

AIR QUALITY REVISIONS

2015 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 ~~Ĥ~~→ [more stringent]

different ←Ĥ 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) ~~Ĥ~~→ **(a)** ←Ĥ [~~Except as provided in Subsection (2), no rule which the~~] In carrying out the

duties



H.B. 226

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~~] ~~H→~~ **[more stringent] different ←H** than the
 29a corresponding
 30 federal regulations which address the same circumstances[-] if:
 31 ~~S→~~ ~~(a)~~ **(i) ←S** the board holds a public comment period, as described in Title 63G, Chapter
 31a 3,
 32 Utah Administrative Rulemaking Act, and a public hearing; and
 33 ~~S→~~ ~~(b)~~ **(ii) ←S** the board finds that the ~~H→~~ **[more stringent] different ←H** rule will
 33a provide reasonable
 33a added
 34 protections to public health or the environment of the state or a particular region of the state.
 34a ~~S→~~ **(b) The board shall consider the differences between an industry that continuously**
 34b **produces emissions and an industry that episodically produces emissions, and make rules that**
 34c **reflect those differences. ←S**
 35 (2) The findings described in Subsection ~~S→~~ ~~(1)(b)~~ **(1)(a)(ii) ←S** shall be:
 36 (a) in writing; and
 37 (b) based on evidence, studies, or other information contained in the record ~~H→~~ **that relates**
 37a **to the state of Utah and type of source involved ←H** .
 38 (3) In making rules, the board may incorporate by reference corresponding federal
 39 regulations.
 40 ~~[(2) The board may make rules more stringent than corresponding federal regulations~~
 41 ~~for the purpose described in Subsection (1), only if it makes a written finding after public~~
 42 ~~comment and hearing and based on evidence in the record, that corresponding federal~~
 43 ~~regulations are not adequate to protect public health and the environment of the state. Those~~
 44 ~~findings shall be accompanied by an opinion referring to and evaluating the public health and~~
 45 ~~environmental information and studies contained in the record which form the basis for the~~
 46 ~~board's conclusion.]~~

Legislative Review Note
 as of 8-5-14 2:56 PM

Office of Legislative Research and General Counsel