

Representative Casey Snider proposes the following substitute bill:

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;
- ▶ creates the Legislative Environmental Advisory Commission;
- ▶ repeals the Air Quality Policy Advisory Board;
- ▶ addresses provisions related to pollution control; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-12-102, as last amended by Laws of Utah 2018, Chapter 120

19-12-201, as last amended by Laws of Utah 2015, Chapter 154

63I-1-219, as last amended by Laws of Utah 2022, Chapter 194



26 ENACTS:

27 **19-1-110**, Utah Code Annotated 1953

28 REPEALS:

29 **19-2a-102**, as last amended by Laws of Utah 2021, Chapter 69

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

32 Section 1. Section **19-1-110** is enacted to read:

33 **19-1-110. Legislative Environmental Advisory Commission.**

34 (1) As used in this section, "commission" means the Legislative Environmental
35 Advisory Commission created in this section.

36 (2) (a) There is created the "Legislative Environmental Advisory Commission" to
37 advise regarding the state's policies in creation, implementation, enforcement, and oversight of
38 environmental policy, that consists of:

39 (i) five members of the Senate, appointed by the president of the Senate, no more than
40 four of whom may be from the same political party;

41 (ii) eight members of the House of Representatives, appointed by the speaker of the
42 House of Representatives, no more than seven of whom may be from the same political party;
43 and

44 (iii) subject to Subsections (2)(b) and (c), nonvoting members appointed by the
45 Legislative Management Committee from a list recommended by the cochair of the
46 commission described in Subsection (5).

47 (b) If the Legislative Management Committee chooses to not appoint an individual on
48 the list described in Subsection (2)(a)(iii), the Legislative Management Committee may ask the
49 cochair of the commission to submit an additional list of recommendations.

50 (c) The Legislative Management Committee may not appoint an individual who is not
51 recommended by the cochair of the commission.

52 (3) (a) A member appointed by the Legislative Management Committee under
53 Subsection (2)(a)(iii) shall be appointed or reappointed to a two-year term.

54 (b) When a vacancy in a position appointed by the Legislative Management Committee
55 under Subsection (2)(a)(iii) occurs for any reason, the Legislative Management Committee, in
56 consultation with the cochair of the commission, shall appoint a replacement for the unexpired

57 term.

58 (4) The president of the Senate and the speaker of the House of Representatives shall,
59 to the extent possible, appoint members under Subsections (2)(a)(i) and (ii) that represent both
60 rural and urban areas of the state with non-attainment areas.

61 (5) (a) The president of the Senate shall designate a member of the Senate appointed
62 under Subsection (2)(a)(i) as a cochair of the commission.

63 (b) The speaker of the House of Representatives shall designate a member of the House
64 of Representatives appointed under Subsection (2)(a)(ii) as a cochair of the commission.

65 (6) What constitutes a quorum of the commission is determined in accordance with
66 Legislative Joint Rules, Title 7, Chapter 1, Part 2, Creation and Organization of Legislative
67 Committees, except nonvoting members of the commission described in Subsection (2)(a)(iii)
68 may not be considered for purposes of determining a quorum.

69 (7) (a) Compensation and expenses of a member of the commission who is a legislator
70 are governed by Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation
71 and Expenses.

72 (b) Commission members who are employees of the state shall receive no additional
73 compensation.

74 (c) Other commission members may not receive compensation or expenses for their
75 service on the commission.

76 (8) The Office of Legislative Research and General Counsel shall provide staff support
77 to the commission.

78 (9) The commission shall consider and make recommendations to the Legislature and
79 governor on the following issues:

80 (a) how the state is to implement federal regulatory programs and laws and the result of
81 that implementation;

82 (b) what the impact of state rules and state actions responsive to federal regulations and
83 legislation is on the state's economy, the state's ability to grow, and citizen's quality of life;

84 (c) how the state is to fund environmental air quality studies and needs;

85 (d) whether the state should advocate for policy changes to federal environmental law;
86 and

87 (e) other environmental issues of statewide importance.

88 (10) The commission shall consult with the department and the Air Quality Board
89 regarding:

90 (a) recommendations for rules, criteria, targets, processes, and plans described in this
91 title; and

92 (b) the scope of any request for proposals that may be issued by the department or Air
93 Quality Board to assist in creating the rules, criteria, targets, processes, and plans described in
94 Subsection (10)(a).

95 (11) The commission may:

96 (a) form one or more working groups from the membership of the commission to
97 consider and study the issues described in this section;

98 (b) meet up to six times per calendar year without approval from the Legislative
99 Management Committee; and

100 (c) open one or more committee bill files that relate to the commission's duties under
101 this section.

102 (12) The department shall:

103 (a) advise the commission of all regulatory actions that are applicable to this title;

104 (b) ensure compliance with Title 63G, Chapter 3, Utah Administrative Rulemaking
105 Act, and report on those actions to the commission; and

106 (c) advise the commission cochairs at least 45 days before:

107 (i) finalizing or making, amending, or repealing of a rule;

108 (ii) issuing an order;

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

110 (iv) issuing a permit, license, or certificate;

111 (v) taking action against a permit, license, or certificate;

112 (vi) submitting a plan to implement this title;

113 (vii) publishing a report; or

114 (viii) legally binding the state by executing an action settlement agreement or a
115 financial settlement agreement as defined in Section [63G-10-103](#).

116 Section 2. Section **19-12-102** is amended to read:

117 **19-12-102. Definitions.**

118 As used in this chapter:

- 119 (1) "Air pollutant" means the same as that term is defined in Section 19-2-102.
- 120 (2) "Air pollutant source" means the same as that term is defined in Section 19-2-102.
- 121 (3) "Air pollution" means the same as that term is defined in Section 19-2-102.
- 122 (4) "Director" means:
- 123 (a) for purposes of an application or certification under this chapter related to air
- 124 pollution, the director of the Division of Air Quality; or
- 125 (b) for purposes of an application or certification under this chapter related to water
- 126 pollution, the director of the Division of Water Quality.
- 127 (5) (a) "Freestanding pollution control property" means tangible personal property
- 128 located in the state, regardless of whether a purchaser purchases the tangible personal property
- 129 voluntarily or to comply with a requirement of a governmental entity, if:
- 130 (i) the primary purpose of the tangible personal property is the prevention, control, or
- 131 reduction of air or water pollution by:
- 132 (A) the disposal or elimination of, or redesign to eliminate~~[-]~~ waste~~[-and]~~;
- 133 (B) the use of treatment works for industrial waste; ~~[or]~~
- 134 ~~[(B)]~~ (C) the disposal, elimination, or reduction of, or redesign to eliminate or reduce,
- 135 air ~~[pollutants]~~ contaminants, air pollution, or air contamination sources~~[-and]~~; or
- 136 (D) the use of one or more air cleaning devices; and
- 137 (ii) the tangible personal property is not used at, in the construction of, or incorporated
- 138 into a pollution control facility.
- 139 (b) "Freestanding pollution control property" includes an installation or addition to, or
- 140 reconstruction, replacement or improvement of, tangible personal property used, erected,
- 141 constructed, acquired, or installed if the primary purpose of the use, erection, construction,
- 142 acquisition, or installation is the prevention, control, or reduction of air or water pollution by:
- 143 (i) the disposal, elimination of, or redesign to eliminate waste;
- 144 (ii) the use of treatment works for industrial waste;
- 145 (iii) the disposal, elimination, or reduction of, or redesign to eliminate or reduce, air
- 146 contaminants, air pollution, or air contamination sources; or
- 147 (iv) the use of one or more air cleaning devices.
- 148 ~~[(b)]~~ (c) "Freestanding pollution control property" does not include:
- 149 (i) a consumable;

- 150 (A) chemical that is not reusable;
- 151 (B) cleaning material that is not reusable; or
- 152 (C) supply that is not reusable;
- 153 (ii) the following used for human waste:
- 154 (A) a septic tank; or
- 155 (B) other property;
- 156 (iii) property installed, constructed, or used for the moving of sewage to a collection
- 157 facility of a public or quasi-public sewerage system;
- 158 (iv) the following used for the comfort of personnel:
- 159 (A) an air conditioner;
- 160 (B) a fan; or
- 161 (C) an item similar to Subsection ~~[(5)(b)(iv)(A) or (B)]~~ (5)(c)(iv)(A) or (B); or
- 162 (v) office equipment or an office supply if the primary purpose of the office equipment
- 163 or office supply is not the prevention, control, or reduction of air or water pollution by:
- 164 (A) the disposal ~~[or]~~, elimination of, or redesign to eliminate~~;~~ waste~~;~~ ~~and~~;
- 165 ~~(B)~~ (B) the use of treatment works for industrial waste; ~~[or]~~
- 166 ~~[(B)]~~ (C) the disposal, elimination, or reduction of, or redesign to eliminate or reduce,
- 167 air ~~[pollutants]~~ contaminants, air pollution, or air contamination sources~~;~~ ~~and~~; or
- 168 (D) the use of one or more air cleaning devices.
- 169 (6) (a) "Pollution control facility" means real property in the state, regardless of
- 170 whether a purchaser purchases the real property voluntarily or to comply with a requirement of
- 171 a governmental entity, if the primary purpose of the real property is the prevention, control, or
- 172 reduction of air pollution or water pollution by:
- 173 (i) the disposal or elimination of, or redesign to eliminate, waste ~~[and]~~;
- 174 (ii) the use of treatment works for industrial waste; ~~[or]~~
- 175 ~~[(ii)]~~ (iii) ~~[(A)]~~ the disposal, elimination, or reduction of, or redesign to eliminate or
- 176 reduce, air ~~[pollutants]~~ contaminants, air pollution, or air contamination sources; ~~[and]~~ or
- 177 ~~[(B)]~~ (iv) the use of one or more air cleaning devices.
- 178 ~~[(b)]~~ "Pollution control facility" includes:
- 179 ~~[(i) an addition to real property described in Subsection (6)(a);]~~
- 180 ~~[(ii) the reconstruction of real property described in Subsection (6)(a); or]~~

- 181 ~~[(iii) an improvement to real property described in Subsection (6)(a).]~~
- 182 (b) "Pollution control facility" includes an installation or addition to, or reconstruction,
- 183 replacement or improvement of, real property used, erected, constructed, acquired, or installed
- 184 if the primary purpose of the use, erection, construction, acquisition, or installation is the
- 185 prevention, control, or reduction of air or water pollution by:
- 186 (i) the disposal, elimination of, or redesign to eliminate waste;
- 187 (ii) the use of treatment works for industrial waste;
- 188 (iii) the disposal, elimination, or reduction of, or redesign to eliminate or reduce, air
- 189 contaminants, air pollution, or air contamination sources; or
- 190 (iv) the use of one or more air cleaning devices.
- 191 (c) "Pollution control facility" does not include:
- 192 (i) a consumable:
- 193 (A) chemical that is not reusable;
- 194 (B) cleaning material that is not reusable; or
- 195 (C) supply that is not reusable;
- 196 (ii) the following used for human waste:
- 197 (A) a septic tank; or
- 198 (B) another facility;
- 199 (iii) property installed, constructed, or used for the moving of sewage to a collection
- 200 facility of a public or quasi-public sewerage system;
- 201 (iv) the following used for the comfort of personnel:
- 202 (A) an air conditioner;
- 203 (B) a fan; or
- 204 (C) an item similar to Subsection (6)(c)(iv)(A) or (B); or
- 205 (v) office equipment or an office supply if the primary purpose of the office equipment
- 206 or office supply is not the prevention, control, or reduction of air or water pollution by:
- 207 (A) the disposal [~~or~~], elimination of, or redesign to eliminate waste~~[-and]~~;
- 208 (B) the use of treatment works for industrial waste; [or]
- 209 ~~[(B)]~~ (C) the disposal, elimination, or reduction of, or redesign to eliminate or reduce,
- 210 air [~~pollutants~~] contaminants, air pollution, or air contamination sources~~[-and]~~;
- 211 (D) the use of one or more air cleaning devices.

212 (7) "Treatment works" means the same as that term is defined in Section 19-5-102.

213 (8) "Waste" means the same as that term is defined in Section 19-5-102.

214 (9) "Water pollution" has the same meaning as "pollution" under Section 19-5-102.

215 Section 3. Section 19-12-201 is amended to read:

216 **19-12-201. Sales and use tax exemption for certain purchases or leases related to**
217 **pollution control.**

218 (1) Except as provided in Subsection (2), a purchase or lease of the following is
219 exempt from a tax imposed under Title 59, Chapter 12, Sales and Use Tax Act:

220 (a) freestanding pollution control property;

221 (b) tangible personal property if the tangible personal property is:

222 (i) incorporated into freestanding pollution control property; or

223 (ii) used at, used in the construction of, or incorporated into a pollution control facility;

224 (c) a part, if the part is used in the repair or replacement of property described in

225 Subsection (1)(a) or (b);

226 (d) a product transferred electronically, if the property transferred electronically is:

227 (i) incorporated into freestanding pollution control property; or

228 (ii) used at, used in the construction of, or incorporated into a pollution control facility;

229 or

230 (e) a service, if the service is performed on:

231 (i) freestanding pollution control property;

232 (ii) a pollution control facility; or

233 (iii) property described in Subsection (1)(b), a part described in Subsection (1)(c), or a

234 product described in Subsection (1)(d).

235 (2) A purchase or lease of the following is not exempt under this section:

236 (a) a consumable chemical that is not reusable;

237 (b) a consumable cleaning material that is not reusable; or

238 (c) a consumable supply that is not reusable.

239 (3) A purchase or lease of office equipment or an office supply is not exempt under this
240 section if the primary purpose of the office equipment or office supply is not the prevention,
241 control, or reduction of air or water pollution by:

242 (a) the disposal [~~or~~], elimination of, or redesign to eliminate[;] waste[~~, and~~];

243 (b) the use of treatment works for industrial waste; [or]
 244 [(b)] (c) the disposal, elimination, or reduction of, or redesign to eliminate or reduce,
 245 air [~~pollutants~~] contaminants, air pollution, or air pollution sources[~~, and~~]; or
 246 (d) the use of one or more air cleaning devices.

247 Section 4. Section **63I-1-219** is amended to read:

248 **63I-1-219. Repeal dates: Title 19.**

249 (1) Title 19, Chapter 2, Air Conservation Act, is repealed July 1, 2029.

250 [(2) Section 19-2a-102 is repealed July 1, 2026.]

251 [(3)] (2) Section 19-2a-104 is repealed July 1, 2022.

252 [(4)] (3) (a) Title 19, Chapter 4, Safe Drinking Water Act, is repealed July 1, 2024.

253 (b) Notwithstanding Subsection [(4)(a)] (3)(a), Section 19-4-115, Drinking water
 254 quality in schools and child care centers, is repealed July 1, 2027.

255 [(5)] (4) Title 19, Chapter 5, Water Quality Act, is repealed July 1, 2029.

256 [(6)] (5) Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, is repealed July 1,
 257 2029.

258 [(7)] (6) Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act, is repealed
 259 July 1, 2030.

260 [(8)] (7) Title 19, Chapter 6, Part 4, Underground Storage Tank Act, is repealed July 1,
 261 2028.

262 [(9)] (8) Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal, is repealed July 1,
 263 2026.

264 [(10)] (9) Title 19, Chapter 6, Part 7, Used Oil Management Act, is repealed July 1,
 265 2029.

266 [(11)] (10) Title 19, Chapter 6, Part 8, Waste Tire Recycling Act, is repealed July 1,
 267 2030.

268 [(12)] (11) Title 19, Chapter 6, Part 10, Mercury Switch Removal Act, is repealed July
 269 1, 2027.

270 Section 5. **Repealer.**

271 This bill repeals:

272 Section 19-2a-102, **Air Quality Policy Advisory Board created -- Composition --**
 273 **Responsibility -- Terms of office -- Compensation.**

274

Section 6. **Effective date.**

275

This bill takes effect on May 1, 2024.