Local Health Department and Department of Environmental Quality Coordination

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor: Karen M. Peterson

LONG TITLE

General Description:

This bill addresses civil penalties and reporting related to public health and the environment.

Highlighted Provisions:

This bill:

- removes a requirement that the Department of Environmental Quality (department) report to the Rules Review and General Oversight Committee regarding the evaluation of a policy or rule that affects a local health department;
- establishes a process for a local government or local health department to submit a reimbursement request to the department for a qualifying extraordinary expense incurred in a qualifying environmental enforcement activity;
- authorizes rulemaking by the department related to the reimbursement for a qualifying extraordinary expense; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-1-111 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 156

19-1-303 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 156

19-1-507 (Effective 05/06/26), as last amended by Laws of Utah 2018, Chapter 281

19-2-115 (Effective 05/06/26) (Repealed 07/01/29), as last amended by Laws of Utah 2012, Chapter 360

19-3-109 (Effective 05/06/26), as last amended by Laws of Utah 2013, Chapter 330

19-4-109 (Effective 05/06/26) (Repealed 07/01/29), as last amended by Laws of Utah 2025, First Special Session, Chapter 16

S.B. 251

19-5-115 (Effective 05/06/26) (Repealed 07/01/29), as last amended by Laws of Utah 2025, First Special Session, Chapter 16

19-6-113 (Effective 05/06/26) (Repealed 07/01/29), as last amended by Laws of Utah 2025, First Special Session, Chapter 16

19-6-306 (Effective 05/06/26) (Repealed 07/01/30), as last amended by Laws of Utah 2024, Chapter 158

19-6-425 (Effective 05/06/26) (Repealed 07/01/28), as last amended by Laws of Utah 2024, Chapter 158

19-6-721 (Effective 05/06/26) (Repealed 07/01/29), as last amended by Laws of Utah 2012, Chapter 360

19-6-804 (Effective 05/06/26) (Repealed 07/01/30), as last amended by Laws of Utah 2024, Chapter 158

19-6-821 (Effective 05/06/26) (Repealed 07/01/30), as last amended by Laws of Utah 2012, Chapters 263, 360

ENACTS:

19-1-303.5 (Effective 05/06/26), Utah Code Annotated 1953

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

Section 1. Section **19-1-111** is amended to read:

19-1-111 (Effective 05/06/26). Governance committee with local health departments.

(1) As used in this section:

(a) "Exempt application" means an application for federal funding that meets the criteria established under Subsection (3)(g).

(b) "Federal funding" means a grant, contract, or other funding from the federal government that could provide funds for a local health department to fulfill the duties and responsibilities of the local health department.

(c) "Governance committee" means the committee created in Subsection (2).

(2) The department shall establish a committee that consists of:

(a) the executive director or the executive director's designee;

(b) two representatives of the department appointed by the executive director; and

(c) three representatives of local health departments appointed by a group representing all the local health departments in the state.

(3) The governance committee shall:

(a) review all state and federal funding to the department to identify funding that the department may use to support:

(i) the requirements of Subsection 26A-1-106(3); and

(ii) the minimum performance standards created by the department under Subsection 26A-1-106(4);

(b) review the allocation of environmental quality resources between the department and the local health departments, including whether funds allocated by contract or cooperative agreement were:

(i) allocated in accordance with the formula described in Section 26A-1-116; and

(ii) subject to requirements satisfying or exceeding the minimum performance standards created by the department under Section 26A-1-106;

(c) evaluate rules and department policies that affect a local health department in accordance with Subsection (4);

(d) consider policy changes proposed by the department or by a local health department;

(e) coordinate the implementation of environmental quality programs to maximize environmental quality resources;

(f) except as provided by Subsection (3)(g), review each department application for any federal funding that affects a local health department before the department submits the application; and

(g) establish a process by which the committee may exempt an application for federal funding from the review required under Subsection (3)(f).

(4) When evaluating a policy or rule that affects a local health department, the governance committee shall:

(a) compute an estimate of the cost a local health department will bear to comply with the policy or rule;

(b) specify whether there is any funding provided to a local health department to implement the policy or rule; and

(c) advise whether the policy or rule is needed.

(5) The governance committee shall create bylaws to govern the committee's operations.

[~~(6) Before November 1 of each year, the department shall provide a report to the Rules Review and General Oversight Committee regarding the determinations made under Subsection (4).~~]

Section 2. Section **19-1-303** is amended to read:

19-1-303 (Effective 05/06/26). Criminal and civil penalties -- Liability for

violations -- Reimbursement.

(1)(a) Any person who violates [~~any~~] a provision of this title or [~~lawful orders or rules adopted under~~] a lawful order or rule made under the authority of this title by the department shall:

(i) in a civil proceeding, be assessed a penalty not to exceed the sum of $5,000; or

(ii) in a criminal proceeding:

(A) for the first violation, be guilty of a class B misdemeanor; and

(B) for a subsequent similar violation within two years, be guilty of a class A misdemeanor.

(b) In addition, a person is liable for any expense incurred by the department in removing or abating any violation.

(2) Assessment or conviction under this title does not relieve the person assessed or convicted from civil liability for any act which was also a violation of [~~the~~] a public health [~~laws~~] law.

(3) Each day of violation of this title or [~~rules~~] a rule made by the department may be considered a separate violation.

(4) The enforcement procedures and penalties provided in Subsections (1) through (3) do not apply to chapters in this title which provide for other specific enforcement procedures and penalties.

(5) Except as provided in Subsection 19-1-303.5(2) or otherwise in this title, and unless prohibited by federal law, the department shall deposit all money collected from a civil penalty or fine imposed under this title into the General Fund.

[~~(5)(a) Except as provided in this Subsection (5) or otherwise in this title, the department shall deposit all civil penalties and fines imposed and collected under this title into the General Fund.~~]

[~~(b) The department shall reimburse a local health department for costs associated with collecting a civil penalty under this title by the local health department.~~]

[~~(c) The department may reimburse the department, a local government, or a local health department from money collected:~~]

[~~(i) from a civil penalty for a qualifying extraordinary expense incurred in a qualifying environmental enforcement activity; and~~]

[~~(ii) notwithstanding the provisions of Section 78A-5-110, from a criminal fine for a qualifying extraordinary expense incurred in a prosecution for a violation of this title.~~]

[~~(d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to define:~~]

[~~(i) a qualifying environmental enforcement activity; and~~]

[~~(ii) a qualifying extraordinary expense.~~]

Section 3. Section **19-1-303.5** is enacted to read:

19-1-303.5 (Effective 05/06/26). Reimbursement of extraordinary expenses from civil penalty -- Requirements -- Rulemaking.

(1) The provisions of this section apply to a civil penalty and fine collected under the authority of this title.

(2)(a) The department may reimburse the department, a local government, or a local health department from money collected from a civil penalty or fine for a qualifying extraordinary expense incurred in a qualifying environmental enforcement activity.

(b) To request reimbursement for a qualifying extraordinary expense incurred in a qualifying environmental enforcement activity, a local government or local health department shall submit to the department:

(i) documentation necessary to support a claim for a qualifying extraordinary expense, as defined in department rule;

(ii) proof of a request by the department for assistance in the qualifying environmental enforcement activity; and

(iii) timely written notice of the expected extraordinary expense.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to:

(a) establish a procedure for a local government or local health department to claim a reimbursement described in Subsection (2);

(b) define a qualifying environmental enforcement activity;

(c) define a qualifying extraordinary expense;

(d) define timely written notice described in Subsection (2)(b)(iii); and

(e) establish the documentation necessary to support a claim for an extraordinary expense as described in Subsection (2)(b)(i).

Section 4. Section **19-1-507** is amended to read:

19-1-507 (Effective 05/06/26). Civil action.

(1) The attorney general or a person may bring a civil action in a court of competent jurisdiction to seek:

(a) an injunction to enforce this part; and

(b) if the action is brought by the attorney general, a civil penalty not to exceed $500 for each day this part is violated.

(2) In an action brought under this section, a court may:

(a) order injunctive relief;

(b) impose a civil penalty to the extent provided in Subsection (1);

(c) award attorney fees and costs to the attorney general or person who brings the civil action, if the attorney general or person prevails; or

(d) take a combination of actions under this Subsection (2).

[~~(3) A civil penalty imposed under this section shall be deposited into the General Fund.~~]

(3) Except as provided in Subsection 19-1-303.5(2) and unless prohibited by federal law, the department shall deposit all money collected from a civil penalty imposed under this section into the General Fund.

Section 5. Section **19-2-115** is amended to read:

19-2-115 (Effective 05/06/26) (Repealed 07/01/29). Violations -- Penalties -- Reimbursement for expenses.

(1) As used in this section, the terms "knowingly," "willfully," and "criminal negligence" shall mean as defined in Section 76-2-103.

(2)(a) A person who violates this chapter, or any rule, order, or permit issued or made under this chapter is subject in a civil proceeding to a penalty not to exceed $10,000 per day for each violation.

(b) Subsection (2)(a) also applies to rules made under the authority of Section 19-2-104, for implementation of 15 U.S.C.A. 2601 et seq., Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response.

(c) Penalties assessed for violations described in 15 U.S.C.A. 2647, Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response, may not exceed the amounts specified in that section and shall be used in accordance with that section.

(3) A person is guilty of a class A misdemeanor and is subject to imprisonment under Section 76-3-204 and a fine of not more than $25,000 per day of violation if that person knowingly violates any of the following under this chapter:

(a) an applicable standard or limitation;

(b) a permit condition; or

(c) a fee or filing requirement.

(4) A person is guilty of a third degree felony and is subject to imprisonment under Section 76-3-203 and a fine of not more than $25,000 per day of violation who knowingly:

(a) makes any false material statement, representation, or certification, in any notice or report required by permit; or

(b) renders inaccurate any monitoring device or method required to be maintained by this chapter or applicable rules made under this chapter.

(5) Any fine or penalty assessed under Subsections (2) or (3) is in lieu of any penalty under Section 19-2-109.1.

(6) A person who willfully violates Section 19-2-120 is guilty of a class A misdemeanor.

(7) A person who knowingly violates any requirement of an applicable implementation plan adopted by the board, more than 30 days after having been notified in writing by the director that the person is violating the requirement, knowingly violates an order issued under Subsection 19-2-110(1), or knowingly handles or disposes of asbestos in violation of a rule made under this chapter is guilty of a third degree felony and subject to imprisonment under Section 76-3-203 and a fine of not more than $25,000 per day of violation in the case of the first offense, and not more than $50,000 per day of violation in the case of subsequent offenses.

(8)(a) As used in this section:

(i) "Hazardous air pollutant" means any hazardous air pollutant listed under 42 U.S.C. Sec. 7412 or any extremely hazardous substance listed under 42 U.S.C. Sec. 11002(a)(2).

(ii) "Organization" means a legal entity, other than a government, established or organized for any purpose, and includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, or any other association of persons.

(iii) "Serious bodily injury" means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

(b)(i) A person is guilty of a class A misdemeanor and subject to imprisonment under Section 76-3-204 and a fine of not more than $25,000 per day of violation if that person with criminal negligence:

(A) releases into the ambient air any hazardous air pollutant; and

(B) places another person in imminent danger of death or serious bodily injury.

(ii) As used in this Subsection (8)(b), "person" does not include an employee who is carrying out the employee's normal activities and who is not a part of senior

management personnel or a corporate officer.

(c) A person is guilty of a second degree felony and is subject to imprisonment under Section 76-3-203 and a fine of not more than $50,000 per day of violation if that person:

(i) knowingly releases into the ambient air any hazardous air pollutant; and

(ii) knows at the time that the person is placing another person in imminent danger of death or serious bodily injury.

(d) If a person is an organization, it shall, upon conviction of violating Subsection (8)(c), be subject to a fine of not more than $1,000,000.

(e)(i) A defendant who is an individual is considered to have acted knowingly under Subsections (8)(c) and (d), if:

(A) the defendant's conduct placed another person in imminent danger of death or serious bodily injury; and

(B) the defendant was aware of or believed that there was an imminent danger of death or serious bodily injury to another person.

(ii) Knowledge possessed by a person other than the defendant may not be attributed to the defendant.

(iii) Circumstantial evidence may be used to prove that the defendant possessed actual knowledge, including evidence that the defendant took affirmative steps to be shielded from receiving relevant information.

(f)(i) It is an affirmative defense to prosecution under this Subsection (8) that the conduct charged was freely consented to by the person endangered and that the danger and conduct charged were reasonably foreseeable hazards of:

(A) an occupation, a business, a profession; or

(B) medical treatment or medical or scientific experimentation conducted by professionally approved methods and the other person was aware of the risks involved prior to giving consent.

(ii) The defendant has the burden of proof to establish any affirmative defense under this Subsection (8)(f) and shall prove that defense by a preponderance of the evidence.

[~~(9)(a) Except as provided in Subsection (9)(b), and unless prohibited by federal law, all penalties assessed and collected under the authority of this section shall be deposited in the General Fund.~~]

[~~(b) The department may reimburse itself and local governments from money collected~~

~~from civil penalties for extraordinary expenses incurred in environmental enforcement activities.~~]

[~~(c) The department shall regulate reimbursements by making rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:~~]

[~~(i) define qualifying environmental enforcement activities; and~~]

[~~(ii) define qualifying extraordinary expenses.~~]

(9) Except as provided in Subsection 19-1-303.5(2) and unless prohibited by federal law, the department shall deposit all money collected from a civil penalty or fine imposed under this section into the General Fund.

Section 6. Section **19-3-109** is amended to read:

19-3-109 (Effective 05/06/26). Civil penalties -- Appeals -- Reimbursement for expenses.

(1) A person who violates a provision of this part, a rule or order issued under the authority of this part, or the terms of a license, permit, or registration certificate issued under the authority of this part is subject to a civil penalty not to exceed $10,000 for each violation.

(2) The director may assess and make a demand for payment of a penalty under this section and may compromise or remit that penalty.

(3) In order to make demand for payment of a penalty assessed under this section, the director shall issue a notice of agency action, specifying, in addition to the requirements for notices of agency action contained in Title 63G, Chapter 4, Administrative Procedures Act:

(a) the date, facts, and nature of each act or omission charged;

(b) the provision of the statute, rule, order, license, permit, or registration certificate that is alleged to have been violated;

(c) each penalty that the director proposes to impose, together with the amount and date of effect of that penalty; and

(d) that failure to pay the penalty or respond may result in a civil action for collection.

(4) A person notified according to Subsection (3) may request an adjudicative proceeding.

(5) Upon request by the director, the attorney general may institute a civil action to collect a penalty imposed under this section.

[~~(6)(a) Except as provided in Subsection (6)(b), the department shall deposit all money collected from civil penalties imposed under this section into the General Fund.~~]

[~~(b) The department may reimburse itself and local governments from money collected from civil penalties for extraordinary expenses incurred in environmental~~

~~enforcement activities.~~]

[~~(c) The department shall regulate reimbursements by making rules that:~~]

[~~(i) define qualifying environmental enforcement activities; and~~]

[~~(ii) define qualifying extraordinary expenses.~~]

(6) Except as provided in Subsection 19-1-303.5(2) and unless prohibited by federal law, the department shall deposit all money collected from a civil penalty or fine imposed under this section into the General Fund.

Section 7. Section **19-4-109** is amended to read:

19-4-109 (Effective 05/06/26) (Repealed 07/01/29). Violations -- Penalties -- Reimbursement for expenses.

(1) As used in this section, "criminal negligence" means the same as that term is defined in Section 76-2-103.

(2)(a) A person who violates this chapter, a rule or order issued under the authority of this chapter, or the terms of a permit or other administrative authorization issued under the authority of this chapter is subject to [~~an administrative~~] a civil penalty:

(i) not to exceed $1,000 per day per violation, with respect to a public water system serving a population of less than 10,000 individuals; or

(ii) exactly $1,000 per day per violation, with respect to a public water system serving a population of more than 10,000 individuals.

(b) In all cases, each day of violation is considered a separate violation.

(3) The director may assess and make a demand for payment of [~~an administrative~~] a civil penalty under this section and may compromise or settle that penalty.

(4) To make a demand for payment of [~~an administrative~~] a civil penalty assessed under this section, the director shall issue a notice of agency action, specifying, in addition to the requirements for notices of agency action contained in Title 63G, Chapter 4, Administrative Procedures Act:

(a) the date, facts, and nature of each act or omission charged;

(b) the provision of the statute, rule, order, permit, or administrative authorization that is alleged to have been violated;

(c) each penalty that the director proposes to assess, together with the amount and date of effect of that penalty; and

(d) that failure to pay the penalty or respond may result in a civil action for collection.

(5) A person notified according to Subsection (4) may request an adjudicative proceeding.

(6) Upon request by the director, the attorney general may institute a civil action to collect a

penalty assessed under this section.

(7)(a) A person who, with criminal negligence, violates any rule or order made or issued pursuant to this chapter, or with criminal negligence fails to take corrective action required by an order, is guilty of a class B misdemeanor and subject to a fine of not more than $5,000 per day for each day of violation.

(b) [~~In addition, the person is subject, in a civil proceeding, to a penalty~~] A person described in Subsection (7)(a) is subject in a civil proceeding to a civil penalty of not more than $5,000 per day for each day of violation.

(8)(a) The director may bring a civil action for appropriate relief, including a permanent or temporary injunction, for a violation for which the director is authorized to issue a compliance order under Section 19-4-107.

(b) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, the director shall bring an action under this Subsection (8) in the county where the violation occurs if the director brings the action in a district court.

(9)(a) The attorney general is the legal advisor for the board and the director and shall defend them in an action or proceeding brought against the board or director.

(b) The county attorney or district attorney, as appropriate under Section 17-68-302 or 17-68-303, in the county in which a cause of action arises, shall bring an action, civil or criminal, requested by the director, to abate a condition that exists in violation of, or to prosecute for the violation of, or to enforce the laws or the standards, orders, and rules of the board or the director issued under this chapter.

(c) The director may initiate action under this section and be represented by the attorney general.

(10) If a person fails to comply with a cease and desist order that is not subject to a stay pending administrative or judicial review, the director may initiate an action for and be entitled to injunctive relief to prevent further or continued violation of the order.

(11) A bond may not be required for injunctive relief under this chapter.

[~~(12)(a) Except as provided in Subsection (12)(b), a penalty assessed and collected under the authority of this section shall be deposited into the General Fund.~~]

[~~(b) The department may reimburse itself and local governments from money collected from civil penalties for extraordinary expenses incurred in environmental enforcement activities.~~]

[~~(c) The department shall regulate reimbursements by making rules that define:~~]

[~~(i) qualifying environmental enforcement activities; and~~]

[~~(ii) qualifying extraordinary expenses.~~]

(12) Except as provided in Subsection 19-1-303.5(2) and unless prohibited by federal law, the department shall deposit all money collected from a civil penalty or fine imposed under this section into the General Fund.

Section 8. Section **19-5-115** is amended to read:

19-5-115 (Effective 05/06/26) (Repealed 07/01/29). Violations -- Civil and criminal penalties -- Ordinances and rules of political subdivisions -- Reimbursement for expenses.

(1) As used in this section:

(a) "Criminal negligence" means the same as that term is defined in Section 76-2-103.

(b) "Knowingly" means the same as that term is defined in Section 76-2-103.

(c)(i) "Organization" means a legal entity, other than a government, established or organized for any purpose.

(ii) "Organization" includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, or any other association of persons.

(d) "Serious bodily injury" means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

(e) "Willfully" means the same as that term is defined in Section 76-2-103.

(2)(a) A person that violates this chapter, or any permit, rule, or order adopted under this chapter, is subject in a civil proceeding to a civil penalty not to exceed $10,000 per day of violation.

(b) The department shall retain the revenue from an administrative fine under Subsection 19-5-108.3(7) as a dedicated credit for the purposes of outreach and education to applicants.

(c) The division may issue an order to stop construction in accordance with Subsection 19-5-108.3(7).

(3)(a) A person is guilty of a class A misdemeanor, subject to imprisonment under Section 76-3-204, and subject to a fine not exceeding $25,000 per day, if the person with criminal negligence:

(i) discharges pollutants in violation of Subsection 19-5-107(1) or in violation of any condition or limitation included in a permit issued under Subsection 19-5-107(3);

(ii) violates Section 19-5-113;

(iii) violates a pretreatment standard or toxic effluent standard for publicly owned treatment works; or

(iv) manages sewage sludge in violation of this chapter or rules adopted under this chapter.

(b) A person is guilty of a third degree felony, subject to imprisonment under Section 76-3-203, and subject to a fine not to exceed $50,000 per day of violation, if the person knowingly:

(i) discharges pollutants in violation of Subsection 19-5-107(1) or in violation of any condition or limitation included in a permit issued under Subsection 19-5-107(3);

(ii) violates Section 19-5-113;

(iii) violates a pretreatment standard or toxic effluent standard for publicly owned treatment works; or

(iv) manages sewage sludge in violation of this chapter or rules adopted under this chapter.

(4) A person is guilty of a third degree felony, subject to imprisonment under Section 76-3-203, and subject to a fine not exceeding $10,000 per day of violation, if the person knowingly:

(a) makes a false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter, or by any permit, rule, or order issued under this chapter; or

(b) falsifies, tampers with, or knowingly renders inaccurate a monitoring device or method required to be maintained under this chapter.

(5)(a) A person is guilty of a second degree felony, subject to imprisonment under Section 76-3-203, and subject to a fine of not more than $250,000 if the person:

(i) knowingly violates this chapter, or any permit, rule, or order adopted under this chapter; and

(ii) knows at that time that the person is placing another person in imminent danger of death or serious bodily injury.

(b) If a person is an organization, the organization shall, upon conviction of violating Subsection (5)(a), be subject to a fine of not more than $1,000,000.

(c)(i) A defendant who is an individual is considered to have acted knowingly if:

(A) the defendant's conduct placed another person in imminent danger of death or serious bodily injury; and

(B) the defendant was aware of or believed that there was an imminent danger of death or serious bodily injury to another person.

(ii) Knowledge possessed by a person other than the defendant may not be attributed to the defendant.

(iii) Circumstantial evidence may be used to prove that the defendant possessed actual knowledge, including evidence that the defendant took affirmative steps to be shielded from receiving relevant information.

(d)(i) It is an affirmative defense to prosecution under this Subsection (5) that the conduct charged was consented to by the person endangered and that the danger and conduct charged were reasonably foreseeable hazards of:

(A) an occupation, a business, or a profession; or

(B) medical treatment or medical or scientific experimentation conducted by professionally approved methods and the other person was aware of the risks involved before giving consent.

(ii) The defendant has the burden of proof to establish an affirmative defense under this Subsection (5)(d) and shall prove that defense by a preponderance of the evidence.

(6) For purposes of Subsections (3) through (5), a single operational upset that leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.

(7)(a) The director may bring a civil action for appropriate relief, including a permanent or temporary injunction, for any violation or threatened violation for which the director is authorized to issue a compliance order under Section 19-5-111.

(b) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, the director shall bring a civil action in the district court where the violation or threatened violation occurs if the director brings the action in a district court.

(8)(a) The attorney general is the legal advisor for the board and the director and shall defend the board or director in an action or proceeding brought against the board or director.

(b) The county attorney or district attorney, as appropriate under Section 17-68-302 or 17-68-303, in the county in which a cause of action arises, shall bring an action, civil or criminal, requested by the director, to abate a condition that exists in violation of, or to prosecute for the violation of, or to enforce, the laws or the standards, orders, and rules of the board or the director issued under this chapter.

(c) The director may initiate an action under this section and be represented by the attorney general.

(9) If a person fails to comply with a cease and desist order that is not subject to a stay pending administrative or judicial review, the director may initiate an action for and be entitled to injunctive relief to prevent any further or continued violation of the order.

(10) A political subdivision of the state may enact and enforce ordinances or rules for the implementation of this chapter that are not inconsistent with this chapter.

[~~(11)(a) Except as provided in Subsections 19-5-108.3(7)(d) and 19-5-115(11)(b) and (c), the department shall deposit penalties imposed and collected under the authority of this section into the General Fund.~~]

[~~(b) The department may reimburse itself and local governments from money collected from civil penalties for extraordinary expenses incurred in environmental enforcement activities.~~]

[~~(c) The department shall regulate reimbursements by making rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:~~]

[~~(i) define qualifying environmental enforcement activities; and~~]

[~~(ii) define qualifying extraordinary expenses.~~]

[~~(12)~~] (11)(a) For purposes of this section or an ordinance or rule enacted by a political subdivision under Subsection (10), an act performed by an individual wholly within the scope of the individual's employment with an organization, is attributed to the organization.

(b) Notwithstanding the other provisions of this section, an action may not be brought against an individual acting wholly within the scope of the individual's employment with an organization if the action is brought under:

(i) this section;

(ii) an ordinance or rule issued by a political subdivision under Subsection (10); or

(iii) any local law or ordinance governing discharge.

(12) Except as provided in Subsections 19-1-303.5(2) and 19-5-108.3(7)(d), and unless prohibited by federal law, the department shall deposit all money collected from a civil penalty or fine imposed under this section into the General Fund.

Section 9. Section **19-6-113** is amended to read:

19-6-113 (Effective 05/06/26) (Repealed 07/01/29). Violations -- Penalties -- Reimbursement for expenses.

(1) As used in this section, "RCRA" means the Resource Conservation and Recovery Act,

42 U.S.C. Section 6901, et seq.

(2) Any person who violates any order, plan, rule, or other requirement issued or adopted under this part is subject in a civil proceeding to a penalty of not more than $13,000 per day for each day of violation.

(3) On or after July 1, 1990, no person shall knowingly:

(a) transport or cause to be transported any hazardous waste identified or listed under this part to a facility that does not have a hazardous waste operation plan or permit under this part or RCRA;

(b) treat, store, or dispose of any hazardous waste identified or listed under this part:

(i) without having obtained a hazardous waste operation plan or permit as required by this part or RCRA;

(ii) in knowing violation of any material condition or requirement of a hazardous waste operation plan or permit; or

(iii) in knowing violation of any material condition or requirement of any rules or regulations under this part or RCRA;

(c) omit material information or make any false material statement or representation in any application, label, manifest, record, report, permit, operation plan, or other document filed, maintained, or used for purposes of compliance with this part or RCRA or any rules or regulations made under this part or RCRA; and

(d) transport or cause to be transported without a manifest any hazardous waste identified or listed under this part and required by rules or regulations made under this part or RCRA to be accompanied by a manifest.

(4)(a)(i) Any person who knowingly violates any provision of Subsection (3)(a) or (b) is guilty of a felony.

(ii) Notwithstanding Sections 76-3-203, 76-3-301, and 76-3-302, a person convicted of a felony under Subsection (3)(a) or (b) is subject to a fine of not more than $50,000 for each day of violation, or imprisonment for a term not to exceed five years, or both.

(iii) If a person is convicted of a second or subsequent violation under Subsection (3)(a) or (b), the maximum punishment is double both the fine and the term of imprisonment authorized in Subsection (4)(a)(ii).

(b)(i) Any person who knowingly violates any of the provisions of Subsection (3)(c) or (d) is guilty of a felony.

(ii) Notwithstanding Sections 76-3-203, 76-3-301, and 76-3-302, a person convicted

of a felony for a violation of Subsection (3)(c) or (d) is subject to a fine of not more than $50,000 for each day of violation, or imprisonment for a term not to exceed two years, or both.

(iii) If a person is convicted of a second or subsequent violation under Subsection (3)(c) or (d), the maximum punishment is double both the fine and the imprisonment authorized in Subsection (4)(b)(ii).

(c)(i) Any person who knowingly transports, treats, stores, or disposes of any hazardous waste identified or listed under this part in violation of Subsection (3)(a), (b), (c), or (d), who knows at that time that the person thereby places another person in imminent danger of death or serious bodily injury, is guilty of a felony.

(ii) Notwithstanding Sections 76-3-203, 76-3-301, and 76-3-302, a person convicted of a felony described in Subsection (4)(c)(i) is subject to a fine of not more than $250,000, or imprisonment for a term not to exceed 15 years, or both.

(iii) A corporation, association, partnership, or governmental instrumentality, upon conviction of violating Subsection (4)(c)(i), is subject to a fine of not more than $1,000,000.

[~~(5)(a) Except as provided in Subsections (5)(b) and (c) and Section 19-6-722, all penalties assessed and collected under authority of this section shall be deposited in the General Fund.~~]

[~~(b) The department may reimburse itself and local governments from money collected from civil penalties for qualifying extraordinary expenses incurred in qualifying environmental enforcement activities.~~]

[~~(c) Notwithstanding the provisions of Section 78A-5-110, the department may reimburse itself and local governments from money collected from criminal fines for qualifying extraordinary expenses incurred in prosecutions for violations of this part.~~]

[~~(d) The department shall regulate reimbursements by making rules that define:~~]

[~~(i) qualifying environmental enforcement activities; and~~]

[~~(ii) qualifying extraordinary expenses.~~]

[~~(6)~~] (5) The attorney general, the county attorney, or the district attorney, as appropriate under Section 17-68-302 or 17-68-303, may commence prosecution for a criminal violation of this part in any county where venue is proper.

(6) Except as provided in Subsections 19-1-303.5(2) and 19-6-722(3), and unless prohibited by federal law, the department shall deposit all money collected from a civil penalty or fine imposed under this section into the General Fund.

Section 10. Section **19-6-306** is amended to read:

19-6-306 (Effective 05/06/26) (Repealed 07/01/30). Civil penalty -- Lawsuits.

(1) Any person who violates any final order or rule issued or made under this part is subject in a civil proceeding to a penalty of not more than $10,000 per day for each day of violation.

(2) Any person who violates the terms of any agreement made under authority of this part is subject in a civil proceeding to pay:

(a) any penalties stipulated in the agreement; or

(b) if no penalties are stipulated in the agreement, a penalty of not more than $10,000 per day for each day of violation.

(3) [~~The executive director shall deposit all civil penalties collected under the authority of this section into~~] Except as provided in Subsection 19-1-303.5(2) and unless prohibited by federal law, the executive director shall deposit all money collected from a civil penalty under this section into the General Fund.

(4)(a) The executive director may enforce any orders issued under authority of this part by bringing a suit to enforce the order in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration.

(b) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, if the executive director brings a suit described in Subsection (4)(a) in the district court, the executive director shall bring the suit in:

(i) Salt Lake County; or

(ii) the county where the hazardous substances release occurred.

(c) After a remedial investigation has been completed, the executive director may bring a suit in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, against all responsible parties, asking the court for injunctive relief and to apportion liability among the responsible parties for performance of remedial action.

Section 11. Section **19-6-425** is amended to read:

19-6-425 (Effective 05/06/26) (Repealed 07/01/28). Violation of part -- Civil penalty -- Civil action -- Reimbursement for expenses.

(1) Except as provided in Section 19-6-407, any person who violates any requirement of this part or any order issued or rule made under the authority of this part is subject to a civil penalty of not more than $10,000 per day for each day of violation.

(2)(a) The director may enforce any requirement, rule, agreement, or order issued under

this part by bringing an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration.

(b) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, the director shall bring an action in the county where the underground storage tank or petroleum storage tank is located if the director brings the action in the district court.

(3) [~~The~~] Except as provided in Subsection 19-1-303.5(2) and unless prohibited by federal law, the department shall deposit [~~the penalties collected under this part in~~] all money collected from a civil penalty imposed under this section into the Petroleum Storage Tank Restricted Account created [~~under~~] in Section 19-6-405.5.

Section 12. Section **19-6-721** is amended to read:

19-6-721 (Effective 05/06/26) (Repealed 07/01/29). Violations -- Proceedings -- Orders -- Reimbursement for expenses.

(1) A person who violates any provision of this part or any order, permit, rule, or other requirement issued or adopted under this part is subject in a civil proceeding to a penalty of not more than $10,000 per day for each day of violation, in addition to any fine otherwise imposed for violation of this part.

(2)(a) The director may bring suit in the name of the state to restrain the person from continuing the violation and to require the person to perform necessary remediation.

(b) Suit under Subsection (2)(a) may be brought in any court in the state having jurisdiction in the county of residence of the person charged or in the county where the violation is alleged to have occurred.

(c) The court may grant prohibitory and mandatory injunctions, including temporary restraining orders.

(3) When the director finds a situation exists in violation of this part that presents an immediate threat to the public health or welfare, the director may issue an emergency order under Title 63G, Chapter 4, Administrative Procedures Act.

(4) [~~All penalties collected under this section shall be deposited in~~] Except as provided in Subsection 19-1-303.5(2) and unless prohibited by federal law, the department shall deposit all money collected from a civil penalty under this section into the account created in Section 19-6-719.

Section 13. Section **19-6-804** is amended to read:

19-6-804 (Effective 05/06/26) (Repealed 07/01/30). Restrictions on disposal and transfer of tires -- Penalties -- Reimbursement for expenses.

(1)(a) An individual, including a waste tire transporter, may not transfer for temporary

storage more than 12 whole tires at one time to a landfill or other location in the state authorized by the director to receive waste tires, except for purposes authorized by board rule.

(b) Tires are exempt from this Subsection (1) if the original tire has a rim diameter greater than 24.5 inches.

(c) A person, including a waste tire transporter, may not dispose of waste tires or store waste tires in any manner not allowed under this part or rules made under this part.

(2) The operator of the landfill or other authorized location shall direct that the waste tires be stored in a designated area to facilitate retrieval if a market becomes available for the disposed waste tires or material derived from waste tires.

(3) An individual, including a waste tire transporter, may dispose of shredded waste tires in a landfill in accordance with Section 19-6-812, and may also, without reimbursement, dispose in a landfill materials derived from waste tires that do not qualify for reimbursement under Section 19-6-812, but the landfill shall dispose of the material in accordance with Section 19-6-812.

(4) A tire retailer may only transfer ownership of a waste tire described in Subsection 19-6-803(28)(b) to:

(a) a person who purchases it for the person's own use and not for resale; or

(b) a waste tire transporter that:

(i) is registered in accordance with Section 19-6-806; and

(ii) agrees to transport the tire to:

(A) a tire retailer that sells the tire wholesale or retail; or

(B) a recycler.

(5)(a)(i) An individual, including a waste tire transporter, violating this section is subject to enforcement proceedings and a civil penalty of not more than $100 per waste tire or per passenger tire equivalent disposed of in violation of this section.

(ii) A warning notice may be issued before taking further enforcement action under this Subsection (5).

(b) The director, the local health department, or the county attorney with jurisdiction over the location where the tires were disposed in violation of this section, may bring an action to enforce this section and collect penalties in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration.

(c) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, the director, local health department, or county attorney shall bring an action described in Subsection

(5)(b) in the county where the violation occurred if the action is brought in the district court.

(d) [~~Penalties collected under this section shall be deposited~~] Except as provided in Subsection 19-1-303.5(2) and unless prohibited by federal law, the department shall deposit all money collected from a civil penalty under this section into the fund.

Section 14. Section **19-6-821** is amended to read:

19-6-821 (Effective 05/06/26) (Repealed 07/01/30). Violations -- Civil proceedings and penalties -- Orders -- Reimbursement for expenses.

(1) A person who violates any provision of this part or any order, permit, plan approval, or rule issued or adopted under this part is subject to a civil penalty of not more than $10,000 per day for each day of violation as determined in a civil hearing under Title 63G, Chapter 4, Administrative Procedures Act, except:

(a) any violation of Subsection 19-6-804(1), (3), or (4) is subject to the penalty under Subsection 19-6-804(5) rather than the penalties under this section; and

(b) any violation of Subsection 19-6-808(1), (2), or (3) regarding payment of the recycling fee by the tire retailer is subject to penalties as provided in Subsection 19-6-808(4) rather than the penalties under this section.

(2) The director may bring an action in the name of the state to restrain a person from continuing a violation of this part and to require the person to perform necessary remediation regarding a violation of this part.

(3) When the director finds a situation exists in violation of this part that presents an immediate threat to the public health or welfare, the director may issue an emergency order under Title 63G, Chapter 4, Administrative Procedures Act.

(4) The director may revoke the registration of a waste tire recycler or transporter who violates any provision of this part or any order, plan approval, permit, or rule issued or adopted under this part.

(5) The director may revoke the tire storage permit for a storage facility that is in violation of any provision of this part or any order, plan approval, permit, or rule issued or adopted under this part.

(6) If a person has been convicted of violating a provision of this part prior to a finding by the director of a violation of the same provision in an administrative hearing, the director may not assess a civil monetary penalty under this section for the same offense for which the conviction was obtained.

(7) [~~All penalties collected under this section shall be deposited in~~] Except as provided in

Subsection 19-1-303.5(2) and unless prohibited by federal law, the department shall deposit all money collected from a civil penalty under this section into the fund.

Section 15. **Effective Date.**

This bill takes effect on May 6, 2026.