

# HB0499S02 compared with HB0499

~~{Omitted text}~~ shows text that was in HB0499 but was omitted in HB0499S02

inserted text shows text that was not in HB0499 but was inserted into HB0499S02

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

## Department of Environmental Quality Amendments

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Casey Snider**

Senate Sponsor:

---

---

### LONG TITLE

#### General Description:

This bill addresses the Department of Environmental Quality.

#### Highlighted Provisions:

This bill:

- ~~{modifies rulemaking processes for policy boards within the Department of Environmental Quality;}~~
- modifies the qualifications of Air Quality Board members;
- provides a transition for the Air Quality Board;
- ~~{modifies powers of the Air Quality Board related to asbestos; and}~~
- removes regulations for water heaters in certain areas; and
- makes technical and conforming changes.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

None

HB0499

## HB0499 compared with HB0499S02

AMENDS:

~~{19-1-106 , as last amended by Laws of Utah 2020, Chapters 256, 373 , as last amended by Laws of Utah 2020, Chapters 256, 373}~~

**19-2-103** , as last amended by Laws of Utah 2024, Chapter 529 , as last amended by Laws of Utah 2024, Chapter 529

~~{19-2-104 , as last amended by Laws of Utah 2023, Chapter 139 , as last amended by Laws of Utah 2023, Chapter 139}~~

**19-2-107.7** , as enacted by Laws of Utah 2016, Chapter 247 , as enacted by Laws of Utah 2016, Chapter 247

~~{63G-3-301 , as last amended by Laws of Utah 2024, Chapter 178 , as last amended by Laws of Utah 2024, Chapter 178}~~

---

---

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

~~{Section 1. Section 19-1-106 is amended to read: }~~

**19-1-106. Boards within department.**

(1) The following policymaking boards are created within the department:

- (a) the Air Quality Board, appointed under Section 19-2-103;
- (b) the Drinking Water Board, appointed under Section 19-4-103;
- (c) the Water Quality Board, appointed under Section 19-5-103; and
- (d) the Waste Management and Radiation Control Board, appointed under Section 19-6-103.

(2) The authority of the boards created in Subsection (1) is:

- (a) limited to the specific authority granted them under this title[-] ; and
- (b) subject to the rulemaking procedures of Subsection 63G-3-301(15).

(3) A vacancy that occurs during an expired term in a board described in Subsection (1) shall be filled in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

Section 1. Section **19-2-103** is amended to read:

**19-2-103. Members of board -- Appointment -- Terms -- Organization -- Per diem and expenses.**

(1) The board consists of the following nine members:

- (a) the following non-voting member, except that the member may vote to break a tie vote between the voting members:

## HB0499 compared with HB0499S02

- (i) the executive director; or
- (ii) an employee of the department designated by the executive director; and
- (b) the following eight voting members, who shall be appointed or reappointed by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies:
- (i) one representative who:
- ~~[(A) is not connected with industry;]~~
- ~~[(B)]~~ (A) is an expert in air quality matters; and
- ~~[(C)]~~ (B) is ~~[a Utah-licensed physician,]~~ a Utah-licensed professional engineer~~[-]~~ or a scientist with relevant training and experience;
- (ii) two government representatives who do not represent the federal government~~[;]~~ :
- (A) one of whom resides in a county of the first or second class; and
- (B) one of whom resides in a county of the third, fourth, fifth, or sixth class;
- (iii) one representative from the mining industry;
- (iv) one representative from the fuels industry;
- (v) one representative from the manufacturing industry;
- (vi) one representative from the public who~~[-represents]~~:
- (A) represents a nongovernmental organization; and
- (B) does not represent industry interests; and
- ~~[(A) an environmental nongovernmental organization; or]~~
- ~~[(B) a nongovernmental organization that represents community interests and does not represent industry interests; and]~~
- (vii) one representative ~~[from the public]~~ who is:
- (A) ~~[-]~~ trained and experienced in public health~~[-]~~ ; or
- (B) a Utah-licensed physician.
- (2) A member of the board shall:
- (a) be knowledgeable about air pollution matters, as evidenced by a professional degree, a professional accreditation, or documented experience;
- (b) be a resident of Utah;
- (c) attend board meetings in accordance with the attendance rules made by the department under Subsection 19-1-201(1)(d)(i)(A); and

## HB0499 compared with HB0499S02

(d) comply with ~~[all]~~ the applicable statutes, rules, and policies, including the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest, and the conflict of interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B).

(3) No more than five of the appointed members of the board shall belong to the same political party.

(4) A majority of the members of the board may not derive any significant portion of their income from persons subject to permits or orders under this chapter.

(5)

~~(a) [Members shall be appointed]~~ The governor shall appoint a member for a term of four years.

(b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that half of the appointed board is appointed every two years.

(c) The terms of the members of the board who are members of the board on May 7, 2025, and who do not meet the criteria described in Subsections (1)(b)(i), (ii), (vi), and (vii), expire June 30, 2025. Subject to Title 63G, Chapter 24, Part 2, Vacancies, the governor shall appoint members in accordance with Subsection (1)(b) effective July 1, 2025, and stagger the terms of the members in accordance with Subsection (5)(b).

(6) A member may serve more than one term.

(7) A member shall hold office until the expiration of the member's term and until the member's successor is appointed, but not more than 90 days after the expiration of the member's term.

(8) When a vacancy occurs in the membership for any reason, the governor shall, with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, appoint a replacement for the unexpired term.

(9) The board shall elect annually a chair and a vice chair from ~~[its]~~ the board's members.

(10)

(a) The board shall meet at least quarterly.

~~(b) [Special]~~ The chair may call special meetings ~~[may be called by the chair]~~ upon the chair's own initiative, upon the request of the director, or upon the request of three members of the board.

(c) Three days' notice shall be given to each member of the board before a meeting.

(11) Five members constitute a quorum at a meeting, and the action of a majority of members present is the action of the board.

## HB0499 compared with HB0499S02

(12) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

~~{Section 3. Section 19-2-104 is amended to read: }~~

### **19-2-104. Powers of board.**

(1) The board may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

(a) regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air pollutants that may be emitted by an air pollutant source;

(b) establishing air quality standards;

(c) requiring persons engaged in operations that result in air pollution to:

(i) install, maintain, and use emission monitoring devices, as the board finds necessary;

(ii) file periodic reports containing information relating to the rate, period of emission, and composition of the air pollutant; and

(iii) provide access to records relating to emissions which cause or contribute to air pollution;

(d)

(i) implementing:

(A) Toxic Substances Control Act, Subchapter II, Asbestos Hazard Emergency Response, 15 U.S.C. 2601 et seq.;

(B) 40 C.F.R. Part 763, Asbestos; and

(C) 40 C.F.R. Part 61, National Emission Standards for Hazardous Air Pollutants, Subpart M, National Emission Standard for Asbestos; and

(ii) reviewing and approving asbestos management plans submitted by local education agencies under the Toxic Substances Control Act, Subchapter II, Asbestos Hazard Emergency Response, 15 U.S.C. 2601 et seq.;

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

## HB0499 compared with HB0499S02

- (f) implementing an operating permit program as required by and in conformity with Titles IV and V of the federal Clean Air Act Amendments of 1990;
- 144 (g) establishing requirements for county emissions inspection and maintenance programs after obtaining agreement from the counties that would be affected by the requirements;
- 147 (h) with the approval of the governor, implementing in air quality nonattainment areas employer-based trip reduction programs applicable to businesses having more than 100 employees at a single location and applicable to federal, state, and local governments to the extent necessary to attain and maintain ambient air quality standards consistent with the state implementation plan and federal requirements under the standards set forth in Subsection (2);
- 153 (i) implementing lead-based paint training, certification, and performance requirements in accordance with 15 U.S.C. 2601 et seq., Toxic Substances Control Act, Subchapter IV -- Lead Exposure Reduction, Sections 402 and 406; and
- 156 (j) to implement the requirements of Section 19-2-107.5.
- 157 (2) When implementing Subsection (1)(h) the board shall take into consideration:
- 158 (a) the impact of the business on overall air quality; and
- 159 (b) the need of the business to use automobiles in order to carry out its business purposes.
- 160 (3)
- (a) The board may:
- 161 (i) hold a hearing that is not an adjudicative proceeding relating to any aspect of, or matter in, the administration of this chapter;
- 163 (ii) recommend that the director:
- 164 (A) issue orders necessary to enforce~~[the provisions of]~~ this chapter;
- 165 (B) enforce the orders by appropriate administrative and judicial proceedings;
- 166 (C) institute judicial proceedings to secure compliance with this chapter; or
- 167 (D) advise, consult, contract, and cooperate with other agencies of the state, local governments, industries, other states, interstate or interlocal agencies, the federal government, or interested persons or groups; and
- 170 (iii) establish certification requirements for asbestos project monitors, which shall provide for experience-based certification of a person who:
- 172 (A) receives relevant asbestos training, as defined by rule; and
- 173 (B) has acquired a minimum of 1,000 hours of asbestos project monitoring related work experience.

## HB0499 compared with HB0499S02

- 175 (b) The board shall:
- 176 (i) to ensure compliance with applicable statutes and regulations:
- 177 (A) review a settlement negotiated by the director in accordance with Subsection 19-2-107(2)(b)(viii)
- that requires a civil penalty of \$25,000 or more; and
- 179 (B) approve or disapprove the settlement;
- 180 (ii) encourage voluntary cooperation by persons and affected groups to achieve the purposes of this
- chapter;
- 182 (iii) meet the requirements of federal air pollution laws;
- 183 (iv) by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- establish work practice and certification requirements for persons who:
- 186 (A) contract for hire to conduct demolition, renovation, salvage, encapsulation work involving friable
- asbestos-containing materials, or asbestos inspections if:
- 188 (I) the contract work is done on a site other than a residential property with four or fewer units; or
- 190 (II) the contract work is done on a residential property with four or fewer units where a tested sample
- contained greater than 1% of asbestos;
- 192 (B) conduct work described in Subsection (3)(b)(iv)(A) in areas to which the general public has
- unrestrained access or in school buildings that are subject to the federal Asbestos Hazard Emergency
- Response Act of 1986;
- 195 (C) conduct asbestos inspections in facilities subject to 15 U.S.C. 2601 et seq., Toxic Substances
- Control Act, Subchapter II - Asbestos Hazard Emergency Response; or
- 198 (D) conduct lead-based paint inspections in facilities subject to 15 U.S.C. 2601 et seq., Toxic
- Substances Control Act, Subchapter IV -- Lead Exposure Reduction;
- 201 (v) establish certification requirements for a person required under 15 U.S.C. 2601 et seq., Toxic
- Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response, to be accredited as
- an inspector, management planner, abatement project designer, asbestos abatement contractor and
- supervisor, or an asbestos abatement worker;
- 206 (vi) establish certification requirements for a person required under 15 U.S.C. 2601 et seq., Toxic
- Control Act, Subchapter IV - Lead Exposure Reduction, to be accredited as an inspector, risk
- assessor, supervisor, project designer, abatement worker, renovator, or dust sampling technician;
- and

210

## HB0499 compared with HB0499S02

(vii) assist the State Board of Education in adopting school bus idling reduction standards and implementing an idling reduction program in accordance with Section 41-6a-1308.

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

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

(6)

~~[(a)]~~ The board may not require inspection or testing for asbestos or related materials on a residential property with four or fewer units, unless[:]

~~[(i)]~~ \_the property's construction was completed before January 1, 1981[; ~~or~~] \_

~~[(ii)]~~ ~~the testing is for:~~

~~[(A)]~~ ~~a sprayed-on or painted on ceiling treatment that contained or may contain asbestos fiber;~~

~~[(B)]~~ ~~asbestos cement siding or roofing materials;~~

~~[(C)]~~ ~~resilient flooring products including vinyl asbestos tile, sheet vinyl products, resilient flooring backing material, whether attached or unattached, and mastic;~~

~~[(D)]~~ ~~thermal-system insulation or tape on a duct or furnace; or]~~

~~[(E)]~~ ~~vermiculite type insulation materials.]~~

~~[(b)]~~ A residential property with four or fewer units is subject to an abatement rule made under Subsection (1) or (3)(b)(iv) if:]

~~[(i)]~~ a sample from the property is tested for asbestos; and]

~~[(ii)]~~ the sample contains asbestos measuring greater than 1%.]

(7) The board may not issue, amend, renew, modify, revoke, or terminate any of the following that are subject to the authority granted to the director under Section 19-2-107 or 19-2-108:

(a) a permit;

(b) a license;

(c) a registration;

(d) a certification; or

(e) another administrative authorization made by the director.



## HB0499 compared with HB0499S02

(8) A board member may not speak or act for the board unless the board member is authorized by a majority of a quorum of the board in a vote taken at a meeting of the board.

(9) Notwithstanding Subsection (7), the board may exercise ~~all~~ the authority granted to the board by a federally enforceable state implementation plan.

Section 2. Section 19-2-107.7 is amended to read:

**19-2-107.7. Water heater regulations.**

(1) As used in this section:

(a) "Natural gas-fired water heater" means a device that heats water by the combustion of natural gas to a thermostatically-controlled temperature not exceeding 210 degrees Fahrenheit for use external to the vessel at pressures not exceeding 160 pounds per square inch gauge.

(b) "Ozone nonattainment area" means an area that does not meet the primary or secondary air quality standards for ozone under the national ambient air quality standards described in 42 U.S.C. Sec. 7407(d).

(c) "PM2.5 nonattainment area" means an area that does not meet the primary or secondary air quality standards for fine particulate matter, PM2.5, under the national ambient air quality standards described in 42 U.S.C. Sec. 7407(d).

~~(b)~~ (d) "Recreational vehicle" means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy.

(2) A person may not sell or purchase a natural gas-fired water heater that is manufactured after July 1, 2018 with the intent to install it in Utah if the natural gas-fired water heater exceeds the applicable nitrogen oxide emission rate limit set in Title 15A, State Construction and Fire Codes Act.

(3) A manufacturer in Utah shall display the model number and nitrogen oxide emission rate of a water heater complying with this section on:

(a) the shipping carton for the water heater; and

(b) the permanent rating plate of each water heater unit.

(4) This section does not apply to a water heater unit that:

(a) uses a fuel other than natural gas;

(b) is used in a recreational vehicle; ~~or~~

(c) is manufactured in Utah for shipment and use outside of Utah~~;~~ ; or

## HB0499 compared with HB0499S02

(d) is intended to be installed in an area of Utah that is not included in an ozone nonattainment area or a PM2.5 nonattainment area.

~~{Section 4. Section 63G-3-301 is amended to read: }~~

### **63G-3-301. Rulemaking procedure -- Significant environmental quality rules.**

- (1) An agency authorized to make rules is also authorized to amend or repeal those rules.
- (2) Except as provided in Sections 63G-3-303 and 63G-3-304, when making, amending, or repealing a rule agencies shall comply with:
  - (a) the requirements of this section;
  - (b) consistent procedures required by other statutes;
  - (c) applicable federal mandates; and
  - (d) rules made by the office to implement this chapter.
- (3) Subject to the requirements of this chapter, each agency shall develop and use flexible approaches in drafting rules that meet the needs of the agency and that involve persons affected by the agency's rules.
- (4)
  - (a) Each agency shall file the agency's proposed rule and rule analysis with the office.
  - (b) Rule amendments shall be marked with new language underlined and deleted language struck out.
  - (c)
    - (i) The office shall publish the information required under Subsection (8) on the rule analysis and the text of the proposed rule in the next issue of the bulletin.
    - (ii) For rule amendments, only the section or subsection of the rule being amended need be printed.
    - (iii) If the director determines that the rule is too long to publish, the office shall publish the rule analysis and shall publish the rule by reference to a copy on file with the office.
- (5) Before filing a rule with the office, the agency shall conduct a thorough analysis, consistent with the criteria established by the Governor's Office of Planning and Budget, of the fiscal impact a rule may have on businesses, which criteria may include:
  - (a) the type of industries that will be impacted by the rule, and for each identified industry, an estimate of the total number of businesses within the industry, and an estimate of the number of those businesses that are small businesses;
  - (b) the individual fiscal impact that would incur to a typical business for a one-year period;

## HB0499 compared with HB0499S02

- (c) the aggregated total fiscal impact that would incur to all businesses within the state for a one-year period;
- 279 (d) the total cost that would incur to all impacted entities over a five-year period; and
- 280 (e) the department head's comments on the analysis.
- 281 (6) If the agency reasonably expects that a proposed rule will have a measurable negative fiscal impact on small businesses, the agency shall consider, as allowed by federal law, each of the following methods of reducing the impact of the rule on small businesses:
- 284 (a) establishing less stringent compliance or reporting requirements for small businesses;
- 285 (b) establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- 287 (c) consolidating or simplifying compliance or reporting requirements for small businesses;
- 289 (d) establishing performance standards for small businesses to replace design or operational standards required in the proposed rule; and
- 291 (e) exempting small businesses from all or any part of the requirements contained in the proposed rule.
- 293 (7) If during the public comment period an agency receives comment that the proposed rule will cost small business more than one day's annual average gross receipts, and the agency had not previously performed the analysis in Subsection (6), the agency shall perform the analysis described in Subsection (6).
- 297 (8) The rule analysis shall contain:
- 298 (a) a summary of the rule or change;
- 299 (b) the purpose of the rule or reason for the change;
- 300 (c) the statutory authority or federal requirement for the rule;
- 301 (d) the anticipated cost or savings to:
- 302 (i) the state budget;
- 303 (ii) local governments;
- 304 (iii) small businesses; and
- 305 (iv) persons other than small businesses, businesses, or local governmental entities;
- 306 (e) the compliance cost for affected persons;
- 307 (f) how interested persons may review the full text of the rule;
- 308 (g) how interested persons may present their views on the rule;
- 309 (h) the time and place of any scheduled public hearing;

## HB0499 compared with HB0499S02

- (i) the name and telephone number of an agency employee who may be contacted about the rule;
  - (j) the name of the agency head or designee who authorized the rule;
  - (k) the date on which the rule may become effective following the public comment period;
  - (l) the agency's analysis on the fiscal impact of the rule as required under Subsection (5);
  - (m) any additional comments the department head may choose to submit regarding the fiscal impact the rule may have on businesses; and
  - (n) if applicable, a summary of the agency's efforts to comply with the requirements of Subsection (6).
- (9)
- (a) For a rule being repealed and reenacted, the rule analysis shall contain a summary that generally includes the following:
    - (i) a summary of substantive provisions in the repealed rule which are eliminated from the enacted rule; and
    - (ii) a summary of new substantive provisions appearing only in the enacted rule.
  - (b) The summary required under this Subsection (9) is to aid in review and may not be used to contest any rule on the ground of noncompliance with the procedural requirements of this chapter.
- (10) A copy of the rule analysis shall be mailed to all persons who have made timely request of the agency for advance notice of the agency's rulemaking proceedings and to any other person who, by statutory or federal mandate or in the judgment of the agency, should also receive notice.
- (11)
- (a) Following the publication date, the agency shall allow at least 30 days for public comment on the rule.
  - (b) The agency shall review and evaluate all public comments submitted in writing within the time period under Subsection (11)(a) or presented at public hearings conducted by the agency within the time period under Subsection (11)(a).
- (12)
- (a) Except as provided in Sections 63G-3-303 and 63G-3-304, a proposed rule becomes effective on any date specified by the agency that is:
    - (i) no fewer than seven calendar days after the day on which the public comment period closes under Subsection (11); and
    - (ii) no more than 120 days after the day on which the rule is published.

## HB0499 compared with HB0499S02

(b) The agency shall provide notice of the rule's effective date to the office in the form required by the office.

(c) The notice of effective date may not provide for an effective date before the day on which the office receives the notice.

(d) The office shall publish notice of the effective date of the rule in the next issue of the bulletin.

(e) A proposed rule lapses if a notice of effective date or a change to a proposed rule is not filed with the office within 120 days after the day on which the rule is published.

(13)

(a) Except as provided in Subsection (13)(d), before an agency enacts a rule, the agency shall submit to the appropriations subcommittee and interim committee with jurisdiction over the agency the agency's proposed rule for review, if the proposed rule, over a three-year period, has a fiscal impact of more than:

(i) \$250,000 to a single person; or

(ii) \$7,500,000 to a group of persons.

(b) An appropriations subcommittee or interim committee that reviews a rule submitted under Subsection (13)(a) shall:

(i) before the review, directly inform the chairs of the Rules Review and General Oversight Committee of the coming review, including the date, time, and place of the review; and

(ii) after the review, directly inform the chairs of the Rules Review and General Oversight Committee of the outcome of the review, including any recommendation.

(c) An appropriations subcommittee or interim committee that reviews a rule submitted under Subsection (13)(a) may recommend to the Rules Review and General Oversight Committee that the Rules Review and General Oversight Committee not recommend reauthorization of the rule in the legislation described in Section 63G-3-502.

(d) The requirement described in Subsection (13)(a) does not apply to:

(i) the State Tax Commission; or

(ii) the State Board of Education.

(14)

(a) As used in this Subsection (14), "initiate rulemaking proceedings" means the filing, for the purposes of publication in accordance with Subsection (4), of an agency's proposed rule that is required by state statute.

## HB0499 compared with HB0499S02

- 375 (b) A state agency shall initiate rulemaking proceedings no later than 180 days after the day on  
which the statutory provision that specifically requires the rulemaking takes effect, except under  
Subsection (14)(c).
- 378 (c) When a statute is enacted that requires agency rulemaking and the affected agency already has rules  
in place that meet the statutory requirement, the agency shall submit the rules to the Rules Review  
and General Oversight Committee for review within 60 days after the day on which the statute  
requiring the rulemaking takes effect.
- 382 (d) If a state agency does not initiate rulemaking proceedings in accordance with the time requirements  
in Subsection (14)(b), the state agency shall appear before the legislative Rules Review and General  
Oversight Committee and provide the reasons for the delay.
- 386 (15)
- (a) As used in this Subsection (15):
- 387 (i) "Policy board" means one of the following within the Department of Environmental Quality:
- 389 (A) the Air Quality Board, appointed under Section 19-2-103;
- 390 (B) the Drinking Water Board, appointed under Section 19-4-103;
- 391 (C) the Water Quality Board, appointed under Section 19-5-103; and
- 392 (D) the Waste Management and Radiation Control Board, appointed under Section 19-6-103.
- 394 (ii) "Reviewing committee" means:
- 395 (A) the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee; or
- 397 (B) the Natural Resources, Agriculture, and Environment Interim Committee during an interim, or  
the relevant standing committee for the House of Representatives or the Senate during an annual  
general session or if there are no scheduled meetings of the Natural Resources, Agriculture, and  
Environment Interim Committee before the beginning of the next annual general session.
- 402 (iii) "Significant environmental quality rule" means a proposed rule issued by a policy board that:
- 404 (A) has anticipated aggregate costs, as described in Subsection (8)(d), of at least \$1,000,000 over a  
three-year period; or
- 406 (B) is proposed due to a federal requirement, as described in Subsection (8)(c).
- 407 (b) Before a policy board files a significant environmental quality rule in accordance with Subsection  
(4), the policy board shall submit the proposed rule for review to the reviewing committees.
- 410 (c) Once a public board submits a proposed significant environmental quality rule to the reviewing  
committees under Subsection (15)(b), a reviewing committee may conduct a review of the proposed

## HB0499 compared with HB0499S02

significant environmental quality rule, except that the reviewing committee may not conduct the review later than 120 days after the day on which the policy board submits the proposed significant environmental quality rule to the reviewing committees under Subsection (15)(b).

(d) Before a reviewing committee reviews a significant environmental quality rule under this Subsection (15), the reviewing committee shall notify the chairs of the Rules Review and General Oversight Committee of the date, time, and place of the review.

(e) A significant environmental quality rule may not take effect until the later of:

(i) the effective date specified in accordance with Subsection (12); or

(ii) 121 days after the day the policy board submits the proposed significant environmental quality rule to the reviewing committees.

(f) After a review under this Subsection (15), a reviewing committee may recommend that:

(i) the significant environmental quality rule:

(A) take effect;

(B) be modified and take effect; or

(C) not take effect; or

(ii)

(A) if the review is conducted during an interim, the governor call a special session of the Legislature to review and approve or reject the significant environmental quality rule; or

(B) if the review is conducted during an annual general session, the Legislature review and approve or reject the significant environmental quality rule.

(g)

(i) A significant environmental quality rule is subject to the other requirements of this section in addition to complying with this Subsection (15) except that the review required by Subsection (13) shall be conducted by a reviewing committee.

(ii) Subsection (15)(e) does not apply if the proposed rule is made in accordance with Section 63G-3-303 or 63G-3-304, except that a policy board may not take action under Section 63G-3-304 on the basis that without the significant environmental quality rule the policy board or the Department of Environmental Quality is in violation of federal law.

### Section 3. **Effective date.**

This bill takes effect on May 7, 2025.

2-27-25 12:02 PM