

AIR QUALITY REVISIONS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill modifies the rulemaking authority of the Division of Air Quality.

Highlighted Provisions:

This bill:

- ▶ authorizes the Division of Air Quality to create rules that are different than corresponding federal regulations if additional regulations will provide added protections to public health and the environment; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-2-106, as renumbered and amended by Laws of Utah 1991, Chapter 112

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **19-2-106** is amended to read:

19-2-106. Rulemaking authority and procedure.

(1) [~~Except as provided in Subsection (2), no rule which the~~] (a) In carrying out the duties of Section 19-2-104, the board [makes] may make rules for the purpose of administering a program under the federal Clean Air Act [~~may be more stringent~~] different than the

30 corresponding federal regulations which address the same circumstances[-] if:

31 (i) the board holds a public comment period, as described in Title 63G, Chapter 3, Utah
32 Administrative Rulemaking Act, and a public hearing; and

33 (ii) the board finds that the different rule will provide reasonable added protections to
34 public health or the environment of the state or a particular region of the state.

35 (b) The board shall consider the differences between an industry that continuously
36 produces emissions and an industry that episodically produces emissions, and make rules that
37 reflect those differences.

38 (2) The findings described in Subsection (1)(a)(ii) shall be:

39 (a) in writing; and

40 (b) based on evidence, studies, or other information contained in the record that relates
41 to the state of Utah and type of source involved.

42 (3) In making rules, the board may incorporate by reference corresponding federal
43 regulations.

44 ~~[(2) The board may make rules more stringent than corresponding federal regulations~~
45 ~~for the purpose described in Subsection (1), only if it makes a written finding after public~~
46 ~~comment and hearing and based on evidence in the record, that corresponding federal~~
47 ~~regulations are not adequate to protect public health and the environment of the state. Those~~
48 ~~findings shall be accompanied by an opinion referring to and evaluating the public health and~~
49 ~~environmental information and studies contained in the record which form the basis for the~~
50 ~~board's conclusion.]~~