

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;
 - (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; and
 - (k) subject to Subsection 19-5-104(3)(h), settle or compromise any civil action initiated by the division to compel compliance with this chapter or the rules made under this chapter.
- (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 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.

Amended by Chapter 360, 2012 General Session