

Casey Snider proposes the following substitute bill:

**Department of Environmental Quality Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Casey Snider**

Senate Sponsor: Keven J. Stratton

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**LONG TITLE**

**General Description:**

This bill addresses the Department of Environmental Quality.

**Highlighted Provisions:**

This bill:

- modifies the qualifications of Air Quality Board members;
- provides a transition for the Air Quality Board;
- removes regulations for water heaters in certain areas; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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

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

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:
  - (i) the executive director; or

- 29 (ii) an employee of the department designated by the executive director; and
- 30 (b) the following eight voting members, who shall be appointed or reappointed by the
- 31 governor with the advice and consent of the Senate in accordance with Title 63G,
- 32 Chapter 24, Part 2, Vacancies:
- 33 (i) one representative who:
- 34 ~~[(A) is not connected with industry;]~~
- 35 ~~[(B)] (A) is an expert in air quality matters; and~~
- 36 ~~[(C)] (B) is [a Utah-licensed physician,] a Utah-licensed professional engineer[;] or~~
- 37 a scientist with relevant training and experience;
- 38 (ii) two government representatives who do not represent the federal government[;] :
- 39 (A) one of whom resides in a county of the first or second class; and
- 40 (B) one of whom resides in a county of the third, fourth, fifth, or sixth class;
- 41 (iii) one representative from the mining industry;
- 42 (iv) one representative from the fuels industry;
- 43 (v) one representative from the manufacturing industry;
- 44 (vi) one representative from the public who ~~represents~~:
- 45 (A) represents a nongovernmental organization; and
- 46 (B) does not represent industry interests; and
- 47 ~~[(A) an environmental nongovernmental organization; or]~~
- 48 ~~[(B) a nongovernmental organization that represents community interests and does~~
- 49 ~~not represent industry interests; and]~~
- 50 (vii) one representative ~~[from the public-]who is:~~
- 51 (A) [-]trained and experienced in public health[-] ; or
- 52 (B) a Utah-licensed physician.
- 53 (2) A member of the board shall:
- 54 (a) be knowledgeable about air pollution matters, as evidenced by a professional degree,
- 55 a professional accreditation, or documented experience;
- 56 (b) be a resident of Utah;
- 57 (c) attend board meetings in accordance with the attendance rules made by the
- 58 department under Subsection 19-1-201(1)(d)(i)(A); and
- 59 (d) comply with ~~[all]~~ the applicable statutes, rules, and policies, including the conflict of
- 60 interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest,
- 61 and the conflict of interest rules made by the department under Subsection 19-1-201
- 62 (1)(d)(i)(B).

- 63 (3) No more than five of the appointed members of the board shall belong to the same  
64 political party.
- 65 (4) A majority of the members of the board may not derive any significant portion of their  
66 income from persons subject to permits or orders under this chapter.
- 67 (5)(a) ~~[Members shall be appointed-]~~ The governor shall appoint a member for a term of  
68 four years.
- 69 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the  
70 time of appointment or reappointment, adjust the length of terms to ensure that the  
71 terms of board members are staggered so that half of the appointed board is  
72 appointed every two years.
- 73 (c) The terms of the members of the board who are members of the board on May 7,  
74 2025, and who do not meet the criteria described in Subsections (1)(b)(i), (ii), (vi),  
75 and (vii), expire June 30, 2025. Subject to Title 63G, Chapter 24, Part 2, Vacancies,  
76 the governor shall appoint members in accordance with Subsection (1)(b) effective  
77 July 1, 2025, and stagger the terms of the members in accordance with Subsection  
78 (5)(b).
- 79 (6) A member may serve more than one term.
- 80 (7) A member shall hold office until the expiration of the member's term and until the  
81 member's successor is appointed, but not more than 90 days after the expiration of the  
82 member's term.
- 83 (8) When a vacancy occurs in the membership for any reason, the governor shall, with the  
84 advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,  
85 Vacancies, appoint a replacement for the unexpired term.
- 86 (9) The board shall elect annually a chair and a vice chair from ~~[its]~~ the board's members.
- 87 (10)(a) The board shall meet at least quarterly.
- 88 (b) ~~[Special-]~~ The chair may call special meetings ~~[may be called by the chair-]~~ upon the  
89 chair's own initiative, upon the request of the director, or upon the request of three  
90 members of the board.
- 91 (c) Three days' notice shall be given to each member of the board before a meeting.
- 92 (11) Five members constitute a quorum at a meeting, and the action of a majority of  
93 members present is the action of the board.
- 94 (12) A member may not receive compensation or benefits for the member's service, but  
95 may receive per diem and travel expenses in accordance with:
- 96 (a) Section 63A-3-106;

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

98 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
99 63A-3-107.

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

101 **19-2-107.7 . Water heater regulations.**

102 (1) As used in this section:

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

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

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

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

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

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

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

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

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

125 (a) uses a fuel other than natural gas;

126 (b) is used in a recreational vehicle; [or]

127 (c) is manufactured in Utah for shipment and use outside of Utah[-] ; or

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

130 Section 3. **Effective Date.**

131 This bill takes effect on May 7, 2025.