

Representative Julie Fisher proposes the following substitute bill:

WATER QUALITY BOARD POWERS AND DUTIES

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Julie Fisher

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill amends the Water Quality Act by modifying the duties and responsibilities of the Water Quality Board and requiring legislative approval for certain recommendations.

Highlighted Provisions:

This bill:

- ▶ defines the term "total maximum daily load";
- ▶ authorizes the Water Quality Board to review all total daily maximum load reports and recommendations before submission to the EPA;
- ▶ authorizes the Water Quality Board to disapprove, approve, or approve with conditions all total daily maximum load recommendations;
- ▶ authorizes the Water Quality Board to provide suggestions to the Division of Water Quality in the event a total daily maximum load strategy is rejected;
- ▶ requires that any board-approved strategy or recommendation that will cost between ~~Ⓗ~~ → **[\$5,000,000] \$10,000,000** ← ~~Ⓗ~~ and \$100,000,000 be reviewed by the Legislative Interim Committee for Natural Resources, Agriculture and Environment;
- ▶ requires that any board-approved strategy or recommendation that will cost over \$100,000,000 be approved by the Legislature; and

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212 (ii) has been employed at least 10 years in the operation of that treatment works or
213 sewerage system prior to March 16, 1991; and

214 (iii) demonstrates to the board the operator's capability to operate the treatment works
215 or sewerage system at which the operator is currently employed by providing employment
216 history and references as required by the board.

217 Section 3. Section **19-5-104.5** is enacted to read:

218 **19-5-104.5. Legislative approval.**

219 (1) Before sending a board-approved report, strategy, or recommendation that will
220 recommend a total maximum daily load end point and implementation strategy to the EPA for
221 review and approval, the Water Board shall submit the report, strategy, or recommendation:

222 (a) for review to the Natural Resources, Agriculture, and Environment Interim
223 Committee if the report, strategy, or recommendation will require a public ~~§~~→ or private ←~~§~~
223a expenditure in

224 excess of ~~Ĥ~~→ [\$5,000,000] \$10,000,000 ←~~Ĥ~~ but less than \$100,000,000 for compliance; or

225 (b) for approval to the Legislature if the strategy will require a public ~~§~~→ or private ←~~§~~
225a expenditure of
226 \$100,000,000 or more.

227 (2) In reviewing a report, strategy, or recommendation, the Natural Resources,
228 Agriculture, and Environment Interim Committee may:

229 (a) suggest additional areas of consideration; or

230 (b) recommend the report, strategy, or recommendation be re-evaluated by the Water
231 Quality Board.

232 Section 4. **Effective date.**

233 This bill takes effect on July 1, 2012.