

ENVIRONMENTAL IMPACT MITIGATION REGARDING NEW PRISON PROJECT

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses provisions relating to environmental impact mitigation in connection with the project to construct new correctional facilities.

Highlighted Provisions:

This bill:

▸ requires the Division of Air Quality to report on air quality monitoring activities in the vicinity of the new correctional facilities construction project;

▸ requires the Department of Administrative Services to devote a section of its website to providing information about environmental impact mitigation efforts in connection with the new correctional facilities construction project; and

▸ requires the Prison Development Commission to invite the presentation of information at commission meetings concerning environmental impact mitigation efforts in connection with the new correctional facilities construction project.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 19-2-107, as last amended by Laws of Utah 2015, Chapter 154

29 63C-16-203, as enacted by Laws of Utah 2015, Chapter 182

30 ENACTS:

31 63A-1-117, Utah Code Annotated 1953



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

34 Section 1. Section 19-2-107 is amended to read:

35 **19-2-107. Director -- Appointment -- Powers.**

36 (1) The executive director shall appoint the director. The director shall serve under the
37 administrative direction of the executive director.

38 (2) (a) The director shall:

39 (i) prepare and develop comprehensive plans for the prevention, abatement, and control
40 of air pollution in Utah;

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

44 (iii) review plans, specifications, or other data relative to air pollution control
45 equipment or any part of the air pollution control equipment;

46 (iv) under the direction of the executive director, represent the state in all matters
47 relating to interstate air pollution, including interstate compacts and similar agreements;

48 (v) secure necessary scientific, technical, administrative, and operational services,
49 including laboratory facilities, by contract or otherwise;

50 (vi) encourage voluntary cooperation by persons and affected groups to achieve the
51 purposes of this chapter;

52 (vii) encourage local units of government to handle air pollution within their respective
53 jurisdictions on a cooperative basis and provide technical and consulting assistance to them;

54 (viii) determine by means of field studies and sampling the degree of air contamination
55 and air pollution in all parts of the state;

56 (ix) monitor the effects of the emission of air pollutants from motor vehicles on the
57 quality of the outdoor atmosphere in all parts of Utah and take appropriate responsive action;

58 (x) collect and disseminate information relating to air contamination and air pollution

59 and conduct educational and training programs relating to air contamination and air pollution;

60 (xi) assess and collect noncompliance penalties as required in Section 120 of the
61 federal Clean Air Act, 42 U.S.C. Section 7420;

62 (xii) comply with the requirements of federal air pollution laws;

63 (xiii) subject to the provisions of this chapter, enforce rules through the issuance of
64 orders, including:

65 (A) prohibiting or abating discharges of wastes affecting ambient air;

66 (B) requiring the construction of new control facilities or any parts of new control
67 facilities or the modification, extension, or alteration of existing control facilities or any parts
68 of new control facilities; or

69 (C) adopting other remedial measures to prevent, control, or abate air pollution; ~~and~~

70 (xiv) as authorized by the board and subject to the provisions of this chapter, act as
71 executive secretary of the board under the direction of the chairman of the board[-]; and

72 (xv) (A) on a quarterly basis, or as requested by the Prison Development Commission,
73 created in Section 63C-16-201, report to the Prison Development Commission the results of air
74 quality monitoring conducted by the division in the vicinity of the construction site of the new
75 correctional facilities, as defined in Section 63C-16-102, including any results that indicate the
76 impacts that fugitive dust from the construction activities are having on air quality; and

77 (B) provide the information described in Subsection (2)(a)(xv)(A) to the Department of
78 Administrative Services for inclusion on the website of the Department of Administrative
79 Services related to the new correctional facilities, as provided in Section 63A-1-117.

80 (b) The director may:

81 (i) employ full-time, temporary, part-time, and contract employees necessary to carry
82 out this chapter;

83 (ii) subject to the provisions of this chapter, authorize an employee or representative of
84 the department to enter at reasonable time and upon reasonable notice in or upon public or
85 private property for the purposes of inspecting and investigating conditions and plant records
86 concerning possible air pollution;

87 (iii) encourage, participate in, or conduct studies, investigations, research, and
88 demonstrations relating to air pollution and its causes, effects, prevention, abatement, and
89 control, as advisable and necessary for the discharge of duties assigned under this chapter,

90 including the establishment of inventories of pollution sources;

91 (iv) collect and disseminate information relating to air pollution and the prevention,
92 control, and abatement of it;

93 (v) cooperate with studies and research relating to air pollution and its control,
94 abatement, and prevention;

95 (vi) subject to Subsection (3), upon request, consult concerning the following with a
96 person proposing to construct, install, or otherwise acquire an air pollutant source in Utah:

97 (A) the efficacy of proposed air pollution control equipment for the source; or

98 (B) the air pollution problem that may be related to the source;

99 (vii) accept, receive, and administer grants or other funds or gifts from public and
100 private agencies, including the federal government, for the purpose of carrying out any of the
101 functions of this chapter;

102 (viii) subject to Subsection 19-2-104(3)(b)(i), settle or compromise a civil action
103 initiated by the division to compel compliance with this chapter or the rules made under this
104 chapter; or

105 (ix) subject to the provisions of this chapter, exercise all incidental powers necessary to
106 carry out the purposes of this chapter, including certification to state or federal authorities for
107 tax purposes that air pollution control equipment has been certified in conformity with Title 19,
108 Chapter 12, Pollution Control Act.

109 (3) A consultation described in Subsection (2)(b)(vi) does not relieve a person from the
110 requirements of this chapter, the rules adopted under this chapter, or any other provision of
111 law.

112 Section 2. Section 63A-1-117 is enacted to read:

113 **63A-1-117. Information on website related to new correctional facilities.**

114 (1) As used in this section:

115 (a) "Correctional facilities website" means a website that the department maintains for
116 the purpose of providing information to the public about the prison project.

117 (b) "New correctional facilities" means the same as that term is defined in Section
118 63A-5-225.

119 (c) "Prison project" means the project to construct new correctional facilities.

120 (2) The department shall devote a section of the correctional facilities website to:

121 (a) providing information about efforts being made to mitigate the environmental
 122 impacts of activities associated with the prison project, including information provided by the
 123 Division of Air Quality under Subsection 19-2-107(2)(a)(xv); and

124 (b) reporting on any community and similar outreach efforts the department or the
 125 Division of Facilities Construction and Management makes to communicate information to the
 126 public about the efforts to mitigate the environmental impacts of activities associated with the
 127 prison project.

128 Section 3. Section **63C-16-203** is amended to read:

129 **63C-16-203. Commission duties and responsibilities.**

130 (1) The commission shall:

131 (a) advise and consult with the division as the division oversees the prison project as
 132 provided in Section [63A-5-225](#);

133 (b) consult with, make recommendations to, and receive reports from the division
 134 regarding the prison project, consistent with Section [63A-5-225](#);

135 (c) invite the division and the Division of Air Quality to report at commission meetings
 136 concerning efforts being made during the construction of the new correctional facilities to
 137 mitigate the environmental impact of construction activities;

138 [~~(c)~~] (d) fulfill other responsibilities specified in Section [63A-5-225](#); and

139 [~~(d)~~] (e) undertake any other action the commission considers appropriate to support or
 140 help facilitate the successful completion of the prison project, consistent with Section
 141 [63A-5-225](#).

142 (2) The commission may:

143 (a) meet as many times as the commission or its chairs consider necessary or advisable
 144 in order to fulfill the commission's responsibilities under this part; and

145 (b) hire or direct the hiring of one or more consultants or experts to assist the
 146 commission in fulfilling the commission's responsibilities under this part.

147 (3) The commission may not consider or evaluate future uses or development of the
 148 property in Draper on which a state prison is located.