



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
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February 3, 2020

Mr. President,

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 88**, ENVIRONMENTAL QUALITY REVISIONS, by Senator R. Okerlund, with the following amendments:

1. Page 2, Line 30:

30 { ~~→~~ **→** ~~modifies the procedure for the Water Quality Board to make rules;~~
 - }

2. Page 3, Line 63:

63 { ~~19-5-105, as last amended by Laws of Utah 2011, Chapter 155~~ }

3. Page 24, Lines 711 through 720:

711 (i) pollutes a { ~~+~~ } **surface body of water, including a stream, lake, pond,**
 marshland,
712 **watercourse, waterway, river, ditch, and other water conveyance system of the state;**
 =
 = (ii)
713 **pollutes the ground water of the state** { ~~+~~ ~~water of the state~~ } ; or
714 { ~~+~~ } (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

Bill Number



SB0088

Action Class



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Action Code



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717 that is not part of a ~~{+}~~ **body of** ~~{+}~~ 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 ~~{+}~~ **the water of a lake, pond, stream, marshland, river, or**
other active body of ~~{+}~~
720 ~~-a-~~ water ~~{-of the state-}~~ .

4. *Page 32, Line 976 through Page 33, Line 992:*

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~~

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- 991 ~~corresponding federal regulations [if the commission approves] after consulting~~
~~with the~~
992 ~~commission.~~ }

Renumber remaining sections accordingly.

Respectfully,

Ralph Okerlund
Chair

Voting: 7-0-2

5 SB0088.SC1.wpd 2/3/20 2:57 pm nbrady/NWB PO/NWB