

1 **JOINT RESOLUTION APPROVING ENERGYSOLUTIONS**
2 **CONSTRUCTING AND OPERATING A LANDFILL FOR**
3 **NONHAZARDOUS SOLID WASTE**

4 2021 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Scott D. Sandall**

7 House Sponsor: Merrill F. Nelson

9 **LONG TITLE**

10 **General Description:**

11 This resolution grants provisional legislative approval for the construction and
12 operation of a Class VI commercial nonhazardous solid waste landfill.

13 **Highlighted Provisions:**

14 This resolution:

- 15 ▶ describes the purpose of the resolution;
- 16 ▶ describes the proposed landfill;
- 17 ▶ addresses the types of nonhazardous solid waste to be received by the landfill; and
- 18 ▶ grants provisional legislative approval for the construction and operation of a Class

19 VI commercial nonhazardous solid waste landfill.

20 **Special Clauses:**

21 None

23 *Be it resolved by the Legislature of the state of Utah:*

24 WHEREAS, S.J.R. 11, Joint Resolution Authorizing EnergySolutions to Create a
25 Landfill for Non-radioactive Waste (2018 General Session), gave provisional legislative
26 approval of a proposed plan by EnergySolutions to construct and operate a Class VI
27 commercial landfill to receive certain nonhazardous solid waste for disposal;

28 WHEREAS, nonhazardous solid waste is defined in the rules made under Title 19,
29 Chapter 6, Part 1, Solid and Hazardous Waste Act;

30 WHEREAS, the purpose of this resolution is to clarify that the Legislature's provisional
31 approval is for disposal by EnergySolutions of nonhazardous solid waste that is described in
32 the operation plan submitted to the Division of Waste Management and Radiation Control for
33 approval;

34 WHEREAS, EnergySolutions has submitted an operation plan for the proposed Class
35 VI landfill to the Division of Waste Management and Radiation Control for approval by the
36 director that more fully describes the nature of the waste to be disposed of in the proposed
37 Class VI landfill, including licensed material for which the director has authorized disposal in
38 the Class VI landfill pursuant to Utah Administrative Code R313-15-1002;

39 WHEREAS, the proposed Class VI landfill will be located in Section 5, Township 2
40 South, Range 11 West, within Tooele County, Utah;

41 WHEREAS, EnergySolutions is currently licensed by the Division of Waste
42 Management and Radiation Control to operate a low level radioactive waste disposal facility;

43 WHEREAS, the proposed Class VI landfill will be located within the same Tooele
44 County designated hazardous waste corridor as the currently licensed low level radioactive
45 waste disposal facility and the permitted Class V solid waste landfill operated by
46 EnergySolutions in unincorporated Tooele County;

47 WHEREAS, the proposed Class VI landfill will enhance efficiencies for
48 EnergySolutions clients by allowing EnergySolutions to receive nonhazardous solid waste from
49 the decommissioning of nuclear power plants that currently use the EnergySolutions licensed
50 low level radioactive waste disposal facility;

51 WHEREAS, a Class VI commercial landfill would have a favorable economic impact
52 on Tooele County and the state in the form of additional jobs and tax revenue;

53 WHEREAS, Utah Code Section [19-6-108](#) requires that an applicant seeking authority
54 to construct or operate a commercial landfill receive approval from the local government, the
55 Legislature, and the governor;

56 WHEREAS, Utah Code Section [19-6-108](#) also requires that the applicant seeking
57 authority to construct or operate a commercial landfill receive approval from the director of the

58 Division of Waste Management and Radiation Control within the Department of
59 Environmental Quality for an operation plan for the facility before receiving gubernatorial
60 approval;

61 WHEREAS, EnergySolutions obtained approval from Tooele County for the proposed
62 landfill;

63 WHEREAS, EnergySolutions will request gubernatorial approval after the operation
64 plan is approved by the director of the Division of Waste Management and Radiation Control;

65 WHEREAS, because the waste to be disposed of in the Class VI landfill may have
66 residual levels of radioactivity, the landfill may be considered a radioactive waste facility
67 pursuant to Utah Code Subsection 19-3-105(1)(d);

68 WHEREAS, Utah Code Subsection 19-3-105(3) provides that before a person owns,
69 constructs, modifies, or operates a radioactive waste facility, the person must obtain the
70 approval of the governor and the Legislature after having first obtained the approval of the
71 local government where the facility will be located; and

72 WHEREAS, the approval of the Legislature is provisional because the approval is
73 subject to EnergySolutions obtaining the approval of the Division of Waste Management and
74 Radiation Control and the governor:

75 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah
76 grants its provisional approval to EnergySolutions to construct and operate a Class VI
77 commercial nonhazardous solid waste landfill as described in the proposed operation plan if
78 the proposed operation plan is approved by the Division of Waste Management and Radiation
79 Control and the Governor in accordance with Utah Code Subsection 19-3-105(3) and Section
80 19-6-108.

81 BE IT FURTHER RESOLVED that if there is a conflict between this resolution and
82 S.J.R. 11 (2018 General Session), this resolution governs.