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Budget woes in Tooele County lead to hazmat cuts

Safety • Activist calls changes “alarming,” but officials say response capability won’t be harmed.

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A multimillion-dollar budget shortfall in Tooele County has prompted commissioners to slash budgets and departments, including the hazardous materials division within the sheriff’s office, tasked with overseeing the response to a worst-case scenario.

While budget woes aren’t unique to Tooele County, what is unique is that Tooele is host to a radioactive waste landfill, a magnesium plant and an interstate highway on which tons of hazardous materials travel daily.

For people concerned about the amount of toxic material in the county, the decision to cut the hazmat operation is worrisome. But county officials insist that only a few positions will be affected and that training and equipment are still available.

“I think it’s alarming,” said Christopher Thomas, executive director of the Healthy Environment Alliance of Utah (HEAL Utah), an environmental advocacy group. “There are so many toxic and hazardous activities that happen out there that I think it’s critical that you have trained professionals who can respond quickly.”

If response time or training is diminished because of budget cuts, that could affect more than just Tooele County, Thomas said. “It’s not just a Tooele County issue, it’s a statewide issue.”

Tooele County Sheriff Frank Park said the only effect on his office so far is the loss of Harry Shinton, a deputy who oversaw hazmat operations for more than 20 years. Shinton planned to retire at the end of 2012 but left early so the cuts wouldn’t have to be absorbed elsewhere. Park said he’ll miss Shinton’s experience, but most of his deputies have the necessary training to pick up the slack.

“We still have hazmat capabilities within the sheriff’s office,” Park said.

Given the size of the county’s fiscal problem, Tooele County Commissioner Jerry Hurst said he is willing to live with a less formal hazmat program. In his six years in office, Hurst said he could count “on one hand”

the number of times the county's hazmat teams have responded to an emergency. But the cuts can only go so far, he said.

"I don't want to get to the point that we're compromised in response and capabilities," Hurst said.

Hurst said the county also is looking at contracting with a private hazmat company to bolster services.

For Shinton, whose job was eliminated after he retired in September, the cuts came at a relatively good time due to the closure earlier this year of the Deseret Chemical Depot, where nearly half of the Army's stockpile of chemical weapons was once stored.

"That's the good news: all of the dangerous stuff has been destroyed," he said. "So now the government's not giving us the money. That's the bad news.

"The only thing that's really different is this old guy's going to pasture," he said.

Unexpected losses • The county was preparing for less revenue, according to Hurst. It had been known for almost a decade that the weapons stashed at Deseret Chemical Depot would eventually be destroyed, with a resulting loss in government funding.

What the county didn't expect was less revenue from EnergySolutions, whose facility in Clive disposes of low-grade radioactive waste from around the country and gives 5 percent of its profits to the county in mitigation fees.

"The mitigation fees from the west desert, especially EnergySolutions, are way down," Hurst said.

The county reported that those fees dropped from a high of about \$13 million in 2005 to about \$2 million so far in 2012. Hurst said the average monthly payment has dropped by about \$300,000 a month.

The county also is losing money from its jail, which has seen fewer federal inmates than projected when the new beds were added. With the combined losses, the county is currently about \$2.6 million in the red, according to Hurst. So far, 33 county positions have been cut, mostly Corrections officials hired to watch over inmates who haven't shown up at the jail.

Some question whether savings in the hazmat division will be worthwhile in the long run and whether businesses storing radioactive material shouldn't shoulder some blame for the county's budget problems.

Thomas, of HEAL Utah, cited a September audit from the state Legislative Auditor General's Office that recommended a change in Utah's radioactive waste facility tax. The audit said EnergySolution's ownership of a waste-processing facility in Tennessee meant the company could reduce the amount of waste that otherwise would be destined for Utah, allowing it to manipulate how much revenue it reports for tax purposes.

That process, although legal, essentially allowed the company to pay fewer state taxes, the audit states. The audit suggests basing the tax on volume of waste rather than revenue.

Although the audit doesn't address how this would affect the fees paid separately to Tooele County, Thomas believes EnergySolutions also has "shortchanged" the county, since the mitigation fees, like the state tax, are based on revenue.

"That underpayment of taxes is now leading to the elimination of critical emergency-response capabilities

that protect not only Tooele residents but the entire state,” Thomas said. “It’s a travesty.”

EnergySolutions spokesman Mark Walker dismissed the criticism, saying the decision to use the Tennessee facility had more to do with the needs of customers than a desire to avoid taxes.

Walker said mitigation fees have declined because the amount of waste has gone down. Walker said critics who blame the lower revenue on revenue manipulation should simply look at the amount of waste accepted at the Clive facility.

Walker said in 2008, the storage site took in 8 million cubic feet of waste. So far this year, it’s only 3 million cubic feet.

“Obviously, when that happens, there just isn’t as much waste to be taxed,” he said.

Charles Judd, the former president of EnergySolutions (when it was known as EnviroCare), said anyone doing business in Tooele County should be concerned about diminishing county resources for hazmat. Judd is now the president of Cedar Mountain Environmental, a radioactive transport company considering opening a facility in the county.

Judd said he was part of the original negotiations with Tooele County that created the 5 percent fee in 1990s. The point of the original plan was that if the company made more money, so did the county. Because EnergySolutions can process the waste before shipping it to its own storage facility, the company makes more money but pays fewer taxes, he said.

“This approach is not the idea,” Judd said. “There’s no doubt that Tooele County needs to do something to adjust [the fee structure] so they’re getting a fair share,” he said, adding that he supports a structure based on waste amount instead of revenue.

While EnergySolutions has on-site emergency responders, the county should be ready to lend a hand, he said.

“[EnergySolutions is] a safe operation as far as I can tell, but when you’re bringing in that volume of waste ... it’s just nice to have something there to help,” Judd said.

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