

**MINUTES OF THE
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE**
Wednesday, September 19, 2007 – 2:00 p.m. – Room W125 House Building

Members Present:

Sen. Darin Peterson, Senate Chair
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. Michael E. Noel
Rep. Patrick L. Painter
Rep. Phil Riesen
Rep. Stephen E. Sandstrom
Rep. Bradley A. Winn

Members Absent:

Rep. John G. Mathis

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 Peterson called meeting to order at 2:10 p.m.

MOTION: Rep. Gowans moved to approve the minutes of the July 18, 2007 meeting. The motion passed unanimously. Sen. Davis, Sen. Stowell, Sen. Waddoups, Rep. Brown, and Rep. Sandstrom were absent for the vote.

Ms. Brown said that the Administrative Rules Review Committee sent a letter asking the Committee to make recommendations about whether statutes that allow the Departments of Natural Resources and Environmental Quality to determine by administrative rule what constitutes a criminal act should continue or be repealed.

2. Hazardous and Radioactive Waste Facility Perpetual Care Funding

A. Radioactive Waste

Mr. Allred explained that statute requires the Solid and Hazardous Waste Control Board and the Radiation Control Board to evaluate every five years the adequacy and funding of closure, post-closure, and perpetual care of hazardous and radioactive waste facilities. Mr. Allred distributed a summary of information regarding hazardous and radioactive waste.

Mr. Kent Bradford, Chair, Radiation Control Board, discussed actions recently taken by the Radiation Control Board and an agreement reached with Energy Solutions on the Perpetual Care Fund. It is required by statute that \$400,000 per year be put into the fund. The board recommended the fund be increased to \$13,000,000 to be in place by the time Energy Solutions ceases business. In response to questions from the Committee, Mr. Bradford stressed that the Radiation Control Board treats Energy Solutions fairly and bases its actions on scientific data.

Mr. Tim Barney, Energy Solutions, spoke in favor of the proposal and asked for the Committee's support. He said the agreement is a workable solution for them from a business standpoint.

B. Hazardous Waste

Mr. Carlton Christensen, Chair, Solid and Hazardous Waste Control Board, explained that last year his predecessor made a presentation to the Committee regarding a recommendation for a perpetual care fund after the post closure period ended. The Committee at that time rejected the recommendation. He stated the Solid and Hazardous Waste Control Board has pursued no further recommendations.

3. Air Quality Planning Task Force

Mr. Rick Sprott, Executive Director, Department of Environmental Quality, distributed a copy of his presentation "Air Quality Funding Task Force." He indicated that the task force considered several options to fund air quality issues but did not reach consensus on a particular solution. He requested that the Committee consider legislation or other action to authorize an air quality fee for all licensed vehicles in Utah.

Mr. Steve Sands, Kennecott Utah Copper, stated the proposed vehicle air quality fee would help to ensure a proportionate amount to be paid toward solving air quality problems. He commented that Utah based solutions would be better than mandated solutions from the Environmental Protection Agency.

Sen. Waddoups expressed concern with placing a fee on automobiles unless the fee is used to reduce vehicle emissions.

Mr. Sands explained that the state must do monitoring and issue a recommendation by the end of year concerning attainment or nonattainment of the PM 2.5 standard set by the Environmental Protection Agency. All signals indicate that there will be nonattainment with the standards. Mr. Sands indicated that a significant contribution to that nonattainment is attributed to automobiles.

Rep. Noel requested a breakdown of the costs to replace the capital equipment, purchase new equipment, and provide FTE's. He also asked if there was an opportunity to privatize some of the monitoring. Mr. Sprott indicated he would look into what other states are doing.

Ms. Kathy VanDam, Wasatch Clean Air Coalition, asked that something be done to reduce diesel truck idling. She outlined other things that can be done to improve air quality such as retrofitting buses with various emission control devices, improving traffic flow, and educating the public.

Ms. Cheryl Heying, Division of Air Quality, commented that as air quality standards become tighter, it becomes more evident that solutions will include regional understanding of pollution transport. Utah is working to identify where the pollution is coming from and how it impacts the state.

Mr. Mark Thomas, private citizen, spoke in support of the need for better monitoring. He asked that the Committee not let funding details get in the way of this important need.

4. Public Lands Policy Coordinating Council and Office

Mr. Allred gave a brief background summary of the issue.

Mr. John Harja, Coordinator, Public Lands Policy Coordination Office, distributed a handout outlining the objectives, duties, and functions of the office and the council. Mr. Harja indicated the office works under the direction of the Governor and the State Planning Coordinator. He noted that the office receives appropriated General Fund monies and monies appropriated from the Constitutional Defense Restricted Account.

5. Other business / Adjourn

Rep. Painter discussed an issue raised by the state engineer regarding forfeiture of water rights. He invited members of the Committee to provide input and direction on the municipal exemption for forfeiture for nonuse to the State Water Development Commission at its September 25 meeting.

Rep. Barrus referred the Committee to the hazardous waste issue previously discussed. He said that although the Legislature does not have to act now, it will have to address long term what should be done with the Perpetual Care Fund. He said the Committee will revisit the issue within three years.

MOTION: Rep. Hendrickson moved to adjourn. The motion passed unanimously.

Chair Peterson adjourned the meeting at 4:40 p.m.