

# POLITICAL DECISIONS AND NUCLEAR WASTE STORAGE IN UTAH

Written by the League of Women Voters of Utah  
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Just as this material was ready for publication we learned that Envirocare had been sold for at least \$500 million to a New York investment firm (Lindsay Goldberg & Bessemer) and Creamer Investments of South Jordan. Details, including identification of additional Utah investors, are expected in early 2005. A purchase price of this size indicates that the new owners see potential for expansion of the business. We will provide updated information in the Spring 2005 UTAH VOTER.

## **Utah's contribution to the nuclear waste problem**

Utah participated in the United States' nuclear build-up starting in 1947 through the 70's. Uranium was mined in southeastern Utah, with radioactive tailings piled nearby. Mills crushed, ground and chemically processed the ore to produce "yellowcake" (uranium oxide), leaving additional radioactive residues.

As in other parts of the country, it was a full-speed ahead effort and consequences received little consideration. People had good-paying jobs, profits were being made, and patriotic feeling was high. Only years later were former workers diagnosed with cancers and tailings piles labeled "radioactive." By then some of the tailings had been used as fill dirt, often around home construction or in the manufacture of building materials, spreading the contamination still further.

The effects of persistent low levels of radiation on humans had been known for years but were ignored because they did not create immediate fatalities, but rather have a latent period of 25 years and/or cause damage through mutation. Even now exposure to low level radiation is considered less immediately dangerous than living next to a petroleum refinery or colliding with a gasoline tanker truck.

The above was Utah's direct contribution to the problem of nuclear waste. The Nevada bomb tests undoubtedly had a far greater effect on Utah's population than the mishandling of by-products of mining and refining. The nation is still coming to grips with the "downwinder" issue. This experience has made Utahns especially wary of radioactive materials entering their state.

Nuclear weapons were not manufactured in Utah and there are no nuclear power plants in the state. Utah supplied raw material only. Australia and Canada are today's suppliers.

## **Cleaning up Utah's mill tailings**

The League of Women Voters of the United States' "Nuclear Waste Primer" (LWV Education Fund, 1993) states that uranium mill tailings make up the largest volume of any category of radioactive waste in the U.S.—some 27 million tons that still contain 85% of the radioactivity originally in the ore. The U.S. Atomic Energy Commission claimed no responsibility at the time for this material so it was abandoned and left unprotected when the uranium mills closed. A 1976 study reported in the Primer revealed that radium in these tailings piles had leached into the subsoil 2-9 feet down. Dust from the piles had blown near dwellings and onto grazing land. But the conclusion was that they were in such sparsely populated areas that the radon emissions and possible groundwater contamination would do little harm to health.

In 1978 Congress passed the Uranium Mill Tailing Radiation Control Act in response to public concern about health hazards. The U.S. Department of Energy (DOE) was charged with cleaning up 24 inactive piles and 5,000 "vicinity" properties (contaminated off-site locations) with 90% federal-10% state cost shares. By 1991, 8 tailings sites and 4,000 of the vicinity properties had been cleaned up nationwide. Clean-up involves stabilization by capping the site or by moving the tailings to another location to be reprocessed or stored where they can do less damage to the environment. A capped site has to be maintained, usually with vegetation to stabilize the soil. Recently the DOE has had to step in to stabilize a Monticello, Utah public park built atop a capped uranium mill site. Six years of drought have impaired vegetation growth and led to erosion, threatening to uncover tailings.

In Moab, Utah 12 million tons of tailings at the Atlas mill site are still sitting in place while radiation leaches into the Colorado River, which supplies water in 4 states, and radon gas blows toward the town. The DOE released its draft environmental impact statement in November 2004. It presents 5 options which include doing nothing at all, capping in place, moving the tailings within Utah to Crescent Junction or Klondike Flats or conveying them by slurry pipeline to International Uranium Corporation (IUC) in Blanding. The cost can be relatively low (\$166 million) if the tailings can be covered with a layer of clay/rock and left in place, whereas removal could cost between \$329 and \$464 million and involve handling and transportation safety. The DOE will not designate its preferred alternative until after the 90-day comment period. Cleanup of groundwater around the site will take place regardless of the alternative chosen, and will cost about \$900,000/year.

One of the few sites where tailings were stored in a populous area was at Vitro in South Salt Lake, 4 miles south of the Capitol. In the 1980s, the DOE removed the tailings to Clive in the west desert. The cleansed site is now the home of the Glendale Golf Course. Utah still has a few small mill tailings piles that are in the clean-up process.

## **Health risks**

This presentation is designed to be non-technical and to focus on political decisions past and future affecting the State. Chapter Two of "The Nuclear Waste Primer" has basic information about radiation and how it can affect the human body. To quote, "Whether

the potential for harm, or hazard, results in actual harm depends on whether people, plants, and animals are actually exposed to radiation and on how much they are exposed to. The risk from nuclear waste is measured as a combination of the chance that exposure will occur and the consequences or harm that could result." Federal and State regulators are confident that putting LLRW in properly constructed waste cells in licensed facilities provides safe disposal.

The Board on Radiation Effects of the National Academy of Sciences has a current project (BRER-K-98-02) "Health Risks from Exposure to Low Levels of Ionizing Radiation" that may be completed by June 30, 2005. Go to [www.nationalacademies.org](http://www.nationalacademies.org), click "current projects" and then search for "radiation." As of December 2004, there were 45 radiation-related projects.

## **Current nuclear waste storage in Utah**

Envirocare of Utah owns a 640-acre landfill site in the west desert. This site was originally established by the DOE to hold the Vitro tailings, which occupy 100 acres. The land had been State Trust Fund land which was sold to Envirocare for \$339,000. It is in the Tooele County Hazardous Waste Industries Zone. On February 28, 1988, Envirocare received its initial license from the Bureau of Radiation Control to dispose of naturally occurring radioactive material which is contaminated dirt from cleanups from Utah and elsewhere.

On December 16, 2004, The Salt Lake Tribune published an Envirocare Timeline from the late 1970s to 2004 (see Appendix 1). It shows that Envirocare has been expanding the types of radioactive waste that it can store up to the Class A limit on various isotopes, and it alludes to aggressive and questionable business practices of the company, such as admitted payments and loan guarantees to state regulators and environmental violations. The timeline also shows that Utah regulators have not always conducted their oversight in ways that inspire public confidence, for example accepting payments from Envirocare and levying fines that were considered inadequate by federal EPA regulators for environmental violations. Recently the Division of Radiation Control could not locate a copy of the radioactive Waste Management Plan that had been completed in 1994.

Envirocare now accepts more than 93% of the Class A low level radioactive waste disposed of at non-government facilities in the U.S. Regulators consider it to be a well-run storage facility. This privately held company's annual revenues may exceed \$100 million.

The White Mesa Uranium Mill, located six miles south of Blanding, is currently owned and operated by IUC, a Canadian corporation. It was built in 1979 to process locally mined uranium ore. In 1989 it began reprocessing "alternate feed material," which is uranium-bearing radioactive waste. The Nuclear Regulatory Commission licensed the mill as a "recycling" facility. There is a limited market for the uranium, but processing *must* take place to satisfy the license. Since 1999 vast quantities of uranium-bearing radioactive waste, shipped via rail and then truck to Blanding from within the U.S. and Canada, have been stockpiled (largely uncovered) at the mill waiting reprocessing. One ton of "alternate feed" yields about one pound of uranium. Most revenue is derived from the receipt of the waste, not from the sale of the

recovered uranium and other minerals. The recovered uranium is put into secure repositories. The residue and processing chemicals are being stored in lined tailings ponds on the Blanding site. On August 16, 2004, the U.S. Nuclear Regulatory Commission gave the Utah Department of Environmental Quality the authority to handle licensing and compliance activities at this site.

Both the Envirocare and IUC nuclear waste facilities are in “remote” areas, but that does not mean that they are without impact. The west desert is home to the Utah Test and Training Range as well as Dugway and hazardous waste facilities. Tooele County’s population is growing rapidly because of relatively inexpensive housing. Moab has become a major tourist magnet. Truckloads of “alternate feed” pass thru Moab, Monticello and Blanding. The Navajo Sandstone aquifer is under the IUC mill.

## **Will Utah offer one-stop shopping for nuclear waste storage?**

### **1. Class A Low Level Radioactive Waste (LLRW)**

Envirocare’s landfill facility was designed to store high volumes of waste with relatively low concentrations of radioactivity (Class A). The company accepts permitted waste from throughout the country. The waste arrives in trucks and by railway to a siding at the site. There have not been any serious spills. As each “waste cell” is filled, it is capped in such a way as to contain radiation for more than 100 years. The radioactivity in Class A waste requires at least 100 years of undisturbed storage for it to safely decay to background level. Tooele County land use laws prohibit any future use of the site. The U.S. government prohibits an individual from owning a waste disposal site on his own land. But the Utah Bureau of Radiation Control authorized exceptions for private ownership in 1988, again in 1991, and most recently in 2001. The ownership issue will have to be addressed if “hotter” radioactive waste (Class B&C LLRW) is permitted at the site because it would require 500 years of undisturbed storage to decay to background radiation level. It is arguably unrealistic to expect a privately held company to be in business for 500 years.

Cedar Mountain Environmental, a proposed Class A waste facility adjacent to Envirocare, received siting approval from the Division of Radiation Control in October, 2004. It will need to gain a license from the division and approval from Tooele County, the Legislature, and the Governor before it can go into operation. It, too, will be on privately owned land.

The definition of Class A LLRW is quite complex. Mill tailings and clean-up dirt are the main components by volume, but other materials with radionuclide concentrations up to the Class A limit can qualify. Envirocare and IUC have obtained permits to dispose of many of them. “Mixed Waste” contains both hazardous and radioactive substances and requires treatment of a hazardous component, benzene, for example, before storage. Containerized Class A represents a small volume. It arrives in canisters and must be stored in that form.

The rush to clean up various facilities around the U.S. has led to attempts to reclassify “hotter” waste into the Mill Tailings and Class A categories. Some members of Utah’s Congressional delegation offered to abet this effort because it would “provide jobs in a remote region.” There

was public outcry and the officials withdrew their support. The Utah Legislature formed the Hazardous Waste Regulation and Tax Policy Task Force to study a range of waste related issues (2002 to 2004). House Bill 145 emerged from that body and passed in the 2004 session of the Legislature. It states that no waste hotter than Class A, regardless of what it is called, can be accepted in the state without legislative and gubernatorial approval.

## 2. Class B & C LLRW

Interstate compacts to dispose of low-level (Class B & C) radioactive wastes were established in 1982. The Northwest Compact is comprised of Utah, Montana, Wyoming, Idaho, Oregon and Washington. Utah is required by law to send its approximately 4 cubic feet of Class B & C waste/year from medical and research applications to the Richland, WA site owned by the U.S. and operated under contract.

B&C LLRW is not just medical and research by-products. The nuclear power industry has decaying and obsolete infrastructure. Removing a decommissioned plant or rebuilding one to current standards will generate large amounts of Class B & C waste. Storage of this waste could greatly enhance Envirocare's revenues.

Envirocare has applied to store Class B & C LLRW. Based on technical review, License Number UT 2300249-BC was issued on June 9, 2001, running for 5 years. The license will be effective upon satisfaction of the conditions established by the Utah Radiation Control Board including approval by the Utah Legislature and Governor. If either does not approve, this license is immediately terminated. However, if the license is about to expire, an application for renewal can be filed no less than 30 days before the expiration date stated in the existing license. In May, 2004, The Office of Legislative Research and General Counsel produced a document dealing with possible Legislative actions and effect of such actions.

There is a moratorium on any action until February 15, 2005 to allow the Hazardous Waste Regulation and Tax Policy Tax Force to finish its assignment. Site ownership will have to be resolved since this waste will not decay to background level for 500 years. Currently the Utah Code (see Utah Code Section 19-3-106.3) does not address ownership. At present the only commercial Class B & C disposal sites are in Richland, WA and Barnwell, SC. Both have capacity and leakage issues. Waste Control Specialists has applied to the Texas Department of State Health Services to store low level nuclear waste at its hazardous waste site in Andrews County, Texas. The WA and SC facilities are on government-owned land and are operated by contractors who are guaranteed cost recovery plus 29 percent profit.

When Barnwell closes in 2008, 36 states will have no place to send their B&C waste. Envirocare, with its existing regulatory permit, appears to be an attractive alternative. Rep. Stephen Urquhart (R-St.George), co-chair of the Task Force, was quoted in *The Salt Lake Tribune*: "I would expect this new firm would probably continue to push for B and C waste because they would feel they could handle it properly, it needs to be disposed of somewhere and they could make some good money doing it."

POSSIBLE LEGISLATIVE ACTIONS	EFFECT OF LEGISLATIVE ACTION
No Action (The Legislature's considering but failing to pass legislation either approving or disapproving the B and C license = No Action)	License not affected
Legislature enacts legislation approving the license	License not affected until and unless approved by the Governor (If license approved by the Governor license becomes effective)
Legislature enacts legislation disapproving the license	License would probably be terminated (If licensee wants to pursue license, licensee would be required to start new application process)
Legislature enacts legislation imposing more stringent requirements for license Applicants	No effect on pending license, but future Applicants would be required to comply with new requirements
Legislature withdraws authority to renew license for B and C waste	If license not approved by July 9, 2006, it would expire and the licensee would be required to start new application process
Legislature enacts legislation repealing procedure for obtaining approval of license for B and C waste and prohibiting B and C waste	License would probably be terminated and licensee and all others would be prohibited from receiving future license for disposal of B and C waste

### 3. High Level Radioactive Waste

The major problem of the nuclear power industry is finding a place to store an increasing volume of high level waste, i.e. spent fuel rods. The *Salt Lake Tribune* characterized this waste as “some of the nastiest stuff on Earth” in a September 22, 2004 editorial. Currently, fuel rods are being stored at the plant sites, awaiting the opening of the high-level storage facility in Yucca Mountain, NV. In 1997, the Skull Valley Band of Goshutes, an independent Indian Nation, signed a lease with a consortium of eight out-of-state utilities, Private Fuel Storage (PFS), to provide a “temporary above ground parking area” for 10 million rods in 4,000 steel and concrete containers on the reservation in Tooele County. Governors Leavitt and Walker have strenuously opposed this, trying to block needed rail access to the site. But essentially the State has been told that it has no say in the matter although the issue has been submitted to the U.S. Supreme Court. Rep. Bishop has introduced legislation to create a 100,000-acre Cedar Mountain Wilderness Area, which would prevent the Bureau of Land Management from approving the rail line to the site.

The safety of PFS's proposed shipping/storage containers, which would be stored above ground, has only been studied with computer modeling. Recent studies indicate that Yucca Mountain may not be a suitable site or, if built, will have inadequate space for all designated material. Recently DOE has indicated that it will not accept the PFS-proposed canisters. Evidently these fuel rods would have to be shipped back to their points of origin for repacking in new DOE approved containers prior to shipment to Yucca Mountain. Until these issues are resolved there is a high risk that "temporary" storage in Utah could become "permanent".

How this facility would impact the future of Hill Air Force Base (Utah's largest employer) and its Test Range and Training near the site is another issue. As an alternative, there has been some discussion of a Plan B, to create a state-owned repository in San Juan County to accept the spent fuel rods. One of Envirocare's new owners was one of the proponents of Plan B.

## **How does Utah benefit?**

The State has spectacular scenery, vast deserts, little water, and a population that wishes to grow in place. The National Parks, National Monuments, ski areas and high mountains support a vibrant tourism industry. Agriculture and extractive industries are viable, depending on water supply and the political climate. The desert, for the most part, contributes little to the economy except for the Utah Test and Training Range, the Bonneville Salt Flats, salt extractors, and various hazardous waste disposal operations. It seems to be an ideal place for storage of nuclear waste—material that needs to be left undisturbed and kept away from ground water, the air and human populations for at least 100 years (Class A) or well beyond 500 years (Class B & C).

Jobs fuel the economy. The "multiplier" effect of payroll can be calculated. There are currently about 450 jobs at Envirocare and its subsidiaries, while IUC employs about 50 in low-wage jobs.

But it is not just jobs that make private nuclear waste storage so attractive. When gubernatorial candidate Jon Huntsman, Jr. suggested relocating the Draper prison to Tooele County, local officials said that they wanted industries that provided property taxes (which come from private but not public ownership) as well as jobs and "did not want to be a dumping ground" Envirocare paid about \$210,000 in property tax in 2002 on an assessed value of \$20 million. IUC paid about \$120,000 on an assessed value of \$7.5 million.

Tooele County has welcomed such development by creating a Hazardous Waste Industries Zone in the west desert, at least 50 miles from major population centers. The county levies a 5% (negotiable) gross receipts tax as well as property tax on these industries. In 2003, the county received \$7,150,367 from Envirocare. The area's remoteness makes it desirable as does its desert character. Many nuclear waste landfills in other states have had problems with leakage into the water table. All facilities do have ground water monitoring wells which are checked regularly. The biggest water-related problems are those created by sudden downpours. However, there is earthquake danger as well as the possibility of a plane crashing into a site. The county has put together a well-regarded rapid response team to cope with spills in transit and malfunctions at the various plants. And there are alarm sirens throughout the populated parts of the county.

The State of Utah levies a radioactive waste tax on some but not all of the waste coming into Envirocare for storage. It also imposes regulatory fees to cover the cost of safety regulation by the Department of Environmental Quality. Regulatory jobs are generated and Utah receives a small amount of taxes from IUC. Regulatory fees have been imposed now that Utah has “primacy” over the site, but they are minimal, less than \$7,000/month when reprocessing and about \$4,000 when idle.

Another source of State revenue is the income taxes paid by the workers and management. Envirocare created about \$143 million in income in 2003 based on Tooele County’s gross receipts tax records, which are public records.

## **BUT is it safe?**

The Hazardous Waste Regulation and Tax Policy Task Force voted to include the following statement in its final report in November 2004:

“Based on testimony from the Rocky Mountain Center for Occupational and Environmental Health at the University of Utah and Rocky Mountain Environmental Consultants, LLC on comparative risk analysis, the task force finds that LLRW operations in the State pose a lower risk than many other chemical and mining facilities that currently operate in the State.”

The above-named consultants were engaged by and paid by Envirocare. The Task Force did not hire its own risk assessment consultants. Risk analysis is mathematically derived and involves the weighting of various components, including economics as well as health and safety effects. The quoted statement applies to Class A (100 years to background) only. Safe storage of “mixed waste” needs further study because the interaction of hazardous components with the encapsulating medium may affect the containment of the radioactive component. The Solid and Hazardous Waste Control Board is regularly asked to approve site-specific treatment variances, accepting Envirocare’s technical recommendations. DEQ does not test incoming material for its radioactivity level.

At the request of the Task Force, the Legislative Auditor General conducted a Legislative audit of DEQ to determine whether current regulatory requirements for the operation of waste facilities are adequate to provide effective management of State environmental concerns and to safeguard public health and quality of life. Several areas in need of improvement, including record-keeping and the out-of-date Radioactive Waste Management Plan, were identified. DEQ has presented plans for corrections. DEQ has not been independently verifying the amount of waste received, but will now do more auditing. Verification of ground water sampling has been agreed upon.

The 2005 legislature will be asked for funds to update DEQ systems for tracking fines and fees. The DEQ does follow federal regulations and state laws as delineated in the Utah Code. However there will be a follow-up audit in 2005 which will be presented to the Natural

Resources, Agriculture and Environment Interim Committee of the Legislature, since the Task Force will no longer exist.

### **Are Utah’s taxpayers protected?**

All hazardous and solid waste facilities have to deposit some type of financial instrument with the State such as corporate guarantee, irrevocable letter of credit, etc. to guarantee the proper closure of the facility (at the end of useful life) and post-closure monitoring (30 years, except for Class A LLRW which is 100 years). The State will return this surety when the work is properly completed, but the State must cash in the financial instrument to hire the job done if the operator does not perform. Utah cannot tap into this financing for any other reason. Washington and South Carolina, the other two states with commercial nuclear waste facilities, have borrowed from their guarantee funds for other needs but have not yet repaid them.

During the 100 year post-closure period, there will be some DEQ monitoring of groundwater wells, air quality, maintenance of the integrity of fencing and warning signage. Nothing catastrophic is anticipated, although earthquakes, plane crashes, or even terrorism are within the realm of possibility.

In 2001 a Radioactive Waste Perpetual Care and Maintenance Fund was created to provide for the care of the Envirocare site in perpetuity following the 100-year post-closure period. This is not a Federal requirement. The amount was arbitrarily set at \$400,000/year paid by Envirocare until 2006 when the rate will be reviewed for adequacy by DEQ with results reported to the Legislative Management Committee. The State has control of the \$1.2 million accumulated to date. This fund can be used to cover closure and post-closure if other funds are inadequate. The Task Force decided that legislation regarding radioactive waste facility ownership during the perpetual care time period should be deferred.

### **Is Utah being adequately compensated?**

When Initiative 1 was proposed in 2002, Utahns learned that there was a nuclear waste tax. The initiative, which failed, would have increased the tax more than ten-fold and earmarked the revenue for schools and social service. It also would have banned Class B & C waste. This initiative was perceived by some as an attempt to drive Envirocare out of business, diverting its waste stream to government sites in Texas, Colorado, Idaho, and IUC as well as to the commercial sites in Washington and South Carolina. Refer to Envirocare Timeline in Appendix 1.

Since 2002, the nuclear waste taxes and regulatory fees have been increased by legislative action.

Fiscal Year	Radioactive Waste Tax Receipts	Regulatory Fees
2002	\$311,788	\$1,291,160
2003	\$2,430,592	\$1,625,647
2004	\$4,821,648	\$2,863,967

The amount of money generated by the waste tax can be seen as miniscule in the context of Utah's FY2004 budget of more than \$4 billion.

### **Comparative statistics**

The three commercial Low Level Waste sites are not directly comparable because Envirocare is the only one taking large volumes of material with low levels of radiation (clean-up dirt). The SC and WA sites are storing B&C and small amounts of A.

Facility	Volume (cubic feet)	Total Taxes/cubic ft	Total Taxes/curie
Envirocare	16,000,000	\$0.78	\$885
Barnwell, SC	62,000	\$81.00	\$446
Richland, WA	67,900	\$19.00	\$254

### **Proposed legislative action**

The only bill to emerge from the second year of the Task Force deliberations "tweaks" a few provisions of the Environmental Quality Code and Radioactive Waste Act for the following goals:

1. Require review of adequacy of financial assurances for closure, post-closure and perpetual care;
2. Increase penalties for some violations;
3. Provide that owner or operator of facility, not generator of material, is liable for fees;
4. Clarify fee structure when multiple fees apply;
5. Apply mixed waste gross receipts tax to material received from the government.

It was passed out favorably by the Natural Resources, Agriculture and Environment Interim Committee in November of 2004.

Notable for its absence is an outright ban on accepting B & C waste for storage. Senator Patrice Arent made a failed attempt to amend the bill to include such a prohibition. She has pre-filed a bill to do so for the 2005 session. It is possible that such a ban might cause Envirocare's new owners to file suit because it has a viable license for B&C that just needs legislative and gubernatorial approval as well as resolution of the site ownership issue.

# ENVIROCARE TIMELINE

## Late 1970's

Iranian immigrant Khosrow Semnani purchases land in Tooele County and receives a state permit to handle hazardous waste. The project is later sold.

## 1980's

Semnani purchases more Tooele County land and proposes a commercial disposal facility. The site is part of the land used to dispose of Vitro uranium mill tailings from South Salt Lake, meaning the state had paid for most of the environmental studies Semnani needs for the project.

## 1988

**February** – Envirocare of Utah receives its first license from the Utah Bureau of Radiation Control to dispose of contaminated dirt from cleanups.

## 1991

The company receives a low-level radioactive waste license and a hazardous waste permit to accept mixed (radioactive and hazardous) waste.

## 1993

The Nuclear Regulatory Commission approves a license to accept uranium mill tailings.

## 1996

**December** – After a lawsuit revealed the relationship, Semnani admits he made payments to Larry F. Anderson, director of the Utah Bureau of Radiation Control from 1983 until 1993; Semnani claims the piles of \$100 bills, gold coins and a Park City condominium were extorted by Anderson.

## 1997

**May** - Semnani temporarily steps down as president of Envirocare.  
**July** - The Environmental Protection Agency hits Envirocare with more than \$600,000 in fines for environmental violations, a slap at Utah environmental regulators whose \$79,000 fine for the same violations was viewed as inadequate by the EPA.

## 1998

**July** – Semnani pleads guilty to misdemeanor tax violation after he admitted to giving about \$600,000 to Anderson.

**December**- A federal judge fines Semnani \$100,000 for the tax evasion and he avoids jail.

## 1999

**May**- State officials investigate whether conflict-of-interest rules were violated when Semnani provided a loan guarantee in 1993 to a member of the Utah Board of Radiation Control. In June, they decide not to prosecute.

## 2001

**January** – Semnani files defamation lawsuit seeking at least \$5 million in damages, saying up to 25 people, including a state official, conspired to harm him and his company by spreading false and malicious rumors.

**September** – Jurors convict Anderson of cheating on his taxes, but clear him of extortion and misusing his office.

## 2003

**March** – Envirocare asks the Nuclear Regulatory Commission to allow it to receive highly radioactive uranium mill tailings from a Fernald, Ohio, site.

**July** – Semnani resumes the presidency of Envirocare.

**October** – Controversy and political backlash erupts after it is revealed an energy bill in Congress clears the way for highly concentrated waste from the Fernald site to be disposed of at Envirocare.

**November** – Voters defeat Initiative 1, which would have put more restrictions and taxes on Envirocare's operations; opponents, mostly Envirocare, spend nearly \$3 million to defeat the measure.

**November** - After a public outcry and opposition from Governor Olene Walker and others, Envirocare withdraws its request for a license for the Fernald waste.

## 2004

**March** – After the controversy over the Fernald waste, the Legislature approved a law requiring lawmakers and the governor to sin off on disposal of hotter and more hazardous chemical and radioactive waste.

**May** – An audit skewers the state for lax oversight of Envirocare.

**October** – After meeting for two years, a legislative task force recommends Envirocare not be allowed to accept hotter radioactive waste, but stops short of advocating an all-out ban.

**December 15** – Envirocare announces Semnani has sold the company to a New York investment group and local investors.

Source: The Department of Environmental Quality. *The Salt Lake Tribune*

