

Environmental Permitting Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David Shallenberger

Senate Sponsor:

LONG TITLE**General Description:**

This bill creates a program for the expedited review of environmental permit applications.

Highlighted Provisions:

This bill:

- defines terms;
- authorizes the Department of Environmental Quality (department) and Division of Oil, Gas, and Mining (division) to make rules to:
 - identify a permit administered by the department or division as a permit eligible for expedited review;
 - establish requirements for the expedited review process;
 - certify a qualified reviewer;
 - authorize a qualified reviewer to complete an expedited review of an eligible permit;

and

- establish the maximum number of a days for a qualified reviewer to complete an expedited review;
 - requires the department and division to conduct a technical review and make a final administrative decision for a permit application upon completion of an expedited review; and
 - makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-1-201, as last amended by Laws of Utah 2025, Chapters 121, 156

40-6-15, as last amended by Laws of Utah 2009, Chapter 344

ENACTS:

19-1-309, Utah Code Annotated 1953

40-14-101, Utah Code Annotated 1953

40-14-201, Utah Code Annotated 1953

40-14-202, Utah Code Annotated 1953

40-14-203, Utah Code Annotated 1953

40-14-204, Utah Code Annotated 1953

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

Section 1. Section **19-1-201** is amended to read:

**19-1-201 . Powers and duties of department -- Rulemaking authority --
Committee -- Monitoring environmental impacts of inland port.**

(1) The department shall:

- (a) enter into cooperative agreements with the Department of Health and Human Services to delineate specific responsibilities to assure that assessment and management of risk to human health from the environment are properly administered;
- (b) consult with the Department of Health and Human Services and enter into cooperative agreements, as needed, to ensure efficient use of resources and effective response to potential health and safety threats from the environment, and to prevent gaps in protection from potential risks from the environment to specific individuals or population groups;
- (c) enter into a cooperative agreement with each local health department that:
 - (i) recognizes that the department and local health departments are the foundation for providing environmental health programs in this state;
 - (ii) delineates the responsibilities of the department and each local health department, including those described in Subsection 26A-1-106(3), for the efficient delivery of environmental programs using federal, state, and local authorities, responsibilities, and resources;
 - (iii) provides for the delegation of authority to local health departments for environmental programs, to the extent allowed by applicable law, identified in the plan, and requested by the local health department;
 - (iv) recognizes the authority granted to a local health department under Section 26A-1-108;
 - (v) passes through any federal, state, or other funding and resources to local health

- 65 departments, as necessary and to the extent allowed by applicable law, for the
66 efficient delivery of environmental programs; and
67 (vi) is reviewed and updated annually;
- 68 (d) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
69 Rulemaking Act, as follows:
- 70 (i) for a board created in Section 19-1-106, rules regarding:
- 71 (A) board meeting attendance; and
72 (B) conflicts of interest procedures;[-and]
- 73 (ii) procedural rules that govern:
- 74 (A) an adjudicative proceeding, consistent with Section 19-1-301; and
75 (B) a special adjudicative proceeding, consistent with Section 19-1-301.5; and
76 (iii) for the expedited permit review process described in Subsection 19-1-309(7);
- 77 (e) ensure that training or certification required of a public official or public employee,
78 as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
79 22, State Training and Certification Requirements, if the training or certification is
80 required:
- 81 (i) under this title;
82 (ii) by the department; or
83 (iii) by an agency or division within the department; and
- 84 (f) subject to Subsection (2), establish annual fees that conform with Title V of the Clean
85 Air Act for each regulated pollutant as defined in Section 19-2-109.1, applicable to a
86 source subject to the Title V program.
- 87 (2)(a) A fee established under Subsection (1)(f) is in addition to a fee assessed under
88 Subsection [~~(6)(i)~~] (3)(i) for issuance of an approval order.
- 89 (b) In establishing a fee under Subsection (1)(f), the department shall comply with
90 Section 63J-1-504 that requires a public hearing and requires the established fee to be
91 submitted to the Legislature for the Legislature's approval as part of the department's
92 annual appropriations request.
- 93 (c) A fee established under this section shall cover the reasonable direct and indirect
94 costs required to develop and administer the Title V program and the small business
95 assistance program established under Section 19-2-109.2.
- 96 (d) A fee established under Subsection (1)(f) shall be established for all sources subject
97 to the Title V program and for all regulated pollutants.
- 98 (e) An emission fee may not be assessed for a regulated pollutant if the emissions are

99 already accounted for within the emissions of another regulated pollutant.

100 (f) An emission fee may not be assessed for any amount of a regulated pollutant emitted
101 by any source in excess of 4,000 tons per year of that regulated pollutant.

102 (g) An emission fee shall be based on actual emissions for a regulated pollutant unless a
103 source elects, before the issuance or renewal of a permit, to base the fee during the
104 period of the permit on allowable emissions for that regulated pollutant.

105 (h) The fees collected by the department under Subsection (1)(f) and penalties collected
106 under Subsection 19-2-109.1(3) shall be deposited into the General Fund as the Air
107 Pollution Operating Permit Program dedicated credit to be used solely to pay for the
108 reasonable direct and indirect costs incurred by the department in developing and
109 administering the program and the small business assistance program under Section
110 19-2-109.2.

111 (3) The department may:

112 (a) investigate matters affecting the environment;

113 (b) investigate and control matters affecting the public health when caused by
114 environmental hazards;

115 (c) prepare, publish, and disseminate information to inform the public concerning issues
116 involving environmental quality;

117 (d) establish and operate programs, as authorized by this title, necessary for protection of
118 the environment and public health from environmental hazards;

119 (e) use local health departments in the delivery of environmental health programs to the
120 extent provided by law;

121 (f) enter into contracts with local health departments, in addition to a cooperative
122 agreement required under Subsection (1)(c), or others to meet responsibilities
123 established under this title;

124 (g) acquire real and personal property by purchase, gift, devise, and other lawful means;

125 (h) prepare and submit to the governor a proposed budget to be included in the budget
126 submitted by the governor to the Legislature;

127 (i) in accordance with Section 63J-1-504, establish a schedule of fees that may be
128 assessed for actions and services of the department that are reasonable, fair, and
129 reflect the cost of services provided;

130 (j) for an owner or operator of a source subject to a fee established by Subsection (3)(i)
131 who fails to timely pay that fee, assess a penalty of not more than 50% of the fee, in
132 addition to the fee, plus interest on the fee computed at 12% annually;

- (k) prescribe by rule reasonable requirements not inconsistent with law relating to environmental quality for local health departments;
- (l) perform the administrative functions of the boards established by Section 19-1-106, including the acceptance and administration of grants from the federal government and from other sources, public or private, to carry out the board's functions;
- (m) upon the request of a board or a division director, provide professional, technical, and clerical staff and field and laboratory services, the extent of which are limited by the money available to the department for the staff and services; and
- (n) establish a supplementary fee, not subject to Section 63J-1-504, to provide service that the person paying the fee agrees by contract to be charged for the service to efficiently use department resources, protect department permitting processes, address extraordinary or unanticipated stress on permitting processes, or make use of specialized expertise.

(4) In providing service under Subsection (3)(n), the department may not provide service in a manner that impairs another person's service from the department.

(5)(a) As used in this Subsection (5):

(i) "Environmental impacts" means:

(A) impacts on air quality, including impacts associated with air emissions; and

(B) impacts on water quality, including impacts associated with storm water runoff.

(ii) "Inland port" means the same as that term is defined in Section 11-58-102.

(iii) "Inland port area" means the area in and around the inland port that bears the environmental impacts of destruction, construction, development, and operational activities within the inland port.

(iv) "Monitoring facilities" means:

(A) for monitoring air quality, a sensor system consisting of monitors to measure levels of research-grade particulate matter, ozone, and oxides of nitrogen, and data logging equipment with internal data storage that are interconnected at all times to capture air quality readings and store data; and

(B) for monitoring water quality, facilities to collect groundwater samples, including in existing conveyances and outfalls, to evaluate sediment, metals, organics, and nutrients due to storm water.

(b) The department shall:

(i) develop and implement a sampling and analysis plan to:

(A) characterize the environmental baseline for air quality and water quality in the inland port area;

(B) characterize the environmental baseline for only air quality for the Salt Lake International Airport; and

(C) define the frequency, parameters, and locations for monitoring;

(ii) establish and maintain monitoring facilities to measure the environmental impacts in the inland port area arising from destruction, construction, development, and operational activities within the inland port;

(iii) publish the monitoring data on the department's website; and

(iv) provide at least annually before November 30 a written report summarizing the monitoring data to:

(A) the Utah Inland Port Authority board, established under Title 11, Chapter 58, Part 3, Port Authority Board; and

(B) the Legislative Management Committee.

Section 2. Section **19-1-309** is enacted to read:

19-1-309 . Expedited permit review process -- Requirements for qualified reviewer -- Rulemaking.

(1) As used in this section:

(a) "Eligible permit" means a permit:

(i) enforced by the department; and

(ii) identified for expedited review in department rule under Subsection (7)(a).

(b) "Expedited review" means a review of an eligible permit that:

(i) is performed by a qualified reviewer;

(ii) is completed within the number of days established by department rule under Subsection (7)(d); and

(iii) concludes with the issuance of a preliminary decision.

(c) "Permit" means any of the following issued under this title:

(i) a permit;

(ii) a plan;

(iii) a license; or

(iv) an administrative authorization made by a director.

(d) "Preliminary permit decision" means a recommendation to the department by a qualified reviewer under expedited review to:

(i) approve a permit application for final technical review and approval;

- 201 (ii) deny a permit application; or
- 202 (iii) return the permit application to the applicant with a description of the permit
- 203 application's deficiencies.
- 204 (e) "Qualified reviewer" means a professional engineer, land surveyor, geologist,
- 205 landscape architect, or other licensed professional certified by the department to
- 206 review an application for an eligible permit under this section.
- 207 (2)(a) The department may certify a qualified reviewer to perform an expedited review
- 208 of an eligible permit.
- 209 (b) The department may certify an individual as a qualified reviewer of an eligible
- 210 permit if the individual meets the following requirements:
- 211 (i) holds an active professional license in a field related to the eligible permit;
- 212 (ii) has at least five years of environmental permitting experience;
- 213 (iii) has not been convicted of, or pleaded guilty to:
- 214 (A) an environmental crime, or a similar or related criminal offense under federal
- 215 or state law; or
- 216 (B) a crime involving fraud, theft by deception, forgery, or a similar or related
- 217 criminal offense under federal or state law;
- 218 (iv) has not had a professional license revoked or suspended by a national or state
- 219 licensing board within the previous 10 years; and
- 220 (v) any other requirement established by the department.
- 221 (3)(a) An applicant for an eligible permit may request an expedited review of the
- 222 applicant's permit application.
- 223 (b) An applicant that requests expedited review shall, in a form and manner determined
- 224 by the department:
- 225 (i) submit a written request to the department for an expedited review of the
- 226 applicant's permit application;
- 227 (ii) pay all costs associated with the expedited review; and
- 228 (iii) submit a completed application to a qualified reviewer.
- 229 (4)(a) The department may establish a process for a qualified reviewer to complete an
- 230 expedited review of a permit application for an eligible permit.
- 231 (b) A qualified reviewer shall perform an expedited review:
- 232 (i) subject to all standards, technical specifications, scope of review, and other
- 233 requirements as determined by the department;
- 234 (ii) on a timeline established by the department; and

- 235 (iii) in accordance with all applicable federal and state laws and regulations.
- 236 (c) A qualified reviewer may not perform an expedited review for an applicant of an
- 237 eligible permit if the qualified reviewer:
- 238 (i) has performed services for the applicant within three years of the date of
- 239 submission of the permit application; or
- 240 (ii) has any financial or business interest with the applicant.
- 241 (d) A qualified reviewer shall submit a preliminary permit decision to the department at
- 242 the completion of an expedited review, including:
- 243 (i) an analysis of the basis for the recommendation; and
- 244 (ii) supporting documentation, as determined by the department.
- 245 (5)(a) The department shall conduct a final technical review and make a final
- 246 administrative decision for a permit application upon completion of an expedited
- 247 review.
- 248 (b) To make a final administrative decision on a permit application, the department shall:
- 249 (i) review a preliminary permit decision for the permit application;
- 250 (ii) conduct a final technical review of the permit application; and
- 251 (iii)(A) approve the permit application;
- 252 (B) deny the permit application; or
- 253 (C) return the permit application to the applicant with a description of the permit
- 254 application's deficiencies.
- 255 (6) Except as otherwise provided in this title, a permit applicant may appeal the
- 256 department's final administrative decision as provided in Section 19-1-301.5.
- 257 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 258 department shall make rules to establish:
- 259 (a) the requirements for identifying a permit as an eligible permit;
- 260 (b) the requirements for expedited review;
- 261 (c) the requirements for certifying a qualified reviewer;
- 262 (d) the maximum number of a days for a qualified reviewer to complete an expedited
- 263 review;
- 264 (e) the maximum number of days for the department to make a final administration
- 265 decision upon completion of an expedited review; and
- 266 (f) public comment requirements in accordance with federal and state law.

267 Section 3. Section **40-6-15** is amended to read:

268 **40-6-15 . Division created -- Functions -- Director of division -- Qualifications of**

program administrators.

- (1) There is created within the Department of Natural Resources the Division of Oil, Gas, and Mining.
- (2) The division shall implement the policies and orders of the board and perform all other duties delegated by the board.
- (3) The director of the Division of Oil, Gas, and Mining shall be appointed by the director of the Department of Natural Resources with the concurrence of the Board of Oil, Gas, and Mining.
- (4) The director shall be the executive and administrative head of the Division of Oil, Gas, and Mining and shall be a person experienced in administration and knowledgeable in the extraction of oil, gas, and minerals.
- (5) Within the division, the person administering the oil and gas program shall have the technical background to efficiently administer that program.
- (6) [The] Within the division, the person administering the mining program shall have the technical background to efficiently administer that program.

Section 4. Section **40-14-101** is enacted to read:

CHAPTER 14. Expedited Permit Review

Part 1. General Provisions

40-14-101 . Definitions.

As used in this chapter:

- (1) "Board" means the Board of Oil, Gas, and Mining created in Section 40-6-4.
- (2) "Division" means the Division of Oil, Gas, and Mining created in Section 40-6-15.
- (3) "Eligible permit" means a permit:
 - (a) enforced by the division; and
 - (b) identified for expedited review in board rule under Section 40-14-203.
- (4) "Expedited review" means a review of an eligible permit that:
 - (a) is performed by a qualified reviewer;
 - (b) is completed within the number of days established by board rule under Section 40-14-203; and
 - (c) concludes with the issuance of a preliminary decision.
- (5) "Permit" means any of the following issued under this title:
 - (a) a permit;
 - (b) a plan;

(c) a license; or

(d) an administrative authorization made by the director.

(6) "Preliminary permit decision" means a recommendation to the division by a qualified reviewer under expedited review to:

(a) approve a permit application for final technical review and approval;

(b) deny a permit application; or

(c) return the permit application to the applicant with a description of the permit application's deficiencies.

(7) "Qualified reviewer" means a professional engineer, land surveyor, geologist, landscape architect, or other licensed professional certified by the division to review an application for an eligible permit under this chapter.

Section 5. Section **40-14-201** is enacted to read:

Part 2. Expedited Permit Review Process

40-14-201 . Qualified reviewer -- Certification -- Conflict of interest.

(1) The division may certify a qualified reviewer to perform an expedited review of an eligible permit.

(2) The division may certify an individual as a qualified reviewer of an eligible permit if the individual meets the following requirements:

(a) holds an active professional license in a field related to the eligible permit;

(b) has at least five years of oil, gas, and mining permitting experience;

(c) has not been convicted of, or pleaded guilty to:

(i) an environmental crime, or a similar or related criminal offense under federal or state law; or

(ii) a crime involving fraud, theft by deception, forgery, or a similar or related criminal offense under federal or state law;

(d) has not had a professional license revoked or suspended by a national or state licensing board within the previous 10 years; and

(e) any other requirement established by the division.

(3) A qualified reviewer may not perform an expedited review for an applicant of an eligible permit if the qualified reviewer:

(a) has performed services for the applicant within three years of the date of submission of the permit application; or

(b) has any financial or business interest with the applicant.

Section 6. Section **40-14-202** is enacted to read:

40-14-202 . Expedited review request -- Preliminary permit decision.

- (1)(a) An applicant for an eligible permit may request an expedited review of the applicant's permit application.
- (b) An applicant that requests expedited review shall, in a form and manner determined by the division:
- (i) submit a written request to the division for an expedited review of the applicant's permit application;
 - (ii) pay all costs associated with the expedited review; and
 - (iii) submit a completed application to a qualified reviewer.
- (2)(a) The division may establish a process for a qualified reviewer to complete an expedited review of a permit application for an eligible permit.
- (b) A qualified reviewer shall perform an expedited review:
- (i) subject to all standards, technical specifications, scope of review, and other requirements as determined by the division;
 - (ii) on a timeline established by the division; and
 - (iii) in accordance with all applicable federal and state laws and regulations.
- (3) A qualified reviewer shall submit a preliminary permit decision to the division at the completion of an expedited review, including:
- (a) an analysis of the basis for the recommendation; and
 - (b) supporting documentation, as determined by the division.

Section 7. Section **40-14-203** is enacted to read:

40-14-203 . Final permit decision by division -- Appeal.

- (1)(a) The division shall conduct a final technical review and make a final administrative decision for a permit application upon completion of an expedited review.
- (b) To make a final administrative decision on a permit application, the division shall:
- (i) review a preliminary permit decision for the permit application;
 - (ii) conduct a final technical review of the permit application; and
 - (iii)(A) approve the permit application;
(B) deny the permit application; or
(C) return the permit application to the applicant with a description of the permit application's deficiencies.
- (2) Except as otherwise provided in this title, a permit applicant may appeal the division's final administrative decision as provided in Section 40-8-13.1.

Section 8. Section **40-14-204** is enacted to read:

40-14-204 . Rulemaking authority.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to establish:

- (1) the requirements for identifying a permit as an eligible permit;
- (2) the requirements for expedited review;
- (3) the requirements for certifying a qualified reviewer;
- (4) the maximum number of days for a qualified reviewer to complete an expedited review;
- (5) the maximum number of days for the division to make a final administration decision upon completion of an expedited review; and
- (6) public comment requirements in accordance with federal and state law.

Section 9. Effective Date.

This bill takes effect on May 6, 2026.