

1 **Department of Environmental Quality Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses the Department of Environmental Quality.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ modifies rulemaking processes for policy boards within the Department of Environmental
- 9 Quality;
- 10 ▶ modifies the qualifications of Air Quality Board members;
- 11 ▶ provides a transition for the Air Quality Board;
- 12 ▶ modifies powers of the Air Quality Board related to asbestos; and
- 13 ▶ makes technical and conforming changes.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **19-1-106**, as last amended by Laws of Utah 2020, Chapters 256, 373

21 **19-2-103**, as last amended by Laws of Utah 2024, Chapter 529

22 **19-2-104**, as last amended by Laws of Utah 2023, Chapter 139

23 **63G-3-301**, as last amended by Laws of Utah 2024, Chapter 178

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

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

27 **19-1-106 . Boards within department.**

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

29 (a) the Air Quality Board, appointed under Section 19-2-103;

30 (b) the Drinking Water Board, appointed under Section 19-4-103;

- 31 (c) the Water Quality Board, appointed under Section 19-5-103; and
 32 (d) the Waste Management and Radiation Control Board, appointed under Section
 33 19-6-103.

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

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

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

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

40 **19-2-103 . Members of board -- Appointment -- Terms -- Organization -- Per**
 41 **diem and expenses.**

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

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

- 45 (i) the executive director; or
 46 (ii) an employee of the department designated by the executive director; and

47 (b) the following eight voting members, who shall be appointed or reappointed by the
 48 governor with the advice and consent of the Senate in accordance with Title 63G,
 49 Chapter 24, Part 2, Vacancies:

50 (i) one representative who:

51 ~~[(A) is not connected with industry;]~~

52 ~~[(B)]~~ (A) is an expert in air quality matters; and

53 ~~[(C)]~~ (B) is ~~[a Utah-licensed physician,]~~ a Utah-licensed professional engineer[;] or
 54 a scientist with relevant training and experience;

55 (ii) two government representatives who do not represent the federal government[;] :

56 (A) one of whom resides in a county of the first or second class; and

57 (B) one of whom resides in a county of the third, fourth, fifth, or sixth class;

58 (iii) one representative from the mining industry;

59 (iv) one representative from the fuels industry;

60 (v) one representative from the manufacturing industry;

61 (vi) one representative from the public who~~[-represents]~~:

62 (A) represents a nongovernmental organization; and

63 (B) does not represent industry interests; and

64 ~~[(A) an environmental nongovernmental organization; or]~~

65 ~~[(B) a nongovernmental organization that represents community interests and does~~
66 ~~not represent industry interests; and]~~

67 (vii) one representative ~~[from the public]~~ who is:

68 (A) trained and experienced in public health~~[-]~~ ; or

69 (B) a Utah-licensed physician.

70 (2) A member of the board shall:

71 (a) be knowledgeable about air pollution matters, as evidenced by a professional degree,
72 a professional accreditation, or documented experience;

73 (b) be a resident of Utah;

74 (c) attend board meetings in accordance with the attendance rules made by the
75 department under Subsection 19-1-201(1)(d)(i)(A); and

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

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

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

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

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

90 (c) The terms of the members of the board who are members of the board on May 7,
91 2025, and described in Subsections (1)(b)(i), (ii), (vi), and (vii) expire June 30, 2025.
92 Subject to Title 63G, Chapter 24, Part 2, Vacancies, the governor shall appoint
93 members in accordance with Subsection (1)(b) effective July 1, 2025, and stagger the
94 terms of the members in accordance with Subsection (5)(b).

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

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

- 99 (8) When a vacancy occurs in the membership for any reason, the governor shall, with the
100 advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,
101 Vacancies, appoint a replacement for the unexpired term.
- 102 (9) The board shall elect annually a chair and a vice chair from [its] the board's members.
- 103 (10)(a) The board shall meet at least quarterly.
- 104 (b) [~~Special~~] The chair may call special meetings [~~may be called by the chair~~] upon the
105 chair's own initiative, upon the request of the director, or upon the request of three
106 members of the board.
- 107 (c) Three days' notice shall be given to each member of the board before a meeting.
- 108 (11) Five members constitute a quorum at a meeting, and the action of a majority of
109 members present is the action of the board.
- 110 (12) A member may not receive compensation or benefits for the member's service, but
111 may receive per diem and travel expenses in accordance with:
- 112 (a) Section 63A-3-106;
- 113 (b) Section 63A-3-107; and
- 114 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
115 63A-3-107.
- 116 Section 3. Section **19-2-104** is amended to read:
- 117 **19-2-104 . Powers of board.**
- 118 (1) The board may make rules in accordance with Title 63G, Chapter 3, Utah
119 Administrative Rulemaking Act:
- 120 (a) regarding the control, abatement, and prevention of air pollution from all sources and
121 the establishment of the maximum quantity of air pollutants that may be emitted by
122 an air pollutant source;
- 123 (b) establishing air quality standards;
- 124 (c) requiring persons engaged in operations that result in air pollution to:
- 125 (i) install, maintain, and use emission monitoring devices, as the board finds
126 necessary;
- 127 (ii) file periodic reports containing information relating to the rate, period of
128 emission, and composition of the air pollutant; and
- 129 (iii) provide access to records relating to emissions which cause or contribute to air
130 pollution;
- 131 (d)(i) implementing:
- 132 (A) Toxic Substances Control Act, Subchapter II, Asbestos Hazard Emergency

- 133 Response, 15 U.S.C. 2601 et seq.;
- 134 (B) 40 C.F.R. Part 763, Asbestos; and
- 135 (C) 40 C.F.R. Part 61, National Emission Standards for Hazardous Air Pollutants,
- 136 Subpart M, National Emission Standard for Asbestos; and
- 137 (ii) reviewing and approving asbestos management plans submitted by local
- 138 education agencies under the Toxic Substances Control Act, Subchapter II,
- 139 Asbestos Hazard Emergency Response, 15 U.S.C. 2601 et seq.;
- 140 (e) establishing a requirement for a diesel emission opacity inspection and maintenance
- 141 program for diesel-powered motor vehicles;
- 142 (f) implementing an operating permit program as required by and in conformity with
- 143 Titles IV and V of the federal Clean Air Act Amendments of 1990;
- 144 (g) establishing requirements for county emissions inspection and maintenance
- 145 programs after obtaining agreement from the counties that would be affected by the
- 146 requirements;
- 147 (h) with the approval of the governor, implementing in air quality nonattainment areas
- 148 employer-based trip reduction programs applicable to businesses having more than
- 149 100 employees at a single location and applicable to federal, state, and local
- 150 governments to the extent necessary to attain and maintain ambient air quality
- 151 standards consistent with the state implementation plan and federal requirements
- 152 under the standards set forth in Subsection (2);
- 153 (i) implementing lead-based paint training, certification, and performance requirements
- 154 in accordance with 15 U.S.C. 2601 et seq., Toxic Substances Control Act, Subchapter
- 155 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
- 162 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
168 governments, industries, other states, interstate or interlocal agencies, the
169 federal government, or interested persons or groups; and
- 170 (iii) establish certification requirements for asbestos project monitors, which shall
171 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
174 work experience.
- 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
178 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
181 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
184 Rulemaking Act, establish work practice and certification requirements for
185 persons who:
- 186 (A) contract for hire to conduct demolition, renovation, salvage, encapsulation
187 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
189 four or fewer units; or
190 (II) the contract work is done on a residential property with four or fewer units
191 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
193 general public has unrestrained access or in school buildings that are subject to
194 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.,
196 Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency
197 Response; or
- 198 (D) conduct lead-based paint inspections in facilities subject to 15 U.S.C. 2601 et
199 seq., Toxic Substances Control Act, Subchapter IV -- Lead Exposure
200 Reduction;

- 201 (v) establish certification requirements for a person required under 15 U.S.C. 2601 et
 202 seq., Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency
 203 Response, to be accredited as an inspector, management planner, abatement
 204 project designer, asbestos abatement contractor and supervisor, or an asbestos
 205 abatement worker;
- 206 (vi) establish certification requirements for a person required under 15 U.S.C. 2601 et
 207 seq., Toxic Control Act, Subchapter IV - Lead Exposure Reduction, to be
 208 accredited as an inspector, risk assessor, supervisor, project designer, abatement
 209 worker, renovator, or dust sampling technician; and
- 210 (vii) assist the State Board of Education in adopting school bus idling reduction
 211 standards and implementing an idling reduction program in accordance with
 212 Section 41-6a-1308.
- 213 (4) A rule adopted under this chapter shall be consistent with provisions of federal laws, if
 214 any, relating to control of motor vehicles or motor vehicle emissions.
- 215 (5) Nothing in this chapter authorizes the board to require installation of or payment for any
 216 monitoring equipment by the owner or operator of a source if the owner or operator has
 217 installed or is operating monitoring equipment that is equivalent to equipment [which]
 218 that the board would require under this section.
- 219 (6)[(a)] The board may not require inspection or testing for asbestos or related materials
 220 on a residential property with four or fewer units, unless[;]
 221 [(i)] the property's construction was completed before January 1, 1981[; or] .
 222 [(ii) the testing is for:]
 223 [(A) a sprayed-on or painted on ceiling treatment that contained or may contain
 224 asbestos fiber;]
 225 [(B) asbestos cement siding or roofing materials;]
 226 [(C) resilient flooring products including vinyl asbestos tile, sheet vinyl products,
 227 resilient flooring backing material, whether attached or unattached, and mastic;]
 228 [(D) thermal-system insulation or tape on a duct or furnace; or]
 229 [(E) vermiculite type insulation materials.]
- 230 [(b) A residential property with four or fewer units is subject to an abatement rule made
 231 under Subsection (1) or (3)(b)(iv) if:]
 232 [(i) a sample from the property is tested for asbestos; and]
 233 [(ii) the sample contains asbestos measuring greater than 1%.]
- 234 (7) The board may not issue, amend, renew, modify, revoke, or terminate any of the

235 following that are subject to the authority granted to the director under Section 19-2-107
236 or 19-2-108:

- 237 (a) a permit;
- 238 (b) a license;
- 239 (c) a registration;
- 240 (d) a certification; or
- 241 (e) another administrative authorization made by the director.

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

245 (9) Notwithstanding Subsection (7), the board may exercise [aH] the authority granted to the
246 board by a federally enforceable state implementation plan.

247 Section 4. Section **63G-3-301** is amended to read:

248 **63G-3-301 . Rulemaking procedure -- Significant environmental quality rules.**

249 (1) An agency authorized to make rules is also authorized to amend or repeal those rules.

250 (2) Except as provided in Sections 63G-3-303 and 63G-3-304, when making, amending, or
251 repealing a rule agencies shall comply with:

- 252 (a) the requirements of this section;
- 253 (b) consistent procedures required by other statutes;
- 254 (c) applicable federal mandates; and
- 255 (d) rules made by the office to implement this chapter.

256 (3) Subject to the requirements of this chapter, each agency shall develop and use flexible
257 approaches in drafting rules that meet the needs of the agency and that involve persons
258 affected by the agency's rules.

259 (4)(a) Each agency shall file the agency's proposed rule and rule analysis with the office.

260 (b) Rule amendments shall be marked with new language underlined and deleted
261 language struck out.

262 (c)(i) The office shall publish the information required under Subsection (8) on the
263 rule analysis and the text of the proposed rule in the next issue of the bulletin.

264 (ii) For rule amendments, only the section or subsection of the rule being amended
265 need be printed.

266 (iii) If the director determines that the rule is too long to publish, the office shall
267 publish the rule analysis and shall publish the rule by reference to a copy on file
268 with the office.

- 269 (5) Before filing a rule with the office, the agency shall conduct a thorough analysis,
270 consistent with the criteria established by the Governor's Office of Planning and Budget,
271 of the fiscal impact a rule may have on businesses, which criteria may include:
- 272 (a) the type of industries that will be impacted by the rule, and for each identified
273 industry, an estimate of the total number of businesses within the industry, and an
274 estimate of the number of those businesses that are small businesses;
 - 275 (b) the individual fiscal impact that would incur to a typical business for a one-year
276 period;
 - 277 (c) the aggregated total fiscal impact that would incur to all businesses within the state
278 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
282 fiscal impact on small businesses, the agency shall consider, as allowed by federal law,
283 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
286 requirements for small businesses;
 - 287 (c) consolidating or simplifying compliance or reporting requirements for small
288 businesses;
 - 289 (d) establishing performance standards for small businesses to replace design or
290 operational standards required in the proposed rule; and
 - 291 (e) exempting small businesses from all or any part of the requirements contained in the
292 proposed rule.
- 293 (7) If during the public comment period an agency receives comment that the proposed rule
294 will cost small business more than one day's annual average gross receipts, and the
295 agency had not previously performed the analysis in Subsection (6), the agency shall
296 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;
- 310 (i) the name and telephone number of an agency employee who may be contacted about
- 311 the rule;
- 312 (j) the name of the agency head or designee who authorized the rule;
- 313 (k) the date on which the rule may become effective following the public comment
- 314 period;
- 315 (l) the agency's analysis on the fiscal impact of the rule as required under Subsection (5);
- 316 (m) any additional comments the department head may choose to submit regarding the
- 317 fiscal impact the rule may have on businesses; and
- 318 (n) if applicable, a summary of the agency's efforts to comply with the requirements of
- 319 Subsection (6).
- 320 (9)(a) For a rule being repealed and reenacted, the rule analysis shall contain a summary
- 321 that generally includes the following:
- 322 (i) a summary of substantive provisions in the repealed rule which are eliminated
- 323 from the enacted rule; and
- 324 (ii) a summary of new substantive provisions appearing only in the enacted rule.
- 325 (b) The summary required under this Subsection (9) is to aid in review and may not be
- 326 used to contest any rule on the ground of noncompliance with the procedural
- 327 requirements of this chapter.
- 328 (10) A copy of the rule analysis shall be mailed to all persons who have made timely
- 329 request of the agency for advance notice of the agency's rulemaking proceedings and to
- 330 any other person who, by statutory or federal mandate or in the judgment of the agency,
- 331 should also receive notice.
- 332 (11)(a) Following the publication date, the agency shall allow at least 30 days for public
- 333 comment on the rule.
- 334 (b) The agency shall review and evaluate all public comments submitted in writing
- 335 within the time period under Subsection (11)(a) or presented at public hearings
- 336 conducted by the agency within the time period under Subsection (11)(a).

- 337 (12)(a) Except as provided in Sections 63G-3-303 and 63G-3-304, a proposed rule
338 becomes effective on any date specified by the agency that is:
- 339 (i) no fewer than seven calendar days after the day on which the public comment
340 period closes under Subsection (11); and
 - 341 (ii) no more than 120 days after the day on which the rule is published.
- 342 (b) The agency shall provide notice of the rule's effective date to the office in the form
343 required by the office.
- 344 (c) The notice of effective date may not provide for an effective date before the day on
345 which the office receives the notice.
- 346 (d) The office shall publish notice of the effective date of the rule in the next issue of the
347 bulletin.
- 348 (e) A proposed rule lapses if a notice of effective date or a change to a proposed rule is
349 not filed with the office within 120 days after the day on which the rule is published.
- 350 (13)(a) Except as provided in Subsection (13)(d), before an agency enacts a rule, the
351 agency shall submit to the appropriations subcommittee and interim committee with
352 jurisdiction over the agency the agency's proposed rule for review, if the proposed
353 rule, over a three-year period, has a fiscal impact of more than:
- 354 (i) \$250,000 to a single person; or
 - 355 (ii) \$7,500,000 to a group of persons.
- 356 (b) An appropriations subcommittee or interim committee that reviews a rule submitted
357 under Subsection (13)(a) shall:
- 358 (i) before the review, directly inform the chairs of the Rules Review and General
359 Oversight Committee of the coming review, including the date, time, and place of
360 the review; and
 - 361 (ii) after the review, directly inform the chairs of the Rules Review and General
362 Oversight Committee of the outcome of the review, including any
363 recommendation.
- 364 (c) An appropriations subcommittee or interim committee that reviews a rule submitted
365 under Subsection (13)(a) may recommend to the Rules Review and General
366 Oversight Committee that the Rules Review and General Oversight Committee not
367 recommend reauthorization of the rule in the legislation described in Section
368 63G-3-502.
- 369 (d) The requirement described in Subsection (13)(a) does not apply to:
- 370 (i) the State Tax Commission; or

- 371 (ii) the State Board of Education.
- 372 (14)(a) As used in this Subsection (14), "initiate rulemaking proceedings" means the
373 filing, for the purposes of publication in accordance with Subsection (4), of an
374 agency's proposed rule that is required by state statute.
- 375 (b) A state agency shall initiate rulemaking proceedings no later than 180 days after the
376 day on which the statutory provision that specifically requires the rulemaking takes
377 effect, except under Subsection (14)(c).
- 378 (c) When a statute is enacted that requires agency rulemaking and the affected agency
379 already has rules in place that meet the statutory requirement, the agency shall submit
380 the rules to the Rules Review and General Oversight Committee for review within 60
381 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
383 time requirements in Subsection (14)(b), the state agency shall appear before the
384 legislative Rules Review and General Oversight Committee and provide the reasons
385 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
388 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
393 Section 19-6-103.
- 394 (ii) "Reviewing committee" means:
- 395 (A) the Natural Resources, Agriculture, and Environmental Quality
396 Appropriations Subcommittee; or
- 397 (B) the Natural Resources, Agriculture, and Environment Interim Committee
398 during an interim, or the relevant standing committee for the House of
399 Representatives or the Senate during an annual general session or if there are
400 no scheduled meetings of the Natural Resources, Agriculture, and Environment
401 Interim Committee before the beginning of the next annual general session.
- 402 (iii) "Significant environmental quality rule" means a proposed rule issued by a
403 policy board that:
- 404 (A) has anticipated aggregate costs, as described in Subsection (8)(d), of at least

- 405 \$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
408 with Subsection (4), the policy board shall submit the proposed rule for review to the
409 reviewing committees.
- 410 (c) Once a public board submits a proposed significant environmental quality rule to the
411 reviewing committees under Subsection (15)(b), a reviewing committee may conduct
412 a review of the proposed significant environmental quality rule, except that the
413 reviewing committee may not conduct the review later than 120 days after the day on
414 which the policy board submits the proposed significant environmental quality rule to
415 the reviewing committees under Subsection (15)(b).
- 416 (d) Before a reviewing committee reviews a significant environmental quality rule under
417 this Subsection (15), the reviewing committee shall notify the chairs of the Rules
418 Review and General Oversight Committee of the date, time, and place of the review.
- 419 (e) A significant environmental quality rule may not take effect until the later of:
420 (i) the effective date specified in accordance with Subsection (12); or
421 (ii) 121 days after the day the policy board submits the proposed significant
422 environmental quality rule to the reviewing committees.
- 423 (f) After a review under this Subsection (15), a reviewing committee may recommend
424 that:
425 (i) the significant environmental quality rule:
426 (A) take effect;
427 (B) be modified and take effect; or
428 (C) not take effect; or
429 (ii)(A) if the review is conducted during an interim, the governor call a special
430 session of the Legislature to review and approve or reject the significant
431 environmental quality rule; or
432 (B) if the review is conducted during an annual general session, the Legislature
433 review and approve or reject the significant environmental quality rule.
- 434 (g)(i) A significant environmental quality rule is subject to the other requirements of
435 this section in addition to complying with this Subsection (15) except that the
436 review required by Subsection (13) shall be conducted by a reviewing committee.
437 (ii) Subsection (15)(e) does not apply if the proposed rule is made in accordance with
438 Section 63G-3-303 or 63G-3-304, except that a policy board may not take action

439 under Section 63G-3-304 on the basis that without the significant environmental
440 quality rule the policy board or the Department of Environmental Quality is in
441 violation of federal law.

442 Section 5. **Effective Date.**

443 This bill takes effect on May 7, 2025.