

**19-1-202 Duties and powers of the executive director.**

- (1) The executive director shall:
  - (a) administer and supervise the department;
  - (b) coordinate policies and program activities conducted through boards, divisions, and offices of the department;
  - (c) approve the proposed budget of each board, division, and office within the department;
  - (d) approve all applications for federal grants or assistance in support of any department program;
  - (e) with the governor's specific, prior approval, expend funds appropriated by the Legislature necessary for participation by the state in any fund, property, or service provided by the federal government; and
  - (f) in accordance with Section 19-1-301, appoint one or more administrative law judges to hear an adjudicative proceeding within the department.
- (2) The executive director may:
  - (a) issue orders to enforce state laws and rules established by the department except where the enforcement power is given to a board created under Section 19-1-106, unless the executive director finds that a condition exists that creates a clear and present hazard to the public health or the environment and requires immediate action, and if the enforcement power is vested with a board created under Section 19-1-106, the executive director may with the concurrence of the governor order any person causing or contributing to the condition to reduce, mitigate, or eliminate the condition;
  - (b) with the approval of the governor, participate in the distribution, disbursement, or administration of any fund or service, advanced, offered, or contributed by the federal government for purposes consistent with the powers and duties of the department;
  - (c) accept and receive funds and gifts available from private and public groups for the purposes of promoting and protecting the public health and the environment and expend the funds as appropriated by the Legislature;
  - (d) make policies not inconsistent with law for the internal administration and government of the department, the conduct of its employees, and the custody, use, and preservation of the records, papers, books, documents, and property of the department;
  - (e) create advisory committees as necessary to assist in carrying out the provisions of this title;
  - (f) appoint division directors who may be removed at the will of the executive director and who shall be compensated in an amount fixed by the executive director;
  - (g) advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, affected groups, political subdivisions, and industries in carrying out the purposes of this title;
  - (h) consistent with Title 67, Chapter 19, Utah State Personnel Management Act, employ employees necessary to meet the requirements of this title;
  - (i) authorize any employee or representative of the division to conduct inspections as permitted in this title;
  - (j) encourage, participate in, or conduct any studies, investigations, research, and demonstrations relating to hazardous materials or substances releases necessary to meet the requirements of this title;
  - (k) collect and disseminate information about hazardous materials or substances releases;
  - (l) review plans, specifications, or other data relating to hazardous substances releases as provided in this title; and
  - (m) maintain, update not less than annually, and make available to the public a record of sites, by name and location, at which response actions for the protection of the public health and

environment under Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act, or under Title 19, Chapter 8, Voluntary Cleanup Program, have been completed in the previous calendar year, and those that the department plans to address in the upcoming year pursuant to this title, including if upon completion of the response action the site:

- (i) will be suitable for unrestricted use; or
- (ii) will be suitable only for restricted use, stating the institutional controls identified in the remedy to which use of the site is subject.

Amended by Chapter 377, 2009 General Session