1. 2019 “solid waste” definition change: EPA expects that all solid wastes\(^1\) from the oil and gas industry be properly characterized and managed under the state-primacy Solid Waste Program (or equivalent state programs).

2. DOGM will continue to regulate all aspects of:
   a. produced water production, management, transportation, treatment, disposal (including evaporation), and other disposition (including re-injection);
   b. reserve pit design, operations, and closure under DOGM’s rules and abandonment criteria; and
   c. certain oil and gas-derived materials management that does not amount to disposal as addressed in DOGM rules.

3. DWMRC will regulate, under the Solid and Hazardous Waste Act and DWMRC rules, all other solid and hazardous wastes (discarded materials) generated from the exploration, development, or production of crude oil and gasses, including drilling fluids and muds, and other liquid wastes that do not fall under #2.

4. DWMRC will support the promulgation of a Permit by Rule for everything covered under #2, to the extent that such activities and operations require a permit under the Solid and Hazardous Waste Act.
   a. However, new commercial disposal facilities (accepting third-party waste for profit) after May 13, 2019 will still need statutory approval from the Legislature and the Governor, as well as a Needs Assessment approved by DWMRC, under the Solid and Hazardous Waste Act. The Director of DWMRC deems facilities permitted before May 13, 2019 as grandfathered.

5. DOGM will discontinue its existing landfarm program as of a future transition date [TBD]. DWMRC will provide new landfill permits under the Solid and Hazardous Waste Act and rules to qualifying existing DOGM-permitted landfarm operations.

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\(^1\) See 40 CFR 261.2. The definition of solid waste is not limited to wastes that are physically solid. Many solid wastes are liquid, semi-solid, or contained gaseous material. A solid waste is nearly any material that is discarded.
6. Proposal for DOGM-permitted landfarm transition to DWMRC.
   a. Landfarm operators will have three options:
      i. Closure under DOGM’s program prior to transition date, subject to
         DWMRC concurrence; or
      ii. Closure under a new DWMRC Closure - Post Closure Permit before or
         after the transition date. This will not allow for disposal of any new wastes
         and the permit will require the landfarm operator to perform final closure
         with a cover that meets the alternative final cover requirements of Utah
         Admin. Code R315-303-3(4); or
      iii. A new DWMRC landfill may be permitted within all or part of the
         operational footprint of a former DOGM-permitted landfarm. New
         DWMRC landfill permits will need to meet all DWMRC requirements,
         including siting, engineering, financial assurance, etc.
   b. DOGM-permitted landfarms may continue to operate and receive wastes under
      existing permitting and rules until the transition date.
   c. DWMRC permit applications will be due no later than a date certain [TBD], but
      may also be submitted at any time before then, with DOGM concurrence.
   d. Existing DOGM bonds will be released after the operator has new DWMRC
      Permit and approved DWMRC financial assurance.

7. Program changes will require both agencies to undertake rulemaking.
   a. DWMRC Permit by Rule;
   b. DWMRC rules regarding new E&P Waste landfill classification, including any
      special requirements for liquids management, liners, and so forth;
   c. DOGM will eliminate its disposal program rules relating to its landfarm program
      and make other conforming changes.

8. Both agencies support and will pursue meaningful industry / stakeholder outreach.

9. Proposed schedule and other details to be determined after stakeholder outreach, but
    preliminary estimates could be up to 36 months.

10. DOGM – DWMRC MOA reflecting clear guidelines, roles, and so forth.