

AIR QUALITY REVISIONS

2015 GENERAL SESSION

STATE OF UTAH

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 more stringent 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]~~ 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 than the corresponding federal regulations which address the same circumstances[-] if:

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

(b) the board finds that the more stringent rule will provide reasonable added protections to public health or the environment of the state or a particular region of the state.

33 (2) The findings described in Subsection (1)(b) shall be:

34 (a) in writing; and

35 (b) based on evidence, studies, or other information contained in the record.

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

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

Legislative Review Note

as of 8-5-14 2:56 PM

Office of Legislative Research and General Counsel