

**MINUTES OF THE
NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT
INTERIM COMMITTEE**

Wednesday, April 19, 2000 - 9:00 a.m. - Room 303 State Capitol

Members Present:

Sen. Howard C. Nielson, Senate Chair
Rep. Bradley T. Johnson, House Chair
Sen. Joseph . Hull
Sen. Millie M. Peterson
Rep. Eli H. Anderson
Rep. Melvin R. Brown
Rep. Craig W. Buttars
Rep. Mary Carlson
Rep. David N. Cox
Rep. Fred J. Fife, III
Rep. James R. Gowans
Rep. Tom Hatch
Rep. Keele Johnson
Rep. Evan L. Olsen

Members Excused:

Sen. Leonard M. Blackham
Rep. Jordan Tanner

Members Absent:

Sen. Beverly Ann Evans
Rep. Matt Throckmorton
Rep. Bill Wright

Staff Present:

Ms. Constance C. Steffen,
Research Analyst
Ms. Jeanenne B. Larson,
Associate General Counsel
Ms. Joy L. Miller,
Legislative Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Committee Business - Chair Johnson called the meeting to order at 9:10 a.m.

Ms. Steffen briefly reviewed the list of potential study items that was mailed to the committee.

MOTION: Rep. Buttars moved to approve the minutes of November 17, 1999, with the clarification that the amendment to the draft bill, "Oil and Gas Conservation Account," provides that money in the account in excess of \$750,000 is transferred to the General Fund. The motion passed unanimously. Rep. Anderson was absent for the vote.

Mr. Craig Call, private property ombudsman, stated the issue of eminent domain needs to be reviewed in order to make sure all agencies are following the same rules and standards for the benefit of property owners and the agencies. He distributed an outline of the different responsibilities of some of the condemning entities and reviewed the inconsistencies that exist.

2. Grasshopper and Cricket Infestation - Rep. Gowans explained that grasshoppers continue to infest Tooele County and are now coming into Box Elder County. He distributed an emergency kit that has been mailed to 1,000 homeowners in the affected counties. Rep. Gowans

mentioned that currently \$500,000 is available to fight the problem of which \$260,000 is from the state. If other areas become infested, the U.S. Department of Agriculture will contribute an additional \$300,000. The Utah Department of Agriculture and Food has bait and spray available on a cost share basis.

Mr. Dick Wilson, Department of Agriculture and Food, said the department is pleased with the legislature's and the local communities' willingness to designate funds for the problem. The congressional delegation has been diligent in keeping pressure on Washington to obtain federal funding.

3. Proposal to Dispose of Class B and C Low-level Radioactive Waste - Mr. Bill Sinclair, Division of Radiation Control, briefed the committee on the proposal by Envirocare of Utah, Inc. to dispose of Class B and C radioactive waste. In the late 1980s, Utah experienced an explosion of commercial hazardous and radioactive waste facility applications or inquiries. A waste policy was established through legislative actions which outlines a carefully crafted process for developing a new facility or expanding an existing facility, including siting, licensing, and technical review by the Department of Environmental Quality (DEQ). A public policy decision on the facilities requires action from the county, legislature, and the governor.

Mr. Sinclair discussed the classification of radioactive waste. Class B and C waste account for approximately 3 percent of total low-level radioactive waste, but are more hazardous than other low-level radioactive waste and are almost always containerized. Typically Class B and C waste come from nuclear power plants. Class A waste is not as hazardous, comes from a wide variety of generators, and accounts for approximately 97 percent of all low-level radioactive waste.

Mr. Sinclair identified policy questions that need to be addressed by DEQ and the legislature. These include land ownership, generator site access, program needs for DEQ for appropriate oversight, past commercial waste policy considerations, and fees and taxes. He pointed out that DEQ has just concluded the public hearing phase of the siting process and will move on to the licensing process.

Ms. Nancy Sechrest, Envirocare, stated that when the Envirocare site was established in 1986, the original agreement with the county included all low-level radioactive waste, including Class B and C waste.

Ms. Dianne Nielson, DEQ, stated the governor has not taken a position on the Envirocare facility but is supportive of the process that is in place.

Mr. Steve Erickson, Downwinders, distributed information on radioactive waste. He stated that, in terms of radioactivity involved, the proposal to dispose of Class B and C waste is a gigantic leap, and critical technical review issues need to be addressed.

4. Drinking Water Standards for Arsenic - Mr. Kevin Brown, Division of Drinking Water, distributed information on arsenic in drinking water. He stated the current arsenic standard is 50 micrograms per liter. Congress ordered the Environmental Protection Agency (EPA) to lower the standard in the 1996 federal Safe Drinking Water Act reauthorization. There are few studies available upon which the lower standard is based. EPA is expected to propose lowering the arsenic standard to 5 micrograms per liter. He noted that approximately 20 percent of Utah's drinking water sources will exceed the expected proposed standard. Mr. Brown stated that it will be extremely costly to treat water to meet the 5 microgram per liter standard. Water bills could be raised five-fold for customers of small water utilities. EPA's proposal is expected to be published in June 2000. After that time, the public will have 60 days to comment on the proposal.

Mr. Bruce Costa, Central Utah Public Health Department, distributed information on the proposed arsenic regulation. He stated the new standard would have a significant financial impact on water users. There are 46 communities in the district that will be adversely affected by the arsenic proposal.

Rep. Styler commented that if the level is changed, small water systems will not be able to afford the required treatment, and their customers may be forced to go back to using their own wells which are very high in arsenic content.

Commissioner LaVar Cox, Millard County, requested the support of the committee during the comment period. The issue affects many counties in the state. He said the state would not be able to receive enough federal funding to take care of the entire problem.

Mr. Russ Donohue, Rural Water Association, commented that Delta City uses four wells for drinking water. The arsenic content ranges from 10 parts to 23 parts per billion. The average water bill per month is \$20. It is estimated that if the rule is set at 10 parts per billion or below, the cost to the city would be approximately \$10 million in capital costs to treat the four wells and \$250,000 per year for maintenance and operation costs. The average water bill would be raised to approximately \$76 per month. He asked that fair and sound science lead the way in the process.

MOTION: Rep. Cox moved to draft a letter to the EPA, Utah's congressional delegation, and the governor detailing the committee's opposition to the imposition of the proposed lower standard. The letter should mention the damaging effect of forcing the standard

on water systems which may need to be shut down and in turn force individuals to return to using their own wells that contain a higher arsenic level. He recommended the affected counties also send a letter. The motion passed unanimously. Rep. Carlson was absent for the vote.

5. Boat Operator Licensing - Ted Woolley, Division of Parks and Recreation, distributed information on boat registrations and accidents. Over the past year an ad hoc committee has been working on a strategic plan for boating. He said one key issue that has been raised continually is education on boating laws and rules. Ninety-two percent of boaters surveyed feel knowledge of boating laws and rules is important. Over 60 percent believe some type of mandatory education program should be in place. There are currently 33 states that have mandatory boater education or operator licensing in effect. Mr. Woolley referred to the summary of Utah boating accidents. Many water managers would like to limit the number of boats on the water at any given time. Rather than limiting boaters, he proposed a testing procedure be adopted to determine a certain level of boating safety. Tests would be given at the driver licensing facilities.

Sen. Nielson requested that a specific proposal be drafted and brought before the committee in a future meeting.

6. Other Business - Rep. Hatch stated the Wildlife Board is considering a proposal to increase the number of elk within the Panguitch Lake elk management unit by 400 head. He distributed a letter requesting that the Dixie National Forest and the Division of Wildlife Resources make an agreement that before the Forest Service reduces the number of cattle on forest grazing allotments, the number of elk be reduced.

MOTION: Rep. Hatch moved to request the chair sign the letter and send it to the Wildlife Board. The motion passed unanimously. Reps. Brown and Carlson were absent for the vote.

MOTION: Sen. Peterson moved to adjourn the meeting at 12:00 p.m. The motion passed unanimously.