

28 submitted by local education agencies under that act;

29 (e) establishing a requirement for a diesel emission opacity inspection and maintenance
30 program for diesel-powered motor vehicles;

31 (f) implementing an operating permit program as required by and in conformity with Titles
32 IV and V of the federal Clean Air Act Amendments of 1990;

33 (g) establishing requirements for county emissions inspection and maintenance programs
34 after obtaining agreement from the counties that would be affected by the requirements;

35 (h) with the approval of the governor, implementing in air quality nonattainment areas
36 employer-based trip reduction programs applicable to businesses having more than 100 employees
37 at a single location and applicable to federal, state, and local governments to the extent necessary
38 to attain and maintain ambient air quality standards consistent with the state implementation plan
39 and federal requirements under the standards set forth in Subsection (2); [~~and~~]

40 (i) implementing lead-based paint remediation training, certification, and performance
41 requirements in accordance with 15 U.S.C.A. 2601 et seq., Toxic Substances Control Act,
42 Subchapter IV -- Lead Exposure Reduction, Section 402 and 404[-]; and

43 (j) implementing market-based emissions trading and incentive programs.

44 (2) When implementing Subsection (1)(h) the board shall take into consideration:

45 (a) the impact of the business on overall air quality; and

46 (b) the need of the business to use automobiles in order to carry out its business purposes.

47 (3) The board may:

48 (a) hold hearings relating to any aspect of or matter in the administration of this chapter
49 and compel the attendance of witnesses and the production of documents and other evidence,
50 administer oaths and take testimony, and receive evidence as necessary;

51 (b) issue orders necessary to enforce the provisions of this chapter, enforce the orders by
52 appropriate administrative and judicial proceedings, and institute judicial proceedings to secure
53 compliance with this chapter;

54 (c) settle or compromise any civil action initiated to compel compliance with this chapter
55 and the rules made under this chapter;

56 (d) secure necessary scientific, technical, administrative, and operational services,
57 including laboratory facilities, by contract or otherwise;

58 (e) prepare and develop a comprehensive plan or plans for the prevention, abatement, and

59 control of air pollution in this state;

60 (f) encourage voluntary cooperation by persons and affected groups to achieve the
61 purposes of this chapter;

62 (g) encourage local units of government to handle air pollution within their respective
63 jurisdictions on a cooperative basis and provide technical and consultative assistance to them;

64 (h) encourage and conduct studies, investigations, and research relating to air
65 contamination and air pollution and their causes, effects, prevention, abatement, and control;

66 (i) determine by means of field studies and sampling the degree of air contamination and
67 air pollution in all parts of the state;

68 (j) monitor the effects of the emission of air contaminants from motor vehicles on the
69 quality of the outdoor atmosphere in all parts of this state and take appropriate action with respect
70 to them;

71 (k) collect and disseminate information and conduct educational and training programs
72 relating to air contamination and air pollution;

73 (l) advise, consult, contract, and cooperate with other agencies of the state, local
74 governments, industries, other states, interstate or interlocal agencies, the federal government, and
75 with interested persons or groups;

76 (m) consult, upon request, with any person proposing to construct, install, or otherwise
77 acquire an air contaminant source in the state concerning the efficacy of any proposed control
78 device, or system for this source, or the air pollution problem which may be related to the source,
79 device, or system, but a consultation does not relieve any person from compliance with this
80 chapter, the rules adopted under it, or any other provision of law;

81 (n) accept, receive, and administer grants or other funds or gifts from public and private
82 agencies, including the federal government, for the purpose of carrying out any of the functions
83 of this chapter;

84 (o) require the owner and operator of each new source which directly emits or has the
85 potential to emit 100 tons per year or more of any air contaminant or the owner or operator of each
86 existing source which by modification will increase emissions or have the potential of increasing
87 emissions by 100 tons per year or more of any air contaminant, to pay a fee sufficient to cover the
88 reasonable costs of:

89 (i) reviewing and acting upon the notice required under Section 19-2-108; and

90 (ii) implementing and enforcing requirements placed on the sources by any approval order
91 issued pursuant to notice, not including any court costs associated with any enforcement action;

92 (p) assess and collect noncompliance penalties as required in Section 120 of the federal
93 Clean Air Act, 42 U.S.C. Sec. 7420;

94 (q) meet the requirements of federal air pollution laws;

95 (r) establish work practice, certification, and clearance air sampling requirements for
96 persons who:

97 (i) contract for hire to conduct demolition, renovation, salvage, encapsulation work
98 involving friable asbestos-containing materials, or asbestos inspections; or

99 (ii) conduct work described in Subsection (3)(r)(i) in areas to which the general public has
100 unrestrained access or in school buildings that are subject to the federal Asbestos Hazard
101 Emergency Response Act of 1986;

102 (iii) conduct asbestos inspections in facilities subject to 15 U.S.C.A. 2601 et seq., Toxic
103 Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response; or

104 (iv) conduct lead paint inspections in facilities subject to 15 U.S.C.A. 2601 et seq., Toxic
105 Substances Control Act, Subchapter IV -- Lead Exposure Reduction;

106 (s) establish certification requirements for persons required under 15 U.S.C.A. 2601 et
107 seq., Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response, to be
108 accredited as inspectors, management planners, abatement project designers, asbestos abatement
109 contractors and supervisors, or asbestos abatement workers;

110 (t) establish certification requirements for asbestos project monitors, which shall provide
111 for experience-based certification of persons who, prior to establishment of the certification
112 requirements, had received relevant asbestos training, as defined by rule, and had acquired at least
113 1,000 hours of experience as project monitors;

114 (u) establish certification procedures and requirements for certification of the conversion
115 of a motor vehicle to a clean-fuel vehicle, certifying the vehicle is eligible for the tax credit granted
116 in Section 59-7-605 or 59-10-127;

117 (v) establish a program to certify private sector air quality permitting professionals
118 (AQPP), as described in Section 19-2-109.5; and

119 (w) establish certification requirements for persons required under 15 U.S.C.A. 2601 et
120 seq., Toxic Control Act, Subchapter IV -- Lead Exposure Reduction, to be accredited as inspectors,

121 risk assessors, supervisors, project designers, or abatement workers.

122 (4) Any rules adopted under this chapter shall be consistent with provisions of federal
123 laws, if any, relating to control of motor vehicles or motor vehicle emissions.

124 (5) Nothing in this chapter authorizes the board to require installation of or payment for
125 any monitoring equipment by the owner or operator of a source if the owner or operator has
126 installed or is operating monitoring equipment that is equivalent to equipment which the board
127 would require under this section.

Legislative Review Note
as of 2-5-02 8:44 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel