



MINUTES

SENATE NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT STANDING COMMITTEE

Monday, February 3, 2020 | 2:00 p.m. | 220 Senate Building

Members Present:

Sen. Ralph Okerlund, Chair
Sen. Allen M. Christensen
Sen. Keith Grover
Sen. David P. Hinkins
Sen. Jani Iwamoto
Sen. Derek L. Kitchen
Sen. Scott D. Sandall

Sen. Evan J. Vickers

Members Absent:

Sen. Jerry W. Stevenson

Staff Present:

Nathan W. Brady, Policy Analyst
Paula Morgan, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Okerlund called the meeting to order.

MOTION: Sen. Hinkins moved to approve the minutes from January 29, 2020. The motion passed with a vote of 4 - 0 - 5.

Yeas-4

Sen. K. Grover
Sen. D. Hinkins
Sen. R. Okerlund
Sen. E. Vickers

Nays-0

Absent-5

Sen. A. Christensen
Sen. J. Iwamoto
Sen. D. Kitchen
Sen. S. Sandall
Sen. J. Stevenson

1 . H.B. 27 Waste Tire Recycling Act Amendments (*Chew, S.*)

[Wast tire recycling Act Amendments](#)

Rep. Chew explained the bill.

Craig Hall Sr., Attorney, TJ Landfill, spoke to the bill.

MOTION: Sen. Vickers moved to move to the next item on the agenda. The motion passed with a vote of 6 - 0 - 3.

Yeas-6

Sen. A. Christensen
Sen. K. Grover
Sen. D. Hinkins
Sen. D. Kitchen
Sen. R. Okerlund
Sen. E. Vickers

Nays-0

Absent-3

Sen. J. Iwamoto
Sen. S. Sandall
Sen. J. Stevenson

2 . H.B. 39 Agricultural Water Optimization Task Force Amendments (*Snider, C.*)

Rep. Snider explained the bill.

Wade Garrett, Utah Farm Bureau, spoke in favor of the bill.

MOTION: Sen. Hinkins moved to pass H.B. 39 out favorably. The motion passed with a vote of 7 - 0 - 2.

Yeas-7

Sen. A. Christensen
Sen. K. Grover
Sen. D. Hinkins
Sen. J. Iwamoto
Sen. D. Kitchen
Sen. R. Okerlund
Sen. E. Vickers

Nays-0

Absent-2

Sen. S. Sandall
Sen. J. Stevenson

MOTION: Sen. Hinkins moved to place H.B. 39 on the Consent Calendar. The motion passed with a vote of 7 - 0 - 2.

Yeas-7

Sen. A. Christensen
Sen. K. Grover
Sen. D. Hinkins
Sen. J. Iwamoto
Sen. D. Kitchen
Sen. R. Okerlund
Sen. E. Vickers

Nays-0

Absent-2

Sen. S. Sandall
Sen. J. Stevenson

Sen. Iwamoto assumed the chair.

3 . S.B. 88 Environmental Quality Revisions (Okerlund, R.)

Sen. Okerlund explained the bill.

Scott Baird, Executive Director, Utah Department of Environmental Quality, spoke to the bill.

MOTION: Sen. Okerlund moved to amend S.B. 88 with Amendment #1. The motion passed with a vote of 7 - 0 - 2.

Amendment 1
S.B. 88

1. Page 2, Line 30:

30 {~~→ modifies the procedure for the Water Quality Board to make rules;~~}

2. Page 3, Line 63:

63 {~~19-5-105, as last amended by Laws of Utah 2011, Chapter 155~~}

3. Page 24, Lines 711 through 720:

711 (i) pollutes a {+}surface body of water, including a stream, lake, pond, marshland,
712 watercourse, waterway, river, ditch, and other water conveyance system of the state;

(ii)

713 pollutes the ground water of the state{+}{~~water of the state~~}; or

714 {+}(iii){+}{~~(iii)~~} constitutes a significant nuisance on urban land; and

715 (b) does not include:

716 (i) runoff from a farm, ranch, or feed lot or return flows from irrigated fields onto land

717 that is not part of a {+}body of{+} water {~~of the state~~}; or

718 (ii) a release into a normally dry water conveyance [~~to an active body of water~~], unless

719 the release reaches {+}the water of a lake, pond, stream, marshland, river, or other active body of{+}

720 {~~a~~} water {~~of the state~~}.

4. Page 32, Line 976 through Page 33, Line 992:

976 {~~Section 15. Section 19-5-105 is amended to read:~~

977 ~~19-5-105. Rulemaking authority and procedure:~~

978 ~~(1) Except as provided in Subsections (2) and (3), [no] a rule that the board makes for~~

979 ~~the purpose of the state administering a program under the federal Clean Water Act or the~~

980 ~~federal Safe Drinking Water Act may not be more stringent than the corresponding federal~~

981 ~~regulations [which] that address the same circumstances. In making rules, the board may~~
982 ~~incorporate by reference corresponding federal regulations.~~
983 ~~—(2) The board may make rules more stringent than corresponding federal regulations~~
984 ~~for the purpose described in Subsection (1), only if [it] the board makes a written finding after~~
985 ~~public comment and hearing and based on evidence in the record that the corresponding federal~~
986 ~~regulations are not adequate to protect public health and the environment of the state. Those~~
987 ~~findings shall be accompanied by an opinion referring to and evaluating the public health and~~
988 ~~environmental information and studies contained in the record which form the basis for the~~
989 ~~board's conclusion.~~
990 ~~—(3) The board may make rules related to agriculture water more stringent than the~~
991 ~~corresponding federal regulations [if the commission approves] after consulting with the~~
992 ~~commission.]~~

Renumber remaining sections accordingly.

Yeas-7

Sen. K. Grover
Sen. D. Hinkins
Sen. J. Iwamoto
Sen. D. Kitchen
Sen. R. Okerlund
Sen. S. Sandall
Sen. E. Vickers

Nays-0

Absent-2

Sen. A. Christensen
Sen. J. Stevenson

MOTION: Sen. Okerlund moved to pass S.B. 88 out favorably. The motion passed with a vote of 7 - 0 - 2.

Yeas-7

Sen. K. Grover
Sen. D. Hinkins
Sen. J. Iwamoto
Sen. D. Kitchen
Sen. R. Okerlund
Sen. S. Sandall
Sen. E. Vickers

Nays-0

Absent-2

Sen. A. Christensen
Sen. J. Stevenson

Sen. Okerlund resumed the chair.

4 . H.J.R. 3 Proposal to Amend Utah Constitution – Water Resources of Municipalities (Stratton, K.)

Rep. Stratton explained the bill.

Steven Clyde, Attorney, Executive Water Task Force, spoke to the bill.

Rep. Stratton continued with the explanation.

MOTION: Sen. Sandall moved to pass H.J.R. 3 out favorably. The motion passed with a vote of 7 - 0 - 2.

Yeas-7

Sen. K. Grover
Sen. D. Hinkins
Sen. J. Iwamoto
Sen. D. Kitchen
Sen. R. Okerlund
Sen. S. Sandall
Sen. E. Vickers

Nays-0

Absent-2

Sen. A. Christensen
Sen. J. Stevenson

MOTION: Sen. Hinkins moved to adjourn. The motion passed with a vote of 7 - 0 - 2.



Yeas-7

Sen. K. Grover
Sen. D. Hinkins
Sen. J. Iwamoto
Sen. D. Kitchen
Sen. R. Okerlund
Sen. S. Sandall
Sen. E. Vickers

Nays-0

Absent-2

Sen. A. Christensen
Sen. J. Stevenson

Chair Okerlund ajourned the meeting at 2:51 PM.