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AIR QUALITY POLICY AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: Stephen G. Handy

LONG TITLE

General Description:

This bill addresses the makeup and responsibilities of the Air Quality Policy Advisory Board and requires a study by the Department of Environmental Quality.

Highlighted Provisions:

This bill:

- ▶ expands the makeup of the Air Quality Policy Advisory Board;
- ▶ defines terms;
- ▶ requires the Air Quality Policy Advisory Board to oversee a study conducted by the Department of Environmental Quality and make recommendations on a diesel emissions reduction plan framework;
- ▶ provides for reporting;
- ▶ includes a repeal date; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-2a-102, as last amended by Laws of Utah 2021, Chapter 69



28 **63I-2-219**, as last amended by Laws of Utah 2021, Chapters 64 and 71

29 ENACTS:

30 **19-2a-102.5**, Utah Code Annotated 1953

31

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

33 Section 1. Section **19-2a-102** is amended to read:

34 **19-2a-102. Air Quality Policy Advisory Board.**

35 (1) There is created the Air Quality Policy Advisory Board consisting of the following
36 [~~12~~] 13 voting members:

- 37 (a) two members of the Senate, appointed by the president of the Senate;
- 38 (b) three members of the House of Representatives, appointed by the speaker of the
39 House of Representatives;
- 40 (c) the director;
- 41 (d) one representative of industry interests, appointed by the president of the Senate;
- 42 (e) one representative of business or economic development interests, appointed by the
43 speaker of the House of Representatives, who has expertise in air quality matters;
- 44 (f) one representative of the academic community who has expertise in air quality
45 matters, appointed by the president of the Senate;
- 46 (g) two representatives of the academic community, appointed by the governor, who
47 have expertise in air quality matters; [~~and~~]
- 48 (h) one representative of a nongovernmental organization, appointed by the governor,
49 who:
 - 50 (i) represents community interests;
 - 51 (ii) does not represent industry or business interests; and
 - 52 (iii) has expertise in air quality matters[~~;~~]; and
 - 53 (i) the executive director of the Department of Transportation, or the executive
54 director's designee.

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

- 56 (a) seek the best available science to identify legislative actions to improve air quality;
- 57 (b) identify and prioritize potential legislation and funding that will improve air
58 quality; [~~and~~]

59 (c) make recommendations to the Legislature on how to improve air quality in the
60 state[-]; and

61 (d) in accordance with Section 19-2a-102.5, oversee a study to be conducted by the
62 department and make recommendations to the Legislature on how to implement a Utah diesel
63 emissions reduction program.

64 (3) (a) Except as required by Subsection (3)(b), members appointed under Subsections
65 (1)(d) through (h) are appointed to serve four-year terms.

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

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

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

74 (5) (a) [~~Six~~] Seven members of the advisory board constitutes a quorum of the advisory
75 board.

76 (b) The action of the majority of the advisory board when a quorum is present is the
77 action of the advisory board.

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

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

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

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

86 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
87 63A-3-107.

88 (8) The department shall provide staff support for the advisory board.

89 Section 2. Section 19-2a-102.5 is enacted to read:

90 19-2a-102.5. Emissions reduction plan study and recommendations.

91 (1) As used in this section:

92 (a) "Advisory board" means the Air Quality Policy Advisory Board created in Section
93 19-2a-102.

94 (b) "Disproportionate air quality affected area" means a non-attainment area, as defined
95 in Clean Air Act, Section 107(d)(1)(A)(i), 42 U.S.C. Sec. 7407(d)(1)(A)(i), or a geographic
96 area that, when compared with other areas in the state, is more likely to be found to not meet
97 air quality standards.

98 (c) "Inland port" means a project area as that term is defined in Section 11-58-102.

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

102 (e) "Legislative interim committees" means:

103 (i) the Economic Development and Workforce Services Interim Committee;

104 (ii) the Natural Resources, Agriculture, and Environment Interim Committee; and

105 (iii) the Transportation Interim Committee.

106 (f) (i) "Underserved or underrepresented community" means a group of people,
107 including a municipality, county, or American Indian tribe, that is economically disadvantaged.

108 (ii) "Underserved or underrepresented community" may include an economically
109 disadvantaged community where the people of the community have limited access to or have
110 demonstrated a low level of use of emission reduction programs.

111 (2) (a) With the oversight of the advisory board, the department shall conduct a study
112 in accordance with Subsection (3) and recommend to the advisory board a Utah diesel emission
113 reduction program.

114 (b) The advisory board shall recommend to the Legislature a framework for a Utah
115 diesel emission reduction program in accordance with Subsection (4).

116 (3) The department shall study:

117 (a) the Texas Emission Reduction Plan, Tex. Health & Safety Code Ann., C 386, and
118 other examples of diesel emission reduction programs;

119 (b) potential diesel emission reduction goals from targeted diesel emission sources that
120 apply to specific:

121 (i) on- and off-road diesel vehicles and equipment; and
122 (ii) geographic airsheds;
123 (c) potential diesel emission reduction financial incentive programs;
124 (d) potential revenue sources to fund incentive programs described in Subsection
125 (3)(c); and
126 (e) administrative, evaluation, and reporting responsibilities.
127 (4) (a) The department shall recommend to the advisory board and the advisory board
128 shall recommend to the Legislature a framework of the Utah diesel emission reduction program
129 that includes:
130 (i) diesel emission reduction goals;
131 (ii) financial incentive programs to encourage the reduction of diesel emissions;
132 (iii) revenue sources to fund the financial incentive programs described in Subsection
133 (4)(a)(ii); and
134 (iv) implementation of the Utah diesel emission reduction program, including:
135 (A) which one or more state agencies should administer the Utah diesel emission
136 reduction program;
137 (B) evaluation processes; and
138 (C) reporting requirements.
139 (b) The framework described in this Subsection (4) shall specifically include
140 recommendations for:
141 (i) registration surcharges:
142 (A) related to on- or off-road diesel equipment or vehicles sold, rented, or leased; and
143 (B) that are deposited into and allowed to accumulate in an expendable special revenue
144 fund for purposes related to the Utah diesel emission reduction program;
145 (ii) within an inland port area:
146 (A) a grant program that facilitates the replacement or repowering of diesel engines
147 with the most current generation federal emissions standard engines, clean alternative fuel
148 engines, or electric motors, including for drayage trucks, switcher engines, cargo handling
149 equipment, or container handling equipment;
150 (B) offering inland port access preferences or amenities for interstate long haul trucks
151 with the most current generation federal emissions standard engines, clean alternative fuel

152 engines, or electric motors;

153 (C) use of inland port property tax differential to offer grants, low-interest loans, or
154 other incentives for newly purchased equipment with the most current generation federal
155 emissions standard engines, clean alternative fuel engines, or electric motors; and

156 (D) a program for small business fleet upgrades;

157 (iii) programs to foster new technology implementation, including:

158 (A) a grant program;

159 (B) the expansion of Utah's clean diesel program; or

160 (C) tax credits for cleaner equipment purchases;

161 (iv) financial incentives for the early retirement of heavy-duty diesel equipment and the
162 potential expansion of Title 19, Chapter 2, Part 2, Clean Air Retrofit, Replacement, and
163 Off-road Technology Program; and

164 (v) state construction contract incentives that are awarded to persons who
165 predominately use equipment that has the most current generation federal emissions standard
166 engines, clean alternative fuel engines, or electric motors.

167 (c) The framework described in this Subsection (4) shall provide for programs that
168 directly benefit:

169 (i) rural communities;

170 (ii) inland port areas;

171 (iii) underserved or underrepresented communities; and

172 (iv) disproportionate air quality affected areas.

173 (5) (a) The advisory board shall make an interim report to the interim committees on
174 the status of the study under this section during or before the November interim meetings in
175 2022.

176 (b) The advisory board shall provide a final report to the interim committees of the
177 department's study and the advisory board's recommendations under this section, including any
178 recommended legislation, during or before the November interim meetings in 2023.

179 Section 3. Section **63I-2-219** is amended to read:

180 **63I-2-219. Repeal dates -- Title 19.**

181 (1) Subsections 19-2-109.2(2) through (10), related to the Compliance Advisory Panel,
182 are repealed July 1, 2023.

183 (2) Related to the emissions reduction plan study and recommendations, on July 1,

184 2024:

185 (a) Subsection [19-2a-102\(2\)\(d\)](#), which addresses a study and recommendations for a
186 diesel emissions reduction program, is repealed; and

187 (b) Section [19-2a-102.5](#) is repealed.