

Effective 7/1/2015

19-1-307 Evaluation of closure, postclosure, and perpetual care and maintenance for hazardous waste and radioactive waste treatment and disposal facilities -- Report.

- (1)
- (a) Beginning in 2006, the Waste Management and Radiation Control Board created in Section 19-1-106 shall direct an evaluation every five years of:
 - (i) the adequacy of the amount of financial assurance required for closure and postclosure care under 40 C.F.R. subpart H, Sections 264.140 through 264.151 submitted pursuant to a hazardous waste operation plan for a commercial hazardous waste treatment, storage, or disposal facility under Section 19-6-108; and
 - (ii) the adequacy of the amount of financial assurance or funds required for perpetual care and maintenance following the closure and postclosure period of a commercial hazardous waste treatment, storage, or disposal facility, if found necessary following the evaluation under Subsection (1)(c).
 - (b) The evaluation shall determine:
 - (i) whether the amount of financial assurance required is adequate for closure and postclosure care of hazardous waste treatment, storage, or disposal facilities;
 - (ii) whether the amount of financial assurance or funds required is adequate for perpetual care and maintenance following the closure and postclosure period of a commercial hazardous waste treatment, storage, or disposal facility, if found necessary following the evaluation under Subsection (1)(c); and
 - (iii) the costs above the minimal maintenance and monitoring for reasonable risks that may occur during closure, postclosure, and perpetual care and maintenance of commercial hazardous waste treatment, storage, or disposal facilities including:
 - (A) groundwater corrective action;
 - (B) differential settlement failure; or
 - (C) major maintenance of a cell or cells.
 - (c) The Waste Management and Radiation Control Board shall evaluate in 2006 whether financial assurance or funds are necessary for perpetual care and maintenance following the closure and postclosure period of a commercial hazardous waste treatment, storage, or disposal facility to protect human health and the environment.
- (2)
- (a) Beginning in 2006, the Waste Management and Radiation Control Board created in Section 19-1-106 shall direct an evaluation every five years of:
 - (i) the adequacy of the Radioactive Waste Perpetual Care and Maintenance Account created by Section 19-3-106.2; and
 - (ii) the adequacy of the amount of financial assurance required for closure and postclosure care of commercial radioactive waste treatment or disposal facilities under Subsection 19-3-104(11).
 - (b) The evaluation shall determine:
 - (i) whether the restricted account is adequate to provide for perpetual care and maintenance of commercial radioactive waste treatment or disposal facilities;
 - (ii) whether the amount of financial assurance required is adequate to provide for closure and postclosure care of commercial radioactive waste treatment or disposal facilities;
 - (iii) the costs under Subsection 19-3-106.2(5)(b) of using the Radioactive Waste Perpetual Care and Maintenance Account during the period before the end of 100 years following final closure of the facility for maintenance, monitoring, or corrective action in the event that the

- owner or operator is unwilling or unable to carry out the duties of postclosure maintenance, monitoring, or corrective action; and
- (iv) the costs above the minimal maintenance and monitoring for reasonable risks that may occur during closure, postclosure, and perpetual care and maintenance of commercial radioactive waste treatment or disposal facilities including:
 - (A) groundwater corrective action;
 - (B) differential settlement failure; or
 - (C) major maintenance of a cell or cells.
 - (3) The board under Subsections (1) and (2) shall submit a report on the evaluations to the Legislative Management Committee on or before October 1 of the year in which the report is due.

Amended by Chapter 451, 2015 General Session