

ENVIRONMENTAL QUALITY AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses the Environmental Quality Code.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ specifies what acts under the Environmental Quality Code require approval of the coordination council;
- ▶ addresses settlement agreements addressing water quality;
- ▶ modifies the composition of the Air Quality Policy Advisory Board;
- ▶ addresses provisions related to pollution control;
- ▶ modifies the powers of the coordination council; and
- ▶ makes technical and conforming amendments.

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

19-5-104, as last amended by Laws of Utah 2023, Chapter 176



28 [19-5-106](#), as last amended by Laws of Utah 2023, Chapter 176
 29 [19-12-102](#), as last amended by Laws of Utah 2018, Chapter 120
 30 [19-12-201](#), as last amended by Laws of Utah 2015, Chapter 154
 31 [79-1-103](#), as enacted by Laws of Utah 2021, Chapter 280

32 ENACTS:

33 [19-1-209](#), Utah Code Annotated 1953



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

36 Section 1. Section [19-1-209](#) is enacted to read:

37 **[19-1-209](#). Review and approval of acts taken under this title.**

38 (1) As used in this section:

39 (a) "Action settlement agreement" means the same as that term is defined in Section
 40 [63G-10-102](#).

41 (b) "Coordination council" means the council created in Section [79-1-103](#).

42 (c) "Financial settlement agreement" means the same as that term is defined in Section
 43 [63G-10-102](#).

44 (2) The following acts taken under this title may not take effect unless approved by the
 45 coordination council:

46 (a) making, amending, or repealing of a rule;

47 (b) issuing an order;

48 (c) assessing a penalty of \$100,000 or more for a violation of this title;

49 (d) issuing a permit, license, or certificate;

50 (e) taking action against a permit, license, or certificate;

51 (f) submitting a plan to implement this title;

52 (g) publishing a report; or

53 (h) legally binding the state by executing an action settlement agreement or a financial
 54 settlement agreement.

55 (3) In addition to complying with Subsection (2), a department entity making,
 56 amending, or repealing a rule shall comply with:

57 (a) any other requirement imposed under this title for making, amending, or repealing a
 58 rule; and

59 (b) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

61 **19-2a-102. Air Quality Policy Advisory Board created -- Composition --**
62 **Responsibility -- Terms of office -- Compensation.**

63 (1) There is created the Air Quality Policy Advisory Board consisting of the following
64 [~~12~~] 15 voting members:

65 (a) two members of the Senate, appointed by the president of the Senate;

66 (b) three members of the House of Representatives, appointed by the speaker of the
67 House of Representatives;

68 (c) the director;

69 (d) one representative [~~of industry interests~~] from the mining industry, appointed by the
70 president of the Senate;

71 (e) one representative from the fuels industry, appointed by the speaker of the House of
72 Representatives;

73 (f) one representative from the manufacturing industry, appointed by the president of
74 the Senate;

75 [~~(e)~~] (g) one representative of business or economic development interests, appointed
76 by the speaker of the House of Representatives, who has expertise in air quality matters;

77 [~~(f)~~] (h) one representative of the academic community who has expertise in air quality
78 matters, appointed by the president of the Senate;

79 [~~(g)~~] (i) two representatives of the academic community, appointed by the governor,
80 who have expertise in air quality matters; [~~and~~]

81 [~~(h)~~] (j) one representative of a nongovernmental organization, appointed by the
82 governor, who:

83 (i) represents community interests;

84 (ii) does not represent industry or business interests; and

85 (iii) has expertise in air quality matters[~~;~~]; and

86 (k) the executive director.

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

88 (a) seek the best available science to identify legislative actions to improve air quality;

89 (b) identify and prioritize potential legislation and funding that will improve air

90 quality; and

91 (c) make recommendations to the Legislature on how to improve air quality in the
92 state.

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

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

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

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

103 (5) (a) Six members of the advisory board constitutes a quorum of the advisory board.

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

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

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

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

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

114 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
115 63A-3-107.

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

117 Section 3. Section 19-5-104 is amended to read:

118 **19-5-104. Powers and duties of board.**

119 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
120 board may make rules that:

- 121 (a) taking into account Subsection (6):
- 122 (i) implement the awarding of construction loans to political subdivisions and
- 123 municipal authorities under Section 11-8-2, including:
- 124 (A) requirements pertaining to applications for a loan;
- 125 (B) requirements for determination of an eligible project;
- 126 (C) requirements for determination of the costs upon which a loan is based, which
- 127 costs may include engineering, financial, legal, and administrative expenses necessary for the
- 128 construction, reconstruction, and improvement of a sewage treatment plant, including a major
- 129 interceptor, collection system, or other facility appurtenant to the plant;
- 130 (D) a priority schedule for awarding loans, in which the board may consider, in
- 131 addition to water pollution control needs, any financial needs relevant, including per capita
- 132 cost, in making a determination of priority; and
- 133 (E) requirements for determination of the amount of the loan;
- 134 (ii) implement the awarding of loans for nonpoint source projects pursuant to Section
- 135 73-10c-4.5;
- 136 (iii) set effluent limitations and standards subject to Section 19-5-116;
- 137 (iv) implement or effectuate the powers and duties of the board; and
- 138 (v) protect the public health for the design, construction, operation, and maintenance of
- 139 underground wastewater disposal systems, liquid scavenger operations, and vault and earthen
- 140 pit privies;
- 141 (b) govern inspection, monitoring, recordkeeping, and reporting requirements for
- 142 underground injections and require permits for underground injections, to protect drinking
- 143 water sources, except for wells, pits, and ponds covered by Section 40-6-5 regarding gas and
- 144 oil, recognizing that underground injection endangers drinking water sources if:
- 145 (i) injection may result in the presence of a contaminant in underground water that
- 146 supplies or can reasonably be expected to supply a public water system, as defined in Section
- 147 19-4-102; and
- 148 (ii) the presence of the contaminant may:
- 149 (A) result in the public water system not complying with any national primary drinking
- 150 water standards; or
- 151 (B) otherwise adversely affect the health of persons;

152 (c) govern sewage sludge management, including permitting, inspecting, monitoring,
153 recordkeeping, and reporting requirements; and

154 (d) notwithstanding Section 19-4-112, govern design and construction of irrigation
155 systems that:

156 (i) convey sewage treatment facility effluent of human origin in pipelines under
157 pressure, unless contained in surface pipes wholly on private property and for agricultural
158 purposes; and

159 (ii) are constructed after May 4, 1998.

160 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
161 the board shall adopt and enforce rules and establish fees to cover the costs of:

162 (i) managing the certification and testing program; and

163 (ii) testing for certification of operators of treatment works and sewerage systems
164 operated by political subdivisions.

165 (b) In establishing certification rules under Subsection (2)(a), the board shall:

166 (i) base the requirements for certification on the size, treatment process type, and
167 complexity of the treatment works and sewerage systems operated by political subdivisions;

168 (ii) allow operators until three years after the date of adoption of the rules to obtain
169 initial certification;

170 (iii) allow a new operator one year from the date the operator is hired by a treatment
171 plant or sewerage system or three years after the date of adoption of the rules, whichever occurs
172 later, to obtain certification;

173 (iv) issue certification upon application and without testing, at a grade level
174 comparable to the grade of current certification to operators who are currently certified under
175 the voluntary certification plan for wastewater works operators as recognized by the board; and

176 (v) issue a certification upon application and without testing that is valid only at the
177 treatment works or sewerage system where that operator is currently employed if the operator:

178 (A) is in charge of and responsible for the treatment works or sewerage system on
179 March 16, 1991;

180 (B) has been employed at least 10 years in the operation of that treatment works or
181 sewerage system before March 16, 1991; and

182 (C) demonstrates to the board the operator's capability to operate the treatment works

183 or sewerage system at which the operator is currently employed by providing employment
184 history and references as required by the board.

185 (3) The board shall:

186 (a) develop programs for the prevention, control, and abatement of new or existing
187 pollution of the waters of the state;

188 (b) adopt, modify, or repeal standards of quality of the waters of the state and classify
189 those waters according to their reasonable uses in the interest of the public under conditions the
190 board may prescribe for the prevention, control, and abatement of pollution;

191 (c) give reasonable consideration in the exercise of its powers and duties to the
192 economic impact of water pollution control on industry and agriculture;

193 (d) meet the requirements of federal law related to water pollution;

194 (e) establish and conduct a continuing planning process for control of water pollution,
195 including the specification and implementation of maximum daily loads of pollutants;

196 (f) (i) review total daily maximum load reports and recommendations for water quality
197 end points and implementation strategies developed by the division before submission of the
198 report, recommendation, or implementation strategy to the EPA;

199 (ii) disapprove, approve, or approve with conditions the staff total daily maximum load
200 recommendations; and

201 (iii) provide suggestions for further consideration to the Division of Water Quality in
202 the event a total daily maximum load strategy is rejected; ~~and~~

203 (g) to ensure compliance with applicable statutes and regulations:

204 (i) review a settlement negotiated by the director in accordance with Subsection
205 [19-5-106\(2\)\(k\)](#) that requires a civil penalty of \$25,000 or more; and

206 (ii) approve or disapprove the settlement described in Subsection (3)(g)(i)~~[-]; and~~

207 (h) subject to Subsection (9), establish a fair penalty amount for a settlement under this
208 chapter:

209 (i) upon written request by an alleged violator who is involved in an ongoing
210 settlement negotiation with the director;

211 (ii) if the director and alleged violator do not dispute the underlying violation but
212 cannot reach agreement on a corresponding penalty amount; and

213 (iii) taking into consideration the undisputed facts and the penalty criteria established

214 by rule made by the board in accordance with Title 63G, Chapter 3, Utah Administrative
215 Rulemaking Act.

216 (4) The board may:

217 (a) order the director to issue, modify, or revoke an order:

218 (i) prohibiting or abating discharges;

219 (ii) (A) requiring the construction of new treatment works or any parts of the new
220 treatment works;

221 (B) requiring the modification, extension, or alteration of existing treatment works as
222 specified by board rule or any parts of existing treatment works; or

223 (C) the adoption of other remedial measures to prevent, control, or abate pollution;

224 (iii) setting standards of water quality, classifying waters or evidencing any other
225 determination by the board under this chapter; or

226 (iv) requiring compliance with this chapter and with rules made under this chapter;

227 (b) advise, consult, and cooperate with another agency of the state, the federal
228 government, another state, an interstate agency, an affected group, an affected political
229 subdivision, or affected industry to further the purposes of this chapter; or

230 (c) delegate the authority to issue an operating permit to a local health department.

231 (5) In performing the duties listed in Subsections (1) through (4), the board shall give
232 priority to pollution that results in a hazard to the public health.

233 (6) The board shall take into consideration the availability of federal grants:

234 (a) in determining eligible project costs; and

235 (b) in establishing priorities pursuant to Subsection (1)(a)(i).

236 (7) (a) The board may not issue, amend, renew, modify, revoke, or terminate any of the
237 following that are subject to the authority granted to the director under Section 19-5-106:

238 [~~(a)~~] (i) a permit;

239 [~~(b)~~] (ii) a license;

240 [~~(c)~~] (iii) a registration;

241 [~~(d)~~] (iv) a certification; or

242 [~~(e)~~] (v) another administrative authorization made by the director.

243 (b) Notwithstanding Subsection (7)(a), the board may, in response to a request
244 submitted pursuant to Subsection (3)(h), issue, amend, renew, modify, revoke, or terminate the

245 director's penalty amount proposed during an ongoing settlement negotiation.

246 (8) A board member may not speak or act for the board unless the board member is
247 authorized by a majority of a quorum of the board in a vote taken at a meeting of the board.

248 (9) The following procedures apply to board action upon a request submitted pursuant
249 to Subsection (3)(h):

250 (a) upon receipt of a request submitted pursuant to Subsection (3)(h), the board shall
251 place the matter on the docket for the board's next regularly scheduled meeting that occurs at
252 least 14 calendar days after the request is received;

253 (b) the director or an alleged violator may submit an additional written submission or
254 exhibit for the board's consideration, but a written submission or exhibit shall be received by
255 the board at least seven calendar days before the meeting during which the board will consider
256 the alleged violator's request;

257 (c) the board shall conduct a hearing on an alleged violator's request submitted
258 pursuant to Subsection (3)(h) as an informal adjudicative proceeding;

259 (d) the board shall issue a final order establishing a fair penalty amount pursuant to
260 Subsection (3)(h) no more than 30 days after the board meeting during which the board
261 considers the alleged violator's request; and

262 (e) the final order issued pursuant to this Subsection (9) is subject to judicial review
263 under Title 63G, Chapter 4, Administrative Procedures Act.

264 Section 4. Section **19-5-106** is amended to read:

265 **19-5-106. Director -- Appointment -- Duties.**

266 (1) The executive director shall appoint the director. The director shall serve under the
267 administrative direction of the executive director.

268 (2) The director shall:

269 (a) develop programs for the prevention, control, and abatement of new or existing
270 pollution of the waters of the state;

271 (b) advise, consult, and cooperate with other agencies of the state, the federal
272 government, other states and interstate agencies, and with affected groups, political
273 subdivisions, and industries in furtherance of the purposes of this chapter;

274 (c) develop programs for the management of sewage sludge;

275 (d) subject to the provisions of this chapter, enforce rules made by the board through

276 the issuance of orders, which orders may include:

277 (i) prohibiting or abating discharges of wastes into the waters of the state;

278 (ii) requiring the construction of new control facilities or any parts of them or the
279 modification, extension, or alteration of existing control facilities or any parts of them, or the
280 adoption of other remedial measures to prevent, control, or abate water pollution; or

281 (iii) prohibiting any other violation of this chapter or rules made under this chapter;

282 (e) review plans, specifications, or other data relative to pollution control systems or
283 any part of the systems provided for in this chapter;

284 (f) issue construction or operating permits for the installation or modification of
285 treatment works or any parts of the treatment works;

286 (g) after public notice and opportunity for public hearing, issue, continue in effect,
287 renew, revoke, modify, or deny discharge permits under reasonable conditions the board may
288 prescribe to:

289 (i) control the management of sewage sludge; or

290 (ii) prevent or control the discharge of pollutants, including effluent limitations for the
291 discharge of wastes into the waters of the state;

292 (h) meet the requirements of federal law related to water pollution;

293 (i) under the direction of the executive director, represent the state in all matters
294 pertaining to water pollution, including interstate compacts and other similar agreements;

295 (j) collect and disseminate information relating to water pollution and the prevention,
296 control, and abatement of water pollution;

297 (k) subject to [~~Subsection 19-5-104(3)(g)~~] Subsections 19-5-103(3)(g) and (h), settle or
298 compromise any civil action initiated by the division to compel compliance with this chapter or
299 the rules made under this chapter; and

300 (l) (i) approve, approve in part, approve with conditions, or deny, in writing, an
301 application for water reuse under Title 73, Chapter 3c, Wastewater Reuse Act; and

302 (ii) issue an operating permit for water reuse under Title 73, Chapter 3c, Wastewater
303 Reuse Act.

304 (3) The director may:

305 (a) employ full-time employees as necessary to carry out the provisions of this chapter;

306 (b) subject to the provisions of this chapter, authorize any employee or representative

307 of the department to enter, at reasonable times and upon reasonable notice, in or upon public or
308 private property for the purposes of inspecting and investigating conditions and plant records
309 concerning possible water pollution;

310 (c) encourage, participate in, or conduct studies, investigations, research, and
311 demonstrations relating to water pollution and causes of water pollution as necessary for the
312 discharge of duties assigned under this chapter, including the establishment of inventories of
313 pollution sources;

314 (d) collect and disseminate information relating to water pollution and the prevention,
315 control, and abatement of water pollution;

316 (e) subject to the provisions of this chapter, exercise all incidental powers necessary to
317 carry out the purposes of this chapter, including certification to any state or federal authorities
318 for tax purposes only if the construction, installation, or acquisition of any facility, land,
319 building, machinery, equipment, or any part of them conforms with this chapter;

320 (f) cooperate with any person in studies and research regarding water pollution and its
321 control, abatement, and prevention;

322 (g) encourage, participate in, or conduct studies, investigations, research, and
323 demonstrations relating to water pollution and causes of water pollution; or

324 (h) as authorized by the board and subject to the provisions of this chapter, act as
325 executive secretary of the board under the direction of the chairman of the board.

326 Section 5. Section **19-12-102** is amended to read:

327 **19-12-102. Definitions.**

328 As used in this chapter:

329 (1) "Air pollutant" means the same as that term is defined in Section [19-2-102](#).

330 (2) "Air pollutant source" means the same as that term is defined in Section [19-2-102](#).

331 (3) "Air pollution" means the same as that term is defined in Section [19-2-102](#).

332 (4) "Director" means:

333 (a) for purposes of an application or certification under this chapter related to air
334 pollution, the director of the Division of Air Quality; or

335 (b) for purposes of an application or certification under this chapter related to water
336 pollution, the director of the Division of Water Quality.

337 (5) (a) "Freestanding pollution control property" means tangible personal property

338 located in the state, regardless of whether a purchaser purchases the tangible personal property
339 voluntarily or to comply with a requirement of a governmental entity, if:

340 (i) the primary purpose of the tangible personal property is the prevention, control, or
341 reduction of air or water pollution by:

342 (A) the disposal or elimination of, or redesign to eliminate~~;~~ waste~~[-and]~~;

343 (B) the use of treatment works for industrial waste; [or]

344 ~~[(B)]~~ (C) the disposal, elimination, or reduction of, or redesign to eliminate or reduce,
345 air [pollutants] contaminants, air pollution, or air contamination sources[-and]; or

346 (D) the use of one or more air cleaning devices; and

347 (ii) the tangible personal property is not used at, in the construction of, or incorporated
348 into a pollution control facility.

349 (b) "Freestanding pollution control property" includes an installation or addition to, or
350 reconstruction, replacement or improvement of, tangible personal property used, erected,
351 constructed, acquired, or installed if the primary purpose of the use, erection, construction,
352 acquisition, or installation is the prevention, control, or reduction of air or water pollution by:

353 (i) the disposal, elimination of, or redesign to eliminate waste;

354 (ii) the use of treatment works for industrial waste;

355 (iii) the disposal, elimination, or reduction of, or redesign to eliminate or reduce, air
356 contaminants, air pollution, or air contamination sources; or

357 (iv) the use of one or more air cleaning devices.

358 ~~[(b)]~~ (c) "Freestanding pollution control property" does not include:

359 (i) a consumable:

360 (A) chemical that is not reusable;

361 (B) cleaning material that is not reusable; or

362 (C) supply that is not reusable;

363 (ii) the following used for human waste:

364 (A) a septic tank; or

365 (B) other property;

366 (iii) property installed, constructed, or used for the moving of sewage to a collection
367 facility of a public or quasi-public sewerage system;

368 (iv) the following used for the comfort of personnel:

- 369 (A) an air conditioner;
- 370 (B) a fan; or
- 371 (C) an item similar to Subsection ~~[(5)(b)(iv)(A) or (B)]~~ (5)(c)(iv)(A) or (B); or
- 372 (v) office equipment or an office supply if the primary purpose of the office equipment
- 373 or office supply is not the prevention, control, or reduction of air or water pollution by:
- 374 (A) the disposal ~~[or]~~, elimination of, or redesign to eliminate~~;~~ waste~~[-and]~~;
- 375 ~~(B)~~ the use of treatment works for industrial waste; ~~[or]~~
- 376 ~~[(B)]~~ (C) the disposal, elimination, or reduction of, or redesign to eliminate or reduce,
- 377 air ~~[pollutants]~~ contaminants, air pollution, or air contamination sources~~[-and]~~; or
- 378 (D) the use of one or more air cleaning devices.
- 379 (6) (a) "Pollution control facility" means real property in the state, regardless of
- 380 whether a purchaser purchases the real property voluntarily or to comply with a requirement of
- 381 a governmental entity, if the primary purpose of the real property is the prevention, control, or
- 382 reduction of air pollution or water pollution by:
- 383 (i) the disposal or elimination of, or redesign to eliminate, waste ~~[and]~~;
- 384 (ii) the use of treatment works for industrial waste; ~~[or]~~
- 385 ~~[(ii)]~~ (iii) ~~[(A)]~~ the disposal, elimination, or reduction of, or redesign to eliminate or
- 386 reduce, air ~~[pollutants]~~ contaminants, air pollution, or air contamination sources; ~~[and]~~ or
- 387 ~~[(B)]~~ (iv) the use of one or more air cleaning devices.
- 388 ~~[(b) "Pollution control facility" includes:]~~
- 389 ~~[(i) an addition to real property described in Subsection (6)(a);]~~
- 390 ~~[(ii) the reconstruction of real property described in Subsection (6)(a); or]~~
- 391 ~~[(iii) an improvement to real property described in Subsection (6)(a).]~~
- 392 (b) "Pollution control facility" includes an installation or addition to, or reconstruction,
- 393 replacement or improvement of, real property used, erected, constructed, acquired, or installed
- 394 if the primary purpose of the use, erection, construction, acquisition, or installation is the
- 395 prevention, control, or reduction of air or water pollution by:
- 396 (i) the disposal, elimination of, or redesign to eliminate waste;
- 397 (ii) the use of treatment works for industrial waste;
- 398 (iii) the disposal, elimination, or reduction of, or redesign to eliminate or reduce, air
- 399 contaminants, air pollution, or air contamination sources; or

- 400 (iv) the use of one or more air cleaning devices.
- 401 (c) "Pollution control facility" does not include:
- 402 (i) a consumable:
- 403 (A) chemical that is not reusable;
- 404 (B) cleaning material that is not reusable; or
- 405 (C) supply that is not reusable;
- 406 (ii) the following used for human waste:
- 407 (A) a septic tank; or
- 408 (B) another facility;
- 409 (iii) property installed, constructed, or used for the moving of sewage to a collection
- 410 facility of a public or quasi-public sewerage system;
- 411 (iv) the following used for the comfort of personnel:
- 412 (A) an air conditioner;
- 413 (B) a fan; or
- 414 (C) an item similar to Subsection (6)(c)(iv)(A) or (B); or
- 415 (v) office equipment or an office supply if the primary purpose of the office equipment
- 416 or office supply is not the prevention, control, or reduction of air or water pollution by:
- 417 (A) the disposal [~~or~~], elimination of, or redesign to eliminate waste[~~, and~~];
- 418 (B) the use of treatment works for industrial waste; [or]
- 419 [~~(B)~~] (C) the disposal, elimination, or reduction of, or redesign to eliminate or reduce,
- 420 air [~~pollutants~~] contaminants, air pollution, or air contamination sources[~~, and~~];
- 421 (D) the use of one or more air cleaning devices.
- 422 (7) "Treatment works" means the same as that term is defined in Section 19-5-102.
- 423 (8) "Waste" means the same as that term is defined in Section 19-5-102.
- 424 (9) "Water pollution" has the same meaning as "pollution" under Section 19-5-102.
- 425 Section 6. Section 19-12-201 is amended to read:
- 426 **19-12-201. Sales and use tax exemption for certain purchases or leases related to**
- 427 **pollution control.**
- 428 (1) Except as provided in Subsection (2), a purchase or lease of the following is
- 429 exempt from a tax imposed under Title 59, Chapter 12, Sales and Use Tax Act:
- 430 (a) freestanding pollution control property;

- 431 (b) tangible personal property if the tangible personal property is:
 432 (i) incorporated into freestanding pollution control property; or
 433 (ii) used at, used in the construction of, or incorporated into a pollution control facility;
 434 (c) a part, if the part is used in the repair or replacement of property described in
 435 Subsection (1)(a) or (b);
 436 (d) a product transferred electronically, if the property transferred electronically is:
 437 (i) incorporated into freestanding pollution control property; or
 438 (ii) used at, used in the construction of, or incorporated into a pollution control facility;
 439 or
 440 (e) a service, if the service is performed on:
 441 (i) freestanding pollution control property;
 442 (ii) a pollution control facility; or
 443 (iii) property described in Subsection (1)(b), a part described in Subsection (1)(c), or a
 444 product described in Subsection (1)(d).
- 445 (2) A purchase or lease of the following is not exempt under this section:
 446 (a) a consumable chemical that is not reusable;
 447 (b) a consumable cleaning material that is not reusable; or
 448 (c) a consumable supply that is not reusable.
- 449 (3) A purchase or lease of office equipment or an office supply is not exempt under this
 450 section if the primary purpose of the office equipment or office supply is not the prevention,
 451 control, or reduction of air or water pollution by:
 452 (a) the disposal [~~or~~], elimination of, or redesign to eliminate[;] waste[~~;~~ and];
 453 (b) the use of treatment works for industrial waste; [~~or~~]
 454 [~~(b)~~] (c) the disposal, elimination, or reduction of, or redesign to eliminate or reduce,
 455 air [~~pollutants~~] contaminants, air pollution, or air pollution sources[~~;~~ and]; or
 456 (d) the use of one or more air cleaning devices.
- 457 Section 7. Section **79-1-103** is amended to read:
 458 **79-1-103. Coordination council.**
 459 (1) There is created a coordination council that consists of:
 460 (a) the executive director of the department;
 461 (b) the executive director of the Department of Environmental Quality;

- 462 (c) the commissioner of the Department of Agriculture and Food;
- 463 (d) the director of the Public Lands Policy Coordinating Office; and
- 464 (e) the director of the Office of Energy Development.
- 465 (2) The coordination council shall:
- 466 (a) rotate the position of chair among the members; and
- 467 (b) meet at least monthly.
- 468 (3) The coordination council shall:
- 469 (a) discuss methods to enhance the coordination of regulation and services of the five
- 470 entities[-]; and
- 471 (b) review and approve an act described in Subsection 19-1-209(2) before the act may
- 472 take effect.
- 473 (4) If the coordination council reviews an act described in Subsection (3)(b) and does
- 474 not approve the act, the act may not take effect.
- 475 **Section 8. Effective date.**
- 476 This bill takes effect on May 1, 2024.