

ENVIRONMENTAL QUALITY MONITORING AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: Francis D. Gibson

LONG TITLE

General Description:

This bill modifies provisions relating to the duties of the Department of Environmental Quality.

Highlighted Provisions:

This bill:

▸ directs the Department of Environmental Quality to establish and maintain monitoring facilities to measure environmental impacts from inland port development and to report the results of the monitoring.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-1-201, as last amended by Laws of Utah 2018, Chapter 200

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

Section 1. Section **19-1-201** is amended to read:

19-1-201. Powers and duties of department -- Rulemaking authority --

Committee.



28 (1) The department shall:

29 (a) enter into cooperative agreements with the Department of Health to delineate
30 specific responsibilities to assure that assessment and management of risk to human health
31 from the environment are properly administered;

32 (b) consult with the Department of Health and enter into cooperative agreements, as
33 needed, to ensure efficient use of resources and effective response to potential health and safety
34 threats from the environment, and to prevent gaps in protection from potential risks from the
35 environment to specific individuals or population groups;

36 (c) coordinate implementation of environmental programs to maximize efficient use of
37 resources by developing, in consultation with local health departments, a Comprehensive
38 Environmental Service Delivery Plan that:

39 (i) recognizes that the department and local health departments are the foundation for
40 providing environmental health programs in the state;

41 (ii) delineates the responsibilities of the department and each local health department
42 for the efficient delivery of environmental programs using federal, state, and local authorities,
43 responsibilities, and resources;

44 (iii) provides for the delegation of authority and pass through of funding to local health
45 departments for environmental programs, to the extent allowed by applicable law, identified in
46 the plan, and requested by the local health department; and

47 (iv) is reviewed and updated annually;

48 (d) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
49 Rulemaking Act, as follows:

50 (i) for a board created in Section 19-1-106, rules regarding:

51 (A) board meeting attendance; and

52 (B) conflicts of interest procedures; and

53 (ii) procedural rules that govern:

54 (A) an adjudicative proceeding, consistent with Section 19-1-301; and

55 (B) a special adjudicative proceeding, consistent with Section 19-1-301.5; and

56 (e) ensure that any training or certification required of a public official or public
57 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
58 22, State Training and Certification Requirements, if the training or certification is required:

- 59 (i) under this title;
- 60 (ii) by the department; or
- 61 (iii) by an agency or division within the department.
- 62 (2) The department shall establish a committee that consists of:
- 63 (a) the executive director or the executive director's designee;
- 64 (b) two representatives of the department appointed by the executive director; and
- 65 (c) three representatives of local health departments appointed by a group of all the
- 66 local health departments in the state.
- 67 (3) The committee established in Subsection (2) shall:
- 68 (a) review the allocation of environmental quality resources between the department
- 69 and the local health departments;
- 70 (b) evaluate department policies that affect local health departments;
- 71 (c) consider policy changes proposed by the department or by local health departments;
- 72 (d) coordinate the implementation of environmental quality programs to maximize
- 73 environmental quality resources; and
- 74 (e) review each department application for any grant from the federal government that
- 75 affects a local health department before the department submits the application.
- 76 (4) The committee shall create bylaws to govern the committee's operations.
- 77 (5) The department may:
- 78 (a) investigate matters affecting the environment;
- 79 (b) investigate and control matters affecting the public health when caused by
- 80 environmental hazards;
- 81 (c) prepare, publish, and disseminate information to inform the public concerning
- 82 issues involving environmental quality;
- 83 (d) establish and operate programs, as authorized by this title, necessary for protection
- 84 of the environment and public health from environmental hazards;
- 85 (e) use local health departments in the delivery of environmental health programs to
- 86 the extent provided by law;
- 87 (f) enter into contracts with local health departments or others to meet responsibilities
- 88 established under this title;
- 89 (g) acquire real and personal property by purchase, gift, devise, and other lawful

90 means;

91 (h) prepare and submit to the governor a proposed budget to be included in the budget
92 submitted by the governor to the Legislature;

93 (i) (i) establish a schedule of fees that may be assessed for actions and services of the
94 department according to the procedures and requirements of Section 63J-1-504; and

95 (ii) in accordance with Section 63J-1-504, all fees shall be reasonable, fair, and reflect
96 the cost of services provided;

97 (j) prescribe by rule reasonable requirements not inconsistent with law relating to
98 environmental quality for local health departments;

99 (k) perform the administrative functions of the boards established by Section 19-1-106,
100 including the acceptance and administration of grants from the federal government and from
101 other sources, public or private, to carry out the board's functions;

102 (l) upon the request of any board or a division director, provide professional, technical,
103 and clerical staff and field and laboratory services, the extent of which are limited by the funds
104 available to the department for the staff and services; and

105 (m) establish a supplementary fee, not subject to Section 63J-1-504, to provide service
106 that the person paying the fee agrees by contract to be charged for the service in order to
107 efficiently utilize department resources, protect department permitting processes, address
108 extraordinary or unanticipated stress on permitting processes, or make use of specialized
109 expertise.

110 (6) In providing service under Subsection (5)(m), the department may not provide
111 service in a manner that impairs any other person's service from the department.

112 (7) (a) As used in this Subsection (7):

113 (i) "Environmental impacts" means:

114 (A) impacts on air quality, including impacts associated with air emissions;

115 (B) impacts on water quality, including impacts associated with storm water runoff;

116 and

117 (C) increases in the level of sound and light.

118 (ii) "Inland port" means the same as that term is defined in Section 11-58-102.

119 (iii) "Inland port area" means the area in and around the inland port that bears the
120 environmental impacts of destruction, construction, development, and operational activities

121 within the inland port.

122 (iv) "Monitoring facilities" means:

123 (A) for monitoring air quality, a sensor system consisting of monitors to measure levels
124 of research-grade particulate matter, ozone, and oxides of nitrogen, and data logging equipment
125 with internal data storage which are interconnected at all times to capture air quality readings
126 and store data;

127 (B) for monitoring water quality, facilities to collect groundwater samples, including in
128 existing conveyances and outfalls, to evaluate sediment, metals, organics, and nutrients due to
129 storm water;

130 (C) for sound monitoring, sound level sensors coupled with data loggers; and

131 (D) for light monitoring, light level sensors to detect light intensity fluctuations,
132 coupled with data loggers.

133 (b) The department shall:

134 (i) develop and implement a sampling and analysis plan to:

135 (A) characterize the environmental baseline for air quality, water quality, sound, and
136 light in the inland port area; and

137 (B) define the frequency, parameters, and locations for monitoring;

138 (ii) establish and maintain monitoring facilities to measure the environmental impacts
139 in the inland port area arising from destruction, construction, development, and operational
140 activities within the inland port;

141 (iii) publish the monitoring data on the department's website; and

142 (iv) provide at least annually before November 30 a written report summarizing the
143 monitoring data to:

144 (A) the Utah Inland Port Authority board, established under Title 11, Chapter 58, Part
145 3, Port Authority Board; and

146 (B) the Legislative Management Committee.