

28 19-2-104, as last amended by Laws of Utah 2011, Chapter 174

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

31 Section 1. Section 19-2-104 is amended to read:

32 **19-2-104. Powers of board.**

33 (1) The board may make rules in accordance with Title 63G, Chapter 3, Utah  
34 Administrative Rulemaking Act:

35 (a) regarding the control, abatement, and prevention of air pollution from all sources  
36 and the establishment of the maximum quantity of air contaminants that may be emitted by any  
37 air contaminant source;

38 (b) establishing air quality standards;

39 (c) requiring persons engaged in operations which result in air pollution to:

40 (i) install, maintain, and use emission monitoring devices, as the board finds necessary;

41 (ii) file periodic reports containing information relating to the rate, period of emission,  
42 and composition of the air contaminant; and

43 (iii) provide access to records relating to emissions which cause or contribute to air  
44 pollution;

45 (d) (i) implementing [15 U.S.C.A. 2601 et seq. Toxic Substances Control Act,  
46 Subchapter II - Asbestos Hazard Emergency Response, and reviewing and approving];

47 (A) Toxic Substances Control Act, Subchapter II, Asbestos Hazard Emergency  
48 Response, 15 U.S.C. 2601 et seq.;

49 (B) 40 C.F.R. Part 763, Asbestos; and

50 (C) 40 C.F.R. Part 61, National Emission Standards for Hazardous Air Pollutants,  
51 Subpart M, National Emission Standard for Asbestos; and

52 (ii) ~~H~~→ [governing] reviewing and approving ←~~H~~ asbestos management plans submitted  
52a by local education agencies under

53 [that act] the Toxic Substances Control Act, Subchapter II, Asbestos Hazard Emergency  
54 Response, 15 U.S.C. 2601 et seq.;

55 (e) establishing a requirement for a diesel emission opacity inspection and maintenance  
56 program for diesel-powered motor vehicles;

57 (f) implementing an operating permit program as required by and in conformity with  
58 Titles IV and V of the federal Clean Air Act Amendments of 1990;

121 each existing source which by modification will increase emissions or have the potential of  
 122 increasing emissions by 100 tons per year or more of any air contaminant, to pay a fee  
 123 sufficient to cover the reasonable costs of:

124 (i) reviewing and acting upon the notice required under Section 19-2-108; and  
 125 (ii) implementing and enforcing requirements placed on the sources by any approval  
 126 order issued pursuant to notice, not including any court costs associated with any enforcement  
 127 action;

128 (p) assess and collect noncompliance penalties as required in Section 120 of the federal  
 129 Clean Air Act, 42 U.S.C. Sec. 7420;

130 (q) meet the requirements of federal air pollution laws;

131 (r) ~~H~~→ **by rule**, ←~~H~~ establish work practice, certification, and clearance air sampling  
 131a requirements for

132 persons who:

133 (i) contract for hire to conduct demolition, renovation, salvage, encapsulation work  
 134 involving friable asbestos-containing materials, or asbestos inspections[;] if:

135 (A) the contract work is done on a site other than a residential property with four or  
 136 fewer units; or

137 (B) the contract work is done on a residential property with four or fewer units where a  
 138 tested sample contained greater than 1% of asbestos;

139 (ii) conduct work described in Subsection (3)(r)(i) in areas to which the general public  
 140 has unrestrained access or in school buildings that are subject to the federal Asbestos Hazard  
 141 Emergency Response Act of 1986;

142 (iii) conduct asbestos inspections in facilities subject to 15 U.S.C.A. 2601 et seq.,  
 143 Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response; or

144 (iv) conduct lead paint inspections in facilities subject to 15 U.S.C.A. 2601 et seq.,  
 145 Toxic Substances Control Act, Subchapter IV -- Lead Exposure Reduction;

146 (s) establish certification requirements for persons required under 15 U.S.C.A. 2601 et  
 147 seq., Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response, to  
 148 be accredited as inspectors, management planners, abatement project designers, asbestos  
 149 abatement contractors and supervisors, or asbestos abatement workers;

150 (t) establish certification requirements for asbestos project monitors, which shall  
 151 provide for experience-based certification of persons who, prior to establishment of the

152 certification requirements, had received relevant asbestos training, as defined by rule, and had  
 153 acquired at least 1,000 hours of experience as project monitors;

154 (u) establish certification procedures and requirements for certification of the  
 155 conversion of a motor vehicle to a clean-fuel vehicle, certifying the vehicle is eligible for the  
 156 tax credit granted in Section 59-7-605 or 59-10-1009;

157 (v) establish a program to certify private sector air quality permitting professionals  
 158 (AQPP), as described in Section 19-2-109.5;

159 (w) establish certification requirements for persons required under 15 U.S.C.A. 2601 et  
 160 seq., Toxic Control Act, Subchapter IV -- Lead Exposure Reduction, to be accredited as  
 161 inspectors, risk assessors, supervisors, project designers, or abatement workers; and

162 (x) assist the State Board of Education in adopting school bus idling reduction  
 163 standards and implementing an idling reduction program in accordance with Section  
 164 41-6a-1308.

165 (4) Any rules adopted under this chapter shall be consistent with provisions of federal  
 166 laws, if any, relating to control of motor vehicles or motor vehicle emissions.

167 (5) Nothing in this chapter authorizes the board to require installation of or payment for  
 168 any monitoring equipment by the owner or operator of a source if the owner or operator has  
 169 installed or is operating monitoring equipment that is equivalent to equipment which the board  
 170 would require under this section.

171 (6) (a) The board may not require testing for asbestos or related materials on a  
 172 residential property with four or fewer units[-], unless:

173 (i) the property's construction was completed before January 1, 1981; or

174 (ii) the testing is for:

175 (A) a sprayed acoustical ceiling;

176 (B) transite siding;

177 (C) ~~H→~~ [vinyl-asbestos] vinyl ~~←H~~ floor tile;

178 (D) thermal-system insulation or tape on a duct or furnace; or

179 (E) vermiculite ~~H→~~ [insulated-type] type insulation ~~←H~~ materials.

180 (b) A residential property with four or fewer units is subject to an abatement rule made  
 181 under Subsection (1) ~~H→~~ or (3)(r) ~~←H~~ if:

182 (i) a sample from the property is tested for asbestos; and