

19-3-310 Benefits agreement.

- (1) The department may not issue a construction and operating license under this part unless the applicant has entered into a benefits agreement with the department which is sufficient to offset adverse environmental, public health, social, and economic impacts to the state as a whole, and also specifically to the local area in which the facility is to be located.
- (2)
 - (a) The benefits agreement shall be attached to and made part of the terms of any license for the facility.
 - (b) Failure to adhere to the benefits agreement is a ground for the department to take enforcement action against the license, including permanent revocation of the license.
- (3) This part may not be construed or interpreted to affect the rights of any person or entity to bring claims against or reach agreements with the applicant for impacts from the facility independent of the benefits agreement.

Enacted by Chapter 348, 1998 General Session