

# HB0378S02 compared with HB0378

~~{Omitted text}~~ shows text that was in HB0378 but was omitted in HB0378S02

inserted text shows text that was not in HB0378 but was inserted into HB0378S02

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## Fugitive Dust Mitigation Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor:

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### LONG TITLE

#### General Description:

This bill addresses provisions related to fugitive dust mitigation.

#### Highlighted Provisions:

This bill:

- defines terms;
- ~~{imposes-}~~ allows the Division of Air Quality (division) to impose an aggregate compliance fee up to certain amounts on an aggregate operation;
- authorizes the Air Quality Board to set an aggregate compliance fee amount by board rule beginning on July 1, 2028;
- requires a fugitive dust facility to post informational signage that is clearly visible to the public;and
- ~~{requires the Division of Air Quality (division) to send written notice to a fugitive dust facility not in compliance with a fugitive dust control plan or other state and federal law; }~~
- ~~{allows the division to require a fugitive dust facility not in compliance with a fugitive dust control plan to- }~~

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- {~~provide a corrective action report and monitoring data; and~~}
- {~~submit to increased inspections;~~}
- {~~provides that the division may reduce the frequency of inspections for a fugitive dust facility with a history of compliance;~~}
- {~~provides that a fugitive dust facility may use on-site wastewater for fugitive dust control if approved by the division and the state engineer; and~~}
- makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

#### AMENDS:

**19-1-105** , as last amended by Laws of Utah 2025, Chapter 14

#### ENACTS:

**19-2-130** , Utah Code Annotated 1953

**19-2a-108** , Utah Code Annotated 1953

#### REPEALS:

**19-2a-101** , as enacted by Laws of Utah 2018, Chapter 120

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

Section 1. Section **19-1-105** is amended to read:

#### **19-1-105. Divisions of department -- Control by division directors.**

(1) The following divisions are created within the department:

(a) the Division of Air Quality, to administer:

(i) Chapter 2, Air Conservation Act; and

(ii) Chapter 2a, Air Quality - Special Provisions;

(b) the Division of Drinking Water, to administer Chapter 4, Safe Drinking Water Act;

(c) the Division of Environmental Response and Remediation, to administer:

(i) Chapter 6, Part 3, Hazardous Substances Mitigation Act; and

(ii) Chapter 6, Part 4, Petroleum Storage Tank Act;

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(d) the Division of Waste Management and Radiation Control, to administer:

(i) Chapter 3, Radiation Control Act;

(ii) Chapter 6, Part 1, Solid and Hazardous Waste Act;

(iii) Chapter 6, Part 2, Hazardous Waste Facility Siting Act;

(iv) Chapter 6, Part 5, Solid Waste Management Act;

(v) Chapter 6, Part 6, Lead Acid Battery Disposal;

(vi) Chapter 6, Part 7, Used Oil Management Act;

(vii) Chapter 6, Part 8, Waste Tire Recycling Act;

(viii) Chapter 6, Part 10, Mercury Switch Removal Act;

(ix) Chapter 6, Part 11, Industrial Byproduct Reuse; and

(x) Chapter 6, Part 12, Disposal of Electronic Waste Program; and

(e) the Division of Water Quality, to administer Chapter 5, Water Quality Act.

(2) Each division is under the immediate direction and control of a division director appointed by the executive director.

(3)

(a) A division director shall possess the administrative skills and training necessary to perform the duties of division director.

(b) A division director shall hold one of the following degrees from an accredited college or university:

(i) a four-year degree in physical or biological science or engineering;

(ii) a related degree; or

(iii) a degree in law.

(4) The executive director may remove a division director at will.

(5) A division director shall serve as the executive secretary to the policymaking board, created in Section 19-1-106, that has rulemaking authority over the division director's division.

Section 2. Section 2 is enacted to read:

### **19-2-130. Aggregate compliance fee -- Rulemaking.**

(1) As used in this section:

(a)

(i) "Aggregate" means rock material, including sand, gravel, stone, and other rock { material that is majority nonmetallic minerals } products.

(ii) "Aggregate" does not include:

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- 71 (A) metalliferous minerals, as that term is described in Section 59-5-201;  
72 (B) mineral salts;  
73 (C) gem stones;  
74 (D) coal and other energy-rich materials; or  
75 (E) frac sand.
- 77 (b) "Aggregate operation" means a facility or site:  
78 (i) engaged in a commercial production to extract, crush, screen, grind, store, or transport aggregate;  
and  
80 (ii) subject to a permitting requirement under Section 19-2-108.  
81 (c) "Board" means the Air Quality Board created in Section 19-2-103.  
82 { ~~(2)~~ }  
{ ~~(a) { Beginning on July 1, 2027, there is imposed on an owner or operator of an aggregate operation an annual aggregate compliance fee. } }~~ }
- 81 (d) "Frac sand" means a quartz silica sand that is:  
82 (i) processed to a uniform grain size; and  
83 (ii) sold or used in hydraulic fracturing or a similar oil and gas activity to prop open fractures or fissures  
in a subsurface rock formation for the extraction of hydrocarbons.
- 86 (e)  
(i) "Mineral salts" means a salt containing a nonmetallic element.  
87 (ii) "Mineral salts" includes chloride compounds, sulfur compounds, potash, gypsum, ammonium  
nitrate, and phosphate.
- 84 (b) { ~~(2)~~ } { ~~The~~ } Beginning on July 1, 2027, and ending on June 30, 2028, the division may impose  
an annual aggregate compliance fee { ~~is~~ } on an aggregate operation based on annual air pollutant  
emissions, in an amount { ~~of~~ } :
- 86 (i) { ~~(a)~~ } for 20 or less tons of annual emissions, not to exceed \$750;  
87 (ii) { ~~(b)~~ } for between 20 and 79 tons of annual emissions, not to exceed \$1,500;  
88 (iii) { ~~(c)~~ } for between 79 and 99 tons of annual emissions, not to exceed \$3,500; and  
89 (iv) { ~~(d)~~ } for 99 or more tons of annual emissions, not to exceed \$4,500.
- 96 (3) Beginning on July 1, 2028, the division may impose an annual aggregate compliance fee on an  
aggregate operation in accordance with Title 63J, Chapter 1, Budgetary Procedures Act.
- 90

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(3){~~(4)~~} In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may make rules to implement the fee described in this section.

Section 3. Section 3 is enacted to read:

**19-2a-108. Fugitive dust facility {requirements} -- {Signage -- Water-reuse} Definitions -- Signage requirement.**

(1) As used in this section:

(a) "Division" means the Division of Air Quality created in Section 19-1-105.

(b) "Fugitive dust" means particulate matter that becomes airborne from the mechanical disturbance or wind-blown disturbance of a material or surface.

(c) "Fugitive dust control plan" means a plan that:

(i) indicates the methods a fugitive dust facility uses to control and monitor fugitive dust; and

{(ii) ~~{is required by the division.}~~}

{~~(d)~~}

(ii) complies with relevant state and federal law for a fugitive dust facility.

(d)

(i) "Fugitive dust facility" means a commercial facility or site:

(A) larger than a quarter acre;

(B) that produces fugitive dust; and

(C) that the division requires to complete a fugitive dust control plan.

(ii) "Fugitive dust facility" includes:

(A) an aggregate operation that extracts, crushes, screens, grinds, stores, or transports rock material, including sand, gravel, stone, and other rock {material} products;

(B) an excavation site, including an excavation activity like trenching, grading, drilling, or earthmoving; and

(C) a site for topsoil or bulk material handling, including stripping, loading, unloading, moving, or spreading soil, fill, or another bulk material.

(iii) "Fugitive dust facility" does not include:

(A) an agricultural or horticultural operation; and

(B) the sanding or salting of a roadway for snow and ice control.

{~~(e) {"Fugitive dust logbook" means a written record of a fugitive dust facility's monitoring, inspections, maintenance, and corrective actions, as required by a fugitive dust control plan.}}~~}

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- 119 (2) A fugitive dust facility shall post informational signage:  
120 (a) at an entryway to the fugitive dust facility that is clearly visible to the public; and  
121 (b) that includes the following information:  
122 (i) the name of the facility or site;  
123 (ii) a permit identification number;  
124 (iii) a business identification number;and  
125 (iv) the contact information for:  
126 (A) the facility manager or owner; and  
127 (B) the division.  
128 ~~{(3) {A fugitive dust facility may not operate without a fugitive dust control plan approved by the~~  
~~division.}}~~  
130 ~~{(4) }~~  
~~{(a) {If the division determines that a fugitive dust facility is not in compliance with a fugitive dust~~  
~~control plan or relevant state and federal law, the division shall:}}~~  
132 ~~{(i) {send a written notice of noncompliance to the fugitive dust facility; and}}~~  
133 ~~{(ii) {inform the fugitive dust facility that the division may require the fugitive dust facility to:}}~~  
135 ~~{(A) {provide the information described in Subsection (4)(b); and}}~~  
136 ~~{(B) {submit to inspections by the division of up to three times per week for a six-week period.}}~~  
138 ~~{(b) {The division may require a fugitive dust facility not in compliance with a fugitive dust control~~  
~~plan to submit to the division:}}~~  
140 ~~{(i) {a corrective action report that includes an action the fugitive dust facility takes to comply with a~~  
~~fugitive dust control plan;}}~~  
142 ~~{(ii) {a fugitive dust logbook, for a period of time determined by the division; and}}~~  
143 ~~{(iii) {any other information required by the division.}}~~  
144 ~~{(e) {The division may modify a fugitive dust facility's inspection schedule to at least one inspection~~  
~~every 18 months, if the fugitive dust facility:}}~~  
146 ~~{(i) {is subject to an annual inspection by the division; and}}~~  
147 ~~{(ii) {receives no written notice of noncompliance, described in Subsection (4)(a), in a three-year~~  
~~period.}}~~  
149 ~~{(5) {A fugitive dust facility may use wastewater for fugitive dust control if the wastewater:}}~~  
150 ~~{(a) {is generated by the fugitive dust facility on site; and}}~~

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151     ~~{(b) {is approved for use:}}~~  
152     ~~{(i) {by the division in a fugitive dust control plan; and}}~~  
153     ~~{(ii) {by the state engineer, created in Section 73-2-1, under a water right application, if necessary.}}~~

134           Section 4. **Repealer.**

This Bill Repeals:

135           This bill repeals:

136           Section **19-2a-101, Title.**

137           Section 5. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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