



29           **19-1-201**, as last amended by Laws of Utah 2020, Chapter 256  
30           **26A-1-115**, as last amended by Laws of Utah 2018, Chapter 330  
31           **26A-1-116**, as last amended by Laws of Utah 1991, Chapter 112 and renumbered and  
32 amended by Laws of Utah 1991, Chapter 269  
33           **26B-1-207**, as renumbered and amended by Laws of Utah 2022, Chapter 255

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

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

37           **19-1-201. Powers and duties of department -- Rulemaking authority --**  
38 **Committee -- Monitoring environmental impacts of inland port.**

39           (1) The department shall:

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

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

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

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

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

55           (iii) provides for the delegation of authority and pass through of funding to local health

56 departments for environmental programs, to the extent allowed by applicable law, identified in  
57 the plan, and requested by the local health department; and

58 (iv) is reviewed and updated annually;

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

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

62 (A) board meeting attendance; and

63 (B) conflicts of interest procedures; and

64 (ii) procedural rules that govern:

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

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

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

70 (i) under this title;

71 (ii) by the department; or

72 (iii) by an agency or division within the department; and

73 (f) subject to Subsection (2), establish annual fees that conform with Title V of the  
74 Clean Air Act for each regulated pollutant as defined in Section 19-2-109.1, applicable to a  
75 source subject to the Title V program.

76 (2) (a) A fee established under Subsection (1)(f) is in addition to a fee assessed under  
77 Subsection (6)(i) for issuance of an approval order.

78 (b) In establishing a fee under Subsection (1)(f), the department shall comply with  
79 Section 63J-1-504 that requires a public hearing and requires the established fee to be  
80 submitted to the Legislature for the Legislature's approval as part of the department's annual  
81 appropriations request.

82 (c) A fee established under this section shall cover the reasonable direct and indirect

83 costs required to develop and administer the Title V program and the small business assistance  
84 program established under Section [19-2-109.2](#).

85 (d) A fee established under Subsection (1)(f) shall be established for all sources subject  
86 to the Title V program and for all regulated pollutants.

87 (e) An emission fee may not be assessed for a regulated pollutant if the emissions are  
88 already accounted for within the emissions of another regulated pollutant.

89 (f) An emission fee may not be assessed for any amount of a regulated pollutant  
90 emitted by any source in excess of 4,000 tons per year of that regulated pollutant.

91 (g) An emission fee shall be based on actual emissions for a regulated pollutant unless  
92 a source elects, before the issuance or renewal of a permit, to base the fee during the period of  
93 the permit on allowable emissions for that regulated pollutant.

94 (h) The fees collected by the department under Subsection (1)(f) and penalties  
95 collected under Subsection [19-2-109.1\(4\)](#) shall be deposited into the General Fund as the Air  
96 Pollution Operating Permit Program dedicated credit to be used solely to pay for the reasonable  
97 direct and indirect costs incurred by the department in developing and administering the  
98 program and the small business assistance program under Section [19-2-109.2](#).

99 (3) The department shall establish a committee that consists of:

100 (a) the executive director or the executive director's designee;

101 (b) two representatives of the department appointed by the executive director; and

102 (c) three representatives of local health departments appointed by a group of all the  
103 local health departments in the state.

104 (4) (a) The committee established in Subsection (3) shall:

105 ~~[(a)]~~ (i) review the allocation of environmental quality resources between the  
106 department and the local health departments, including whether funds allocated by contract  
107 were allocated in accordance with the formula described in Section [26A-1-116](#);

108 ~~[(b)]~~ (ii) evaluate rules and department policies that affect local health departments in  
109 accordance with Subsection (4)(b);

110           ~~[(e)]~~ (iii) consider policy changes proposed by the department or by local health  
111 departments;

112           ~~[(d)]~~ (iv) coordinate the implementation of environmental quality programs to  
113 maximize environmental quality resources; and

114           ~~[(e)]~~ (v) review each department application for any grant from the federal government  
115 that affects a local health department before the department submits the application.

116           (b) When evaluating a policy or rule that affects a local health department, the  
117 committee shall:

118           (i) compute an estimate of the cost a local health department will bear to comply with  
119 the policy or rule;

120           (ii) specify whether there is any funding provided to a local health department to  
121 implement the policy or rule; and

122           (iii) advise whether the policy or rule is still needed.

123           (c) Before November 1 of each year, the department shall provide a report to the  
124 Administrative Rules Review and General Oversight Committee regarding the determinations  
125 made under Subsection (4)(b).

126           (5) The committee shall create bylaws to govern the committee's operations.

127           (6) The department may:

128           (a) investigate matters affecting the environment;

129           (b) investigate and control matters affecting the public health when caused by  
130 environmental hazards;

131           (c) prepare, publish, and disseminate information to inform the public concerning  
132 issues involving environmental quality;

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

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

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

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

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

143 (i) in accordance with Section 63J-1-504, establish a schedule of fees that may be  
144 assessed for actions and services of the department that are reasonable, fair, and reflect the cost  
145 of services provided;

146 (j) for an owner or operator of a source subject to a fee established by Subsection (6)(i)  
147 who fails to timely pay that fee, assess a penalty of not more than 50% of the fee, in addition to  
148 the fee, plus interest on the fee computed at 12% annually;

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

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

154 (m) upon the request of a board or a division director, provide professional, technical,  
155 and clerical staff and field and laboratory services, the extent of which are limited by the  
156 money available to the department for the staff and services; and

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

161 (7) In providing service under Subsection (6)(n), the department may not provide  
162 service in a manner that impairs another person's service from the department.

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

- 164 (i) "Environmental impacts" means:
  - 165 (A) impacts on air quality, including impacts associated with air emissions; and
  - 166 (B) impacts on water quality, including impacts associated with storm water runoff.
- 167 (ii) "Inland port" means the same as that term is defined in Section [11-58-102](#).
- 168 (iii) "Inland port area" means the area in and around the inland port that bears the  
169 environmental impacts of destruction, construction, development, and operational activities  
170 within the inland port.
- 171 (iv) "Monitoring facilities" means:
  - 172 (A) for monitoring air quality, a sensor system consisting of monitors to measure levels  
173 of research-grade particulate matter, ozone, and oxides of nitrogen, and data logging equipment  
174 with internal data storage that are interconnected at all times to capture air quality readings and  
175 store data; and
  - 176 (B) for monitoring water quality, facilities to collect groundwater samples, including in  
177 existing conveyances and outfalls, to evaluate sediment, metals, organics, and nutrients due to  
178 storm water.
- 179 (b) The department shall:
  - 180 (i) develop and implement a sampling and analysis plan to:
    - 181 (A) characterize the environmental baseline for air quality and water quality in the  
182 inland port area;
    - 183 (B) characterize the environmental baseline for only air quality for the Salt Lake  
184 International Airport; and
    - 185 (C) define the frequency, parameters, and locations for monitoring;
  - 186 (ii) establish and maintain monitoring facilities to measure the environmental impacts  
187 in the inland port area arising from destruction, construction, development, and operational  
188 activities within the inland port;
  - 189 (iii) publish the monitoring data on the department's website; and
  - 190 (iv) provide at least annually before November 30 a written report summarizing the

191 monitoring data to:

192 (A) the Utah Inland Port Authority board, established under Title 11, Chapter 58, Part  
193 3, Port Authority Board; and

194 (B) the Legislative Management Committee.

195 Section 2. Section **26A-1-115** is amended to read:

196 **26A-1-115. Apportionment of costs -- Contracts to provide services -- Percentage**  
197 **match of state funds -- Audit.**

198 (1) (a) The cost of establishing and maintaining a multicounty local health department  
199 may be apportioned among the participating counties on the basis of population in proportion  
200 to the total population of all counties within the boundaries of the local health department, or  
201 upon other bases agreeable to the participating counties.

202 (b) Costs of establishing and maintaining a county health department shall be a charge  
203 of the county creating the local health department.

204 (c) Money available from fees, contracts, surpluses, grants, and donations may also be  
205 used to establish and maintain local health departments.

206 (d) As used in this Subsection (1), "population" means population estimates prepared  
207 by the Utah Population Committee.

208 (2) The cost of providing, equipping, and maintaining suitable offices and facilities for  
209 a local health department is the responsibility of participating governing bodies.

210 (3) Local health departments that comply with all department rules and secure advance  
211 approval of proposed service boundaries from the department may by contract receive funds  
212 under Section **26A-1-116** from the department to provide specified public health services.

213 (4) Contract funds distributed under Subsection (3) shall be in accordance with Section  
214 **26A-1-116** and policies and procedures adopted by the department.

215 (5) Department rules shall require that contract funds be used for public health  
216 services and not replace other funds used for local public health services.

217 (6) (a) (i) All state funds distributed by contract from the department to local health



218 departments for public health services shall be matched by those local health departments at a  
219 percentage determined by the department in consultation with local health departments.

220 (ii) Counties shall have no legal obligation to match state funds at percentages in  
221 excess of those established by the department and shall suffer no penalty or reduction in state  
222 funding for failing to exceed the required funding match.

223 (b) By October 1 of each year, the department, in consultation with each local health  
224 department, shall submit a written report to the Social Services Appropriations Subcommittee  
225 describing, for the preceding five fiscal years, each county's annual per capita contribution to a  
226 local health department that is used to meet the minimum performance standards described in  
227 Section 26A-1-106.

228 (c) A county may submit an additional written report separate from the report described  
229 in Subsection (6)(b) to the Social Services Appropriations Subcommittee outlining a county's  
230 contribution to public and community health in the county through other methods that are  
231 additional to the annual per capita contribution described in Subsection (6)(b).

232 (7) (a) Each local health department shall cause an annual financial and compliance  
233 audit to be made of its operations by a certified public accountant. The audit may be conducted  
234 as part of an annual county government audit of the county where the local health department  
235 headquarters are located.

236 (b) The local health department shall provide a copy of the audit report to the  
237 department and the local governing bodies of counties participating in the local health  
238 department.

239 Section 3. Section 26A-1-116 is amended to read:

240 **26A-1-116. Allocation of state funds to local health departments -- Formula.**

241 (1) (a) On or before July 1, 2024, each of the following shall establish in rule a formula  
242 for allocating state funds by contract to local health departments:

243 (i) the department; and

244 (ii) [The Departments of Health and Environmental Quality shall each establish by rule

245 a formula for allocating state funds by contract to local health departments.] the Department of  
246 Environmental Quality.

247 (b) This formula shall provide for allocation of funds based on need.

248 (c) Determination of need shall be based on population unless the department making  
249 the rule establishes by valid and accepted data that other defined factors are relevant and  
250 reliable indicators of need.

251 (d) The formula shall include a differential to compensate for additional costs of  
252 providing services in rural areas.

253 [~~(2)(a) The formulas established under Subsection (1) shall be in effect on or before~~  
254 ~~July 1, 1991.~~]

255 [~~(b)~~] (2) (a) [~~The~~] Except as provided in Subsection (2)(b), the formulas apply to all  
256 state funds appropriated by the Legislature to [the Departments of Health and Environmental  
257 Quality for local health departments.] any of the following for local health department use:

258 (i) the department; or

259 (ii) the Department of Environmental Quality.

260 [~~(c)~~] (b) The formulas do not apply to funds a local health department receives from:

261 (i) sources other than the [~~Departments of Health and~~] department or the Department of  
262 Environmental Quality; [and] or

263 (ii) the [~~Departments of Health and~~] department or the Department of Environmental  
264 Quality:

265 (A) to operate a specific program within the local health department's boundaries  
266 which program is available to all residents of the state;

267 (B) to meet a need that exists only within the local health department's boundaries; and

268 (C) to engage in research projects.

269 Section 4. Section **26B-1-207** is amended to read:

270 **26B-1-207. Policymaking responsibilities -- Regulations for local health**

271 **departments prescribed by department -- Local standards not more stringent than**

272 **federal or state standards -- Consultation with local health departments -- Committee to**  
273 **evaluate health policies and to review federal grants.**

274 (1) In establishing public health policy, the department shall consult with the local  
275 health departments established under Title 26A, Chapter 1, Local Health Departments.

276 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
277 the department may prescribe by administrative rule made in accordance with Title 63G,  
278 Chapter 3, Utah Administrative Rulemaking Act, reasonable requirements not inconsistent  
279 with law for a local health department as defined in Section 26A-1-102.

280 (b) Except where specifically allowed by federal law or state statute, a local health  
281 department, as defined in Section 26A-1-102, may not establish standards or regulations that  
282 are more stringent than those established by federal law, state statute, or administrative rule  
283 adopted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

284 (c) Nothing in this Subsection (2), limits the ability of a local health department to  
285 make standards and regulations in accordance with Subsection 26A-1-121(1)(a) for:

- 286 (i) emergency rules made in accordance with Section 63G-3-304; or
- 287 (ii) items not regulated under federal law, state statute, or state administrative rule.

288 (3) (a) As used in this Subsection (3):

- 289 (i) "Committee" means the committee established under Subsection (3)(b).
- 290 (ii) "Exempt application" means an application for a federal grant that meets the  
291 criteria established under Subsection (3)(c)(iii).
- 292 (iii) "Expedited application" means an application for a federal grant that meets the  
293 criteria established under Subsection (3)(c)(iv).

294 (iv) "Federal grant" means a grant from the federal government that could provide  
295 funds for local health departments to help them fulfill their duties and responsibilities.

296 (v) "Reviewable application" means an application for a federal grant that is not an  
297 exempt application.

298 (b) The department shall establish a committee consisting of:

- 299 (i) the executive director, or the executive director's designee;
- 300 (ii) two representatives of the department, appointed by the executive director; and
- 301 (iii) three representatives of local health departments, appointed by all local health
- 302 departments.
- 303 (c) The committee shall:
- 304 (i) evaluate~~[-(A)]~~ the allocation of public health resources between the department and
- 305 local health departments, including whether funds allocated by contract were allocated in
- 306 accordance with the formula described in Section 26A-1-116; [and]
- 307 ~~[(B)]~~ (ii) evaluate policies and rules that affect local health departments in accordance
- 308 with Subsection (3)(g);
- 309 ~~[(H)]~~ (iii) consider department policy and rule changes proposed by the department or
- 310 local health departments;
- 311 ~~[(I)]~~ (iv) establish criteria by which an application for a federal grant may be judged
- 312 to determine whether it should be exempt from the requirements under Subsection (3)(d); and
- 313 ~~[(J)]~~ (v) establish criteria by which an application for a federal grant may be judged to
- 314 determine whether committee review under Subsection (3)(d)(i) should be delayed until after
- 315 the application is submitted because the application is required to be submitted under a
- 316 timetable that makes committee review before it is submitted impracticable if the submission
- 317 deadline is to be met.
- 318 (d) (i) The committee shall review the goals and budget for each reviewable
- 319 application:
- 320 (A) before the application is submitted, except for an expedited application; and
- 321 (B) for an expedited application, after the application is submitted but before funds
- 322 from the federal grant for which the application was submitted are disbursed or encumbered.
- 323 (ii) Funds from a federal grant under a reviewable application may not be disbursed or
- 324 encumbered before the goals and budget for the federal grant are established by:
- 325 (A) a two-thirds vote of the committee, following the committee review under

326 Subsection (3)(d)(i); or

327 (B) if two-thirds of the committee cannot agree on the goals and budget, the chair of  
328 the health advisory council, after consultation with the committee in a manner that the  
329 committee determines.

330 (e) An exempt application is exempt from the requirements of Subsection (3)(d).

331 (f) The department may use money from a federal grant to pay administrative costs  
332 incurred in implementing this Subsection (3).

333 (g) When evaluating a policy or rule that affects a local health department, the  
334 committee shall determine:

335 (i) whether the department has the authority to promulgate the policy or rule;

336 (ii) an estimate of the cost a local health department will bear to comply with the policy  
337 or rule;

338 (iii) whether there is any funding provided to a local health department to implement  
339 the policy or rule; and

340 (iv) whether the policy or rule is still needed.

341 (h) Before November 1 of each year, the department shall provide a report to the  
342 Administrative Rules Review and General Oversight Committee regarding the determinations  
343 made under Subsection (3)(g).