

Effective 5/13/2014

19-5-105.6 Agriculture Certificate of Environmental Stewardship.

- (1) As used in this section:
 - (a) "Agriculture operation" means a farm, ranch, or animal feeding operation.
 - (b) "Approved agriculture environmental stewardship program" means a program:
 - (i) created under Section 4-18-107;
 - (ii) that is approved by the board; and
 - (iii) that includes practices and other requirements sufficient to prevent violations of the Utah Pollutant Discharge Elimination System program, statute, or rules.
 - (c) "Certified agriculture operation" means an agriculture operation that has current certification under an approved agriculture certificate of environmental stewardship program and that is in compliance with the requirements of that certification.
- (2)
 - (a) The division may not require a certified agriculture operation to implement additional or different practices to control nonpoint source discharges for the purpose of meeting total maximum daily load requirements.
 - (b) If the division implements additional or different best management practices to control nonpoint source discharges, those best management practices shall be effective on a certified agriculture operation upon the expiration of the operation's certificate, as described in Subsection 4-18-107(4).
- (3) Notwithstanding Subsection (2), a certified agriculture operation may be required to undertake projects or additional best management practices for the purpose of meeting the total maximum daily load requirements under the following conditions:
 - (a) the certified agriculture operation has nonpoint source discharges to surface waters in an impaired watershed that is covered by an approved total maximum daily load;
 - (b) the board, in consultation with the Conservation Commission, has determined that the best management practice or project is necessary to restore water quality in the affected watershed; and
 - (c) the project or best management practice is funded:
 - (i) at least 75% by the state, federal government sources, or private sources other than the certified agriculture operation; or
 - (ii) at least 90% by the state, federal government sources, or private sources other than the certified agriculture operation if the director, commissioner of the Department of Agriculture and Food, and director of the Utah State University Extension service, or their designees, determine by majority vote that the requirements of Subsection (3)(b) pose a serious financial hardship to the certified agriculture operation.
- (4) The division shall consider an agriculture operation's compliance with certification under an approved agriculture environmental stewardship program as a mitigating factor for any penalty purposes.

Enacted by Chapter 383, 2014 General Session