

19-1-108 Creation of Environmental Quality Restricted Account -- Purpose of restricted account -- Sources of funds -- Uses of funds.

- (1) There is created the Environmental Quality Restricted Account.
- (2) The sources of money for the restricted account are:
 - (a) radioactive waste disposal fees collected under Sections 19-3-106 and 19-3-106.4 and other fees collected under Subsection 19-3-104(5);
 - (b) hazardous waste disposal fees collected under Section 19-6-118;
 - (c) PCB waste disposal fees collected under Section 19-6-118.5;
 - (d) nonhazardous solid waste disposal fees collected under Section 19-6-119; and
 - (e) the investment income derived from money in the Environmental Quality Restricted Account.
- (3) In each fiscal year, the first \$400,000 collected from the 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 Environmental Quality Restricted Account.
- (4) The Legislature may annually appropriate money from the Environmental Quality Restricted Account to:
 - (a) the department for the costs of administering radiation control programs;
 - (b) the department for the costs of administering solid and hazardous waste programs; and
 - (c) subject to Subsection (6), the Hazardous Substances Mitigation Fund, up to \$400,000, to provide money to:
 - (i) meet the state's cost share requirements for cleanup under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Sec. 9601 et seq. as amended; and
 - (ii) respond to an emergency as provided in Section 19-6-309.
- (5) After the requirements of Subsection (3) are met, sources of money for the restricted account described in Subsection (2)(a) may only be used for the purpose described in Subsection (4) (a).
- (6) An annual request for money to be appropriated from the Environmental Quality Restricted Account to the Hazardous Substances Mitigation Fund may be made by the department only after the executive director's review of the Environmental Quality Restricted Account's or the Hazardous Substances Mitigation Fund's balance as of the end of the fiscal year immediately before the general session for which the request is made.
- (7) In order to stabilize funding for the radiation control program and the solid and hazardous waste program, the Legislature shall in years of excess revenues reserve in the Environmental Quality Restricted Account sufficient money to meet departmental needs in years of projected shortages.
- (8) The Legislature may not appropriate money from the General Fund to the department as a supplemental appropriation to cover the costs of the radiation control program and the solid and hazardous waste program in an amount exceeding 25% of the amount of waste disposal fees collected during the most recent prior fiscal year.
- (9) Money appropriated under this part that is not expended at the end of the fiscal year lapses into the Environmental Quality Restricted Account.
- (10)
 - (a) The balance in the Environmental Quality Restricted Account may not exceed \$4,000,000 above the anticipated revenue need for the money in the restricted account for the fiscal year.
 - (b) Excess funds under Subsection (10)(a) shall be credited on a proportionate basis to each person who paid money to the fund in the previous fiscal year.

Amended by Chapter 330, 2013 General Session

