

**MINUTES OF THE  
HAZARDOUS WASTE REGULATION AND TAX POLICY TASK FORCE**  
Tuesday, October 14, 2003 – 11:00 a.m. – Room 129 State Capitol

**Members Present:**

Sen. Curtis S. Bramble, Senate Chair  
Rep. Stephen H. Urquhart, House Chair  
Sen. Patrice Arent  
Sen. Beverly Ann Evans  
Sen. Greg S. Bell  
Sen. Lyle W. Hillyard  
Sen. Scott K. Jenkins  
Rep. Eli H. Anderson  
Rep. Roger E. Barrus  
Rep. James A. Ferrin  
Rep. David L. Hogue

Rep. Bradley T. Johnson  
Rep. Patricia W. Jones  
Rep. Joseph G. Murray  
Rep. Merlynn T. Newbold

**Members Excused:**

Sen. Ron Allen

**Staff Present:**

Mr. J Brian Allred, Policy Analyst  
Mr. Bryant R. Howe, Policy Analyst  
Mr. Robert H. Rees, Associate General Counsel  
Tracey Fredman, Legislative Secretary

**Note:** A list of others present and a copy of materials can be found at <http://le.utah.gov> or by contacting the Task Force secretary at 538-1032.

**1. Task Force Business**

Chair Bramble called the meeting to order at 12:20 p.m.

**MOTION:** Rep. Hogue moved to approve the minutes of the two September 18, 2003 meetings, and the two September 19, 2003 meetings. The motion passed unanimously with Sen. Bell absent for the vote.

Chair Bramble called for a break at 12:21 p.m.

Chair Urquhart called the meeting back to order at 12:50 p.m.

**2. Regulatory Adequacy and Compliance**

Task Force discussion.

Sen. Arent requested some independent analysis in conjunction with DEQ (Department of Environmental Quality), for recommendations of things needing to be done in terms of inspections or other regulatory issues that are not being taken care of.

Rep. Hogue suggested that the Task Force consider a review of the current code to see whether actions regarding radioactive waste coming into the state need to be changed to give the legislature more control.

Rep. Newbold asked staff for a legislative history as to how Utah came to accept radioactive waste facilities and exactly when and what authority was granted DEQ. She also requested data on transportation issues and clarification of the role of the legislature and DEQ in regulating transportation, and information on accidents and how they are monitored.

Rep. Ferrin said he would ask DEQ to address the issue of adequate testing of ground water contamination at Envirocare.

Rep. Jones said she would like to know the long term goals of Envirocare. She also asked if there would be any additional evening public hearings during the coming year. She also requested information on applications from other companies wanting to store radioactive wastes in Utah.

Chair Urquhart called for a recess at 1:15 p.m.

### **3. Waste Facility Closure, Post Closure, and Perpetual Care**

Chair Urquhart called the meeting back to order at 3:07 p.m.

Mr. Allred distributed and discussed "Closure, Post Closure, & Perpetual Care."

Mr. John Fellows, Associate General Counsel, OLRGC (Office of Legislative Research and General Counsel), answered questions from the Task Force regarding letters of credit.

Mr. Bill Sinclair, Deputy Director, Department of Environmental Quality, described the process of making closure and post closure cost estimates and responded to questions from the Task Force.

Mr. Dennis Downs, Director, Division of Solid and Hazardous Waste, answered questions from the Task Force.

### **4. Solitude Landfill – "Concurrent Resolution Approving Solid Waste Permit"**

The following people were sworn in by Mr. Allred prior to testifying to the Task Force.

Mr. Brad Skeeter, Vice President, Kingwood Industries and one of the owners of Solitude Landfill, reported on the progress of the landfill concluding that the site is ready to receive waste as soon as legislative approval is given. He responded to questions from the Task Force.

Mr. Dennis Downs, Director, Division of Solid and Hazardous Waste, responded to questions from the Task Force.

**MOTION:** Rep. Hogue moved to approve draft legislation "Concurrent Resolution Approving Solid Waste Permit." After committee discussion, Rep. Hogue withdrew his motion.

### **7. Waste Tax and Fee Policy**

Mr. Howe distributed and discussed "Statutory Taxes and Fees Imposed by the State of the Commercial Waste Industry" and "Comparison of State and Local Fees and Taxes Imposed on Waste Products and Materials." After committee discussion, Mr. Howe said he would add the Municipal Landfill Category to the "Comparison of State and Local Fees and Taxes Imposed on Waste Products and Materials."

The following people were sworn in by Mr. Allred prior to testifying to the Task Force.

Mr. Lincoln Shurtz, Legislative Analyst, Utah League of Cities and Towns, distributed and discussed a statement "S.B. 146 – Waste Fee Amendments."

Mr. Brian Bremner, Garfield County, said that some municipal landfills may receive nonhazardous solid waste other than municipal solid waste. He said that it is unlikely that new landfills will be developed in urban areas due to the "not in the backyard" philosophy and the difficulty of operating landfills.

Mr. Corey Coleman, Allied Waste, ECDC (East Carbon Development Corporation), distributed and discussed "Allied Waste Proposals." He discussed the differences in what commercial businesses pay in comparison with the lesser fees municipal entities pay for the same waste.

**MOTION:** Sen. Hillyard moved that staff examine the fiscal effects of rolling back the regulatory fee on treated hazardous waste and repealing the 3% gross receipt tax on hazardous waste operators and certain nonhazardous solid waste operators. The motion passed unanimously with Sen. Bramble, Rep. Anderson, and Rep. Barrus absent for the vote.

#### **8. Other Task Force Business**

Next meeting November 18, 2003, 8:00 a.m.

#### **9. Adjourn**

**MOTION:** Rep. Hogue moved to adjourn the meeting. The motion passed unanimously with Sen. Bramble, Rep. Anderson, and Rep. Barrus absent for the vote.

Chair Urquhart adjourned the meeting at 4:57 p.m.