

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

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 the powers of the Board of Oil, Gas, and Mining;
- ▶ 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:

40-8-24, Utah Code Annotated 1953



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

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

28 **40-8-24. Brine mining.**

29 (1) As used in this section:

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

32 (i) bromine;

33 (ii) magnesium;

34 (iii) potassium;

35 (iv) lithium;

36 (v) boron;

37 (vi) chlorine;

38 (vii) iodine;

39 (viii) calcium;

40 (ix) strontium;

41 (x) sodium;

42 (xi) sulfur;

43 (xii) barium; or

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

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

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

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

54 (2) The board, by rule made in accordance with Title 63G, Chapter 3, Utah
55 Administrative Rulemaking Act, may designate an area within the state as a multiple mineral
56 development area for purposes of brine mining operations.

57 (3) The board may:
58 (a) adjudicate and determine multiple mineral development conflicts among brine
59 mining operations if there:
60 (i) is potential injury to other mineral deposits on the land effected; or
61 (ii) are simultaneous or concurrent operations conducted by other mineral owners or
62 lessees affecting the lands effected; and
63 (b) enter an order with respect to a conflict described in Subsection (3)(a).
64 (4) (a) The division shall study brine mining operations within the state to evaluate
65 current and potential regulation of brine mining operations, including:
66 (i) determining which state agencies have jurisdiction over some or all of the activities
67 related to brine mining operations;
68 (ii) identifying necessary safety measures;
69 (iii) addressing spacing of brine mining wells;
70 (iv) addressing multiple mineral development; and
71 (v) any other issue the division considers relevant to the regulation of brine mining
72 operations.
73 (b) In conducting the study required by this Subsection (4), the division:
74 (i) shall seek input from other state agencies, including:
75 (A) the Division of Forestry, Fire, and State Lands;
76 (B) the Division of Water Rights;
77 (C) the Department of Environmental Quality; and
78 (D) the School and Institutional Trust Lands Administration; and
79 (ii) may select a consultant in accordance with Title 63G, Chapter 6a, Utah
80 Procurement Code, to assist in the evaluation of current and potential regulation of brine
81 mining operations.
82 (c) The division shall report the results of the study, including any recommendations
83 for legislation, to the Natural Resources, Agriculture, and Environment Interim Committee on
84 or before the committee's 2024 October interim committee meeting.
85 Section 2. **Effective date.**
86 This bill takes effect on May 1, 2024.