

Effective 5/4/2022

Sunsets 7/1/2024

19-2a-102.5 Emissions reduction plan study and recommendations.

(1) As used in this section:

- (a) "Disproportionate air quality affected area" means a non-attainment area, as defined in Clean Air Act, Section 107(d)(1)(A)(i), 42 U.S.C. Sec. 7407(d)(1)(A)(i), or a geographic area that, when compared with other areas in the state, is more likely to be found to not meet air quality standards.
- (b) "Inland port" means a project area as that term is defined in Section 11-58-102.
- (c) "Inland port area" means an area in and around an inland port that bears the environmental impacts of destruction, construction, development, and operational activities within the inland port.
- (d) "Legislative interim committees" means:
 - (i) the Economic Development and Workforce Services Interim Committee;
 - (ii) the Natural Resources, Agriculture, and Environment Interim Committee; and
 - (iii) the Transportation Interim Committee.
- (e)
 - (i) "Underserved or underrepresented community" means a group of people, including a municipality, county, or American Indian tribe, that is economically disadvantaged.
 - (ii) "Underserved or underrepresented community" may include an economically disadvantaged community where the people of the community have limited access to or have demonstrated a low level of use of emission reduction programs.

(2) The department shall conduct a study in accordance with Subsection (3) and recommend to the legislative interim committees a Utah diesel emission reduction program in accordance with Subsection (4).

(3) The department shall study:

- (a) the Texas Emission Reduction Plan, Tex. Health & Safety Code Ann., C 386, and other examples of diesel emission reduction programs;
- (b) potential diesel emission reduction goals from targeted diesel emission sources that apply to specific:
 - (i) on- and off-road diesel vehicles and equipment; and
 - (ii) geographic airsheds;
- (c) potential diesel emission reduction financial incentive programs;
- (d) potential revenue sources to fund incentive programs described in Subsection (3)(c);
- (e) administrative, evaluation, and reporting responsibilities; and
- (f) potential environmental mitigation projects that could reduce emissions within and around the inland port area and be implemented by the Utah Inland Port Authority.

(4)

- (a) The department shall recommend to the legislative interim committees a framework of the Utah diesel emission reduction program that includes:
 - (i) diesel emission reduction goals;
 - (ii) financial incentive programs to encourage the reduction of diesel emissions;
 - (iii) revenue sources to fund the financial incentive programs described in Subsection (4)(a)(ii);
and
 - (iv) implementation of the Utah diesel emission reduction program, including:
 - (A) which one or more state agencies should administer the Utah diesel emission reduction program;
 - (B) evaluation processes; and

- (C) reporting requirements.
- (b) The framework described in this Subsection (4) shall specifically include recommendations for:
 - (i) registration surcharges:
 - (A) related to on- or off-road diesel equipment or vehicles sold, rented, or leased; and
 - (B) that are deposited into and allowed to accumulate in an expendable special revenue fund for purposes related to the Utah diesel emission reduction program;
 - (ii) potential environmental mitigation projects for the inland port area identified under Subsection (3)(f);
 - (iii) programs to foster new technology implementation, including:
 - (A) a grant program;
 - (B) the expansion of Utah's clean diesel program; or
 - (C) tax credits for cleaner equipment purchases;
 - (iv) financial incentives for the early retirement of heavy-duty diesel equipment and the potential expansion of Title 19, Chapter 2, Part 2, Clean Air Retrofit, Replacement, and Off-road Technology Program; and
 - (v) state construction contract incentives that are awarded to persons who predominately use equipment that has the most current generation federal emissions standard engines, clean alternative fuel engines, or electric motors.
- (c) The framework described in this Subsection (4) shall provide for programs that directly benefit:
 - (i) rural communities;
 - (ii) inland port areas;
 - (iii) underserved or underrepresented communities; and
 - (iv) disproportionate air quality affected areas.
- (5)
 - (a) The department shall make an interim report to the legislative interim committees on the status of the study under this section during or before the November interim meetings in 2022.
 - (b) The department shall provide a final report to the legislative interim committees of the department's study and recommendations under this section, including any recommended legislation, during or before the November interim meetings in 2023.