

Representative Mike Schultz proposes the following substitute bill:

AIR QUALITY POLICY AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: Stephen G. Handy

Cosponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill requires a study by the Department of Environmental Quality.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Department of Environmental Quality to study and make recommendations on a diesel emissions reduction plan framework;
- ▶ provides for reporting;
- ▶ includes a repeal date; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



25 [63I-2-219](#), as last amended by Laws of Utah 2021, Chapters 64 and 71

26 ENACTS:

27 [19-2a-102.5](#), Utah Code Annotated 1953



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

30 Section 1. Section [19-2a-102.5](#) is enacted to read:

31 **[19-2a-102.5](#). Emissions reduction plan study and recommendations.**

32 (1) As used in this section:

33 (a) "Disproportionate air quality affected area" means a non-attainment area, as defined
34 in Clean Air Act, Section 107(d)(1)(A)(i), 42 U.S.C. Sec. 7407(d)(1)(A)(i), or a geographic
35 area that, when compared with other areas in the state, is more likely to be found to not meet
36 air quality standards.

37 (b) "Inland port" means a project area as that term is defined in Section [11-58-102](#).

38 (c) "Inland port area" means an area in and around an inland port that bears the
39 environmental impacts of destruction, construction, development, and operational activities
40 within the inland port.

41 (d) "Legislative interim committees" means:

- 42 (i) the Economic Development and Workforce Services Interim Committee;
- 43 (ii) the Natural Resources, Agriculture, and Environment Interim Committee; and
- 44 (iii) the Transportation Interim Committee.

45 (e) (i) "Underserved or underrepresented community" means a group of people,
46 including a municipality, county, or American Indian tribe, that is economically disadvantaged.

47 (ii) "Underserved or underrepresented community" may include an economically
48 disadvantaged community where the people of the community have limited access to or have
49 demonstrated a low level of use of emission reduction programs.

50 (2) The department shall conduct a study in accordance with Subsection (3) and
51 recommend to the legislative interim committees a Utah diesel emission reduction program in
52 accordance with Subsection (4).

53 (3) The department shall study:

54 (a) the Texas Emission Reduction Plan, Tex. Health & Safety Code Ann., C 386, and
55 other examples of diesel emission reduction programs;

56 (b) potential diesel emission reduction goals from targeted diesel emission sources that
57 apply to specific:

58 (i) on- and off-road diesel vehicles and equipment; and

59 (ii) geographic airsheds;

60 (c) potential diesel emission reduction financial incentive programs;

61 (d) potential revenue sources to fund incentive programs described in Subsection

62 (3)(c);

63 (e) administrative, evaluation, and reporting responsibilities; and

64 (f) potential environmental mitigation projects that could reduce emissions within and
65 around the inland port area and be implemented by the Utah Inland Port Authority.

66 (4) (a) The department shall recommend to the legislative interim committees a
67 framework of the Utah diesel emission reduction program that includes:

68 (i) diesel emission reduction goals;

69 (ii) financial incentive programs to encourage the reduction of diesel emissions;

70 (iii) revenue sources to fund the financial incentive programs described in Subsection

71 (4)(a)(ii); and

72 (iv) implementation of the Utah diesel emission reduction program, including:

73 (A) which one or more state agencies should administer the Utah diesel emission
74 reduction program;

75 (B) evaluation processes; and

76 (C) reporting requirements.

77 (b) The framework described in this Subsection (4) shall specifically include
78 recommendations for:

79 (i) registration surcharges:

80 (A) related to on- or off-road diesel equipment or vehicles sold, rented, or leased; and

81 (B) that are deposited into and allowed to accumulate in an expendable special revenue
82 fund for purposes related to the Utah diesel emission reduction program;

83 (ii) potential environmental mitigation projects for the inland port area identified under
84 Subsection (3)(f);

85 (iii) programs to foster new technology implementation, including:

86 (A) a grant program;

87 (B) the expansion of Utah's clean diesel program; or
88 (C) tax credits for cleaner equipment purchases;
89 (iv) financial incentives for the early retirement of heavy-duty diesel equipment and the
90 potential expansion of Title 19, Chapter 2, Part 2, Clean Air Retrofit, Replacement, and
91 Off-road Technology Program; and
92 (v) state construction contract incentives that are awarded to persons who
93 predominately use equipment that has the most current generation federal emissions standard
94 engines, clean alternative fuel engines, or electric motors.

95 (c) The framework described in this Subsection (4) shall provide for programs that
96 directly benefit:

- 97 (i) rural communities;
- 98 (ii) inland port areas;
- 99 (iii) underserved or underrepresented communities; and
- 100 (iv) disproportionate air quality affected areas.

101 (5) (a) The department shall make an interim report to the legislative interim
102 committees on the status of the study under this section during or before the November interim
103 meetings in 2022.

104 (b) The department shall provide a final report to the legislative interim committees of
105 the department's study and recommendations under this section, including any recommended
106 legislation, during or before the November interim meetings in 2023.

107 Section 2. Section **63I-2-219** is amended to read:

108 **63I-2-219. Repeal dates -- Title 19.**

109 (1) Subsections 19-2-109.2(2) through (10), related to the Compliance Advisory Panel,
110 are repealed July 1, 2023.

111 (2) Section 19-2a-102.5, addressing a study and recommendations for a diesel emission
112 reduction program, is repealed July 1, 2024.