

**MINUTES OF THE
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE**
Wednesday, April 16, 2008 – 9:00 a.m. – Room W020 House Building

Members Present:

Rep. Roger E. Barrus, House Chair
Sen. Gene Davis
Sen. Margaret Dayton
Sen. Dennis E. Stowell
Sen. Michael G. Waddoups
Rep. Sylvia S. Andersen
Rep. Melvin R. Brown
Rep. Glenn A. Donnelson
Rep. Jack R. Draxler
Rep. Carl W. Duckworth
Rep. Kerry Gibson
Rep. James R. Gowans
Rep. Neal Hendrickson

Rep. John G. Mathis
Rep. Michael E. Noel
Rep. Patrick L. Painter

Members Absent:

Sen. Darin Peterson, Senate Chair
Rep. Phil Riesen
Rep. Stephen E. Sandstrom
Rep. Bradley A. Winn

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.

1. Committee Business

Chair Barrus called the meeting to order at 9:15 a.m. Sen. Peterson and Rep. Riesen were excused from the meeting.

MOTION: Rep. Painter moved to approve the minutes of the November 14, 2007 meeting. The motion passed unanimously. Sen. Davis, Sen. Waddoups, Rep. Donnelson, Rep. Duckworth, and Rep. Hendrickson were absent for the vote.

2. 2008 Interim Study Items and Reports

Mr. Allred reviewed "2008 Interim Studies, Reports, and Reviews" which was included in the mailing packet. He indicated the reports and studies listed are those required by statute to be provided to the Committee. He noted the sunset act reviews and repealers were assigned by the Legislative Management Committee.

3. Recodification of Department of Natural Resources Sections of the Utah Code

Ms. Brown distributed "Title 79, Natural Resources, Draft Outline" and "Codification of Title 79, Natural Resources, Sections and Bold Face." She stated the Committee will address the creation of Title 79, Natural Resources, and the recodification of the natural resource related chapters that were not included in the recodification of Title 63, State Affairs in General, during the recent legislative session.

4. Sunset Review - Title 19, Chapter 2, Air Conservation Act

Mr. Allred discussed "Legislative Oversight and Sunset Act" which was included in the mailing packet. He reviewed the requirements of the sunset act and the Committee's role in that process.

Ms. Cheryl Heying, Director, Division (Division of Air Quality), distributed a copy of her presentation "Utah Air Quality Program" and reviewed the purpose of the Utah Air Conservation Act as outlined in

Utah Code Section 19-2-101. She explained the Utah Air Quality Program implements the federal Clean Air Act. She outlined the challenges the Division faces but noted that they can be addressed within the framework of the current statute.

Rep. Draxler asked if the Division has studied the effectiveness of vehicle emissions testing. Ms. Heying responded that the Division continually works with the counties to ensure the program is achieving the desired outcome. Chair Barrus requested that Ms. Heying provide the results of those evaluations to the Committee.

Chair Barrus asked Ms. Heying to provide some background information on the Bonanza power plant. Ms. Heying explained that last summer the EPA (Environmental Protection Agency) issued a permit for the Bonanza power plant located on tribal lands in the Uintah Basin. She stated the EPA chose not to regulate CO₂ as a pollutant at the facility. The Sierra Club filed a lawsuit because it disagreed with that decision. The Division feels the permit was issued properly but has not taken a stand on the issue of whether CO₂ should be regulated as a pollutant.

The Committee discussed compliance with permits, funds that would be affected due to noncompliance, and the importance of maintaining state primacy.

MOTION: Rep. Hendrickson moved to reauthorize the Air Conservation Act for ten years.

SUBSTITUTE MOTION: Rep. Noel moved to reauthorize the Air Conservation Act for five years. The motion passed with Rep. Hendrickson voting in opposition. Sen. Davis, Sen Stowell, and Rep. Mathis were absent for the vote.

MOTION: Rep. Noel moved to request staff to draft a letter to the Environmental Appeals Board: 1) supporting the position of the Utah Division of Air Quality that the U.S. Environmental Protection Agency acted properly in granting the final air pollution control permit for the construction of a 110-megawatt coal fire unit at the Bonanza Power Plant in Uintah County, and 2) opposing the regulation of CO₂ as a pollutant for purposes of the Bonanza Power Plant permit. The motion passed unanimously. Sen. Stowell was absent for the vote.

5. Snowpack and Water Resources Report

Mr. Dennis Strong, Director, Division of Water Resources, distributed a copy of his presentation to the Committee. He noted that snowpack is average throughout the state. Reservoir capacity in the state is expected to be above 80 percent this year. However, Bear Lake is currently at 30 percent capacity. Mr. Strong discussed the Colorado River Compact and the Lake Powell pipeline process. Currently, inflow into Lake Powell is higher than average. Lake Powell will be approximately 30 feet higher than it was last year.

6. Future Committee Agenda Items

Chair Barrus outlined the items that have been scheduled for study during the year. Committee members asked that the following items be considered:

- Item 144, Ground water aquifers,
- Item 145, Jordan River recreation, and
- Item 146, Land Use Development Management Act.

Ms. Brown distributed a letter from Mr. Michael Styler, Executive Director, Department of Natural Resources, regarding the first meeting of the Executive Water Task Force designated during the last legislative session.

Sen. Davis requested that the Committee inform the Task Force of the water issues that the Committee will be addressing this year.

7. Other Committee Business / Adjourn

MOTION: Sen. Davis moved to adjourn. The motion passed unanimously. Sen. Stowell and Rep. Mathis were absent for the vote.

Chair Barrus adjourned the meeting at 11:05 a.m.