

Keith Grover proposes the following substitute bill:

Industrial Byproduct Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keith Grover

House Sponsor:

LONG TITLE

General Description:

This bill addresses provisions related to industrial byproduct reuse.

Highlighted Provisions:

This bill:

- modifies terms;
- provides that an industrial byproduct may be used in any project, if the director of the Division of Waste Management and Radiation Control approves or has approved an application to reuse the industrial byproduct; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-6-1102, as last amended by Laws of Utah 2015, Chapter 451

19-6-1104, as last amended by Laws of Utah 2012, Chapter 360

REPEALS:

19-6-1101, as enacted by Laws of Utah 2009, Chapter 340

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

Section 1. Section **19-6-1102** is amended to read:

19-6-1102 . Definitions.

As used in this part:

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

- 30 (2) "Director" means the director of the Division of Waste Management and Radiation
31 Control.
- 32 (3) "Division" means the Division of Waste Management and Radiation Control created in
33 Section 19-1-105.
- 34 (4)(a) "Industrial byproduct" means an industrial residual, including:
35 (i) inert construction debris;
36 (ii) fly ash;
37 (iii) bottom ash;
38 (iv) slag;
39 (v) flue gas emission control residuals generated primarily from the combustion of
40 coal or other fossil fuel;
41 (vi) residual from the extraction, beneficiation, and processing of an ore or mineral;
42 (vii) cement kiln dust; or
43 (viii) contaminated soil extracted as a result of a corrective action subject to an
44 operation plan under Part 1, Solid and Hazardous Waste Act.
- 45 (b) "Industrial byproduct" does not include material that:
46 (i) causes a public nuisance or public health hazard;[-or]
47 (ii) is a hazardous waste under Part 1, Solid and Hazardous Waste Act[-]; or
48 (iii) is coal mine waste, as that term is defined in 30 C.F.R. Sec. 701.
- 49 (5) "Project" means a project to construct a:
50 (a) highway or road;
51 (b) curb;
52 (c) gutter;
53 (d) walkway;
54 (e) parking facility;
55 (f) public transportation facility; or
56 (g) facility, infrastructure, or transportation improvement that benefits the public.
- 57 [~~(5) "Public project" means a project of the Department of Transportation to construct:~~]
58 [~~(a) a highway or road;~~]
59 [~~(b) a curb;~~]
60 [~~(c) a gutter;~~]
61 [~~(d) a walkway;~~]
62 [~~(e) a parking facility;~~]
63 [~~(f) a public transportation facility; or]~~

64 [~~(g)~~ a facility, infrastructure, or transportation improvement that benefits the public.]

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

66 Section 2. Section **19-6-1104** is amended to read:

67 **19-6-1104 . Applications for industrial byproduct reuse -- Approval by the**
68 **director -- Exemption of approved industrial byproducts.**

69 (1) A person may submit to the director an application [~~for reuse of an~~] to reuse an industrial
70 byproduct[~~from an inactive industrial site, as defined in Section 17C-1-102~~] in a project.

71 (2) The director shall respond to an application submitted under Subsection (1) within 60
72 days of the day on which the director determines the application is complete.

73 (3) The director shall approve an application submitted under Subsection (1) if the applicant
74 shows:

75 (a) the industrial byproduct meets the[~~applicable~~] health risk standard applicable to
76 commercial or industrial exposure;

77 (b) the industrial byproduct satisfies the applicable toxicity characteristic leaching
78 procedure; and

79 (c) the proposed method of installation and type of reuse meet the applicable health risk
80 standard.

81 (4) If the director approves or has approved an application to reuse an industrial byproduct
82 under Subsection (3):

83 (a) a person may reuse the industrial byproduct in any project; and

84 (b) the reuse of the industrial byproduct is exempt from a requirement under this chapter
85 to provide:

86 (i) a human health or ecological risk assessment or site management plan; and

87 (ii) an environmental covenant, as that term is defined in Section 57-25-102.

88 Section 3. **Repealer.**

89 This bill repeals:

90 Section **19-6-1101, Title.**

91 Section 4. **Effective Date.**

92 This bill takes effect on May 6, 2026.