

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

138a measures ~~to~~ , as the board defines by rule, ~~to~~

139 to prevent an agriculture discharge.