

1 **CONSTRUCTION OR DEMOLITION MATERIALS**

2 **AMENDMENTS**

3 2020 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Luz Escamilla**

6 House Sponsor: _____

7

LONG TITLE

8 **General Description:**

9 This bill addresses construction and demolition materials.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ requires the Department of Environmental Quality to develop model ordinances
- 13 related to diversion rates for construction or demolition materials; and
- 14 ▶ makes technical amendments.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **19-1-201**, as last amended by Laws of Utah 2019, Chapter 338

22

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

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

24 **19-1-201. Powers and duties of department -- Rulemaking authority --**

25 **Committee -- Monitoring environmental impacts of inland port -- Model ordinances.**



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~~ use 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; and

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

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

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

120 (iv) "Monitoring facilities" means:

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

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

128 (b) The department shall:

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

130 (A) characterize the environmental baseline for air quality and water quality in the
131 inland port area;

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

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

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

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

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

141 (A) the Utah Inland Port Authority board, established under Title 11, Chapter 58, Part
142 3, Port Authority Board; and

143 (B) the Legislative Management Committee.

144 (8) (a) As used in this Subsection (8):

145 (i) "Construction or demolition materials" means building materials, packaging, and
146 rubble resulting from construction, demolition, remodeling, and repair of pavements, houses,
147 commercial buildings and other structures, and from road building and land clearing that may
148 be:

149 (A) recycled; or

150 (B) converted to scrap that is processed material for use in new products.

151 (ii) "Diversion rate" means the total amount, reflected as a percentage, of material

152 diverted from disposal through methods including waste prevention, recycling, or reuse.

153 (iii) "Municipality" means a city, town, or metro township.

154 (b) On or before December 31, 2020, the department shall create one or more model
155 ordinances, that a municipality may adopt or modify to require:

156 (i) a range of diversion rates of construction or demolition materials from 50% to 75%,
157 as determined by the department, and measured by weight; and

158 (ii) a percentage of reuse of construction or demolition materials of 10% measured by
159 weight.

160 (c) The one or more model ordinances created under this Subsection (8) shall be
161 reasonable and take into account issues such as the availability in a geographic area of services
162 for recycling.

163 (d) Throughout the development of a model ordinance, the department shall consult
164 with:

165 (i) the League of Cities and Towns;

166 (ii) the Utah Association of Counties;

167 (iii) private and public waste services; and

168 (iv) building construction and management personnel.