

Senator Luz Escamilla proposes the following substitute bill:

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 requires a study by the Department of Environmental Quality.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Department of Environmental Quality to study 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:

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

ENACTS:



26 [19-2a-102.5](#), Utah Code Annotated 1953

27

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

29 Section 1. Section **19-2a-102.5** is enacted to read:

30 **19-2a-102.5. Emissions reduction plan study and recommendations.**

31 (1) As used in this section:

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

36 (b) "Inland port" means a project area as that term is defined in Section [11-58-102](#).

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

40 (d) "Legislative interim committees" means:

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

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

43 (iii) the Transportation Interim Committee.

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

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

49 (2) The department shall conduct a study in accordance with Subsection (3) and
50 recommend to the legislative interim committees a Utah diesel emission reduction program in
51 accordance with Subsection (4).

52 (3) The department shall study:

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

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

- 57 (i) on- and off-road diesel vehicles and equipment; and
58 (ii) geographic airsheds;
59 (c) potential diesel emission reduction financial incentive programs;
60 (d) potential revenue sources to fund incentive programs described in Subsection
61 (3)(c); and
62 (e) administrative, evaluation, and reporting responsibilities.
63 (4) (a) The department shall recommend to the legislative interim committees a
64 framework of the Utah diesel emission reduction program that includes:
65 (i) diesel emission reduction goals;
66 (ii) financial incentive programs to encourage the reduction of diesel emissions;
67 (iii) revenue sources to fund the financial incentive programs described in Subsection
68 (4)(a)(ii); and
69 (iv) implementation of the Utah diesel emission reduction program, including:
70 (A) which one or more state agencies should administer the Utah diesel emission
71 reduction program;
72 (B) evaluation processes; and
73 (C) reporting requirements.
74 (b) The framework described in this Subsection (4) shall specifically include
75 recommendations for:
76 (i) registration surcharges:
77 (A) related to on- or off-road diesel equipment or vehicles sold, rented, or leased; and
78 (B) that are deposited into and allowed to accumulate in an expendable special revenue
79 fund for purposes related to the Utah diesel emission reduction program;
80 (ii) within an inland port area:
81 (A) a grant program that facilitates the replacement or repowering of diesel engines
82 with the most current generation federal emissions standard engines, clean alternative fuel
83 engines, or electric motors, including for drayage trucks, switcher engines, cargo handling
84 equipment, or container handling equipment;
85 (B) offering inland port access preferences or amenities for interstate long haul trucks
86 with the most current generation federal emissions standard engines, clean alternative fuel
87 engines, or electric motors;

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

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

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

93 (A) a grant program;

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

95 (C) tax credits for cleaner equipment purchases;

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

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

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

104 (i) rural communities;

105 (ii) inland port areas;

106 (iii) underserved or underrepresented communities; and

107 (iv) disproportionate air quality affected areas.

108 (5) (a) The department shall make an interim report to the legislative interim
109 committees on the status of the study under this section during or before the November interim
110 meetings in 2022.

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

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

115 **63I-2-219. Repeal dates -- Title 19.**

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

118 (2) Section 19-2a-102.5, addressing a study and recommendations for a diesel emission

119 reduction program, is repealed July 1, 2024.