

# 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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## 1 Fugitive Dust Mitigation Amendments

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephanie Gricius**

Senate Sponsor:

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### 3 LONG TITLE

#### 4 General Description:

5 This bill addresses provisions related to fugitive dust mitigation.

#### 6 Highlighted Provisions:

7 This bill:

8 ▶ defines terms;

9 ▶ {imposes} allows the Division of Air Quality (division) to impose an aggregate compliance fee  
up to certain amounts on an aggregate operation;

11 ▶ authorizes the Air Quality Board to set an aggregate compliance fee amount by board rule  
beginning on July 1, 2028;

10 ▶ requires a fugitive dust facility to post informational signage that is clearly visible to the  
public;and

12 ▶ {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;}

14 ▶ {allows the division to require a fugitive dust facility not in compliance with a fugitive dust  
control plan to:}

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- 16        • {provide a corrective action report and monitoring data; and}
- 17        • {submit to increased inspections;}
- 18        ▶ {provides that the division may reduce the frequency of inspections for a fugitive dust facility with a history of compliance;}
- 19        ▶ {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}
- 22        ▶ makes technical and conforming changes.

### 16 Money Appropriated in this Bill:

17        None

### 18 Other Special Clauses:

19        None

### 20 Utah Code Sections Affected:

#### 21 AMENDS:

22        **19-1-105** , as last amended by Laws of Utah 2025, Chapter 14

#### 23 ENACTS:

24        **19-2-130** , Utah Code Annotated 1953

25        **19-2a-108** , Utah Code Annotated 1953

#### 26 REPEALS:

27        **19-2a-101** , as enacted by Laws of Utah 2018, Chapter 120

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

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

#### 31        **19-1-105. Divisions of department -- Control by division directors.**

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

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

41        (i) Chapter 2, Air Conservation Act; and

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

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

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

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

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

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

48 (i) Chapter 3, Radiation Control Act;

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

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

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

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

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

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

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

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

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

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

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

61 (3)

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

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

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

67 (ii) a related degree; or

68 (iii) a degree in law.

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

70 (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.

74 Section 2. Section 2 is enacted to read:

75 **19-2-130. Aggregate compliance fee -- Rulemaking.**

76 (1) As used in this section:

77 (a)

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

79 (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;  
80               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) }  
83       {(a) {Beginning on July 1, 2027, there is imposed on an owner or operator of an aggregate operation an  
84               annual aggregate compliance fee.} }  
85       (d) "Frac sand" means a quartz silica sand that is:  
86       (i) processed to a uniform grain size; and  
87       (ii) sold or used in hydraulic fracturing or a similar oil and gas activity to prop open fractures or fissures  
88               in a subsurface rock formation for the extraction of hydrocarbons.

89       (e)  
90       (i) "Mineral salts" means a salt containing a nonmetallic element.  
91       (ii) "Mineral salts" includes chloride compounds, sulfur compounds, potash, gypsum, ammonium  
92               nitrate, and phosphate.

93       (b){(2) } {The} Beginning on July 1, 2027, and ending on June 30, 2028, the division may impose  
94               an annual aggregate compliance fee {is-} on an aggregate operation based on annual air pollutant  
95               emissions, in an amount {ef} :

96       (i){(a) } for 20 or less tons of annual emissions, not to exceed \$750;  
97       (ii){(b) } for between 20 and 79 tons of annual emissions, not to exceed \$1,500;  
98       (iii){(c) } for between 79 and 99 tons of annual emissions, not to exceed \$3,500; and  
99       (iv){(d) } for 99 or more tons of annual emissions, not to exceed \$4,500.

100       (3) Beginning on July 1, 2028, the division may impose an annual aggregate compliance fee on an  
101               aggregate operation in accordance with Title 63J, Chapter 1, Budgetary Procedures Act.

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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.

101       Section 3. Section 3 is enacted to read:

102       **19-2a-108. Fugitive dust facility {requirements} -- {Signage -- Water reuse} Definitions --**

94       **Signage requirement.**

95       (1) As used in this section:

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

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

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

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

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

101       {(d) }

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

103       (d)

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

105       (A) larger than a quarter acre;

106       (B) that produces fugitive dust; and

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

108       (ii) "Fugitive dust facility" includes:

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

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

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

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

113       (A) an agricultural or horticultural operation; and

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

115       {(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) {~~  
131 {~~(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:}~~}  
134 {~~(A) {provide the information described in Subsection (4)(b); and}~~}  
135 {~~(B) {submit to inspections by the division of up to three times per week for a six-week period.}~~}  
136 {~~(B) {The division may require a fugitive dust facility not in compliance with a fugitive dust control plan to submit to the division:}~~}  
137 {~~(i) {a corrective action report that includes an action the fugitive dust facility takes to comply with a fugitive dust control plan;}~~}  
138 {~~(ii) {a fugitive dust logbook, for a period of time determined by the division; and}~~}  
139 {~~(iii) {any other information required by the division.}~~}  
140 {~~(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:}~~}  
141 {~~(i) {is subject to an annual inspection by the division; and}~~}  
142 {~~(ii) {receives no written notice of noncompliance, described in Subsection (4)(a), in a three-year period.}~~}  
143 {~~(5) {A fugitive dust facility may use wastewater for fugitive dust control if the wastewater:}~~}  
144 {~~(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.

2-3-26 2:55 PM