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RECORDED FOR UTAH COUNTY HEALTH DEPARTMENT

Utah County Health Department

Health Regulation 16-02

Regulation for Household Hazardous Waste

Effective July 1, 2016

This regulation establishes a permit for the collection, transfer, disposal or other handling of solid waste in Utah County. The fee established by this regulation shall be known as the **Utah County Waste Management Fee**. This fee shall be in addition to any other fee required by law or regulation.

1.0 - Authorization

This regulation and the fee established thereby is authorized by Utah Code § 26A-1-114(1); Utah Code § 26A-1-108; Utah Code § 19-6-503; and Utah County Code 20-1-2.

1.1 - Administration

The Utah County Health Department (UCHD) is hereby designated as the agency to enforce and administer this article.

1.2 - Applicability of Regulation

This regulation shall be applicable within all of the incorporated and unincorporated areas of Utah County.

2.0 – Purpose

The purpose of this rule is to establish a permit and oversight of the collection, transfer, disposal or other handling of solid waste in Utah County.

3.0 - Definition of terms

3.1 - Collector

"Collector" means any person who engages in the business of collection of solid waste generated at or from any property, whether commercial or residential, located in the incorporated or unincorporated area of Utah County. "Collector" shall include only persons under contract with, or acting pursuant to a franchise issued by, or owned by the County or any city located within Utah County. "Collector" shall include any owner or person in the control of such collector.

3.2 - Conditionally Exempt Small Quantity Generators.

Conditionally Exempt Small Quantity Generators - (CESQGs) are defined as those generators who generate less than 100 kg/month (220 lbs) of all hazardous wastes, or less than 1 kg/month (2.2 lbs) of acutely hazardous waste (or less than 100 kg (220 lbs) of spill residue from an acutely hazardous waste), and who never accumulates more than 1000 kg (2200 lbs) of

hazardous waste at any time. Management of CESQG waste is regulated under 40 CFR Part 261.5.

3.3 - Construction and Demolition Waste

Construction and demolition (C&D) waste refers to materials produced in the process of construction, renovation and/or demolition of structures, where structures include debris typically includes concrete, asphalt, wood, gypsum wallboard, paper, glass, rubble, and roofing materials. Land clearing debris, such as stumps, rocks, and dirt are also included.

3.4 - Green waste

"Green Waste" means all solid waste that constitutes vegetative or organic discards such as, without limitation, grass clippings, leaves, twigs, weeds, brush, bushes, shrub and tree pruning's, Christmas trees and garden trimmings and that has been separated for recycling from other solid waste and recyclables by the generator prior to collection or by a collector prior to delivery to any other person. "Green waste" does not include food scraps or refuse.

3.5 - Household Hazardous Waste

Leftover or unwanted household products that contain corrosive, toxic, ignitable, or reactive ingredients are considered to be household hazardous waste (HHW). These wastes are typically in the form of useable yet neglected products that are in relatively small volumes (generally 5 gallons or less) and were marketed to the retail consumer. Intended for household use, these products can nonetheless be ignitable, corrosive, reactive, or toxic. Some examples of such wastes are: paints, stains, dyes, thinners, solvents, strippers, polishes, disinfectants, adhesives, herbicides, insecticides, fertilizers and automotive oil/antifreeze/additives/cleaners. Other products may include gasoline, batteries and mercury containing items.

3.6 - In-County waste

"In-County Waste" means all solid waste, including green waste and recyclables that are generated at or from any property located in the incorporated and unincorporated areas of Utah County.

3.7 - Municipal Solid Waste

(MSW)—more commonly known as trash or garbage—consists of everyday items we use and then throw away, such as product packaging, paint, batteries, mixed waste, furniture, clothing, bottles, food scraps, newspapers, appliances, etc. Municipal Solid Waste does not include any waste that has been approved for use by the DEQ and is actually used as daily cover.

3.8 - Out-of-County waste

"Out-of-County Waste" means any solid waste, including green waste and recyclables that are generated at or from any property located outside of Utah County.

3.9 Records

"Records" means accounting and such other data required to be maintained by this article or by the County for the evaluation of compliance with this article.

3.10 - Recyclables

"Recyclables" means solid waste that is identified for recycling except green waste and that is separated from other solid waste and green waste by the generator prior to collection or by a collector prior to delivery to any other person, whether or not such recyclables are commingled with one another.

3.11 - Residual waste

"Residual Waste" means all solid waste that remains for disposal following the processing of solid waste by a transfer and processing station or following similar processing by a solid waste disposal facility.

3.12 - Self-hauler

"Self-hauler" means any person who is not a collector and who delivers to a solid waste disposal facility or a transfer and processing station any solid waste generated at or from any property, whether commercial or residential, located in the incorporated or unincorporated area of Utah County.

3.13 - Solid Waste Disposal Facility

"Solid Waste Disposal Facility" means any facility or site located in the incorporated or unincorporated areas of Utah County where the disposal of solid waste occurs. "Solid Waste Disposal Facility" shall include any owner or person in the control of such facility or site. Each facility must be operated by way of the permitting process and standards prescribed by the Utah Department of Environmental Quality.

3.14 - Transfer and Processing station

"Transfer and Processing Station" means any facility located in the incorporated or unincorporated areas of Utah County that is utilized to receive solid waste, temporarily store, separate, convert, or otherwise process materials in the solid waste or to transfer the solid waste directly from smaller to larger vehicles for transport, and those facilities utilized for transformation. "Transfer and Processing Station" shall include any owner or person in the control of such facility. "Transfer and Processing Station" shall not encompass operations related to composting, chipping or grinding of green waste.

4.0 - Utah County Waste Management Permits

4.1 – Municipal Solid Waste Transfer and Processing Station Permit

4.1.1 – Permit Required

Any individual, business or organization operating a municipal solid waste Transfer and Processing Station within the boundaries of Utah County for a fee must be permitted according to the requirements of this regulation.

4.1.2 – Permit Requirements

(a) Any individual, business or organization operating a Transfer and Processing Station that accepts municipal solid waste within the boundaries of Utah County must obtain a permit with the Utah County Health Department, Environmental Health Division. Applicants must provide the Utah County Health Department with any application information requested and pay a \$100 application fee. A permit is valid for one calendar year from the date of issuance. Valid permits may be renewed on an annual basis by payment of a \$50 renewal fee, subject to review and approval by the Utah County Health Department.

(b) Each Transfer and Processing Station must be available for inspection by the Utah County Health Department during normal business hours. Transfer and Processing Stations must make their records available for review during normal business hours. All Transfer and Processing Stations must comply with all guidelines, standards, and rules established by the US EPA and Utah Division of Environmental Quality (UDEQ).

(c) The Utah County Health Department, Environmental Health Division may revoke or suspend a permit for a Transfer and Processing Station accepting municipal solid waste or may issue monetary fines as follows:

(i) a permitted individual, business or organization that is 30 or more days delinquent in paying the applicable tonnage fee required by this regulation shall be assessed a fine equal to 5% of the outstanding amount owing;

(ii) a permitted individual, business or organization that refuses to comply with the reporting requirements of this regulation or which is found to have misrepresented tonnage amounts shall be assessed a fine equal to \$500 or 10% of either the amount due or the difference between the reported tonnage and the actual tonnage, whichever is greater;

(iii) a permitted individual, business or organization that refuses to comply with the reporting requirements of this regulation or which is found to have misrepresented tonnage amounts for four or more quarters within a two year period may have their permit suspended or revoked; or,

(iv) a permitted individual, business or organization that is found by the DEQ to be in violation of any DEQ or EPA guidelines, rules, or requirements related to this permit may have their permit suspended or revoked.

4.1.3 – Fee Collection

(a) In addition to the application or renewal fee, permit holders will be assessed a fee as described more particularly in the Utah County Health Department Fee Schedule. Each permitted Transfer and Processing Station shall pay such fee for each ton of in-county or out-of-county municipal solid waste that is received. The payment of this fee shall comply with Section 5 of this regulation.

4.2 – Municipal Solid Waste Solid Waste Disposal Facility Permit

4.2.1 – Permit Required

Any individual, business or organization operating a Solid Waste Disposal Facility which disposes of municipal solid waste within the boundaries of Utah County for a fee must be permitted according to the requirements of this regulation.

4.2.2 – Permit Requirements

(a) Any individual, business or organization operating a Solid Waste Disposal Facility that disposes of municipal solid waste within the boundaries of Utah County must obtain a permit with the Utah County Health Department, Environmental Health Division. Applicants must provide the Utah County Health Department with any application information requested and pay a \$100 application fee. A permit is valid for one calendar year from the date of issuance. Valid permits may be renewed on an annual basis by payment of a \$50 renewal fee, subject to review and approval by the Utah County Health Department.

(b) Each Solid Waste Disposal Facility must be available for inspection by the Utah County Health Department during normal business hours. Solid Waste Disposal Facilities must make their records available for review during normal business hours. All Solid Waste Disposal Facilities must comply with all guidelines, standards, and rules established by the US EPA and Utah Division of Environmental Quality (UDEQ).

(c) The Utah County Health Department, Environmental Health Division may revoke or suspend a permit for a Solid Waste Disposal Facility disposing of municipal solid waste or may issue monetary fines as follows:

(i) a permitted individual, business or organization that is 30 or more days delinquent in paying the applicable tonnage fee required by this regulation shall be assessed a fine equal to 5% of the outstanding amount owing;

(ii) a permitted individual, business or organization that refuses to comply with the reporting requirements of this regulation or which is found to have misrepresented tonnage amounts shall be assessed a fine equal to \$500 or 10% of either the amount due or the difference between the reported tonnage and the actual tonnage, whichever is greater;

(iii) a permitted individual, business or organization that refuses to comply with the reporting requirements of this regulation or which is found to have misrepresented tonnage amounts for four or more quarters within a two year period may have their permit suspended or revoked; or,

(iv) a permitted individual, business or organization that is found by the DEQ to be in violation of any DEQ or EPA guidelines, rules, or requirements related to this permit may have their permit suspended or revoked.

4.2.3 – Fee Collection

(a) In addition to the application or renewal fee, permit holders will be assessed a fee as described more particularly in the Utah County Health Department Fee Schedule. Each permitted Solid Waste Disposal Facility shall pay such fee for each ton of in-county or out-of-county municipal solid waste that is disposed of in the incorporated or unincorporated areas of Utah County. The payment of this fee shall comply with Section 5 of this regulation.

5.0 – Fee payment and collection

5.1 - Payment schedule

Each permitted individual, business or organization shall pay to the Utah County Health Department all fees as required by this regulation quarterly. Payment for each quarter shall be due on or before thirty (30) days after the end of such quarter or on April 30, July 30, October 30 and January 30 for each quarter respectively.

5.2 - Quarterly report

Each permitted individual, business or organization shall prepare a written quarterly report and shall deliver it to the Utah County Health Department at the same time any payment is due. The Utah County Health Department may designate the format of such reports. Each such report shall include a statement of the total tonnage of solid waste permitted to be collected, received, disposed of, or otherwise handled during the applicable quarter. In each quarterly report, the individual, business or organization shall also separately state the total tonnage of solid waste permitted to be collected, received, disposed of, or otherwise handled by it for each city located within Utah County and for the unincorporated area of Utah County and shall provide such total tonnage separately with respect to tonnage of solid waste that is subject to permit. Each quarterly report shall also identify the tonnage of solid waste collected from outside of the boundaries of Utah County. If the permit holder used any method or formula for allocating the amount of solid waste collected, received, disposed of, or otherwise handled among any of the cities located in Utah County or the unincorporated area of Utah County, the report shall describe such method or

formula including each element thereof. In each quarterly report, each permitted individual, business or organization shall also identify by name and date all records that it relied upon to prepare the quarterly report, including without limitation all records it contends, upon audit, would verify its quarterly report and each statement of tonnage provided therein. Each quarterly report shall be verified by declaration under penalty of perjury or by oath of a person who is the owner, manager or person in the control of the permitted individual, business or organization.

5.3 - Retention of and standards for records

Each permitted individual, business or organization shall retain for a period of at least five years after each quarterly report to which they pertain all of the records that it identified or should have identified as a basis for such quarterly report and any other records, either financial or otherwise, that are necessary to conduct a thorough audit thereof. All records of data for solid waste tonnage shall be maintained in accordance with data information standards, if any, established by the Utah County Health Department.

5.4 - Inspection and audit of records

Upon seven (7) days notice to and during normal hours of operation of any permitted individual, business or organization, the Utah County may inspect and audit the records that were identified or were required to have been identified in its quarterly report or that are required to be maintained in accordance with this regulation.

5.5 – Exemption from tonnage fee payments

A permitted individual, business or organization that can demonstrate that the solid waste collected, received, disposed of, or otherwise handled pursuant to a permit described in Section(s) 4.1 or 4.2 of this Regulation has been previously assessed a tonnage fee for the collection, reception, disposal, or other handling of solid waste pursuant to this Regulation or pursuant to Salt Lake County's Solid Waste Management and Permitting Regulation is exempt from tonnage based fee payments as described in this Regulation.

5.6 – Use of generated revenue

All revenue generated by this regulation shall be deposited into a Hazardous Waste Fund, maintained by Utah County. Hazardous Waste Funds shall only be used to fund: (1) the enforcement of this regulation; (2) household hazardous waste collection events or household hazardous waste collection facilities; (3) the reimbursement of household hazardous waste costs as described in 6.0 (b) of this regulation; or, (4) the creation of or operation costs related to a Utah County Environmental Crimes Task Force.

6.0 - Storage and Disposal of Household Hazardous Waste

(a) All household hazardous waste collected by private or public collectors shall be stored and or disposed of in an approved storage/disposal area which area is separate from mainstream waste loads at Utah Division of Environmental Quality (UDEQ) approved facilities. All disposal, storage or recycling must occur under approved guidelines and standards which meet US EPA and Utah Division of Environmental Quality (UDEQ) standards and rules.

(b) A solid waste disposal facility may contract with the Utah County Health Department (UCHD) to collect, recycle and properly dispose of household hazardous wastes. To be eligible

to contract with the Utah County Health Department (UCHD), the solid waste disposal facility must meet the requirements of 6.0 (a) and have sufficient space to collect the wastes. The facility shall also demonstrate that it has contracts in place for recycling or disposal of household hazardous wastes. Household hazardous wastes shall be collected by the solid waste disposal facility at no cost to the homeowner. Solid waste facilities shall report to the Utah County Health Department (UCHD) regarding the collection, recycling, disposal and associated costs of the household hazardous waste operation on approved forms.

Only those solid waste disposal facilities with a valid written household hazardous waste disposal agreement with Utah County can qualify for reimbursement of collection, recycling, disposal or associated costs. The amounts, methods, and requirements regarding reimbursement shall be more particularly described in that written agreement.

7.0 - Effective Date

The effective date for this regulation shall July 1, 2016.

ADOPTED BY THE UTAH COUNTY BOARD OF HEALTH on this May 23, 2016.

SIGNED: _____


CLYDE H. NIELSON

CHAIRPERSON, UTAH COUNTY BOARD OF HEALTH