

**AIR CONTAMINANT DEFINITION CHANGE**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jerry B. Anderson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies Title 19, Environmental Quality Code, Chapter 2, Air Conservation Act, by amending definitions.

**Highlighted Provisions:**

This bill:

- ▶ amends the definition of "air contaminant" to clarify that natural components of the atmosphere do not constitute a contaminant; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**19-2-102**, as last amended by Laws of Utah 2012, Chapter 360

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

Section 1. Section **19-2-102** is amended to read:

**19-2-102. Definitions.**

As used in this chapter:



28 (1) (a) "Air contaminant" means any particulate matter or any gas, vapor, suspended  
29 solid, or any combination of them~~[, excluding steam and water vapors]~~.

30 (b) "Air contaminant" does not mean the natural components of the atmosphere,  
31 including nitrogen, oxygen, argon, and other noble gases, water vapor, steam, and carbon  
32 dioxide in amounts less than 500 parts per million, or any combination of them.

33 (2) "Air contaminant source" means all sources of emission of air contaminants  
34 whether privately or publicly owned or operated.

35 (3) "Air pollution" means the presence in the ambient air of one or more air  
36 contaminants in the quantities and duration and under conditions and circumstances as is or  
37 tends to be injurious to human health or welfare, animal or plant life, or property, or would  
38 unreasonably interfere with the enjoyment of life or use of property, as determined by the rules  
39 adopted by the board.

40 (4) "Ambient air" means the surrounding or outside air.

41 (5) "Asbestos" means the asbestiform varieties of serpentine (chrysotile), riebeckite  
42 (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite.

43 (6) "Asbestos-containing material" means any material containing more than 1%  
44 asbestos, as determined using the method adopted in 40 CFR Part 61, Subpart M, National  
45 Emission Standard for Asbestos.

46 (7) "Asbestos inspection" means an activity undertaken to determine the presence or  
47 location, or to assess the condition of, asbestos-containing material or suspected  
48 asbestos-containing material, whether by visual or physical examination, or by taking samples  
49 of the material.

50 (8) (a) "Board" means the Air Quality Board.

51 (b) "Board" means, as used in Sections 19-2-123 through 19-2-126, the Air Quality  
52 Board or the Water Quality Board.

53 (9) "Clean school bus" has the same meaning as defined in 42 U.S.C. Sec. 16091.

54 (10) "Director" means the director of the Division of Air Quality.

55 (11) "Division" means the Division of Air Quality, created in Subsection  
56 19-1-105(1)(a).

57 (12) (a) "Facility" means machinery, equipment, structures, or any part or accessories  
58 of them, installed or acquired for the primary purpose of controlling or disposing of air

59 pollution.

60 (b) "Facility" does not include an air conditioner, fan, or other similar facility for the  
61 comfort of personnel.

62 (13) "Friable asbestos-containing material" means any material containing more than  
63 1% asbestos, as determined using the method adopted in 40 CFR Part 61, Subpart M, National  
64 Emission Standard for Asbestos, that hand pressure can crumble, pulverize, or reduce to  
65 powder when dry.

66 (14) "Indirect source" means a facility, building, structure, or installation which attracts  
67 or may attract mobile source activity that results in emissions of a pollutant for which there is a  
68 national standard.

69 (15) (a) "Pollution control facility" or "facility" means, as used in Sections 19-2-123  
70 through 19-2-126, any land, structure, building, installation, excavation, machinery, equipment,  
71 or device, or any addition to, reconstruction, replacement or improvement of, land or an  
72 existing structure, building, installation, excavation, machinery, equipment, or device  
73 reasonably used, erected, constructed, acquired, or installed by any person if the primary  
74 purpose of the use, erection, construction, acquisition, or installation is the prevention, control,  
75 or reduction of air or water pollution by:

76 (i) the disposal or elimination of or redesign to eliminate waste and the use of treatment  
77 works for industrial waste as defined in Title 19, Chapter 5, Water Quality Act; or

78 (ii) the disposal, elimination, or reduction of or redesign to eliminate or reduce air  
79 contaminants or air pollution or air contamination sources and the use of air cleaning devices.

80 (b) "Pollution control facility" or "facility" does not include air conditioners, septic  
81 tanks, or other facilities for human waste, nor any property installed, constructed, or used for  
82 the moving of sewage to the collection facilities of a public or quasi-public sewerage system.

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**Legislative Review Note**  
**as of 10-25-13 9:48 AM**

**Office of Legislative Research and General Counsel**