

SB0144S01 compared with SB0144

~~deleted text~~ shows text that was in SB0144 but was deleted in SB0144S01.

Inserted text shows text that was not in SB0144 but was inserted into SB0144S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Luz Escamilla proposes the following substitute bill:

ENVIRONMENTAL QUALITY MONITORING AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: _____

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

SB0144S01 compared with SB0144

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.

(1) The department shall:

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

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

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

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

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

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

(iv) is reviewed and updated annually;

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

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

SB0144S01 compared with SB0144

- (A) board meeting attendance; and
- (B) conflicts of interest procedures; and
- (ii) procedural rules that govern:
 - (A) an adjudicative proceeding, consistent with Section 19-1-301; and
 - (B) a special adjudicative proceeding, consistent with Section 19-1-301.5; and
 - (e) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:
 - (i) under this title;
 - (ii) by the department; or
 - (iii) by an agency or division within the department.
- (2) The department shall establish a committee that consists of:
 - (a) the executive director or the executive director's designee;
 - (b) two representatives of the department appointed by the executive director; and
 - (c) three representatives of local health departments appointed by a group of all the local health departments in the state.
- (3) The committee established in Subsection (2) shall:
 - (a) review the allocation of environmental quality resources between the department and the local health departments;
 - (b) evaluate department policies that affect local health departments;
 - (c) consider policy changes proposed by the department or by local health departments;
 - (d) coordinate the implementation of environmental quality programs to maximize environmental quality resources; and
 - (e) review each department application for any grant from the federal government that affects a local health department before the department submits the application.
- (4) The committee shall create bylaws to govern the committee's operations.
- (5) The department may:
 - (a) investigate matters affecting the environment;
 - (b) investigate and control matters affecting the public health when caused by environmental hazards;
 - (c) prepare, publish, and disseminate information to inform the public concerning

SB0144S01 compared with SB0144

issues involving environmental quality;

(d) establish and operate programs, as authorized by this title, necessary for protection of the environment and public health from environmental hazards;

(e) use local health departments in the delivery of environmental health programs to the extent provided by law;

(f) enter into contracts with local health departments or others to meet responsibilities established under this title;

(g) acquire real and personal property by purchase, gift, devise, and other lawful means;

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

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

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

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

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

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

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

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

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

SB0144S01 compared with SB0144

(i) "Environmental impacts" means:

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

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

and;

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

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

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

(iv) "Monitoring facilities" means:

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

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

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

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

‡ (b) The department shall:

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

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

(B) characterize the environmental baseline for only air quality for the Salt Lake International Airport; and

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

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

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

SB0144S01 compared with SB0144

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

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

(B) the Legislative Management Committee.