

- 28 ▶ clarifies powers and duties of the Water Quality Board;
- 29 ▶ provides for legislative review of total maximum daily load, rules, and standards;
- 30 ~~§→ [→ **modifies the procedure for the Water Quality Board to make rules;** ← §~~
- 31 ▶ modifies rules related to a penalty imposed on an agriculture discharge;
- 32 ▶ allows for discharge permits to be renewed;
- 33 ▶ addresses limitations on effluent limitations standards;
- 34 ▶ modifies definitions related to the Solid and Hazardous Waste Act;
- 35 ▶ addresses the powers of the Waste Management and Radiation Control Board,
- 36 including rulemaking;
- 37 ▶ modifies provisions related to the director of the Division of Waste Management
- 38 and Radiation Control;
- 39 ▶ addresses proof of service;
- 40 ▶ allows a designee of the executive director to issue enforceable written assurances;
- 41 ▶ addresses violations related to used oil management; and
- 42 ▶ makes technical and conforming amendments.

43 **Money Appropriated in this Bill:**

44 None

45 **Other Special Clauses:**

46 None

47 **Utah Code Sections Affected:**

48 AMENDS:

- 49 **19-1-106**, as last amended by Laws of Utah 2015, Chapter 451
- 50 **19-1-201**, as last amended by Laws of Utah 2019, Chapter 338
- 51 **19-2-108**, as last amended by Laws of Utah 2015, Chapters 154 and 441
- 52 **19-2-109.1**, as last amended by Laws of Utah 2015, Chapter 154
- 53 **19-4-104**, as repealed and reenacted by Laws of Utah 2018, Second Special Session,
- 54 Chapter 5
- 55 **19-4-106**, as last amended by Laws of Utah 2012, Chapter 360
- 56 **19-4-107**, as last amended by Laws of Utah 2012, Chapter 360
- 57 **19-4-109**, as last amended by Laws of Utah 2012, Chapter 360
- 58 **19-4-114**, as repealed and reenacted by Laws of Utah 2018, Second Special Session,

59 Chapter 5

60 19-5-102, as last amended by Laws of Utah 2015, Chapter 451

61 19-5-104, as last amended by Laws of Utah 2012, Chapter 360

62 19-5-104.5, as last amended by Laws of Utah 2019, Chapter 454

63 ~~§~~ → [~~19-5-105, as last amended by Laws of Utah 2011, Chapter 155~~] ← ~~§~~

64 19-5-105.5, as last amended by Laws of Utah 2012, Chapter 360

65 19-5-108, as last amended by Laws of Utah 2012, Chapter 360

66 19-5-116, as last amended by Laws of Utah 2011, Chapter 297

67 19-6-102, as last amended by Laws of Utah 2019, Chapter 152

68 19-6-102.1, as last amended by Laws of Utah 2018, Chapter 281

69 19-6-104, as last amended by Laws of Utah 2019, Chapter 152

70 19-6-105, as last amended by Laws of Utah 2018, Chapter 281

71 19-6-107, as last amended by Laws of Utah 2015, Chapter 451

72 19-6-108, as last amended by Laws of Utah 2019, Chapter 152

73 19-6-114, as renumbered and amended by Laws of Utah 1991, Chapter 112

74 19-6-120, as last amended by Laws of Utah 2012, Chapter 360

75 19-6-326, as last amended by Laws of Utah 2008, Chapter 382

76 19-6-502, as last amended by Laws of Utah 2019, Chapter 152

77 ENACTS:

78 19-3-103.1, Utah Code Annotated 1953

79 19-3-108.1, Utah Code Annotated 1953

80 19-6-721.1, Utah Code Annotated 1953



82 *Be it enacted by the Legislature of the state of Utah:*

83 Section 1. Section 19-1-106 is amended to read:

84 **19-1-106. Boards within department.**

85 (1) The following policymaking boards are created within the department:

86 (a) the Air Quality Board, appointed under Section 19-2-103;

87 (b) the Drinking Water Board, appointed under Section 19-4-103;

88 (c) the Water Quality Board, appointed under Section 19-5-103; and

89 (d) the Waste Management and Radiation Control Board, appointed under Section

710 that:

711 (i) pollutes a ~~§~~ [f] ~~§~~ surface body of water, including a stream, lake, pond, marshland,
712 watercourse, waterway, river, ditch, and other water conveyance system of the state;

712a (ii)

713 pollutes the ground water of the state ~~§~~ [~~water of the state~~] ~~§~~ ; or

714 ~~§~~ [f] ~~§~~ (iii) ~~§~~ [~~(ii)~~] ~~§~~ 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 ~~§~~ [f] ~~§~~ body of ~~§~~ [f] ~~§~~ 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 ~~§~~ [f] ~~§~~ the water of a lake, pond, stream, marshland, river, or other active
body

719a of ~~§~~ [f]

720 ~~a~~ ~~§~~ water ~~§~~ [~~of the state~~] ~~§~~ .

721 (2) "Agriculture water" means:

722 (a) water used by a farmer, rancher, or feed lot for the production of food, fiber, or fuel;

723 (b) return flows from irrigated agriculture; and

724 (c) agricultural storm water runoff.

725 (3) "Board" means the Water Quality Board created in Section 19-1-106.

726 (4) "Commission" means the Conservation Commission, created in Section 4-18-104.

727 (5) "Contaminant" means [~~any~~] a physical, chemical, biological, or radiological

728 substance or matter in water.

729 (6) "Director" means the director of the Division of Water Quality or, for purposes of

730 groundwater quality at a facility licensed by and under the jurisdiction of the Division of

731 Waste Management and Radiation Control, the director of the Division of Waste Management

732 and Radiation Control.

733 (7) "Discharge" means the addition of [~~any~~] a pollutant to [~~any~~] waters of the state.

734 (8) "Discharge permit" means a permit issued to a person who:

735 (a) discharges or whose activities would probably result in a discharge of pollutants

736 into the waters of the state; or

737 (b) generates or manages sewage sludge.

738 (9) "Disposal system" means a system for disposing of wastes and includes sewerage

739 systems and treatment works.

740 (10) "Division" means the Division of Water Quality, created in Subsection

958 (a) consider the impact of the [~~report, strategy, rule, standard, or recommendation~~] rule
 959 or standard on:

960 (i) economic costs and benefit;

961 (ii) public health; and

962 (iii) the environment;

963 (b) suggest additional areas of consideration; or

964 (c) recommend the [~~report, strategy, rule, standard, or recommendation~~] rule or
 965 standard to the board for:

966 (i) adoption; or

967 (ii) re-evaluation followed by further review by the [~~committee~~] Natural Resources,
 968 Agriculture, and Environment Interim Committee.

969 (4) When the Natural Resources, Agriculture, and Environment Interim Committee
 970 sets the review of a rule or standard submitted under Subsection (2)(c)(i) as an agenda item, the
 971 committee shall:

972 (a) before the review, directly inform the chairs of the Administrative Rules Review
 973 Committee of the coming review, including the date, time, and place of the review; and

974 (b) after the review, directly inform the chairs of the Administrative Rules Review
 975 Committee of the outcome of the review, including any recommendation.

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.~~ ←§

993 Section 16. Section 19-5-105.5 is amended to read:

994 **19-5-105.5. Agriculture water.**

995 (1) (a) The board shall draft any rules relating to agriculture water in cooperation with
 996 the commission.

997 (b) The commission shall advise the board before the board may adopt [~~rules~~] a rule
 998 relating to agriculture water.

999 (2) A program or rule adopted by the board for agriculture production or irrigation
 1000 water shall:

1001 (a) be consistent with the federal Clean Water Act; and

1002 (b) if possible, be developed in a voluntary cooperative program with the agriculture
 1003 producer associations and the commission.

1004 (3) (a) The board's authority to regulate a discharge is subject to Subsection (3)(b)
 1005 relating to an agriculture discharge.

1006 (b) (i) A person responsible for an agriculture discharge shall mitigate the resulting
 1007 damage in a reasonable manner, as approved by the director after consulting with the
 1008 commission chair.

1009 (ii) A penalty imposed on an agriculture discharge shall be [~~proportionate to the~~
 1010 ~~seriousness of the resulting harm~~] consistent with the penalty policy described in Section
 1011 19-5-115 and associated rules, as determined by the director in consultation with the
 1012 commission chair.

1013 (iii) An agriculture producer may not be held liable for an agriculture discharge
 1014 resulting from a large weather event if the agriculture producer has taken reasonable measures,
 1015 as the board defines by rule, to prevent an agriculture discharge.

1016 Section 17. Section 19-5-108 is amended to read:

1017 **19-5-108. Discharge permits -- Requirements and procedure for issuance.**

1018 (1) The board may make rules, in accordance with Title 63G, Chapter 3, Utah
 1019 Administrative Rulemaking Act, for and require the submission of plans, specifications, and