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Solid Waste Fee Changes

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During the 2017 Utah Legislative Session, HB115 “Solid Waste Fee Revisions” was proposed and passed. This bill makes significant changes in the fee structure for facilities that have a solid waste Operation Plan. Additionally, it expands the regulatory oversight of the Division of Waste Management and Radiation Control. Going forward, businesses that operate a facility or site for the purpose of disposal, transfer, or treatment of solid waste, will need to implement an Operation Plan and pay fees. The current solid waste regulatory landscape and fee structure has existed since 1992. We strongly urge clients to review HB115 and assess how the new law will impact their operations.

Key Provisions of HB115

- **Expanded regulation of solid waste:** The current regulatory requirement is for solid waste disposal. The new requirement includes the transfer and treatment of solid waste in addition to disposal. Clients may find they meet this expanded definition of transfer and treatment that will now require an Operation Plan and payment of fees
- **Transfer facility fee:** Language in the bill provides a differential fee for transfer facilities that is capped at 50% of the fee set for treatment or disposal of the same solid waste.
- **Stakeholder fee process:** The bill requires the Utah Department of Environmental Quality (UDEQ) to convene a stakeholder process to review program costs, indirect costs, and set an “equitable and fair” fee schedule. UDEQ has created a timeline for stakeholder meetings, public comment, and legislative action for the new fee schedule. Click on these links to view the UDEQ letter and stakeholder meeting schedules. Our environmental attorneys and government affairs experts can provide guidance on the stakeholder process.
- **Mining exemption:** Clients that treat, transfer, store, or dispose of solid waste from the extraction, beneficiation, and processing of ores and minerals are not subject to fees under this section, however they are required to have an Operation Plan.
- **Payment of fees:** The bill language requires that fees be paid quarterly to UDEQ by the 15th day of the month following the quarter the fees are accrued, which is a new payment schedule under the bill.
- **Final adoption:** Once the UDEQ stakeholder process and legislative review process is complete, the new fee schedule will go into effect on January 1, 2019.

Clients who currently have Operation Plans, or those who may need to

submit an Operation Plan or permit request in view of the expanded regulatory scope, should consult with their legal counsel and consider participating in the stakeholder fee setting process. For additional information about this issue, please contact Amanda Smith (801-799-5911/asmith@hollandhart.com) or Kate Bradshaw (801-799-5711/kabradshaw@hollandhart.com).

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