

EQRA Stakeholder Agreements in principle

October 8, 2009

- State waste disposal fees were designed to cover funding for the entire state waste management program. The fees were not dedicated to a specific function or site.
- UCA 19-1-108(5) states: In order to stabilize funding for the radiation program and the solid and hazardous waste control program, the Legislature shall in years of excess revenues reserve in the restricted account sufficient monies to meet departmental needs in years of projected shortages remains sound. The fund should continue to operate on that basis
- At the July 30, 2009 Stakeholder meeting, determinations were made regarding possible modifications to UCA 19-1-108.
 - 19-3-108(3) In each fiscal year, the first \$400,000 collected from all waste disposal fees listed in Subsection (2), collectively, shall be deposited in the General fund as free revenue. The balance shall be deposited in the restricted account created in this section. **Stakeholder unanimous consensus is that this section should be eliminated.**
 - 19-3-108 (4)(c) the Hazardous Substances Mitigation Fund, up to \$400,000, for ~~purposes set forth in Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act~~ future monies to match Utah's cost share requirements for cleanups under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (Superfund) and respond to emergencies as provided in Section 19-6-309 of the Hazardous Substances Mitigation Act. A request for this funding on a fiscal year basis will be made after review of the end of year fund balance by the Executive Director of the Department. **This section will be retained with the modifications to the statute as indicated**
 - 19-3-108 (7)The Legislature may annually appropriate not more than \$200,000 from this account to the Department of Public Safety, created in Section 53-1-103, to be used by that department solely for hazardous materials:
 - (a) management training; and
 - (b) response preparation and emergency response training.**This section should be eliminated**
 - 19-6-118 (g) (i) The department shall allocate at least 10% of the fees received from a facility under this section to the county in which the facility is located.
 - (ii) The county may use fees allocated under Subsections (2)(e) and (f) to carry out its hazardous waste monitoring and response programs. **This section will be retained.**
- Throughout the history of the fund where funds were in excess, funds were diverted for a variety of purposes by both the Executive and Legislative branches. If these funds had been left in place, the EQRA would meet its intended purpose described in 19-1-105 and not be in the fiscal crisis that it is facing today. Going forward, all parties agree that future diversions of monies for purposes other than specified in 19-1-105 should not occur.
- For FY10, the Department has taken independent action to shore up the fund. This includes a combination of requesting diversion of monies from other accounts, carryover monies, and transfer of staff to other accounts for FY10. This is a one-time action that cannot be sustained for FY11 and beyond.
- For FY11, the Department and stakeholders will work towards agreement of reasonable steps to ensure the continuation of Department programs for the oversight of waste management in the state.

Participating Stakeholders: EnergySolutions, Clean Harbors, Republic/Allied Waste, Municipal Landfills (e.g., Salt Lake County, Wasatch Integrated, Trans-Jordan, Logan City), Nielson Construction, Rio Tinto/Kennecott Utah Copper, Utah Manufacturer's Association, Utah Mining Association, Parsons, Behle, and Latimer, Governor's Office of Planning and Budget, Legislative Fiscal Analyst Office, Chapman and Cutler, Tooele County Health Department, Tooele County Commission, Utah Attorney General's Office, Rep. Jim Gowans,

