

AMENDMENTS TO DEPARTMENT OF ENVIRONMENTAL QUALITY

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate Sponsor: Daniel R. Liljenquist

LONG TITLE

General Description:

This bill amends provisions relating to the authority of the Department of Environmental Quality.

Highlighted Provisions:

This bill:

- ▶ ~~H~~→ [~~—adds one member to~~] changes membership of ←~~H~~ the Air Quality Board;
- ▶ updates the chapters for which a division is responsible for administering;
- ▶ gives a title name to a part; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-1-105, as enacted by Laws of Utah 1991, Chapter 112

19-2-103, as last amended by Laws of Utah 2009, Chapter 356

19-6-601, as enacted by Laws of Utah 1991, Chapter 122 and renumbered and amended by Laws of Utah 1991, Chapter 112



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

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

19-1-105. Divisions of department -- Control by division directors.

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

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

(b) the Division of Drinking Water, to administer [~~Title 19;~~] Chapter 4, Safe Drinking Water Act;

(c) the Division of Environmental Response and Remediation, to administer [~~Title 19;~~ Chapter 6, Parts 3 and 4];

(i) the following parts in Chapter 6, Hazardous Substances:

(A) Part 3, Hazardous Substances Mitigation Act;

(B) Part 4, Underground Storage Tank Act; and

(C) Part 9, Illegal Drug Operations Site Reporting and Decontamination Act;

(ii) Chapter 8, Voluntary Cleanup Program; and

(iii) Chapter 10, Environmental Institutional Control Act;

(d) the Division of Radiation Control, to administer [~~Title 19;~~] Chapter 3, Radiation Control Act;

(e) the Division of Solid and Hazardous Waste, to administer [~~Title 19, Chapter 6,~~ Parts 1, 2, and 5; and];

(i) the following parts in Chapter 6, Hazardous Substances:

(A) Part 1, Solid and Hazardous Waste Act;

(B) Part 2, Hazardous Waste Facility Siting Act;

(C) Part 5, Solid Waste Management Act;

(D) Part 6, Lead Acid Battery Disposal Act;

(E) Part 7, Used Oil Management Act;

(F) Part 8, Waste Tire Recycling Act; and

(G) Part 10, Mercury Switch Removal Act; and

(ii) Chapter 9, Hazardous Waste Facilities Management Act; and

(f) the Division of Water Quality, to administer [~~Title 19;~~] Chapter 5, Water Quality

59 Act.

60 (2) Each division is under the immediate direction and control of a division director
61 appointed by the executive director.

62 (3) (a) Each division director shall possess the necessary administrative skills and
63 training to adequately qualify ~~him for his~~ the division director for the position. ~~He~~

64 (b) The division director shall have graduated from an accredited college or university
65 with:

66 ~~(a)~~ (i) a four-year degree in physical or biological science or engineering;

67 ~~(b)~~ (ii) a related degree; or

68 ~~(c)~~ (iii) a degree in law.

69 (4) Each director may be removed at the will of the executive director.

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

71 **19-2-103. Members of board -- Appointment -- Terms -- Organization -- Per diem**
72 **and expenses.**

73 (1) The board comprises ~~[H]~~ ~~H~~ ~~→~~ ~~[13]~~ 12 ~~←~~ ~~H~~ members, one of whom shall be the
73a executive director

74 and ~~[H]~~ ~~H~~ ~~→~~ ~~[12]~~ 11 ~~←~~ ~~H~~ of whom shall be appointed by the governor with the consent of the
74a Senate.

75 (2) The members shall be knowledgeable of air pollution matters and shall be:

76 (a) a practicing ~~H~~ ~~→~~ environmental or public health ~~←~~ ~~H~~ physician
76a ~~H~~ ~~→~~ [and surgeon] ~~←~~ ~~H~~ licensed in the state not connected with industry;

77 (b) a registered professional engineer who is not from industry;

78 (c) a representative from municipal government;

79 (d) a representative from county government;

80 (e) a representative from agriculture;

81 (f) a representative from the mining industry;

82 (g) a representative from manufacturing;

83 (h) a representative from the fuel industry; ~~H~~ ~~→~~ ~~[F]~~ and ~~[J]~~ ~~←~~ ~~H~~

84 (i) a representative from ~~H~~ ~~→~~ [the] ~~←~~ ~~H~~ transportation ~~H~~ ~~→~~ [industry] planning ~~←~~ ~~H~~ ;

85 ~~(j)~~ (j) two representatives of the public not representing or connected with industry, at

86 least one of whom represents organized environmental interests ~~H~~ ~~→~~ ~~[F]~~ . ~~[J]~~ [;and]

87 [k) a representative from a local health department.] ~~←~~ ~~H~~

88 (3) No more than ~~[five]~~ six of the appointed members shall belong to the same political
89 party.

90 (4) (a) The majority of the members may not derive any significant portion of their
91 income from persons subject to permits or orders under this chapter.

92 (b) Any potential conflict of interest of any member or the executive secretary, relevant
93 to the interests of the board, shall be adequately disclosed.

94 [~~(5) Members serving on the Air Conservation Committee created by Laws of Utah~~
95 ~~1981, Chapter 126, as amended, shall serve as members of the board throughout the terms for~~
96 ~~which they were appointed.]~~

97 [(6)] (5) (a) Except as required by Subsection [(6)] (5)(b), members shall be appointed
98 for a term of four years.

99 (b) Notwithstanding the requirements of Subsection [(6)] (5)(a), the governor shall, at
100 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
101 board members are staggered so that approximately half of the board is appointed every two
102 years.

103 [(7)] (6) A member may serve more than one term.

104 [(8)] (7) A member shall hold office until the expiration of the member's term and until
105 the member's successor is appointed, but not more than 90 days after the expiration of the
106 member's term.

107 [(9)] (8) When a vacancy occurs in the membership for any reason, the replacement
108 shall be appointed for the unexpired term.

109 [(10)] (9) The board shall elect annually a chair and a vice chair from its members.

110 [(11)] (10) (a) The board shall meet at least quarterly, and special meetings may be
111 called by the chair upon his own initiative, upon the request of the executive secretary, or upon
112 the request of three members of the board.

113 (b) Three days' notice shall be given to each member of the board prior to any meeting.

114 [(12) Six] (11) Seven members constitute a quorum at any meeting, and the action of a
115 majority of members present is the action of the board.

116 [(13)] (12) (a) (i) A member who is not a government employee [~~shall~~] may not receive
117 [~~no~~] compensation or benefits for the member's [~~services~~] service, but may receive per diem
118 and expenses incurred in the performance of the member's official duties at the rates
119 established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

120 (ii) A member may decline to receive per diem and expenses for the member's service.

121 (b) (i) A state government officer and employee member who does not receive salary,
122 per diem, or expenses from the agency the member represents for the member's service may
123 receive per diem and expenses incurred in the performance of the member's official duties
124 [~~from the board~~] at the rates established by the Division of Finance under Sections 63A-3-106
125 and 63A-3-107.

126 (ii) A state government officer and employee member may decline to receive per diem
127 and expenses for the member's service.

128 (c) (i) A local government member who does not receive salary, per diem, or expenses
129 from the entity that the member represents for the member's service may receive per diem and
130 expenses incurred in the performance of the member's official duties at the rates established by
131 the Division of Finance under Sections 63A-3-106 and 63A-3-107.

132 (ii) A local government member may decline to receive per diem and expenses for the
133 member's service.

134 Section 3. Section **19-6-601** is amended to read:

135 **Part 6. Lead Acid Battery Disposal Act**

136 **19-6-601. Definition.**

137 (1) This part is known as the "Lead Acid Battery Disposal Act."

138 (2) As used in this part, "board" means the Solid and Hazardous Waste Control Board
139 appointed under [~~Title 19;~~] Chapter 6, Hazardous Substances.

Legislative Review Note
as of 2-10-10 12:17 PM

Office of Legislative Research and General Counsel

H.B. 456 - Amendments to Department of Environmental Quality

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
