



30 Section 1. Section **19-5-102** is amended to read:

31 **19-5-102. Definitions.**

32 As used in this chapter:

33 (1) "Agriculture discharge":

34 (a) means the release of agriculture water from the property of a farm, ranch, or feed lot  
35 that:

36 (i) pollutes a surface body of water, including a stream, lake, pond, marshland,  
37 watercourse, waterway, river, ditch, and other water conveyance system of the state;

38 (ii) pollutes the ground water of the state; or

39 (iii) constitutes a significant nuisance on urban land; and

40 (b) does not include:

41 (i) runoff from a farm, ranch, or feed lot or return flows from irrigated fields onto land  
42 that is not part of a body of water; or

43 (ii) a release into a normally dry water conveyance to an active body of water, unless  
44 the release reaches the water of a lake, pond, stream, marshland, river, or other active body of  
45 water.

46 (2) "Agriculture water" means:

47 (a) water used by a farmer, rancher, or feed lot for the production of food, fiber, or fuel;

48 (b) return flows from irrigated agriculture; and

49 (c) agricultural storm water runoff.

50 [~~1~~] (3) "Board" means the Water Quality Board created in Section 19-1-106.

51 (4) "Commission" means the Conservation Commission created in Section 4-18-4.

52 [~~2~~] (5) "Contaminant" means any physical, chemical, biological, or radiological  
53 substance or matter in water.

54 [~~3~~] (6) "Discharge" means the addition of any pollutant to any waters of the state.

55 [~~4~~] (7) "Discharge permit" means a permit issued to a person who:

56 (a) discharges or whose activities would probably result in a discharge of pollutants  
57 into the waters of the state; or

58 (b) generates or manages sewage sludge.

59 [~~5~~] (8) "Disposal system" means a system for disposing of wastes, and includes  
60 sewerage systems and treatment works.

61 [~~6~~] (9) "Effluent limitations" means any restrictions, requirements, or prohibitions,  
62 including schedules of compliance established under this chapter which apply to discharges.

63 [~~7~~] (10) "Executive secretary" means the executive secretary of the board.

64 [~~8~~] (11) "Point source":

65 (a) means any discernible, confined, and discrete conveyance, including but not limited  
66 to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock,  
67 concentrated animal feeding operation, or vessel or other floating craft, from which pollutants  
68 are or may be discharged; and

69 (b) does not include return flows from irrigated agriculture.

70 [~~9~~] (12) "Pollution" means any man-made or man-induced alteration of the chemical,  
71 physical, biological, or radiological integrity of any waters of the state, unless the alteration is  
72 necessary for the public health and safety.

73 [~~10~~] (13) "Publicly owned treatment works" means any facility for the treatment of  
74 pollutants owned by the state, its political subdivisions, or other public entity.

75 [~~11~~] (14) "Schedule of compliance" means a schedule of remedial measures,  
76 including an enforceable sequence of actions or operations leading to compliance with this  
77 chapter.

78 [~~12~~] (15) "Sewage sludge" means any solid, semisolid, or liquid residue removed  
79 during the treatment of municipal wastewater or domestic sewage.

80 [~~13~~] (16) "Sewerage system" means pipelines or conduits, pumping stations, and all  
81 other constructions, devices, appurtenances, and facilities used for collecting or conducting  
82 wastes to a point of ultimate disposal.

83 [~~14~~] (17) "Treatment works" means any plant, disposal field, lagoon, dam, pumping  
84 station, incinerator, or other works used for the purpose of treating, stabilizing, or holding  
85 wastes.

86           ~~[(15)]~~ (18) "Underground injection" means the subsurface emplacement of fluids by  
87 well injection.

88           ~~[(16)]~~ (19) "Underground wastewater disposal system" means a system for disposing of  
89 domestic wastewater discharges as defined by the board and the executive director.

90           ~~[(17)]~~ (20) "Waste" or "pollutant" means dredged spoil, solid waste, incinerator  
91 residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials,  
92 radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and  
93 industrial, municipal, and agricultural waste discharged into water.

94           ~~[(18)]~~ (21) "Waters of the state":

95           (a) means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs,  
96 irrigation systems, drainage systems, and all other bodies or accumulations of water, surface  
97 and underground, natural or artificial, public or private, which are contained within, flow  
98 through, or border upon this state or any portion of the state; and

99           (b) does not include bodies of water confined to and retained within the limits of  
100 private property, and which do not develop into or constitute a nuisance, a public health hazard,  
101 or a menace to fish or wildlife.

102           Section 2. Section **19-5-105** is amended to read:

103           **19-5-105. Rulemaking authority and procedure.**

104           (1) Except as provided in ~~[Subsection]~~ Subsections (2) and (3), no rule ~~[which]~~ that the  
105 board makes for the purpose of the state administering a program under the federal Clean  
106 Water Act or the federal Safe Drinking Water Act may be more stringent than the  
107 corresponding federal regulations which address the same circumstances. In making rules, the  
108 board may incorporate by reference corresponding federal regulations.

109           (2) The board may make rules more stringent than corresponding federal regulations  
110 for the purpose described in Subsection (1), only if it makes a written finding after public  
111 comment and hearing and based on evidence in the record that the corresponding federal  
112 regulations are not adequate to protect public health and the environment of the state. Those  
113 findings shall be accompanied by an opinion referring to and evaluating the public health and

114 environmental information and studies contained in the record which form the basis for the  
115 board's conclusion.

116 (3) The board may make rules related to agriculture water more stringent than the  
117 corresponding federal regulations if the commission approves.

118 Section 3. Section **19-5-105.5** is enacted to read:

119 **19-5-105.5. Agriculture water.**

120 (1) (a) The board shall draft any rules relating to agriculture water in cooperation with  
121 the commission.

122 (b) The commission shall advise the board before the board may adopt rules relating to  
123 agriculture water.

124 (2) A program or rule adopted by the board for agriculture production or irrigation  
125 water shall:

126 (a) be consistent with the federal Clean Water Act; and

127 (b) if possible, be developed in a voluntary cooperative program with the agriculture  
128 producer associations and the commission.

129 (3) (a) The board's authority to regulate a discharge is subject to Subsection (3)(b)  
130 relating to an agriculture discharge.

131 (b) (i) A person responsible for an agriculture discharge shall mitigate the resulting  
132 damage in a reasonable manner, as approved by the executive secretary after consulting with  
133 the commission chair.

134 (ii) A penalty imposed on an agriculture discharge shall be proportionate to the  
135 seriousness of the resulting harm, as determined by the executive secretary in consultation with  
136 the commission chair.

137 (iii) An agriculture producer may not be held liable for an agriculture discharge  
138 resulting from a large weather event if the agriculture producer has taken reasonable measures,  
139 as the board defines by rule, to prevent an agriculture discharge.