

AIR QUALITY TECHNICAL AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Timothy D. Hawkes

Senate Sponsor: _____

LONG TITLE

General Description:

This bill moves two sections of the Environmental Quality Code.

Highlighted Provisions:

This bill:

- ▶ moves two sections of the Environmental Quality Code; and
- ▶ creates a new chapter in the Environmental Quality Code.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

19-2a-101, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

19-2a-102, (Renumbered from 19-2-128, as enacted by Laws of Utah 2017, Chapter 140)

19-2a-103, (Renumbered from 19-2-129, as enacted by Laws of Utah 2017, Chapter 395)

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



28 Section 1. Section 19-2a-101 is enacted to read:

29 CHAPTER 2a. AIR QUALITY - SPECIAL PROVISIONS

30 19-2a-101. Title.

31 This chapter is known as "Air Quality - Special Provisions."

32 Section 2. Section 19-2a-102, which is renumbered from Section 19-2-128 is
33 renumbered and amended to read:

34 [19-2-128]. 19-2a-102. Air Quality Policy Advisory Board created --
35 Composition -- Responsibility -- Terms of office -- Compensation.

36 (1) There is created the Air Quality Policy Advisory Board consisting of the following
37 10 voting members:

- 38 (a) two members of the Senate, appointed by the president of the Senate;
- 39 (b) three members of the House of Representatives, appointed by the speaker of the
40 House of Representatives;
- 41 (c) the director;
- 42 (d) one representative of industry interests, appointed by the president of the Senate;
- 43 (e) one representative of business or economic development interests, appointed by the
44 speaker of the House of Representatives, who has expertise in air quality matters;
- 45 (f) one representative of the academic community, appointed by the governor, who has
46 expertise in air quality matters; and
- 47 (g) one representative of a nongovernmental organization, appointed by the governor,

48 who:

- 49 (i) represents community interests;
- 50 (ii) does not represent industry or business interests; and
- 51 (iii) has expertise in air quality matters.

52 (2) The Air Quality Policy Advisory Board shall:

- 53 (a) seek the best available science to identify legislative actions to improve air quality;
- 54 (b) identify and prioritize potential legislation and funding that will improve air
55 quality; and
- 56 (c) make recommendations to the Legislature on how to improve air quality in the
57 state.

58 (3) (a) Except as required by Subsection (3)(b), members appointed under Subsections

59 (1)(d), (e), (f), and (g) are appointed to serve four-year terms.

60 (b) Notwithstanding the requirements of Subsection (3)(a), the governor, president of
61 the Senate, and speaker of the House of Representatives shall, at the time of appointment or
62 reappointment, adjust the length of terms to ensure that the terms of members are staggered so
63 that approximately half of the advisory board is appointed every two years.

64 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
65 appointed for the unexpired term.

66 (4) The advisory board shall elect one member to serve as chair of the advisory board
67 for a term of one year.

68 (5) Compensation for a member of the advisory board who is a legislator shall be paid
69 in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator
70 Compensation.

71 (6) A member of the advisory board who is not a legislator may not receive
72 compensation or benefits for the member's service, but may receive per diem and travel
73 expenses in accordance with:

74 (a) Section 63A-3-106;

75 (b) Section 63A-3-107; and

76 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
77 63A-3-107.

78 (7) The department shall provide staff support for the advisory board.

79 Section 3. Section 19-2a-103, which is renumbered from Section 19-2-129 is
80 renumbered and amended to read:

81 ~~[19-2-129]~~. **19-2a-103. Gasoline vapor recovery -- Penalties.**

82 (1) As used in this section:

83 (a) "Gasoline cargo tank" means a tank that:

84 (i) is intended to hold gasoline;

85 (ii) has a capacity of 1,000 gallons or more; and

86 (iii) is attached to or intended to be drawn by a motor vehicle.

87 (b) "Operator" means an individual who controls a motor vehicle:

88 (i) to which a gasoline cargo tank is attached; or

89 (ii) that draws a gasoline cargo tank.

90 (c) "Underground storage tank" means the same as that term is defined in Section
91 19-6-102.

92 (2) The operator of a gasoline cargo tank shall comply with requirements of this
93 section if the operator:

- 94 (a) permits the loading of gasoline into the gasoline cargo tank; or
- 95 (b) loads an underground storage tank with gasoline from the gasoline cargo tank.

96 (3) Except as provided in Subsection (6), the operator of a gasoline cargo tank may
97 permit the loading of gasoline into a tank described in Subsection (2) or load an underground
98 storage tank with gasoline from the gasoline cargo tank described in Subsection (1) only if:

99 (a) emissions from the tank that dispenses 10,000 gallons or more in any one calendar
100 month are controlled by the use of:

101 (i) a properly installed and maintained vapor collection and control system that is
102 equipped with fittings that:

- 103 (A) make a vapor-tight connection; and
 - 104 (B) prevent the release of gasoline vapors by automatically closing upon disconnection;
- 105 and

106 (ii) submerged filling or bottom filling methods; and
107 (b) the resulting vapor emitted into the air does not exceed the levels described in
108 Subsection (4).

109 (4) Vapor emitted into the air as a result of the loading of a tank under Subsection (3)
110 may not exceed 0.640 pounds per 1,000 gallons transferred.

111 (5) (a) The department may fine an operator who violates this section:

- 112 (i) up to \$1,000 for a first offense; or
- 113 (ii) up to \$2,000 for a second offense.

114 (b) An operator who violates this section is guilty of a class C misdemeanor for a third
115 or subsequent offense.

116 (6) If a facility at which an underground storage tank is located does not have the
117 equipment necessary for an operator of a gasoline cargo tank to comply with Subsection (3),
118 the operator is excused from the requirements of Subsections (3) and (4) and may not be fined
119 or penalized under Subsection (5).

Legislative Review Note
Office of Legislative Research and General Counsel