

Effective 5/7/2025

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

- (1) The department shall:
- (a) enter into cooperative agreements with the Department of Health and Human Services to delineate specific responsibilities to assure that assessment and management of risk to human health from the environment are properly administered;
 - (b) consult with the Department of Health and Human Services and enter into cooperative agreements, as needed, to ensure efficient use of resources and effective response to potential health and safety threats from the environment, and to prevent gaps in protection from potential risks from the environment to specific individuals or population groups;
 - (c) enter into a cooperative agreement with each local health department that:
 - (i) recognizes that the department and local health departments are the foundation for providing environmental health programs in this state;
 - (ii) delineates the responsibilities of the department and each local health department, including those described in Subsection 26A-1-106(3), for the efficient delivery of environmental programs using federal, state, and local authorities, responsibilities, and resources;
 - (iii) provides for the delegation of authority to local health departments for environmental programs, to the extent allowed by applicable law, identified in the plan, and requested by the local health department;
 - (iv) recognizes the authority granted to a local health department under Section 26A-1-108;
 - (v) passes through any federal, state, or other funding and resources to local health departments, as necessary and to the extent allowed by applicable law, for the efficient delivery of environmental programs; and
 - (vi) is reviewed and updated annually;
 - (d) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as follows:
 - (i) for a board created in Section 19-1-106, rules regarding:
 - (A) board meeting attendance; and
 - (B) conflicts of interest procedures; and
 - (ii) procedural rules that govern:
 - (A) an adjudicative proceeding, consistent with Section 19-1-301; and
 - (B) a special adjudicative proceeding, consistent with Section 19-1-301.5;
 - (e) ensure that training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:
 - (i) under this title;
 - (ii) by the department; or
 - (iii) by an agency or division within the department; and
 - (f) subject to Subsection (2), establish annual fees that conform with Title V of the Clean Air Act for each regulated pollutant as defined in Section 19-2-109.1, applicable to a source subject to the Title V program.
- (2)
- (a) A fee established under Subsection (1)(f) is in addition to a fee assessed under Subsection (6)(i) for issuance of an approval order.
 - (b) In establishing a fee under Subsection (1)(f), the department shall comply with Section 63J-1-504 that requires a public hearing and requires the established fee to be submitted

to the Legislature for the Legislature's approval as part of the department's annual appropriations request.

- (c) A fee established under this section shall cover the reasonable direct and indirect costs required to develop and administer the Title V program and the small business assistance program established under Section 19-2-109.2.
- (d) A fee established under Subsection (1)(f) shall be established for all sources subject to the Title V program and for all regulated pollutants.
- (e) An emission fee may not be assessed for a regulated pollutant if the emissions are already accounted for within the emissions of another regulated pollutant.
- (f) An emission fee may not be assessed for any amount of a regulated pollutant emitted by any source in excess of 4,000 tons per year of that regulated pollutant.
- (g) An emission fee shall be based on actual emissions for a regulated pollutant unless a source elects, before the issuance or renewal of a permit, to base the fee during the period of the permit on allowable emissions for that regulated pollutant.
- (h) The fees collected by the department under Subsection (1)(f) and penalties collected under Subsection 19-2-109.1(3) shall be deposited into the General Fund as the Air Pollution Operating Permit Program dedicated credit to be used solely to pay for the reasonable direct and indirect costs incurred by the department in developing and administering the program and the small business assistance program under Section 19-2-109.2.
- (3) The department may:
 - (a) investigate matters affecting the environment;
 - (b) investigate and control matters affecting the public health when caused by environmental hazards;
 - (c) prepare, publish, and disseminate information to inform the public concerning issues involving environmental quality;
 - (d) establish and operate programs, as authorized by this title, necessary for protection of the environment and public health from environmental hazards;
 - (e) use local health departments in the delivery of environmental health programs to the extent provided by law;
 - (f) enter into contracts with local health departments, in addition to a cooperative agreement required under Subsection (1)(c), or others to meet responsibilities established under this title;
 - (g) acquire real and personal property by purchase, gift, devise, and other lawful means;
 - (h) prepare and submit to the governor a proposed budget to be included in the budget submitted by the governor to the Legislature;
 - (i) in accordance with Section 63J-1-504, establish a schedule of fees that may be assessed for actions and services of the department that are reasonable, fair, and reflect the cost of services provided;
 - (j) for an owner or operator of a source subject to a fee established by Subsection (3)(i) who fails to timely pay that fee, assess a penalty of not more than 50% of the fee, in addition to the fee, plus interest on the fee computed at 12% annually;
 - (k) prescribe by rule reasonable requirements not inconsistent with law relating to environmental quality for local health departments;
 - (l) perform the administrative functions of the boards established by Section 19-1-106, including the acceptance and administration of grants from the federal government and from other sources, public or private, to carry out the board's functions;
 - (m) upon the request of a board or a division director, provide professional, technical, and clerical staff and field and laboratory services, the extent of which are limited by the money available to the department for the staff and services; and

- (n) establish a supplementary fee, not subject to Section 63J-1-504, to provide service that the person paying the fee agrees by contract to be charged for the service to efficiently use department resources, protect department permitting processes, address extraordinary or unanticipated stress on permitting processes, or make use of specialized expertise.
- (4) In providing service under Subsection (3)(n), the department may not provide service in a manner that impairs another person's service from the department.
- (5)
 - (a) As used in this Subsection (5):
 - (i) "Environmental impacts" means:
 - (A) impacts on air quality, including impacts associated with air emissions; and
 - (B) impacts on water quality, including impacts associated with storm water runoff.
 - (ii) "Inland port" means the same as that term is defined in Section 11-58-102.
 - (iii) "Inland port area" means the area in and around the inland port that bears the environmental impacts of destruction, construction, development, and operational activities within the inland port.
 - (iv) "Monitoring facilities" means:
 - (A) for monitoring air quality, a sensor system consisting of monitors to measure levels of research-grade particulate matter, ozone, and oxides of nitrogen, and data logging equipment with internal data storage that are interconnected at all times to capture air quality readings and store data; and
 - (B) for monitoring water quality, facilities to collect groundwater samples, including in existing conveyances and outfalls, to evaluate sediment, metals, organics, and nutrients due to storm water.
 - (b) The department shall:
 - (i) develop and implement a sampling and analysis plan to:
 - (A) characterize the environmental baseline for air quality and water quality in the inland port area;
 - (B) characterize the environmental baseline for only air quality for the Salt Lake International Airport; and
 - (C) define the frequency, parameters, and locations for monitoring;
 - (ii) establish and maintain monitoring facilities to measure the environmental impacts in the inland port area arising from destruction, construction, development, and operational activities within the inland port;
 - (iii) publish the monitoring data on the department's website; and
 - (iv) provide at least annually before November 30 a written report summarizing the monitoring data to:
 - (A) the Utah Inland Port Authority board, established under Title 11, Chapter 58, Part 3, Port Authority Board; and
 - (B) the Legislative Management Committee.

Amended by Chapter 121, 2025 General Session

Amended by Chapter 156, 2025 General Session