

Effective 5/13/2014

Part 2
Clean Air Retrofit, Replacement, and Off-road Technology Program

19-2-201 Title.

This part is known as the "Clean Air Retrofit, Replacement, and Off-road Technology Program."

Enacted by Chapter 295, 2014 General Session

19-2-202 Definitions.

As used in this part:

- (1) "Board" means the Air Quality Board.
- (2) "Certified" means certified by the United States Environmental Protection Agency or the California Air Resources Board to meet appropriate emission standards.
- (3) "Cost" means the total reasonable cost of a project eligible for a grant under the fund, including the cost of labor.
- (4) "Director" means the director of the Division of Air Quality.
- (5) "Division" means the Division of Air Quality, created in Subsection 19-1-105(1)(a).
- (6) "Eligible equipment" means equipment with engines, including stationary generators and pumps, operated and, if applicable, permitted in Utah.
- (7) "Eligible vehicle" means a vehicle operated and, if applicable, registered in Utah that is:
 - (a) a medium-duty or heavy-duty transit bus;
 - (b) a school bus as defined in Section 53-3-102;
 - (c) a medium-duty or heavy-duty truck with a gross vehicle weight rating of at least 16,001 GVWR;
 - (d) a locomotive; or
 - (e) another type of vehicle identified by the board in rule as being a significant potential source of air pollution, as defined in Section 19-2-102.
- (8) "Verified" means verified by the United States Environmental Protection Agency or the California Air Resources Board to reduce air emissions and meet durability requirements.

Amended by Chapter 321, 2016 General Session

19-2-203 Grants and programs -- Conditions.

- (1) The director may make grants for implementing:
 - (a) verified technologies for eligible vehicles or equipment; and
 - (b) certified vehicles, engines, or equipment.
- (2)
 - (a) The division may develop programs, including exchange, rebate, or low-cost purchase programs, to encourage replacement of:
 - (i) landscaping and maintenance equipment with equipment that is lower in emissions; and
 - (ii) other equipment or products identified by the board in rule as being a significant potential source of air pollution, as defined in Subsection 19-2-102(3).
 - (b) The division may enter into agreements with local health departments to administer the programs described in Subsection (2)(a).
- (3) As a condition for receiving the grant, a person receiving a grant under Subsection (1) or receiving a grant under this Subsection (3) shall agree to:

- (a) provide information to the division about the vehicles, equipment, or technology acquired with the grant proceeds;
 - (b) allow inspections by the division to ensure compliance with the terms of the grant;
 - (c) permanently disable replaced vehicles, engines, and equipment from use; and
 - (d) comply with the conditions for the grant.
- (4) Grants and programs under Subsections (1) and (2) may be administered using a rebate program.
- (5) Grants issued under this section may not exceed the actual cost of the project.

Enacted by Chapter 295, 2014 General Session

19-2-204 Duties and authorities -- Rulemaking.

- (1) The board may, by following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules:
- (a) specifying the amount of money to be dedicated annually for grants;
 - (b) specifying criteria the director shall consider in prioritizing and awarding grants, including:
 - (i) a preference for awarding a grant to an individual who has already secured some other source of funding; and
 - (ii) a limitation on the types of vehicles that are eligible for funds;
 - (c) specifying the terms of a grant or exchange under Subsections 19-2-203(2), (3), and (4);
 - (d) specifying the procedures to be used in the grant and exchange programs authorized in Subsections 19-2-203(2), (3), and (5); and
 - (e) requiring all grant applicants to apply on forms provided by the division.
- (2) The division shall:
- (a) administer funds to encourage vehicle and equipment owners and operators to reduce emissions from vehicles and equipment;
 - (b) provide forms for application for a grant or exchange under Subsection 19-2-203(2) or (3); and
 - (c) provide information about which vehicles, engines, or equipment are certified and which technology is verified as provided in this part.
- (3) The division may inspect vehicles, equipment, or technology for which a grant was made to ensure compliance with the terms of the grant.

Enacted by Chapter 295, 2014 General Session