

HB0373S01 compared with HB0373

~~{deleted text}~~ shows text that was in HB0373 but was deleted in HB0373S01.

inserted text shows text that was not in HB0373 but was inserted into HB0373S01.

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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;
- ▶ ~~{specifies what acts under the}~~ creates the Legislative Environmental ~~{Quality Code~~ require approval of the coordination council;
- ~~addresses settlement agreements addressing water quality;~~
- ~~modifies the composition of}~~ Advisory Commission;
- ▶ repeals the Air Quality Policy Advisory Board;
- ▶ addresses provisions related to pollution control; ~~{~~
- ~~modifies the powers of the coordination council;}~~ and

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- ▶ 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~~

~~—— 19-5-106, as last amended by Laws of Utah 2023, Chapter 176~~

~~—— }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

~~{79-1-103, as enacted}~~ 63I-1-219, as last amended by Laws of Utah 2022, Chapter 194

ENACTS:

19-1-110, Utah Code Annotated 1953

REPEALS:

19-2a-102, as last amended by Laws of Utah 2021, Chapter ~~{280~~

ENACTS:

~~—— 19-1-209, Utah Code Annotated 1953}~~ 69

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

Section 1. Section ~~{19-1-209}~~ 19-1-110 is enacted to read:

~~{19-1-209} 19-1-110. { Review and approval of acts taken under this title} Legislative Environmental Advisory Commission.~~

(1) As used in this section ~~{:~~

~~—— (a) "Action settlement agreement" means the same as that term is defined in Section 63G-10-102.~~

~~—— (b) "Coordination council" means the council created in Section 79-1-103.~~

~~—— (c) "Financial settlement agreement" means the same as that term is defined in Section 63G-10-102.~~

~~—— (2) The following acts taken under this title may not take effect unless approved by the~~

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coordination council:

~~(a) }, "commission" means the Legislative Environmental Advisory Commission created in this section.~~

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

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

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

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

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

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

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

~~(b) When a vacancy in a position appointed by the Legislative Management Committee under Subsection (2)(a)(iii) occurs for any reason, the Legislative Management Committee, in consultation with the cochairs of the commission, shall appoint a replacement for the unexpired term.~~

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

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

~~(b) The speaker of the House of Representatives shall designate a member of the House~~

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of Representatives appointed under Subsection (2)(a)(ii) as a cochair of the commission.

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

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

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

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

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

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

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

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

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

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

and

(e) other environmental issues of statewide importance.

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

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

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

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(11) The commission may:

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

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

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

(12) The department shall:

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

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

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

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

(~~fb~~ii) issuing an order;

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

(~~fd~~iv) issuing a permit, license, or certificate;

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

(~~ff~~vi) submitting a plan to implement this title;

(~~fg~~vii) publishing a report; or

(~~fh~~viii) legally binding the state by executing an action settlement agreement or a financial settlement agreement~~f~~.

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

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

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

~~—— Section 2. Section 19-2a-102 is amended to read:~~

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

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

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- ~~—— (a) two members of the Senate, appointed by the president of the Senate;~~
- ~~—— (b) three members of the House of Representatives, appointed by the speaker of the House of Representatives;~~
- ~~—— (c) the director;~~
- ~~—— (d) one representative [of industry interests] from the mining industry, appointed by the president of the Senate;~~
- ~~—— (e) one representative from the fuels industry, appointed by the speaker of the House of Representatives;~~
- ~~—— (f) one representative from the manufacturing industry, appointed by the president of the Senate;~~
- ~~—— [(c)] (g) one representative of business or economic development interests, appointed by the speaker of the House of Representatives, who has expertise in air quality matters;~~
- ~~—— [(f)] (h) one representative of the academic community who has expertise in air quality matters, appointed by the president of the Senate;~~
- ~~—— [(g)] (i) two representatives of the academic community, appointed by the governor, who have expertise in air quality matters; [and]~~
- ~~—— [(h)] (j) one representative of a nongovernmental organization, appointed by the governor, who:~~
 - ~~—— (i) represents community interests;~~
 - ~~—— (ii) does not represent industry or business interests; and~~
 - ~~—— (iii) has expertise in air quality matters[.]; and~~
- ~~—— (k) the executive director;~~
- ~~—— (2) The Air Quality Policy Advisory Board shall:~~
 - ~~—— (a) seek the best available science to identify legislative actions to improve air quality;~~
 - ~~—— (b) identify and prioritize potential legislation and funding that will improve air quality; and~~
 - ~~—— (c) make recommendations to the Legislature on how to improve air quality in the state;~~
- ~~—— (3) (a) Except as required by Subsection (3)(b), members appointed under Subsections (1)(d) through [(h)] (j) are appointed to serve four-year terms.~~
- ~~—— (b) Notwithstanding the requirements of Subsection (3)(a), the governor, president of~~

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~~the Senate, and speaker of the House of Representatives shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of members are staggered so that approximately half of the advisory board is appointed every two years:~~

~~—— (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term:~~

~~—— (4) The advisory board shall elect one member to serve as chair of the advisory board for a term of one year:~~

~~—— (5) (a) Six members of the advisory board constitutes a quorum of the advisory board:~~

~~—— (b) The action of the majority of the advisory board when a quorum is present is the action of the advisory board:~~

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

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

~~—— (a) Section 63A-3-106;~~

~~—— (b) Section 63A-3-107; and~~

~~—— (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107:~~

~~—— (8) The department shall provide staff support for the advisory board:~~

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

~~**19-5-104. Powers and duties of board:**~~

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

~~—— (a) taking into account Subsection (6):~~

~~—— (i) implement the awarding of construction loans to political subdivisions and municipal authorities under Section 11-8-2, including:~~

~~—— (A) requirements pertaining to applications for a loan;~~

~~—— (B) requirements for determination of an eligible project;~~

~~—— (C) requirements for determination of the costs upon which a loan is based, which~~

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~~costs may include engineering, financial, legal, and administrative expenses necessary for the construction, reconstruction, and improvement of a sewage treatment plant, including a major interceptor, collection system, or other facility appurtenant to the plant;~~

~~—— (D) a priority schedule for awarding loans, in which the board may consider, in addition to water pollution control needs, any financial needs relevant, including per capita cost, in making a determination of priority; and~~

~~—— (E) requirements for determination of the amount of the loan;~~

~~—— (ii) implement the awarding of loans for nonpoint source projects pursuant to Section 73-10c-4.5;~~

~~—— (iii) set effluent limitations and standards subject to Section 19-5-116;~~

~~—— (iv) implement or effectuate the powers and duties of the board; and~~

~~—— (v) protect the public health for the design, construction, operation, and maintenance of underground wastewater disposal systems, liquid scavenger operations, and vault and earthen pit privies;~~

~~—— (b) govern inspection, monitoring, recordkeeping, and reporting requirements for underground injections and require permits for underground injections, to protect drinking water sources, except for wells, pits, and ponds covered by Section 40-6-5 regarding gas and oil, recognizing that underground injection endangers drinking water sources if:~~

~~—— (i) injection may result in the presence of a contaminant in underground water that supplies or can reasonably be expected to supply a public water system,} as defined in Section {19-4-102; and~~

~~—— (ii) the presence of the contaminant may:~~

~~—— (A) result in the public water system not complying with any national primary drinking water standards; or~~

~~—— (B) otherwise adversely affect the health of persons;~~

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

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

~~—— (i) convey sewage treatment facility effluent of human origin in pipelines under pressure, unless contained in surface pipes wholly on private property and for agricultural~~

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~~purposes; and~~

~~—— (ii) are constructed after May 4, 1998;~~

~~—— (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~

~~the board shall adopt and enforce rules and establish fees to cover the costs of:~~

~~—— (i) managing the certification and testing program; and~~

~~—— (ii) testing for certification of operators of treatment works and sewerage systems operated by political subdivisions;~~

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

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

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

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

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

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

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

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

~~—— (C) demonstrates to the board the operator's capability to operate the treatment works or sewerage system at which the operator is currently employed by providing employment history and references as required by the board;~~

~~—— (3) The board shall:~~

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

~~—— (b) adopt, modify, or repeal standards of quality of the waters of the state and classify~~

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~~those waters according to their reasonable uses in the interest of the public under conditions the board may prescribe for the prevention, control, and abatement of pollution;~~

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

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

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

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

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

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

~~—— (g) to ensure compliance with applicable statutes and regulations;~~

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

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

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

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

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

~~—— (iii) taking into consideration the undisputed facts and the penalty criteria established by rule made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~

~~—— (4) The board may:~~

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

~~—— (i) prohibiting or abating discharges;~~

~~—— (ii) (A) requiring the construction of new treatment works or any parts of the new~~

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treatment works;

- ~~—— (B) requiring the modification, extension, or alteration of existing treatment works as specified by board rule or any parts of existing treatment works; or~~
- ~~—— (C) the adoption of other remedial measures to prevent, control, or abate pollution;~~
- ~~—— (iii) setting standards of water quality, classifying waters or evidencing any other determination by the board under this chapter; or~~
- ~~—— (iv) requiring compliance with this chapter and with rules made under this chapter;~~
- ~~—— (b) advise, consult, and cooperate with another agency of the state, the federal government, another state, an interstate agency, an affected group, an affected political subdivision, or affected industry to further the purposes of this chapter; or~~
- ~~—— (c) delegate the authority to issue an operating permit to a local health department.~~
- ~~—— (5) In performing the duties listed in Subsections (1) through (4), the board shall give priority to pollution that results in a hazard to the public health.~~
- ~~—— (6) The board shall take into consideration the availability of federal grants:~~
 - ~~—— (a) in determining eligible project costs; and~~
 - ~~—— (b) in establishing priorities pursuant to Subsection (1)(a)(i).~~
- ~~—— (7) (a) The board may not issue, amend, renew, modify, revoke, or terminate any of the following that are subject to the authority granted to the director under Section 19-5-106:~~
 - ~~—— [(a)] (i) a permit;~~
 - ~~—— [(b)] (ii) a license;~~
 - ~~—— [(c)] (iii) a registration;~~
 - ~~—— [(d)] (iv) a certification; or~~
 - ~~—— [(e)] (v) another administrative authorization made by the director.~~
- ~~—— (b) Notwithstanding Subsection (7)(a), the board may, in response to a request submitted pursuant to Subsection (3)(h), issue, amend, renew, modify, revoke, or terminate the director's penalty amount proposed during an ongoing settlement negotiation.~~
- ~~—— (8) A board member may not speak or act for the board unless the board member is authorized by a majority of a quorum of the board in a vote taken at a meeting of the board.~~
- ~~—— (9) The following procedures apply to board action upon a request submitted pursuant to Subsection (3)(h):~~
 - ~~—— (a) upon receipt of a request submitted pursuant to Subsection (3)(h), the board shall~~

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~~place the matter on the docket for the board's next regularly scheduled meeting that occurs at least 14 calendar days after the request is received;~~

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

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

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

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

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

~~—— **19-5-106. Director -- Appointment -- Duties.**~~

~~—— (1) The executive director shall appoint the director. The director shall serve under the administrative direction of the executive director.~~

~~—— (2) The director shall:~~

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

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

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

~~—— (d) subject to the provisions of this chapter, enforce rules made by the board through the issuance of orders, which orders may include:~~

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

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

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

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- ~~—— (e) review plans, specifications, or other data relative to pollution control systems or any part of the systems provided for in this chapter;~~
- ~~—— (f) issue construction or operating permits for the installation or modification of treatment works or any parts of the treatment works;~~
- ~~—— (g) after public notice and opportunity for public hearing, issue, continue in effect, renew, revoke, modify, or deny discharge permits under reasonable conditions the board may prescribe to:~~
 - ~~—— (i) control the management of sewage sludge; or~~
 - ~~—— (ii) prevent or control the discharge of pollutants, including effluent limitations for the discharge of wastes into the waters of the state;~~
- ~~—— (h) meet the requirements of federal law related to water pollution;~~
- ~~—— (i) under the direction of the executive director, represent the state in all matters pertaining to water pollution, including interstate compacts and other similar agreements;~~
- ~~—— (j) collect and disseminate information relating to water pollution and the prevention, control, and abatement of water pollution;~~
- ~~—— (k) subject to [Subsection 19-5-104(3)(g)] Subsections 19-5-103(3)(g) and (h), settle or compromise any civil action initiated by the division to compel compliance with this chapter or the rules made under this chapter; and~~
- ~~—— (l) (i) approve, approve in part, approve with conditions, or deny, in writing, an application for water reuse under Title 73, Chapter 3c, Wastewater Reuse Act; and~~
 - ~~—— (ii) issue an operating permit for water reuse under Title 73, Chapter 3c, Wastewater Reuse Act;~~
- ~~—— (3) The director may:~~
 - ~~—— (a) employ full-time employees as necessary to carry out the provisions of this chapter;~~
 - ~~—— (b) subject to the provisions of this chapter, authorize any employee or representative of the department to enter, at reasonable times and upon reasonable notice, in or upon public or private property for the purposes of inspecting and investigating conditions and plant records concerning possible water pollution;~~
 - ~~—— (c) encourage, participate in, or conduct studies, investigations, research, and demonstrations relating to water pollution and causes of water pollution as necessary for the discharge of duties assigned under this chapter, including the establishment of inventories of~~

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pollution sources:

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

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

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

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

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

~~— Section 5} 63G-10-103.~~

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

19-12-102. Definitions.

As used in this chapter:

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

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

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

(4) "Director" means:

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

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

(5) (a) "Freestanding pollution control property" means tangible personal property located in the state, regardless of whether a purchaser purchases the tangible personal property voluntarily or to comply with a requirement of a governmental entity, if:

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

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

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

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

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

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

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

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

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

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

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

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

(i) a consumable:

(A) chemical that is not reusable;

(B) cleaning material that is not reusable; or

(C) supply that is not reusable;

(ii) the following used for human waste:

(A) a septic tank; or

(B) other property;

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

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

(A) an air conditioner;

(B) a fan; or

(C) an item similar to Subsection ~~[(5)(b)(iv)(A) or (B)]~~ (5)(c)(iv)(A) or (B); or

(v) office equipment or an office supply if the primary purpose of the office equipment or office supply is not the prevention, control, or reduction of air or water pollution by:

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

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

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

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

(6) (a) "Pollution control facility" means real property in the state, regardless of whether a purchaser purchases the real property voluntarily or to comply with a requirement of a governmental entity, if the primary purpose of the real property is the prevention, control, or reduction of air pollution or water pollution by:

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

(ii) the use of treatment works for industrial waste; ~~[or]~~

~~[(ii)]~~ (iii) ~~[(A)]~~ the disposal, elimination, or reduction of, or redesign to eliminate or reduce, air ~~[pollutants]~~ contaminants, air pollution, or air contamination sources; ~~[and]~~ or

~~[(B)]~~ (iv) the use of one or more air cleaning devices.

~~[(b) "Pollution control facility" includes:]~~

~~[(i) an addition to real property described in Subsection (6)(a);]~~

~~[(ii) the reconstruction of real property described in Subsection (6)(a); or]~~

~~[(iii) an improvement to real property described in Subsection (6)(a).]~~

(b) "Pollution control facility" includes an installation or addition to, or reconstruction, replacement or improvement of, real property used, erected, constructed, acquired, or installed if the primary purpose of the use, erection, construction, acquisition, or installation is the prevention, control, or reduction of air or water pollution by:

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

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

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

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

(c) "Pollution control facility" does not include:

(i) a consumable:

(A) chemical that is not reusable;

(B) cleaning material that is not reusable; or

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- (C) supply that is not reusable;
 - (ii) the following used for human waste:
 - (A) a septic tank; or
 - (B) another facility;
 - (iii) property installed, constructed, or used for the moving of sewage to a collection facility of a public or quasi-public sewerage system;
 - (iv) the following used for the comfort of personnel:
 - (A) an air conditioner;
 - (B) a fan; or
 - (C) an item similar to Subsection (6)(c)(iv)(A) or (B); or
 - (v) office equipment or an office supply if the primary purpose of the office equipment or office supply is not the prevention, control, or reduction of air or water pollution by:
 - (A) the disposal ~~[or]~~, elimination of, or redesign to eliminate waste~~[-and]~~;
 - ~~(B)~~ the use of treatment works for industrial waste; ~~[or]~~
 - ~~[(B)]~~ (C) the disposal, elimination, or reduction of, or redesign to eliminate or reduce, air ~~[pollutants]~~ contaminants, air pollution, or air contamination sources~~[-and]~~;
 - (D) the use of one or more air cleaning devices.
 - (7) "Treatment works" means the same as that term is defined in Section 19-5-102.
 - (8) "Waste" means the same as that term is defined in Section 19-5-102.
 - (9) "Water pollution" has the same meaning as "pollution" under Section 19-5-102.
- Section ~~6~~3. Section **19-12-201** is amended to read:

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

- (1) Except as provided in Subsection (2), a purchase or lease of the following is exempt from a tax imposed under Title 59, Chapter 12, Sales and Use Tax Act:
- (a) freestanding pollution control property;
 - (b) tangible personal property if the tangible personal property is:
 - (i) incorporated into freestanding pollution control property; or
 - (ii) used at, used in the construction of, or incorporated into a pollution control facility;
 - (c) a part, if the part is used in the repair or replacement of property described in Subsection (1)(a) or (b);

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- (d) a product transferred electronically, if the property transferred electronically is:
 - (i) incorporated into freestanding pollution control property; or
 - (ii) used at, used in the construction of, or incorporated into a pollution control facility;

or

- (e) a service, if the service is performed on:
 - (i) freestanding pollution control property;
 - (ii) a pollution control facility; or
 - (iii) property described in Subsection (1)(b), a part described in Subsection (1)(c), or a

product described in Subsection (1)(d).

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

- (a) a consumable chemical that is not reusable;
- (b) a consumable cleaning material that is not reusable; or
- (c) a consumable supply that is not reusable.

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

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

~~(b)~~ the use of treatment works for industrial waste; ~~[or]~~

~~(b)~~ (c) the disposal, elimination, or reduction of, or redesign to eliminate or reduce, air ~~[pollutants]~~ contaminants, air pollution, or air pollution sources~~[-and]~~; or

~~(d)~~ the use of one or more air cleaning devices.

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

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

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

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

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

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

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

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

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

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2029.

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

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

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

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

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

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

Section ~~{7. Section 79-1-103 is amended to read:~~

~~— 79-1-103. Coordination council.~~

~~— (1) There is created a coordination council that consists of:~~

~~— (a) the executive director of the department;~~

~~— (b) the executive director of the Department of Environmental Quality;~~

~~— (c) the commissioner of the Department of Agriculture and Food;~~

~~— (d) the director of the Public Lands Policy Coordinating Office; and~~

~~— (e) the director of the Office of Energy Development.~~

~~— (2) The coordination council shall:~~

~~— (a) rotate the position of chair among the members; and~~

~~— (b) meet at least monthly.~~

~~— (3) The coordination council shall:~~

~~— (a) discuss methods to enhance the coordination of regulation and services of the five entities[.]; and~~

~~— (b) review and approve an act described in Subsection 19-1-209(2) before the act may take effect.~~

~~— (4) If the coordination council reviews an act described in Subsection (3)(b) and does not approve the act, the act may not take effect.~~

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~~Section 8~~ **5. Repealer.**

This bill repeals:

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

Section 6. Effective date.

This bill takes effect on May 1, 2024.