

**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 an aggregate compliance fee on an aggregate operation;
- requires a fugitive dust facility to post informational signage that is clearly visible to the public;
- 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:
  - 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:

31 **19-2-130**, Utah Code Annotated 1953

32 **19-2a-108**, Utah Code Annotated 1953

33 REPEALS:

34 **19-2a-101**, as enacted by Laws of Utah 2018, Chapter 120

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

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

38 **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;

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  
60 appointed by the executive director.

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

63 (b) A division director shall hold one of the following degrees from an accredited  
64 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 **19-2-130** is enacted to read:

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

(1) As used in this section:

- (a) "Aggregate" means rock material, including sand, gravel, stone, and other rock material that is majority nonmetallic minerals.
- (b) "Aggregate operation" means a facility or site:
  - (i) engaged in a commercial production to extract, crush, screen, grind, store, or transport aggregate; and
  - (ii) subject to a permitting requirement under Section 19-2-108.
- (c) "Board" means the Air Quality Board created in Section 19-2-103.

(2)(a) Beginning on July 1, 2027, there is imposed on an owner or operator of an aggregate operation an annual aggregate compliance fee.

- (b) The aggregate compliance fee is based on annual air pollutant emissions, in an amount of:
  - (i) for 20 or less tons of annual emissions, \$750;
  - (ii) for between 20 and 79 tons of annual emissions, \$1,500;
  - (iii) for between 79 and 99 tons of annual emissions, \$3,500; and
  - (iv) for 99 or more tons of annual emissions, \$4,500.

(3) 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 **19-2a-108** is enacted to read:

**19-2a-108 . Fugitive dust facility requirements -- Signage -- Water reuse.**

(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:

- 99            (i) indicates the methods a fugitive dust facility uses to control and monitor fugitive  
100            dust; and
- 101            (ii) is required by the division.
- 102            (d)(i) "Fugitive dust facility" means a commercial facility or site:  
103            (A) larger than a quarter acre;  
104            (B) that produces fugitive dust; and  
105            (C) that the division requires to complete a fugitive dust control plan.
- 106            (ii) "Fugitive dust facility" includes:  
107            (A) an aggregate operation that extracts, crushes, screens, grinds, stores, or  
108            transports rock material, including sand, gravel, stone, and other rock material;  
109            (B) an excavation site, including an excavation activity like trenching, grading,  
110            drilling, or earthmoving; and  
111            (C) a site for topsoil or bulk material handling, including stripping, loading,  
112            unloading, moving, or spreading soil, fill, or another bulk material.
- 113            (iii) "Fugitive dust facility" does not include:  
114            (A) an agricultural or horticultural operation; and  
115            (B) the sanding or salting of a roadway for snow and ice control.
- 116            (e) "Fugitive dust logbook" means a written record of a fugitive dust facility's  
117            monitoring, inspections, maintenance, and corrective actions, as required by a  
118            fugitive dust control plan.
- 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;  
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  
129            the division.
- 130            (4)(a) If the division determines that a fugitive dust facility is not in compliance with a  
131            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  
134           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  
137           six-week period.
- 138       (b) The division may require a fugitive dust facility not in compliance with a fugitive  
139       dust control plan to submit to the division:  
140           (i) a corrective action report that includes an action the fugitive dust facility takes to  
141           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       (c) The division may modify a fugitive dust facility's inspection schedule to at least one  
145       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  
148           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  
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  
154               necessary.
- 155       Section 4. **Repealer.**  
156       This bill repeals:  
157       Section **19-2a-101, Title.**  
158       Section 5. **Effective Date.**  
159       This bill takes effect on May 6, 2026.