assurance Program under Section
1017 19-6-410.5.

1018 (23) "Property damage" means physical injury to, destruction of, or loss of use of
1019 tangible property.

1020 (24) (a) "Regulated substance" means petroleum and petroleum-based substances
1021 comprised of a complex blend of hydrocarbons derived from crude oil through processes of
1022 separation, conversion, upgrading, and finishing.

1023 (b) "Regulated substance" includes motor fuels, jet fuels, distillate fuel oils, residual
1024 fuel oils, lubricants, petroleum solvents, and used oils.

1025 (25) (a) "Release" means spilling, leaking, emitting, discharging, escaping, leaching, or
1026 disposing a regulated substance from an underground storage tank or petroleum storage tank.

1027 (b) A release of a regulated substance from an underground storage tank or petroleum
1028 storage tank is considered a single release from that tank system.

1029 (26) (a) "Responsible party" means a person who:

1030 (i) is the owner or operator of a facility;

1031 (ii) owns or has legal or equitable title in a facility or an underground storage tank;

1032 (iii) owned or had legal or equitable title in a facility at the time petroleum was
1033 received or contained at the facility;

1034 (iv) operated or otherwise controlled activities at a facility at the time petroleum was
1035 received or contained at the facility; or

1036 (v) is an underground storage tank installation company.

1037 (b) "Responsible party" is as defined in Subsections (26)(a)(i), (ii), and (iii) does not
1038 include:

1039 (i) a person who is not an operator and, without participating in the management of a
1040 facility and otherwise not engaged in petroleum production, refining, and marketing, holds
1041 indicia of ownership:

1042 (A) primarily to protect the person's security interest in the facility; or

1043 (B) as a fiduciary or custodian under Title 75, Utah Uniform Probate Code, or under an
1044 employee benefit plan; or

1045 (ii) governmental ownership or control of property by involuntary transfers as provided
1046 in CERCLA Section 101(20)(D), 42 U.S.C. Sec. 9601(20)(D).

1047 (c) The exemption created by Subsection (26)(b)(i)(B) does not apply to actions taken
1048 by the state or its officials or agencies under this part.

1049 (d) The terms and activities "indicia of ownership," "primarily to protect a security
1050 interest," "participation in management," and "security interest" under this part are in

1051 accordance with 40 C.F.R. Part 280, Subpart I, as amended, and 42 U.S.C. Sec. 6991b(h)(9).

1052 (e) The terms "participate in management" and "indicia of ownership" as defined in 40
1053 C.F.R. Part 280, Subpart I, as amended, and 42 U.S.C. Sec. 6991b(h)(9) include and apply to
1054 the fiduciaries listed in Subsection (26)(b)(i)(B).

1055 (27) "Soil test" means a test, established or approved by board rule, to detect the
1056 presence of petroleum in soil.

1057 (28) "State cleanup appropriation" means money appropriated by the Legislature to the
1058 department to fund the investigation, abatement, and corrective action regarding releases not
1059 covered by the fund.

1060 (29) "Underground storage tank" means a tank regulated under Subtitle I, Resource
1061 Conservation and Recovery Act, 42 U.S.C. Sec. 6991c, et seq., including:

1062 (a) a petroleum storage tank;

1063 (b) underground pipes and lines connected to a storage tank;

1064 (c) underground ancillary equipment;

1065 (d) a containment system; and

1066 (e) each compartment of a multi-compartment storage tank.

1067 (30) "Underground storage tank installation company" means a person, firm,
1068 partnership, corporation, governmental entity, association, or other organization who installs
1069 underground storage tanks.

1070 (31) "Underground storage tank installation company permit" means a permit issued to
1071 an underground storage tank installation company by the director.

1072 (32) "Underground storage tank technician" means a person employed by and acting
1073 under the direct supervision of a certified underground storage tank consultant to assist in
1074 carrying out the functions described in Subsection (6)(a).

1075 Section 17. Section **19-6-601** is amended to read:

1076 **19-6-601. Definitions.**

1077 As used in this part:

1078 (1) "Board" means the [~~Solid and Hazardous~~] Waste [~~Control~~] Management Board
1079 appointed under Title 19, Chapter 6, Hazardous Substances.

1080 (2) "Director" means the director of the Division of [~~Solid and Hazardous~~] Waste
1081 Management.

1082 Section 18. Section **19-6-703** is amended to read:

1083 **19-6-703. Definitions.**

1084 (1) "Board" means the [~~Solid and Hazardous~~] Waste [~~Control~~] Management Board
1085 created in Section 19-1-106.

1086 (2) "Commission" means the State Tax Commission.

1087 (3) "Department" means the Department of Environmental Quality created in Title 19,
1088 Chapter 1, General Provisions.

1089 (4) "Director" means the director of the Division of [~~Solid and Hazardous~~] Waste
1090 Management.

1091 (5) "Division" means the Division of [~~Solid and Hazardous~~] Waste Management,
1092 created in [~~Subsection~~] Section 19-1-105[(1)(c)].

1093 (6) "DIY" means do it yourself.

1094 (7) "DIYer" means a person who generates used oil through household activities,
1095 including maintenance of personal vehicles.

1096 (8) "DIYer used oil" means used oil a person generates through household activities,
1097 including maintenance of personal vehicles.

1098 (9) "DIYer used oil collection center" means any site or facility that accepts or
1099 aggregates and stores used oil collected only from DIYers.

1100 (10) "Hazardous waste" means any substance defined as hazardous waste under Title
1101 19, Chapter 6, Hazardous Substances.

1102 (11) "Lubricating oil" means the fraction of crude oil or synthetic oil used to reduce
1103 friction in an industrial or mechanical device. Lubricating oil includes rerefined oil.

1104 (12) "Lubricating oil vendor" means the person making the first sale of a lubricating oil
1105 in Utah.

1106 (13) "Manifest" means the form used for identifying the quantity and composition and
1107 the origin, routing, and destination of used oil during its transportation from the point of
1108 collection to the point of storage, processing, use, or disposal.

1109 (14) "Off-specification used oil" means used oil that exceeds levels of constituents and
1110 properties as specified by board rule and consistent with 40 CFR 279, Standards for the
1111 Management of Used Oil.

1112 (15) "On-specification used oil" means used oil that does not exceed levels of

- 1113 constituents and properties as specified by board rule and consistent with 40 CFR 279,
1114 Standards for the Management of Used Oil.
- 1115 (16) (a) "Processing" means chemical or physical operations under Subsection (16)(b)
1116 designed to produce from used oil, or to make used oil more amenable for production of:
- 1117 (i) gasoline, diesel, and other petroleum derived fuels;
1118 (ii) lubricants; or
1119 (iii) other products derived from used oil.
- 1120 (b) "Processing" includes:
- 1121 (i) blending used oil with virgin petroleum products;
1122 (ii) blending used oils to meet fuel specifications;
1123 (iii) filtration;
1124 (iv) simple distillation;
1125 (v) chemical or physical separation; and
1126 (vi) rerefining.
- 1127 (17) "Recycled oil" means oil reused for any purpose following its original use,
1128 including:
- 1129 (a) the purpose for which the oil was originally used; and
1130 (b) used oil processed or burned for energy recovery.
- 1131 (18) "Rerefining distillation bottoms" means the heavy fraction produced by vacuum
1132 distillation of filtered and dehydrated used oil. The composition varies with column operation
1133 and feedstock.
- 1134 (19) "Used oil" means any oil, refined from crude oil or a synthetic oil, that has been
1135 used and as a result of that use is contaminated by physical or chemical impurities.
- 1136 (20) (a) "Used oil aggregation point" means any site or facility that accepts, aggregates,
1137 or stores used oil collected only from other used oil generation sites owned or operated by the
1138 owner or operator of the aggregation point, from which used oil is transported to the
1139 aggregation point in shipments of no more than 55 gallons.
- 1140 (b) A used oil aggregation point may also accept oil from DIYers.
- 1141 (21) "Used oil burner" means a person who burns used oil for energy recovery.
- 1142 (22) "Used oil collection center" means any site or facility registered with the state to
1143 manage used oil and that accepts or aggregates and stores used oil collected from used oil

1144 generators, other than DIYers, who are regulated under this part and bring used oil to the
1145 collection center in shipments of no more than 55 gallons and under the provisions of this part.
1146 Used oil collection centers may accept DIYer used oil also.

1147 (23) "Used oil fuel marketer" means any person who:

1148 (a) directs a shipment of off-specification used oil from its facility to a used oil burner;
1149 or

1150 (b) first claims the used oil to be burned for energy recovery meets the used oil fuel
1151 specifications of 40 CFR 279, Standards for the Management of Used Oil, except when the oil
1152 is to be burned in accordance with rules for on-site burning in space heaters in accordance with
1153 40 CFR 279.

1154 (24) "Used oil generator" means any person, by site, whose act or process produces
1155 used oil or whose act first causes used oil to become subject to regulation.

1156 (25) "Used oil handler" means a person generating used oil, collecting used oil,
1157 transporting used oil, operating a transfer facility or aggregation point, processing or rerefining
1158 used oil, or marketing used oil.

1159 (26) "Used oil processor or rerefiner" means a facility that processes used oil.

1160 (27) "Used oil transfer facility" means any transportation-related facility, including
1161 loading docks, parking areas, storage areas, and other areas where shipments of used oil are
1162 held for more than 24 hours during the normal course of transportation and not longer than 35
1163 days.

1164 (28) (a) "Used oil transporter" means the following persons unless they are exempted
1165 under Subsection (28)(b):

1166 (i) any person who transports used oil;

1167 (ii) any person who collects used oil from more than one generator and transports the
1168 collected oil;

1169 (iii) except as exempted under Subsection (28)(b)(i), (ii), or (iii), any person who
1170 transports collected DIYer used oil from used oil generators, collection centers, aggregation
1171 points, or other facilities required to be permitted or registered under this part and where
1172 household DIYer used oil is collected; and

1173 (iv) owners and operators of used oil transfer facilities.

1174 (b) "Used oil transporter" does not include:

- 1175 (i) persons who transport oil on site;
- 1176 (ii) generators who transport shipments of used oil totalling 55 gallons or less from the
1177 generator to a used oil collection center as allowed under 40 CFR 279.24, Off-site Shipments;
- 1178 (iii) generators who transport shipments of used oil totalling 55 gallons or less from the
1179 generator to a used oil aggregation point owned or operated by the same generator as allowed
1180 under 40 CFR 279.24, Off-site Shipments;
- 1181 (iv) persons who transport used oil generated by DIYers from the initial generator to a
1182 used oil generator, used oil collection center, used oil aggregation point, used oil processor or
1183 rerefiner, or used oil burner subject to permitting or registration under this part; or
- 1184 (v) railroads that transport used oil and are regulated under 49 U.S.C. Subtitle V, Rail
1185 Programs, and 49 U.S.C. 5101 et seq., federal Hazardous Materials Transportation Uniform
1186 Safety Act.

1187 Section 19. Section **19-6-803** is amended to read:

1188 **19-6-803. Definitions.**

1189 As used in this part:

- 1190 (1) "Abandoned waste tire pile" means a waste tire pile regarding which the local
1191 department of health has not been able to:
 - 1192 (a) locate the persons responsible for the tire pile; or
 - 1193 (b) cause the persons responsible for the tire pile to remove it.
- 1194 (2) (a) "Beneficial use" means the use of chipped tires in a manner that is not recycling,
1195 storage, or disposal, but that serves as a replacement for another product or material for specific
1196 purposes.
 - 1197 (b) "Beneficial use" includes the use of chipped tires:
 - 1198 (i) as daily landfill cover;
 - 1199 (ii) for civil engineering purposes;
 - 1200 (iii) as low-density, light-weight aggregate fill; or
 - 1201 (iv) for septic or drain field construction.
 - 1202 (c) "Beneficial use" does not include the use of waste tires or material derived from
1203 waste tires:
 - 1204 (i) in the construction of fences; or
 - 1205 (ii) as fill, other than low-density, light-weight aggregate fill.

- 1206 (3) "Board" means the [~~Solid and Hazardous~~] Waste [~~Control~~] Management Board
1207 created under Section 19-1-106.
- 1208 (4) "Chip" or "chipped tire" means a two inch square or smaller piece of a waste tire.
- 1209 (5) "Commission" means the Utah State Tax Commission.
- 1210 (6) (a) "Consumer" means a person who purchases a new tire to satisfy a direct need,
1211 rather than for resale.
- 1212 (b) "Consumer" includes a person who purchases a new tire for a motor vehicle to be
1213 rented or leased.
- 1214 (7) "Crumb rubber" means waste tires that have been ground, shredded, or otherwise
1215 reduced in size such that the particles are less than or equal to 3/8 inch in diameter and are 98%
1216 wire free by weight.
- 1217 (8) "Director" means the director of the Division of [~~Solid and Hazardous~~] Waste
1218 Management.
- 1219 (9) "Disposal" means the deposit, dumping, or permanent placement of any waste tire
1220 in or on any land or in any water in the state.
- 1221 (10) "Dispose of" means to deposit, dump, or permanently place any waste tire in or on
1222 any land or in any water in the state.
- 1223 (11) "Division" means the Division of [~~Solid and Hazardous~~] Waste[;] Management
1224 created in [~~Subsection~~] Section 19-1-105[(1)(e)].
- 1225 (12) "Fund" means the Waste Tire Recycling Fund created in Section 19-6-807.
- 1226 (13) "Landfill waste tire pile" means a waste tire pile:
- 1227 (a) located within the permitted boundary of a landfill operated by a governmental
1228 entity; and
- 1229 (b) consisting solely of waste tires brought to a landfill for disposal and diverted from
1230 the landfill waste stream to the waste tire pile.
- 1231 (14) "Local health department" means the local health department, as defined in
1232 Section 26A-1-102, with jurisdiction over the recycler.
- 1233 (15) "Materials derived from waste tires" means tire sections, tire chips, tire
1234 shreddings, rubber, steel, fabric, or other similar materials derived from waste tires.
- 1235 (16) "Mobile facility" means a mobile facility capable of cutting waste tires on site so
1236 the waste tires may be effectively disposed of by burial, such as in a landfill.

1237 (17) "New motor vehicle" means a motor vehicle which has never been titled or
1238 registered.

1239 (18) "Passenger tire equivalent" means a measure of mixed sizes of tires where each 25
1240 pounds of whole tires or material derived from waste tires is equal to one waste tire.

1241 (19) "Proceeds of the fee" means the money collected by the commission from
1242 payment of the recycling fee including interest and penalties on delinquent payments.

1243 (20) "Recycler" means a person who:

1244 (a) annually uses, or can reasonably be expected within the next year to use, a
1245 minimum of 100,000 waste tires generated in the state or 1,000 tons of waste tires generated in
1246 the state to recover energy or produce energy, crumb rubber, chipped tires, or an ultimate
1247 product; and

1248 (b) is registered as a recycler in accordance with Section 19-6-806.

1249 (21) "Recycling fee" means the fee provided for in Section 19-6-805.

1250 (22) "Shredded waste tires" means waste tires or material derived from waste tires that
1251 has been reduced to a six inch square or smaller.

1252 (23) (a) "Storage" means the placement of waste tires in a manner that does not
1253 constitute disposal of the waste tires.

1254 (b) "Storage" does not include:

1255 (i) the use of waste tires as ballast to maintain covers on agricultural materials or to
1256 maintain covers at a construction site;

1257 (ii) the storage for five or fewer days of waste tires or material derived from waste tires
1258 that are to be recycled or applied to a beneficial use; or

1259 (iii) the storage of a waste tire before the tire is:

1260 (A) resold wholesale or retail; or

1261 (B) recapped.

1262 (24) (a) "Store" means to place waste tires in a manner that does not constitute disposal
1263 of the waste tires.

1264 (b) "Store" does not include:

1265 (i) to use waste tires as ballast to maintain covers on agricultural materials or to
1266 maintain covers at a construction site; or

1267 (ii) to store for five or fewer days waste tires or material derived from waste tires that

1268 are to be recycled or applied to a beneficial use.

1269 (25) "Tire" means a pneumatic rubber covering designed to encircle the wheel of a
1270 vehicle in which a person or property is or may be transported or drawn upon a highway.

1271 (26) "Tire retailer" means any person engaged in the business of selling new tires either
1272 as replacement tires or as part of a new vehicle sale.

1273 (27) (a) "Ultimate product" means a product that has as a component materials derived
1274 from waste tires and that the director finds has a demonstrated market.

1275 (b) "Ultimate product" includes pyrolyzed materials derived from:

1276 (i) waste tires; or

1277 (ii) chipped tires.

1278 (c) "Ultimate product" does not include a product regarding which a waste tire remains
1279 after the product is disposed of or disassembled.

1280 (28) "Waste tire" means:

1281 (a) a tire that is no longer suitable for its original intended purpose because of wear,
1282 damage, or defect; or

1283 (b) a tire that a tire retailer removes from a vehicle for replacement with a new or used
1284 tire.

1285 (29) "Waste tire pile" means a pile of 1,000 or more waste tires at one location.

1286 (30) (a) "Waste tire transporter" means a person or entity engaged in picking up or
1287 transporting at one time more than 10 whole waste tires, or the equivalent amount of material
1288 derived from waste tires, generated in Utah for the purpose of storage, processing, or disposal.

1289 (b) "Waste tire transporter" includes any person engaged in the business of collecting,
1290 hauling, or transporting waste tires or who performs these functions for another person, except
1291 as provided in Subsection (30)(c).

1292 (c) "Waste tire transporter" does not include:

1293 (i) a person transporting waste tires generated solely by:

1294 (A) that person's personal vehicles;

1295 (B) a commercial vehicle fleet owned or operated by that person or that person's
1296 employer;

1297 (C) vehicles sold, leased, or purchased by a motor vehicle dealership owned or
1298 operated by that person or that person's employer; or

- 1299 (D) a retail tire business owned or operated by that person or that person's employer;
1300 (ii) a solid waste collector operating under a license issued by a unit of local
1301 government as defined in Section 63M-5-103, or a local health department;
1302 (iii) a recycler of waste tires;
1303 (iv) a person transporting tires by rail as a common carrier subject to federal regulation;
1304 or
1305 (v) a person transporting processed or chipped tires.

1306 Section 20. Section 19-6-902 is amended to read:

1307 **19-6-902. Definitions.**

1308 As used in this part:

1309 (1) "Board" means the [~~Solid and Hazardous~~] Waste [~~Control~~] Management Board, as
1310 defined in Section 19-1-106, within the Department of Environmental Quality.

1311 (2) "Certified decontamination specialist" means an individual who has met the
1312 standards for certification as a decontamination specialist and has been certified by the board
1313 under Subsection 19-6-906(2).

1314 (3) "Contaminated" or "contamination" means:

1315 (a) polluted by hazardous materials that cause property to be unfit for human habitation
1316 or use due to immediate or long-term health hazards; or

1317 (b) that a property is polluted by hazardous materials as a result of the use, production,
1318 or presence of methamphetamine in excess of decontamination standards adopted by the
1319 Department of Health under Section 26-51-201.

1320 (4) "Contamination list" means a list maintained by the local health department of
1321 properties:

1322 (a) reported to the local health department under Section 19-6-903; and

1323 (b) determined by the local health department to be contaminated.

1324 (5) (a) "Decontaminated" means property that at one time was contaminated, but the
1325 contaminants have been removed.

1326 (b) "Decontaminated" for a property that was contaminated by the use, production, or
1327 presence of methamphetamine means that the property satisfies decontamination standards
1328 adopted by the Department of Health under Section 26-51-201.

1329 (6) "Hazardous materials":

1330 (a) has the same meaning as "hazardous or dangerous material" as defined in Section
1331 58-37d-3; and

1332 (b) includes any illegally manufactured controlled substances.

1333 (7) "Health department" means a local health department under Title 26A, Local
1334 Health Authorities.

1335 (8) "Owner of record":

1336 (a) means the owner of real property as shown on the records of the county recorder in
1337 the county where the property is located; and

1338 (b) may include an individual, financial institution, company, corporation, or other
1339 entity.

1340 (9) "Property":

1341 (a) means any real property, site, structure, part of a structure, or the grounds
1342 surrounding a structure; and

1343 (b) includes single-family residences, outbuildings, garages, units of multiplexes,
1344 condominiums, apartment buildings, warehouses, hotels, motels, boats, motor vehicles, trailers,
1345 manufactured housing, shops, or booths.

1346 (10) "Reported property" means property that is the subject of a law enforcement report
1347 under Section 19-6-903.

1348 Section 21. Section 19-6-906 is amended to read:

1349 **19-6-906. Decontamination standards -- Specialist certification standards --**
1350 **Rulemaking.**

1351 (1) The Department of Health shall make rules under Title 63G, Chapter 3, Utah
1352 Administrative Rulemaking Act, in consultation with the local health departments and the
1353 Department of Environmental Quality, to establish:

1354 (a) decontamination and sampling standards and best management practices for the
1355 inspection and decontamination of property and the disposal of contaminated debris under this
1356 part;

1357 (b) appropriate methods for the testing of buildings and interior surfaces, and
1358 furnishings, soil, and septic tanks for contamination; and

1359 (c) when testing for contamination may be required.

1360 (2) The Department of Environmental Quality [~~Solid and Hazardous~~] Waste [~~Control~~]

1361 Management Board shall make rules under Title 63G, Chapter 3, Utah Administrative
1362 Rulemaking Act, in consultation with the Department of Health and local health departments,
1363 to establish within the Department of Environmental Quality Division of Environmental
1364 Response and Remediation:

1365 (a) certification standards for any private person, firm, or entity involved in the
1366 decontamination of contaminated property; and

1367 (b) a process for revoking the certification of a decontamination specialist who fails to
1368 maintain the certification standards.

1369 (3) All rules made under this part shall be consistent with other state and federal
1370 requirements.

1371 (4) The board has authority to enforce the provisions under Subsection (2).

1372 Section 22. Section **19-6-1002** is amended to read:

1373 **19-6-1002. Definitions.**

1374 (1) "Board" means the [~~Solid and Hazardous~~] Waste [~~Control~~] Management Board
1375 created in Section 19-1-106.

1376 (2) "Director" means the director of the Division of Solid and Hazardous Waste.

1377 (3) "Division" means the Division of [~~Solid and Hazardous~~] Waste[;] Management
1378 created in [~~Subsection~~] Section 19-1-105[~~(1)(c)~~].

1379 (4) "Manufacturer" means the last person in the production or assembly process of a
1380 vehicle.

1381 (5) "Mercury switch" means a mercury-containing capsule that is part of a convenience
1382 light switch assembly installed in a vehicle's hood or trunk.

1383 (6) "Person" means an individual, a firm, an association, a partnership, a corporation,
1384 the state, or a local government.

1385 (7) "Plan" means a plan for removing and collecting mercury switches from vehicles.

1386 (8) "Vehicle" means any passenger automobile or car, station wagon, truck, van, or
1387 sport utility vehicle that may contain one or more mercury switches.

1388 Section 23. Section **19-6-1102** is amended to read:

1389 **19-6-1102. Definitions.**

1390 As used in this part:

1391 (1) "Board" means the [~~Solid and Hazardous~~] Waste [~~Control~~] Management Board

1392 created under Section 19-1-106.

1393 (2) "Director" means the director of the Division of ~~[Solid and Hazardous]~~ Waste
1394 Management.

1395 (3) "Division" means the Division of ~~[Solid and Hazardous]~~ Waste~~;~~ Management
1396 created in ~~[Subsection]~~ Section 19-1-105~~[(1)(c)]~~.

1397 (4) (a) "Industrial byproduct" means an industrial residual, including:

1398 (i) inert construction debris;

1399 (ii) fly ash;

1400 (iii) bottom ash;

1401 (iv) slag;

1402 (v) flue gas emission control residuals generated primarily from the combustion of coal
1403 or other fossil fuel;

1404 (vi) residual from the extraction, beneficiation, and processing of an ore or mineral;

1405 (vii) cement kiln dust; or

1406 (viii) contaminated soil extracted as a result of a corrective action subject to an
1407 operation plan under Part 1, Solid and Hazardous Waste Act.

1408 (b) "Industrial byproduct" does not include material that:

1409 (i) causes a public nuisance or public health hazard; or

1410 (ii) is a hazardous waste under Part 1, Solid and Hazardous Waste Act.

1411 (5) "Public project" means a project of the Department of Transportation to construct:

1412 (a) a highway or road;

1413 (b) a curb;

1414 (c) a gutter;

1415 (d) a walkway;

1416 (e) a parking facility;

1417 (f) a public transportation facility; or

1418 (g) a facility, infrastructure, or transportation improvement that benefits the public.

1419 (6) "Reuse" means to use an industrial byproduct in place of a raw material.

1420 Section 24. Section 26-7-7 is amended to read:

1421 **26-7-7. Radon awareness campaign.**

1422 The department shall, in consultation with the Division of ~~[Radiation Control]~~ Waste

1423 Management, develop a statewide electronic awareness campaign to educate the public
1424 regarding:

- 1425 (1) the existence and prevalence of radon gas in buildings and structures;
- 1426 (2) the health risks associated with radon gas;
- 1427 (3) options for radon gas testing; and
- 1428 (4) options for radon gas remediation.

1429 Section 25. Section **59-1-403** is amended to read:

1430 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

1431 (1) (a) Any of the following may not divulge or make known in any manner any
1432 information gained by that person from any return filed with the commission:

- 1433 (i) a tax commissioner;
- 1434 (ii) an agent, clerk, or other officer or employee of the commission; or
- 1435 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or
1436 town.

1437 (b) An official charged with the custody of a return filed with the commission is not
1438 required to produce the return or evidence of anything contained in the return in any action or
1439 proceeding in any court, except:

- 1440 (i) in accordance with judicial order;
- 1441 (ii) on behalf of the commission in any action or proceeding under:
 - 1442 (A) this title; or
 - 1443 (B) other law under which persons are required to file returns with the commission;
- 1444 (iii) on behalf of the commission in any action or proceeding to which the commission
1445 is a party; or
- 1446 (iv) on behalf of any party to any action or proceeding under this title if the report or
1447 facts shown by the return are directly involved in the action or proceeding.

1448 (c) Notwithstanding Subsection (1)(b), a court may require the production of, and may
1449 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically
1450 pertinent to the action or proceeding.

1451 (2) This section does not prohibit:

- 1452 (a) a person or that person's duly authorized representative from receiving a copy of
1453 any return or report filed in connection with that person's own tax;

1454 (b) the publication of statistics as long as the statistics are classified to prevent the
1455 identification of particular reports or returns; and

1456 (c) the inspection by the attorney general or other legal representative of the state of the
1457 report or return of any taxpayer:

1458 (i) who brings action to set aside or review a tax based on the report or return;

1459 (ii) against whom an action or proceeding is contemplated or has been instituted under
1460 this title; or

1461 (iii) against whom the state has an unsatisfied money judgment.

1462 (3) (a) Notwithstanding Subsection (1) and for purposes of administration, the
1463 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
1464 Rulemaking Act, provide for a reciprocal exchange of information with:

1465 (i) the United States Internal Revenue Service; or

1466 (ii) the revenue service of any other state.

1467 (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and
1468 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,
1469 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and
1470 other written statements with the federal government, any other state, any of the political
1471 subdivisions of another state, or any political subdivision of this state, except as limited by
1472 Sections [59-12-209](#) and [59-12-210](#), if the political subdivision, other state, or the federal
1473 government grant substantially similar privileges to this state.

1474 (c) Notwithstanding Subsection (1) and for all taxes except individual income tax and
1475 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,
1476 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the
1477 identity and other information of taxpayers who have failed to file tax returns or to pay any tax
1478 due.

1479 (d) Notwithstanding Subsection (1), the commission shall provide to the director of the
1480 Division of [~~Solid and Hazardous Waste~~] Environmental Response and Remediation, as
1481 defined in Section [19-6-102](#), as requested by the director of the Division of [~~Solid and~~
1482 ~~Hazardous Waste~~] Environmental Response and Remediation, any records, returns, or other
1483 information filed with the commission under Chapter 13, Motor and Special Fuel Tax Act, or
1484 Section [19-6-410.5](#) regarding the environmental assurance program participation fee.

1485 (e) Notwithstanding Subsection (1), at the request of any person the commission shall
1486 provide that person sales and purchase volume data reported to the commission on a report,
1487 return, or other information filed with the commission under:

1488 (i) Chapter 13, Part 2, Motor Fuel; or

1489 (ii) Chapter 13, Part 4, Aviation Fuel.

1490 (f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer,
1491 as defined in Section 59-22-202, the commission shall report to the manufacturer:

1492 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
1493 manufacturer and reported to the commission for the previous calendar year under Section
1494 59-14-407; and

1495 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
1496 manufacturer for which a tax refund was granted during the previous calendar year under
1497 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

1498 (g) Notwithstanding Subsection (1), the commission shall notify manufacturers,
1499 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited
1500 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

1501 (h) Notwithstanding Subsection (1), the commission may:

1502 (i) provide to the Division of Consumer Protection within the Department of
1503 Commerce and the attorney general data:

1504 (A) reported to the commission under Section 59-14-212; or

1505 (B) related to a violation under Section 59-14-211; and

1506 (ii) upon request, provide to any person data reported to the commission under
1507 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

1508 (i) Notwithstanding Subsection (1), the commission shall, at the request of a committee
1509 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of
1510 Management and Budget, provide to the committee or office the total amount of revenues
1511 collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the
1512 time period specified by the committee or office.

1513 (j) Notwithstanding Subsection (1), the commission shall make the directory required
1514 by Section 59-14-603 available for public inspection.

1515 (k) Notwithstanding Subsection (1), the commission may share information with

1516 federal, state, or local agencies as provided in Subsection [59-14-606\(3\)](#).

1517 (l) (i) Notwithstanding Subsection (1), the commission shall provide the Office of
1518 Recovery Services within the Department of Human Services any relevant information
1519 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer
1520 who has become obligated to the Office of Recovery Services.

1521 (ii) The information described in Subsection (3)(l)(i) may be provided by the Office of
1522 Recovery Services to any other state's child support collection agency involved in enforcing
1523 that support obligation.

1524 (m) (i) Notwithstanding Subsection (1), upon request from the state court
1525 administrator, the commission shall provide to the state court administrator, the name, address,
1526 telephone number, county of residence, and Social Security number on resident returns filed
1527 under Chapter 10, Individual Income Tax Act.

1528 (ii) The state court administrator may use the information described in Subsection
1529 (3)(m)(i) only as a source list for the master jury list described in Section [78B-1-106](#).

1530 (n) Notwithstanding Subsection (1), the commission shall at the request of a
1531 committee, commission, or task force of the Legislature provide to the committee, commission,
1532 or task force of the Legislature any information relating to a tax imposed under Chapter 9,
1533 Taxation of Admitted Insurers, relating to the study required by Section [59-9-101](#).

1534 (o) (i) As used in this Subsection (3)(o), "office" means the:

1535 (A) Office of the Legislative Fiscal Analyst; or

1536 (B) Office of Legislative Research and General Counsel.

1537 (ii) Notwithstanding Subsection (1) and except as provided in Subsection (3)(o)(iii),
1538 the commission shall at the request of an office provide to the office all information:

1539 (A) gained by the commission; and

1540 (B) required to be attached to or included in returns filed with the commission.

1541 (iii) (A) An office may not request and the commission may not provide to an office a
1542 person's:

1543 (I) address;

1544 (II) name;

1545 (III) Social Security number; or

1546 (IV) taxpayer identification number.

1547 (B) The commission shall in all instances protect the privacy of a person as required by
1548 Subsection (3)(o)(iii)(A).

1549 (iv) An office may provide information received from the commission in accordance
1550 with this Subsection (3)(o) only:

1551 (A) as:

1552 (I) a fiscal estimate;

1553 (II) fiscal note information; or

1554 (III) statistical information; and

1555 (B) if the information is classified to prevent the identification of a particular return.

1556 (v) (A) A person may not request information from an office under Title 63G, Chapter
1557 2, Government Records Access and Management Act, or this section, if that office received the
1558 information from the commission in accordance with this Subsection (3)(o).

1559 (B) An office may not provide to a person that requests information in accordance with
1560 Subsection (3)(o)(v)(A) any information other than the information the office provides in
1561 accordance with Subsection (3)(o)(iv).

1562 (p) Notwithstanding Subsection (1), the commission may provide to the governing
1563 board of the agreement or a taxing official of another state, the District of Columbia, the United
1564 States, or a territory of the United States:

1565 (i) the following relating to an agreement sales and use tax:

1566 (A) information contained in a return filed with the commission;

1567 (B) information contained in a report filed with the commission;

1568 (C) a schedule related to Subsection (3)(p)(i)(A) or (B); or

1569 (D) a document filed with the commission; or

1570 (ii) a report of an audit or investigation made with respect to an agreement sales and
1571 use tax.

1572 (q) Notwithstanding Subsection (1), the commission may provide information
1573 concerning a taxpayer's state income tax return or state income tax withholding information to
1574 the Driver License Division if the Driver License Division:

1575 (i) requests the information; and

1576 (ii) provides the commission with a signed release form from the taxpayer allowing the
1577 Driver License Division access to the information.

1578 (r) Notwithstanding Subsection (1), the commission shall provide to the Utah 911
1579 Committee the information requested by the Utah 911 Committee under Subsection
1580 63H-7-303(4).

1581 (s) Notwithstanding Subsection (1), the commission shall provide to the Utah
1582 Educational Savings Plan information related to a resident or nonresident individual's
1583 contribution to a Utah Educational Savings Plan account as designated on the resident or
1584 nonresident's individual income tax return as provided under Section 59-10-1313.

1585 (t) Notwithstanding Subsection (1), for the purpose of verifying eligibility under
1586 Sections 26-18-2.5 and 26-40-105, the commission shall provide an eligibility worker with the
1587 Department of Health or its designee with the adjusted gross income of an individual if:

1588 (i) an eligibility worker with the Department of Health or its designee requests the
1589 information from the commission; and

1590 (ii) the eligibility worker has complied with the identity verification and consent
1591 provisions of Sections 26-18-2.5 and 26-40-105.

1592 (u) Notwithstanding Subsection (1), the commission may provide to a county, as
1593 determined by the commission, information declared on an individual income tax return in
1594 accordance with Section 59-10-103.1 that relates to eligibility to claim a residential exemption
1595 authorized under Section 59-2-103.

1596 (4) (a) Each report and return shall be preserved for at least three years.

1597 (b) After the three-year period provided in Subsection (4)(a) the commission may
1598 destroy a report or return.

1599 (5) (a) Any person who violates this section is guilty of a class A misdemeanor.

1600 (b) If the person described in Subsection (5)(a) is an officer or employee of the state,
1601 the person shall be dismissed from office and be disqualified from holding public office in this
1602 state for a period of five years thereafter.

1603 (c) Notwithstanding Subsection (5)(a) or (b), an office that requests information in
1604 accordance with Subsection (3)(o)(iii) or a person that requests information in accordance with
1605 Subsection (3)(o)(v):

1606 (i) is not guilty of a class A misdemeanor; and

1607 (ii) is not subject to:

1608 (A) dismissal from office in accordance with Subsection (5)(b); or

1609 (B) disqualification from holding public office in accordance with Subsection (5)(b).
 1610 (6) Except as provided in Section 59-1-404, this part does not apply to the property tax.
 1611 Section 26. Section 63J-4-502 is amended to read:
 1612 **63J-4-502. Membership -- Terms -- Chair -- Expenses.**
 1613 (1) The Resource Development Coordinating Committee shall consist of the following
 1614 ~~[25]~~ 24 members:
 1615 (a) the state science advisor;
 1616 (b) a representative from the Department of Agriculture and Food appointed by the
 1617 executive director;
 1618 (c) a representative from the Department of Heritage and Arts appointed by the
 1619 executive director;
 1620 (d) a representative from the Department of Environmental Quality appointed by the
 1621 executive director;
 1622 (e) a representative from the Department of Natural Resources appointed by the
 1623 executive director;
 1624 (f) a representative from the Department of Transportation appointed by the executive
 1625 director;
 1626 (g) a representative from the Governor's Office of Economic Development appointed
 1627 by the director;
 1628 (h) a representative from the Housing and Community Development Division
 1629 appointed by the director;
 1630 (i) a representative from the Division of State History appointed by the director;
 1631 (j) a representative from the Division of Air Quality appointed by the director;
 1632 (k) a representative from the Division of Drinking Water appointed by the director;
 1633 (l) a representative from the Division of Environmental Response and Remediation
 1634 appointed by the director;
 1635 ~~[(m) a representative from the Division of Radiation appointed by the director;]~~
 1636 ~~[(n)]~~ (m) a representative from the Division of ~~[Solid and Hazardous]~~ Waste
 1637 Management appointed by the director;
 1638 ~~[(o)]~~ (n) a representative from the Division of Water Quality appointed by the director;
 1639 ~~[(p)]~~ (o) a representative from the Division of Oil, Gas, and Mining appointed by the

1640 director;

1641 ~~[(t)]~~ (p) a representative from the Division of Parks and Recreation appointed by the

1642 director;

1643 ~~[(r)]~~ (q) a representative from the Division of Forestry, Fire, and State Lands appointed

1644 by the director;

1645 ~~[(s)]~~ (r) a representative from the Utah Geological Survey appointed by the director;

1646 ~~[(t)]~~ (s) a representative from the Division of Water Resources appointed by the

1647 director;

1648 ~~[(u)]~~ (t) a representative from the Division of Water Rights appointed by the director;

1649 ~~[(v)]~~ (u) a representative from the Division of Wildlife Resources appointed by the

1650 director;

1651 ~~[(w)]~~ (v) a representative from the School and Institutional Trust Lands Administration

1652 appointed by the director;

1653 ~~[(x)]~~ (w) a representative from the Division of Facilities Construction and Management

1654 appointed by the director; and

1655 ~~[(y)]~~ (x) a representative from the Division of Emergency Management appointed by

1656 the director.

1657 (2) (a) As particular issues require, the committee may, by majority vote of the

1658 members present, and with the concurrence of the state planning coordinator, appoint

1659 additional temporary members to serve as ex officio voting members.

1660 (b) Those ex officio members may discuss and vote on the issue or issues for which

1661 they were appointed.

1662 (3) A chair shall be selected by a majority vote of committee members with the

1663 concurrence of the state planning coordinator.

1664 (4) A member may not receive compensation or benefits for the member's service, but

1665 may receive per diem and travel expenses in accordance with:

1666 (a) Section [63A-3-106](#);

1667 (b) Section [63A-3-107](#); and

1668 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

1669 [63A-3-107](#).

1670 Section 27. **Repealer.**

1671 This bill repeals:
1672 Section **19-3-103, Radiation Control Board -- Members -- Organization -- Meetings**
1673 **-- Per diem and expenses.**
1674 Section **19-3-103.5, Board authority and duties.**
1675 Section **19-3-108, Powers and duties of director.**
1676 Section 28. **Effective date.**
1677 This bill takes effect on July 1, 2015.

Legislative Review Note
as of **2-20-15 11:12 AM**

Office of Legislative Research and General Counsel