

DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF SOLID AND HAZARDOUS WASTE

Report on Remediation Waste Fees

Natural Resources, Agriculture and Environment Interim Committee  
May 16, 2012

BACKGROUND

The waste management programs in the Division of Solid and Hazardous Waste are funded in large part by waste treatment and disposal fees. The Division receives no general funds.

Because of the variability in fees, in 1995, the Legislature created the Environmental Quality Restricted Account (EQRA) and directed that these treatment and disposal fees be deposited into the EQRA as a means to stabilize program funding (19-1-108). Funds from the EQRA are appropriated to the Department of Environmental Quality (DEQ) annually for the costs of administering the solid and hazardous waste programs. The Legislature directed that in years of excess revenue, sufficient money be reserved in the EQRA to meet departmental needs in years of projected shortages (19-1-108(6)).

Over the years, money from the EQRA has been used for other purposes. In addition, a downturn in the amount of waste managed at Utah facilities has resulted in less revenue from waste fees. As a result, projected shortfalls in the EQRA became a reality. In 2009, DEQ proposed an increase in the fees for treatment and disposal of certain hazardous wastes to cover the projected shortfalls in the EQRA for FY 2011 and beyond.

The resulting legislation (HB 331, 2010 General Session) created a category of waste called "remediation wastes" and actually reduced the fees for those wastes and included a sliding fee scale based on tonnage. No other changes were made to hazardous waste disposal fees. This proposal came from Clean Harbors, a national waste management company with facilities in Utah. By lowering the fee, Clean Harbors argued that it could be more competitive in the industry, which could result in more business for its Utah facilities and consequently more revenue for the EQRA.

REPORT TO LEGISLATURE

The Solid and Hazardous Waste Management Act [(19-6-118(3)(e))] requires DEQ to annually review the remediation waste fee and make recommendations to the Legislature's Natural Resources, Agriculture and Environment Interim Committee concerning the amount of the fee.

REMEDICATION WASTE FEES PRIOR TO HB 331

Prior to HB 331, the fee for disposal of hazardous waste, including remediation waste, was \$28/ton, or \$14/ton, if the waste was treated or rendered non-hazardous prior to disposal.

REMEDICATION WASTE FEES UNDER HB 331

REMEDICATION WASTE	
Tons	Fees
0 to 1,000 tons	\$28/ton
1,000 to 12,500 tons	\$10/ton
12,500 to 25,000 tons	\$5/ton
Greater than 25,000 tons	\$2.50/ton

REMEDICATION WASTES/FEES SINCE JULY 1, 2010

Fiscal Year	Tons	Fees
2011	95,590	\$344,579
2012	26,397	\$415,930

RECOMMENDATION

The DEQ does not recommend an adjustment to the fees for remediation waste at this time. This will allow Utah companies to remain competitive in the marketplace.