

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

Wednesday, November 14, 2001 - 2:00 p.m. - Room 303 State Capitol

Members Present:

Rep. Bradley T. Johnson, House Chair
Sen. Mike Dmitrich
Rep. Eli H. Anderson
Rep. Roger E. Barrus
Rep. Jackie Biskupski
Rep. Craig W. Butters
Rep. David N. Cox
Rep. Margaret Dayton
Rep. Glenn A. Donnelson
Rep. Fred J. Fife III
Rep. James R. Gowans
Rep. Thomas Hatch
Rep. Darin G. Peterson
Rep. Michael R. Styler

Members Absent:

Sen. Parley G. Hellewell, Senate Chair
Sen. Leonard M. Blackham
Sen. Bill Wright
Rep. Stephen H. Urquhart

Staff Present:

Mr. Brian Allred, 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 can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or contact the Office of Legislative Research and General Counsel.

1. Committee Business

Chair Johnson called the meeting to order at 2:25 p.m. He explained that Sen. Hellewell was excused due to a death in his family.

MOTION: Rep. Gowans moved to approve the minutes of the October 24, 2001 meeting. The motion passed unanimously with Rep. Biskupski absent for the vote.

2. Repeal of Title 19, Chapter, Radiation Control Act

Mr. Brent Bradford, deputy director, Department of Environment Quality, explained that the Radiation Control Act is scheduled to sunset on July 1, 2002. He requested the committee consider reauthorizing the act for an additional ten years.

Mr. Jason Groenewold, Families Against Incinerator Risk, distributed a letter from the Nuclear Regulatory Commission regarding an issue related to a land use exemption that Envirocare would be required to obtain in order to accept higher levels of radioactive waste at its landfill. He stated that land use exemptions are better left to the Legislature to decide. He stressed the need to separate the powers between the executive branch and the administrative body.

MOTION: Rep. Hatch moved to recommend reauthorization of the Radiation Control Act. The motion passed unanimously with Rep. Anderson and Rep. Biskupski absent for the vote.

3. Disposal of Class A Waste

Mr. Kent Bradford, Western Zirconium, distributed two handouts concerning the Westinghouse Electric Company's Western Zirconium Plant. He gave a brief slide presentation of the facility. He said they are one of the largest employers in Weber County. The zirconium produced at the facility is used by the commercial nuclear fuel industry to make fuel rods that ultimately become the fuel assembly that powers nuclear reactors. Mr. Bradford explained that Utah generators are required by the Compact (Northwest Interstate Compact on Low-Level Radioactive Waste) to send waste to the state of Washington. Allowing Utah generators access to the Utah disposal site would eliminate the disparity of allowing higher-risk out-of-state wastes to be disposed within Utah while prohibiting low-risk in-state wastes from local disposal. Operating costs for Utah businesses would be lowered making them more able to compete globally. He noted that it would also provide the opportunity to increased state tax revenue. Mr. Bradford indicated that at the next compact meeting, Western Zirconium and the Utah Division of Radiation Control will propose changes to the Compact's document called the "Second Amended Resolution and Order." He requested the committee's support for language changes that will permit low-level waste disposal by Utah companies at the privately owned Envirocare facility without Compact approval for each disposal arrangement. The Utah Division of Radiation Control would review and approve of such disposal before it occurs.

Rep. Johnson distributed a draft letter from the committee cochairs addressed to Mr. Mike Garner, executive director of the Compact, expressing support for the proposed language changes.

Mr. Bill Sinclair, director, Division of Radiation Control, explained that Utah has been a member of the compact since 1982, prior to there being any low-level radioactive waste site in the state. When Envirocare was built, the Compact then had two facilities which is unique in the nation. An arrangement was made with Envirocare to take the types of waste the Compact felt was appropriate for Envirocare to take. The Compact offers other states the opportunity, through the Second Amended Resolution and Order, to send waste to Envirocare, however, Compact member states must send their waste to the Washington facility. He expressed his support for the proposed language changes.

MOTION: Rep. Gowans moved to approve the letter that has been drafted. The motion passed unanimously with Rep. Biskupski absent for the vote.

4. Utah State Fairpark Study

Mr. Richard Prows, chair, Utah State Fairpark Study Committee, distributed a handout "Utah State Fairpark Study Committee Interim Report." He explained that S.B. 253 which was passed during the 2001 General Session charged the committee with studying the use of the land and facilities in the State Fairpark. He said with the assistance of the DFCM (Division of Facilities Construction and Management) two requests for proposal were developed. The first request was for the utilization of the current fairpark location for further development, year-round use, and production of an enhanced historic annual fair. The second request for proposal was for the development of an enhanced annual state fair on property owned by the developer or another site to be identified by the proposal. Mr. Prows stated that only one proposer responded to the first request and no one responded to the second request. The responsive proposer is

Mr. Steve Hennessey, president of 24p Street, a local film editor. Mr. Prows reviewed the scope of work and proposal as submitted by Mr. Hennessey.

Mr. Prows requested that the committee consider extending the study committee for at least another six months in order to monitor the progress of the developer's proposal. He stressed the importance for the Legislature to retain the current location of the State Fairpark. The Legislature should also make a firm commitment to provide a permanent means of funding the maintenance and development of the fairpark. Mr. Prows stated that if the 24p Street final proposal proves to be viable, the study committee will make a specific recommendation to the Legislature at that time.

Ms. Donna Dahl, director, Utah State Fairpark, thanked the Legislature for supporting the fairpark. She pointed out that the state fairpark is valuable to the people of the state as evidenced by the signatures of over 18,000 individuals indicating their support for keeping the state fair at the fairpark.

5. Report of the Task Force on Implementation of Water Fluoridation

Rep. Lamont Tyler, cochair, Task Force on Implementation of Water Fluoridation, distributed a handout "2001 Implementation of Water Fluoridation Task Force Final Report, November 14, 2001." The task force met and reviewed the issues as outlined in statute. It was recommended that local health departments representing counties, municipalities, or districts that have adopted fluoridation should determine implementation rules in consultation with the Department of Health and the Department of Environmental Quality. Chemicals used in fluoridation should meet the National Sanitation Foundation's standards for safe drinking water. Rep. Tyler stated the task force also recommends that legislation be prepared to allow a public water system whose entire water inventory is fluoridated to supply water to a residence or business in an adjacent municipality or county that has not approved fluoridation under certain circumstances. Legislation should also be prepared to grant a waiver to a public water system that supplies water from its fluoridated inventory to a municipality or county that has not approved fluoridation if it is due to a short-term emergency and the public water system ceases to provide fluoridated water in a time consistent with repair times following best industrial practice.

Rep. Tyler distributed draft legislation "Fluoridation of Public Water Systems in an Emergency." The bill allows a public water system to supply fluoridated water to a county or municipality that has not approved fluoridation under emergency circumstances.

Rep. David Hogue, member, Task Force on Implementation of Water Fluoridation, reviewed draft legislation "Access to Fluoridated Water." He explained the bill would allow a fluoridated water system to supply water to a resident in an adjacent municipality or county which has not approved fluoridation upon the request of a resident.

Sen. Steven Poulton, cochair, Task Force on Implementation of Water Fluoridation, explained that the task force voted on the recommendation to draft legislation but did not specifically vote on the two pieces of legislation before the committee.

MOTION: Rep. Fife moved to adopt proposed legislation "Fluoridation of Public Water Systems in an Emergency" as a committee bill. The motion passed unanimously with Rep. Buttars, Rep. Hatch, and Rep. Styler absent for the vote.

MOTION: Sen. Dmitrich moved to adopt proposed legislation "Access to Fluoridated Water" as a committee bill. The motion passed with Rep. Barrus, Rep. Cox, and Rep. Donnelson voting in opposition and Rep. Buttars, Rep. Hatch, and Rep. Styler absent for the vote.

6. Other Committee Business

Dr. Mike Marshall, State Veterinarian, explained that an elk exposed to CWD (Chronic Wasting Disease) was shipped from a ranch in Colorado to Utah. The Colorado ranch contained an elk which tested positive for CWD. Due to the fact that there were 3-4 elk with CWD in the United States, the Secretary of Agriculture declared a national emergency. The elk that was exposed to CWD was destroyed. He noted there was no evidence of the disease in the elk. Dr. Marshall stated there are 33 other elk which came from the same ranch in Colorado. Although none of those elk had been exposed to CWD, they are in the process of being destroyed. Of the test results received, all have come back negative. Dr. Marshall felt that chances are remote of having any CWD in the state.

MOTION: Rep. Anderson moved to adjourn the meeting. The motion passed unanimously with Rep. Barrus, Rep. Biskupski, Rep. Buttars, Rep. Cox, Rep. Hatch, and Rep. Styler absent for the vote. Chair Johnson adjourned the meeting at 4:30 p.m.