

Representative Tim Jimenez proposes the following substitute bill:

ENVIRONMENTAL QUALITY AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This bill addresses the Environmental Quality Code.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates an informal working group on environmental issues;
- ▶ 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. Joint informal executive and legislative working group.**

34 (1) As used in this section, "working group" means the informal working group created
35 by this section.

36 (2) (a) There is created an informal working group to facilitate discussions between the
37 Legislature and the department that shall consist of:

38 (i) two members of the Senate, appointed by the president of the Senate;

39 (ii) two members of the House of Representatives, appointed by the speaker of the
40 House of Representatives;

41 (iii) the chief of staff of the Senate, or the chief of staff's designee;

42 (iv) the chief of staff of the House of Representatives, or the chief of staff's designee;

43 and

44 (v) a leadership team from the department as selected by the executive director.

45 (b) The executive director may select different individuals to serve on the leadership
46 team for different meetings.

47 (c) (i) A legislative member of the working group may not receive compensation, per
48 diem, or expenses for the legislative member's service on the working group.

49 (ii) A member of the working group who is a state employee may not receive
50 compensation, per diem, or expenses for service on the working group that is in addition to the
51 member's compensation as a state employee.

52 (3) The working group shall determine:

53 (a) the time and place of meetings; and

54 (b) any other procedural matter not specified in this section.

55 (4) The working group shall meet at least monthly.

56 (5) The working group may discuss:

- 57 (a) needs of industries that are subject to regulation under this title;
 58 (b) needs of the department;
 59 (c) policy and rulemaking changes or implementation;
 60 (d) United States Environmental Protection Agency regulations and other federal
 61 regulations that affect industries regulated under this title or the department; and
 62 (e) any other issue that is related to the environment or the functioning of the
 63 department.

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

65 **19-12-102. Definitions.**

66 As used in this chapter:

- 67 (1) "Air pollutant" means the same as that term is defined in Section 19-2-102.
 68 (2) "Air pollutant source" means the same as that term is defined in Section 19-2-102.
 69 (3) "Air pollution" means the same as that term is defined in Section 19-2-102.
 70 (4) "Director" means:
 71 (a) for purposes of an application or certification under this chapter related to air
 72 pollution, the director of the Division of Air Quality; or
 73 (b) for purposes of an application or certification under this chapter related to water
 74 pollution, the director of the Division of Water Quality.
 75 (5) (a) "Freestanding pollution control property" means tangible personal property
 76 located in the state, regardless of whether a purchaser purchases the tangible personal property
 77 voluntarily or to comply with a requirement of a governmental entity, if:
 78 (i) the primary purpose of the tangible personal property is the prevention, control, or
 79 reduction of air or water pollution by:
 80 (A) the disposal or elimination of, or redesign to eliminate~~[-]~~ waste~~[-and]~~;
 81 (B) the use of treatment works for industrial waste; ~~[or]~~
 82 ~~[(B)]~~ (C) the disposal, elimination, or reduction of, or redesign to eliminate or reduce,
 83 air ~~[pollutants]~~ contaminants, air pollution, or air contamination sources~~[-and]~~; or
 84 (D) the use of one or more air cleaning devices; and
 85 (ii) the tangible personal property is not used at, in the construction of, or incorporated
 86 into a pollution control facility.
 87 (b) "Freestanding pollution control property" includes an installation or addition to, or

88 reconstruction, replacement or improvement of, tangible personal property used, erected,
 89 constructed, acquired, or installed if the primary purpose of the use, erection, construction,
 90 acquisition, or installation is the prevention, control, or reduction of air or water pollution by:

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

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

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

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

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

97 (i) a consumable:

98 (A) chemical that is not reusable;

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

100 (C) supply that is not reusable;

101 (ii) the following used for human waste:

102 (A) a septic tank; or

103 (B) other property;

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

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

107 (A) an air conditioner;

108 (B) a fan; or

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

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

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

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

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

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

117 (6) (a) "Pollution control facility" means real property in the state, regardless of

118 whether a purchaser purchases the real property voluntarily or to comply with a requirement of

119 a governmental entity, if the primary purpose of the real property is the prevention, control, or
 120 reduction of air pollution or water pollution by:

- 121 (i) the disposal or elimination of, or redesign to eliminate, waste [~~and~~];
 122 (ii) the use of treatment works for industrial waste; [or]
 123 [(~~it~~)] (iii) [(A)] the disposal, elimination, or reduction of, or redesign to eliminate or
 124 reduce, air [~~pollutants~~] contaminants, air pollution, or air contamination sources; [~~and~~] or
 125 [(~~B~~)] (iv) the use of one or more air cleaning devices.

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

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

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

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

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

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

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

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

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

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

140 (i) a consumable:

141 (A) chemical that is not reusable;

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

143 (C) supply that is not reusable;

144 (ii) the following used for human waste:

145 (A) a septic tank; or

146 (B) another facility;

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

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

- 150 (A) an air conditioner;
- 151 (B) a fan; or
- 152 (C) an item similar to Subsection (6)(c)(iv)(A) or (B); or
- 153 (v) office equipment or an office supply if the primary purpose of the office equipment

154 or office supply is not the prevention, control, or reduction of air or water pollution by:

- 155 (A) the disposal [~~or~~], elimination of, or redesign to eliminate waste[~~;~~and];
- 156 (B) the use of treatment works for industrial waste; [~~or~~]
- 157 [~~(B)~~] (C) the disposal, elimination, or reduction of, or redesign to eliminate or reduce,
- 158 air [~~pollutants~~] contaminants, air pollution, or air contamination sources[~~;~~and];
- 159 (D) the use of one or more air cleaning devices.

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

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

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

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

164 **19-12-201. Sales and use tax exemption for certain purchases or leases related to**
165 **pollution control.**

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

- 168 (a) freestanding pollution control property;
- 169 (b) tangible personal property if the tangible personal property is:
 - 170 (i) incorporated into freestanding pollution control property; or
 - 171 (ii) used at, used in the construction of, or incorporated into a pollution control facility;
- 172 (c) a part, if the part is used in the repair or replacement of property described in

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

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

- 175 (i) incorporated into freestanding pollution control property; or
- 176 (ii) used at, used in the construction of, or incorporated into a pollution control facility;

177 or

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

- 179 (i) freestanding pollution control property;
- 180 (ii) a pollution control facility; or

181 (iii) property described in Subsection (1)(b), a part described in Subsection (1)(c), or a
182 product described in Subsection (1)(d).

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

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

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

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

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

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

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

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

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

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

196 **63I-1-219. Repeal dates: Title 19.**

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

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

199 ~~[(3)]~~ (2) Section 19-2a-104 is repealed July 1, 2022.

200 ~~[(4)]~~ (3) (a) Title 19, Chapter 4, Safe Drinking Water Act, is repealed July 1, 2024.

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

203 ~~[(5)]~~ (4) Title 19, Chapter 5, Water Quality Act, is repealed July 1, 2029.

204 ~~[(6)]~~ (5) Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, is repealed July 1,
205 2029.

206 ~~[(7)]~~ (6) Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act, is repealed
207 July 1, 2030.

208 ~~[(8)]~~ (7) Title 19, Chapter 6, Part 4, Underground Storage Tank Act, is repealed July 1,
209 2028.

210 ~~[(9)]~~ (8) Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal, is repealed July 1,
211 2026.

212 [~~(10)~~] (9) Title 19, Chapter 6, Part 7, Used Oil Management Act, is repealed July 1,
213 2029.

214 [~~(11)~~] (10) Title 19, Chapter 6, Part 8, Waste Tire Recycling Act, is repealed July 1,
215 2030.

216 [~~(12)~~] (11) Title 19, Chapter 6, Part 10, Mercury Switch Removal Act, is repealed July
217 1, 2027.

218 Section 5. **Repealer.**

219 This bill repeals:

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

222 Section 6. **Effective date.**

223 This bill takes effect on May 1, 2024.