

**19-3-304 Licensing and approval by governor and Legislature -- Powers and duties of the department.**

- (1)
  - (a) A person may not construct or operate a waste transfer, storage, decay in storage, treatment, or disposal facility within the exterior boundaries of the state without applying for and receiving a construction and operating license from the state Department of Environmental Quality and also obtaining approval from the Legislature and the governor.
  - (b) The Department of Environmental Quality may issue the license, and the Legislature and the governor may approve the license, only upon finding the requirements and standards of this part have been met.
- (2) The department shall by rule establish the procedures and forms required to submit an application for a construction and operating license under this part.
- (3) The department may make rules implementing this part as necessary for the protection of the public health and the environment, including:
  - (a) rules for safe and proper construction, installation, repair, use, and operation of waste transfer, storage, decay in storage, treatment, and disposal facilities;
  - (b) rules governing prevention of and responsibility for costs incurred regarding accidents that may occur in conjunction with the operation of the facilities; and
  - (c) rules providing for disciplinary action against the license upon violation of any of the licensure requirements under this part or rules made under this part.

Enacted by Chapter 348, 1998 General Session