

Stephanie Gricius proposes the following substitute bill:

1 **Fugitive Dust Mitigation Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor:

2 **LONG TITLE**

3 **General Description:**

4 This bill addresses provisions related to fugitive dust mitigation.

5 **Highlighted Provisions:**

6 This bill:

7 ▶ defines and modifies terms;

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

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

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

14 ▶ requires the division to send written notice to a fugitive dust facility not in compliance
15 with a fugitive dust control plan or other state and federal law;

16 ▶ allows the division to require a fugitive dust facility not in compliance with a fugitive
17 dust control plan to:

18 ▪ provide a corrective action report and monitoring data; and

19 ▪ submit to increased inspections;

20 ▶ provides that the division may reduce the frequency of inspections for a fugitive dust
21 facility with a history of compliance;

22 ▶ provides that a fugitive dust facility may use on-site wastewater for fugitive dust control
23 if the use of the wastewater meets certain requirements; and

24 ▶ makes technical and conforming changes.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **19-1-105**, as last amended by Laws of Utah 2025, Chapter 14

33 **73-3c-102**, as last amended by Laws of Utah 2023, Chapter 176

34 ENACTS:

35 **19-2-130**, Utah Code Annotated 1953

36 **19-2a-108**, Utah Code Annotated 1953

37 REPEALS:

38 **19-2a-101**, as enacted by Laws of Utah 2018, Chapter 120

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

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

42 **19-1-105 . Divisions of department -- Control by division directors.**

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

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

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

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

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

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

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

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

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

52 (i) Chapter 3, Radiation Control Act;

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

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

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

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

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

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

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

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

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

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

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

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

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

69 (i) a four-year degree in physical or biological science or engineering;
70 (ii) a related degree; or
71 (iii) a degree in law.

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

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

76 Section 2. Section **19-2-130** is enacted to read:

77 **19-2-130 . Aggregate compliance fee -- Rulemaking.**

78 (1) As used in this section:

79 (a)(i) "Aggregate" means rock material, including sand, gravel, stone, and other rock
80 products.

81 (ii) "Aggregate" does not include:

82 (A) metalliferous minerals, as that term is described in Section 59-5-201;
83 (B) mineral salts;
84 (C) gem stones;
85 (D) coal and other energy-rich materials; or
86 (E) frac sand.

87 (b) "Aggregate operation" means a facility or site:

88 (i) engaged in a commercial production to extract, crush, screen, grind, store, or
89 transport aggregate; and

90 (ii) subject to a permitting requirement under Section 19-2-108.

91 (c) "Board" means the Air Quality Board created in Section 19-2-103.

92 (d) "Frac sand" means a quartz silica sand that is:

93 (i) processed to a uniform grain size; and

94 (ii) sold or used in hydraulic fracturing or a similar oil and gas activity to prop open
95 fractures or fissures in a subsurface rock formation for the extraction of
96 hydrocarbons.

97 (e)(i) "Mineral salts" means a salt containing a nonmetallic element.
98 (ii) "Mineral salts" includes chloride compounds, sulfur compounds, potash, gypsum,
99 ammonium nitrate, and phosphate.

100 (2) Beginning on July 1, 2027, and ending on June 30, 2028, the division may impose an
101 annual aggregate compliance fee on an aggregate operation based on annual air pollutant
102 emissions, in an amount:

103 (a) for 20 or less tons of annual emissions, not to exceed \$750;
104 (b) for between 20 and 79 tons of annual emissions, not to exceed \$1,500;
105 (c) for between 79 and 99 tons of annual emissions, not to exceed \$3,500; and
106 (d) for 99 or more tons of annual emissions, not to exceed \$4,500.

107 (3) Beginning on July 1, 2028, the division may impose an annual aggregate compliance
108 fee on an owner or operator of an aggregate operation in accordance with Title 63J,
109 Chapter 1, Budgetary Procedures Act.

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

112 Section 3. Section **19-2a-108** is enacted to read:

113 **19-2a-108 . Fugitive dust facility requirements -- Signage -- Water reuse.**

114 (1) As used in this section:

115 (a) "Division" means the Division of Air Quality created in Section 19-1-105.
116 (b) "Fugitive dust" means particulate matter that becomes airborne from the mechanical
117 disturbance or wind-blown disturbance of a material or surface.
118 (c) "Fugitive dust control plan" means a plan that:
119 (i) indicates the methods a fugitive dust facility uses to control and monitor fugitive
120 dust; and
121 (ii) is required by the division.

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

123 (A) larger than a quarter acre;
124 (B) that produces fugitive dust; and
125 (C) that the division requires to complete a fugitive dust control plan.

126 (ii) "Fugitive dust facility" includes:

127 (A) an aggregate operation that extracts, crushes, screens, grinds, stores, or
128 transports rock material, including sand, gravel, stone, and other rock products;
129 (B) an excavation site, including an excavation activity like trenching, grading,
130 drilling, or earthmoving; and

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

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

134 (A) an agricultural or horticultural operation; and

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

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

139 (2) A fugitive dust facility shall post informational signage:

140 (a) at an entryway to the fugitive dust facility that is clearly visible to the public; and

141 (b) that includes the following information:

142 (i) the name of the facility or site;

143 (ii) a permit identification number;

144 (iii) a business identification number;

145 (iv) the contact information for:

146 (A) the facility manager or owner; and

147 (B) the division.

148 (3)(a) A fugitive dust facility may not operate without a fugitive dust control plan
149 approved by the division.

150 (b) The division shall approve or reject a fugitive dust control plan within 10 days of
151 receipt of the fugitive dust control plan.

152 (4)(a) If the division determines that a fugitive dust facility is not in compliance with a
153 fugitive dust control plan or relevant state and federal law, the division shall:

154 (i) send a written notice of noncompliance to the fugitive dust facility; and

155 (ii) inform the fugitive dust facility that the division may require the fugitive dust
156 facility to:

157 (A) provide the information described in Subsection (4)(b); and

158 (B) submit to inspections by the division of up to three times per week for a
159 six-week period.

160 (b) The division may require a fugitive dust facility not in compliance with a fugitive
161 dust control plan to submit to the division:

162 (i) a corrective action report that includes an action the fugitive dust facility takes to
163 comply with a fugitive dust control plan; and

164 (ii) a fugitive dust logbook, for a period of time determined by the division.

165 (c) The division may modify a fugitive dust facility's inspection schedule to at least one
166 inspection every 18 months, if the fugitive dust facility:
167 (i) is subject to an annual inspection by the division; and
168 (ii) receives no written notice of noncompliance, described in Subsection (4)(a), in a
169 three-year period.

170 (5) A fugitive dust facility may use wastewater for fugitive dust control if:

171 (a) the wastewater is generated by the fugitive dust facility on site;
172 (b) the use of the wastewater does not:
173 (i) result in a direct or indirect discharge of pollutants to a water of the state; or
174 (ii) pose a threat to human health or the environment.
175 (c) the wastewater is approved for use:
176 (i) by the division in a fugitive dust control plan; and
177 (ii) under a water right in accordance with Title 73, Water and Irrigation.

178 Section 4. Section **73-3c-102** is amended to read:

179 **73-3c-102 . Definitions.**

180 As used in this chapter:

181 (1) "Director" means the director of the Division of Water Quality appointed under Section
182 19-5-106.

183 (2) "Domestic wastewater" or "sewage" means:

184 (a) a combination of the liquid or water-carried wastes from:
185 (i) structures with installed plumbing facilities; and
186 (ii) industrial establishments; and
187 (b) any groundwater, surface water, and storm water that is present with the waste.

188 (3) "Industrial facility" means a factory, mill, plant, mine, refinery, warehouse, or building
189 or collection of buildings, including the land on which the facility is located, and the
190 machinery and equipment located at or within the facility used in connection with the
191 operation of the facility in an industrial business.

192 (4) "POTW" means a publicly owned treatment works as defined by Section 19-5-102.

193 (5) "Public agency" means a public agency as defined by Section 11-13-103 that:

194 (a) owns or operates a POTW;
195 (b) collects and transports domestic wastewater;
196 (c) holds legal title to a water right;
197 (d) is delegated the right to the beneficial use or reuse of water by the legal title holder
198 of the water right;

199 (e) is a water supplier; or

200 (f) sells wholesale or retail water.

201 (6) "Return flow requirement" means return flow required under a water right.

202 (7)(a) "Reuse authorization contract" means a contract or contracts among:

203 (i) a public agency proposing a water reuse project;

204 (ii) the owner or operator of a POTW that treats domestic wastewater proposed for
205 use in a reuse project;

206 (iii) the owner of a domestic wastewater collection or transportation system if the
207 reuse project will divert domestic wastewater directly from that entity's collection
208 or transportation system;

209 (iv) the legal title holder of the water right designated for use in the reuse project,
210 unless the legal title holder of the water right has delegated to another the right to
211 the beneficial use or reuse of the water;

212 (v) each water supplier not holding legal title to the water right designated for use in
213 the reuse project that sells or delivers water under the water right designated for
214 use in the reuse project;

215 (vi) each entity that will engage in the wholesale or retail sale of water from the water
216 reuse project; and

217 (vii) the retail water supplier retailing water that will be replaced by reuse water
218 supplied under the proposed reuse project.

219 (b) A reuse authorization contract shall:

220 (i) provide that a water supplier that is a party to the agreement consents to the use of
221 reuse water under each water right, in which the water supplier has an interest,
222 that is identified for use in the water reuse project; and

223 (ii) provide that any proposed water reuse project based on the contract shall be
224 consistent with the underlying water right.

225 (8) "Reuse water" means domestic wastewater treated to a standard acceptable under rules
226 made by the Water Quality Board under Section 19-5-104.

227 (9)(a) "Water reuse project" or "project" means a project for the reuse of domestic
228 wastewater that requires approval by the director under Section 19-5-106 and the
229 state engineer under Section 73-3c-302.

230 (b) "Water reuse project" or "project" does not include water reused at or by an
231 industrial facility:

232 (i) under a fugitive dust control plan, as that term is defined in Section 19-2a-108; or

(ii) for operating or processing purposes.

(10) "Water right" means:

(a) a right to use water evidenced by any means identified in Section 73-1-10; or

(b) a right to use water under an approved application:

(i) to appropriate;

(ii) for a change of use; or

(iii) for the exchange of water.

(11) "Water supplier" means an entity engaged in the delivery of water for municipal

purposes.

Section 5. Repeat

This bill repeals:

Section 19-2a-101, Title.

This bill takes effect on May 6, 2026.