

Petroleum Storage Tank Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor:

LONG TITLE**General Description:**

This bill addresses the regulation of petroleum storage tanks.

Highlighted Provisions:

This bill:

- ▶ modifies definitions;
- ▶ changes terms "underground" and "petroleum" as appropriate;
- ▶ provides that the Petroleum Storage Tank Restricted Account earns interest to be deposited into that account;
- ▶ addresses registration of underground storage tanks and aboveground petroleum storage tanks;
- ▶ addresses the Petroleum Storage Tank Fund, including authorization to request certain legislative appropriations;
- ▶ modifies assessment of an environmental assurance fee based on the cash balance of the Petroleum Storage Tank Fund;
- ▶ modifies the petroleum storage tank fee provisions;
- ▶ provides for certificates of compliance;
- ▶ clarifies restrictions on petroleum storage tank installation companies;
- ▶ directs certain monies be deposited into the Petroleum Storage Tank Cleanup Fund;
- ▶ addresses claims not covered by the Petroleum Storage Tank Fund;
- ▶ clarifies language regarding liability;
- ▶ addresses eligibility for participation in the Petroleum Storage Tank Fund; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

This bill appropriates \$4,000,000 in restricted fund and account transfers for fiscal year 2026, all of which is from the various sources as detailed in this bill.

Other Special Clauses:

None

Utah Code Sections Affected:

32 AMENDS:

- 33 **19-1-105 (Effective 05/07/25)**, as last amended by Laws of Utah 2015, Chapter 451
 34 **19-2a-103 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2018,
 35 Chapter 120
 36 **19-6-105 (Effective 05/07/25)**, as last amended by Laws of Utah 2021, Chapter 202
 37 **19-6-402 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 451
 38 **19-6-403 (Effective 05/07/25)**, as last amended by Laws of Utah 2021, Chapter 202
 39 **19-6-404 (Effective 05/07/25)**, as last amended by Laws of Utah 2014, Chapter 227
 40 **19-6-405.5 (Effective 05/07/25)**, as last amended by Laws of Utah 1998, Chapter 95
 41 **19-6-407 (Effective 05/07/25)**, as last amended by Laws of Utah 2021, Chapter 202
 42 **19-6-409 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 451
 43 **19-6-410.5 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 451
 44 **19-6-411 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 451
 45 **19-6-412 (Effective 05/07/25)**, as last amended by Laws of Utah 2012, Chapter 360
 46 **19-6-416.5 (Effective 05/07/25)**, as last amended by Laws of Utah 2012, Chapter 360
 47 **19-6-420 (Effective 05/07/25)**, as last amended by Laws of Utah 2021, Chapter 202
 48 **19-6-424 (Effective 05/07/25)**, as last amended by Laws of Utah 2012, Chapter 360
 49 **19-6-426 (Effective 05/07/25)**, as last amended by Laws of Utah 1997, Chapter 172
 50 **19-6-428 (Effective 05/07/25)**, as last amended by Laws of Utah 2021, Chapter 202
 51 **19-8-113 (Effective 05/07/25)**, as last amended by Laws of Utah 2005, Chapter 200
 52 **19-8-119 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 158
 53 **63G-4-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 147
 54 **63I-1-219 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Third Special
 55 Session, Chapter 5

56 REPEALS:

- 57 **19-6-401**, as renumbered and amended by Laws of Utah 1991, Chapter 112
 58

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

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

61 **19-1-105 (Effective 05/07/25). Divisions of department -- Control by division**
 62 **directors.**

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

- 64 (a) the Division of Air Quality, to administer [~~Title 19, Chapter 2, Air Conservation Act~~]
 65 Chapter 2, Air Conservation Act;

- 66 (b) the Division of Drinking Water, to administer [~~Title 19, Chapter 4, Safe Drinking~~
67 ~~Water Act~~] Chapter 4, Safe Drinking Water Act;
- 68 (c) the Division of Environmental Response and Remediation, to administer:
- 69 (i) [~~Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act~~] Chapter 6, Part
70 3, Hazardous Substances Mitigation Act; and
- 71 (ii) [~~Title 19, Chapter 6, Part 4, Underground Storage Tank Act~~] Chapter 6, Part 4,
72 Petroleum Storage Tank Act;
- 73 (d) the Division of Waste Management and Radiation Control, to administer:
- 74 (i) [~~Title 19, Chapter 3, Radiation Control Act~~] Chapter 3, Radiation Control Act;
- 75 (ii) [~~Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act~~] Chapter 6, Part 1,
76 Solid and Hazardous Waste Act;
- 77 (iii) [~~Title 19, Chapter 6, Part 2, Hazardous Waste Facility Siting Act~~] Chapter 6, Part
78 2, Hazardous Waste Facility Siting Act;
- 79 (iv) [~~Title 19, Chapter 6, Part 5, Solid Waste Management Act~~] Chapter 6, Part 5,
80 Solid Waste Management Act;
- 81 (v) [~~Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal~~] Chapter 6, Part 6, Lead
82 Acid Battery Disposal;
- 83 (vi) [~~Title 19, Chapter 6, Part 7, Used Oil Management Act~~] Chapter 6, Part 7, Used
84 Oil Management Act;
- 85 (vii) [~~Title 19, Chapter 6, Part 8, Waste Tire Recycling Act~~] Chapter 6, Part 8, Waste
86 Tire Recycling Act;
- 87 (viii) [~~Title 19, Chapter 6, Part 10, Mercury Switch Removal Act~~] Chapter 6, Part 10,
88 Mercury Switch Removal Act;
- 89 (ix) [~~Title 19, Chapter 6, Part 11, Industrial Byproduct Reuse~~] Chapter 6, Part 11,
90 Industrial Byproduct Reuse; and
- 91 (x) [~~Title 19, Chapter 6, Part 12, Disposal of Electronic Waste Program~~] Chapter 6,
92 Part 12, Disposal of Electronic Waste Program; and
- 93 (e) the Division of Water Quality, to administer [~~Title 19, Chapter 5, Water Quality Act~~]
94 Chapter 5, Water Quality Act.
- 95 (2) Each division is under the immediate direction and control of a division director
96 appointed by the executive director.
- 97 (3)(a) A division director shall possess the administrative skills and training necessary
98 to perform the duties of division director.
- 99 (b) A division director shall hold one of the following degrees from an accredited

- 100 college or university:
- 101 (i) a four-year degree in physical or biological science or engineering;
- 102 (ii) a related degree; or
- 103 (iii) a degree in law.
- 104 (4) The executive director may remove a division director at will.
- 105 (5) A division director shall serve as the executive secretary to the policymaking board,
- 106 created in Section 19-1-106, that has rulemaking authority over the division director's
- 107 division.

108 Section 2. Section **19-2a-103** is amended to read:

109 **19-2a-103 (Effective 05/07/25). Gasoline vapor recovery -- Penalties.**

- 110 (1) As used in this section:
- 111 (a) "Gasoline cargo tank" means a tank that:
- 112 (i) is intended to hold gasoline;
- 113 (ii) has a capacity of 1,000 gallons or more; and
- 114 (iii) is attached to or intended to be drawn by a motor vehicle.
- 115 (b) "Operator" means an individual who controls a motor vehicle:
- 116 (i) to which a gasoline cargo tank is attached; or
- 117 (ii) that draws a gasoline cargo tank.
- 118 (c) [~~"Underground-~~] "Petroleum storage tank" means the same as that term is defined in
- 119 Section [~~19-6-102]~~ 19-6-402.
- 120 (2) The operator of a gasoline cargo tank shall comply with requirements of this section if
- 121 the operator:
- 122 (a) permits the loading of gasoline into the gasoline cargo tank; or
- 123 (b) loads [~~an underground]~~ a petroleum storage tank with gasoline from the gasoline
- 124 cargo tank.
- 125 (3) Except as provided in Subsection (6), the operator of a gasoline cargo tank may permit
- 126 the loading of gasoline into a tank described in Subsection (2) or load [~~an underground]~~ a
- 127 petroleum storage tank with gasoline from the gasoline cargo tank described in
- 128 Subsection (1) only if:
- 129 (a) emissions from the tank that dispenses 10,000 gallons or more in any one calendar
- 130 month are controlled by the use of:
- 131 (i) a properly installed and maintained vapor collection and control system that is
- 132 equipped with fittings that:
- 133 (A) make a vapor-tight connection; and

- 134 (B) prevent the release of gasoline vapors by automatically closing upon
 135 disconnection; and
- 136 (ii) submerged filling or bottom filling methods; and
- 137 (b) the resulting vapor emitted into the air does not exceed the levels described in
 138 Subsection (4).
- 139 (4) Vapor emitted into the air as a result of the loading of a tank under Subsection (3) may
 140 not exceed 0.640 pounds per 1,000 gallons transferred.
- 141 (5)(a) The department may fine an operator who violates this section:
- 142 (i) up to \$1,000 for a first offense; or
- 143 (ii) up to \$2,000 for a second offense.
- 144 (b) An operator who violates this section is guilty of a class C misdemeanor for a third
 145 or subsequent offense.
- 146 (6) If a facility at which [~~an underground~~] a petroleum storage tank is located does not have
 147 the equipment necessary for an operator of a gasoline cargo tank to comply with
 148 Subsection (3), the operator is excused from the requirements of Subsections (3) and (4)
 149 and may not be fined or penalized under Subsection (5).
- 150 Section 3. Section **19-6-105** is amended to read:
- 151 **19-6-105 (Effective 05/07/25). Rules of board.**
- 152 (1) The board may make rules in accordance with Title 63G, Chapter 3, Utah
 153 Administrative Rulemaking Act:
- 154 (a) establishing minimum standards for protection of human health and the environment,
 155 for the storage, collection, transport, transfer, recovery, treatment, and disposal of
 156 solid waste, including requirements for the approval by the director of plans for the
 157 construction, extension, operation, and closure of solid waste disposal sites;
- 158 (b) identifying wastes that are determined to be hazardous, including wastes designated
 159 as hazardous under Sec. 3001 of the Resource Conservation and Recovery Act of
 160 1976, 42 U.S.C., Sec. 6921, et seq.;
- 161 (c) governing generators and transporters of hazardous wastes and owners and operators
 162 of hazardous waste treatment, storage, and disposal facilities, including requirements
 163 for keeping records, monitoring, submitting reports, and using a manifest, without
 164 treating high-volume wastes such as cement kiln dust, mining wastes, utility waste,
 165 gas and oil drilling muds, and oil production brines in a manner more stringent than
 166 they are treated under federal standards;
- 167 (d) requiring an owner or operator of a treatment, storage, or disposal facility that is

- 168 subject to a plan approval under Section 19-6-108 or that received waste after July
169 26, 1982, to take appropriate corrective action or other response measures for
170 releases of hazardous waste or hazardous waste constituents from the facility,
171 including releases beyond the boundaries of the facility;
- 172 (e) specifying the terms and conditions under which the director shall approve,
173 disapprove, revoke, or review hazardous wastes operation plans;
- 174 (f) governing public hearings and participation under this part;
- 175 (g) establishing standards governing underground storage tanks and aboveground
176 petroleum storage tanks, in accordance with [~~Title 19, Chapter 6, Part 4,~~
177 ~~Underground Storage Tank Act~~] Chapter 6, Part 4, Petroleum Storage Tank Act;
- 178 (h) relating to the collection, transportation, processing, treatment, storage, and disposal
179 of infectious waste in health facilities in accordance with the requirements of Section
180 19-6-106;
- 181 (i) defining closure plans, modification requests, or both for hazardous waste, as class I, class I
182 with prior director approval, class II, or class III;
183 and
- 184 (j) prohibiting refuse, offal, garbage, dead animals, decaying vegetable matter, or
185 organic waste substance of any kind to be thrown, or remain upon or in a street, road,
186 ditch, canal, gutter, public place, private premises, vacant lot, watercourse, lake,
187 pond, spring, or well.
- 188 (2) If any of the following are determined to be hazardous waste and are therefore subjected
189 to the provisions of this part, the board shall, in the case of landfills or surface
190 impoundments that receive the solid wastes, take into account the special characteristics
191 of the wastes, the practical difficulties associated with applying requirements for other
192 wastes to the wastes, and site-specific characteristics, including the climate, geology,
193 hydrology, and soil chemistry at the site, if the modified requirements assure protection
194 of human health and the environment and are no more stringent than federal standards
195 applicable to waste:
- 196 (a) solid waste from the extraction, beneficiation, or processing of ores and minerals,
197 including phosphate rock and overburden from the mining of uranium;
- 198 (b) fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste
199 generated primarily from the combustion of coal or other fossil fuels; and
- 200 (c) cement kiln dust waste.
- 201 (3) The board shall establish criteria for siting commercial hazardous waste treatment,

202 storage, and disposal facilities, including commercial hazardous waste incinerators.
 203 Those criteria shall apply to any facility or incinerator for which plan approval is
 204 required under Section 19-6-108.

205 Section 4. Section **19-6-402** is amended to read:

206

Part 4. Petroleum Storage Tank Act

207 **19-6-402 (Effective 05/07/25). Definitions.**

208 As used in this part:

- 209 (1) "Abatement action" means action taken to limit, reduce, mitigate, or eliminate:
- 210 (a) a release from a petroleum storage tank; or
- 211 (b) the damage caused by that release.
- 212 (2) "Aboveground petroleum storage tank" means a storage tank that is, by volume, less
- 213 than 10% buried in the ground, including the pipes connected to the storage tank and:
- 214 (a)(i) has attached underground piping; or
- 215 (ii) rests directly on the ground;
- 216 (b) contains regulated substances;
- 217 (c) has the capacity to hold 501 gallons or more; and
- 218 (d) is not:
- 219 (i) used in agricultural operations, as defined by the board by rule made in
- 220 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 221 (ii) used for heating oil for consumptive use on the premises where stored;
- 222 (iii) related to a petroleum facility under SIC Code 2911 or 5171 of the 1987
- 223 Standard Industrial Classification Manual of the federal Executive Office of the
- 224 President, Office of Management and Budget;
- 225 (iv) directly related to oil or gas production and gathering operations; ~~[or]~~
- 226 (v) used in the fueling of aircraft or ground service equipment at a commercial airport
- 227 that serves passengers or cargo, with commercial airport defined in Section
- 228 72-10-102~~[,]~~ ; or
- 229 (vi) exempted from the definition of "aboveground petroleum storage tank" by rule
- 230 made by the board in accordance with Title 63G, Chapter 3, Utah Administrative
- 231 Rulemaking Act, because the storage tank is outside the purposes of this part.
- 232 (3) "Board" means the Waste Management and Radiation Control Board created in Section
- 233 19-1-106.
- 234 (4) "Bodily injury" means bodily harm, sickness, disease, or death sustained by ~~[a person]~~

- 235 an individual.
- 236 (5) "Certificate of compliance" means a certificate issued to a facility by the director:
- 237 (a) demonstrating that an owner or operator of a facility containing one or more
- 238 petroleum storage tanks has met the requirements of this part; and
- 239 (b) listing petroleum storage tanks at the facility, specifying:
- 240 (i) which tanks may receive petroleum; and
- 241 (ii) which tanks have not met the requirements for compliance.
- 242 (6) "Certificate of registration" means a certificate issued to a facility by the director
- 243 demonstrating that an owner or operator of a facility containing one or more petroleum
- 244 storage tanks has:
- 245 (a) registered the tanks; and
- 246 (b) paid the annual tank fee.
- 247 (7)(a) "Certified petroleum storage tank consultant" means a person who:
- 248 (i) for a fee, or in connection with services for which a fee is charged, provides or
- 249 contracts to provide information, opinions, or advice relating to [~~underground~~]
- 250 petroleum storage tank release:
- 251 (A) management;
- 252 (B) abatement;
- 253 (C) investigation;
- 254 (D) corrective action; or
- 255 (E) evaluation;
- 256 (ii) has submitted an application to the director;
- 257 (iii) received a written statement of certification from the director; and
- 258 (iv) meets the education and experience standards established by the board under
- 259 Subsection 19-6-403(1)(a)(vii).
- 260 (b) "Certified petroleum storage tank consultant" does not include:
- 261 (i)(A) an employee of the owner or operator of the [~~underground~~] petroleum
- 262 storage tank; or
- 263 (B) an employee of a business operation that has a business relationship with the
- 264 owner or operator of the [~~underground~~] petroleum storage tank, and markets
- 265 petroleum products or manages [~~underground~~] petroleum storage tanks; or
- 266 (ii) [~~a person~~] an individual licensed to practice law in this state who offers only legal
- 267 advice on [~~underground~~] petroleum storage tank release:
- 268 (A) management;

- 269 (B) abatement;
270 (C) investigation;
271 (D) corrective action; or
272 (E) evaluation.
- 273 (8) "Closed" means a petroleum storage tank that is no longer in use that has been:
274 (a) emptied and cleaned to remove the liquids and accumulated sludges; and
275 (b)(i) removed along with all underground components; or
276 (ii) filled with an inert solid material, and in the case of piping, secured and capped.
- 277 (9) "Corrective action plan" means a plan for correcting a release from a petroleum storage
278 tank that includes provisions for any of the following:
279 (a) cleanup or removal of the release;
280 (b) containment or isolation of the release;
281 (c) treatment of the release;
282 (d) correction of the cause of the release;
283 (e) monitoring and maintenance of the site of the release;
284 (f) provision of alternative water supplies to a person whose drinking water has become
285 contaminated by the release; or
286 (g) temporary or permanent relocation, whichever is determined by the director to be
287 more cost-effective, of a person whose dwelling has been determined by the director
288 to be no longer habitable due to the release.
- 289 (10) "Costs" means money expended for:
290 (a) investigation;
291 (b) abatement action;
292 (c) corrective action;
293 (d) judgments, awards, and settlements for bodily injury or property damage to third
294 parties;
295 (e) legal and claims adjusting costs incurred by the state in connection with judgments,
296 awards, or settlements for bodily injury or property damage to third parties; or
297 (f) costs incurred by the state risk manager in determining the actuarial soundness of the
298 fund.
- 299 (11) "Covered by the fund" means the requirements of Section 19-6-424 have been met.
- 300 (12) "Director" means the director of the Division of Environmental Response and
301 Remediation.
- 302 (13) "Division" means the Division of Environmental Response and Remediation, created

- 303 in Subsection 19-1-105(1)(c).
- 304 (14) "Dwelling" means a building that is usually occupied by a person lodging there at
305 night.
- 306 (15) "Enforcement proceedings" means a civil action or the procedures to enforce orders
307 established by Section 19-6-425.
- 308 (16) "Facility" means the petroleum storage tanks located on a single parcel of property or
309 on any property adjacent or contiguous to that parcel.
- 310 (17) "Fund" means the Petroleum Storage Tank Fund created in Section 19-6-409.
- 311 (18) "Operator" means a person in control of or who is responsible on a daily basis for the
312 maintenance of a petroleum storage tank that is in use for the storage, use, or dispensing
313 of a regulated substance.
- 314 (19) "Owner" means:
- 315 (a) in the case of an underground storage tank in use on or after November 8, 1984, a
316 person who owns an underground storage tank used for the storage, use, or
317 dispensing of a regulated substance;
- 318 (b) in the case of an underground storage tank in use before November 8, 1984, but not
319 in use on or after November 8, 1984, a person who owned the tank immediately
320 before the discontinuance of its use for the storage, use, or dispensing of a regulated
321 substance; and
- 322 (c) in the case of an aboveground petroleum storage tank, a person who owns the
323 aboveground petroleum storage tank.
- 324 (20) "Petroleum" includes crude oil or a fraction of crude oil that is liquid at:
- 325 (a) 60 degrees Fahrenheit; and
- 326 (b) a pressure of 14.7 pounds per square inch absolute.
- 327 (21) "Petroleum storage tank" means a tank that:
- 328 (a) is an underground storage tank;
- 329 (b) is an aboveground petroleum storage tank; or
- 330 (c) is a tank containing regulated substances that is voluntarily submitted for
331 participation in the [~~Petroleum Storage Tank Fund~~] fund under Section 19-6-415.
- 332 (22) "Petroleum storage tank installation company" means a person or governmental entity
333 that installs petroleum storage tanks.
- 334 (23) "Petroleum storage tank installation company permit" means a permit issued by the
335 director to a petroleum storage tank installation company.
- 336 [(22)] (24) "Petroleum Storage Tank Restricted Account" means the account created in

- 337 Section 19-6-405.5.
- 338 [~~(23)~~] (25) "Program" means the [~~Environmental Assurance Program~~] environmental
- 339 assurance program under Section 19-6-410.5.
- 340 [~~(24)~~] (26) "Property damage" means physical injury to, destruction of, or loss of use of
- 341 tangible property.
- 342 [~~(25)~~] (27)(a) "Regulated substance" means petroleum and petroleum-based substances
- 343 comprised of a complex blend of hydrocarbons derived from crude oil through
- 344 processes of separation, conversion, upgrading, and finishing.
- 345 (b) "Regulated substance" includes motor fuels, jet fuels, distillate fuel oils, residual fuel
- 346 oils, lubricants, petroleum solvents, and used oils.
- 347 [~~(26)~~] (28)(a) "Release" means spilling, leaking, emitting, discharging, escaping,
- 348 leaching, or disposing a regulated substance from a petroleum storage tank into
- 349 ground water, surface water, or subsurface soils.
- 350 (b) A release of a regulated substance from a petroleum storage tank is considered a
- 351 single release from that tank system.
- 352 [~~(27)~~] (29)(a) "Responsible party" means a person who:
- 353 (i) is the owner or operator of a facility;
- 354 (ii) owns or has legal or equitable title in a facility or a petroleum storage tank;
- 355 (iii) owned or had legal or equitable title in a facility at the time petroleum was
- 356 received or contained at the facility;
- 357 (iv) operated or otherwise controlled activities at a facility at the time petroleum was
- 358 received or contained at the facility; or
- 359 (v) is [~~an underground~~] a petroleum storage tank installation company.
- 360 (b) "Responsible party," [~~is~~] as defined in Subsections [~~(27)(a)(i)~~], (29)(a)(i), (ii), and
- 361 (iii), does not include:
- 362 (i) a person who is not an operator and, without participating in the management of a
- 363 facility and otherwise not engaged in petroleum production, refining, and
- 364 marketing, holds indicia of ownership:
- 365 (A) primarily to protect the person's security interest in the facility; or
- 366 (B) as a fiduciary or custodian under Title 75, Utah Uniform Probate Code, or
- 367 under an employee benefit plan; or
- 368 (ii) governmental ownership or control of property by involuntary transfers as
- 369 provided in CERCLA Section 101(20)(D), 42 U.S.C. Sec. 9601(20)(D).
- 370 (c) The exemption created by Subsection [~~(27)(b)(i)(B)~~] (29)(b)(i)(B) does not apply to

- 371 actions taken by the state or [its] the state's officials or agencies under this part.
- 372 (d) The terms and activities "indicia of ownership," "primarily to protect a security
373 interest," "participation in management," and "security interest" under this part are in
374 accordance with 40 C.F.R. Part 280, Subpart I, as amended, and 42 U.S.C. Sec.
375 6991b(h)(9).
- 376 (e) The terms "participate in management" and "indicia of ownership" as defined in 40
377 C.F.R. Part 280, Subpart I, as amended, and 42 U.S.C. Sec. 6991b(h)(9) include and
378 apply to the fiduciaries listed in Subsection [~~(27)(b)(i)(B)~~] (29)(b)(i)(B).
- 379 [~~(28)~~] (30) "Rests directly on the ground" means that at least some portion of a petroleum
380 storage tank situated aboveground is in direct contact with soil.
- 381 [~~(29)~~] (31) "Soil test" means a test, established or approved by board rule, to detect the
382 presence of petroleum in soil.
- 383 [~~(30)~~] (32) "State cleanup appropriation" means money appropriated by the Legislature to
384 the department to fund the investigation, abatement, and corrective action regarding
385 releases not covered by the fund.
- 386 [~~(31)~~] (33) "Underground piping" means piping that is buried in the ground that is in direct
387 contact with soil and connected to an aboveground petroleum storage tank.
- 388 [~~(32)~~] (34) "Underground storage tank" means a tank regulated under Subtitle I, Resource
389 Conservation and Recovery Act, 42 U.S.C. Sec. 6991c, et seq., including:
- 390 (a) underground pipes and lines connected to a storage tank;
391 (b) underground ancillary equipment;
392 (c) a containment system; and
393 (d) each compartment of a multi-compartment storage tank.
- 394 [~~(33)~~] "~~Underground storage tank installation company~~" means a person, firm, partnership,
395 corporation, governmental entity, association, or other organization that installs
396 ~~underground storage tanks.~~]
- 397 [~~(34)~~] "~~Underground storage tank installation company permit~~" means a permit issued to an
398 ~~underground storage tank installation company by the director.~~]
- 399 [~~(35)~~] "~~Underground storage tank technician~~" means a person employed by and acting
400 under the direct supervision of a certified petroleum storage tank consultant to assist in
401 carrying out the functions described in ~~Subsection (7)(a).~~]

402 Section 5. Section **19-6-403** is amended to read:

403 **19-6-403 (Effective 05/07/25). Powers and duties of board.**

404 The board shall regulate a petroleum storage tank by:

- 405 (1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, making
406 rules that:
- 407 (a) provide for the:
- 408 (i) certification of [~~an underground~~] a petroleum storage tank installer, inspector,
409 tester, or remover;
- 410 (ii) registration of an underground storage tank operator;
- 411 (iii) registration of [~~an underground~~] a petroleum storage tank;
- 412 (iv) administration of the petroleum storage tank program;
- 413 (v) format of, and required information in, a record kept by an underground storage
414 or petroleum storage tank owner or operator who is participating in the fund;
- 415 (vi) voluntary participation in the fund for a tank containing regulated substances, but
416 excluded from the definition of a petroleum storage tank as provided in Section
417 19-6-415;
- 418 (vii) certification of a petroleum storage tank consultant including:
- 419 (A) a minimum education or experience requirement; and
- 420 (B) a recognition of the educational requirement of a professional engineer
421 licensed under Title 58, Chapter 22, Professional Engineers and Professional
422 Land Surveyors Licensing Act, as meeting the education requirement for
423 certification; and
- 424 (viii) compliance with this chapter by an aboveground petroleum storage tank;
- 425 (b) adopt the requirements for an underground storage tank contained in:
- 426 (i) the Solid Waste Disposal Act, Subchapter IX, 42 U.S.C. Sec. 6991, et seq., as may
427 be amended in the future; and
- 428 (ii) an applicable federal requirement authorized by the federal law referenced in
429 Subsection (1)(b)(i); and
- 430 (c) comply with the requirements of the Solid Waste Disposal Act, Subchapter IX, 42
431 U.S.C. Sec. 6991, et seq., as may be amended in the future, for the state's assumption
432 of primacy in the regulation of an underground storage tank; and
- 433 (2) applying the provisions of this part.
- 434 Section 6. Section **19-6-404** is amended to read:
- 435 **19-6-404 (Effective 05/07/25). Powers and duties of director.**
- 436 (1) The director shall:
- 437 (a) administer the petroleum storage tank program established in this part; and
- 438 (b) as authorized by the board and subject to the provisions of this part, act as executive

- 439 secretary of the board under the direction of the chairman of the board.
- 440 (2) As necessary to meet the requirements or carry out the purposes of this part, the director
441 may:
- 442 (a) advise, consult, and cooperate with other persons;
- 443 (b) employ persons;
- 444 (c) authorize a certified employee or a certified representative of the department to
445 conduct facility inspections and reviews of records required to be kept by this part
446 and by rules made under this part;
- 447 (d) encourage, participate in, or conduct studies, investigation, research, and
448 demonstrations;
- 449 (e) collect and disseminate information;
- 450 (f) enforce rules made by the board and any requirement in this part by issuing notices
451 and orders;
- 452 (g) review plans, specifications, or other data;
- 453 (h) under the direction of the executive director, represent the state in [aH]matters
454 pertaining to interstate [~~underground~~] petroleum storage tank management and
455 control, including entering into interstate compacts and other similar agreements;
- 456 (i) enter into contracts or agreements with political subdivisions for the performance of
457 any of the department's responsibilities under this part if:
- 458 (i) the contract or agreement is not prohibited by state or federal law and will not
459 result in a loss of federal funding; and
- 460 (ii) the director determines that:
- 461 (A) the political subdivision is willing and able to satisfactorily discharge its
462 responsibilities under the contract or agreement; and
- 463 (B) the contract or agreement will be practical and effective;
- 464 (j) take any necessary enforcement action authorized under this part, including filing a
465 lien against the real property, which is subject to cleanup and is owned by a
466 responsible party, for the costs of abatement, investigative and corrective actions
467 taken by the agency, if necessary, and depositing any funds received into the
468 Petroleum Storage Tank Cleanup Fund created in Section 19-6-405.7;
- 469 (k) require an owner or operator of [~~an underground~~] a petroleum storage tank to:
- 470 (i) furnish information or records relating to the tank, its equipment, and contents;
- 471 (ii) monitor, inspect, test, or sample the tank, its contents, and any surrounding soils,
472 air, or water; or

- 473 (iii) provide access to the tank at reasonable times;
- 474 (l) take any abatement, investigative, or corrective action as authorized in this part; or
- 475 (m) enter into agreements or issue orders to apportion percentages of liability of
- 476 responsible parties under Section 19-6-424.5.

477 Section 7. Section **19-6-405.5** is amended to read:

478 **19-6-405.5 (Effective 05/07/25). Creation of restricted account.**

- 479 (1) There is created in the General Fund a restricted account known as the "Petroleum
- 480 Storage Tank Restricted Account[-] ," which for purposes of this section is referred to as
- 481 the "account."
- 482 (2) [~~AH~~] The penalties and interest imposed under this part shall be deposited [in] into this
- 483 account, except as provided in Section 19-6-410.5. Specified program [funds-] money
- 484 under this part that [are] is unexpended at the end of the fiscal year [lapse] lapses into this
- 485 account.
- 486 (3) The account shall earn interest, which shall be deposited into the account.
- 487 [~~3~~] (4) The Legislature shall appropriate the money in the account to the department for
- 488 the costs of administering the petroleum storage tank program under this part.

489 Section 8. Section **19-6-407** is amended to read:

490 **19-6-407 (Effective 05/07/25). Registration -- Change of ownership or operation**

491 **-- Civil penalty.**

- 492 (1)(a) An owner or operator of an underground storage tank shall register the tank with
- 493 the director if the tank:
- 494 (i) is in use; or
- 495 (ii) was closed after January 1, 1974.
- 496 (b) If a new person assumes ownership or operational responsibilities for an
- 497 underground storage tank, that person shall inform the director of the change [~~within~~]
- 498 at least 30 days after the change occurs.
- 499 (c) [~~Each~~] An installer of an underground storage tank shall notify the director [of the
- 500 completed installation within 60 days following] no later than 30 days before the
- 501 installation of an underground storage tank.
- 502 (2)(a) [~~The~~] An owner or operator of an aboveground petroleum storage tank shall [
- 503 notify the director of the location of the aboveground petroleum storage tank by no
- 504 later than:] register the aboveground petroleum storage tank with the director if the
- 505 aboveground petroleum storage tank is in use after May 5, 2021.
- 506 (b) If a new person assumes ownership or operational responsibilities for an

- 507 aboveground petroleum storage tank, the new person shall inform the director of the
508 change no later than 30 days after the change occurs.
- 509 (c) An installer of an aboveground petroleum storage tank shall notify the director at
510 least 30 days before the installation of an aboveground petroleum storage tank.
- 511 (d) An owner or operator of an aboveground petroleum storage tank shall register the
512 aboveground petroleum storage tank by no later than:
- 513 (i) June 30, 2022, if the aboveground petroleum storage tank is installed on or before
514 June 30, 2022; or
- 515 (ii) if the aboveground petroleum storage tank is installed on or after July 1, 2022, at
516 least 30 days [after] before the day on which installation of the aboveground
517 petroleum storage tank[is installed;] begins.
- 518 [~~(iii) 30 days before the aboveground petroleum storage tank is closed; or]~~
- 519 [~~(iv) within 24 hours of the discovery of a reportable release or suspected release,~~
520 ~~as defined by rule made in accordance with Title 63G, Chapter 3, Utah~~
521 ~~Administrative Rulemaking Act, from an aboveground petroleum storage tank.]~~
- 522 [~~(b)~~] (e) When notifying the director under this Subsection (2), an owner of an
523 aboveground petroleum storage tank described in this Subsection (2) shall pay a
524 processing fee established under Section 63J-1-504.
- 525 [~~(e)~~] (f) Before operating an aboveground petroleum storage tank on or after June 30,
526 2023, the owner or operator of the aboveground petroleum storage tank shall provide
527 financial responsibility by participating in the [~~Environmental Assurance Program]~~
528 program under Section 19-6-410.5 or demonstrating coverage through another
529 method approved by the board by rule made in accordance with Title 63G, Chapter 3,
530 Utah Administrative Rulemaking Act.
- 531 [~~(d)~~] (g)(i) The director shall certify when an owner or operator of an aboveground
532 petroleum storage tank is in compliance with this Subsection (2).
- 533 (ii) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah
534 Administrative Rulemaking Act, providing for the identification, through a tag or
535 other readily identifiable method, of an aboveground petroleum storage tank under
536 Subsection (2)(a) that is not certified by the director as in compliance with this
537 Subsection (2).
- 538 (3) The director may issue a notice of agency action assessing a civil penalty in the amount
539 of \$1,000 if an owner, operator, or installer of [~~a petroleum~~] an underground storage tank
540 or aboveground petroleum storage tank fails to register the tank or provide notice as

541 required in Subsection (1) or (2).

542 (4) The penalties collected under authority of this section shall be deposited in the
543 Petroleum Storage Tank Restricted Account created in Section 19-6-405.5.

544 Section 9. Section **19-6-409** is amended to read:

545 **19-6-409 (Effective 05/07/25). Petroleum Storage Tank Fund -- Source of**
546 **revenues.**

547 (1)(a) There is created an enterprise fund entitled the "Petroleum Storage Tank Fund."

548 (b) The sole sources of revenues for the fund are:

549 (i) petroleum storage tank fees paid under Section 19-6-411;

550 (ii) [~~underground~~] petroleum storage tank installation company permit fees paid under
551 Section 19-6-411;

552 (iii) the environmental assurance fee and penalties paid under Section 19-6-410.5;

553 (iv) appropriations to the fund;

554 (v) principal and interest received from the repayment of loans made by the director
555 under Subsection (5); and

556 (vi) interest accrued on revenues listed in this Subsection (1)(b).

557 (c) Interest earned on fund money is deposited into the fund.

558 (2) The director may expend money from the fund to pay costs:

559 (a) covered by the fund under Section 19-6-419;

560 (b) of administering this part;~~[the:]~~

561 [~~(i) fund; and~~]

562 [~~(ii) environmental assurance program and fee under Section 19-6-410.5;~~]

563 (c) incurred by the state for a legal service or claim adjusting service provided in
564 connection with a claim, judgment, award, or settlement for bodily injury or property
565 damage to a third party;

566 (d) incurred by the director in determining the actuarial soundness of the fund;

567 (e) incurred by a third party claiming injury or damages from a release reported on or
568 after May 11, 2010, for hiring a certified petroleum storage tank consultant:

569 (i) to review an investigation or corrective action by a responsible party; and

570 (ii) in accordance with Subsection (4); and

571 (f) allowed under this part that are not listed under this Subsection (2).

572 (3) Costs for the administration of [~~the fund and the environmental assurance fee~~] this part
573 shall be as appropriated by the Legislature.

574 (4) The director shall:

- 575 (a) in paying costs under Subsection (2)(e):
- 576 (i) determine a reasonable limit on costs paid based on the:
- 577 (A) extent of the release;
- 578 (B) impact of the release; and
- 579 (C) services provided by the certified petroleum storage tank consultant;
- 580 (ii) pay, per release, costs for one certified petroleum storage tank consultant agreed
- 581 to by all third parties claiming damages or injury;
- 582 (iii) include costs paid in the coverage limits allowed under Section 19-6-419; and
- 583 (iv) not pay legal costs of third parties;
- 584 (b) review and give careful consideration to reports and recommendations provided by a
- 585 certified petroleum storage tank consultant hired by a third party; and
- 586 (c) make reports and recommendations provided under Subsection (4)(b) available on
- 587 the [~~Division of Environmental Response and Remediation's~~] division's website.
- 588 (5) The director may loan, in accordance with this section, money available in the fund to a
- 589 person to be used for:
- 590 (a) upgrading [~~an underground~~] a petroleum storage tank;
- 591 (b) replacing [~~an underground~~] a petroleum storage tank; or
- 592 (c) permanently closing [~~an underground~~] a petroleum storage tank.
- 593 (6)(a) A person may apply to the director for a loan under Subsection (5)(c) if [~~all~~] the
- 594 tanks owned or operated by that person are in substantial compliance with [~~all~~] state
- 595 and federal requirements or will be brought into substantial compliance using money
- 596 from the fund.
- 597 (b) A person may apply to the director for a loan under Subsection (5)(a) or (b) if:
- 598 (i) the requirements of Subsection (6)(a) are met; and
- 599 (ii) the person participates in the [~~Environmental Assurance Program~~] program under
- 600 Section 19-6-410.5.
- 601 (7) The director shall consider loan applications under Subsection (6) to meet the following
- 602 objectives:
- 603 (a) support availability of gasoline in rural parts of the state;
- 604 (b) support small businesses; and
- 605 (c) reduce the threat of a petroleum release endangering the environment.
- 606 (8)(a) A loan made under this section may not be for more than:
- 607 (i) \$300,000 for all tanks at any one facility;
- 608 (ii) \$100,000 per tank; and

- 609 (iii) 80% of the total cost of:
- 610 (A) upgrading [~~an underground~~] a petroleum storage tank;
- 611 (B) replacing [~~an underground~~] a petroleum storage tank; or
- 612 (C) permanently closing [~~an underground~~] a petroleum storage tank.
- 613 (b) A loan made under this section shall:
- 614 (i) have a fixed annual interest rate of 0%;
- 615 (ii) have a term no longer than 10 years;
- 616 (iii) be made on the condition the loan applicant obtains adequate security for the
- 617 loan as established by board rule under Subsection (9); and
- 618 (iv) comply with rules made by the board under Subsection (9).
- 619 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 620 board shall make rules establishing:
- 621 (a) form, content, and procedure for a loan application;
- 622 (b) criteria and procedures for prioritizing a loan application;
- 623 (c) requirements and procedures for securing a loan;
- 624 (d) procedures for making a loan;
- 625 (e) procedures for administering and ensuring repayment of a loan, including late
- 626 payment penalties;
- 627 (f) procedures for recovering on a defaulted loan; and
- 628 (g) the maximum amount of the fund that may be used for loans.
- 629 (10) A decision by the director to loan money from the fund and otherwise administer the
- 630 fund is not subject to Title 63G, Chapter 4, Administrative Procedures Act.
- 631 (11) The Legislature shall appropriate money from the fund to the department for the
- 632 administration costs associated with making loans under this section.
- 633 (12) The director may enter into an agreement with a public entity or private organization to
- 634 perform a task associated with administration of loans made under this section.
- 635 (13) The director may request that the Legislature appropriate money in the fund that is in
- 636 excess of the cash balance required for actuarial soundness to the Petroleum Storage
- 637 Tank Cleanup Fund created in Section 19-6-405.7.

638 Section 10. Section **19-6-410.5** is amended to read:

639 **19-6-410.5 (Effective 05/07/25). Environmental assurance program --**

640 **Participant fee -- State Tax Commission administration, collection, and**

641 **enforcement of tax.**

- 642 (1) As used in this section:

- 643 (a) "Cash balance" means cash plus investments and current accounts receivable minus
644 current accounts payable, excluding the liabilities estimated by the executive director.
- 645 (b) "Commission" means the State Tax Commission, as defined in Section 59-1-101.
- 646 (2)(a) There is created an [~~Environmental Assurance Program~~] environmental assurance
647 program.
- 648 (b) The program shall provide to a participating owner or operator, upon payment of the
649 fee imposed under Subsection (4), assistance with satisfying the financial
650 responsibility requirements of 40 C.F.R., Part 280, Subpart H, by providing [~~funds~~
651 ~~from the Petroleum Storage Tank Fund~~] money from the fund established in Section
652 19-6-409, subject to the terms and conditions of this part, and rules implemented
653 under this part.
- 654 (3)(a) Subject to Subsection (3)(b), participation in the program is voluntary.
- 655 (b) An owner or operator seeking to satisfy financial responsibility requirements through
656 the program shall use the program for all petroleum storage tanks that the owner or
657 operator owns or operates.
- 658 (4)(a) There is assessed an environmental assurance fee of 13/20 cent per gallon on the
659 first sale or use of petroleum products in the state.
- 660 (b) The environmental assurance fee and any other revenue collected under this section
661 shall be deposited[~~in the Petroleum Storage Tank Fund~~] into the fund created in
662 Section 19-6-409 and used solely for the purposes listed in Section 19-6-409.
- 663 (5)(a) The commission shall administer, collect, and enforce the fee imposed under this
664 section according to the same procedures used in the administration, collection, and
665 enforcement of the state sales and use tax under:
- 666 (i) Title 59, Chapter 1, General Taxation Policies; and
667 (ii) Title 59, Chapter 12, Part 1, Tax Collection.
- 668 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
669 commission shall make rules to establish:
- 670 (i) the method of payment of the environmental assurance fee;
671 (ii) the procedure for reimbursement or exemption of an owner or operator that does
672 not participate in the program, including an owner or operator of an [~~above ground~~]
673 aboveground petroleum storage tank; and
674 (iii) the procedure for confirming with the department that an owner or operator
675 qualifies for reimbursement or exemption under Subsection (5)(b)(ii).
- 676 (c) The commission may retain an amount not to exceed 2.5% of fees collected under

- 677 this section for the cost to the commission of rendering its services.
- 678 (d) By January 1, 2015, for underground storage tanks, and by July 1, 2026, for
679 aboveground petroleum storage tanks, the division shall, by rule, create:
- 680 (i) a model for assessing the risk profile of each facility participating in the program,
681 for purposes of qualifying for a rebate of a portion of the environmental assurance
682 fee described in Subsection (4) collected from an owner or operator that
683 participates in the program; and
- 684 (ii) a rebate schedule listing the amount of the environmental assurance fee that an
685 owner or operator participating in the program may qualify for based on risk
686 profiles determined by the model developed under Subsection (5)(d)(i).
- 687 (e) The rebate described in Subsection (5)(d):
- 688 (i) may not exceed 40% of the actual fee collected from an owner or operator of a
689 low-risk [~~underground~~] petroleum storage tank as defined in the risk-based model
690 developed under Subsection (5)(d);
- 691 (ii) is administered on a per facility basis;
- 692 (iii) is based on the facility's risk profile at the end of the prior calendar year;
- 693 (iv) is only applicable to an environmental assurance fee collected after December
694 30, 2014, for underground storage tanks, and June 30, 2026, for aboveground
695 petroleum storage tanks; and
- 696 (v) shall be claimed in the form of a refund from the commission.
- 697 (f) The refund described in Subsection (5)(e)(v) may be claimed on a monthly basis.
- 698 (6)(a) The person responsible for payment of the fee under this section shall, by the last
699 day of the month following the month in which the sale occurs:
- 700 (i) complete and submit the form prescribed by the commission; and
701 (ii) pay the fee to the commission.
- 702 (b)(i) The penalties and interest for failure to file the form or to pay the
703 environmental assurance fee are the same as the penalties and interest under
704 Sections 59-1-401 and 59-1-402.
- 705 (ii) The commission shall deposit penalties and interest collected under this section in
706 the [~~Petroleum Storage Tank Fund~~] fund.
- 707 (c) The commission shall report to the department a person who is delinquent in
708 payment of the fee under this section.
- 709 (7)(a)(i) If the cash balance of the [~~Petroleum Storage Tank Fund~~] fund on June 30
710 of any year exceeds [~~\$50,000,000~~] \$60,000,000, the assessment of the

711 environmental assurance fee as provided in Subsection (4) is reduced to 1/4 cent
712 per gallon beginning the following November 1.

713 (ii) If after the environmental assurance fee is reduced under Subsection (7)(a)(i) and
714 the cash balance of the fund on June 30 of any year is less than \$20,000,000, the
715 assessment of the environmental assurance fee reverts back to 13/20 cent per
716 gallon as provided in Subsection (4) beginning the following November 1.

717 ~~[(ii) The reduction under this Subsection (7)(a) remains in effect until modified by~~
718 ~~the Legislature in a general or special session.]~~

719 (b) The commission shall determine the cash balance of the fund each year as of June 30.

720 (c) Before September 1 of each year, the department shall provide the commission with
721 the accounts payable of the fund as of June 30.

722 Section 11. Section **19-6-411** is amended to read:

723 **19-6-411 (Effective 05/07/25). Petroleum storage tank fee for program**
724 **participants.**

725 (1) In addition to the [~~underground~~] petroleum storage tank registration fee paid in Section
726 19-6-408, the owner or operator of a petroleum storage tank who elects to participate in
727 the [~~environmental assurance~~] program under Section 19-6-410.5 shall also pay [~~an~~
728 ~~annual petroleum storage tank fee~~] the following petroleum storage tank fees to the
729 department for each facility [~~as follows~~]:

730 (a) an annual fee of:

731 (i) \$450 for each tank in a facility with an annual facility throughput rate of 70,000
732 gallons or less;

733 (ii) \$150 for each tank in a facility with an annual facility throughput rate of greater
734 than 70,000 gallons; and

735 (iii) \$450 for each tank in a facility regarding which:

736 (A) the facility's throughput rate is not reported to the department [~~within~~] at least
737 30 days after the date this throughput information is requested by the
738 department; or

739 (B) the owner or operator elects to pay the fee under this Subsection (1)(a)(iii),
740 rather than report under Subsection (1)(a)(i) or (ii); and

741 (b) for any new tank:

742 (i) that is installed to replace an existing tank at an existing facility, any annual
743 petroleum storage tank fee paid for the current fiscal year for the existing tank is
744 applicable to the new tank; and

- 745 (ii) installed at a new facility or at an existing facility, which is not a replacement for
 746 another existing tank, the fees are as provided in Subsection (1)(a)(ii).
- 747 (2)(a) As a condition of receiving a petroleum storage tank installation permit and being
 748 eligible for benefits under Section 19-6-419 from the [~~Petroleum Storage Tank Fund,~~
 749 ~~each underground] fund, a petroleum storage tank installation company shall pay to
 750 the department the following fees to be deposited in the fund:~~
- 751 (i) an annual fee of:
- 752 (A) \$2,000 per [~~underground] petroleum~~ storage tank installation company if the
 753 installation company has installed 15 or fewer [~~underground] petroleum~~ storage
 754 tanks within the 12 months preceding the fee due date; or
- 755 (B) \$4,000 per [~~underground] petroleum~~ storage tank installation company if the
 756 installation company has installed 16 or more [~~underground] petroleum~~ storage
 757 tanks within the 12 months preceding the fee due date; and
- 758 (ii) \$200 for each [~~underground] petroleum~~ storage tank installed in the state, to be
 759 paid [~~prior to completion of installation] before installation begins].~~
- 760 (b) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah
 761 Administrative Rulemaking Act, specifying which portions of [~~an underground] a~~
 762 petroleum storage tank installation shall be subject to the permitting fees when less
 763 than a [~~full underground] complete petroleum~~ storage tank system is installed.
- 764 (3)(a) Fees under Subsection (1) are due on or before July 1 annually.
- 765 (b) If the department does not receive payment of the fee on or before July 1, the
 766 department shall impose a [~~late-~~ civil penalty] of [~~\$60] \$100 per facility.~~
- 767 (c)(i) The fee and the [~~late-~~ civil penalty] accrue interest at 12% per annum.
- 768 (ii) If the fee, the [~~late-~~ civil penalty], and all accrued interest are not received by the
 769 department [~~within 60 days after July 1] at least 30 days after the first install of the~~
 770 fiscal year, the eligibility of the owner or operator to receive payments for claims
 771 against the fund lapses on the [~~61st day after July 1] 31st day after beginning the~~
 772 first install of the fiscal year.
- 773 (iii) In order for the owner or operator to reinstate eligibility to receive payments for
 774 claims against the fund, the owner or operator shall meet the requirements of
 775 Subsection [~~19-6-428(3)] 19-6-428(2).~~
- 776 (4)(a)(i) Fees under Subsection (2)(a)(i) are due [~~on or before July 1 annually] 30~~
 777 days before the petroleum storage tank installation company begins the first install
 778 of a fiscal year. If the department does not receive payment of the fees [~~on or~~

779 ~~before July 1]~~ 30 days before the petroleum storage tank installation company
780 begins the first install of a fiscal year, the department shall impose a ~~[late-]~~ civil
781 penalty of ~~[\$60]~~ \$100 per petroleum storage tank installation company. The fee
782 and the~~[late-]~~ civil penalty accrue interest at 12% per annum.

783 (ii) If payment of the fee, ~~[late-]~~ civil penalty, and all accrued interest due are not
784 received by the department ~~[within 60 days after July 1, the underground]~~ by no
785 later than 30 days after the petroleum storage tank installation company begins the
786 first install of the fiscal year, the petroleum storage tank installation company's
787 permit and eligibility to receive payments for claims against the fund lapse on ~~[the~~
788 ~~61st day after July 1]~~ the 31st day after the petroleum storage tank installation
789 company begins the first install of the fiscal year.

790 (b)(i) ~~[Fees under Subsection (2)(a)(ii) are due prior to completion of installation]~~ A
791 petroleum storage tank installation company shall pay the fees under Subsection
792 (2)(a) before installation and issuance of a petroleum storage tank installation
793 company permit. If the department does not receive payment of the fees ~~[prior to~~
794 ~~completion of-]~~ before installation, the department shall impose a ~~[late]~~ civil
795 penalty of ~~[\$60 per facility]~~ \$500 per petroleum storage tank. The fee and the ~~[late-]~~
796 civil penalty accrue interest at 12% per annum.

797 (ii) If installation is complete without paying the installation permit fee and having a
798 valid petroleum storage tank installation company permit, the petroleum storage
799 tank installation company is not eligible to receive payments for claims against the
800 fund for releases from the petroleum storage tank being installed that may occur
801 before a certificate of compliance is issued for that petroleum storage tank.

802 ~~[(ii) If the fee, late penalty, and all accrued interest are not received by the~~
803 ~~department within 60 days after the underground storage tank installation is~~
804 ~~completed, eligibility to receive payments for claims against the fund for that tank~~
805 ~~lapse on the 61st day after the tank installation is completed.]~~

806 (c) The director may not reissue the ~~[underground]~~ petroleum storage tank installation
807 company permit until the fee, ~~[late-]~~ civil penalty, and ~~[all]~~ accrued interest are
808 received by the department.

809 (5) If the executive director determines that the fees established in Subsections (1) and (2)
810 and the environmental assurance fee established in Section 19-6-410.5 are insufficient to
811 maintain the fund on an actuarially sound basis, the executive director may petition the
812 Legislature to increase the petroleum storage tank and ~~[underground]~~ petroleum storage

813 tank installation company permit fees, and the environmental assurance fee to a level
 814 that will sustain the fund on an actuarially sound basis.
 815 (6) The director may waive all or part of the fees required to be paid [~~on or before May 5,~~
 816 ~~1997,~~] for a petroleum storage tank under this section if no fuel has been dispensed from
 817 the tank on or after July 1, 1991.

818 (7)(a) The director shall issue a certificate of compliance to the owner or operator of a
 819 petroleum storage tank[~~or underground storage tank~~], for which payment of fees has
 820 been made and other requirements have been met to qualify for a certificate of
 821 compliance under this part.

822 (b) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah
 823 Administrative Rulemaking Act, providing for the identification, through a tag or
 824 other readily identifiable method, of a petroleum storage tank[~~or underground~~
 825 ~~storage tank~~] under Subsection (7)(a) that does not qualify for a certificate of
 826 compliance under this part.

827 Section 12. Section **19-6-412** is amended to read:

828 **19-6-412 (Effective 05/07/25). Petroleum storage tank -- Certificate of**
 829 **compliance.**

830 (1)[~~(a) Beginning July 1, 1990, an owner or operator of a petroleum storage tank may~~
 831 ~~obtain a certificate of compliance for the facility.~~]

832 [~~(b) Effective July 1, 1991, each~~] An owner or operator of a petroleum storage tank shall
 833 have a certificate of compliance for the facility.

834 (2) The director shall issue a certificate of compliance if:

835 (a) the owner or operator has a certificate of registration;

836 (b) the owner or operator demonstrates [~~it~~] the owner or operator is participating in the [
 837 ~~Environmental Assurance Program~~] program under Section 19-6-410.5, or otherwise
 838 demonstrates compliance with financial assurance requirements as defined by rule;

839 (c) all state and federal statutes, rules, and regulations have been substantially complied
 840 with; and

841 (d) all tank test requirements of Section 19-6-413 have been met.

842 (3) If the ownership of or responsibility for the petroleum storage tank changes, the
 843 certificate of compliance is still valid unless it has been revoked or has lapsed.

844 (4) The director may issue a certificate of compliance for a period of less than one year to
 845 maintain an administrative schedule of certification.

846 (5) The director shall reissue a certificate of compliance if the owner or operator of [~~an~~

847 ~~underground]~~ a petroleum storage tank has complied with the requirements of Subsection
848 (2).

849 (6) If the owner or operator electing to participate in the program has a number of tanks in
850 an area where the director finds it would be difficult to accurately determine which of
851 the tanks may be the source of a release, the owner may only elect to place all of the
852 tanks in the area in the program, but not just some of the tanks in the area.

853 Section 13. Section **19-6-416.5** is amended to read:

854 **19-6-416.5 (Effective 05/07/25). Restrictions on petroleum storage tank**
855 **installation companies -- Civil penalty.**

856 (1) [~~After July 1, 1994, no individual or underground]~~ An individual or petroleum storage
857 tank installation company may not install [~~an underground]~~ a petroleum storage tank
858 without having a valid [~~underground]~~ petroleum storage tank installation company
859 permit.

860 (2) [~~Any]~~ An individual or [~~underground]~~ petroleum storage tank installation company who
861 installs [~~an underground]~~ a petroleum storage tank in violation of Subsection (1) is
862 subject to a civil penalty of \$500 per [~~underground]~~ petroleum storage tank.

863 (3) The director shall issue a notice of agency action assessing a civil penalty of \$500
864 against [~~any underground]~~ a petroleum storage tank installation company or [~~person]~~
865 individual who installs [~~an underground]~~ a petroleum storage tank in violation of
866 Subsection (1).

867 Section 14. Section **19-6-420** is amended to read:

868 **19-6-420 (Effective 05/07/25). Releases -- Abatement actions -- Corrective**
869 **actions.**

870 (1) If the director determines that a release from a petroleum storage tank has occurred, the
871 director shall:

872 (a) identify and name as many of the responsible parties as reasonably possible; and
873 (b) determine which responsible parties, if any, are covered by the fund regarding the
874 release in question.

875 (2) Regardless of whether the petroleum storage tank generating the release is covered by
876 the fund:

877 (a) the director may order the owner or operator to take abatement, or investigative or
878 corrective action, including the submission of a corrective action plan; and
879 (b) if the owner or operator fails to comply with the action ordered by the director under
880 Subsection (2)(a), the director may take one or more of the following actions:

- 881 (i) subject to the conditions in this part, use money from the fund, if the tank involved
882 is covered by the fund, state cleanup appropriation, or the Petroleum Storage Tank
883 Cleanup Fund created under Section 19-6-405.7 to perform investigative,
884 abatement, or corrective action;
- 885 (ii) commence an enforcement proceeding;
- 886 (iii) enter into agreements or issue orders as allowed by Section 19-6-424.5;
- 887 (iv) recover costs from responsible parties equal to their proportionate share of
888 liability as determined by Section 19-6-424.5; or
- 889 (v) where the owner or operator is the responsible party, revoke the responsible
890 party's certificate of compliance, as described in Section 19-6-414.
- 891 (3)(a) Subject to the limitations established in Section 19-6-419, the director shall
892 provide money from the fund for abatement action for a release generated by a tank
893 covered by the fund if:
- 894 (i) the owner or operator takes the abatement action ordered by the director; and
895 (ii) the director approves the abatement action.
- 896 (b) If a release presents the possibility of imminent and substantial danger to the public
897 health or the environment, the owner or operator may take immediate abatement
898 action and petition the director for reimbursement from the fund for the costs of the
899 abatement action. If the owner or operator can demonstrate to the satisfaction of the
900 director that the abatement action was reasonable and timely in light of
901 circumstances, the director shall reimburse the petitioner for costs associated with
902 immediate abatement action, subject to the limitations established in Section 19-6-419.
- 903 (c) The owner or operator shall notify the director within 24 hours of the abatement
904 action taken.
- 905 (4)(a) If the director determines corrective action is necessary, the director shall order
906 the owner or operator to submit a corrective action plan to address the release.
- 907 (b) If the owner or operator submits a corrective action plan, the director shall review the
908 corrective action plan and approve or disapprove the plan.
- 909 (c) In reviewing the corrective action plan, the director shall consider the following:
- 910 (i) the threat to public health;
- 911 (ii) the threat to the environment; and
- 912 (iii) the cost-effectiveness of alternative corrective actions.
- 913 (5) If the director approves the corrective action plan or develops the director's own
914 corrective action plan, the director shall:

- 915 (a) approve the estimated cost of implementing the corrective action plan;
- 916 (b) order the owner or operator to implement the corrective action plan;
- 917 (c)(i) if the release is covered by the fund, determine the amount of fund money to
- 918 be allocated to an owner or operator to implement a corrective action plan; and
- 919 (ii) subject to the limitations established in Section 19-6-419, provide money from
- 920 the fund to the owner or operator to implement the corrective action plan.
- 921 (6)(a) The director may not distribute any money from the fund for corrective action
- 922 until the owner or operator obtains the director's approval of the corrective action
- 923 plan.
- 924 (b) An owner or operator who begins corrective action without first obtaining approval
- 925 from the director and who is covered by the fund may be reimbursed for the costs of
- 926 the corrective action, subject to the limitations established in Section 19-6-419, if:
- 927 (i) the owner or operator submits the corrective action plan to the director [~~within~~] no
- 928 later than seven days after beginning corrective action; and
- 929 (ii) the director approves the corrective action plan.
- 930 (7) If the director disapproves the plan, the director shall solicit a new corrective action plan
- 931 from the owner or operator.
- 932 (8) If the director disapproves the second corrective action plan, or if the owner or operator
- 933 fails to submit a second plan within a reasonable time, the director may:
- 934 (a) develop an alternative corrective action plan; and
- 935 (b) act as authorized under Subsections (2) and (5).
- 936 (9)(a) When notified that the corrective action plan has been implemented, the director
- 937 shall inspect the location of the release to determine whether or not the corrective
- 938 action has been properly performed and completed.
- 939 (b) If the director determines the corrective action has not been properly performed or
- 940 completed, the director may issue an order requiring the owner or operator to
- 941 complete the corrective action within the time specified in the order.
- 942 (10)(a) For releases not covered by the fund, the director may recover from the
- 943 responsible party expenses incurred by the division for managing and overseeing the
- 944 abatement, and investigation or corrective action of the release. These expenses shall
- 945 be:
- 946 (i) billed quarterly per release;
- 947 (ii) due [~~within~~] no later than 30 days of billing;
- 948 (iii) deposited [~~with the division as dedicated credits~~] into the Petroleum Storage Tank

- 949 Cleanup Fund established in Section 19-6-405.7;
- 950 (iv) used by the division for the administration of the [underground] petroleum
- 951 storage tank program outlined in this part; and
- 952 (v) billed per hourly rates as established under Section 63J-1-504.
- 953 (b) If the responsible party fails to pay expenses under Subsection 10(a), the director
- 954 may:
- 955 (i) revoke the responsible party's certificate of compliance, as described in Section
- 956 19-6-414, if the responsible party is also the owner or operator; and
- 957 (ii) pursue an action to collect expenses in Subsection 10(a), including the costs of
- 958 collection.
- 959 (11) This section does not apply to a release of a substance defined as a regulated substance
- 960 in Section 101(14) of the Comprehensive Environmental Response, Compensation and
- 961 Liability Act of 1980.
- 962 Section 15. Section **19-6-424** is amended to read:
- 963 **19-6-424 (Effective 05/07/25). Claims not covered by fund.**
- 964 (1) The director may not authorize payments from the fund unless:
- 965 (a) the claim was based on a release occurring during a period for which that tank was
- 966 covered by the fund;
- 967 (b) there are sufficient revenues in the fund; and
- 968 ~~(b)~~ (c) the claim was made:
- 969 ~~[(i) during a period for which that tank was covered by the fund; or]~~
- 970 ~~[(ii) (i)(A) within] no later than one year after that fund-covered tank is closed;~~
- 971 or
- 972 ~~[(B) within]~~
- 973 (ii) no later than six months after the end of the period during which the tank was
- 974 covered by the fund[; and] .
- 975 ~~[(e) there are sufficient revenues in the fund.]~~
- 976 (2) The director may authorize payments from the fund if the claim was made by a
- 977 responsible party, as determined in accordance with Section 19-6-420 or 19-6-424.5,
- 978 that:
- 979 (a) was in good standing with the program under Section 19-6-410.5 at the time
- 980 ownership ceased; and
- 981 (b) lost coverage for a release due to the actions or inactions of a subsequent responsible
- 982 party.

983 (3) The director may not authorize payments from the fund for [~~an underground~~] a petroleum
 984 storage tank installation company unless:

985 (a) the claim was based on a release occurring during the period prior to the issuance of
 986 a certificate of compliance;

987 (b) the claim was made [~~within~~] no later than 12 months after the date the tank is issued a
 988 certificate of compliance for that tank; and

989 (c) there are sufficient revenues in the fund.

990 [~~(3)~~] (4) The director may require the claimant to provide additional information as
 991 necessary to demonstrate coverage by the fund at the time of submittal of the claim.

992 [~~(4)~~] (5) If the Legislature repeals or refuses to reauthorize the program for petroleum
 993 storage tanks established in this part, the director may authorize payments from the fund
 994 as provided in this part for claims made until the end of the time period established in
 995 Subsection (1) [~~or~~] , (2), or (3) provided there are sufficient revenues in the fund.

996 Section 16. Section **19-6-426** is amended to read:

997 **19-6-426 (Effective 05/07/25). Limitation of liability of state -- Liability of**
 998 **responsible parties -- Indemnification agreement involving responsible parties.**

999 (1) This part [~~is not intended to~~] does not create an insurance program.

1000 (2) The fund established in this part shall only provide funds to finance costs for
 1001 responsible parties who meet the requirements of this part when releases from petroleum
 1002 storage tanks occur.

1003 (3) The assets of the fund, if any, are the sole source of money to pay claims against the
 1004 fund.

1005 (4) The state is not liable for:

1006 (a) any amounts payable from the fund for which the fund does not have sufficient assets;

1007 (b) any expenses or debts of the fund; or

1008 (c) any claim arising from the creation, management, rate-setting, or any other activity
 1009 pertaining to the fund.

1010 (5) The responsible parties are liable for any costs associated with any release from the [
 1011 ~~underground~~] petroleum storage tank system.

1012 (6) This part does not preclude a responsible party from enforcing or recovering under any
 1013 agreement or contract for indemnification associated with a release from the tank or
 1014 from pursuing any other legal remedies that may be available against any party.

1015 (7) If any payment is made under this part, the fund shall be subrogated to all the
 1016 responsible parties' rights of recovery against any person[~~or organization~~] and the

1017 responsible parties shall execute and deliver instruments and papers and do whatever
1018 else is necessary to secure the rights. The responsible parties shall do nothing after a
1019 release is discovered to prejudice the rights. In the event of recovery by the fund, any
1020 amount recovered shall first be used to reimburse the responsible parties for costs they
1021 are required to pay pursuant to Section 19-6-419.

1022 (8) Parties who elect to participate in the fund do so subject to the conditions and
1023 limitations in this section and in this part.

1024 Section 17. Section **19-6-428** is amended to read:

1025 **19-6-428 (Effective 05/07/25). Eligibility for participation in the fund.**

1026 (1) Subject to ~~[the requirements of]~~Section 19-6-410.5, an owner or operator of ~~[an existing]~~
1027 a petroleum storage tank [that is covered by the fund on May 5, 1997,] may elect to [
1028 ~~continue to~~] participate in the program by meeting the requirements of this part,
1029 including paying the tank fees and environmental assurance fee as provided in Sections
1030 19-6-410.5 and 19-6-411.

1031 ~~[(2) A new petroleum storage tank that is installed after May 5, 1997, or a tank eligible~~
1032 ~~under Section 19-6-415, may elect to participate in the program by complying with the~~
1033 ~~requirements of this part.]~~

1034 ~~[(3)] (2)(a) [An owner] [or operator of a petroleum storage tank who elects to not~~
1035 ~~participate in the program, including by the use of an alternative financial assurance~~
1036 ~~meehanism] If an owner or operator elects to participate in the program after a period~~
1037 ~~of non-participation, the owner or operator of the petroleum storage tank shall, in~~
1038 ~~order to subsequently participate in the program:~~

1039 (i) perform a tank tightness test;

1040 (ii) except as provided in Subsection ~~[(3)(b),]~~ (2)(b), (c), or (d), perform a site check,
1041 including soil and, when applicable, groundwater samples, to demonstrate that no
1042 release of petroleum exists or that there has been adequate remediation of releases
1043 as required by board rules;

1044 (iii) provide the required tests and samples to the director; and

1045 (iv) comply with the requirements of this part.

1046 (b) A site check under Subsection ~~[(3)(a)(ii)]~~ (2)(a)(ii) is not required if the director
1047 determines, with reasonable cause, that soil and groundwater samples are
1048 unnecessary to establish that no petroleum has been released.

1049 (c) ~~[For an aboveground petroleum storage tank, a site check under Subsection (3)(a)(ii)~~
1050 ~~is not required to participate in the program except that if the aboveground petroleum~~

- 1051 ~~storage tank does not conduct a site check:]~~
- 1052 (i) For an aboveground petroleum storage tank, a site check under Subsection
- 1053 (2)(a)(ii) is not required to participate in the program and historic contamination is
- 1054 covered as provided in Subsection (2)(c)(ii) if the release meets the requirements
- 1055 of this part.
- 1056 (ii)[(i)] (A) ~~[historic-] Historic~~ Historic contamination, as defined by rule made in
- 1057 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act[;] ,
- 1058 ~~[(A) subject to the other provisions of this Subsection (3)(e),]~~is covered only
- 1059 if the historic contamination is discovered more than five years after the day
- 1060 the owner or operator elects to participate in the program[;] .
- 1061 (B) Historic contamination is 20% covered beginning on the five-year date[; and]
- 1062 after five years of continuous participation in the program.
- 1063 (C) Historic contamination is covered at increasing amounts of 20% each year
- 1064 after ~~[the five-year date until at the 10-year date]~~ the five years of continuous
- 1065 participation in the program until after 10 years of continuous participation in
- 1066 the program the historic contamination is covered at 100% [; and] .
- 1067 [(ii)] (iii) ~~[new-] New~~ releases, as defined by rule made in accordance with Title 63G,
- 1068 Chapter 3, Utah Administrative Rulemaking Act, are covered at 100% beginning
- 1069 on the day the aboveground petroleum storage tank participates in the program.
- 1070 (d)(i) For an underground storage tank that previously elected not to participate in
- 1071 the program, a site check under Subsection ~~[(3)(a)(ii)]~~ (2)(a)(ii) is not required to
- 1072 begin participating in the program~~[-except that if the underground storage tank~~
- 1073 ~~does not conduct a site check:]~~ and historic contamination is covered as provided
- 1074 in under Subsection (2)(d)(ii) if the release meets the requirements of this part.
- 1075 [(i)] (ii) ~~[historic-]~~
- 1076 (A) Historic contamination, as defined by rule made in accordance with Title 63G,
- 1077 Chapter 3, Utah Administrative Rulemaking Act, [;]
- 1078 ~~[(A) subject to the other provisions of this Subsection (3)(d),]~~is covered only
- 1079 if the historic contamination is discovered more than five years after the day
- 1080 the owner or operator elects to participate in the program[;] .
- 1081 (B) Historic contamination is 20% covered ~~[beginning on the five-year date; and]~~
- 1082 after five years of continuous participation in the program.
- 1083 (C) Historic contamination is covered at increasing amounts of 20% each year
- 1084 after ~~[the five-year date until at the 10-year date]~~ the five years of continuous

1085 participation in the program until after 10 years of continuous participation in
 1086 the program the historic contamination is covered at 100% [; and] .

1087 [(ii)] (iii) [new-] New releases, as defined by rule made in accordance with Title 63G,
 1088 Chapter 3, Utah Administrative Rulemaking Act, are covered at 100% beginning
 1089 on the day the underground storage tank participates in the program.

1090 [(4)] (3) The director shall review the tests and samples provided under Subsection [
 1091 (3)(a)(iii)] (2)(a)(iii) to determine:

1092 (a) whether or not any release of the petroleum has occurred; or

1093 (b) if the remediation is adequate.

1094 Section 18. Section **19-8-113** is amended to read:

1095 **19-8-113 (Effective 05/07/25). Applicant's release from liability.**

1096 (1)(a) An applicant who is not responsible for the contaminant or contamination under
 1097 the provisions listed in Subsection (1)(b) at the time the applicant applies to enter into
 1098 a voluntary cleanup agreement under this chapter is released by issuance of a
 1099 certificate of completion under Section 19-8-111 from all liability to the state for
 1100 cleanup of property covered by the certificate and from all liability for claims arising
 1101 under state law for contribution regarding matters addressed by the certificate of
 1102 completion, except for any releases or consequences the applicant causes.

1103 (b) Provisions referred to in Subsection (1)(a) are: [~~Title 19, Chapter 5, Water Quality~~
 1104 ~~Act; Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act; Title 19, Chapter 6,~~
 1105 ~~Part 3, Hazardous Substances Mitigation Act; or Title 19, Chapter 6, Part 4,~~
 1106 ~~Underground Storage Tank Act.]~~

1107 (i) Chapter 5, Water Quality Act;

1108 (ii) Chapter 6, Part 1, Solid and Hazardous Waste Act;

1109 (iii) Chapter 6, Part 3, Hazardous Substances Mitigation Act; or

1110 (iv) Chapter 6, Part 4, Petroleum Storage Tank Act.

1111 (2) There is no release from liability under this chapter if a certificate of completion is
 1112 obtained by fraud, misrepresentation, or the knowing failure to disclose material
 1113 information.

1114 (3)(a) After a certificate of completion is issued under this chapter, an owner who then
 1115 acquires property covered by the certificate, or a lender who then makes a loan
 1116 secured by property covered by the certificate, is released from all liability to the
 1117 state regarding property covered by the certificate for cleanup of contamination
 1118 released before the date of the certificate, and from all liability for claims arising

- 1119 under state law for contribution regarding matters addressed by the certificate of
 1120 completion, except under Subsection (3)(b).
- 1121 (b) A release of liability under Subsection (3)(a) is not available to an owner or lender
 1122 under Subsection (3)(a) who:
- 1123 (i) was originally responsible for a release or contamination under [~~Title 19, Chapter~~
 1124 ~~5, Water Quality Act; Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act;~~
 1125 ~~Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act; or Title 19,~~
 1126 ~~Chapter 6, Part 4, Underground Storage Tank Act] :~~
- 1127 (A) Chapter 5, Water Quality Act;
 1128 (B) Chapter 6, Part 1, Solid and Hazardous Waste Act;
 1129 (C) Chapter 6, Part 3, Hazardous Substances Mitigation Act; or
 1130 (D) Chapter 6, Part 4, Petroleum Storage Tank Act;
- 1131 (ii) changes the land use from the use specified in the certificate of completion if the
 1132 changed use or uses may reasonably be expected to result in increased risks to
 1133 human health or the environment; or
- 1134 (iii) causes further releases on the property covered by the certification.
- 1135 (c) A release under this Subsection (3) is subject to the limitations of Subsection (2).
- 1136 (4) The executive director may issue enforceable written assurances to a contiguous
 1137 property owner of real property stating that no enforcement action under this part may
 1138 be initiated against the contiguous property owner and providing the owner protection
 1139 from state law cost recovery and contribution actions.

1140 Section 19. Section **19-8-119** is amended to read:

1141 **19-8-119 (Effective 05/07/25). Apportionment or contribution.**

- 1142 (1) Any party who incurs costs under a voluntary agreement entered into under this part in
 1143 excess of the party's liability may seek contribution in an action in a court with
 1144 jurisdiction under Title 78A, Judiciary and Judicial Administration, from any other party
 1145 who is or may be liable under Subsection 19-6-302(21) or [~~19-6-402(27)-~~] 19-6-402(29)
 1146 for the excess costs after providing written notice to any other party that the party
 1147 bringing the action has entered into a voluntary agreement and will incur costs.
- 1148 (2) In resolving claims made under Subsection (1), the court shall allocate costs using the
 1149 standards in Subsection 19-6-310(2).

1150 Section 20. Section **63G-4-102** is amended to read:

1151 **63G-4-102 (Effective 05/07/25). Scope and applicability of chapter.**

- 1152 (1) Except as set forth in Subsection (2), and except as otherwise provided by a statute

- 1153 superseding provisions of this chapter by explicit reference to this chapter, the
1154 provisions of this chapter apply to every agency of the state and govern:
- 1155 (a) state agency action that determines the legal rights, duties, privileges, immunities, or
1156 other legal interests of an identifiable person, including agency action to grant, deny,
1157 revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license;
1158 and
 - 1159 (b) judicial review of the action.
- 1160 (2) This chapter does not govern:
- 1161 (a) the procedure for making agency rules, or judicial review of the procedure or rules;
 - 1162 (b) the issuance of a notice of a deficiency in the payment of a tax, the decision to waive
1163 a penalty or interest on taxes, the imposition of and penalty or interest on taxes, or the
1164 issuance of a tax assessment, except that this chapter governs an agency action
1165 commenced by a taxpayer or by another person authorized by law to contest the
1166 validity or correctness of the action;
 - 1167 (c) state agency action relating to extradition, to the granting of a pardon or parole, a
1168 commutation or termination of a sentence, or to the rescission, termination, or
1169 revocation of parole or probation, to the discipline of, resolution of a grievance of,
1170 supervision of, confinement of, or the treatment of an inmate or resident of a
1171 correctional facility, the Utah State Hospital, the Utah State Developmental Center,
1172 or a person in the custody or jurisdiction of the Office of Substance Use and Mental
1173 Health, or a person on probation or parole, or judicial review of the action;
 - 1174 (d) state agency action to evaluate, discipline, employ, transfer, reassign, or promote a
1175 student or teacher in a school or educational institution, or judicial review of the
1176 action;
 - 1177 (e) an application for employment and internal personnel action within an agency
1178 concerning its own employees, or judicial review of the action;
 - 1179 (f) the issuance of a citation or assessment under Title 34A, Chapter 6, Utah
1180 Occupational Safety and Health Act, and Title 58, Occupations and Professions,
1181 except that this chapter governs an agency action commenced by the employer,
1182 licensee, or other person authorized by law to contest the validity or correctness of
1183 the citation or assessment;
 - 1184 (g) state agency action relating to management of state funds, the management and
1185 disposal of school and institutional trust land assets, and contracts for the purchase or
1186 sale of products, real property, supplies, goods, or services by or for the state, or by

- 1187 or for an agency of the state, except as provided in those contracts, or judicial review
1188 of the action;
- 1189 (h) state agency action under Title 7, Chapter 1, Part 3, Powers and Duties of
1190 Commissioner of Financial Institutions, Title 7, Chapter 2, Possession of Depository
1191 Institution by Commissioner, Title 7, Chapter 19, Acquisition of Failing Depository
1192 Institutions or Holding Companies, and Chapter 7, Governmental Immunity Act of
1193 Utah, or judicial review of the action;
- 1194 (i) the initial determination of a person's eligibility for unemployment benefits, the initial
1195 determination of a person's eligibility for benefits under Title 34A, Chapter 2,
1196 Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease
1197 Act, or the initial determination of a person's unemployment tax liability;
- 1198 (j) state agency action relating to the distribution or award of a monetary grant to or
1199 between governmental units, or for research, development, or the arts, or judicial
1200 review of the action;
- 1201 (k) the issuance of a notice of violation or order under Title 53, Chapter 2d, Emergency
1202 Medical Services Act, Title 19, Chapter 2, Air Conservation Act, Title 19, Chapter 3,
1203 Radiation Control Act, Title 19, Chapter 4, Safe Drinking Water Act, Title 19,
1204 Chapter 5, Water Quality Act, Title 19, Chapter 6, Part 1, Solid and Hazardous Waste
1205 Act, Title 19, Chapter 6, Part 4, [~~Underground~~] Petroleum Storage Tank Act, [~~or~~]
1206 Title 19, Chapter 6, Part 7, Used Oil Management Act, or Title 19, Chapter 6, Part
1207 10, Mercury Switch Removal Act, except that this chapter governs an agency action
1208 commenced by a person authorized by law to contest the validity or correctness of
1209 the notice or order;
- 1210 (l) state agency action, to the extent required by federal statute or regulation, to be
1211 conducted according to federal procedures;
- 1212 (m) the initial determination of a person's eligibility for government or public assistance
1213 benefits;
- 1214 (n) state agency action relating to wildlife licenses, permits, tags, and certificates of
1215 registration;
- 1216 (o) a license for use of state recreational facilities;
- 1217 (p) state agency action under Chapter 2, Government Records Access and Management
1218 Act, except as provided in Section 63G-2-603;
- 1219 (q) state agency action relating to the collection of water commissioner fees and
1220 delinquency penalties, or judicial review of the action;

- 1221 (r) state agency action relating to the installation, maintenance, and repair of headgates,
 1222 caps, valves, or other water controlling works and weirs, flumes, meters, or other
 1223 water measuring devices, or judicial review of the action;
- 1224 (s) the issuance and enforcement of an initial order under Section 73-2-25;
- 1225 (t)(i) a hearing conducted by the Division of Securities under Section 61-1-11.1; and
 1226 (ii) an action taken by the Division of Securities under a hearing conducted under
 1227 Section 61-1-11.1, including a determination regarding the fairness of an issuance
 1228 or exchange of securities described in Subsection 61-1-11.1(1);
- 1229 (u) state agency action relating to water well driller licenses, water well drilling permits,
 1230 water well driller registration, or water well drilling construction standards, or
 1231 judicial review of the action;
- 1232 (v) the issuance of a determination and order under Title 34A, Chapter 5, Utah
 1233 Antidiscrimination Act;
- 1234 (w) state environmental studies and related decisions by the Department of
 1235 Transportation approving state or locally funded projects, or judicial review of the
 1236 action;
- 1237 (x) the suspension of operations under Subsection 32B-1-304(3);
- 1238 (y) the issuance of a determination of violation by the Governor's Office of Economic
 1239 Opportunity under Section 11-41-104; or
- 1240 (z) a challenge to an aspect of a distribution management plan under Section 73-33-202.
- 1241 (3) This chapter does not affect a legal remedy otherwise available to:
- 1242 (a) compel an agency to take action; or
 1243 (b) challenge an agency's rule.
- 1244 (4) This chapter does not preclude an agency, prior to the beginning of an adjudicative
 1245 proceeding, or the presiding officer during an adjudicative proceeding from:
- 1246 (a) requesting or ordering a conference with parties and interested persons to:
- 1247 (i) encourage settlement;
 1248 (ii) clarify the issues;
 1249 (iii) simplify the evidence;
 1250 (iv) facilitate discovery; or
 1251 (v) expedite the proceeding; or
- 1252 (b) granting a timely motion to dismiss or for summary judgment if the requirements of
 1253 Rule 12(b) or Rule 56 of the Utah Rules of Civil Procedure are met by the moving
 1254 party, except to the extent that the requirements of those rules are modified by this

- 1255 chapter.
- 1256 (5)(a) A declaratory proceeding authorized by Section 63G-4-503 is not governed by
1257 this chapter, except as explicitly provided in that section.
- 1258 (b) Judicial review of a declaratory proceeding authorized by Section 63G-4-503 is
1259 governed by this chapter.
- 1260 (6) This chapter does not preclude an agency from enacting a rule affecting or governing an
1261 adjudicative proceeding or from following the rule, if the rule is enacted according to the
1262 procedures outlined in Chapter 3, Utah Administrative Rulemaking Act, and if the rule
1263 conforms to the requirements of this chapter.
- 1264 (7)(a) If the attorney general issues a written determination that a provision of this
1265 chapter would result in the denial of funds or services to an agency of the state from
1266 the federal government, the applicability of the provision to that agency shall be
1267 suspended to the extent necessary to prevent the denial.
- 1268 (b) The attorney general shall report the suspension to the Legislature at its next session.
- 1269 (8) Nothing in this chapter may be interpreted to provide an independent basis for
1270 jurisdiction to review final agency action.
- 1271 (9) Nothing in this chapter may be interpreted to restrict a presiding officer, for good cause
1272 shown, from lengthening or shortening a time period prescribed in this chapter, except
1273 the time period established for judicial review.
- 1274 (10) Notwithstanding any other provision of this section, this chapter does not apply to a
1275 special adjudicative proceeding, as defined in Section 19-1-301.5, except to the extent
1276 expressly provided in Section 19-1-301.5.
- 1277 (11) Subsection (2)(w), regarding action taken based on state environmental studies and
1278 policies of the Department of Transportation, applies to any claim for which a court of
1279 competent jurisdiction has not issued a final unappealable judgment or order before May
1280 14, 2019.

1281 Section 21. Section **63I-1-219** is amended to read:

1282 **63I-1-219 (Effective 05/07/25). Repeal dates: Title 19.**

- 1283 (1) Title 19, Chapter 2, Air Conservation Act, is repealed July 1, 2029.
- 1284 (2) Title 19, Chapter 4, Safe Drinking Water Act, is repealed July 1, 2029.
- 1285 (3) Section 19-4-115, Drinking water quality in schools and child care centers, is repealed
1286 July 1, 2027.
- 1287 (4) Title 19, Chapter 5, Water Quality Act, is repealed July 1, 2029.
- 1288 (5) Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, is repealed July 1, 2029.

- 1289 (6) Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act, is repealed July 1,
 1290 2030.
- 1291 (7) Title 19, Chapter 6, Part 4, [~~Underground~~] Petroleum Storage Tank Act, is repealed July
 1292 1, 2028.
- 1293 (8) Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal, is repealed July 1, 2026.
- 1294 (9) Title 19, Chapter 6, Part 7, Used Oil Management Act, is repealed July 1, 2029.
- 1295 (10) Title 19, Chapter 6, Part 8, Waste Tire Recycling Act, is repealed July 1, 2030.
- 1296 (11) Title 19, Chapter 6, Part 10, Mercury Switch Removal Act, is repealed July 1, 2027.

1297 Section 22. **Repealer.**

1298 This bill repeals:

1299 Section **19-6-401, Short title.**

1300 Section 23. **FY 2026 Appropriation.**

1301 The following sums of money are appropriated for the fiscal year beginning July 1,
 1302 2025, and ending June 30, 2026. These are additions to amounts previously appropriated
 1303 for fiscal year 2026.

1304 Subsection 23(a) **Restricted Fund and Account Transfers**

1305 The Legislature authorizes the State Division of Finance to transfer the following
 1306 amounts between the following funds or accounts as indicated. Expenditures and outlays
 1307 from the funds to which the money is transferred must be authorized by an appropriation.

1309 ITEM 1 To Petroleum Storage Tank Cleanup Fund

1310 From Petroleum Storage Tank Fund, One-time 4,000,000

1311 Schedule of Programs:

1312 Petroleum Storage Tank Cleanup Fund 4,000,000

1313 Section 24. **Effective Date.**

1314 This bill takes effect on May 7, 2025.