

AIR QUALITY REVISIONS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill modifies the rulemaking authority of the Division of Air Quality.

Highlighted Provisions:

This bill:

▶ authorizes the Division of Air Quality to create rules that are more stringent than corresponding federal regulations if additional regulations will provide added protections to public health and the environment; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-2-106, as renumbered and amended by Laws of Utah 1991, Chapter 112

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

Section 1. Section **19-2-106** is amended to read:

19-2-106. Rulemaking authority and procedure.

(1) [~~Except as provided in Subsection (2), no rule which the~~] In carrying out the duties



28 of Section 19-2-104, the board [~~makes~~] may make rules for the purpose of administering a
29 program under the federal Clean Air Act [~~may be~~] more stringent than the corresponding
30 federal regulations which address the same circumstances[-] if:

31 (a) the board holds a public comment period, as described in Title 63G, Chapter 3,
32 Utah Administrative Rulemaking Act, and a public hearing; and

33 (b) the board finds that the more stringent rule will provide ~~H→~~ **[essential]**

33a1 ~~S→~~ **[reasonable]** ~~←S~~ ~~←H~~

33a ~~S→~~ **[added] evidence based** ~~←S~~ protections

34 to public health or the environment of the state or a particular region of the state.

35 (2) The findings described in Subsection (1)(b) shall ~~H→~~ **be** ~~←H~~ :

36 (a) ~~H→~~ **[be]** ~~←H~~ in writing; and

37 (b) ~~H→~~ **[refer to the] based on** ~~←H~~ evidence, studies, or other information contained
37a in the record ~~H→~~ **[that**

38 **forms the basis for the board's decision]** ~~←H~~ .

39 (3) In making rules, the board may incorporate by reference corresponding federal
40 regulations.

41 ~~[(2) The board may make rules more stringent than corresponding federal regulations~~
42 ~~for the purpose described in Subsection (1), only if it makes a written finding after public~~
43 ~~comment and hearing and based on evidence in the record, that corresponding federal~~
44 ~~regulations are not adequate to protect public health and the environment of the state. Those~~
45 ~~findings shall be accompanied by an opinion referring to and evaluating the public health and~~
46 ~~environmental information and studies contained in the record which form the basis for the~~
47 ~~board's conclusion.]~~

Legislative Review Note
as of 2-7-14 3:27 PM

Office of Legislative Research and General Counsel