

**MINUTES OF THE  
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE**  
Wednesday, November 15, 2006 – 9:00 a.m. – Room W125 House Building

**Members Present:**

Rep. Roger E. Barrus, House Chair  
Sen. Gene Davis  
Sen. Parley G. Hellewell  
Sen. Michael G. Waddoups  
Rep. Jackie Biskupski  
Rep. Craig W. Buttars  
Rep. Margaret Dayton  
Rep. Carl W. Duckworth  
Rep. Bradley T. Johnson  
Rep. James R. Gowans  
Rep. Kory M. Holdaway  
Rep. John G. Mathis

Rep. Ronda Rudd Menlove  
Rep. Michael E. Noel  
Rep. David Ure  
Rep. Richard W. Wheeler

**Members Absent:**

Rep. Mark A. Wheatley

**Staff Present:**

Mr. J Brian Allred, Policy Analyst  
Ms. Emily Brown, Associate General Counsel  
Ms. Joy L. Miller, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Barrus called the meeting to order at 9:10 a.m.

**MOTION:** Rep. Wheeler moved to approve the minutes of the October 18, 2006 meeting. The motion passed unanimously. Sen. Davis, Sen. Waddoups, Rep. Buttars, Rep. Holdaway, and Rep. Menlove were absent for the vote.

Mr. Allred reported that the Legislative Management Committee had approved funding for the Snake Valley Site Visit for those legislators who are not members of the Natural Resources Appropriations Subcommittee. The request to discuss the state's trails systems was also approved.

**2. Report of the Water Issues Task Force**

Rep. Ure and Sen. Knudson distributed "Water Issues Task Force Final Report" and reviewed the activities of the Task Force during the 2006 interim. Rep. Ure gave a brief synopsis of the three bills recommended by the Task Force and the legislation still under consideration. Rep. Ure recommended that the Task Force not be renewed.

Mr. Jerry Olds, State Engineer, briefly discussed 2007 General Session draft legislation, "Use of State Engineer Fees." The bill would allow the state engineer to use the fee to cover the costs of processing reports of water rights conveyance.

Mr. Fred Finlinson, Utah Water Coalition, spoke in support of the legislation.

Mr. John Karman, spoke in support of 2007 General Session draft legislation, "State Declaration of State Water Week."

**MOTION:** Rep. Ure moved to adopt draft legislation "State Declaration of State Water Week," "Nonprofit Corporation Amendments," and "Use of State Engineer Fees" as committee bills. The motion passed unanimously. Sen. Davis, Sen. Waddoups, and Rep. Holdaway were absent for the vote.

### **3. Hazardous and Radioactive Waste Facility Closure, Post Closure, and Perpetual Care Financial Assurance and Funding**

Mr. Allred distributed and reviewed a summary of hazardous and radioactive waste and closure, post closure, and perpetual care of waste facilities. Primary issues for the Legislature to consider are: should perpetual care funding be required, should perpetual care funding be accelerated, and should the Legislature address facility long-term land ownership questions.

Mr. Craig W. Anderson, Chairman, Solid and Hazardous Waste Control Board, distributed a copy of his presentation. He referred to a report submitted to the Committee from URS Corporation. It is recommended that a perpetual care fund be created to provide for the care and maintenance of land disposal facilities after the 30-year post-closure period and that such a fund be created so as not to place current facilities under an unreasonable financial burden.

Mr. Scott Anderson, Department of Environmental Quality, explained that the amount of money estimated for the funds has been based on information provided by Clean Harbors.

Mr. Kent Bradford, Chair, Radiation Control Board, said the board concluded that no changes are necessary to the existing financial assurance requirements for closure and post closure care. An immediate one-time contribution should be required to the Radioactive Waste Perpetual Care and Maintenance Fund to bring the fund to an adequate level.

Mr. Dane Finerfrock, Division of Radiation Control, explained that closure time depends on a company's success. The institutional control period after closure is 100 years. During that time there is environmental monitoring and minor maintenance of the facility. After 100 years, the perpetual care period of time begins which can be unlimited in length.

Mr. Phillip Retallick, Clean Harbors, distributed a written copy of his comments. He stated the facilities Clean Harbors operates in the state offer very little risk to human health and the environment. He noted that a perpetual care fund is not needed.

Mr. Tim Barney, Energy Solutions, agreed that a perpetual care fund is not needed. Energy Solutions is in complete compliance with federal regulations.

Mr. Christopher Thomas, Heal Utah, pointed out that the perpetual care fund can safeguard taxpayers from unanticipated catastrophic events.

**MOTION:** Rep. Ure moved to not accept the recommendations of the report regarding perpetual care and to request staff to draft legislation repealing the requirement for perpetual care.

Rep. Holdaway requested that the motion be divided.

The Committee voted on the portion of the motion to not accept the recommendations of the report regarding the creation or continuation of the perpetual care funds for both hazardous and radioactive waste. The motion passed with Rep. Biskupski voting in opposition.

The Committee voted on the recommendation to prepare legislation to repeal the perpetual care fund.

The motion passed with Rep. Biskupski and Rep. Mathis voting in opposition.

#### **4. Department of Natural Resources Amendments**

Rep. Wheeler and Mr. Mike Styler, Executive Director, Department of Natural Resources, distributed and reviewed a summary of the changes to 2007 General Session draft legislation, "Department of Natural Resources Amendments." Rep. Wheeler distributed a copy of proposed amendments to the bill (see committee history).

**MOTION:** Rep. Menlove moved to adopt the amendments proposed by Rep. Wheeler. The motion passed unanimously. Sen. Davis, Rep. Biskupski, Rep. Buttars, and Rep. Ure were absent for the vote.

Rep. Noel distributed and reviewed a list of proposed amendments to the bill (see committee history).

**MOTION:** Rep. Noel moved adoption of his proposed amendments. The motion passed unanimously. Sen. Davis, Rep. Biskupski, Rep. Buttars, and Rep. Ure were absent for the vote.

**Motion:** Sen. Waddoups moved to adopt the legislation as amended, as a committee bill. The motion passed unanimously. Sen. Davis, Rep. Biskupski, Rep. Buttars, and Rep. Ure were absent for the vote.

#### **5. Potential Energy Legislation**

Rep. Barrus distributed a summary of proposals from the energy policy work group and Dr. Laura Nelson, Governor's Energy Policy Advisor. He reviewed the recommendations with the Committee.

Rep. Ralph Becker expressed support for Dr. Nelson's proposal to adopt a resolution supporting the governor's goals to reduce energy use in state buildings by 20 percent by 2015.

#### **6. Jordan River Parkway**

Rep. Holdaway distributed "Utah Trails and Pathways Program Provo-Jordan River Parkway" which is a proposal from the DPR (Division of Parks and Recreation) related to funding for trails within the state. He felt if the Legislature were to give more importance to that trail system, it would improve the trail systems across the state.

Mr. Steve Roberts, DPR, gave a brief history of the Provo-Jordan River Parkway Authority. He encouraged the Committee to support completion of the state's trails system.

#### **7. Other Items / Adjourn**

Mr. Allred distributed the booklet "The Las Vegas & The Groundwater Development Project" and the year end report of the "Utah Recycling Market Development Zone."

**MOTION:** Rep. Gowans moved to adjourn. The motion passed unanimously. Sen. Davis, Rep. Biskupski, Rep. Mathis, and Rep. Ure were absent for the vote.

Chair Barrus adjourned the meeting at 12:05 p.m.