

**Representative Bridger Bolinder** proposes the following substitute bill:

**BRINE AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Bridger Bolinder**

Senate Sponsor: Derrin R. Owens

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**LONG TITLE**

**General Description:**

This bill addresses the mining of brine.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ grants rulemaking authority;
- ▶ provides for the designation of multiple mineral development areas;
- ▶ addresses notice of intention requirements related to brine mining operations in multiple mineral development areas;
- ▶ addresses cooperative agreements;
- ▶ requires a study related to brine mining operations and a report of the study; and
- ▶ permits the selection of a consultant.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:



26 40-8-24, Utah Code Annotated 1953

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

29 Section 1. Section **40-8-24** is enacted to read:

30 **40-8-24. Brine mining.**

31 (1) As used in this section:

32 (a) "Brine" means subterranean saltwater and all of the saltwater's constituent parts and  
33 dissolved minerals contained in the saltwater, including:

34 (i) bromine;

35 (ii) magnesium;

36 (iii) potassium;

37 (iv) lithium;

38 (v) boron;

39 (vi) chlorine;

40 (vii) iodine;

41 (viii) calcium;

42 (ix) strontium;

43 (x) sodium;

44 (xi) sulfur;

45 (xii) barium; or

46 (xiii) another chemical substance produced with or separated from the saltwater.

47 (b) (i) "Brine mining operation" means, through the use of a production well not  
48 involving operations on the Great Salt Lake, the exploration for, development of, or production  
49 of brine.

50 (ii) "Brine mining operation" does not include the solution mining of salt for the  
51 primary purpose of creating subterranean cavern space for the storage of liquids or gases.

52 (c) "Multiple mineral development area" means an area designated by the board  
53 involving the management and development of various concurrent surface and sub-surface  
54 resource extraction operations, including exploratory activities, for the purpose of efficient and  
55 effective development of resources in the area without unreasonable interference.

56 (2) The board, by rule made in accordance with Title 63G, Chapter 3, Utah

57 Administrative Rulemaking Act, may designate an area within the state as a multiple mineral  
58 development area for purposes of brine mining operations.

59 (3) (a) The division may take an action described in Subsection (3)(b), if the division  
60 finds that:

61 (i) the permit area for a notice of intention for brine mining operations is located, in  
62 whole or in part, within a multiple mineral development area;

63 (ii) the proposed brine mining operation may cause potential injury to other mineral  
64 deposits on the land effected within the multiple mineral development area;

65 (iii) the proposed brine mining operation may result in simultaneous or concurrent  
66 brine mining operations; and

67 (iv) the operator submitting the notice of intention has not entered into a cooperative  
68 agreement with the other operators operating within the multiple mineral development area if a  
69 cooperative agreement is required by rule made by the board in accordance with Title 63G,  
70 Chapter 3, Utah Administrative Rulemaking Act.

71 (b) If the division makes a finding under Subsection (3)(a), the division may issue an  
72 order that the notice of intention is:

73 (i) deficient if the brine mining operation is a large mining operation;

74 (ii) incomplete if the brine mining operation is a small mining operation; or

75 (iii) deficient if the brine mining operation is for an exploration operation.

76 (4) (a) The board may make rules, in accordance with Title 63G, Chapter 3, Utah  
77 Administrative Rulemaking Act:

78 (i) requiring operators to enter into cooperative agreements described in Subsection  
79 (3)(a); and

80 (ii) requiring the terms necessary for concurrent surface and subsurface operations  
81 within a multiple mineral development area.

82 (b) A cooperative agreement shall comply with the requirements imposed by rule made  
83 by the board.

84 (c) The cooperative agreement shall have as signatory the division and where  
85 applicable the Division of Forestry, Fire, and State Lands and the School and Institutional Trust  
86 Lands Administration.

87 (5) The board may:

88 (a) adjudicate and determine multiple mineral development conflicts among brine  
89 mining operations if there:

90 (i) is potential injury to other mineral deposits on the land effected; or

91 (ii) are simultaneous or concurrent operations conducted by other mineral owners or  
92 lessees affecting the lands effected; and

93 (b) enter an order with respect to a conflict described in Subsection (5)(a).

94 (6) (a) The division shall study brine mining operations within the state to evaluate  
95 current and potential regulation of brine mining operations, including:

96 (i) determining which state agencies have jurisdiction over some or all of the activities  
97 related to brine mining operations;

98 (ii) identifying necessary safety measures;

99 (iii) addressing spacing of brine mining wells;

100 (iv) addressing multiple mineral development; and

101 (v) any other issue the division considers relevant to the regulation of brine mining  
102 operations.

103 (b) In conducting the study required by this Subsection (6), the division:

104 (i) shall seek input from other state agencies, including:

105 (A) the Division of Forestry, Fire, and State Lands;

106 (B) the Division of Water Rights;

107 (C) the Department of Environmental Quality; and

108 (D) the School and Institutional Trust Lands Administration; and

109 (ii) may select a consultant in accordance with Title 63G, Chapter 6a, Utah

110 Procurement Code, to assist in the evaluation of current and potential regulation of brine  
111 mining operations.

112 (c) The division shall report the results of the study, including any recommendations  
113 for legislation, to the Natural Resources, Agriculture, and Environment Interim Committee on  
114 or before the committee's 2024 October interim committee meeting.

115 **Section 2. Effective date.**

116 This bill takes effect on May 1, 2024.