

26 **19-5-104.5. Legislative approval.**

27 (1) Before sending a board-approved report, strategy, or recommendation that will
 28 recommend a total maximum daily load end point and implementation strategy to the EPA for
 29 review and approval, ~~[the Water Quality Board]~~ or before the board adopts a state established
 30 nitrogen, phosphorus, or ammonia rule or standard, the board shall submit the report, strategy,
 31 rule, standard, or recommendation:

32 (a) for review to the Natural Resources, Agriculture, and Environment Interim
 33 Committee if the report, strategy, rule, standard, or recommendation will require [a] an
 34 individual ~~H→~~ public ~~←H~~ facility ~~H→~~ , or a group of private agricultural facilities, ~~←H~~ with
 34a an approved Utah pollutant discharge elimination system permit ~~H→~~ or a group of private
 34b entities ~~←H~~ to
 35 make ~~H→~~ [a public or private] an ~~←H~~ expenditure in excess of \$10,000,000 but less than
 35a \$100,000,000 for
 36 compliance either through an initial capital investment or through operational costs over a
 37 20-year period; or

38 (b) for approval to the Legislature if the strategy, rule, or standard will require [a] an
 39 individual ~~H→~~ public ~~←H~~ facility ~~H→~~ , or a group of private agricultural facilities, ~~←H~~ with
 39a an approved Utah pollutant discharge elimination system permit ~~H→~~ or a group of private
 39b entities ~~←H~~ to
 40 make ~~H→~~ [a public or private] an ~~←H~~ expenditure of \$100,000,000 or more either through an
 40a initial capital
 41 investment or through operational costs over a 20-year period.

42 ~~[(2) In reviewing a report, strategy, or recommendation, the Natural Resources,~~
 43 ~~Agriculture, and Environment Interim Committee may:]~~

44 ~~[(a) suggest additional areas of consideration; or]~~

45 ~~[(b) recommend the report, strategy, or recommendation be re-evaluated by the Water~~
 46 ~~Quality Board:]~~

47 (2) (a) An impacted facility, using an independent licensed engineer employed by a
 48 facility, shall determine an expenditure under Subsection (1)(a) or (b) using industry accepted
 49 project budgetary cost estimate methods.

50 (b) The board may evaluate and report on an expenditure estimate determined under
 51 Subsection (2)(a).

52 (3) In conducting a review under Subsection (1)(a), the Natural Resources, Agriculture,
 53 and Environment Interim Committee:

54 (a) shall consider the impact of the report, strategy, rule, standard, or recommendation
 55 on:

56 (i) economic costs and benefits;