

**MINUTES OF THE  
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE**  
Wednesday, July, 18, 2007 – 2:00 p.m. – Room W125 House Building

**Members Present:**

Rep. Roger E. Barrus, House Chair  
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. Kerry Gibson  
Rep. Neal Hendrickson  
Rep. John G. Mathis  
Rep. Michael E. Noel  
Rep. Patrick L. Painter  
Rep. Phil Riesen

**Members Absent:**

Sen. Darin Peterson, Senate Chair  
Sen. Gene Davis  
Rep. Carl W. Duckworth  
Rep. James R. Gowans  
Rep. Stephen E. Sandstrom

**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 meeting to order at 2:35 p.m.

**MOTION:** Rep. Noel moved to approve the minutes of the June 20, 2007 meeting. The motion passed unanimously. Sen. Stowell, Rep. Draxler, and Rep. Gibson were absent for the vote.

Commissioner Leonard Blackham, Department of Agriculture and Food, updated the Committee on the damage that has been caused by the wildfires. He noted that issues such as soil conditions and air quality need to be addressed to reduce environmental hazards and improve agriculture.

Mr. Dick Buehler, Division of Forestry, Fire and State Lands, distributed "Utah's Large Fires" and a map of "Milford Flat Incident July 15, 2007." He outlined the efforts being taken to put together major rehabilitation projects with available funding and seed.

Mr. Rick Sprott, Department of Environmental Quality, reported on the effects of the fires from an environmental standpoint. He explained that smoke with particulates can have a direct health impact.

**2. Petroleum Storage Tank Trust Fund and Division of Environmental Response and Remediation**

**A. Legislative Audit**

Mr. Allred distributed and reviewed "Petroleum Storage Tank Trust Fund." He outlined the issues that would be presented to the Committee.

Ms. Deanna Herring, Office of the Legislative Auditor General, distributed a copy of "A Performance Audit of the Petroleum Storage Tank Trust Fund." She explained the scope of the audit to the Committee.

Ms. Herring indicated that specific audit questions do not raise significant concerns, however, additional performance measures are needed. She outlined the recommendations of the audit.

Mr. Brad Johnson, Division of Environmental Response and Remediation, responded that the division intends to implement all the recommendations as listed in the audit report, which may require changing rules and statute.

**B. Sunset Review - Title 19, Chapter 6, Part 4, Underground Storage Tank Act**

Mr. Allred distributed and reviewed "Legislative Oversight and Sunset Act."

Mr. Johnson distributed a copy of his presentation "Underground Storage Tank Program." The purpose of the program is to minimize the health and environmental impacts from the storage of petroleum products and hazardous materials in underground tanks. He requested that the Committee reauthorize the program and consider changing statute to specifically reference the Solid Waste Disposal Act.

**C. Petroleum Storage Tank Trust Fund Solvency**

Mr. Allred explained that the Office of Risk Management is required by statute to assess the actuarial soundness of the fund. He noted the 2005 assessment indicated the fund would be unsound in 2008. He noted the actuarial deficit is not covered by the State Risk Management Fund.

Mr. Steve Hewlett, Division of Public Utilities, said the Office of Risk Management is required by statute to petition the Legislature to raise fees if the report indicates that the fund is not actuarially sound. He said that with the \$20 million stop gap measure, the fund will never be actuarially sound.

**D. Discussion and Action**

Mr. John Hill, Utah Petroleum Marketers and Retailers Association, commented that it is critical for their members that there is a solvent fund. He asked that the fund be reauthorized for another ten years.

Mr. Jim Olsen, Utah Food Industry Association, indicated that the program continues to work. He said it is necessary to take care of the smaller retailers who are not able to obtain insurance coverage through the private sector. He noted that increasing the fee from the current 1/2 cent per gallon would put the fund at greater risk. Currently the fund is fiscally sound.

**MOTION:** Rep. Brown moved to reauthorize the Petroleum Storage Tank Trust Fund for another ten years and leave the fee at 1/2 cent.

**SUBSTITUTE MOTION:** Rep. Noel moved to reauthorize the fund for an additional five years, leaving the fee at 1/2 cent. The motion failed with Sen. Dayton and Rep. Noel voting in favor.

The Committee voted on the original motion by Rep. Brown which passed unanimously. Sen. Waddoups and Rep. Riesen were absent for the vote.

**MOTION:** Rep. Noel moved to draft legislation specifically referencing the Solid Waste Disposal Act. The motion passed unanimously. Sen. Waddoups and Rep. Riesen were absent for the vote.

Rep. Andersen will sponsor the legislation.

**3. Sunset Review - Title 73, Chapter 27, State Water Development Commission - Repealed  
December 31, 2008**

Mr. Allred distributed and discussed "State Water Development Commission." The purpose of the commission is to determine the state's role in the protection, conservation, and development of the state's water resources and to make recommendations to the Legislature and governor on a variety of issues.

**MOTION:** Rep. Painter moved to recommend reauthorization of the State Water Development Commission for an additional ten years. The motion passed unanimously. Sen. Waddoups and Rep. Riesen were absent for the vote.

**4. Letter to Utah Congressional Delegation Regarding Funding of the BARCASS (Basin and Range Carbonate Aquifer System Study) II**

Mr. Steve Erickson, Citizens Education Project, briefly discussed the letter regarding funding for the BARCASS II. The purpose of the study is to determine the impacts that pumping of groundwater in Nevada will have on the Snake Valley. He asked for the Committee's support in sending the letter.

**MOTION:** Sen. Dayton moved that the Committee adopt the ideas expressed in the letter and that it be sent to Utah's congressional delegation. The motion passed unanimously. Sen. Waddoups and Rep. Riesen were absent for the vote.

**5. Other Committee Business / Adjourn**

**MOTION:** Rep. Brown moved to adjourn. The motion passed unanimously.

Chair Barrus adjourned the meeting at 4:25 p.m.