State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

Air Quality Board
Erin Mendenhall *Chair*
Cassady Kristensen, *Vice-Chair*
L. Scott Baird
Kevin R. Cromar
Mitra Basiri Kashanchi
Randal S. Martin
John Rasband
Arnold W. Reitze Jr.
William C. Stringer
Bryce C. Bird,
Executive Secretary

DAQ-023-20

UTAH AIR QUALITY BOARD MEETING

FINAL AGENDA

Wednesday, March 4, 2020 - 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

I. Call-to-Order

II. Date of the Next Air Quality Board Meeting: May 6, 2020

III. Approval of the Minutes for the November 20, 2019, December 4, 2019, Board Meetings and January 8, 2020, Working Lunch.

IV. Propose for Final Adoption: SIP Section X, Vehicle Inspection and Maintenance Program, Parts B, Davis County, and Part E, Weber County; R307-110-32. Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County; and R307-110-35. Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County. Presented by Mat Carlile.

V. Propose for Final Adoption: R307-401. Permit: New and Modified Sources. Presented by Liam Thrailkill and Alan Humpherys.

VI. Propose for Public Comment: Repeal R307-165. Emissions Testing. Reenact R307-165. Stack Testing. Presented by Liam Thrailkill and Sarah Foran.

VII. Propose for Public Comment: R307-101-3. General Requirements. Version of the Code of Federal Regulations Incorporated by Reference; R307-210. Standards of Performance for New Stationary Sources; R307-214. National Emissions Standards for Hazardous Air Pollutants; R307-405-2. Permits: Major Sources in Attainment or Unclassified Areas (PSD). Applicability; and R307-410. Permits: Emission Impact Analysis. Presented by Liam Thrailkill.

VIII. Propose for Final Approval: Five-Year Review for R307-302. Solid Fuel Burning Devices. Presented by Liam Thrailkill.

IX. Informational Items.
   A. Legislative and EPA Approval Updates. Presented by Mark Berger.
   B. Air Toxics. Presented by Leonard Wright.
   C. Compliance. Presented by Harold Burge and Rik Ombach.
   D. Monitoring. Presented by Bo Call.
   E. Other Items to be Brought Before the Board.
   F. Board Meeting Follow-up Items.

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Larene Wyss, Office of Human Resources at (801) 536-4281, TDD (801) 536-4284 or by email at lwyss@utah.gov.

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UTAH AIR QUALITY BOARD MEETING
November 20, 2019 – 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

DRAFT MINUTES

I. Call-to-Order

Erin Mendenahall called the meeting to order at 1:30 p.m.

Board members present: Mendenhall, Cassady Kristensen (attendance by phone), Scott Baird, Kevin Cromar, Mitra Kashanchi (attendance by phone), Randal Martin, John Rasband, and Arnold Reitze

Excused: William Stringer

Executive Secretary: Bryce Bird

II. Date of the Next Air Quality Board Meeting: December 4, 2019

III. Approval of the Minutes for October 2, 2019, Board Meeting.

A grammatical correction was made on page 2 of 5. On page 3 of 5, Informational Item E, the following correction was made, "Results also show that the direct emission sampling-derived profiles ~~are more able to produce ozone than separator sampling-derived profiles~~ were more accurate in the separator-derived profiles in getting the speciation of the hydrocarbon which contribute to ozone formation.

- Arnold Reitze motioned to approve the minutes as amended. Randal Martin seconded. The Board approved unanimously.

IV. Propose for Final Adoption: Amend R307-405-2. Permits: Major Sources in Attainment or Unclassified Areas (PSD). Applicability; and R307-410. Permits: Emissions Impact Analysis. Presented by Liam Thrailkill.

Liam Thrailkill, Rules Coordinator at DAQ, stated that the Clean Air Act (CAA) requires states to submit documentation to the EPA demonstrating the state has infrastructure in place to implement,

maintain, and enforce new or revised national ambient air quality standards (NAAQS). Infrastructure State Implementation Plans (ISIPs), are required for each pollutant whenever a NAAQS is developed or revised. As the DAQ worked with EPA to develop ISIPs for ozone, the aforementioned rules which incorporate the code of federal regulations (CFR) by reference were deemed outdated. In order for the ISIPs to be approvable, these rules need to be updated to include the most current versions of the parts of 40 CFR. These proposed amendments specifically update state rules to align with Appendix W, Guidelines on Air Quality Models. Staff recommends the Board adopt R307-405-2 and R307-410 as proposed.

It was brought to staff's attention of a correction on page 3 of 4, line 9, "...pounds per milligram hour" should be corrected. Staff agrees and will confirm that the edit should read, "...pounds per hour." If the rule is adopted, the edit is a nonsubstantive change which can be submitted after adoption.

- Arnold Reitze motioned that the Board adopt amended R307-405-2. Permits: Major Sources in Attainment or Unclassified Areas (PSD). Applicability; and R307-410. Permits: Emissions Impact Analysis, with the change on page 3, line 9, to "pounds per hour" as confirmed by staff. Randal Martin seconded. The Board approved unanimously.

V. Propose for Final Adoption: Amend SIP Section IX.H.21(e). General Requirements: Control Measures for Area and Point Sources, Emission Limits and Operating Practices, Regional Haze Requirements. Presented by Jay Baker.

Jay Baker, Environmental Scientist at DAQ, stated that on September 4, 2019, the Board approved amended State Implementation Plan (SIP) Section IX.H.21 for public comment. During the comment period, no comments were received. This SIP revision addresses the reporting requirements for Hunter and Huntington Power plants. Under the current language, they are only required to report exceedances of PM_{10} emissions limits if those exceedances are due to a breakdown. The revised language requires them to report any exceedances of permitted PM_{10} limits, regardless of the cause. In addition, the reporting requirement is in the source's Title V permit. Staff recommends that the Board adopt revisions to SIP Section IX.H.21(e) as proposed.

1:43 p.m. Cassady Kristensen exits the meeting by phone.

In discussion, Mr. Reitze raised a general concern regarding public access to records. Currently, records are only to be made available to the Director upon request, meaning that the public does not have a way of obtaining records unless requested by the Director. Staff responded that this is consistent with all the federal and state rules. There are no federal regulations which would prohibit access to records, and that such a request would have to go through the state rulemaking process. Mr. Reitze concludes that this is an issue the Board should consider.

- Kevin Cromar motioned that the Board adopt amended SIP Section IX.H.21(e) for final adoption. John Rasband seconded. The Board approved unanimously.

VI. Propose for Final Adoption: Amend R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits. Presented by Liam Thrailkill.

Liam Thrailkill, Rules Coordinator at DAQ, stated that the amendments to Section IX.H.21.(e) just adopted by the Board will have to be incorporated into the Utah Air Quality Rules. R307-110-17 is the rule that incorporates the new amendments to Part H. On September 4, 2019, the Board proposed

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amended R307-110-17 for a 30-day public comment period. The public comment period ran through the month of October 2019 and no comments were received and no hearing was requested. Staff recommends that the board adopt R307-110-17 as proposed.

- Kevin Cromar motioned that the Board adopt R307-110-17 as proposed. Randal Martin seconded. The Board approved unanimously.

VII. Propose for Public Comment: R307-401. Permit: New and Modified Sources. Presented by Liam Thrailkill.

Liam Thrailkill, Rules Coordinator at DAQ, stated that R307-401 was brought to the Board in August 2019 with amendments relating to soil vapor extraction, air stripper systems, and sub-slap vapor mitigation systems. A public comment period ran through the month of September 2019. Staff has reviewed and responded to comments and also provided additional information in response to comments received from the Board when the rule was proposed for public comment in August 2019. The Office of Administrative Rules has transitioned to a new online filing system and the new system will not allow DAQ to file a Change in Proposed Rule on rules that had a public comment period prior to the transition to the new filing system. For this reason, DAQ must let the old filing for R307-401 lapse and start a new rulemaking process with a new proposed rule and public comment period. This new filing incorporates the changes made in the first filing as well as the changes made in response to the public comments and the comments from the Board. The proposed changes to R307-401 will require another public comment period which will run from December 15, 2019, to January 14, 2020. Staff recommends that the Board propose for public comment the amended R307-401. Staff then responded to several questions as listed below.

When a rule lapses and then that rule is proposed again, are the public comments that were received prior to the rule lapse automatically put forward and applied to the new rule being proposed? If not, is there a way to automate it so that when a rule has lapsed and then it's being proposed again, that all the previous comments are added to the new docket? Staff responded that it is not common for a rule to lapse and if it does it is usually not brought back to the Board for a good reason. In this case, and in future cases of a rule lapse, staff will include the comments previously received as part of the record.

Under the testing requirements section as stated in the memorandum to the Board, it talks about emissions typically decreasing over time and allowing sources to discontinue testing after three years or if emissions have remained below exemption levels based on a case-by-case evaluation to determine if sampling can be discontinued. Is that feasible, and how many of these would staff end up analyzing? Staff responded that it is feasible to analyze these requests because on average, the division reviews about seven of these case-by-case evaluations a year.

On page 5 of 7, lines 40-48 of R307-401, how does engineer staff calculate the actual flow rate, and is it at some specific set of conditions for instance standard temperature and pressure, or actual temperature and pressure? Staff responded that the engineer review would make sure that it is consistent with standard temperature and pressure. The intent was that the emissions would be the actual emissions. Per recommendation, staff will make clarifications to the rule so that it is spelled out more clearly how it is calculated.

On page 7 of 7 lines 10-17 of R307-401, regarding soil aeration projects where EPA Test Methods 8021 and 8260 are referenced to determine the concentration in the soil, how are the emission rates calculated, and how would you go from a concentration to an emission? Staff responded that they would take the concentration and multiply that by the mass of the amount of soil that is being remediated. For the emission rate, staff assumes that the thresholds are annual and based on that the

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amount emitted would be for that year. That would then be compared for volatile organic compounds for the five tons per year. Per recommendation, staff will make clarifications to the rule so that it is spelled out more clearly how it is calculated. The recommended changes by the Board will be made during this proposed rule process.

- Arnold Reitze motioned, subject to the recommended changes by the Board, that the Board propose amended R307-401 for public comment. Kevin Cromar seconded. The Board approved unanimously.

Staff noted that when the requested changes are made, those changes will be sent to Board members Dr. Martin and Mr. Reitze for approval before the rule is put out for public comment.

VIII. Propose for Public Comment: Amend SIP Section X, Part B, Vehicle Inspection and Maintenance Program, Davis County; and Part E, Vehicle Inspection and Maintenance Program, Weber County. Presented by Mat Carlile.

Mat Carlile, Environmental Planning Consultant at DAQ, Utah Code gives authority to each county to design and manage a vehicle inspection and maintenance (I/M) program when it is required to attain and maintain any NAAQS. Section X incorporates these county programs into the Utah SIP. Section X Part A summarizes I/M requirements that are common among all I/M programs. The other subsections contain the requirements for each county I/M program that are unique to that county. Section X Part B is unique to Davis County and Section X Part E is unique to Weber County programs. Amendments to both Section X Part B and Part E were last adopted by the Board on December 5, 2012. DAQ worked closely with EPA and county I/M officials to remove obsolete language and to ensure that Section X accurately reflects the current I/M programs and meets all federal requirements. Staff recommends that the Board propose amended SIP Section X, Part B and Part E for public comment.

In discussion, it was stated that the modeled benefits that come from I/M become the basis for determining how much credit is claimed in SIP reductions. In addition, there are different requirements in each county and different cost for inspections. How does DAQ calculate for the SIP reductions or cost per ton of reduction? Staff responded that they take each county individually and review each county I/M program. The individual counties are then modeled separately. This process is unique in the United States but it is how it was initially set up by the State Legislature.

Rochelle Blackham, Environmental Health Director for Davis county, and Scott Braydon, Environmental Health Program Manager for Weber-Morgan Health Department responded to questions specific to each county I/M program.

What process did Davis and Weber county go through to make the programs more effective from an emissions reductions standpoint; and what was the process to make it less burdensome or less costly for consumers? Ms. Blackham responded that Davis county improvements were made based on EPA's intensive review of their program. Specifically, increased training requirements and clarifications to the penalty section for Covert audits. As far as funding, it is correct that fees in Davis county are market-driven for the emission testing program, but Davis county has a cap on how much that costs other than on diesel testing. Ms. Blackham also clarified that the requirement, "...demonstrate five (5) years full-time employment experience as an automotive technician..." refers to the automotive technician who performs emission related repairs on on-road vehicles and not for the technician administrating the emission test. Mr. Braydon responded that Weber has similar requirements for test and repair technicians as Davis county's program. A major improvement in Weber county is that after

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three years of debate Weber county implemented diesel testing in January 2017, which has been an improvement to their program. Weber county has a cap of $30 per emission test which they feel is a fair price for the service performed.

In regards to the waivers of Davis and Weber county, has the repair waiver dollars been adjusted over the years? Mr. Braydon responded that Weber county has adjusted the waiver amount three times over the years. As a reference, Weber county only issued four waivers last year. Ms. Blackham responded that Davis county implemented a vehicle repair assistance program which has reduced the number of waivers in the last two years. With this new assistance program, they feel they have more compliance with the repairs. Last year Davis county repaired approximately 60 vehicles and they are on track to repair between 70 to 80 vehicles this year.

What is the demand for repair assistance compared to the county's ability to support assistance, and what was the limiting factor? Mr. Braydon stated that since they just received a grant through the EPA, Weber county plans to implement a repair assistance program at the start of 2020. Ms. Blackham responded that last year they applied for a UCAIR grant which the county matched for a total of $40,000, and that funding did limit how many vehicles they could repair under the program. This year Davis county was awarded a smaller amount from UCAIR, but that was because the EPA targeted air shed grant will supplement the funding.

What is the income qualifying threshold for people accessing the program? Ms. Blackham responded that assistance is based on household size and income level as listed in the current federal poverty level guidelines which goes up to 300% poverty level. Chair Mendenhall stated that although 300% sounds like a lot it really is not. In other subsidized programs in the city realm, it is her experience that there is the missing middle people who don't make enough to make their repairs, but also don't qualify for any kind of assistance. She encourages the counties to continue to find the funding to expand the program thresholds to reach those individuals who do not qualify under the current thresholds.

- Randal Martin motioned to propose amend SIP Section X, Part B, Vehicle Inspection and Maintenance Program, Davis County; and Part E, Vehicle Inspection and Maintenance Program, Weber County for public comment. Arnold Reitze seconded. The Board approved unanimously.

IX. Propose for Public Comment: Amend R307-110-32. Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County; and R307-110-35. Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County. Presented by Liam Thrailkill.

Liam Thrailkill, Rules Coordinator at DAQ, stated that these rules incorporate the changes to the SIPs into the Utah Air Quality Rules. Staff recommends that the Board propose R307-110-32 and R307-110-35 for public comment.

The Board asked that rules such as this, that are part of a separate agenda item at the same meeting, be included with the presentation of the affected agenda item and in the staff recommendation. If staff has something different to present in the rule(s), then it can be a separate agenda item.

In response to the March 2020 date listed in the rule, staff responded that is the expected date of when the rule would come back to the Board for final adoption, if approved.

- Kevin Cromar motioned that this time the Board approve as a separate item the amended R307-110-32. Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County; and R307-110-35. Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County for public comment. Arnold Reitze seconded. The Board approved unanimously.

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X. HollyFrontier Woods Cross Refining LLC – Early Settlement Agreement. Presented by Harold Burge.

Harold Burge, Major Source Compliance Section Manager at DAQ, stated that DAQ issued a compliance advisory for alleged violations of HollyFrontier Woods Cross Refining's (Holly) approval order for conditions II.B.5.a and II.B.5.d, for operating emergency equipment in excess of the 600-hour combined non-emergency operating limit from May 1, 2017, to March 31, 2019; 40 CFR 63.6655(f) for not adequately maintaining records of emergency engine operating hours; and 40 CFR 63.6640(f) for exceeding the 100-hour calendar year non-emergency operating limit for 2017 (three engines), 2018 (three engines), and 2019 (one engine).

To resolve these violations, Holly corrected their records, commissioned a plant-wide air system leak survey, installed temporary electrical engines, and are investigating alternative long-term solutions for the addition of permanent air compressors. DAQ and Holly have negotiated a total penalty of $105,583, and in accordance with Section 19-2-104(3)(b)(i) of the Utah Code, the early settlement agreement is presented to the Board for review as the penalty exceeds $25,000. Staff recommends that the Board approve the early settlement agreement. Staff then responded to questions from the Board.

Was the source using the fuel powered emergency backup air compressors as part of their normal operations? Staff responded that was correct, which may have happened because they pulled out a diesel compressor in their prior approval order and they underestimated the amount of compressed air they would need.

What was meant by not adequately maintaining their records? Staff responded that the source was not keeping their rolling totals and submitting them by the 20th of each month for the prior 12 months. In addition, when they did submit those records there were some errors that needed to be corrected.

The Board commented on frustrations that the penalty amount is so low and that the state's penalty amount of $10,000 per day for each violation has not changed in decades. Another suggestion was that it might be good that when these proposals are made to the Board that there is an amount or ratio listed of how much the company saved versus the penalty amount. Chair Mendenhall requests that the Board have a discussion to review and update the current fine schedule and suggests that the Board look at what other states in nonattainment are doing in regards to those state fine schedules.

2:30 p.m. Mitra Kashanchi exits the meeting by phone.

It was also explained that the early settlement agreement (ESA) is a negotiated settlement and so DAQ has more flexibility under the ESA. For this ESA it was negotiated that 20% of the total penalty amount would go to the General Fund and 80% would go to the Environmental Mitigation and Response Fund (EMRF). It was then asked why doesn't DAQ ask that 100% of every ESA go to EMRF? Mr. Reitze stated a concern with not having the funds go to the General Fund might be that it may encourage an agency to keep the negotiated penalty amount down. Staff added that with the current ESA process DAQ is trying to incorporated a more efficient path to get settlements resolved, and with higher penalty amounts, the more likely it is to go through a lengthy legal process.

- John Rasband motioned that the Board accept the HollyFrontier Woods Cross Refining LLC early settlement agreement. Randal Martin seconded. The Board approved unanimously.

Chair Mendenhall did a poll of Board members, if they would like to schedule a time with DAQ staff and the Attorney General's Office to evaluate the current fine schedule, compare the schedule with other state Air Quality Boards' schedules, and to include discussing EPA's per day violation amount. The Board members present agreed unanimously.

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XI. Informational Items.

A. Air Toxics. Presented by Leonard Wright.

B. Compliance. Presented by Harold Burge and Rik Ombach.

It would be helpful to the Board to see what violations and what dollar amounts are being looked at of the unresolved notices of violations (NOVs) that are listed on the compliance activities memorandum, specifically those dated over one year. A poll of the Board was taken, and unanimously agreed to, asking that staff prepare tentative administrative penalty worksheets of unresolved NOVs that are over one year, and make those available to the Board and the public.

C. Monitoring. Presented by Bo Call.

Bo Call, Air Monitoring Section Manager at DAQ, gave an update of the monitoring graphs and answered questions.

In looking at PM data across the country from 2016 to 2018, Utah is different than other states. Is there ever a circumstance that Utah should be using the higher POC numbers that has fewer monitoring days for the official design value? Mr. Call explained that the POC number is simply an identifier of how many monitors that monitor that component and that we can choose which one we want to be our primary monitor. So, basically we have data redundancy by having multiple monitors, and at the end of the year we go back and calculate the redundant samples and see which ones we want to be the primary and which give us the best data set. It's all about data completeness, quality, and when we have missing data.

D. Other Items to be Brought Before the Board.

EPA is set to publish the redesignation proposal for PM10 for all of the nonattainment areas in Utah to attainment. This will start a public comment period.

E. Board Meeting Follow-up Items.

- Agenda item 4, page 3 of 4, line 9, "...pounds per milligram hour" should be changed to "...pounds per hour."
- Agenda item 7, page 5 of 7 lines 40-48 of R307-401, clarify how staff calculates the actual flow rate.
- Agenda item 7, page 7 of 7 lines 10-17 of R307-401, clarify how the emission rates are calculated, and clarify going from a concentration to an emission.
- Straw poll asking for a Board discussion on updating the fine schedule.
- Straw poll asking staff to prepare tentative administrative penalty worksheets of unresolved NOVs over one year, and make those available publicly.

Meeting adjourned at 2:56 p.m.

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UTAH AIR QUALITY BOARD MEETING
December 4, 2019 – 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

DRAFT MINUTES

I. Call-to-Order

Cassady Kristensen called the meeting to order at 1:36 p.m.

Board members present: Cassady Kristensen, Arnold Reitze, John Rasband, Scott Baird, and Randal Martin

Excused: Erin Mendenhall, Kevin Cromar, Mitra Kashanchi, William Stringer

Executive Secretary: Bryce Bird

II. Date of the Next Air Quality Board Meeting: January 8, 2020, and February 5, 2020

There are no action items for January 8, 2020. A tentative working lunch is planned to talk about compliance and fines. The next regular Board meeting will be February 5, 2020.

III. Propose for Final Adoption: SIP Subsection IX.A.36: PM2.5 Maintenance Provisions for Salt Lake City, UT. Presented by Becky Close.

Becky Close, Environmental Scientist at DAQ, stated that the Salt Lake City, Provo, and Logan areas have been unable to meet the 2006 24-hour PM2.5 national ambient air quality standard (NAAQS). This board approved moderate SIPs for all three areas and a serious SIP for the Salt Lake area. Those SIP revisions included control measures to reduce emissions. To date, all three areas have attained the standard by the attainment date. However, the Clean Air Act has additional requirements for the EPA to actually redesignate the areas to attainment status. The most important of which is the maintenance plan. The maintenance plan must demonstrate attainment of the standard 10 years from EPA redesignation of the area.

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For the Salt Lake City plan that was proposed in September 2019, the clean data determination had only been proposed by the EPA. It was finalized by the EPA on September 27, 2019. After some data and modeling verification, staff made a few changes, mainly to the trading ratios for the metropolitan planning organizations. The EPA thoroughly reviewed the narrative and technical support documentation and they had no comments. The modeling for the Salt Lake nonattainment area shows the projected value in 2035 at 33.6 ug/m^3. Staff recommends that the Board adopt SIP Subsection IX.A.36: PM2.5 Maintenance Provisions for Salt Lake City, UT, as amended.

Staff noted that the response to comments document attached to each of the three plans is the same document. The specific comments to a particular area were not separated out.

Did the mobile source budget projections into the future take into account the Inland Port? Staff responded that the Wasatch front Regional Council (WFRC) provided the on-road mobile inventory. WFRC checks transportation conformity every four years and they make sure the emissions budgets conform to the SIP. So, based on the current regional transportation plans, WFRC should be projecting for any significant transportation plans. If there is a significant change in transportation in the area, they still have to meet the budget. The expansion of the Inland Port has to be accomplished within the budget, which will be from 2035 and beyond.

- Arnold Reitze motioned that the Board propose SIP Subsection IX.A.36: PM2.5 Maintenance Provisions for final adoption. John Rasband seconded. The Board approved unanimously.

IV. Propose for Final Adoption: SIP Subsection IX.A.27: PM2.5 Maintenance Provisions for Provo, UT. Presented by Becky Close.

Becky Close, Environmental Scientist at DAQ, stated that for the Provo plan, DAQ modeling staff found speciation data for the Lindon monitor from 2011 that we did not have previously. So, in the Provo plan there are some strikeouts and replacements of a few graphs and text in modeling section (c) of the Provo plan which essentially strengthened the case for us choosing the 2011 episode for model performance evaluation. The projected value at the Lindon monitor in 2035 is 29.5 ug/m^3. Staff recommends that the Board adopt SIP Subsection IX.A.27: PM2.5 Maintenance Provisions for Provo, UT, as amended.

A few typographical errors were noted in the memorandum where it references the Logan, UT-ID plan instead of the Provo, UT plan. In addition, it was noted that the acronym and abbreviation page of each plan is incomplete. Staff will make the necessary edits.

On page 38, line 9, of the Provo, Utah plan, it talks about a mismatch of data and is non-uniform across the Salt Lake Valley. Is that correct to have that paragraph in the Provo, Utah plan? Staff responded that they feel it's still appropriate to leave the paragraph in the plan.

- Arnold Reitze motioned to approve SIP Subsection IX.A.27: PM2.5 Maintenance Provisions for Provo, UT for final adoption with the listed edits. Randal Martin seconded. The Board approved unanimously.

V. Propose for Final Adoption: SIP Subsection IX.A.28: PM2.5 Maintenance Provisions for Logan, UT-ID; and Amend R307-110-10. Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter. Presented by Becky Close.

Becky Close, Environmental Scientist at DAQ, stated that the Logan NAA extends into Franklin County, Idaho, and Idaho DEQ submitted its maintenance plan to EPA Region 10 in September 2019.

Utah's maintenance demonstration shows a projected value in 2035 at the Smithfield monitor at 28.2 ug/m^3.

In September 2019, the Board proposed R307-110-10 and a public comment period was held through the month of October 2019. No comments were received and no public hearing was requested. Staff recommends that the Board adopt SIP Subsection IX.A.28: PM2.5 Maintenance Provisions for Logan, UT-ID, as amended. And also adopt R307-110-10, Control Measure for Area and Point Sources, Part A, Fine Particulate Matter, as proposed.

The following technical changes were requested. On page 12, line 22, where it indicates "one" ug/m^3 per year." Based on the slope, it's a little over 1.3 ug/m^3 per year. On page 12, line 27, where it indicates "four ug/m^3 over the 18-year span." It should actually be "5.6 ug/m^3 over the 18-year span." On page 12, line 29, since the data is included in those figures, it should go out to 2018, not just to 2017. Staff will make those technical changes.

- John Rasband motioned that the Board propose SIP Subsection IX.A.28: PM2.5 Maintenance Provisions for Logan, UT-ID; and amend R307-110-10. Section IX, Control Measures for Area and Point Sources, with the technical edits, for final adoption. Randal Martin seconded. The Board approved unanimously.

VI. Propose for Approval: Five-Year Reviews for R307-103. Administrative Procedures; R307-165. Emission Testing; R307-201. Emission Standards: General Emission Standards; R307-202. Emission Standards: General Burning; R307-203. Emission Standards: Sulfur Content of Fuels; R307-204. Emission Standards: Smoke Management; R307-205. Emission Standards: Fugitive Emissions and Fugitive Dust; R307-206. Emission Standards: Abrasive Blasting; R307-207. Emission Standards: Residential Fireplaces and Stoves; R307-305. Nonattainment and Maintenance Areas for PM_{10}: Emission Standards; R307-306. PM_{10} Nonattainment and Maintenance Areas: Abrasive Blasting; R307-307. Road Salting and Sanding; R307-309. Nonattainment and Maintenance Areas for PM_{10}: Fugitive Emissions and Fugitive Dust; R307-310. Salt Lake County: Trading of Emission Budgets for Transportation Conformity; R307-311. Utah County: Trading of Emission Budgets for Transportation Conformity; R307-841. Residential Property and Child-Occupied Facility Renovation; and R307-842. Lead-Based Paint Activities. Presented by Liam Thrailkill.

Liam Thrailkill, Rules Coordinator at DAQ, stated that Utah Code 63G-3-305 requires each agency to review and justify its rules within five years of a rule's original effective date or within five years of the filing of the last five-year review. This review process is not a time to revise or amend the rules, but only to verify that the rule is still necessary and allowed under state and federal law. As part of this process, DAQ is required to identify any comments received since the last five-year review of each rule. This process is not the time to revisit those comments or to respond to them. No comments have been received for the rules as listed for agenda Item 7. Staff has reviewed all listed rules for agenda Item 7 and has determined that each rule should be continued. Staff recommends that the Board continue all listed rules for agenda Item 7 by approving the attached forms to be filed with the Office of Administrative Rules.

- Randal Martin motioned that the Board approve the five-year reviews for each rule as listed for agenda Item 7, as recommended by staff. John Rasband seconded. The Board approved unanimously.

DRAFT

VI. Informational Items.

A. Air Toxics. Presented by Leonard Wright.

B. Compliance. Presented by Harold Burge and Rik Ombach.

C. Monitoring. Presented by Bo Call.

Bo Call, Air Monitoring Section Manager at DAQ, updated the Board on the monitoring charts.

An update on the status of a Brigham City monitoring site, staff reported that DAQ lost the lease of the property site in July 2019. It was hoped that a new site could be located where our data history could remain the same. Because of the time that has passed, we will not be able to salvage the data stream to next year. Although we are not required to have a monitor in Brigham City, we are required to have two monitors in the MSA, which we do have in Davis and Weber county that meet the requirement. It was also mentioned that Nucor Steel is doing on-site monitoring and that information is broadcast publicly onto the DEQ mobile app.

D. Other Items to be Brought Before the Board.

Dr. Martin commented that we missed out on a lot of sampling in July, particularly in Cache Valley and so we are likely to be regulated at the 6th highest of the year. In January 2019 there were four values over 40. The Board should be aware that it could be revisiting the contingency plans for Cache Valley in the near future.

E. Board Meeting Follow-up Items.

Meeting adjourned at 2:07 p.m.

DRAFT

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

Air Quality Board
Erin Mendenhall *Chair*
Cassady Kristensen, *Vice-Chair*
L. Scott Baird
Kevin R. Cromar
Mitra Basiri Kashanchi
Randal S. Martin
John Rasband
Arnold W. Reitze Jr.
William C. Stringer
Bryce C. Bird,
Executive Secretary

UTAH AIR QUALITY BOARD MEETING
January 8, 2020 – 11:30 a.m.
195 North 1950 West, Four Corners Rooms
Salt Lake City, Utah 84116

DRAFT MINUTES

I. Welcome

Board members present: Kevin Cromar, Mitra Kashanchi, John Rasband, and Arnold Reitze

Excused: Erin Mendenhall, Cassady Kristensen, Scott Baird, Randal Martin, and William Stringer

Executive Secretary: Bryce Bird

II. Compliance and Enforcement Discussion

Chris Stephens and Marina Thomas, of the Attorney General's Office Environment Division, gave an overview of compliance and enforcement responsibilities of the DAQ and replied to several Board member questions. [See handout of presentation.]

What happens when a final agency action is appealed directly to the Supreme Court, to which Mr. Stephens replied, that every appeal that DAQ has had since 2004 has gone first to the Court of Appeals because that is where it goes under the Administrative Procedures Act. The DAQ has never appealed any case directly to the Supreme Court.

In R307-130-3, Adjustments, how is economic benefit of non -compliance applied in the penalty process given that there are caps to a penalty, to which staff responded that this is used as part of the settlement agreement. It is not clear how it would be applied if a case is appealed and goes before a judge.

Does the Director have authority to revoke permits for sources who violate their Title V permit? Mr. Stephens responded that the Director has the authority to revoke permits. There is a difference between issuing a permit to a source and revoking one already in existence. The Director can either issue an approval order or the Director can issue a disapproval order. If a source makes a showing in the permit application that implies they can meet the limits being set for them, the Director does not have a lot of

latitude to not issue approval. Mr. Stephens does not recall where revocation has been used for an approval order or a Title V permit. The Director has revoked certification for asbestos operators.

In regards to discussion on U.S. Magnesium's case, does the Director have authority to compel a source to perform a stack test. Staff responded, possibly but the hard part is that it can take four to six weeks for the final test results.

Is it possible for the Board and the public to receive the inspector worksheets used to determine the penalty amount, the number of days of violation, and severity of the violation. Staff responded that the initial worksheet used in the settlement is used as part of the settlement process which are protected as the division and source are in negotiations. The documents are public records once settlement is reached.

Staff added that the division is looking into possible statute and/or rule changes where it discusses violations to better clarify issues such as what determines the number of days of violation(s) and will also consider recommendations by the Board.

Other discussion topics included obligations of sources to do what is right in regards to air quality and to be accountable to permitting requirements. It was also suggested that the division might meet with sources to build trust and learn about a source's best environmental practices and possibly share those with other sources to build relationships. When presenting settlements to the Board, it may be a good idea to let the Board know what a source did to improve the air quality or how they came back into compliance and not just state a final penalty amount.

Suggestions from the Board:

- Updates to the penalty policy. Add more clarification on what per day means, specifically to the penalty policy. And if possible, add something that specifically addresses repeat violators. Staff will have proposed language for Board review within the next six months.
- Any other language recommendations by the Board, can be emailed to Bryce Bird.

Meeting ended at 1:44 p.m.

DRAFT

Compliance & Enforcement

Presentation to the Utah Air Quality Board, January 8, 2020

Utah Attorney General's Office

Director: “The director has the power to institute and maintain in the name of the state any and all enforcement proceedings.” Utah Code 19-2-116(1).

(Utah Code §§ 19-2-110(1), 19-2-107(2)(a)(xiii)).

Two avenues: (1) Notice of Violation

(2) State District Court

Who Has the Authority to Enforce?

Notice of Violation Route

Process and Available Enforcement Tools

Utah Code §§ 19-2-110(1), 19-2-107(2)(a)(xiii)

The Director may issue a NOV when he "**has reason to believe that a violation of any provision of this chapter or any rule issued under it has occurred**." 19-2-110(1)

The Director has authority to enforce the law through issuance of orders. 19-2-107(2)(a)(xiii)

NOV Requirements & Purpose

- The NOV must "specify the provision of this chapter or rule alleged to be violated [and] the facts alleged to constitute the violation." UCA § 19-2-110(1).
- Purpose: to place the source on notice of the accusations of violation.

After NOV Issues

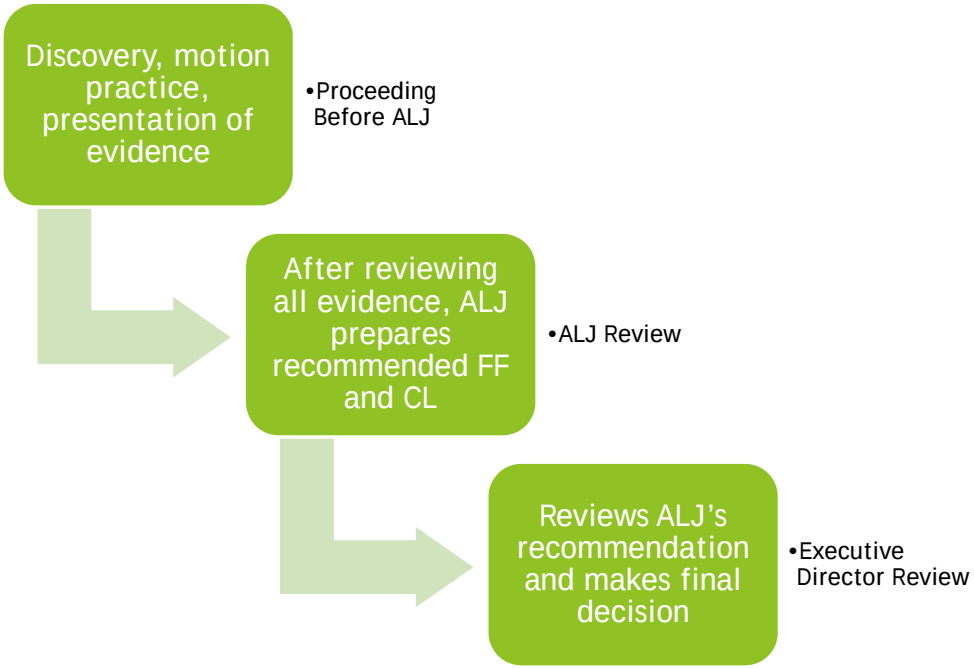
Not Contested

- Becomes final (violations are established by failure to contest) and enforceable in 30 days after issuance
- DAQ can sue for penalties or settle the NOV
- DAQ can ask for injunctive relief in district court

Contested

- Administrative enforcement proceeding starts before an Administrative Law Judge (ALJ)
- Utah Code § 19-1-301, Utah Administrative Procedures Act, and Utah Administrative Code R305-7 apply
- Formal adjudicative proceeding
- Settlement is still possible

Administrative Enforcement Proceeding



Executive Director's Decision

- Final agency action
- Subject to judicial review (Utah Court of Appeals or Utah Supreme Court)
- Decision by one of the state appellate courts is the final decision and is not subject to further review

If DAQ Prevails in Administrative Enforcement Action, it Can…

- “. . . seek enforcement of an order by seeking civil enforcement in the district courts.” Utah Code § 63G-4-501(1)(a)
- Lawsuit for civil penalties (“not to exceed $10,000 per day for each violation” Utah Code § 19-2-115(2)(a))
- Penalty for each violation it proves
- District court judge has considerable discretion to determine the penalty amount, but the cap is at $10K per day
- Injunction: asking the court to order the source to comply

State District Court Route

Process and Available Enforcement Tools

State District Court Process

- The Director may go directly to state district court and file a lawsuit alleging violations of a permit, statute, or rule that applies to the source
- Director does NOT file a NOV and no administrative hearing is held before DEQ
- The entire case (fact of violations and penalty amount) is litigated in the state district court
- Discovery, motion practice, and evidentiary hearing available

State District Court Process

- Same penalty determination as when the case is filed in the district court after administrative adjudication
- Judge has all the power and discretion to determine penalty within $10K per day limit
- Appellate review available in the Utah Court of Appeals or Utah Supreme Court
- Settlement is always possible

Air Quality Board Role in Enforcement

Process and Available Tools

What is Air Quality Board's Role in Enforcement?

- (1) Review and either approve or disapprove settlement negotiated by the Director with civil penalty of $25K or more (board ensures compliance with statutes and regulations) 19-2-104(3)(b)(i)

What is Air Quality Board's Role in Enforcement?

- (2) May recommend certain actions to the Director under 19-2-104(3)(a)(ii):
- (a) to hold a hearing relating to any aspect of or matter in administering Air Conservation Act
- (b) to issue orders to enforce Air Conservation Act
- (c) to enforce orders through administrative or judicial proceeding
- (d) to institute judicial proceedings to secure compliance with Air Conservation Act
- (e) to advise, consult, contract, and cooperate with other agencies of the state, local governments, industries, other states, interstate or interlocal agencies, federal government, or interested persons or groups

What is Air Quality Board's Role in Enforcement?

- (3) Rulemaking authority under 19-2-104(1)
  - (a) the Board created general penalty policy in Utah Admin. Code R307-130
  - (b) the Board can amend this rule, but the statute caps the per day penalty amount at $10K

R307-130-1. Scope

- This policy provides guidance to the director in negotiating with air pollution sources penalties for consent agreements to resolve non-compliance situations. It is designed to be used to determine a reasonable and appropriate penalty for the violations based on the nature and extent of the violations, consideration of the economic benefit to the sources of non-compliance, and adjustments for specific circumstances.

R307-130-2. Categories

- Violations are grouped in four general categories based on the potential for harm and the nature and extent of the violations. Penalty ranges for each category are listed.
- **(1) Category A. $7,000-10,000 per day:**
- Violations with high potential for impact on public health and the environment including:
- (a) Violation of emission standards and limitations of NESHAP.
- (b) Emissions contributing to nonattainment area or PSD increment exceedences.
- (c) Emissions resulting in documented public health effects and/or environmental damage.
- **(2) Category B. $2,000-7,000 per day.**
- Violations of the Utah Air Conservation Act, applicable State and Federal regulations, and orders to include:
- (a) Significant levels of emissions resulting from violations of emission limitations or other regulations which are not within Category A.
- (b) Substantial non-compliance with monitoring requirements.
- (c) Significant violations of approval orders, compliance orders, and consent agreements not within Category A.
- (d) Significant and/or knowing violations of "notice of intent" and other notification requirements, including those of NESHAP.
- (e) Violations of reporting requirements of NESHAP.

R307-130-2. Categories (Cont'd)

- **(3) Category C. Up to $2,000 per day.**
- Minor violations of the Utah Air Conservation Act, applicable State and Federal Regulations and orders having no significant public health or environmental impact to include:
- (a) Reporting violations
- (b) Minor violations of monitoring requirements, orders and agreements
- (c) Minor violations of emission limitations or other regulatory requirements.
- **(4) Category D. Up to $299.00.**
- Violations of specific provisions of R307 which are considered minor to include:
- (a) Violation of automobile emission standards and requirements
- (b) Violation of wood-burning regulations by private individuals
- (c) Open burning violations by private individuals.

R307-130-3. Adjustments

- The amount of the penalty within each category may be adjusted and/or suspended in part based upon the following factors:
- (1) Good faith efforts to comply or lack of good faith. Good faith takes into account the openness in dealing with the violations, promptness in correction of problems, and the degree of cooperation with the State to include accessibility to information and the amount of State effort necessary to bring the source into compliance.
- (2) Degree of wilfulness and/or negligence. In assessing wilfulness and/or negligence, factors to be considered include how much control the violator had over and the foreseeability of the events constituting the violation, whether the violator made or could have made reasonable efforts to prevent the violation, and whether the violator knew of the legal requirements which were violated.
- (3) History of compliance or non-compliance. History of non-compliance includes consideration of previous violations and the resource costs to the State of past and current enforcement actions.
- (4) Economic benefit of non-compliance. The amount of economic benefit to the source of non-compliance would be added to any penalty amount determined under this policy.
- (5) Inability to pay. An adjustment downward may be made or a delayed payment schedule may be used based on a documented inability of the source to pay.

R307-130-4. Options

- Consideration may be given to suspension of monetary penalties in trade-off for expenditures resulting in additional controls and/or emissions reductions beyond those required to meet existing requirements. Consideration may be given to an increased amount of suspended penalty as a deterrent to future violations where appropriate.

Litigation Update

Enforcement Matters

When Does a Matter go to Litigation?

- Settlement negotiations broke down
- Source is not responsive (ignoring the agency's communication)
- Source is not complying and not paying the penalty
- Source is in bankruptcy

Quick Numbers

- In the last two years we have filed 9 cases and participating in 1 bankruptcy case
- Major source compliance: 2 cases (U.S. Magnesium)
- Minor source compliance: 7 cases (2 cases for asbestos section)
- 3 cases resolved with penalty paid and compliance achieved (two cases within a few months and one case within a year)
- 2 cases: Defendant (source) defaulted and penalty was sent to state collections to collect
- 4 cases are still pending (plus 1 bankruptcy case)

Current Enforcement Cases

- U.S. Magnesium (Tooele County): 3 NOVs
- JRJ Services (sand & gravel pit in Duchesne County): 2 NOVs
- Gordon Creek Energy (natural gas compressor station in Carbon County): 1 NOV
- Pacific Energy & Mining (oil & gas company in Grand County): bankruptcy
- Strang Excavating (crushing & screening operation in Salt Lake County (Kearns)): 1 NOV

U.S. Magnesium

Two NOVs in Third District Court (Tooele County); 1 NOV in administrative proceedings.

Reason: negotiations over penalties broke down.

Violations: failed stack tests (PM, HCl, chlorine), failures to test equipment, failures to submit various reports, failure to keep records and properly certify reports, failure to timely test.

U.S. Magnesium: Current Status

- Two separate cases were filed and recently (Nov. 2019) consolidated into one case.
- The case went through the initial stages of discovery and motion practice. One of the cases also was in administrative proceedings before ALJ earlier and we stipulated that the violations occurred.
- The main battle in the case is over duration of the violations and whether they lasted one day or multiple days (huge impact on the penalties).

U.S. Magnesium: Current Status

- Two rulings from the district court judge that U.S. Magnesium tried to appeal before the case was concluded (interlocutory appeal).
- (1) The district court can decide on the duration of the violations (one day vs. multiple days). It doesn't have to be an ALJ.
- (2) The district court can admit evidence showing that a violation lasted multiple days but there is no automatic presumption that the source is out of compliance for multiple days after a failed stack test and until the next successful stack test.

U.S. Magnesium: Current Status

- U.S. Magnesium filed two petitions for interlocutory appeal. DAQ opposed both.
- Utah Supreme Court agreed denying both petitions. The case will now proceed further in district court. Need to agree on discovery schedule.
- Third case: in administrative proceedings right now.
- Strategy is to file it with the district court and consolidate with the other case.

JRJ Services

Sand & gravel pit in Duchesne County

Violations: inadequate dust suppression efforts (no water sprays), unpermitted equipment

Reason: the source is not responsive to the agency (not responsive to other agencies as well – Division of Oil, Gas, and Mining)

JRJ Services: Current Status

- Complaint was filed to collect penalty and compel compliance.
- The company did not properly answer the complaint.
- DAQ asked for an entry of the default judgment. The judgment entered and the State Office of Debt Collections was successful at collecting $67K penalty ($2.5K is owing – the bank account didn't have enough funds – and will be collected).
- The company is still out of compliance even after we sent it the court's order compelling compliance and even after it has been collected on!
- DAQ is filing for civil contempt, additional fines, and compliance this week.

Gordon Creek Energy

Natural gas compressor station in Carbon County. Owned by the Canadian company.

Violations: unpermitted equipment

Reason: source was not responsive to the agency

Gordon Creek Energy: Current Status

- DAQ filed a district court case to collect penalties and compel compliance.
- As a result of that we had representatives of another company that was buying Gordon Creek's assets come in and talk to DAQ.
- This new company is responsible for compliance and will be taking steps to comply.
- Gordon Creek never answered the complaint, and DAQ motioned the court for entry of the default judgement.
- Default judgment entered, and DAQ referred the case to State Office of Debt Collections for collecting the penalty.
- Penalty amount is $28K.
- The difficulty for collections is that the company is in Canada. Collections served a writ of garnishment on the new buyer (sale just went through about a month ago).

Pacific Energy & Mining

The Board approved the settlement with this company in the summer of 2019.

Penalty amount: $71K.

The company filed for bankruptcy before the payment due date.

Automatic stay is in place and we cannot collect the penalty.

We have filed our proof of claim in the bankruptcy case in November 2019.

The case was recently converted to Chapter 7 (liquidation) from Chapter 11 (reorganization). Meeting of the creditors is scheduled for the end of January. DAQ's counsel will attend.

Unsecured creditor: last in line.

Strang Excavating

Crushing & screening operation in Salt Lake County (Kearns)

Violations: failure to apply for a permit prior to modifications

Reason: company not responsive to the agency

Strang Excavating: Current Status

- DAQ filed a complaint to compel compliance and collect penalty.
- The company never properly answered, and we asked the Court to enter default. Default certificate was entered in April of this year.
- Before we asked for entry of default judgment, DAQ was able to settle with the company administratively.
- Settlement agreement is being drafted right now and the district court case will be dismissed once the agreement is signed.

- Questions?

ITEM 4

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-013-20

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Mat Carlile, Environmental Planning Consultant

DATE: February 19, 2020

SUBJECT: PROPOSE FOR FINAL ADOPTION: Amend SIP Section X, Part B, Vehicle Inspection and Maintenance Program, Davis County; Part E, Vehicle Inspection and Maintenance Program, Weber County; R307-110-32 Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County; and R307-110-35 Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County.

On November 20, 2019, the Air Quality Board proposed for public comment amendments to State Implementation Plan (SIP) Section X, Part B, Vehicle Inspection and Maintenance Program, Davis County and Part E, Vehicle Inspection and Maintenance Program, Weber County. The amendments incorporate into Utah's SIP updates the counties made to their vehicle inspection and maintenance (I/M) ordinances/regulations. The updates reflect the activities of the current programs, provide clarity, and ensure that the programs conform to federal requirements.

Davis County updated its program by moving all of its diesel emission program to an appendix, made changes to its penalty schedule, and removed references to 'director discretion' in its ordinance. Weber County amended its regulation to specify that all engine switches, regardless of the vehicle model year, will be verified and tested by the health department. Additionally, references to 'director discretion' were removed and an appendix H was added to the regulation that includes the Environmental Protection Agency's (EPA) Engine Switching Fact Sheet.

Utah Code Annotated 41-6a-1642 grants authority to each county to design and manage an I/M program when one is required to attain or maintain any national ambient air quality standard. The Division of Air Quality's (DAQ's) responsibility when a county creates or makes changes to a program is to ensure that the program meets federal requirements and provides the needed emissions reductions to meet national ambient air quality standards, and incorporate those changes into its SIP. DAQ staff worked closely with

the EPA, Davis County, and Weber County, and we have concluded that the changes accurately reflect each county's current I/M program, meet federal requirements, and are approvable by the EPA.

In addition, when sections of the SIP are amended by the Board, those sections must be incorporated into the Air Quality Rules. The Board proposed amendments to R307-110-32 and R307-110-35 to incorporate into its rules changes made to Section X, Vehicle Inspection and Maintenance Program, Parts B and E.

A public comment period was held through the month of January. A public hearing was held on Monday, February 3, 2020, and due to severe weather a second hearing was held on Wednesday, February 5, 2020. No one came to either hearing. No comments were received on the proposed amendments.

Recommendation: Staff recommends the Board adopt the amended SIP Section X, Parts B and E, and R307-110-32 and 35 as proposed.

Davis County

Vehicle Inspection and Maintenance Program

UTAH STATE IMPLEMENTATION PLAN

SECTION X

VEHICLE INSPECTION AND MAINTENANCE PROGRAM

PART B

DAVIS COUNTY

Adopted by the Utah Air Quality Board
March 4, 2020

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3. I/M SIP implementation 3

SECTION X, PART B
DAVIS COUNTY

Appendices

1 Davis County Ordinance 10.12 Vehicle Emissions Inspection/Maintenance Program, approved and adopted October 1, 2019.

2 Quality Division Operating Procedures 10/30/19

UTAH STATE IMPLEMENTATION PLAN
SECTION X
AUTOMOTIVE INSPECTION AND MAINTENANCE (I/M) PROGRAM
PART B
DAVIS COUNTY

1. Applicability

Davis County Inspection and Maintenance (I/M) Program Requirements: The Utah Air Quality Board adopted an Ozone maintenance plan for Salt Lake and Davis counties on November 5, 1993, to address the 1979 1-hour Ozone National Ambient Air Quality Standard (NAAQS). The plan was reorganized and adopted on January 5, 1995. Revisions to the ozone maintenance plan were adopted by the Board on June 5, 1996, and June 7, 1997. EPA approved the plan on July 17, 1997 (62 FR 38213, July 17, 1997). The ozone maintenance plan required implementation of an improved I/M program no later than January 1, 1998. The ozone maintenance plan established a performance standard that was more stringent than the federal Basic I/M Performance Standard.

On July 17, 1997, EPA approved the State's request to redesignate Salt Lake and Davis counties to attainment for the 1979 1-hour ozone standard. As part of that action, EPA approved the State's 1-hour ozone maintenance plan (62 FR 38213). On July 18, 1997, EPA promulgated an 8-hour ozone NAAQS of 0.08 ppm (62 FR 38894). This standard was intended to replace the 1-hour ozone standard. On April 30, 2004, EPA designated areas of the United States for the 1997 8-hour ozone standard (69 FR 23857). EPA designated all areas in Utah, including Salt Lake County and Davis County, as unclassifiable/attainment for the 1997 8-hour ozone NAAQS (69 FR 23940).

On April 30, 2004, EPA revoked the 1979 1-hour ozone NAAQS (69 FR23951, 23996; 40 CFR 50.9(b). As part of that rulemaking, EPA established certain requirements to prevent backsliding in the areas that were redesignated to" attainment" but subject to a maintenance plan, as is the case for Salt Lake County and Davis County. These requirements are codified at 40 CFR 51.905. In the case of Utah, one of these requirements was to submit a maintenance plan for the 1997 8-hour ozone standard. On March 22, 2007, the Governor of Utah submitted a maintenance plan for the 1997 8-hour ozone standard for Salt Lake County and Davis County, and associated rule revisions, which included an I/M program as a control measure. This plan was approved by EPA on September 26, 2013 (78 FR 59242). Davis County was designated as a 'marginal' nonattainment area for the 2015 8-hour ozone standard effective August 3, 2018(83 FR 25776), June 4, 2018). An I/M program is not required in marginal nonattainment areas; however, if the Davis County is redesignated to a 'moderate' nonattainment area, an I/M program would be required by the Clean Air Act (CAA).

Utah was previously required by Sections 182 and 187 of the CAA to implement and maintain an I/M program in Davis County that met the minimum requirements of 40 CFR Part 51 Subpart S and that was at least as effective as the EPA's Basic Performance Standard as specified in 40 CFR 51.352. However, the Basic Performance Standard requirement is no longer applicable as the nonattainment area in Davis County has been redesignated to attainment / maintenance for the 1979 1-hour ozone NAAQS. Parts A and B of Section X, together with the referenced appendices, continue to demonstrate compliance with the 40 CFR Part 51 provisions for I/M Program Requirements for Davis County and produce mobile source emission reductions that are sufficient to demonstrate continued maintenance of the 1997 8-hour ozone NAAQS. In addition, the Davis County I/M program is a control measure included in the Salt Lake City 24-hour particulate Serious SIP submitted to EPA on February 15, 2019.

2. Summary of Davis County I/M Program

Below is a summary of Davis County's I/M program. Section X, Part D Appendices 1 – 2 contain the essential documents for Davis County's I/M program.

Network Type: Davis County's I/M program is a decentralized, test-and-repair network.

Test Convenience: There are approximately 140 permitted I/M stations within Davis County. Specific operating hours are not specified by the county. Some stations that test and/or service only one type of vehicle are permitted. There are also government and private fleet permitted stations that are not open to the public.

Subject Fleet: All model year 1968 and newer vehicles registered or principally-operated in Davis County are subject to the I/M program except for exempt vehicles.

Test Frequency: Vehicles less than two years old as of January 1 on any given year are exempt from an emissions inspection. Vehicles two years old and less than six years old as of January 1 on any given year are inspected every other year as per Utah Code 41-6a-1642(6). All vehicles six years old and older as of January 1 on any given year are inspected annually.

Station/Inspector Audits: Davis County's I/M program will regularly audit all permitted I/M inspectors and stations to ensure compliance with county I/M ordinance and policies. Particular attention will be given to identifying and correcting any fraud or incompetence with respect to vehicle emissions inspections. Compliance with recordkeeping, document security, analyzer maintenance, and program security requirements will be scrutinized. Davis County I/M program will have an active covert compliance program to minimize potential fraudulent testing. Davis County audit procedures are provided in Appendix 2 of this part of Section X.

Waivers: Davis County's I/M program may issue waivers under limited circumstances. The wavier procedure can be found in Davis County's I/M ordinance provided in Appendix 1. Davis County will take corrective action as needed to maintain a maximum waiver rate of 1% of the initially failed vehicles, or the Utah Air Quality Board will revise the SIP and emission reductions claimed based on the actual waiver rate. The conditions for issuing waivers are specified in Davis County's I/M ordinance and meet the minimum waiver issuance criteria specified in 40 CFR Subparts 51.360.

Test Equipment: Specifications for Davis County's emission analyzer and its I/M test procedures, standards and analyzers are provided in Davis County's I/M ordinance provided in Appendix 1. Test equipment and procedure were developed according to good engineering practices to ensure test accuracy. Analyzer calibration specifications and emissions test procedures meet the minimum standards established in Appendix A of the EPA's I/M Guidance Program Requirements, 40 CFR Part 51 Subpart S.

Test Procedures:

- The following vehicles are subject to an OBD II inspection:
    - 1996 and newer light duty vehicles[1], and
    - 2008 and newer medium duty vehicles[2]
- The following vehicles are subject to a two-speed idle test that is compatible with Section VI (Preconditioned Two Speed Idle Test) in Appendix B of the EPA I/M Guidance Program Requirements, 40 CFR 51, Subpart S:
    - 1995 and older vehicles,
    - 1996 to 2007 medium and heavy-duty vehicles[3], and
    - 2008 and newer heavy-duty vehicles.

3. I/M SIP Implementation

The I/M program ordinance, policies, procedures, and activities specified in this I/M SIP revision have been implemented and shall continue until a maintenance plan without an I/M program is approved by EPA in accordance with Section 175 of the Clean Air Act as amended.

1 Light duty vehicles have a Gross Vehicle Weight of 8500 lbs or less.
2 Medium duty vehicles have a Gross Vehicle Weight greater than 8500 lbs but less than 14,000 lbs
3 Heavy Duty vehicles have a Gross Vehicle Weight greater 14,000 lbs

Appendix 1: Davis County Vehicle

Emissions Inspection/Maintenance

Program Ordinance

DAVIS COUNTY
VEHICLE EMISSIONS
INSPECTION/MAINTENANCE
PROGRAM ORDINANCE

September 2019

Davis

COUNTY

DAVIS COUNTY
ORDINANCE NO. 10.12

DAVIS COUNTY VEHICLE EMISSIONS INSPECTION/MAINTENANCE PROGRAM ORDINANCE

AN ORDINANCE AMENDING SECTION 10.12 - OF THE DAVIS COUNTY CODE RELATING TO THE VEHICLE INSPECTION AND MAINTENANCE PROGRAM FOR DAVIS COUNTY

The Board of County Commissioners of Davis County, Utah, in a regular meeting, lawful notice of which has been given, finds that:

WHEREAS it is in the best interests of Davis County residents to have clean, safe and breathable air; and

WHEREAS adoption and implementation of a vehicle Inspection and maintenance program is likely to promote the values of clean, safe and breathable air in Davis County, and

WHEREAS it is in the best interest of the County that this Ordinance be adopted.

THEREFORE, the Board of County Commissioners of Davis County, Utah, hereby adopts the following Ordinance:

BE IT ORDAINED THAT

Section 10.12 of the Davis County Code is amended and enacted to read:

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10.12.010 Adopted

The Davis County Vehicle Emissions Inspection/Maintenance Program Ordinance compiled in book form and bearing the date of October 31, 2014**,** three (3) copies of which book are on file in the office of the Davis County Clerk, and one (1) copy which is on file in the office of the Davis County Health Department, is adopted as the Davis County Vehicle Emissions Inspection/Maintenance Program Ordinance and is incorporated into this chapter.

10.12.020 Definitions

For the purpose of this Chapter, the following terms, phrases and words shall have the following meanings, unless otherwise defined:

1. Accuracy: the degree by which an analyzer is able to determine the concentration of pollutants of interest (see Appendix A).
2. AIR (Air Injection Reaction) System: a system for providing supplementary air into a vehicle's exhaust system to promote catalytic reaction.
3. Air Intake Systems: systems that allow for the induction of ambient air, including when applicable, preheated air into the engine combustion chamber for the purpose of mixing with a fuel for combustion.
4. ASE: the National Institute for Automotive Service Excellence.
5. Audit: a periodic quality assurance check performed by the Division on equipment and personnel regulated under this Chapter; includes Covert and Overt Audits.
6. Auditor: an employee of the Division who performs audits.
7. Automotive Imports (imported vehicles): vehicles manufactured for use outside of the United States that may not meet U.S.E.P.A. Emissions requirements for the year manufactured.
8. BAR 97: refers to California Bureau of Automotive Repair Analyzer Specifications which became effective in 1997.
9. Basic I/M Inspection or Test: testing as approved by the Division applicable to Motor Vehicles of Model Years and vehicle weight classifications specified by this Chapter and the Division.
10. Calibration: the process of establishing or verifying the Accuracy of an analyzer or other test equipment using precisely known values/concentrations.
11. Calibration Gases: gases of accurately known concentrations that are used as references for establishing or verifying the Calibration curve and Accuracy of an analyzer.
12. C.A.R.B.: the California Air Resource Board.
13. Carbon Monoxide (CO): a colorless, odorless, asphyxiating gas produced by the incomplete burning of fuels.
14. Catalytic Converter: a post-combustion device that uses a catalyst to reduce the toxicity of Emissions from an internal combustion engine.
15. Certificate or Certificate of Compliance: a document used in the Vehicle Emissions Inspection/Maintenance Program to certify that the vehicle has met the requirements of this Chapter.
16. Certification: assurance by an authorized source, whether it be the Federal Government, a laboratory, the manufacturer, the State, or the Division, that a specific product or statement is in fact true and meets all applicable requirements.
17. Certified Basic Test Station (Test Station): a stationary business Permitted by the Division and operated as required by this Chapter to perform I/M Inspections.
18. Certified Emissions Repair Station (Repair Station): a stationary business Permitted by the Division which engages in Emissions Related Repairs to vehicles, and which meets the requirements of this Chapter to perform I/M Inspections.

19. Certified Emissions Repair Technician: a person currently Permitted by the Division who diagnoses Emissions related faults, and supervises Emissions Related Repairs and adjustments to bring vehicles into compliance with the requirements of this Chapter. The Repair Technician also performs Emissions tests.
20. Certified Emissions Tester: a person currently Permitted by the Division who inspects vehicles in a Division Permitted I/M Program Station to determine their compliance with vehicle Emissions Standards, also referred to as an Inspector.
21. CO: Carbon Monoxide gas.
22. CO2: Carbon Dioxide gas.
23. Compliance Assurance List: a list of vehicles required to be presented to the Testing Center for a challenge, Referee or other type of official emission Inspection.
24. Compressed Natural Gas (CNG) Vehicles: Motor Vehicles which are propelled by a compression-ignited engine using Compressed Natural Gas fuels.
25. Consent Agreement: a monetary penalty paid to the Division in lieu of Suspending a Permit.
26. County: Davis County, Utah.
27 Covert Audit: an Audit that is conducted without the Station and/or Inspector knowing that an Audit is being conducted at the time of the Audit.
28. Curb Idle: the manufacturer's specified idle speed.
29. Cut Points: See Emissions Standards.
30. Davis County Testing Center: the Certified Basic Test Station operated by the Division or a Division Representative.
31. Dedicated Printer: the printer on the approved Emissions Inspection Analyzer (EIA) which is used solely to print Certificates, VIRs, and other official Division required documents.
32. Diesel Particulate Filter System (D.P.F.): an exhaust after-treatment device that significantly reduces Emissions from diesel fueled vehicles by capturing particulate matter.
33. Diesel Powered Motor Vehicle: vehicles which are propelled by a compression-ignited engine using diesel fuels.
34. Director: the Director of the Environmental Health Division of the Davis County Health Department or a Division Representative.
35. Division: the Davis County Environmental Health Division.
36. Division Representative: a person or entity that has been granted the authority to represent or act on behalf of the Division or the Director in enforcing or ensuring the provisions of this Chapter are met; this may include an employee of the Division, a contractor employed by the Division, a permitted station, or a permitted technician.
37. Dynamometer: a vehicle power absorption device which has the ability to approximate or simulate actual on-road operation of Motor Vehicles through the application of variable loading.
38. Electronic/Mechanical Tampering: addition of any electronic or mechanical device that would alter the original manufacturers design or would alter the performance of the vehicle; C.A.R.B and U.S.E.P.A. certified components are exempt.
39. Emissions: substances expelled into the atmosphere from any opening down-stream of the exhaust valve of a Motor Vehicle, particularly air contaminants produced by combustion and/or incomplete combustion as well as hydrocarbon evaporation from the fuel system and the crankcase.
40. Emissions Control Device: a design element or device installed on a Motor Vehicle by the manufacturer to comply with the standards of the Clean Air Act, 42 USC, Section 7521, including but not limited to the Oxygen Sensor, Catalytic Converter and the Fuel Inlet Restrictor; and devices integral to the Exhaust Gas Recirculation (EGR) System, the Evaporative Emissions Control System, the Positive Crankcase Ventilation (PCV) System, the Air Injection System, the Fuel Metering System and the Ignition System.

41. Emissions Inspection Analyzer (EIA): an analyzer approved by the Division for use in the areas of Utah requiring Inspections as specified in Section 41-6a-1642 and 41-6a-1644, Utah Code Annotated, 1953, as amended. An instrument that is capable of measuring the concentrations of certain air contaminants in the exhaust gas emanating from a Motor Vehicle which is approved by the Division for this use in accordance with this Chapter as an official test instrument.
42. Emissions Related Repair: the Inspection, adjustment, repair or replacement of Motor Vehicle engine systems, subsystems or components necessary to bring a vehicle into compliance with the Emissions Standards set forth in this Chapter.
43. Emissions Standard: the maximum allowable concentrations of Carbon Monoxide (CO) and Hydrocarbons (HC) for a given weight class and Model Year of a Motor Vehicle; or compliance to OBDII interrogation.
44. Engine Switching: a situation where one engine is removed from a vehicle and is replaced with an engine that is not identical to the original engine.
45. Evaporative Control System: an Emissions Control System that prevents the escape of fuel vapors from the fuel tank or air cleaner, and stores them to be burned in the combustion chamber.
46. Exemption Form: a document used to verify that a vehicle is exempt from the testing and repair/adjustment requirements of this Chapter.
47. Exhaust Gas Recirculation (EGR) System: an Emissions control system that recycles or recirculates a portion of the exhaust gases back to the engine combustion chambers.
48. Farm Truck: a truck Registered as a Farm Truck under the provisions of the Utah Code 41-1a-102.
49. Federal Installation: any property or facility subject to the jurisdiction of any department, agency, or instrumentality of the executive, legislative, or judicial branches of the Federal government.
50. Fleet Vehicle: a vehicle that is owned by a government entity, a business, or other organization.
51. Gas Calibration: a procedure using known concentrations of HC and CO span gases to verify the Accuracy of an analyzer in measuring HC and CO.
52. Gaseous Fuel: petroleum gases and natural gases in liquefied or gaseous forms.
53. Gross Vehicle Weight Rating (GVWR): the total vehicle weight, including load, as designated by the vehicle manufacturer.
54. Hang-up: a situation in which Hydrocarbons cling to the surface of the sampling and analyzer systems in contact with the exhaust gas sample stream resulting in errors in HC readings.
55. Heavy Duty Motor Vehicles: non-diesel trucks and vans that are 1978 and older, with a 6001 or greater GVWR rating, and 1979 and newer Model Year vehicles with over 8501 GVWR; Diesel Powered Motor Vehicles with a 14,001 pounds GVWR or greater.
56. High Altitude Specifications: tune-up specifications that have been provided by the manufacturer to the Environmental Protection Agency (E.P.A.) for vehicles operating 4,000 feet or more above sea level.
57. Hydrocarbons (HC): unburned or incompletely burned fuel.
58. Ignition Systems: parts or assemblies that are designed to initiate and time the ignition of a compressed air/fuel charge.
59. I/M Program: the Davis County Vehicle Emissions Inspection/Maintenance Program.
60. Inspection: a vehicle Emissions test performed for the purpose of determining whether a vehicle qualifies for issuance of a Certificate of Compliance.
61. Inspection Area: the area that is occupied by the Emissions Inspection Analyzer (EIA), test equipment and the vehicle being inspected.
62. Inspector: a Certified Emissions Repair Technician or Certified Emissions Tester.
63. KOEO: abbreviation of key on engine off.

64. KOER: abbreviation of key on engine running.
65. Light Duty Motor Vehicle: any non-diesel passenger vehicle, 1978 and older Light Duty truck with a GVWR rating of 6000 pounds or less or 1979 and newer truck with a GVWR rating of 8500 pounds or less; any diesel vehicle with a GVWR of 8500 pounds or less.
66. Medium Duty Vehicle: a diesel vehicle with a GVWR between 8,501 and 14,000 pounds.
67. MIL Light (Malfunction Indicator Lamp): a warning lamp used to inform the driver that a malfunction has been detected by one or more vehicle electronic management systems.
68. Model Year: the vehicle Model Year as designated by the manufacturer.
69. Motor Vehicle: a self-propelled motorized vehicle with an internal combustion powered engine which is Registered for use on public roads and/or streets. The term "vehicle" is synonymous with Model Vehicle for the purposes of this Chapter.
70. Motorcycle: any Motor Vehicle having a saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground.
71. MSO: Manufacturer's Statement of Origin, Manufacturer's Certificate of Origin, or a similar document accompanying each newly manufactured vehicle provided by the new vehicle manufacturer.
72. N/A: Not applicable.
73. Non-Certified Person: any person who has not been Permitted by the Division to perform Inspections.
74. OBDII: On Board Diagnostics, second generation.
75. Occurrence: an event, incident, episode or circumstance that happens or takes place during an Inspection that does not comply with Division approved policies or procedures; the action or instance of occurring. Each violation of this Chapter that occurs is considered a separate Occurrence.
76. Off Highway Vehicle: a vehicle licensed or allowed to operate exclusively off highways.
77. On Board Diagnostics: an Emissions control diagnostics system installed on a vehicle as required by the Clean Air Act, 42 USC, Section 7521(m), which identifies deterioration or malfunction of vehicle systems and stores the information for retrieval.
78. Ordinance: the total of this document, including any appendices approved by the Davis County Commission.
79. Overt Audit: an Audit that the Station and/or Technician is aware of at the time that the Audit is being conducted.
80. PCV System (Positive Crankcase Ventilation System): an Emissions Control System which returns crankcase vapors to the combustion chamber.
81. PM 2.5: particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers as measured by an E.P.A. reference or equivalent method.
82. Permit: a document issued by the Division to a person or facility granting them authority to perform Inspections in accordance with this Chapter.
83. Primary Residence: the place where an individual permanently resides, maintains a permanent residence more than six (6) months during a calendar year, or where an individual lives more than six (6) months during a calendar year. This may also include where a person votes, spouse resides, children attend school, is employed, identifies as an address on a driver's license, holds a resident hunting or fishing license, etc.
84. Probation: to subject an individual or Station to a period of testing and trial to ascertain fitness for a job; Critical examination and evaluation or subjection to such examination and evaluation.
85. Prompts: instructions and/or data fields requiring data input to the Emissions Inspection Analyzer (EIA).
86. Reciprocity: a written Agreement between Davis County and any other County(s) operating a comparable Inspection program whereby the Certificate from that/those County(s) would be

accepted for vehicle Registration in Davis County.

87. Reconstructed Vehicle: a vehicle that has been materially altered from its original construction by the removal, addition or substitution of essential parts (frame and body), new or used.
88. Referee Inspection: an Inspection conducted by the Division or the Division Representative for the purpose of resolving disputes or gathering data.
89. Registered or Registration: the process by which a Motor Vehicle receives a license so that it can be legally operated on public streets and highways.
90. Remote OBDII Inspection: an Inspection that is conducted on an OBDII compliant vehicle at a site that is not associated with the Stations Permitted address using a portable EIA.
91. Replica Vehicle: a vehicle that all components are purchased in a kit similar to a model car. A Motor Vehicle with a body that is or resembles a Model Year prior to 1975, and that may have a significant drive train or equipment upgrade that is used for occasional pleasure rides and is not used for general daily transportation. A Replica Vehicle is not a vintage vehicle or a special interest vehicle.
92. Revoke: to formally cancel, to make null and void by withdrawing, recalling or reversing; to retract, repeal or invalidate.
93. RPM: revolutions per minute as pertaining to engine crankshaft speed.
94. SAE: Society of Automotive Engineers.
95. Simulator: A device used to simulate the function and operation of a vehicles powertrain control module and is typically equipped with a data link connector.
96. Smoking Vehicle: any vehicle emitting excessive visible Emissions as defined in Utah Code 41-6a-1626.
97. Specially Constructed Vehicle: a Motor Vehicle requiring Registration to be operated on public highways and streets which is often a replica of a classic car type and is usually made from the chassis of an existing Motor Vehicle, a chassis made up of parts from more than one vehicle type, or a chassis made from “scratch” often with a replica body from a kit attached to the chassis. It may also be homemade without the use of a kit and they may also be factory manufactured. Those made from a kit are often called “Kit Cars.”
98. Station: an I/M Program Station or Fleet Station, including all Station personnel, employees and owner(s).
99. Suspend: to disallow a Permitted Station or Inspector the privilege of performing Vehicle Emissions Inspection/Maintenance Inspections for a specific period of time.
100. Tampering: the altering or removal of Emissions Control Devices and/or Emissions-related equipment, the use of fuels other than those required by the manufacturer's specification as found in the Motor Vehicle owner’s manual, or engine modifications which may include but are not limited to, Exhaust Systems, Air Intake Systems, Ignition Systems, Internal Engine Modifications or Engine Switching, etc.; this also includes Electronic/Mechanical Tampering.
101. Technical Bulletin: a document issued by the Division to update, clarify or establish policies and/or procedures for their implementation in the Vehicle Emissions Inspection/Maintenance Program.
102. Testing Center: a facility operated by the Division or a Division Representative for technical or administrative support of the Vehicle Emissions Inspection/Maintenance Program.
103. Training Program: a formal program administered, conducted or approved by the Division or Division Representative for the education of Permit holders in basic Emissions control technology, Inspection procedures, diagnosis and repair of Emissions-related problems, Vehicle Emissions Inspection/Maintenance Program policies and procedures and this Chapter.
104. United States Environmental Protection Agency: also referred to as E.P.A. or U.S.E.P.A..
105. Vehicle Emissions Inspection/Maintenance Program: the program established by the Division pursuant to Utah Code 41-6a-1642 through 1644.

106. Vehicle Inspection Report (VIR): a report printed by the Emissions Inspection Analyzer (EIA) at the end of the test which enumerates the results of the test. The VIR is signed by the Inspector performing the test and the person who presented the vehicle for Inspection.
107. Waiver or Certificate of Waiver: a document used to verify that a vehicle has met the repair or adjustment requirements of the I/M Program Ordinances even though specific Emissions Standards have not been met.

10.12.030 Purpose

It is the purpose of this Chapter to reduce air pollution levels by requiring Inspections of in use Motor Vehicles of all fuel types and by requiring Emissions Related Repairs/adjustments for those vehicles that fail to meet prescribed standards so as to:

A. protect and promote public health, safety and welfare;
B. improve air quality;
C. reduce the aesthetic affront of visible air pollution;
D. comply with Federal requirements contained in the Clean Air Act Amendments of 1990, PL 101-549; and
E. comply with the law enacted by the Legislature of the State of Utah, Section 41-6a-1642 through 1644, Utah Code Annotated, 1953, as amended; and with the Utah Air Quality Board requirements under subsection 19-2-104.

10.12.040 Jurisdiction of the Division

All aspects of the Vehicle Emissions Inspection/Maintenance Program within Davis County enumerated in Section 10.12.030 shall be subject to the direction and control of the Division.

10.12.050 Powers and Duties

A. The Division or a Division Representative shall be responsible for the enforcement and administration of this Chapter and any other powers vested in it by law and shall:
    1. require the submission of information, reports, plans and specifications from Stations, and Inspectors as necessary to implement the provisions, requirements and standards of this Chapter;
    2. issue Permits and charge fees as necessary to implement the provisions, requirements and standards of this Chapter;
    3. perform audits of I/M Program Stations, issue orders and/or notices, hold hearings, levy administrative penalties, and negotiate Consent Agreements as necessary to enforce the purposes of this Chapter;
    4. take samples and make analyses required to ensure that the provisions of this Chapter are met;
    5. develop policies and procedures necessary to ensure that the provisions and purposes of this Chapter are met and accomplished.
    6. The Division shall respond according to policies and procedures to complaints regarding the fairness and integrity of Inspections and shall provide a method that Inspection results may be challenged if there is a reason to believe them to be inaccurate.
    7. The Division or a Division Representative is responsible for performing all Inspections on Light, and Heavy Duty Motor Vehicles.
    8. The Division may perform periodic Inspections during normal business hours on any vehicle that has or will be inspected by a Station.

10.12.060 Scope

It shall be unlawful for any person to fail to comply with any policy, procedure, Technical Bulletin, standard or regulation promulgated by the Federal Government, the State, or the Division, unless expressly waived by this Chapter.

10.12.070 General Provisions

Subject to the exemptions in Section 10.12.070(H), individuals with their Primary Residence in Davis County must register their Motor Vehicles in Davis County and Motor Vehicles that are or will be Registered in Davis County shall be subject to an Inspection performed by any certified I/M Program Station as specified in this Chapter..

A. It shall be unlawful for any person with a Primary Residence in Davis County to register a vehicle in any other Utah County.

B. A Certificate of Compliance or Waiver or evidence that the Motor Vehicle is exempt from the Inspection/Maintenance Program requirements (as defined in Section 10.12.070) shall be presented to the County Assessor or the Utah State Tax Commission and the Air Pollution Control Fee paid as conditions precedent to annual Registration or annual renewal of Registration of a Motor Vehicle.
   1. All 1968 and newer Model Year Gaseous Fueled and OBDII compliant Light Duty Diesel Powered Motor Vehicles and all 2008 and newer OBDII compliant Medium Duty Vehicles shall be subject to an Inspection at any Station.
   2. All 1968 and newer Heavy Duty Diesel Powered Motor Vehicles and all 1968 through 2007 non-OBD II compliant Diesel Powered Motor Vehicles are subject to the requirements in Appendix D of this Chapter.

C. Fleet Vehicles that are operated from a facility located within Davis County shall be subject to an Inspection at any Station.

D. A Certificate issued to a dealer licensed with the State of Utah and issued in the dealer's name, shall be valid for Registration purposes for a period of eleven (11) months as specified in Section 41-3-303, Utah Code Annotated, 1953, as amended.

E. A dealer issuing a temporary Registration for a vehicle Registered in Davis County must supply proof of the vehicle's compliance with this Chapter to the new owner in the form of an official Vehicle Inspection Report (VIR).

F. Owners of publicly owned vehicles (Federal, State, County or City) shall comply with the Inspection Program requirements. Federally owned vehicles and vehicles of employees operated on a Federal Installation that do not require Registration in the State of Utah shall comply with the Vehicle Emissions Testing requirements of this Chapter, and as required by Section 118 of the Clean Air Act as amended in 1990.

G. Reciprocity with other vehicle Emissions programs within the state will be allowed as long as Tampering, HC, CO, OBDII or other standards meet or exceed those required by this Chapter in accordance with Section 41-6a-1643, Utah Code Annotated, 1953, as amended.

H. The following vehicles are exempt from the requirements of this Chapter:
   1. Vehicles less than two (2) Model Years old;
   2. Even-numbered Model Year vehicles in odd-numbered years and odd-numbered Model Year vehicles in even-numbered years with Model Years less than six (6) years old;
   3. All agricultural implements of husbandry and any Motor Vehicle that qualifies for an exemption as required by Section 41-1a-102 Utah Code Annotated, 1953, as amended;

a. A vehicle Registered as a Farm Truck may obtain an Exemption Form by contacting the Division;

4. Any vehicle used for maintenance or construction and not designed or licensed to operate on the highway;
5. Any Motorcycle or motor driven cycle (including vehicles which operate with an engine normally used in a Motorcycle with a maximum of three wheels or less);
6. Any vehicle Registered exclusively as an Off Highway Vehicle;
7. Any vehicle 1967 Model Year or older;
8. Any new vehicle being sold for the first time that has a valid MSO (Manufacturer's Statement of Origin) form;
9. Any Motor Vehicle which qualifies for legislative or diplomatic exemptions;
10. Any vehicle that operates exclusively on electricity or battery power.

I. A publicly owned vehicle that is issued an "EX" or "UHP" license plate by the Utah Department of Motor Vehicles must provide annual proof of Emissions compliance for each vehicle to the Division upon request.

1. The Division for failure may request the revocation of the Registration through the Utah Department of Motor Vehicles for vehicles if:
   a. the requested information is not provided; or
   b. a valid current Emissions Certificate is not acquired.

J. It shall be the responsibility of the Inspector to inform the owner/operator of the vehicle that the vehicle is not required to have an Inspection for vehicle Registration purposes if a vehicle is exempted from the I/M Program requirements by this Section.

K. The fees assessed by this Chapter shall be determined according to a fee schedule adopted by the Davis County Commission. The Fee Schedule is referenced in Section 10.12.240 of this Chapter and may be amended by the Davis County Commission as the Commission deems necessary to accomplish the purposes of this Chapter.

1. An Air Pollution Control (APC) Fee is hereby assessed upon every Motor Vehicle Registered in Davis County annually at the time of Registration of the vehicle, including those vehicles that are exempted from the Inspection requirements of this Chapter by Section 10.12.070(H).
2. Those Stations participating in the program hereunder may charge fees for the required service.
   a. Inspection fees will be set by each Station as specified in Section 10.12.240. If a vehicle fails the Inspection, the owner is entitled to one (1) free second Inspection if the owner returns to the Station that performed the original Inspection within fifteen (15) days. The Station shall extend the free second Inspection time to accommodate the vehicle owner if the Station is unable to schedule the retest of the vehicle within the time period. The Inspection fee shall be the same whether the vehicle passes or fails the Inspection;
   b. Upon notification by the Division, a Station shall extend the free retest time for vehicle owners who were unable to complete Emissions repairs because of the unavailability of parts to make the necessary repairs; and
   c. Duplicate Certificates of Compliance may be issued to a vehicle owner/operator within two (2) months of the initial Inspection. Fees for a duplicate Certificate may not exceed the amount specified in Section 10.12.240.
3. These fees are subject to change and may be amended as deemed necessary by the Davis County Commission and are enumerated in Section 10.12.240 of this Chapter.

L. All Permits and Certificates of Compliance and Certificate of Compliance numbers issued under the provisions of this Chapter remain the property of the Division. Their use is tendered on the

condition that the user complies with the requirements of this Chapter.

M. Vehicle Idling Limitation: It shall be unlawful for any owner or operator of any Heavy Duty Motor Vehicle (GVWR greater than 14,001 lbs.) to cause or Permit the same to be idled for a period in excess of fifteen (15) consecutive minutes, or for a period in excess of forty-five (45) minutes in any one-hundred-twenty (120) minute period.
   1. Vehicles may be exempted from the idling limitation requirements of Section 10.12.070(M) under the following conditions:
      a. To supply power to a refrigeration unit for the purpose of cooling the contents of a trailer;
      b. To provide heat or air conditioning to a sleeper unit of the vehicle or to occupied buses; and
      c. Emergency response vehicles.
   2. Vehicles exempted from the Vehicle Idling Limitation of this Chapter shall not remain in an idling condition for a period longer than fifteen (15) consecutive minutes, or for a period in excess of forty-five (45) minutes in any one-hundred-twenty (120) minute period if located within five hundred (500) feet of any residence.

N. Smoking Vehicles: The Division may investigate complaints on Smoking Vehicles to determine if they exceed the standards listed in Utah Code 41-6a-1626).
   1. A person who is found guilty of violating the provisions of section 10.12.070 (N) may be charged with a class C misdemeanor.
   2. The Division will establish and maintain a program to receive complaints concerning vehicles emitting excessive visible Emissions within the County.
      a. A notice may be sent to the owner(s) of any vehicle that is reported to the Division to be emitting excessive Emissions within the County requiring them to report to the Davis County Testing Center to verify compliance with section 10.12.070(N).
         i. Any vehicle found to be out of compliance with section 10.12.070(N) will be placed on the Division's Compliance Assurance List until it can be determined that the vehicle is in compliance with this Chapter.
         ii. Penalties may be assessed to the owner(s) of any vehicle that is found to be out of compliance with section 10.12.070(N) on more than one (1) occasion in a two (2) year period.
         iii. Penalties may be assessed to the owner(s) of any vehicle that fails to report to the Davis County Testing Center following the receipt of a notice.

O. A person who is found guilty of Tampering with a Motor Vehicle may be charged with a class B misdemeanor and any penalties as described in Utah Code 19-2-115.

P. The Division is authorized under the provisions of this Chapter to issue or deny Permits that allow persons and facilities to perform Inspections on vehicles, to issue Certificates of Compliance and to make necessary repairs.

10.12.080 Standards and Specifications for Emissions Inspection Analyzers (EIA) and Span Gases for Equipment

A. Emissions Inspection Analyzers (EIA) Specifications are contained in Appendix A of this Chapter.
   1. Inspections required by this Chapter for vehicles subject to Basic I/M Inspections shall be performed using only an approved Emissions Inspection Analyzer (EIA).
   2. Any analyzer used by a Certified I/M Program Station shall be Registered with and approved by the Division. Analyzers used temporarily during times of breakdown or repair of the Registered analyzer shall meet all other requirements of this Section,

including the approval of the Division before use.

a. The Dedicated Printer shall be maintained in such a manner that the printing of the Certificate of Compliance and Vehicle Inspection Report (VIR) shall be clearly visible. If any Dedicated Printer fails to properly function, then the Certified I/M Program Station shall discontinue testing until the required repairs have been performed.

3. Running changes: Any changes to the design characteristics or component specifications that may affect the performance of an Emissions Inspection Analyzer (EIA) to be used as an official test instrument in the Davis County I/M Program shall be approved by the Division. It shall be the instrument manufacturer's responsibility to confirm that the changes have no detrimental effect on the performance of the Emissions Inspection Analyzer (EIA).
   a. It shall be illegal for any unauthorized person to modify the hardware or software of an approved Emissions Inspection Analyzer (EIA).
4. Calibration/Span Gases:
   a. General: The instrument manufacturer and/or his designated marketing vendors shall on request supply at a reasonable cost BAR 97 approved span gases to any ultimate purchaser of this unit. Each new or used instrument sold by the instrument manufacturer or marketing vendor shall have approved full span gas containers installed and operational at the time of delivery.
   b. Span gas blends: The span gases supplied to any Certified I/M Program Station shall meet BAR 97 specifications.
5. Documentation, logistics, and warranty requirements:
   a. An instruction manual shall accompany each Emissions Inspection Analyzer (EIA) and shall contain at least the following information for the analyzer:
      i. A complete technical description;
      ii. The accessories and options that are included and/or available;
      iii. The model number, identification marking and location;
      iv. Operating maintenance including daily, weekly, and monthly accommodations and procedures for maintaining sample system integrity including, but not limited to leaks, Hang-up, Gas Calibration and filters. The services to be performed only by the manufacturer shall be clearly identified;
      v. Information concerning the nearest facility where equipment can be serviced; and
      vi. The warranty provisions for the analyzer, including a list of warranty repair facilities by name, address and telephone number.
6. The Emissions Inspection Analyzer shall be maintained in accordance with the manufacturer's recommended maintenance schedule.
7. If an EIA is surrendered to or repossessed by the Division or a Division Representative, the following must occur:
   a. a final VID refresh will be conducted on the EIA; and
   b. notification of the action will be made to the Division.

10.12.090 Requirements of the Vehicle Emissions Inspection/Maintenance Program Stations

A. Permit Required.
   1. No person shall in any way represent any place as a Certified Emissions Repair Facility and/or Basic Test Station unless Permitted by the Division. The Permit is issued on the condition that the Permittee has knowledge of the requirements of this Chapter and agrees

to comply with the provisions of this Chapter and any other applicable laws or standards.

2. A Permit is non-transferrable and is valid only for the original owner and/or business to which it was issued. Any changes of ownership of the Station will require the new owner to submit a new application for the appropriate Permit.
3. The Station must post the following items in a conspicuous place on the premises within view of the public:
    a. the Permit and Division issued signage;
    b. Permits for all Inspectors employed by the Station;
    c. the fees charged for an Inspection; and
    d. the vehicle Emissions Standards promulgated under the authority of this chapter.
4. Application for a Station Permit shall be made to the Division upon an official application form.
    a. Unless exempted in this section, the Station must be at a permanent location which meets all applicable zoning requirements to provide for the Inspection of vehicles, as defined in this Chapter;
        i. offsite OBDII Inspections of vehicles will be allowed by Stations if the Station has the portable equipment that has been approved by the Division.
    b. The Station must comply with the following prior to a Permit being issued:
        i. pass an Overt Audit as defined by this Chapter;
        ii. employ all required certified personnel as listed in this Chapter to be available to perform Inspections during normal business hours;
        iii. conduct all Inspections in accordance with this Chapter; and
        iv. meet any other requirements deemed by the Division to be essential to the purpose of this Chapter.
    c. As a condition for Permitting a Certified Emissions Repair Facility and/or Basic Test Station, the following equipment, tools and references shall be available, maintained and updated for performance of the Inspection and maintenance of Motor Vehicles:
        i. a Division approved Emissions Inspection Analyzer (EIA) which conforms at a minimum, to the analyzer specifications of Appendix A, to be certified to perform Inspections;
        ii. an Emissions control application manual approved by the Division that includes High Altitude Specifications;
        iii. Division approved Calibration/span gas and equipment for performing the Gas Calibration;
        iv. a suitable non-reactive tail pipe extender or probe adapter for inspecting vehicles with screened or baffled exhaust systems;
        v. the analyzer manufacturer's maintenance and Calibration manual which must be retained in the Inspection Area;
        vi. appropriate hand tools;
        vii. shop air with regulator for analyzer zero air generator or other approved source;
        viii. all forms, Technical Bulletins, charts and a Davis County I/M Ordinance and other information materials provided by the Division;
        ix. an approved adaptor for testing dual-exhaust vehicles; and
        x. all essential devices, connections and software for communications and downloads.
    d. In addition to the requirements for a Basic Test Station, a Certified Repair Facility must have the following equipment, tools and references available for use:
        i. Emissions diagnostic and repair information for affected Model Year vehicles, the most current of which applies to vehicles of Model Years no more than two

(2) years older than the current calendar year. ;

ii. scanner capability to interrogate Onboard Diagnostics of vehicles, the most current of which applies to vehicles of Model Years no more than two (2) years older than the current calendar year;

iii. voltmeter with AC and DC capability;

iv. DC ammeter;

v. ohmmeter;

vi. fuel or hydraulic pressure gauge;

vii. vacuum gauge;

viii. vacuum pump;

ix. compression tester and cylinder leak down tester;

x. timing light with advance capability;

xi. tachometer;

xii. dwell meter or duty cycle meter; and

xiii. shop air with regulator.

5. The Station shall be kept in good repair and in safe condition for Inspection purposes and must be in compliance with the applicable regulations found in Title 29 CFR 1910, Utah Code Annotated 34A-6 and Utah Administrative Code R-614.

6. If a Station's Permit is cancelled or Revoked:

a. unused Certificates of Compliance numbers must be returned to the Division and may be refunded by the Division;

b. the official sign and Permit issued to the Station by the Division will be surrendered to the Division; and

c. a final VID refresh will be conducted on the EIA.

B. Permit Duration and Renewal

1. The Permit for a Certified Emissions Repair Facility and/or Basic Test Station shall be issued annually and shall expire December 31 of the calendar year for which it was issued. The Permit shall become renewable sixty (60) days prior to the date of expiration.

2. It shall be the responsibility of the Station owner or designee to apply for the Station's Permit renewal through the Division or a Division Representative.

3. Upon approval of the completed application and payment of applicable fees, the Division or a Division Representative may renew the Stations Permit until December 31 of the subsequent calendar year.

4. Station to hold Division harmless in making application for a Permit or for its renewal, such action shall constitute a declaration by the applicant that the Division or a Division Representative shall be held harmless from liability incurred due to any action or inaction of a Station, owners or their employees.

5. Required Permit fees and renewal fees are listed in the Fee Schedule in Section 10.12.240 of this Chapter.

6. The Division may impose a late fee on a Permit which expires prior to receipt of the application for renewal and payment of applicable fees.

7. After six (6) months, an expired Permit is unredeemable and a new Permit must be applied for according to the procedures of this Chapter.

C. Warning, Probation, Suspension, Revocation and Denial of Station Permit

1. The Division may give a formal warning, place on probation, Suspend, Revoke or deny renewal of a Permit under any of the following conditions:

a. false, inaccurate or misleading information is knowingly communicated to any person or in any Certificate, record or document regarding the Vehicle Emissions Inspection/ Maintenance Program;

b. the Permit is obtained or attempted to be obtained fraudulently or deceptively;
c. an Audit failed;
d. evidence is exhibited that vehicles repaired by a Repair Facility under this Chapter have repeatedly failed re-Inspection; or
e. the owner or employees of a Station threaten, harass, stalk or assault an employee of the Division, a Division Representative or any person having a vehicle inspected or repaired subsequent to any requirement of this Chapter.
f. a vehicle was inspected and issued a Certificate of Compliance by Station personnel that did not, at the time of Inspection, comply with all applicable policies, procedures, Technical Bulletins, requirements and standards of this Chapter;
g. a Certificate of Compliance was issued to a vehicle without an approved Inspection being performed;
h. a vehicle was inspected and rejected by the Station when, in fact, the vehicle was determined by the Division to be in such condition that it did comply with the requirements of this Chapter;
i. a vehicle was inspected and was given a "passing" result for the Tampering portion of the Inspection as detailed in this Chapter that did not at the time of Inspection comply with the requirements of this Chapter;
j. a vehicle was inspected by an individual that did not hold a valid Permit;
k. the Station has violated any provision of this Chapter or Division policy properly promulgated for the operation of a Station;
l. the Station was not equipped as required by this Chapter;
m. the Station is not operating at the location specified on the Permit;
n. the Emissions Inspection Analyzer (EIA) has been tampered with or altered in any way contrary to the Certification and maintenance requirements of the analyzer;
o. the Station denied access or failed to Permit the Division or a Division Representative to conduct an Audit or other necessary business;
p. the Station performed unnecessary repairs not justified by the results of the Inspection;
q. a vehicle was tampered, altered or in any way changed from the manufacturer's original specifications and/or certified configuration with or without an inspection being performed;
r. in accordance with Sections 41-6a-1642 through 1644 Utah Code Annotated, 1953, as amended, an Inspection for a Cache, Weber, Salt Lake, or Utah County resident was performed, but not as required by the Regulations/Ordinances adopted by the applicable County and/or the Emissions Inspection Analyzer (EIA) Prompts.

2. The Division may reinstate a Suspended Permit upon compliance by the facility with the requirements of this Chapter.
3. Upon revocation of a Permit, a person shall within ten (10) business days return to the Division all materials which were issued as a result of obtaining the Permit, including any signs and documents, and remove any other materials which may lead the public to believe that the facility continues to be Permitted.
4. A penalty schedule is listed in Section 10.12.280 of this Chapter, enumerating actions the Division may take against persons Permitted under this Chapter.
5. Station Permits are the sole property of the Division. Only the license they represent is tendered. Permits may be Suspended or Revoked for violations of this Chapter. Station Permits obtained through fraud or misrepresentation shall be deemed to be null and void.

D. Personnel Requirements

1. A Certified Emissions Basic Test Station shall employ and ensure that at least one (1)

Inspector is routinely scheduled to work during the advertised operating hours of the facility.

2. A Certified Emissions Repair Facility shall ensure that only a Certified Emissions Repair Technician diagnoses Emissions related faults, and supervises or performs Emissions Related Repairs and adjustments to bring vehicles into compliance with the provisions of this Chapter.
3. A Certified Emissions Repair Facility shall employ at least one (1) full-time Certified Emissions Repair Technician at each Certified Emissions Repair Facility location and ensure that a Certified Emissions Repair Technician is routinely scheduled to work during the advertised operating hours of the facility.
4. A Station will assign one (1) individual the responsibility of resolving any problems or addressing any concerns that the Division or a Division Representative may identify. The selected individual or his/her representative will be at the Station and available during normal business hours.
5. The Station will have a quality assurance plan to ensure Station and Technician compliance with the Ordinance and will keep associated records on file at the Station for review by the Department.

E. Equipment Quality Assurance
1. For all equipment required under this Chapter, a Station shall follow the manufacturer's specifications for maintenance and Calibration, and the procedures established by the Division.

F. Audits
1. A Station shall allow access to Division personnel to conduct audits of the facility.
   a. Routine Audits will be conducted at random and with no prior notification.
   b. A pre-opening Audit will be conducted at the Station prior to the Station being issued a Permit.
2. An Audit may include equipment, Gas Calibration and compliance with personnel requirements.
3. A Station shall not use any piece of equipment which fails an Audit until a subsequent Audit is passed.
4. The Station shall allow further monitoring at the discretion of the Division to ensure quality control or to determine compliance with this Chapter.

10.12.100 Requirements of the Certified Emissions Testers and/or Repair Technicians

A. A Permit is required.
1. No person shall perform any part of the official Inspection for the issuance of a Certificate of Compliance unless the person possesses a valid Certified Emissions Tester and/or Repair Technician Permit issued by the Division.
2. Application for a Certified Emissions Tester or Repair Technician Permit shall be made to the Division upon an official application form.
3. An applicant shall comply with all of the terms stated in the Permit application and with all the requirements of this Chapter.
4. To qualify for and obtain a Certified Emissions Tester Permit, an applicant shall pay the applicable fees as listed in section 10.12.240 and complete a Division approved training course which may include the purchase of a self-study guide, or other Division approved training, and shall demonstrate knowledge and skill concerning the performance of Emissions Inspections. Such knowledge and skill shall be shown by passing:
   a. a written qualification test including knowledge of the following:

i. Operation and purposes of Emissions control systems;
ii. Inspection procedures as outlined in this Chapter;
iii. Operation of an Emissions Inspection Analyzer including the performance of a Gas Calibration and leak check;
iv. The provisions of Section 207(b) warranty provisions of the Federal Clean Air Act;
v. Knowledge of the function of Onboard Diagnostics; and
vi. The provisions of this Chapter and other Division policies and procedures.

b. A performance qualification test including the following:
i. Visual Inspection and knowledge of the function of the required Emissions control equipment;
ii. Demonstration of skill in the proper use, care, maintenance, Calibration and leak checking of approved Emissions Inspection Analyzers (EIA);
iii. Demonstration of ability to conduct the Emissions Inspection; and
iv. Demonstration of ability to accurately input data.

c. If an applicant fails the required test twice, they may be required to complete a Division approved training course.

5. To qualify for and obtain a Certified Repair Technician Permit, an individual shall meet the following requirements:
a. possess a Certified Emissions Tester Permit;
b. demonstrate five (5) years full-time employment experience as an automotive technician performing Emissions Related Repairs on on-road vehicles not powered by diesel fuel or electricity, except that a person with two (2) full years of full-time education related to the repair of on-road vehicles not powered by diesel fuel or electricity need only demonstrate four (4) years of the required employment;
c. possess the following current, valid ASE Certifications or Vehicle Manufacturer Specific Training:
i. ASE Certifications in Engine Performance (A-8) and Advanced Engine Performance Specialist (L-1); or
ii. Vehicle Manufacturer Specific Training (VMS): A Repair Technician must have a current Gasoline Engine Performance Certification and be employed by a dealer of the same manufacturer and will be certified for repairs of that manufacturer only.
d. Comply with the requirements of this Chapter; and
e. Meet any other requirements deemed by the Division to be essential to the purposes of this Chapter.

6. In order to retain and to qualify for renewal of the Certified Repair Technician Permit, the Certifications listed in subsection 5c must be maintained and kept current, and renewal requirements specified for the Certified Emissions Tester in this Section must be met.

7. A signed hands-on performance check sheet shall be necessary for successful completion of the performance qualification test. The hands-on performance check sheet shall be signed by an instructor or other person approved by the Division.

8. The Division may issue the applicable Certified Emissions Tester or Repair Technician Permit to an applicant upon demonstration that the individual has successfully completed the requirements of this Chapter.

9. The Certified Emissions Tester and/or Repair Technician Permit shall be valid only at the Station where the Inspector is employed, and the Permit shall be kept on the premises and readily available to the Auditor. If the Inspector is later employed at a second Station, he/she shall notify the Division of the employment change. Duplicate or additional

Permits will be issued, at the discretion of the Division, for an additional fee. A duplicate Permit will expire on the same date as the original.

10. The Certified Emissions Tester and/or Repair Technician Permit is the sole property of the Division.

B. Requalification requirements for Certified Emissions Testers and/or Repair Technicians:

1. Recertification requirements shall meet or exceed the standards listed in 10.12.100(A)(4) and/or 10.12.100(A)(5).
2. Certified Emissions Testers and/or Repair Technicians shall be required to attend refresher training as part of the overall Training Program every 2 years.
   a. Failure to attend the refresher training shall result in suspension or revocation of the Permit.

C. Permit Expiration

1. All Permits shall be issued annually and shall expire December 31 of the calendar year. A Permit shall be renewable sixty (60) days prior to the date of its expiration. If a Certified Emissions Tester and/or Repair Technician Permit is obtained on or after October 1st, then the Permit will be valid until December 31st of the following year.
2. It is the responsibility of the Certified Emissions Tester and/or Repair Technician Permit holder to request the renewal of the Permit.
   a. In order to qualify for renewal of a Certified Emissions Tester and/or Repair Technician Permit, the Permit holder must have paid applicable fees and completed Division required yearly updates.

D. Warning, Probation, Suspension, Revocation and Denial of Certified Emissions Tester and/or Repair Technician Permit.

1. The Division may give a formal warning, place on probation, Suspend, Revoke, or deny the renewal of a Permit if the Certified Emissions Tester and/or Repair Technician:
   a. knowingly communicates any false, inaccurate or misleading information to any person or in any Certificate, record or document regarding the Vehicle Emissions Inspection/Maintenance Program;
   b. fraudulently or deceptively obtains or attempts to obtain a Permit;
   c. conducts a fraudulent or inaccurate test;
   d. consistently fails to properly repair failed vehicles (Repair Technician only);
   e. threatens, coerces, harasses, offers a bribe, assaults and/or stalks a Division employee or a Division Representative pursuant to his/her duties with the Division or any person having a vehicle tested or repaired subsequent to any requirement of this Chapter;
   f. the Inspector issued a Certificate of Compliance without performing an approved Inspection;
   g. the Inspector denied the issuance of a Certificate of Compliance to a vehicle that at the time of the Inspection, complied with the requirements of this Chapter;
   h. the Inspector issued a Certificate of Compliance to a vehicle that, at the time of issuance, was in such condition that it did not comply with the requirements of this Chapter;
   i. the Inspector inspected and recorded “pass” on the Tampering Inspection for a vehicle that did not, at the time of the Inspection, comply with the Tampering requirements of the Tampering Inspection detailed in this Chapter, regardless of whether a Certificate of Compliance was issued or not;
   j. the Inspector signed a Certificate of Compliance prior to an Inspection being performed;
   k. the Inspector performed an Inspection, but not in accordance with applicable

policies, procedures, Technical Bulletins, requirements and standards of this Chapter;

l. the Inspector knowingly allowed a Non-Certified Person to perform an Inspection or any portion of an Inspection, or gain access to the official testing portion of the Emissions Inspection Analyzer (EIA);

m. the Inspector signed an Inspection form or Certificate of Compliance stating that he/she had performed an Inspection when, in fact, he/she had not;

n. the Inspector performed an out of County Inspection as required by Sections 41-6a-1642 through 1644, Utah Code Annotated, 1953, as amended, but did not perform it as required by the Ordinances or Regulations governing such testing in these counties, if Reciprocity with other counties is in effect;

o. the Inspector performed unnecessary repairs not justified by the results of an Inspection; and/or

p. the Inspector tampered with, altered or in any way changed a vehicle from the manufacturer's original specifications and/or certified configuration with or without performing an Inspection.

2. An individual who's Permit has been Suspended may be subject to:

a. additional training or testing requirements as approved by the Division before the Permit is reinstated; and

b. revocation of a Permit after repeated suspensions or when a suspension has exceeded six (6) months.

3. A penalty schedule in Section 10.12.280 of this Chapter enumerates the actions the Division may take against persons Permitted under this Chapter.

E. Inspectors that hold a valid Permit from any Utah I/M program may challenge the Certification requirements of Davis County by doing the following:

1. Purchase a mechanic handbook and study material from Davis County;
2. Pass a written exam administered by Davis County;
3. Pass a hands-on exam administered by Davis County;
4. Complete all forms and pay all fees, as required by Davis.

10.12.110 Official Inspection Procedures

A. The official Inspection shall be solely performed by an Inspector who is Permitted at the Station where the Inspection is being performed.

1. The Inspector shall follow the Prompts of the EIA to conduct the Inspection.

B. If the Inspector is unqualified or unwilling to make the required repairs or adjustments should the vehicle fail the Emissions Inspection, they shall notify the owner/operator of the vehicle before the Emissions Inspection is administered.

C. The entire Inspection shall take place within the reach of the Emissions Inspection Analyzer (EIA) hose, electrical leads or data link.

1. The Inspection will be conducted in view of the lane camera.

a. If a vehicle is too large to fit in the Inspection lane, the Inspection may be conducted outside of the view of the lane camera.

D. The temperature of the Inspection Area shall be between 41° Fahrenheit and 110° Fahrenheit during the Inspection.

E. The Emissions Inspection Analyzer shall be kept in an area that provides adequate protection from the weather, wind and extreme temperatures.

F. The electrical supply to the Emissions Inspection Analyzer (EIA) shall be able to meet the analyzer manufacturer's requirements for voltage and frequency stability.

G. Data communication links shall be connected and functioning during the Inspection.

H. All vehicles presented to a Station must receive an Inspection unless:

1. the vehicle has a mechanical condition that is unsafe and/or may cause injury to Station personnel or damage to the vehicle, Station or EIA;
    a. Such conditions may include but are not limited to fluid leaks, low fluid levels, exhaust leaks, excessive tire wear, under inflated tires, transmission problems, or any other mechanical conditions deemed unsafe by the Division, Station personnel or the Inspector.
2. the Station does not have availability to conduct the Inspection in a timely manner;
3. the Station does not have an available Inspector to conduct the Inspection; or
4. the Station's Permit has been Suspended or Revoked.

I. Visual Inspection

1. A visual Inspection will be performed on all vehicles to visually verify that the vehicle has not been subjected to Tampering, that all Emissions related components are intact, and that the vehicle does not produce any visible Emissions.
2. Vehicles that are Model Years 1968-1989 that have been subjected to Tampering may receive a Certificate of compliance if tailpipe readings are at or below the maximum allowable Cutpoints for that vehicle.
3. Vehicles that are Model Years 1990 and newer must pass a visual inspection before the test may continue.
4. A visual gas cap Inspection will include cap removal (if applicable) and Inspection of the sealing surface.
5. Unauthorized powertrain modifications of the OEM certified configuration will be considered as Tampering and is in violation of this Chapter.
6. Emission devices and components being replaced with other than OEM parts must be U.S.E.P.A./C.A.R.B. certified.

J. Data Entry

1. The Inspector shall verify the vehicle license plate and vehicle identification numbers by comparing the information on the vehicle's Registration or other documentation presented by the vehicle owner with those on the vehicle and shall accurately record them as required by the data entry process on the Emissions Inspection Analyzer (EIA), as well as any other data requirements of the Division.
2. The Inspector shall enter completely and accurately all the information required as part of the data entry procedure for the Inspection on the Emissions Inspection Analyzer (EIA).

K. All testing procedures for restart testing, second chance testing, etc, shall be followed as described in the Emissions Inspection Analyzer (EIA) specifications referenced in Appendix A.

L. Two-Speed Idle (TSI) Inspection Procedures

1. Refer to Appendix B

M. OBDII (Onboard Diagnostics Generation II) Inspection Procedures

1. Refer to Appendix C

N. Compressed Natural Gas (CNG) Vehicle Inspection Procedures

1. Refer to Appendix E

O. A Certificate of Compliance and Vehicle Inspection Report Form (VIR) shall be issued only if a complete Inspection for the vehicle has been performed and the vehicle has passed the specific test requirements as described in this Chapter.

P. The Certificate of Compliance, Vehicle Inspection Report Forms (VIR) and other Inspection records shall be completed accurately, signed immediately and distributed as required by the Division. The customer shall be given the appropriate copy.

Q. Gray Market Vehicles/Automotive Imports applying for Registration in Davis County must

have, at the minimum:

1. Gaseous Fueled 1995 and older vehicles and 1996 and newer vehicles, 8501 and greater GVWR will be required to pass the tailpipe and Tampering standards for the Model Year appearing on the Registration;
2. Gaseous Fueled 1996 and newer vehicles, 8500 pounds GVWR or less, must be equipped with a functioning OBDII system, and must pass the OBDII Test; and
3. diesel fueled vehicles must meet the standards and requirements of their U.S. counterparts.

R. Glider Kits, Kit Vehicles, Reconstructed Vehicles, Replica Vehicles and Specially Constructed Vehicles shall comply with Emissions Standards applicable to the Model Year of the engine of the vehicle. If the engine is 1996 or newer and the vehicle's GVWR meets light-duty standards and was intended to be OBDII compliant, the vehicle must be OBDII compliant. It is the vehicle owner's responsibility to furnish proof of the engine's Model Year.

S. Vehicles placed on the Compliance Assurance List must be inspected at the Davis County Testing Center. The EIA will notify the Station if a vehicle presented for an Inspection is Registered on the Compliance Assurance List.

T. The Division, Davis County Health Department, Davis County, their officials or employees shall not be held responsible for any failure of any vehicle component or system occurring during an Inspection.

10.12.130 Emissions Standards for Motor Vehicles

A. To obtain a valid Emissions Certificate of Compliance, vehicles receiving an Inspection may not exceed the standards as adopted in Section 10.12.250 of this Chapter.

10.12.140 Certificates of Compliance and Waivers

A. Certificates of Compliance

1. No person shall make, issue or knowingly use any imitation or counterfeit of an official Certificate of Compliance or Waiver or any other official program document.
2. Certificates of Compliance shall be obtained only from the Division, a Division Representative or a Station.
3. A Certificate of Compliance may be issued via electronic communication to the Utah Division of Motor Vehicles.4. No refund or credit shall be allowed for unused Certificate of Compliance numbers, except as provided in Section 10.12.090.
5. Certificate of Compliance numbers:
   a. may be purchased by a Station through a Division Representative;
   b. shall be sold at the cost adopted by the Davis County Commission as referenced in Section 10.12.240;
   c. shall not be sold, loaned, transferred, or given to any other Station or any unauthorized individual. The Station shall at all times account for all Certificates of Compliance or Certificate of Compliance numbers that have been purchased by the Station; and
   d. are solely the property of the Division; only the license they represent is tendered. Certificates of Compliance or Certificate of Compliance numbers obtained through fraud, misrepresentation and/or improper testing may be deemed null and void.
   e. shall only be processed by a Station from an Emissions Inspection Analyzer's (EIA) Dedicated Printer.
6. A Certificate of Compliance shall only be issued to a vehicle that has successfully passed an Inspection that was conducted according to the requirements of this Chapter.

a. Vehicles listed in the E.P.A. document E.P.A.-420-B-12-044 titled "OBD Readiness Testability issues"[1] that have failed an Inspection for the listed problem may be exempted following the suggested action provided in this document.

B. Certificates of Waiver

1. A Certificate of Waiver may be issued by the Division or a Division Representative for a vehicle that has failed an Emissions Inspection if the requirements of this section have been met.
2. To obtain a Certificate of Waiver, the following requirements must be met:
   a. Emissions Related Repairs must be performed in attempt to correct the condition causing the Emissions related failure.
      i. Acceptable Emissions Related Repairs refers to those expenditures and costs associated with the adjustment, maintenance and repair of the Motor Vehicle which are directly related to the reduction of exhaust Emissions necessary to comply with the applicable Emissions Standards, Cut Points and procedures.
      ii. Only labor charges accrued for repairs that were performed by a Certified Emissions Repair Facility or the specific vehicle manufacturer will be accepted.
      iii. The cost of parts purchased to make the necessary repairs will be accepted.
      iv. Proof of repair costs for the vehicle must be provided in the form of a dated, itemized statement in which Emissions related parts/repairs and labor are specifically identified.
      v. Repairs must be performed no more than 60 days prior to an official test failure, and the repairs must be appropriate to the cause of the test failure.
      vi. The catalyst readiness monitor must be operational and set as "ready" for passenger vehicle Model Years 1996 and newer to be eligible for a Certificate of Waiver eligibility.
      vii. The vehicle may not produce any visible Emissions.
      viii. Emissions readings must be at or below the maximum allowable Waiver Cutpoints for the Model Year of the vehicle.
      ix. The Inspection failure may not be due to Tampering.
   b. The dollar amount required to be spent on Emissions Related Repairs after an initial Inspection failure are as follows:
      i. $450.00 for 1996 and newer Model Year vehicles;
      ii. $350.00 for 1981 – 1995 Model Year vehicles;
      iii. $250.00 for 1968 – 1980 Model Year vehicles.
   c. The following repairs will not be counted towards the dollar amount that is required to be spent:
      i. Repairs to correct a condition of Tampering.
      v. Repairs performed to the vehicle's exhaust system to correct problems with excessive exhaust dilution.
   d. Any vehicle that experiences an increase in Emissions levels shall not be eligible for a Certificate of Waiver regardless of the amount spent in attempting to repair the vehicle.
   e. The vehicle has been subjected to Engine Switching or engine modifications that do not comply with the applicable federal, state, or local laws.
3. A vehicle may only receive one (1) Waiver in the vehicle's lifetime. The Division may issue additional Waivers under certain circumstances.

[1] https://nepis.epa.gov/Exe/ZyPdf.cgi?Dockey=P100EPD8.pdf

4. Information regarding all performed repairs shall be entered into the appropriate database of the EIA prior to the vehicle being retested.
5. Gray Market Vehicles, Model Year 1995 and older, will not be eligible for a Waiver unless all Emissions devices meet the U.S. counterpart federal Certification for that Model Year of vehicle and are operational. If a U.S. counterpart does not exist then the following emission control devices may be required:
   a. Catalytic Converter
   b. Evaporative Emissions Control System
   c. PCV System
   d. EGR System
   e. AIR System
6. Replica Vehicles, Kit Cars and other Specially Constructed Vehicles, Model Year 1995 and older, shall not receive a Waiver unless meeting all requirements of this Chapter.
7. Vehicles that have been subjected to Engine Switching as defined in 10.12.150(A) and/or engine modifications that do not comply with the applicable federal, state, or local laws will not be eligible for a Certificate of Waiver.

10.12.150 Engine Switching

A. Engine switching shall be allowed only in accordance with E.P.A.'s Office of Enforcement and Compliance Assistance (OECA) Engine Switching Fact Sheet and Engine Switching Fact Sheet referenced Memorandum A[2]. .
B. Vehicles not meeting the requirements of Section 10.12.150 shall be deemed as tampered and dealt with in accordance with the Tampering provisions of this Chapter.
C. If the engine has been converted to another type of fuel, the vehicle must comply with the laws governing the type of fuel which is being used in the vehicle.
D. It is a violation of this Chapter to register a vehicle with a diesel engine as a vehicle using another type of fuel, or to register a vehicle with an engine that uses another type of fuel as a diesel.

10.12.160 Right to Appeal

A. Within ten (10) calendar days after the Division has given a notice of violation(s), Permit denial, suspension or revocation, any person(s) aggrieved may request in writing a hearing before the Division. Only a written request for hearing shall be honored by the Division. The hearing shall take place within ten (10) calendar days after the request is received. A written notice of the Hearing Officer's final determination shall be given within ten (10) calendar days after adjournment of the hearing. The Hearing Officer may sustain, modify, enhance or reverse the action or order. The Division may negotiate a Consent Agreement in lieu or in addition to a Permit suspension.
B. Use of the hearing process outlined in Section 10.12.180 of this Chapter does not preclude judicial review.

10.12.170 Recall

The Division reserves the right to recall any vehicle that is suspected of a fraudulent Inspection to be subjected to a challenge Inspection at the Davis County Testing Center. Any or all appropriate actions that are allowed by law may be taken against parties that have been involved in fraudulent actions

[2] https://www.epa.gov/enforcement/engine-switching-fact-sheet

during or subsequent to an Inspection**.**

10.12.180 Penalty

A. Pursuant to Title 26A-1-123, Utah Code Annotated, 1953, as amended and the statutory authority of County Commissions to enact Ordinances, any person violating any of the provisions of this Chapter, either by acts of omission or commission, shall be guilty of a class B misdemeanor and penalized as provided in the Penalty Schedule, Section 10.12.280, in addition to any administrative or civil penalties provided by this Chapter and applicable state law.
   1. If a person is found guilty of a subsequent similar violation within two (2) years, he/she may be guilty of a class A misdemeanor and appropriate action may be taken.

B. Each Occurrence and/or day a violation is committed or Permitted to continue shall constitute a separate violation.
   1. The imposition of a penalty under the provisions of this Chapter shall not prevent the revocation or the suspensions of any license or Permit granted under the provisions or this Chapter or preclude any other administrative or civil penalty.

C. At the request of the Division, the County Attorney may initiate civil or criminal legal action against any person who violates this Chapter.

D. In addition to other penalties imposed by a court of competent jurisdictions, any person(s) found guilty of violating any provision of this Chapter shall be liable for all expenses, including reasonable attorneys fees and costs of court, incurred by the Division and/or the County incurred arising from the violation or enforcement of this Chapter, whether civil or criminal.

E. A Penalty Schedule, Section 10.12.280, lists specific violations of this Chapter by which Permits issued to person(s) under the provisions of this Chapter may receive a formal warning, probation, suspension or revocation of said Permit, including time-periods or fines issued. The Penalty Schedule may be amended by the Davis County Commission if deemed necessary to accomplish the purposes of this Chapter.

F. The Division may, at its discretion, negotiate monetary penalties in lieu of some or all of the time of Permit suspensions allowed in Section 10.12.20 of this Chapter.

10.12.200 Quality Assurance

A. Davis County may obtain an outside consultant to review test and Audit data and furnish E.P.A. required reports.

B. The Division shall perform overt and Covert Audits of Stations and Technicians that shall conform with the reporting requirements as contained in 40 CFR 51.363.

10.12.210 Severability

If any provision, clause, sentence or paragraph of this Chapter or the application thereof to any person or circumstance shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this Chapter. The valid part of any clause, sentence or paragraph of this Chapter shall be given independence from the invalid provisions or application and to this end the provisions of this Chapter are hereby declared to be severable.

10.12.240 Fee Schedule

The fees assessed by the Division shall be:

Permitting of a Certified Emissions Repair Facility and/or Basic Test Station	$300.00
Annual Renewal of a Certified Emissions Repair Facility and/or Basic Test Station Permit	$60.00
Annual Renewal of an Expired Certified Emissions Repair Facility and/or Basic Test Station Permit	$120.00
Permitting a Certified Emissions Repair Facility and/or Basic Test Station at a New Location	$50.00
Permitting a Certified Emissions Repair Facility and/or Basic Test Station Under a New Business Name	$125.00
Transferring a Certified Emissions Repair Facility Permit to a Basic Test Station Permit or from a Basic Test Station Permit to a Repair Facility Permit	$125.00
Permitting a Certified Repair Technician, or an Emissions Tester	$30.00
Annual Renewal of a Certified Repair Technician or an Emissions Tester Permit	$25.00
Annual Renewal of an Expired Certified Repair Technician or an Emissions Tester Permit	$40.00
Duplicate Certified Repair Technician and/or Emissions Tester Permit	$12.00
Refresher training for Certified Emissions Testers and/or Repair Technicians	$30.00
Certified Emissions Tester Study Guide	$40.00
Transferring a Certified Repair Technician Permit to an Emissions Tester Permit or an Emissions Tester Permit to a Certified Repair Technician Permit	$15.00
Emissions Program Certificate of Compliance Numbers	$3.25
Duplicate Emissions Program Certificate of Compliance	$3.00
Emissions Inspection Fee	Set by Station
Air Pollution Control Fee (gasoline, diesel & other fuels--paid at time of Registration)	$3.00
Chapter Copy	$5.00

10.12.250 Emissions Standards

A. The following schedule gives the maximum allowable concentrations for Carbon Monoxide (CO) and Hydrocarbons (HC) for both cars and trucks as determined by an approved analyzer using the prescribed procedures.

ALL PASSENGER VEHICLES 1978 AND OLDER LIGHT DUTY TRUCKS 6,000 POUNDS OR LESS GVWR 1979 TRUCKS AND NEWER 8,500 POUNDS OR LESS GVWR MAXIMUM CONCENTRATION STANDARDS		
Model Year	Percent Carbon Monoxide	Parts / Million Hydrocarbons
1968-1969	6.0	800
1970-1974	5.0	700
1975-1976	4.0	600
1977-1979	3.0	500
1980	2.0	300
1981-1995	1.2	220
1996 and newer passenger vehicles & light-duty trucks (8,500 lbs or less)	OBD II Only	OBD II Only

HEAVY DUTY TRUCKS AND VANS 1978 AND OLDER 6,001 POUNDS AND OVER GVWR 1979 AND NEWER 8,501 POUNDS AND OVER GVWR MAXIMUM CONCENTRATION STANDARDS		
Model Year	Percent Carbon Monoxide	Parts / Million Hydrocarbons
1968-1969	7.0	1500
1970-1978	5.0	1200
1979-1980	4.0	1000
1981-1995	3.5	800
1996-2007	1.2	220
2008-newer	OBDII Only	OBDII Only

NOTE: These should be considered as “Cut Points” for maximum allowable Emissions levels. Vehicles must never be reset to these Emissions levels when readjustments are made, but rather shall be adjusted using manufacturer's specifications. By using manufacturer's specifications, the Emissions levels should be well below the “Cut Points”.

B. On-Board Diagnostics (OBDII) Standards: U.S.E.P.A. guidelines and standards will be followed.

10.12.260 Waiver Cut Points

A. In order for a Waiver to be granted, the subject vehicle must first qualify by not exceeding the following maximum allowable concentrations for Carbon Monoxide (CO) for both cars and trucks as determined by an approved Emissions Inspection Analyzer (EIA) using the prescribed procedures. Vehicles with visible tailpipe Emissions (smoke) are not eligible for Waivers.

ALL PASSENGER VEHICLES 1978 AND OLDER LIGHT DUTY TRUCKS 6,000 POUNDS OR LESS GVWR 1979 TRUCKS AND NEWER 8,500 POUNDS OR LESS GVWR MAXIMUM CONCENTRATION STANDARDS		
Model Year	Percent Carbon Monoxide	Parts / Million Hydrocarbons
1968-1969	7.0	1000
1970-1974	6.0	800
1975-1976	5.0	700
1977-1979	4.0	600
1980	3.0	400
1981-1995	2.0	300
1996 and newer passenger vehicles & light-duty trucks (8,500 lbs or less)	1.2	220

HEAVY DUTY TRUCKS AND VANS 1978 AND OLDER 6,001 POUNDS AND OVER GVWR 1979 AND NEWER 8,501 POUNDS AND OVER GVWR MAXIMUM CONCENTRATION STANDARDS		
Model Year	Percent Carbon Monoxide	Parts / Million Hydrocarbons
1968-1969	8.0	1700
1970-1978	7.0	1500
1979-1980	5.0	1200
1981 and newer	4.0	1000

B. The minimum dilution factor must also be reached as part of the testing requirement.

Note: These should be considered as “Cut Points” for maximum allowable Emissions levels. Vehicles must never be reset to these Emissions levels when readjustments are made, but rather shall be adjusted using manufacturer’s specifications. By using manufacturer’s specifications the Emissions levels should be well below the “Cut Points”.

10.12.270 Passing Versus Waiver Cut Point Comparison

ALL PASSENGER VEHICLES 1978 AND OLDER LIGHT DUTY TRUCKS 6,000 POUNDS OR LESS GVWR 1979 TRUCKS AND NEWER 8,500 POUNDS OR LESS GVWR MAXIMUM CONCENTRATION STANDARDS				
Model Year	% CO Passing	% CO Waiver	PPM HC Passing	PPM HC Waiver
1968 - 1969	6.0	7.0	800	1000
1970 - 1974	5.0	6.0	700	800
1975 - 1976	4.0	5.0	600	700
1977 - 1979	3.0	4.0	500	600
1980	2.0	3.0	300	400
1981 - 1995	1.2	2.0	220	300
1996 +	N/A	1.2	N/A	220

HEAVY DUTY TRUCKS AND VANS 1978 AND OLDER LIGHT DUTY TRUCKS 6,001 POUNDS AND OVER GVWR 1979 TRUCKS AND NEWER 8,501 POUNDS AND OVER GVWR MAXIMUM CONCENTRATION STANDARDS				
Model Year	% CO Passing	% CO Waiver	PPM HC Passing	PPM HC Waiver
1968 - 1969	7.0	8.0	1500	1700
1970 - 1978	5.0	7.0	1200	1500
1979 - 1980	4.0	5.0	1000	1200
1981 +	3.5	4.0	800	1000

NOTE: These should be considered as “Cut Points” for maximum allowable Emissions levels. Vehicles must never be reset to these Emissions levels when readjustments are made, but rather shall be adjusted using manufacturer's specifications. By using manufacturer's specifications, the Emissions levels should be well below the “Cut Points”.

10.12.280 Penalty Schedule

Violation (Resets after two (2) years of no similar violations unless Revoked)	**1st Occurrence**	**2nd Occurrence**	**3rd Occurrence**	**4th Occurrence**
Failure to Inspect or substituting a vehicle other than the vehicle on the test record *(intentional pass)*	Tech: 180 day suspension and mandatory retraining	Tech: Revocation of Permit for five (5) years		
	Station: 180 day suspension	Station: 270 day suspension	Station: Revocation of Inspection Station Permit for five (5) years	
Passing a failing vehicle or recording "pass" for Tampering on a tampered vehicle *(gross negligence)*	Tech: 30 day suspension and mandatory retraining	Tech: 60 day suspension and mandatory retraining	Tech: Revocation of Permit for five (5) years	
	Station: 15 day suspension	Station: 30 day suspension	Station: 60 day suspension	Station: Revocation of Permit for five (5) years
Falsifying an Inspection record or Emissions Certificate or failing a passing vehicle *(intentional)*	Tech: 180 day suspension and mandatory retraining	Tech: Revocation of Permit for five (5) years		
	Station: 180 day suspension	Station: 270 day suspension	Station: Revocation of Permit for five (5) years	
Non-Certified Person performing test *(gross negligence)*	Tech: 60 day suspension	Tech: 180 day suspension	Tech: Revocation of Permit for five (5) years	
	Station: 60 day suspension	Station: 180 day suspension	Station: Revocation of Permit for five (5) years	

Inaccurate or incomplete data entry *(incompetence)*	Tech: Formal warning and mandatory retraining	Tech 30 day suspension and mandatory retraining	Tech: 90 day suspension and mandatory retraining	Tech: Revocation of Permit for five (5) years
	Station: Formal warning	Station: 15 day suspension	Station: 45 day suspension	Station: Revocation of Permit for five (5) years
Failure to follow proper test procedures *(incompetence)*	Tech: Formal warning and mandatory retraining	Tech: 30 day suspension and mandatory retraining	Tech: 90 day suspension and mandatory retraining	Tech: Revocation of Permit for five (5) years
	Station: Formal warning	Station: 15 day suspension	Station: 45 day suspension	Station: Revocation of Inspection Station Permit for five (5) years
Failure of a Covert Audit *(incompetence)*	Tech: Formal warning and mandatory retraining	Tech: 30 day suspension and mandatory retraining	Tech: 90 day suspension and mandatory retraining	Tech: Revocation of Permit for five (5) years
	Station: Formal Warning	Station: 15 day suspension	Station: 45 day suspension	Station: Revocation of Inspection Station Permit for five (5) years

A. These penalties apply to all Permits issued pursuant to this Chapter.
B. Negotiated Consent Agreements: Inspector and/or Station suspensions may be reduced in length by a Negotiated Consent Agreement which may substitute monetary penalties for part or all of the suspension time.
C. Violations that have been determined to be intentional or flagrant shall result in the maximum penalties of up to $10,000 per violation. Permit revocations are not eligible for Negotiated Consent Agreements.
D.
E. The number of Occurrences for the Failure of a Covert Audit that a Station or Inspector has will reset to zero (0) if the Station or Technician successfully passes two (2) successive covert vehicle audits.

10.12.290 Conflicts

This Chapter supersedes all prior Ordinances, resolutions and policies of Davis County to the extent they are in conflict with the specific provisions hereof. In all other respects such prior Ordinances, resolutions and policies shall remain in full force and effect.

Effective Date

This Ordinance is necessary for the immediate preservation of the peace, health or safety of the County and its inhabitants and therefore shall take effect immediately upon publication in one issue of a newspaper published and having general circulation in Davis County.

This Ordinance shall be effective as of Oct 18, 2019 (date). All Ordinances and parts of Ordinances in conflict herewith shall not be and the same are here by repealed.

ENACTED AND ADOPTED this 1st day of Oct, 2019.

This Ordinance was duly passed, adopted, and/or approved by the Davis County Legislative Body on this 1st day of Oct, 2019 with Commissioners Randy B. Elliott Aye, Lorene Miner Kamalu Aye, and Bob J Stevenson Aye, all voting as documented herein.

BOARD OF COUNTY COMMISSIONERS OF DAVIS COUNTY

By: _____
Randy B. Elliott, Chair

ATTEST:

_____
Curtis Koch
Davis County Clerk/Auditor

Approved as to legal form and compatibility with state law:

_____
Deputy Davis County Attorney

Publication Date: , 2019
Effective Date: , 2019

APPENDIX A
Emission Inspection Analyzer Specifications

A. Only Division approved testing equipment will be used to perform Certified Emissions Inspections. The Emissions analyzers (EIA's) shall only be those approved and provided by contract through the current vendor. Refer to Appendix A for current EIA Specifications.

B. The Division shall explore new technologies related to emissions inspections. As part of this exploration, the Division may perform studies, run pilot projects, collect and analyze data, and make recommendations to the commission. If a new technology can be shown to be as effective as current technologies in reducing emissions and preventing fraud, the Division shall present these findings to the E.P.A. The Division shall then work with the E.P.A. and the commission to seek approval to incorporate the new technology as a testing method.

COMPUTER HARDWARE/SOFTWARE

• 17" .28 Dot Pitch SVGA Color Monitor	• 700 MHz CPU speed or faster
• Flash Drive	• 128 Mb RAM
• 12X CD ROM Drive (or faster, optional)	• 40 Gb Hard Drive (or larger)
• 64 MPEG ready PCI Video Board w/1 Mb RAM	• 256 kb External Cache Memory
• 56k Internal Modem (or faster)	• 104 Enhanced Keyboard
• Standard Mouse/Pointer	• Enhanced RPM and I/O Board
• Bar- Code Reader, High Intensity, Non- Contact	• Hewlett Packard LaserJet 2300 printer (or equivalent) or OKIPAGE B4200 printer (or equivalent)

ANALYTICAL SYSTEM

ITEM	METHOD	RANGE	ACCURACY	RESOLUTION
• HC	NDIR	0-2000ppm	+/- 3%	l ppm
• CO	NDIR	0-10%	+/- 3%	0.01%
• CO_2	NDIR	0-16%	+/- 3%	0.1%
• O_2	Cell/NDIR/NDUV	0-25%	+/- 5%	0.1%
• Relative Humidity		5-95%	+/- 3%	
• Ambient Temperature		0-140F	+/- 3%	
• Barometer Pressure		24-32 in. Abs	+/- 3%	

REQUIREMENTS
* Electric: 120 VAC 15 Amps
* Shop Air: 80 - 90 PSI Compressed Air

CALIBRATION SYSTEM
* Integrated Zero Air Generator
* Automatic Zeroing and Gas Calibration
* Automatic Leak Test, Dilution Test and

Low Flow

SAMPLE SYSTEM

* Heavy-duty Sample System for High Throughput Performance w/Pressurized Sample Back Flush
* Solid State Sample Chiller for Enhanced Water Separation (patent pending)

SUB-SYSTEM

* OBD II Integrated Function
* Integrated Fuel Cap Tester

APPENDIX B
Two Speed Idle Inspection Procedures

Each vehicle receiving a Two-Speed Idle (TSI) Test shall be allowed to reach normal operating temperature before performing the Inspection.

A. The vehicle shall be tested as detailed in the Emissions Inspection Analyzer (EIA) specifications referenced in Appendix A and as programmed into the Emissions Inspection Analyzer (EIA) testing sequence. Vehicles failing because of excessive exhaust dilution shall repair the dilution problem prior to continuing the Emissions test. The dilution standard shall be contained in the Emissions Inspection Analyzer (EIA) specifications as referenced in Appendix A and adjusted when the Division determines by analysis that an adjustment is necessary to yield a more accurate level of Emissions readings.

B. If a vehicles engine stalls during a Two-Speed Idle (TSI) Emissions Inspection, the test shall be restarted. If an Inspector cannot complete a test because of continuous stalling, fluctuating RPM measurements or RPM measurements that are not within the Division and manufacturer's specified parameters, then these problems shall be corrected before the Inspection is continued.

APPENDIX C
OBD II (Onboard Diagnostics Generation II) Inspection Procedures

The following test procedure is to be followed for 1996 and newer Model Year gasoline and Light Duty Diesel Powered Motor Vehicles and 2008 and newer Medium Duty Vehicles:

1. Verify vehicle information;
2. Accurately enter information into the analyzer at the required Prompts;
3. Review the information entered into the data review screens and make corrections as need;
4. Perform the visual Inspection of all applicable emission control devices;
5. Turn the ignition key to the **OFF** position;
6. Locate the Diagnostic Link Connector (DLC) in the vehicle and connect the OBD lead from the analyzer directly to the vehicles DLC;
    a. A Simulator device may not be used or connected to the analyzer at any time during an official Emissions Inspection.
7. Turn the ignition to the **KOEO** position;
8. Visually inspect for the MIL function: indicate "YES" if the MIL is functioning or "NO" if the MIL is not functioning;
9. Start the vehicle;
10. Allow the analyzer to communicate with the vehicle;
11. Increase the vehicle RPM to 1000 RPM for 5 seconds;
12. When prompted, turn off the engine, switch the ignition to the **OFF** position and remove the OBD lead;

13. If the MIL is not functioning, the vehicle fails the OBDII Inspection and requires repair;
14. If the MIL is commanded **ON** the vehicle fails the OBDII Inspection. The vehicle has a malfunction and has stored a Diagnostic Trouble Code (DTC). The DTC will need to be investigated and the necessary repairs made;
15. If the Catalyst readiness monitor is "Not Ready" then the vehicle fails the Inspection.

APPENDIX D
Davis County Diesel I/M Program

11.12.010 Definitions

1. Diesel Emissions Standard: as defined in section 10.12.020 of the Ordinance and also including the maximum allowable smoke Opacity limits for a given weight class and Model Year of a Motor Vehicle.
2. Diesel I/M Program Fleet Station (Diesel Fleet Station): a private, public or government facility with a fleet of twenty five (25) or more vehicles that has a valid Permit, issued by the Division, to perform Diesel Opacity Inspections on their own vehicles in accordance with this Chapter.
3. Diesel I/M Program Station (Diesel Station): a Permitted facility meeting the requirements of this Chapter.
4. Diesel Opacity Inspector: an individual Permitted by the Division to perform Opacity Inspections on Diesel Vehicles, also referred to as a Technician.
5. Diesel Opacity Inspection: an Inspection of a Diesel Powered Motor Vehicle by a Diesel Opacity Inspector employed by a Diesel I/M Program Station, Fleet Station or the Division.
6. Diesel Opacity Inspector Permit: the Permit issued by the Division to an individual who has successfully completed the Division Diesel Opacity Inspection and training requirements.
7. Diesel Opacity Analyzer: an Opacity meter with any additional hardware or software required by the Division to perform an official Diesel Opacity Inspection in accordance with this Chapter and a type of Emissions Inspection Analyzer (EIA).
8. Diesel Powered Motor Vehicle: vehicles which are propelled by a compression-ignited engine using diesel fuels, bio-fuels, or a mixture of diesel and bio-fuels.
9. Diesel Vehicle Inspection/Maintenance Program: the Opacity Inspection and repair program for Diesel Powered Motor Vehicle established by the Division, pursuant to Section 41-6a-1644, Utah Code Annotated 1953, as amended.
10. Opacity: the degree to which the exhaust plume obscures the view expressed in percentage of obstruction or the degree expressed in percent to which transmittance of light is reduced by the exhaust plume.
11. Opacity Inspection: the Inspection of Diesel Powered Motor Vehicle using procedures prescribed in the Chapter in order to determine the magnitude (expressed as a percentage) of obscured light (Opacity) due to exhaust constituents, mainly fine particles.
12. Opacity Meter: an optical instrument which is designed to provide continuous real-time measurement of the Opacity of diesel exhaust gases and particulates which pass through the optical unit.
13. Technician: a Permitted Diesel Opacity Inspector.
14. Wide Open Throttle (WOT): accelerations used to purge the exhaust system of any residual exhaust prior to an Opacity Inspection applicable to Heavy Duty Diesel Vehicles.

11.12.030 Purpose

Refer to section 10.20.030

11.12.040 Jurisdiction of the Division

Refer to section 10.20.040

11.12.050 Powers and Duties

Refer to section 10.12.050

A. The Division or a Division Representative is responsible for performing all Inspections on Light, Medium and Heavy Duty Diesel Powered Motor Vehicles.

11.12.060 Scope

Refer to section 10.12.050

11.12.070 General Provisions

Refer to section 10.12.070

A. Reciprocity with other vehicle Emissions programs within the state will be allowed as long as Tampering, Opacity, OBDII or other standards meet or exceed those required by this Chapter in accordance with Section 41-6a-1643, Utah Code Annotated, 1953, as amended.
B. The following vehicles are exempt from the requirements of this Chapter:
    1. Heavy Duty Diesel Powered Motor Vehicles that meet all of the following requirements:
        a. Have an apportioned Registration;
        b. Are 26,000 lbs. GVWR or greater;
        c. Have logged more than 50% of their vehicle miles outside of the state; and
        d. Are within the first three (3) Model Years.

11.12.080 Standards and Specifications for Diesel Emission Equipment

All diesel emission equipment must comply with the standards set forth in Appendix D-1

11.12.090 Requirements of the Vehicle Emission Inspection/Maintenance Program Stations

Refer to section 10.12.090

11.12.100 Testing and Permitting of Certified Diesel Opacity Inspectors

Refer to section 10.12.100

11.12.110 Diesel Emission Inspection Procedures

A. A Division Representative will perform Diesel Opacity Inspections on light and Medium Duty Vehicles that are Model Year 2007 and older and are non OBD II compliant. This

Inspection is performed on a Dynamometer under load with the approved Opacity meter analyzer system. All Heavy Duty Diesel Powered Motor Vehicles 14,000 lbs. GVWR and up are required to have a J1667 snap-idle test performed by a licensed Station/contractor.

B. Loaded Opacity Inspection Procedures (Refer to Appendix B-2 for drive pattern illustration)

1. All steps in Section 10.12.110(A-L) shall be followed.
2. All facets of the official Vehicle Emissions I/M Program shall be performed by the Certified Diesel Opacity Inspector including:
   a. Emissions Inspection Analyzer (EIA) preparation, Gas Calibration, leak checks and host communication diagnostics;
   b. preparation of reports, forms and Certificates of Compliance;
   c. accessing the official Emissions testing section of the analyzer;
   d. performing fuel cap pressure tests;
   e. exhaust sampling and analysis for the purpose of a diesel Opacity Inspection for issuance of a Certificate of Compliance; and
   f. all other aspects of the official Vehicle Emissions Inspection, including but not limited to the Visual Inspection, inserting the exhaust probe, inserting or attaching the exhaust Opacity sampling equipment, hooking up the tachometer, entering data into the analyzer, preconditioning the vehicle and signing Certificates of Compliance and Vehicle Inspection Report Forms (VIRs).
3. Diesel I/M Program Station or Fleet Station shall employ and ensure at least one (1) Certified Diesel Opacity Inspector is routinely scheduled to work during the advertised operating hours of the facility.
4. To qualify for and obtain a Diesel Opacity Inspector Permit, an applicant shall demonstrate knowledge, skill and competence by passing a written and performance qualification test including, but not limited to, knowledge of the following:
   a. The requirements of this Chapter;
   b. Operation of and proper use, care, maintenance and Calibration of the Division approved Emissions Inspection Analyzer (EIA); and
   c. Proper use and distribution of the required Inspection forms, Certificates of Compliance, Calibration records and supplemental documents.
5. For each vehicle receiving an Opacity Inspection:
   a. visually inspect for the presence of single or dual exhaust. If the vehicle to be inspected is equipped with a dual exhaust system, only the darkest stack will be used for testing;
   b. determine the appropriate Inspection procedure to follow, depending on the vehicle weight rating, type and Model Year, and then proceed with the Inspection procedures as outlined in this Chapter;
   c. if a vehicle is unable to be inspected using a particular weight category Inspection procedure as outlined in this Chapter because of an unusual engine/chassis configuration, the Director at his/her discretion may select an alternate Inspection procedure to be performed on the vehicle;
   d. verify for 1996 and newer Medium Duty Vehicles the Key On Engine Off (KOEO) Bulb Function and fail the vehicle if the MIL does not function; and
   e verify for 1996 and newer Medium Duty Vehicles the Key On Engine Running function that the MIL is extinguished. Fail the vehicle if the MIL is

illuminated.

C. Heavy-Duty Snap Idle Inspection Procedures

1. The snap idle test is based on the J 1667 protocol. All Diesel Powered Motor Vehicles 14,001 lbs. GVW and greater, will receive a snap idle test performed with the approved testing equipment. The Technician will follow all analyzer Prompts and screens as specified and upon completion of the test will issue the appropriate paperwork to the consumer. All safety considerations addressed in section10.12.110(G) shall be followed.
2. Heavy Duty Diesel Powered Motor Vehicles that meet all of the following requirements:
   a. Have an apportioned Registration;
   b. Are 26,000 lbs. GVWR or greater;
   c. Have logged more than 50% of their vehicle miles outside of the state; and
   d. Are within the first three (3) Model Years.
3. Owners of Heavy Duty Diesel Powered Motor Vehicles may request that a Division Representative perform on-site Vehicle Emissions Inspections.
   a. As a condition for Permitting a Certified Diesel Station or Diesel Fleet Station, the following tools, references and equipment shall be available for the performance of Inspection and maintenance of Diesel Powered Motor Vehicles:
      i. a Division approved Diesel Opacity Analyzer that meets the minimum specifications as outlined in Appendix A of this Chapter;
      ii. a handbook, approved by the Division, that includes Inspection procedures to be followed by the Diesel Opacity Inspector;
      iii. reference manuals specified and approved by the Division that contain tune-up specifications, and information covering the Emissions control systems for the Model Years and makes of vehicles involved in the Diesel Inspection/Maintenance Program;
      iv. sufficient hand tools for proper performance of Inspection and maintenance of the vehicle;
      v. exhaust gas removal equipment approved by the Division;
      vi. the Diesel Opacity Analyzer manufacturer's maintenance and Calibration manual, which must remain in the Inspection Area;
      vii: all forms, Technical Bulletins, and other information materials provided by the Division; and
      viii. all essential devices, connections, phone lines and software required by the Division.
   b. Diesel Fleet Stations
      i. Owners of vehicle fleets with twenty-five (25) or more Heavy Duty Diesel Powered Motor Vehicles may apply to the Division for a Diesel I/M Program Fleet Station Permit. This Permit would allow fleet owners to inspect only their own Heavy Duty Motor Vehicles that are Registered to the individual or corporation identified on the Permit. A fleet Station may be Permitted for Inspection of light and Medium Duty Vehicles with approval of the Division;
      ii. The Fleet Station shall immediately notify the Division and surrender all unused Certificates of Compliance at such time as the Station no longer

employs a Diesel Opacity Inspector; and

iii. The Fleet Station shall notify the Division whenever five (5) or more consecutive Diesel Opacity Inspections are scheduled to be performed within an eight (8) hour period. The Director may dispatch a field Auditor to observe all or a portion of the Diesel Opacity Inspections performed.

11.12.120 Davis County Testing Center

A. The Davis County Testing Center personnel or a Division Representative may conduct Diesel Emissions Inspections approved Inspection equipment, hardware and software as technology advances and new Inspection procedures become available.
B. Loaded Diesel Opacity, OBDII and Diesel Snap Inspections will be performed following the procedures outlined in this Appendix.
C. Developmental Emissions Inspections may be conducted.
   1. Vehicles inspected by this method shall comply with all the requirements of the latest U.S.E.P.A.'s Technical Guidance Documents and the requirements as outlined in this Appendix.
D. Emission Inspection equipment will be checked, maintained, calibrated and serviced in accordance with the appropriate equipment manufacturer's procedures.
E. The Davis County Testing Center may inspect a portion of the fleet on a voluntary basis for modeling, air quality assurances and public convenience.
F. The Division may develop or modify all present and future I/M Program procedures.

11.12.130 Emission Standards

A. The following schedule gives the maximum allowable concentration limits for Diesel Opacity Inspections:
   1. Heavy Duty Diesel Powered Motor Vehicles, 14,001 pounds GVWR or more – Snap Idle Test:
      a. 20% Opacity for Diesel engines manufactured on or after January 1, 1996.
      b. 40% Opacity for Diesel engines manufactured before January 1, 1996.
   2. Light Duty/Medium Duty Vehicles, 14,000 pounds GVWR and less – Dynamometer Inspection:
      a. 20% Opacity for all Non-OBDII Compliant Vehicles, readings taken at cruise and Wide Open Throttle (WOT).
   3. Light/Medium Duty OBDII Compliant Diesel Powered Motor Vehicles will meet OBDII Standards listed in Section 10.12.250

11.12.140 Certificates of Compliance and Waivers

A. Certificate of Compliance
   1. A Certificate of Compliance will be issued to Diesel Powered Motor Vehicles following the standards set in 10.12.140(A).
B. Certificate of Waiver
   1. A Certificate of Waiver will be issued to Diesel Powered Motor Vehicles following the standards set in 10.12.140(B) with the following exceptions:

a. Diesel Powered Motor Vehicles are exempt from the Waiver Cut Points established in section 10.12.260.
b. For vehicles that support the catalyst monitor as originally certified, the catalyst readiness monitor must be operational and set as "Ready" for Light/Medium Duty Vehicles Model Years 1998 and newer to be eligible for a Certificate of Waiver eligibility.
c. The dollar amount required to be spent on Emissions Related Repair fees for the following specified Diesel Powered Motor Vehicles shall be set at:
    i. $750.00 for 1968 and newer Model Year Light/Medium Duty Vehicles: and
    ii. $1,500.00 for 1968 and newer Model Year Heavy Duty Diesel Powered Motor Vehicles.
d. Visible Emissions must be in compliance as defined in Utah Code 41-6a-1626.

11.12.150 Engine Switching

Refer to section 10.12.150

11.12.160 Right to Appeal

Refer to section 10.12.160

11.12.170 Recall

Refer to Section 10.12.170

11.12.180 Penalty

Refer to section 10.12.180

11.12.200 Quality Assurance

Refer to section 10.12.200

11.12.210 Severability

Refer to section 10.12.210

11.12.220 Auditing and Reporting

Refer to section 10.12.220

11.12.230 Emission Inspection Analyzer (EIA)

Only Division approved Inspection equipment will be used to perform Certified Emissions and Opacity Inspections. The Diesel Emissions analyzers (EIA's) shall only be those approved and

provided by contract through the current vendor. Refer to Appendix D-1 for Diesel EIA requirements.

11.12.240 Fee Schedule

Refer to section 10.12.240 for the applicable fees not listed in 11.12.240

Permitting of a Diesel I/M Program Station or Fleet Station	$300.00
Annual Renewal of a Diesel I/M Program Station or Fleet Station	$60.00
Annual Renewal of an Expired Diesel I/M Program Station or Fleet Station	$120.00
Permitting a Diesel I/M Program Station or Fleet Station at a New Location	$50.00
Permitting a Diesel I/M Program Station or Fleet Station Under a New Business Name	$125.00
Permitting a Diesel Opacity Inspector	$30.00
Annual Renewal of a Diesel Opacity Inspector Permit	$25.00
Annual Renewal of an Expired Diesel Opacity Inspector Permit	$40.00
Duplicate Diesel Opacity Inspector Permit	$12.00
Refresher training for Diesel Opacity Inspectors	$30.00
Diesel Opacity Inspector Study Guide	$40.00
Diesel Emission Fee	Set by County

11.12.280 Penalty Schedule

Refer to section 10.12.280

11.12.290 Conflicts

Refer to section 10.12.290

Effective Date

This Ordinance is necessary for the immediate preservation of the peace, health or safety of the County and its inhabitants and therefore shall take effect immediately upon publication in one issue of a newspaper published and having general circulation in Davis County.

This Ordinance shall be effective as of Oct 18, 2019 (date). All Ordinances and parts of Ordinances in conflict herewith shall not be and the same are here by repealed.

ENACTED AND ADOPTED this 1st day of Oct, 2019.

This Ordinance was duly passed, adopted, and/or approved by the Davis County Legislative Body on this 1st day of Oct, 2019 with Commissioners Randy B. Elliot Aye, Lorene Miner Kamalu Aye, and Bob J Stevenson Aye, all voting as documented herein.

BOARD OF COUNTY COMMISSIONERS OF DAVIS COUNTY

By: _____
Randy B. Elliott, Chair

ATTEST:

_____
Curtis Koch
Davis County Clerk/Auditor

Approved as to legal form and compatibility with state law:

_____
Deputy Davis County Attorney

Publication Date: , 2019
Effective Date: , 2019

Appendix D-1
Diesel Emission Equipment Specifications

PRODUCT SPECIFICATIONS: Sensors LCS 2400 Opacity Meter

Operating Conditions
Temperature: 5 °C to 40 °C
Humidity: 0 to 95 %
Pressure: 0...10kPa ± 0.2kPa
Characteristics
Optical path length: 364 mm (+/- 1 mm)
Tube Temp: 70…100 °C (75 °C typical)

Warm Up Time: <= 3 min. @ 20 °C
Zero-Drift: < 0.01 m^{-1} over 15 min
Resolution: N: 0.1 % ; k: 0.01 m^{-1}
Gas Temperature Range: 10 – 150 °C
Storage Temperature: -32 °C to 55 °C
Pneumatic Stability: ± 1.0%
Acoustic Noise: 53 dba
Opacity Accuracy: ± 2% absolute
Reliability: 20,000 hours (MTBF)
Dimensions (H x W x L): 23.5 cm x 38 cm x 9 cm
Weight: 4.5kg (10 lbs)
Software & Communications 9600/19200 Baud rate (selectable)
Communication: via RS-232 async
Power:
Input 230 Vac,, 115Vac or 100Vac available
Line Frequency: 50 or 60 Hz
Output 12Vdc @3A (via com port connector)

The computer/cabinet shall be based on the Worldwide EIS 7000

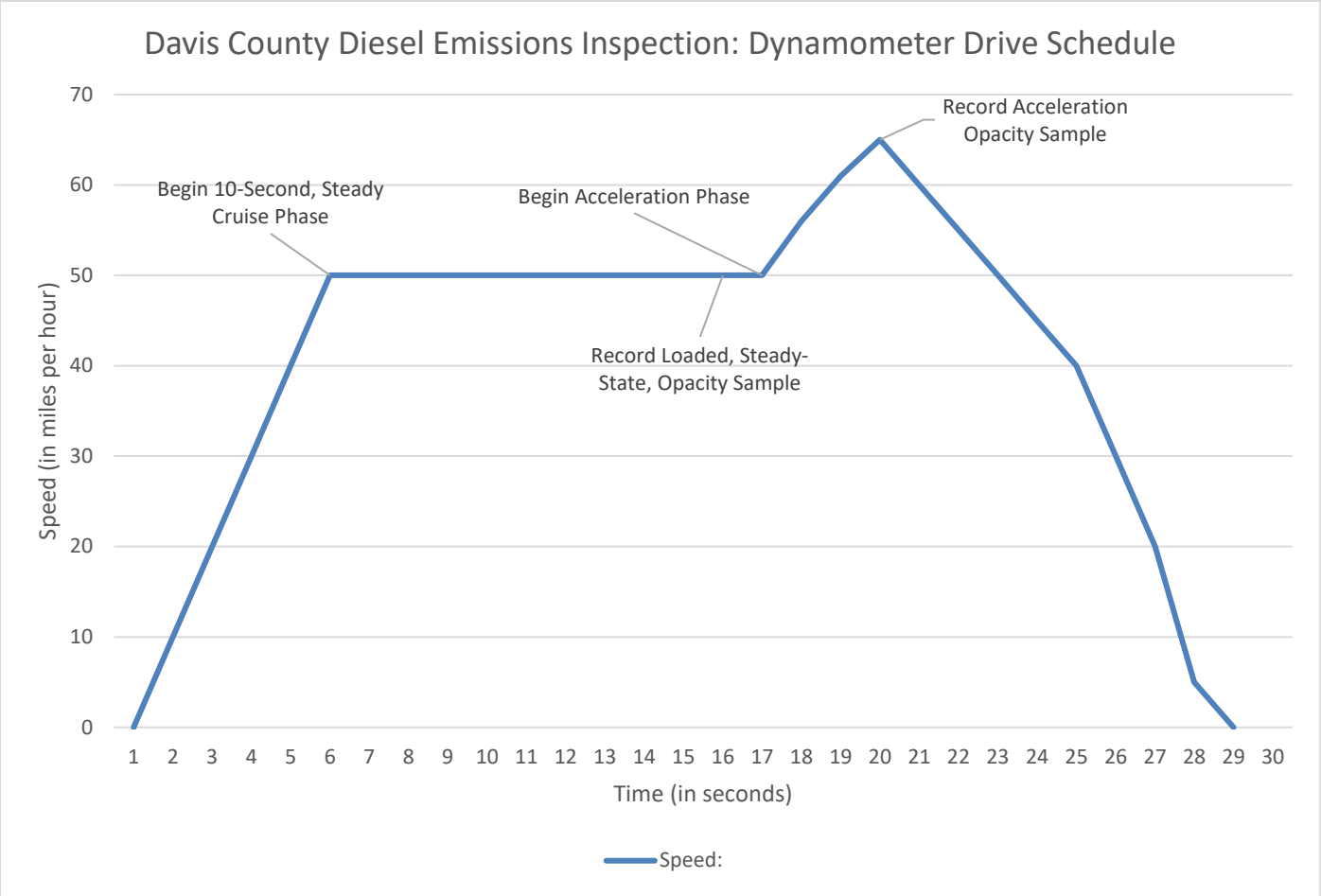
www.wep-inc.com

Diesel Exhaust Opacity Measurements

- Sensors Opacity Meter uses laser technology as an upgrade to the halogen technology used previously
- Opacity meter auto-zeros before each test
- Each opacity meter is validated at least once per week using 3 validation lenses, calibrated at 25%, 55%, and 75% opacity
- Opacity meter has many error codes that prohibit testing if set. Error codes include (but are not limited to):
  - Tube Temp Invalid
  - Transducer in Standby Mode
  - Dirty Lenses
  - Gas Temperature Too Cold
  - Ambient Temperature Invalid
  - Power Voltage Out of Tolerance

9

Appendix D-2
Loaded Opacity Inspection Drive Pattern



APPENDIX E
Compressed Natural Gas (CNG) Vehicle Inspection Procedures

A. 1995 and older with switchable bi-fuel systems must comply with the appropriate County Inspection procedures using both fuels when possible, including the Visual Inspection.
B. 1995 and older with non-switchable bi-fuel systems must on a case-by-case basis, comply with the appropriate County Inspection procedures using both fuels when possible, including the Visual Inspection.
C. 1995 and older systems with a dedicated fuel (non-bi-fueled) must complete normal Inspection procedure using dedicated fuel, including the Visual Inspection.
D. All 1996 through 2004 dedicated and bi-fueled systems shall receive a Visual Inspection: the MIL must illuminate while the key is on engine off (KOEO); the MIL must extinguish while the key is on with the engine running (KOER). Bi-fuel vehicles will receive a tailpipe test on each fuel.
E. All 2005 and newer systems must have a conversion kit, be OBDII compatible, and comply with a Visual Inspection and prescribed OBDII and any other required testing.

Appendix 2: Air Quality Division

Operating Procedures 10/30/2019

Davis COUNTY

Environmental Health Services Division

Physical Address
22 South State Street
Clearfield, Utah 84015

Mailing Address
P. O. Box 618
Farmington, Utah 84025

Phone Numbers
801-525-5128
Fax: 801-525-5119

Air Quality

Division Operating Procedures (DOP)

1.0 Purpose and Applicability

1.1 Purpose

The purpose of this DOP is to establish uniform procedures for all staff assigned air quality program duties.

Environmental health staff may deviate from these procedures when necessary due to unexpected or unique problems that may occur. Any deviations shall be discussed with a manager, and documented as needed.

1.2 Applicable Codes

1.2.1 Code of Federal Regulations (CFR):

1.2.1.1 Clean Air Act: 40 CFR 51 – Requirements for Preparation, Adoption, and Submittal of Implementation Plans. Subpart S – Inspection/Maintenance Program Requirements

1.2.2 Utah Administrative Code:

1.2.2.1 Rule R307-302. Solid Fuel Burning Devices;

1.2.2.2 Rule R307-801. Utah Asbestos Rule; and

1.2.2.3 Rule R392-510. Utah Indoor Clean Air Act.

1.2.3 Davis County Board of Health:

1.2.3.1 Illicit Discharge Regulation; and

1.2.3.2 Adjudicative Hearing Procedure Regulation.

1.2.4 Davis County Ordinance:

1.2.4.1 Enhanced Vehicle Emissions Inspection/Maintenance Program Ordinance.

1.2.5 Davis County/Worldwide Environmental Products, Inc. Contracts:

1.2.5.1 Agreement to Provide Inspection/Maintenance Support Services and Lease of Property.

1.2.5.2 Agreement to Provide Analyzers and Vehicle Information Database

1.3 Applicable Programs

1.3.1 Air Quality Investigations

1.3.2 Inspection/Maintenance (I/M)

1.3.2.1 Overt Station Audits

1.3.2.2 Covert Station Audits

1.3.2.3 Covert Technician Audits

1.3.2.4 Smoking Vehicles

1.3.2.5 VIN Mismatch

1.3.2.6 Duplicate Certificates

1.3.2.7 Utah State Tax Commission Forms

1.3.3 Air Quality Monitors

1.3.4 Air Quality Education

2.0 Definitions

2.1 Compliance Assurance List

The Compliance Assurance List is a list for vehicles that are required to report to the Davis County Emissions Testing Center to receive an official emissions test. Vehicles placed on the list are restricted from being tested at any other I/M station.

2.2 Solid Fuels

Solid fuels are solid materials that can be burnt to release heat or light through the process of combustion. Solid fuels include: wood, wood pellets, charcoal, peat, and coal.

3.0 Confidentiality – See General Programs DOP

4.0 Personnel

4.1 Qualifications

4.1.1 Certified Emissions Tester
Staff conducting audits of I/M stations and/or technicians shall be Certified Emissions Testers.

4.1.2 EPA Method 9
Staff charged with the enforcement of air quality programs shall maintain EPA Method 9 certification.

4.2 Job Duties

4.2.1 Lead I/M Specialist
The Lead I/M Specialist shall:

4.2.1.1 act as the liaison between the Department and I/M vendors; and

4.2.1.2 address the needs of the permitted I/M stations and technicians.

5.0 Surveillance & Reporting – See General Programs DOP

5.1 Reporting

5.1.1 Environmental Protection Agency (EPA) Annual Report
An EPA Emissions Report shall be submitted annually to the EPA and the Utah Department of Environmental Quality (DEQ).

5.1.2 Division of Air Quality
Solid Fuel complaints shall be reported to the DEQ's Division of Air Quality each month.

6.0 Procedures

6.1 Air Quality Investigations

6.1.1 Solid Fuel Complaints
Solid Fuel complaints shall be investigated for compliance with mandatory no burn day restrictions.

6.1.1.1 Assignment
Solid Fuel complaints shall be assigned to the Air Quality Bureau Manager.

6.1.1.2 Sole Source Registry
The Bureau Manager shall check to see whether the complaint address is listed on the Sole Source Registry.

6.1.1.2.1 If the address is listed, then no investigation in necessary.

6.1.1.2.2 If the address is not listed, staff shall be assigned to investigate the complaint and provide education to the resident(s).

6.1.1.3 Education
Staff shall provide education to the resident(s) by distributing the:

6.1.1.3.1 DEQ Wood Burning FAQ; and the

6.1.1.3.2 Division's Solid Fuel FAQ.

6.1.1.4 Investigation
Staff shall investigate Solid Fuel complaints on mandatory no burn days periodically throughout the inversion season (November 1- March 1).

6.1.1.5 Non-Compliance
Staff shall document any burning of Solid Fuel by picture on mandatory no burn days.

6.1.1.5.1 The picture, along with the date and time it was taken, shall be emailed to the Bureau Manager.

6.1.1.5.2 The Bureau Manager then will forward the information to the Division of Air Quality for enforcement actions to be taken.

6.1.2 Indoor Air Quality Complaints
Indoor air quality violations at businesses shall be investigated for compliance with the Utah Indoor Clean Air Act.

6.1.2.1 Education
Staff shall provide businesses with the Utah Indoor Clean Air Act and educate them on the responsibilities of the building owner, agent, and operator.

6.1.2.2 Enforcement
If additional complaints are received and validated after education has been provided, then a Notice shall be issued to the business.

6.1.3 Permitted Outdoor Smoking Areas
Complaints involving permitted outdoor smoking areas shall be forwarded to the Community Health Division representative.

6.2 Overt Station Audits

6.2.1 Frequency
Overt station audits shall be performed at least twice per year on each test lane.

6.2.2 Audit
Staff shall follow the I/M Station Audit Instructions found in the Appendix when conducting an overt audit.

6.2.3 Analyzer Lockout
Stations may have their analyzer locked out, with approval from a Bureau Manager, when:

6.2.3.1 they fail a gas audit;

6.2.3.2 there is leak detected in the analyzer;

6.2.3.3 they do not have a certified tester;

6.2.3.4 the flex-hose for two-speed idle tests is not functioning properly; or

6.2.3.5 any other issue that prohibits an accurate test from being conducted.

6.3 Covert Station Audits

6.3.1 Frequency
Covert station audits shall be performed annually at each permitted station.

6.3.2 Preparation
The program lead shall train staff conducting covert audits and supply them with the:

6.3.2.1 Bill of Sale;

6.3.2.2 TC-656 form;

6.3.2.3 Undercover Audit Performance Evaluation form; and

6.3.2.4 Petty Cash Request Form;

6.3.2.4.1 Staff shall obtain petty cash shall by submitting the Petty Cash Request Form to the accounting representative.

6.3.3 Audit
Staff conducting the covert audit shall:

6.3.3.1 present the TC-656 form and Bill of Sale at the I/M station and request an emissions test;

6.3.3.2 refrain from disclosing any information that may alert the station that they are undergoing an audit;

6.3.3.3 obtain a receipt for service;

6.3.3.4 collect the Vehicle Inspection Report (VIR);

6.3.3.5 record, after leaving the station, the audit results and the inspection cost on the Covert Audit Performance Evaluation form;

6.3.3.6 return the completed Undercover Audit Check Request form, the original VIR's, and any receipts to the program lead; and

6.3.3.7 submit the remaining petty cash to the accounting representative.

6.3.4 Program Lead
Following the completion of covert audits, the program lead shall:

6.3.4.1 complete the Undercover Audit Check Request form;

6.3.4.2 enter all information into the undercover test log;

6.3.4.3 mail the official correspondence containing the audit results to the appropriate stations and I/M inspectors; and

6.3.4.4 ensure the Petty Cash Request form, receipts, Undercover Audit Check Request form, and the original VIR's are returned to the accounting representative.

6.3.5 Official Correspondence
Staff shall send official correspondence to the I/M station and Certified I/M Tester following the covert audit.

6.3.5.1 Letter of Compliance
I/M Stations and Certified I/M Testers shall receive a Letter of Compliance when they pass a covert audit.

6.3.5.2 Letter of Information
Certified I/M Testers shall also receive a Letter of Information when they pass a covert audit, but fail to identify all applicable deficiencies on the emissions report.

6.3.5.3 Notice of Violation
I/M Stations and Certified I/M Testers shall receive a Notice of Violation when they fail a covert audit.

6.3.6 Penalty Schedule
I/M stations and technicians that fail covert audits are subject to the penalty schedule listed in the Davis County Emissions Inspection/Maintenance Program Ordinance.

6.4 Covert Technician Audits

6.4.1 Video Audits (Reserved)

6.5 Smoking Vehicle Program

6.5.1 Complaint Reports
Reports of smoking vehicles shall be documented into the Smoking Vehicle Complaint Log and reviewed by the program lead.

6.5.1.1 The vehicle owner information may be identified using the VADRS or TLR database provided by the Division of Motor Vehicles (DMV).

6.5.2 Smoking Vehicle Guidance Document
Reports of smoking vehicles registered in Davis County shall be identified as a Level 1 or Level 2 complaint following the Smoking Vehicle Guidance Document.

6.5.2.1 Level 1 complaints shall be issued a Notice requiring them to report to the Davis County Testing Center for an emissions test.

6.5.2.1.1 Notices shall be logged on the Smoking Vehicle Complaint Log.

6.5.2.2 Level 2 complaints shall be issued a Letter of Information.

6.5.3 Compliance Assurance List
Owners of vehicles that fail to comply with the Notice shall be placed on the Compliance Assurance List.

6.5.3.1 The program lead shall notify the Bureau Manager of any vehicles that need to be placed on this list.

6.5.3.2 The Bureau Manager shall email the applicable information to Worldwide Environmental Products staff.

6.5.4 Outside Jurisdiction
Reports of smoking vehicles registered outside of Davis County shall be forwarded to the appropriate contact within that jurisdiction.

6.5.5 Unable to Process
Reports of smoking vehicles with invalid license plates or registration data shall be documented as "Unable to Process" on the Smoking Vehicle Complaint Log.

6.6 VIN Mismatch

6.6.1 Investigation
When a VIN mismatch alert is received, the program lead shall:

6.6.1.1 identify the make, model, year, and ownership of the two (2) mismatched vehicles using the VADRS or TLR database provide by the DMV;

6.6.1.2 assess whether the mismatched data appears to be unintentional or intentional using the Davis County VID; and

6.6.1.2.1 Data indicating that an OBD paddle was left in a previously tested vehicle or the wrong vehicle registration was used may indicate an unintentional mismatch by the technician.

6.6.1.2.2 Data indicating that a vehicle failed an emission test and shortly thereafter passed an emissions test, but with a different VIN, may indicate an intentional activity by the Certified I/M Tester.

6.6.1.3 issue official correspondence.

6.6.2 Assessment of Intent
The program lead shall issue official correspondence based on the assessment of intent related to the VIN mismatch.

6.6.2.1 Unintentional VIN Mismatch
A Letter of Information shall be issued to a Certified I/M Tester and I/M Station when a VIN mismatch has been assessed to be unintentional.

6.6.2.1.1 The Letter of Information shall notify them of their improper testing procedure or inaccurate data.

6.6.2.2 Intentional VIN Mismatch
A Notice requiring a challenge test shall be issued to a vehicle owner when a VIN mismatch has been assessed to be intentional.

6.6.3 Challenge Tests
Vehicles that submit a passed emissions test with a mismatched VIN shall be

challenge tested at the Davis County Emissions Testing Center. The challenge test validates or nullifies the result of the passing test. Challenge test activities shall be tracked in the challenge test spreadsheet.

6.6.3.1 Passing Challenge Test
The I/M Station and Certified I/M Tester shall be issued a Notice if the challenge test of the vehicle results in a passing emissions test.

6.6.3.1.1 The Notice shall require the Certified I/M Tester to be re-trained

6.6.3.2 Failing Challenge Test
The I/M Station and Certified I/M Tester shall be issued a Notice of Violation (NOV) if the challenge test of the vehicle results in a failing emissions test.

6.6.3.3 Vehicle Owners
Owners of vehicles that fail a challenge test shall be issued a second Notice. This Notice shall require them to repair the vehicle and pass an emissions test at the Davis County Emissions Testing Center within 15 days.

6.6.3.4 Failure to Comply
The program lead shall notify the Bureau Manager of vehicle owners that fail to comply with a Notice.

6.6.3.4.1 The Bureau Manager shall email the applicable information to Worldwide Environmental Products staff and have the vehicle put on the Compliance Assurance List.

6.7 Duplicate Certificates

6.7.1 Frequency
The program lead shall search for duplicate emissions certificates in the Weber State Database each month.

6.7.2 Cross-Check
Vehicles identified as being registered with a duplicate or invalid certificate shall be cross-checked for accuracy with information provided in the Davis County VID.

6.7.3 Notices
Notices, requiring a valid emissions test within 15 days, shall be issued to vehicle owners identified to have registered with a duplicate or invalid certificate.

6.7.3.1 Vehicle owners who fail to comply with the first Notice shall be issued a second Notice.

6.7.4 Failure to Comply
Vehicle owners that fail to comply with the second Notice shall:

6.7.4.1 have their vehicle referred to the DMV for revocation of registration; and

6.7.4.2 be placed on the Compliance Assurance List.

6.8 Utah State Tax Commission Forms

6.8.1 Utah State Tax Commission Forms
Upon receiving a TC-810 or TC-820 Utah State Tax Commission Form, office support staff shall:

6.8.1.1 enter the owner and vehicle information into the corresponding TC-810 or TC-820 spreadsheet;

6.8.1.2 issue a Letter of Findings to the applicant; and

6.8.1.2.1 The program lead or Bureau Manager shall sign each Letter of Findings.

6.8.1.3 file the TC-810 or TC-820 form into the appropriate file folder.

6.8.2 Vehicle Inspection Reports
Upon receiving a passing vehicle inspection report, office support staff shall:

6.8.2.1 Enter the vehicle inspection date into the corresponding TC-810 or TC-820 spreadsheet;

6.8.2.2 Attach the VIR to the corresponding TC-810 or TC-820 report; and

6.8.2.3 File the forms in the designated "clear" folder.

6.8.3 Program Lead
The program lead shall:

6.8.3.1 review the TC-810 and TC-820 spreadsheets;

6.8.3.2 verify that vehicles that have not submitted a passing VIR have not passed an emissions test using the Davis County VID;

6.8.3.3 issue Notices to vehicle owners that have not passed an emissions test; and

6.8.3.4 notify the Bureau Manager of vehicle owners that fail to comply with the Notice.

6.8.4 Failure to Comply
Vehicles owners that fail to comply with a Notice shall be subject to the enforcement procedures listed in section 6.12.

6.8.5 Farm Plates
Office support staff may stamp with a seal on a Farm Plate Application after they receive:

6.8.5.1 proof that the applicant owns or leases at least 5.25 acres of greenbelt property; and

6.8.5.2 a completed Farm Truck Plate Application, TC-838.

6.8.5.2.1 A copy of the stamped Farm Plate Application shall be retained in the designated folder.

6.9 Certificate of Waiver

6.9.1 Worldwide Environmental Products
As outlined in contract, the WEP may issue a certificate of waiver in accordance with Davis County Ordinance.

6.9.1.1 The maximum waiver rate shall not exceed 1% of initially failed vehicles.

6.9.2 Temporary Waiver or Extension
The Lead I/M Specialist may provide a temporary waiver or extension to a vehicle owner in order for a vehicle to be driven long enough to be ready for an emission test.

6.9.2.1 Vehicle owners that fail to provide proof of a passing emissions test by the deadline stated in the temporary waiver or extension may be subject to the enforcement procedures listed in section 6.12.

6.9.3 Engine Swap
Staff shall adhere to EPA guidelines when evaluating a Certificate of Waiver for a vehicle that has had its engine swapped.

6.10 Air Quality Monitors

6.10.1 Purple Air Monitors

6.11 Air Quality Education

6.11.1 Air Quality Presentations

6.11.2 No Idle Policy

6.12 Revocation of Registration

6.12.1 Department of Motor Vehicles
Vehicles that are determined to be out of compliance with local emissions standards and/or fail to comply with a Notice issued by the Division shall be referred by email to the DMV for revocation of registration.

6.12.1.1 Requests for revocation shall include the following information:

6.12.1.1.1 VIN and license plate numbers;

6.12.1.1.2 record of official correspondence sent to the vehicle owner; and

6.12.1.1.3 request for revocation letter.

7.0 Director Approval

Approved:
October 30, 2019

Environmental Health Services Director

Weber County

Vehicle Inspection and Maintenance Program

UTAH STATE IMPLEMENTATION PLAN

SECTION X

VEHICLE INSPECTION AND MAINTENANCE PROGRAM

Part E

Weber County

Adopted by the Utah Air Quality Board
March 4, 2020

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Weber County Emission Inspection/ Maintenance Program
APPENDICES

1. Weber County Emission Inspection/ Maintenance Program Regulation revised September 23, 2019
2. Weber County Audit Policies and Procedures

UTAH STATE IMPLEMENTATION PLAN
SECTION X, PART E
VEHICLE INSPECTION AND MAINTENANCE (I/M) PROGRAM

1. Applicability

Weber County Inspection and Maintenance (I/M) Program Requirements: Ogden City was designated nonattainment for the carbon monoxide (CO) National Ambient Air Quality Standard (NAAQS) on January 6, 1992 (56 FR 56694, November 6, 1991) and was classified as a "moderate" area. The Ogden City CO nonattainment area was redesignated to attainment for the CO NAAQS on November 14, 2005 (70 FR 54267, September 14, 2005). Parts of Weber County was designed as a 'marginal' nonattainment area for the 2015 8-hour ozone standard effective August 3, 2018(83 FR 25776), June 4, 2018). An I/M program is not required in marginal nonattainment areas; however, if Weber County is redesignated to a 'moderate' nonattainment area, an I/M program would be required by the Clean Air Act (CAA).

Utah was previously required by Sections 182 and 187 of the [~~Clean Air Act~~]CAA to implement and maintain an I/M program in Weber County that met the minimum requirements of 40 CFR Part 51 Subpart S and that was at least as effective as the EPA's Basic Performance Standard as specified in 40 CFR 51.352. However, the Basic Performance Standard requirement is no longer applicable as the nonattainment area in Weber County has been redesignated to attainment / maintenance for the CO NAAQS. Parts A and E of Section X, together with the referenced appendices, continue to demonstrate compliance with the 40 CFR Part 51 provisions for I/M program requirements for Weber County and produce mobile source emission reductions that are sufficient to demonstrate continued maintenance of the CO NAAQS. In addition, the Weber County I/M program is a control measure included in the Salt Lake City 24- hour particulate Serious SIP submitted to EPA on February 15, 2019.

2. Summary of Weber County I/M Program

Below is a summary of Weber County's I/M program. Section X, Part E, Appendices 1 and 2 contain the essential documents for Weber County's I/M program.

Network Type: Weber County's I/M program is a decentralized, test-and-repair network, as approved by EPA on September 14, 2005 (70 FR 54267).

Test Convenience: There are approximately 105 permitted I/M stations within Weber County. Specific operating hours are not specified by the county; however, Weber County regulation requires that stations be open and available to perform inspections during a major portion of normal business hours of 8:00 a.m. to 5:00 pm Mondays through Fridays. There are also government and private fleet permitted stations that are not open to the public.

Subject Fleet: All model year 1968 and newer vehicles registered or principally-operated in Weber County are subject to the I/M program except for exempt vehicles.

Test Frequency: Vehicles less than two years old as of January 1 on any given year are exempt from an emissions inspection. Vehicles two years old and less than six years old as of January 1 on any given year are inspected every other year as per Utah Code 41-6a-1642(6). All vehicles six years old and older as of January 1 on any given year are inspected annually.

Station/&Tester/Technician Audits: Weber County's I/M program will regularly audit all permitted I/M tester/technicians and stations to ensure compliance with county I/M regulations, procedures, and policies. Particular attention will be given to identifying and correcting any fraud or incompetence with respect to vehicle emissions inspections. Compliance with recordkeeping, document security, analyzer maintenance, and program security requirements will be scrutinized. The Weber County I/M program will have an active covert audit program to minimize potential fraudulent testing. The Policies and Procedures of the audit program are provided in Appendix 2 of this part of Section X.

Waivers: Weber County will take corrective action as needed to maintain a maximum waiver rate of 5% of the initially failed vehicles or the Utah Air Quality Board will revise the SIP and emission reductions claimed based on the actual waiver rate. The conditions for issuing waivers legally authorized and specified in the Weber County I/M regulation meets the minimum waiver issuance criteria specified in 40 CFR Subpart S 51.360.

Test Equipment: Specifications for Weber County's emission analyzer and its I/M test procedures, standards and analyzers are provided in Weber County's I/M regulations provided in Appendix 1. Test equipment and procedure were developed according to good engineering practices to ensure test accuracy. Analyzer calibration specifications and emissions test procedures meet the minimum standards established in Appendix A of the EPA's I/M Guidance Program Requirements, 40 CFR Part 51 Subpart S.

Test Procedures:

- The following vehicles are subject to an OBD II inspection:
  - 1996 and newer light duty vehicles[1], and
  - 2008 and newer medium duty vehicles[2]

- The following vehicles are subject to a two-speed idle test that is compatible with Section VI (Preconditioned Two Speed Idle Test) in Appendix B of the EPA I/M Guidance Program Requirements, 40 CFR 51, Subpart S:

1 Light duty vehicles have a Gross Vehicle Weight of 8500 lbs or less.
2 Medium duty vehicles have a Gross Vehicle Weight greater than 8500 lbs but less than 14,00~~[0]~~1 lbs

- 1995 and older vehicles,
- 1996 and 2007 medium[3] and heavy-duty vehicles[4], and
- 2008 and newer heavy-duty vehicles.

3. I/M SIP Implementation

The I/M program regulations, policies, procedures, and activities specified in this I/M SIP revision have been implemented and shall continue until a maintenance plan without an I/M program is approved by EPA in accordance with Section 175 of the Clean Air Act as amended.

3 Medium duty vehicles have a Gross Vehicle Weight greater than 8500 lbs but less than 14,000 lbs
4 Heavy Duty vehicles have a Gross Vehicle Weight greater than 14,00[~~0~~]1 lbs

Appendix 1: Weber County

Emission Inspection/Maintenance

Program Regulation revised

September 23, 2019.

WEBER-MORGAN
HEALTH DEPARTMENT

Weber-Morgan Health Department

Regulation for

Motor Vehicle Inspection and Maintenance Program

Adopted by the Weber-Morgan Board of Health

September 23, 2019

Under Authority of Section 26A-1-121
Utah Code Annotated, 1953, as amended

Certified Official Copy
Weber-Morgan Health Department

By_____
Brian Bennion, Director, Weber-Morgan Health Department

By_____
Neil Garner, Chair, Weber-Morgan Board of Health

MOTOR VEHICLE
INSPECTION AND MAINTENANCE PROGRAM

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1.0 TITLE AND DEFINITIONS

These standards shall be known as the Motor Vehicle Inspection and Maintenance Program Regulation, hereinafter referred to as “this Regulation”.

For the purpose of this Regulation, the following words and phrases, when used herein, except as otherwise required by the context, have the following meanings.

1.1 **“Accreditation”** means Certification that the Analyzer and Analyzer manufacturer meet the operating criteria, specifications and requirements of Weber County and the Department;

1.2 **“Accuracy”** means the degree by which an instrument is able to determine the true concentration of pollutants of interest. Also means freedom from error especially as a result of care;

1.3 **“Air Intake Systems”** means systems that allow for the induction of ambient air, including preheated air into the engine combustion chamber for the purpose of mixing with a fuel for combustion;

1.4 **“A.I.R. (Air Injection Reaction System)”** means a system for providing supplementary air into a vehicle’s exhaust system to promote further oxidation of hydrocarbons (HC) and carbon monoxide (CO) gases and to assist catalytic reaction;

1.5 **“Analyzer”** See definition for UTAH 2011 Analyzer;

1.6 **“Audit”** means a procedure performed by Department personnel that includes but is not limited to, inspection of the Station, review of Station records, inspection of the Analyzer and related I/M equipment, and review of personnel working knowledge and records. The audit procedure is intended to ensure compliance with this Regulation and Department policies and procedures;

1.7 **“Bar 97”** Refers to California Bureau of Automotive Repair Exhaust Gas Analyzer Specifications, which became effective in 1997;

1.8 **“Basic Engine Systems”** means parts or assemblies that provide efficient conversion of a compressed air/fuel charge into useful power, including but not limited to valve train mechanisms, cylinder head to block integrity, piston ring-cylinder sealing integrity and post-combustion emissions control device integrity meeting OEM Standards;

1.9 **“Bench”** means the main sample processing assembly of the exhaust gas Analyzer including detectors, sampling tubes, processor boards, infrared sources and power supply;

1.10 **“Board of Health”** means the Weber-Morgan Board of Health;

1.11 **"Calibration"** means the process of establishing or verifying the accuracy of an exhaust gas Analyzer to perform an accurate and consistent evaluation of engine exhaust using calibration gases having precisely known concentrations;

1.12 **"Calibration [Span] Gases"** means gases of known concentration that are used as references for establishing or verifying the calibration curve of an exhaust gas Analyzer and which are traceable to the National Institute of Standards and Technology and are approved by the Department for use;

1.13 **"Carbon Monoxide"** A colorless, odorless, asphyxiating gas produced by the incomplete burning of fuels. Carbon monoxide may be referred to in these Regulations as CO;

1.14 **"Catalytic Converter"** A post-combustion device that oxidizes HC and CO gases and/or reduces oxides of nitrogen gases;

1.15 **"Certificate of Compliance"** means a serially numbered document issued to the vehicle upon passing an inspection or reinspection and is evidence that the motor vehicle complies with the standards and criteria of this Regulation and other requirements as adopted by the Board of Health. Beginning January 1, 2019 or another date as determined by the Department, all Certificates of Compliance will only be issued electronically and will be submitted by the Department directly to the Utah Division of Motor Vehicles and/or the Utah State Tax Commission;

1.16 **"Certificate of Compliance Numbers"** means numbers issued to Stations and entered into the approved Analyzer for the purpose of issuing Certificates of Compliance;

1.17 **"Certificate of Waiver or Waiver"** means a document issued by the Department used to verify that the vehicle for which it was issued has met the waiver requirements of this Regulation. Beginning January 1, 2019 or another date as determined by the Department, all Certificates of Waiver will only be issued electronically and will be submitted by the Department directly to the Utah Division of Motor Vehicles and/or the Utah State Tax Commission;

1.18 **"Certification"** means assurance by an authorized source, whether it is a laboratory, the manufacturer, the state, or the Department, that a specific product or statement is in fact true and meets all requirements;

1.19 **"Certified Emissions Inspection and Repair Technician or Technician"** means an individual who has successfully completed all permit requirements and has been issued a current, valid Emission Inspection and Repair Technician Permit by the Department. A person permitted by the Department who inspects vehicles, diagnoses emission related faults, and performs emissions related repairs and adjustments to bring vehicles into compliance with the requirements of this Regulation;

1.20 **"Certified Emissions Inspection Only Technician or Tester"** means an individual who has successfully completed all permit requirements and has been

issued a current, valid Emission Inspection Only Technician Permit by the Department;

1.21 **"CO**" means Carbon Monoxide;

1.22 **"Compliance"** means verification that certain data and hardware submitted by a manufacturer for accreditation consideration, meets all Department requirements; Also meeting the requirements of this Regulations;

1.23 **"County"** means Weber County, Utah;

1.24 **"Curb Idle"** means the manufacturer's specified idle speed for the specific motor vehicle being tested (tolerance within 50 rpm) See also **Idle Mode**;

1.25 **"Cut-Points"** Same as Emission Standards;

1.26 **"Department"** means the Weber-Morgan Health Department, Division of Environmental Health;

1.27 **"Diesel Oxidation Catalyst (DOC) "** means a catalyst which promotes the oxidation process in diesel exhaust to reduce emissions.

1.28 **"Diesel Particulate Filter (DPF)"** means a system which is designed to capture diesel exhaust particulate matter. The DPF must be cleaned at specific intervals.

1.29 **"Director"** means the Environmental Health Division Director of the Weber-Morgan Health Department or for the purpose of program administration means the I/M Program Manager or I/M Auditor.

1.30 **"Domiciled"** means County in which primary residence is located;

1.31 **"E.G.R. System (Exhaust Gas Recirculation System)"** means an emissions control system that recycles or recirculates a portion of the exhaust gases back to the engine combustion chambers;

1.32 **"Emissions"** means substances expelled into the atmosphere from a motor vehicle; particularly, air contaminants produced by combustion and/or incomplete combustion, hydrocarbon evaporation from the fuel system and/or the crankcase, and particulate matter from the crankcase;

1.33 "**Emission Control Systems"** means any device or combination of parts, originally installed by the manufacturer to control the emissions of a motor vehicle;

1.34 **"Emissions Inspection or Inspection"** means a motor vehicle inspection performed for the purpose of determining whether the vehicle qualifies for issuance of a Certificate of Compliance or Certificate of Waiver, carried out in compliance with this Regulation;

1.35 **“Emissions Repair or Repair”** means repair of a motor vehicle for the purpose of such vehicle passing or attempting to pass an emissions inspection;

1.36 **“Emissions Inspection and Repair Technician Permit or Technician Permit”** means a permit issued by the Department authorizing an individual to conduct emission inspections, repair failed vehicles and issue Certificates of Compliance while under the auspices of a Station;

1.37 **“Emissions Inspection Only Technician Permit or Tester Permit”** means a permit issued by the Department authorizing an individual to perform emission inspections and issue certificates of compliance while under the auspices of a Station;

1.38 **“Emissions Standards (Cut-Points)”** means the maximum allowable concentration of regulated emissions for a given weight class and model year of a motor vehicle, as allowed by this Regulation, using an approved Analyzer;

1.39 **“Emissions Test”** means the process dictated by the official test mode of the Utah 2011 Analyzer;

1.40 **“Engine Switching”** means an engine is removed from a vehicle and is replaced by an engine that is not identical to the original engine;

1.41 **“EPA”** means the United States Environmental Protection Agency;

1.42 **“Evaporative Control System”** means an emission control system that prevents the escape of fuel vapors from the fuel system and/or air cleaner and stores them to be burned in the combustion chamber;

1.43 **“Federal Installation”** means any property or facility subject to the jurisdiction of any department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal government;

1.44 **“Fleet Facility”** means a corporation or other business entity permitted by the Department to perform the functions of the inspection program for a privately owned fleet of ten or more motor vehicles;

1.45 **“Fuel Control Systems”** means the mechanical, electro mechanical, galvanic or electronic parts or assemblies that regulate the air/fuel ratio in an engine to provide a combustible charge;

1.46 **“Gaseous Fuel”** means, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous forms;

1.47 **“HC”** means hydrocarbons;

1.48 **“Hangup”** means hydrocarbons that cling to the surface of the sampling and Analyzer systems in contact with the exhaust gas sample stream resulting in errors in HC readings;

1.49 **"Heavy Duty Vehicles"** means a vehicle 1978 and older with a weight of more than 6000 pounds or 1979 and newer with a weight of more than 8501 pounds GVW (gross vehicle weight);

1.50 **"Hydrocarbons"** means unburned fuel;

1.51 **"Idle Mode"** means a condition where the vehicle's engine is at proper operating temperature and running at the rate specified by the manufacturer's curb idle, where the engine is not propelling the vehicle, and where the throttle is in the closed or idle stop position. This condition achieved without placing a load on the vehicle to decrease its RPM to the specified rate (See also **Curb Idle**);

1.52 **"Ignition Systems"** the means parts or assemblies that are designed to cause and time the ignition of a compressed air/fuel charge;

1.53 **"I/M Clearance"** means a stamp placed on the motor vehicle registration form by an employee of the Utah State Motor Vehicle Office or the Department indicating that the motor vehicle represented by the registration form is in compliance with the inspection program requirements in that the motorist has presented a valid Certificate of Compliance or Certificate of Waiver for the motor vehicle and paid applicable fees;

1.54 **"I/M Program"** means the Vehicle Emissions Inspection and Maintenance Program established by the Board of Health and this Regulation;

1.55 **"I/M Program Test and Repair Station"** means a business permitted by the Department which engages in emissions testing and emissions related repairs to motor vehicles, and which meets the requirements of this Regulation for test and repair facilities;

1.56 **"I/M Program Test Only Station"** means a business permitted by the Department which engages only in emissions related inspections of motor vehicles, and which meets the requirements of this Regulation for test only facilities;

1.57 **"Inspection Area"** means the Department approved area that is occupied by the Analyzer, sample hose, and the vehicle being inspected;

1.58 **"Inspection Report"** means a document used to record information generated by the Tester/Technician during an emissions inspection other than a Certificate of Compliance;

1.59 **"Instrument"** means the complete UTAH 2011 Analyzer system that samples and displays the concentration of emission gases and also performs OBD IM test procedures. The instrument includes the sample handling system, the exhaust gas Analyzer associated computer equipment and the enclosure cabinet;

1.60 **“Light Duty Motor Vehicle”** means all passenger vehicles, 1978 and older; light duty trucks 6000 GVW rating or less; 1979 trucks and newer 8500 pounds GVW rating or less;

1.61 **“Lock-Out”** means when the UTAH 2011 Analyzer automatically prohibits access to the testing portion of the UTAH 2011 Analyzer;

1. 62 **“Motor Vehicle or Vehicle”** means any equipment or mechanical device propelled primarily on land by an internal combustion powered engine that is driven on public roads and/or streets. Motor vehicles exempted from the inspection requirements of this Regulation as listed in Section 6.4 of this Regulation;

1.63 **“Motorcycle”** means every motor vehicle having a saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground, but excluding a farm tractor;

1.64 **“Non-Permitted Person”** means any person who has not been certified by the Department to perform official emissions inspections;

1.65 **“OBD”** means Vehicle On-Board Diagnostics;

1.66 **“OBDII”** means the On-Board Diagnostics Generation II Standard effective in 1996 and newer light duty car and light duty trucks sold in the United States;

1.67 **“OEM”** means Original Equipment Manufacturer;

1.68 **“Off-Highway Vehicles”** means a vehicle licensed to operate exclusively off public highways and roads;

1.69 **“Original Condition”** means the condition of the emission control system(s) as installed by the manufacturer, but not necessarily to the original level of effectiveness;

1.70 **“Other Entity”** may include Fleet Facilities, I/M Technical Centers, and reciprocity agreements with EPA approved I/M Programs;

1.71 **“PCV System (Positive Crankcase Ventilation System)”** means an emissions control system that returns crankcase vapors and blowby gases to the combustion chamber to be burned;

1.72 **“Person”** means an individual, corporation, association, firm, partnership, joint stock company, public or municipal corporation, political subdivision, the state or any agency thereof, or the federal government or any agency thereof;

1.73 **“Prompts”** means instructions and/or data fields, requiring data input to the Analyzer from a Tester/Technician performing an emission inspection;

1.74 **"Publicly-Owned Vehicles"** means a motor vehicle owned by a government entity, including but not limited to the federal government or any agency thereof, the State of Utah or any agency or political subdivision thereof;

1.75 **"Readiness"** means an indicator that identifies when the related emission control system's operational status has been determined;

1.76 **"Registered or Registration"** means the process by which a motor vehicle receives a license so that it can be legally operated on public streets and highways;

1.77 **"Reinspection"** means any emissions inspection performed on a motor vehicle after it has undergone an initial emissions inspection that did not qualify the motor vehicle for a Certificate of Compliance;

1.78 **"Selective Catalyst Reduction (SCR)"** is a means of reducing NOx in diesel exhaust gases by introducing nitrogen containing compounds such as urea;

1.79 **"Smoking Vehicle"** means a motor vehicle emitting visible emissions after the engine has reached normal operating temperature;

1.80 **"Station"** means an I/M Program Station including all station personnel, employees, and owner(s);

1.81 **"Station Permit"** means the document issued by the Department that authorizes a person to operate a Station;

1.82 **"Tampering"** means the intentional or accidental altering of or removal of emission control systems, and/or emissions-related equipment. Also, the use of fuels other than those required by the manufacturer's specification as found in the motor vehicle's owner's manual. Also, engine modification which may include, but is not limited to, exhaust systems, air intake systems, ignition systems, internal engine modifications, engine switching, etc.;

1.83 **"Technical Bulletin"** means a document issued to Tester/Technicians and Stations by the Department to update, clarify or establish policies and/or procedures for their implementation in the Vehicle Emissions Inspection and Maintenance Program;

1.84 **"Tester/Technician"** means a Department Certified and Permitted Emissions Tester or Department Certified and Permitted Emissions Repair Technician;

1.85 **"Training Program"** means a formal program administered, conducted, or approved by the Department for the education of Testers/Technicians in basic emission control technology, inspection procedures, diagnosis and repair of emission related problems, Vehicle Emissions Inspection and Maintenance Program policies, procedures and this Regulation; it may also include the promotion of training for all mechanics;

1.86 **"TSI"** means Two Speed Idle Test Procedure;

1.87 **"UTAH 2011 Analyzer or Analyzer"** means the official computerized engine exhaust analyzer and associated test equipment approved by the Department for use in the areas of Utah requiring inspections as specified in Section 41-6a-1642, Utah Code Annotated, 1953, as amended;

1.88 **"Vehicle Emissions Inspection and Maintenance Program"** means the program established by the Board of Health pursuant to Section 41-6a-1642, Utah Code Annotated 1953, as amended and Weber County Ordinance Section 28-1-4;

1.89 **"Waiver"** see Certificate of Waiver.

2.0 PURPOSE

It is the purpose of this Regulation to reduce air pollution levels in Weber County by requiring inspection of in-use motor vehicles and by requiring emission related repairs and adjustments for those vehicles that fail to meet prescribed standards so as to:

2.1 Protect and promote the public health, safety and welfare;

2.2 Improve air quality;

2.3 Comply with Federal Regulations contained in the Clean Air Act of 1970, and amendments to the Act;

2.4 Comply with the law enacted by the Legislature of the State of Utah, Sections 41-6a-1642 and 41-6a-1643 Utah Code Annotated, 1953, as amended; and

2.5 Comply with Weber County Ordinance 28 Chapter 1. – Motor Vehicle Emissions Inspection

3.0 AUTHORITY AND JURISDICTION OF THE DEPARTMENT

3.1 Under Section 28-1-3 of the Weber County Ordinance the Weber County Commission authorizes and directs the Weber-Morgan Board of Health and the Director of Health to adopt and promulgate rules and regulations to ensure compliance with EPA and State requirements with respect to Emissions Standards and delegates its authority as an administrative body 41-6a-1642 Utah Code Annotated,1953, as amended, to the Weber-Morgan Board of Health, to address all issues pertaining to the adoption and administration of the Vehicle Emissions I/M Program, and authorizes a fee to be assessed upon every motorized vehicle registered in Weber County at the time of registration, to be known as the Air Pollution Control Fee.

3.2 Section 28-1-4 of the Weber County Ordinance, directs the Weber-Morgan Health Department to adopt regulations and set fees for I/M Stations and

Mechanic Permits and Emission and Waiver Certificates as necessary to sustain and operate an I/M Program.

3.3 The Weber-Morgan Board of Health is authorized to make standards and regulations pursuant to Section 26A-1-121(1) of the Utah Code Annotated, 1953 as amended.

3.4 The Weber-Morgan Board of Health is authorized to establish and collect fees pursuant to Section 26A-1-114(1)(h)(i) of the Utah Code Annotated, 1953 as amended.

3.5 All aspects of the Vehicle Emissions Inspections and Maintenance Program within Weber County enumerated in Section 2.0 shall be subject to the direction and control of the Weber-Morgan Health Department.

4.0 POWERS AND DUTIES

4.1 General Powers and Duties. The Department shall be responsible for the enforcement and administration of this Regulation and any other powers vested in it by law and shall:

4.1.1 Require the submission of information reports, plans and specifications from Stations as necessary to implement the provisions and requirements of this Regulation;

4.1.2 Issue permits, certifications and charge fees as necessary to implement this Regulation;

4.1.3 Perform audits of any Station and Tester/Technician and issue orders and/or notices, hold hearings, levy administrative penalties and negotiate consent agreements as necessary to effect the purposes of this Regulation;

4.1.4 When necessary take samples and make analysis to ensure that the provisions of this Regulation are met; and

4.1.5 Adopt policies and procedures necessary to ensure that the provisions of this Regulation are met and that the purposes of this Regulation are accomplished.

4.2 Suspension, Revocation, or Denial of Station Permits. The Department may suspend, revoke or deny a Station Permit of a Station and/or negotiate a monetary penalty in lieu of suspending a permit under a consent agreement, and/or require the surrender of the Station Permit and unused Certificates of Compliance and other official documents of such Station upon showing that:

4.2.1 A Tester/Technician or other individual at the Station is in violation of this regulation and:

4.2.2 A vehicle was inspected and issued a Certificate of Compliance by Station personnel who did not, at the time of inspection, comply with all applicable policies, procedures, Technical Bulletins, and this Regulation;

4.2.3 A vehicle was inspected and rejected by the Station when, it can be demonstrated, as determined by the Department that the vehicle was in such condition that it did comply with the requirements of this Regulation;

4.2.4 A vehicle was inspected and issued a Certificate of Compliance when it can be proven, as determined by the Department that the vehicle did not at the time of inspection comply with the requirements of Section 9.11 regarding tampering inspection;

4.2.5 A vehicle was passed and issued a Certificate of Compliance without being present for inspection or substituting a vehicle other than the vehicle entered into the test record;

4.2.6 The Station is not open and available to perform Inspections during a major portion of the normal business hours of 8:00 a.m. to 5:00 p.m., Mondays through Fridays, (except Fleet Facilities);

4.2.7 The Station has violated any provisions of this Regulation, or any Rule, Regulation, or Department policy properly promulgated for the operation of a Station;

4.2.8 The Station was or is not equipped as required by Section 8.0 of this Regulation;

4.2.9 The Station is not operating within the property boundaries of the location specified on the Permit;

4.2.10 A Non-Permitted Person has gained access to the official testing portion of the analyzer, conducted any portion of an official inspection, or signed an Inspection Report;

4.2.11 The approved analyzer has been tampered with or altered in any way contrary to the certification and maintenance requirements of the Analyzer;

4.2.12 The Station denies access to a representative of the Department to conduct an audit or other necessary business during regular business hours;

4.2.13 The Station denies access to or conceals pertinent information from a representative of the Department during an audit or while conducting other necessary business during regular business hours;

4.2.14 The Station performed unnecessary repairs not justified by the results of the inspection;

4.2.15 In accordance with 41-6a-1642 and 41-6a-1643 Utah Code Annotated, 1953, As amended, an emissions inspection for a Salt Lake, Utah, Davis, Cache, or Weber County resident was performed but not as required by the Regulations adopted by the applicable county and/or the UTAH 2011 Analyzer prompts.

4.2.16 The vehicle being tested has been altered or tampered with in any way so that it will either pass or fail the emissions test when it would not otherwise.

4.2.17 In accordance with 40 CFR § 51.364(b)(2), The Weber-Morgan Health Department shall have the authority to impose penalties against the licensed Station, as well as the Tester/Technician, even if the Station had no direct knowledge of the violation but was found to be careless in oversight of Tester/Technicians or has a history of violations. Stations shall be held fully responsible for Tester/Technician performance in the course of duty.

4.3 Suspension, Revocation, or Denial of Tester/Technician Permit. The Department may suspend, revoke, or deny the Permit of a Tester/Technician and require the surrender of the Tester/Technician Permit upon showing that:

4.3.1 The Tester/Technician caused any of the violations listed in section 4.2 to occur;

4.3.2 The Tester/Technician issued or caused a Certificate of Compliance to be issued to an owner/operator without an approved inspection being made;

4.3.3 The Tester/Technician denied the issuance of a Certificate of Compliance to the owner/operator of a vehicle that, at the time of the inspection, complied with the law for issuance of said certificate;

4.3.4 The Tester/Technician issued a Certificate of Compliance to a vehicle that, at the time of issuance, was in such condition that it did not comply with this Regulation;

4.3.5 The Tester/Technician inspected, recorded and passed the tampering inspection, for a vehicle that did not, at the time of inspection, comply with the tampering requirements of the tampering inspection detailed in Section 9.11, regardless of whether a Certificate of Compliance was issued or not;

4.3.6 Inspections were performed by the Tester/Technician but not in accordance with applicable policies, procedures, technical bulletins, and this Regulation;

4.3.7 The Tester/Technician allowed a Non Permitted Person to perform any portion of an inspection or gain access to the official testing portion of the Analyzer;

4.3.8 The Tester/Technician signed an inspection report stating that he/she had performed the emissions test when, in fact, he/she did not;

4.3.9 The Tester/Technician falsified any inspection or official document of the Vehicle Emissions Inspection and Maintenance Program;

4.3.10 The Tester/Technician performed unnecessary repairs not justified by the results of the inspection; or

4.3.11 In accordance with Sections 41-6a-1642 and 41-6a-1643 Utah Code Annotated, 1953, as amended, an emissions inspection for a Weber, Salt Lake, Davis, Cache or Utah County resident was performed but not as required by the Regulations/Ordinances adopted by the applicable county.

4.4 Administrative Penalty: in lieu of suspending a Permit under Sections 4.2 and 4.3, the Department may agree to an administrative monetary settlement such as a negotiated consent agreement.

4.5 The Department shall respond according to policies, procedures and this regulation, to public complaints regarding the fairness and integrity of inspections they receive. The Department shall provide a method for inspection results to be challenged if there is a reason to believe them to be inaccurate. To challenge the results of an inspection or reinspection, a motorist must present his or her vehicle within 2 days (excluding Saturday, Sunday and Holidays) of the inspection being challenged for another emissions inspection at the Weber-Morgan Health Department Emissions Technical Center.

4.6 The Department is authorized to take any and all necessary measures to ensure or facilitate a smooth transition from the UTAH 2000 Analyzer testing program to the new UTAH 2011 Analyzer testing program required by this Regulation.

5.0 SCOPE

It shall be unlawful for any person not to comply with any policy, procedure, technical bulletin, regulation or ordinance promulgated by the County and/or the Department unless expressly waived by this Regulation.

6.0 GENERAL PROVISIONS

Subject to the exemptions described in Section 6.4 and pursuant to the schedule in Section 6.1, motor vehicles of model years 1968 and newer that are owned and/or operated by a person domiciled in Weber County, shall be subject to an annual or biennial emission inspection performed by a Station or Other Entity approved by the Department. Registration of a vehicle owned and operated by a Weber County resident in a County other than Weber is a violation of this Regulation. Fraudulent registration of a vehicle as a farm truck, diesel, or other exempted vehicle is also a violation of this Regulation.

6.1 Beginning 1 January 1992 a Certificate of Compliance, Certificate of Waiver or evidence that the motor vehicle is exempt from the Inspection and Maintenance Program requirements (as defined in section 6.4) shall be presented to the Weber County Assessor or the Utah State Tax Commission and the Air Pollution Control Fee paid (See section 6.8.2) as conditions precedent to annual registration or annual renewal of registration of a motor vehicle. Certificates of Compliance from other EPA approved I/M Programs may be accepted, if approved by the Director, provided those I/M Programs are equally effective in reducing emissions.

6.2 A Certificate of Compliance issued to a dealer licensed with the State of Utah and issued in the dealer's name, shall be valid for registration purposes for a period of eleven months as specified in Section 14-6a-1642 (10) b-ii Utah Code Annotated, 1953, as amended. The purchaser's name, address, and phone number shall be recorded by the dealer on the back of the Certificate.

6.3 Publicly-Owned Vehicles. Owners of publicly-owned vehicles shall comply with the Vehicle Emissions Inspections/Maintenance program requirements in accordance with this Regulation on an annual or biennial basis pursuant to a schedule determined by the Department. Federally-owned vehicles and vehicles of employees regularly operated on a federal installation located in the county that do not require registration in the State of Utah shall comply with the emissions testing requirements on an annual or biennial basis pursuant to a schedule determined by the Department and as required by Section 118 of the Clean Air Act (1990 amendment).

6.4 Vehicle Exemption. The following vehicles are exempt from the annual or biennial emissions inspection:

6.4.1 Any motor vehicle of model year 1967 or older;

6.4.2 All agricultural implements of husbandry and any motor vehicle that qualifies for an exemption under Section 41-6a-1642, Utah Code Annotated, 1953, as amended;

6.4.3 Any vehicle used for maintenance or construction and not designed or licensed to operate on the highway;

6.4.4 Any motorcycle or motor driven cycle (including vehicles which operate with an engine normally used in a motorcycle);

6.4.5 Any vehicle that operates exclusively on electricity;

6.4.6 Any new motor vehicle being sold for the first time that has a valid Manufacturer's Statement of Origin form;

6.4.7 Any vehicle with an engine smaller than forty (40) cubic inch displacement (655 cc); and

6.4.8 Tactical military vehicles.

6.4.9 Any diesel fueled vehicle 1997 and older.

6.4.10 Any diesel fueled vehicle with a GVW greater than 14,000 pounds.

6.5 It shall be the responsibility of the Tester/Technician to determine if a motor vehicle is exempted from Section 6.4 of this Regulation when presented to the Tester/Technician for an inspection. It shall be the Tester/Technician's responsibility to inform the owner/operator of the vehicle that the vehicle is not required to have an inspection for vehicle registration purposes.

6.6 Official Signs.

6.6.1 All Stations, except fleet facilities, shall display in a conspicuous location on the premises;

6.6.1.1 An official sign provided and approved by the Department;

6.6.1.2 The emissions standards, as promulgated under authority of Section 13.0 and Appendix C, and

6.6.1.3 The fees charged by that station for performing an emissions inspection.

6.7 Equipment Available for Inspection

6.7.1 Required tools, materials, publications (see Section 8.1.8.3.c) supplies, records, unused Certificates of Compliance, other required forms, records of completed inspections, and a complete copy of this Regulation, shall be kept at the station at all times and shall be available for inspection and collection by the Department at any time the station is open for business.

6.7.2 A periodic inspection and audit shall be made by a representative of the Department to verify compliance with this Regulation for each Station.

6.7.2.1 During the time of the inspection and audit, the Department representative shall have exclusive access to the approved testing Analyzer(s).

6.7.2.2 The Department representative may check the accuracy of the Analyzer using Department gas to verify that the Analyzer is reading within the tolerances established by the Department. Analyzers not reading within the acceptable tolerances shall be calibrated to acceptable tolerances or placed out of service.

6.8 Fees

6.8.1 The fees assessed Stations and Testers/Technicians shall be determined according to a fee schedule adopted by the Board of Health. The fee schedule is referenced in Appendix B of this Regulation.

6.8.2 The following fee is hereby assessed upon every motor vehicle registered in Weber County annually at the time of registration of the vehicle:

6.8.2.1 Air Pollution Control Fee -- See Appendix B of this Regulation.

6.8.2.2 This fee assessment is included upon all motorized vehicles unless exempted by Utah State Rule.

6.8.2.2.a This includes the vehicles that are exempted from the inspection requirements of this Regulation by Section 6.4

6.8.2.3 Additional fees may be assessed on motor vehicles by other Health Regulations.

6.8.3 Stations may charge a fee for the required service. The fee may not exceed, for each vehicle inspected, the amount set by the Board of Health and referenced in Appendix B of this Regulation:

6.8.3.1 The inspection fee pays for a complete inspection regardless of test results. The owner is entitled to one (1) free reinspection if the vehicle requires a TSI test or two (2) free reinspections if the vehicle requires an OBD test if he/she return~~s~~ to the station that performed the original inspection within thirty (30) days from the date of the initial inspection. The emissions inspection fee shall be the same regardless of the test results.

6.9 These fees are subject to change and may be amended as deemed necessary by the Board of Health to accomplish the purposes of this Regulation.

7.0 STANDARDS AND SPECIFICATIONS FOR ANALYZERS AND CALIBRATION GASES

7.1 Approval of Analyzers

7.1.1 No emissions inspection or emissions test required by this Regulation shall be performed after January 31, 2012 unless the type of instrument used for determining compliance with this Regulation is the UTAH2011Analyzer. The Analyzer shall meet the requirements of the Analyzer specifications referenced in Appendix A of this Regulation.

7.1.2 Analyzer Registration

Any Analyzer used by a Station shall be registered with and approved by the Department and shall be issued an analyzer identification number. Identification numbers are not transferable. Any new or used Analyzer put in use after station approval must be approved by the Department before use.

7.1.3 Running Changes

Any changes to the design characteristics or component specifications that may affect the performance of an Analyzer to be used as an official test instrument in the Vehicle Emissions Inspection and Maintenance Program shall be approved by the Department. It shall be the Analyzer manufacturer's responsibility to verify that the changes have no detrimental effect on the performance of the Analyzer.

7.1.3.1 It shall be a violation of this Regulation for any person to alter or modify the hardware or software of an approved Analyzer without written application and formal written approval by the Department.

7.1.3.2 It shall be a violation of this Regulation for any person to gain access to any Department controlled portions of an approved Analyzer without written approval by the Department.

7.1.4 Documentation, Logistics, and Warranty Requirements

7.1.4.1 Instrument Manual

An instrument manual shall be provided by the Analyzer manufacturer. The instruction manual shall be conveyed to the purchaser at the time of sale and shall contain at least the following information for the Analyzer:

(a) A complete technical description;

(b) The accessories and options that are included and/or available;

(c) The location of the model number and identification markings;

(d) Operating maintenance schedule including daily, weekly, and monthly accommodations and procedures for maintaining sample system integrity including, but not limited to, leak check, hang up, calibration and filters. The services to be performed only by the manufacturer shall be clearly identified;

7.1.4.2 Analyzer Maintenance.

The Analyzer shall be maintained in accordance with the manufacturer's recommended maintenance schedule and records of this maintenance service shall be maintained for examination by the Department.

7.1.4.3 Analyzer printers shall be maintained in such a manner that the printing of the Certificates, inspection reports and documents are accurate and legible. If any printer fails to properly function, then the Station shall discontinue testing until the required repairs have been performed or a replacement printer is installed.

7.1.4.4 No person may engage in repair of the Analyzer unless approved by the Department.

7.2 Gas Calibration and Leak Check.

7.2.1 The Analyzer instruction manual and other Department approved information shall be reviewed by the Tester/Technician to ensure that proper procedures are being used for performing the gas calibration.

7.2.2 A Tester/Technician shall perform a leak check and a gas calibration of the Analyzer, with an approved calibration gas, within 72 hours prior to performing any emission test. The gas calibration and leak test must be performed in accordance with the Analyzer specifications as contained in Appendix A.

7.2.3 The Analyzer shall lock-out of the TSI test mode when calibrations and leak tests are not performed within prescribed time frames.

7.2.4 The Department shall use and require for use in the calibration of Analyzers, calibration and span gases and containers meeting the following guidelines.

7.2.4.1 The analyzer manufacturer and/or manufacturer designated marketing vendor shall, supply at a reasonable cost calibration gases approved by the Department to any ultimate purchaser of the Analyzer. Each new or used Analyzer sold by the manufacturer or marketing vendor shall have when deemed necessary by the Department, approved full calibration gas containers installed and operational at the time of delivery.

7.2.4.2 The calibration/Span gases supplied to any I/M Station shall conform to the specifications of the Department. All calibration gases shall meet all requirements for

emissions warranty coverage. Only gas blends approved by the Department shall be used to calibrate the Analyzers.

8.0 PERMIT REQUIREMENTS OF THE VEHICLE EMISSIONS STATION

8.1 Permit Required.

8.1.1 No person shall operate a Station without a valid Permit issued by the Department. A person desiring to operate a Station shall submit to the Department a written application for a Permit on a form provided by the Department. To qualify for a Permit, an applicant shall:

8.1.1.1 Be an owner of the proposed Station or an officer of the legal ownership;

8.1.1.2 Comply with the requirements of this Regulation;

8.1.1.3 Agree to allow Department access to the Station and to provide required information;

8.1.1.4 Pay the permit application fee at the time the application is submitted;

8.1.1.5 Present a copy of a current business license relating to the Station; and

8.1.1.6 Other information required by the Department.

8.1.2 The application shall Include:

8.1.2.1 The name, mailing address, telephone number, and signature of the person applying for the Permit and the name, mailing address, and permanent location of the Station;

8.1.2.2 Information specifying whether the Station is owned by an association, corporation, individual, partnership, or other legal entity;

8.1.2.3 The name, title, address, and telephone number of the person directly responsible for the Station;

8.1.2.4 The name, title, address, and telephone number of the person who functions as the immediate supervisor of the person specified under 8.1.2.3 of this section such as zone, district, or regional supervisor;

8.1.2.5 A statement signed by the applicant that attests to the accuracy of the information provided in the application, and affirms

that the applicant will comply with this Regulation, and allow the Department access to the Station; and

8.1.2.6 Other information required by the Department.

8.1.3 No person shall in any way represent any place as a Station unless the Station is operated under a valid Permit issued by the Department.

8.1.4 The Department is authorized to issue or deny Permits for Stations.

8.1.5 A Permit may not be transferred from one person to another person, from one Station to another Station or from one type of operation to another, unless approved in writing by the Department.

8.1.6 The Permit shall be posted in a conspicuous place within public view on the premises.

8.1.7 The Department may renew a Permit for an existing Station or may issue a Permit to a new owner of an existing Station after a properly completed renewal form is submitted, reviewed, and approved, the fees are paid, and an inspection shows that the Station is in compliance with this Regulation.

8.1.7.1 The Department shall not approve any application for issuance or renewal of a Permit for an existing Station that is under suspension until the date that the suspension has expired.

8.1.7.2 The Department shall not issue a Permit to a new owner of any Station where a Permit has been revoked prior to twelve months from the date of revocation.

8.1.7.3 If the property referenced in 8.1.7.1 or 8.1.7.2 is sold or leased to a new person that wants to open as an approved Station, the new owner or lessee may follow the Adjudicative Procedures in Section 15.0 to seek a waiver from Sections 8.1.7.1 or 8.1.7.2 above based on a Departmental approved consent agreement. If a waiver is recommended the new owner or lessee may negotiate a consent agreement with the Department for the remainder of the suspension referenced in 8.1.7.1 or the twelve month waiting period as required in Section 8.1.7.2.

8.1.8 No Permit shall be issued unless the Department finds that the facilities, tools, and equipment of the applicant comply with the requirements of this Regulation and that competent personnel, certified under the provisions of Section 12.0, are employed and available to make inspections and adjustments, and the operation thereof will be properly conducted in accordance with this Regulation.

8.1.8.1 A Station shall immediately notify the Department if the station does not have a Tester/Technician employed.

8.1.8.2 A Station shall comply with all terms stated in the permit application and all the requirements of this Regulation.

8.1.8.3 As a condition for permitting all Stations, the following tools and materials shall be available for performance of the inspection and maintenance of motor vehicles unless specifically exempted by the Department:

(a) A Department approved Analyzer and connection to the Vehicle Information Database;

(b) An ignition timing light (test and repair only);

(c) Reference manuals approved by the Department that are readily accessible to the emissions Tester/Technician at any time that an emissions test is conducted. Reference manuals shall contain information covering the emissions control systems for the model years and makes of vehicles involved in the Vehicle Emissions Inspection and Maintenance Program;

(d) Sufficient hand tools for proper performance of the inspection and minimum repairs and maintenance as required by the Department;

(e) Department approved calibration gases;

(f) The Analyzer manufacturer's maintenance and calibration manual;

(g) All forms, technical bulletins, a copy of this Regulation, and other information materials provided by the Department;

(h) A suitable non-reactive tailpipe extender or suitable probe adapter for inspecting vehicles with screened or baffled exhaust systems; and

(i) Suitable tools to interface with onboard vehicle computers for computer controlled vehicles which are intended to receive official repairs.

8.2 Duties of Testers/Technicians Working in Permitted Stations:

8.2.1 All facets of the Vehicle Emissions Inspection and Maintenance Program shall be performed by the Tester/Technicians including, but not limited to:

8.2.1.1 Analyzer preparation, calibration checks, and leak checks;

8.2.1.2 Exhaust gas sampling and analysis for purposes of an official emissions test for issuance of a Certificate of Compliance;

8.2.1.3 Preparation of reports, forms, and certificates;

8.2.1.4 Accessing the official emissions testing section of the Analyzer; and

8.2.1.5 All other aspects of the official emissions test, including but not limited to, the tampering inspection, inserting the exhaust probe, hooking up the tachometer, hooking up the OBDII data link connector, entering data into the Analyzer, verifying that the engine is at normal operating temperature, ensuring that accessories are off, preconditioning the vehicle, and signing Inspection Reports, etc., unless otherwise approved in writing by the Director.

8.3 Safety. A Station facility shall be kept in good repair, free of obstructions and hazards and in a safe condition for inspection purpose. No inspection shall be conducted if unsafe conditions exist.

8.3.1 All applicable Occupation Safety and Health Administration (OSHA), and other applicable health and safety rules and regulations must be followed in the station.

8.4 Fleet Facility.

A person may establish a fleet facility that is exempt from conducting business at regular hours, or displaying program signs as long as only vehicles owned or controlled by the fleet facility owner are inspected at the station. All other requirements of this Regulation apply.

8.5 Permit Duration and Renewal.

8.5.1 The Permit for Stations shall be issued annually and shall expire on December 31st of each year. The Permit is renewable within sixty (60) days prior to the date of expiration.

8.5.2 It is the responsibility of the owner/operator of the Station to pursue the Permit renewal through appropriate channels,

8.5.3 The Station Permit fee shall be paid annually to the Department by the billing due date set by the Department.

8.5.4 Prior to the date on which the Station Permit fee is due the Department shall attempt to notify each regulated Station of the amount of

the fee. Fees unpaid after the billing due date will be assessed a late fee which shall be added to the original fee amount.

8.6 Station Permit Revocation and Suspension.

8.6.1 Station Permits may be suspended by the Department for violations of this Regulation.

8.6.2 Station Permits may be revoked by the Department for severe and/or repeated violations of this Regulation.

8.6.3 Suspension or Revocation of Station Permits shall follow the provisions of Appendix D of this Regulation.

8.6.4 Station Permits are and remain the property of the Department, only their use and the license they represent is tendered.

8.6.5 A Station Permit may be suspended or revoked by the Department because of returned checks and may not be reinstated until repayment is confirmed. All returned checks will be charged a returned check handling fee (referenced in Appendix B).

8.6.6 Failure to pay the Station Permit fee and any additional charges after the due date may result in suspension and/or revocation of the Permit and the right to operate as a Station.

8.7 Reinstatement of Revoked Station Permit. The Department may issue a Station Permit to a station operator that has had a Permit revoked after the following conditions have been met:

8.7.1 A minimum of five years has passed since the date of revocation for the previous Permit;

8.7.2 The station operator has not previously had 2 or more Permits revoked. Operators with 2 or more revoked permits are not eligible to make application for a Station Permit;

8.7.3 The station operator agrees to a 2 year probationary period.

8.7.3.1 During the probationary period, the operator agrees to surrender their permit should any violations occur that result in suspension or revocation. Failure to surrender the Permit will result in immediate revocation of the Permit by the Department;

8.7.3.2 During the probationary period, the operator agrees to an increased frequency of overt and covert audits as deemed necessary by the department;

8.7.4 The station operator will pay a non-refundable, Revoked Station Reinstatement Fee of $2,500.00 to the department.

8.8 The Station shall hold the Department harmless in making application for a Permit or for its renewal, such action shall constitute a declaration by the applicant that the Department shall be held harmless from liability incurred due to action or inaction of the Station owner or their employees.

9.0 INSPECTION PROCEDURE

9.1 The official emission inspection shall be solely performed by a Tester/Technician who has been permitted at the station where the inspection is being performed and Department approved inspection procedures are being followed.

9.2 If the Tester/Technician is unable, unqualified, or unwilling to make the required repairs or adjustments, should the vehicle fail the inspection, he shall notify the owner/operator of the vehicle before the inspection is administered.

9.3 Prior to conducting any portion of the inspection, the Tester/Technician shall log into the official testing portion of the analyzer and the vehicle shall be located within full view of the analyzer camera unless a one-time-use camera bypass code has been issued by the department;

9.4 The temperature of the inspection area shall be between 41^0 Fahrenheit and 110^0 Fahrenheit (2^0 Celsius and 43^0 Celsius) during the inspection.

9.5 The Analyzer shall be kept in an area that provides adequate protection from the weather, wind, moisture, and extreme temperatures or any other damaging environmental exposure.

9.6 The electrical supply to the Analyzer shall be able to meet the Analyzer manufacturer's requirements for voltage and frequency stability.

9.7 The Tester/Technician shall not inspect or test any motor vehicle with a mechanical condition which may cause injury to personnel or damage to the Station or test equipment or which may affect the validity of the inspection, until such condition is corrected. Such conditions included but are not limited to: coolant, oil, or fuel leaks, low oil or low fluid levels, carburetor gas overflow, vehicle electronic instrument panel malfunction.

9.8 The Tester/Technician shall not inspect or test any motor vehicle with visible emissions and the vehicle shall be reported to the Department. Smoking Vehicles must be deemed by the Department to be in compliance with the Department Regulation for Visible Exhaust Emission Enforcement Program prior to testing.

9.9 Any time an engine stalls during an Emission Test, the Emission Test shall be restarted. If a Tester/Technician cannot complete an Emission Test because of continuous stalling, then the stalling problem shall be corrected before the test is performed.

9.10 The Tester/Technician shall verify the vehicle license plate and Vehicle Identification Number (VIN) on the vehicle and shall enter them in the Analyzer at the appropriate prompt.

9.10.1 The Tester/Technician shall enter completely and accurately all the information required as part of the data entry procedure for the official vehicle Emission Test on the approved Analyzer at the appropriate prompt sequence.

9.10.2 All data entries to the Analyzer during the inspection shall be true and factual.

9.11 The Tester/Technician shall:

9.11.1 Conduct the inspection in accordance with the prompts from the Analyzer and the requirements of this Regulation.

9.11.2 Examine the emissions/tune-up specification decal (sticker) and/or the Vehicle Emission Control Information (VECI) label under the hood and/or check an approved reference manual to determine if the vehicle was manufactured with the following Emission Control Systems:

- Catalytic Converter(s)
- Air Injection Reaction System (AIR System)
- Exhaust Gas Recirculation System (EGR System)
- Evaporative Control System (EVAP System)
- Positive Crankcase Ventilation System (PCV System)
- On-Board Diagnostics System (OBD System)
- Diesel Particulate System (DPF System)
- Urea System
- Gas cap

etc., as prompted by the Analyzer.

9.11.3 On 1996 and newer model year vehicles follow the OBD IM test procedures in accordance with Appendix E.

9.11.4 On 1990 through 1995 vehicles, visually inspect for the presence and apparent operability of the AIR system, catalytic converter, EGR system, Fuel Evaporative Control system, PCV system, and gas cap in accordance with Department procedures and record the information in the Analyzer. If these parts or systems have been removed, or are inoperable, the vehicle fails and the owner shall repair or replace the parts or systems before the emissions test may be continued.

9.11.5 On 1968 through 1989 vehicles, visually inspect for the presence and apparent operability of the AIR system, PCV system, EGR system, Fuel Evaporate Control System, catalytic converter and gas cap etc. in accordance with Department procedures and record the information on the emissions Analyzer.

9.11.6 2001 and older gasoline vehicles require a functional gas cap test following department approved procedures.

9.11.7 All diesel fueled vehicles 14,000 GVW and under and model year 1998 and newer shall be tested as specified in Appendix F, Diesel Test Procedures.

9.12 Prior to performing the exhaust gas sampling portion of an emissions test each vehicle shall be at normal operating temperature.

9.13 The inspection shall be performed with the transmission in ‘park’ or ‘neutral’ and with all accessories off, the emergency brake applied and the vehicle in Idle Mode (the vehicle may not be placed in gear to drop idle speed, headlights may be turned on).

9.14 The Analyzer probe shall be inserted into the exhaust pipe at least twelve inches (12") or as recommended by the Analyzer manufacturer, whichever is greater.

9.15 If a baffle or screen prevents probe insertion of at least twelve inches, a suitable probe adapter or snug fitting, non-reactive hose which effectively lengthens the exhaust pipe shall be used.

9.16 For all vehicles equipped with a dual exhaust system that does not originate from a common point, both sides shall be tested simultaneously with an approved adaptor.

9.17 When inspecting a vehicle under windy conditions, the tailpipe shall be shielded from the wind with a suitable cover.

9.18 For Vehicles requiring a Two Speed Idle Test:

9.18.1 With the tachometer properly attached to the vehicle being tested;

9.18.2 The vehicle shall be tested according to the testing sequence as programmed into the Analyzer. Vehicles failing because of excessive exhaust dilution shall repair the dilution problem prior to continuing the emissions test. The dilution standard shall be contained in the Analyzer specifications.

9.19 A Certificate of Compliance shall be issued if:

9.19.1 For 1968 through 1989 model year vehicles, the vehicle emissions levels measured during the TSI test are the same as or less than the applicable emissions standards;

9.19.2 For 1990 through 1995 model year vehicles, the vehicle passes the visual inspection described in Section 9.11 and the vehicle emissions

levels measured during the TSI test are the same as or less than the applicable emissions standards;

9.19.3 For 1996 and newer model year OBDII vehicles, the vehicle passes the visual inspection described in Section 9.11 and the On-Board Diagnostics (OBD) test requirements as specified in Appendix E of this Regulation.

9. 20 If the vehicle does not pass the initial Inspection, the owner shall have thirty (30) days to have repairs or adjustments made and return the vehicle to the Station that performed the initial Inspection for one (1) free reinspection for a TSI test, or two (2) free reinspections for a OBD test. The vehicle that did not pass the initial inspection shall then be issued a Certificate of Compliance only when all of the following are met:

9.20.1 The vehicle is reinspected;

9.20.2 The vehicle's emission levels are the same or less than the applicable Emission Standards and;

9.20.3 For 1990 through 1995 model year vehicles, the vehicle passes the visual Inspection as provided for in Section 9.10.

9.20.4 For 1996 and newer model year vehicles, the vehicle passes the On-Board Diagnostics (OBD) test requirements as specified in Appendix E of this Regulation.

9.21 The Inspection Report shall be signed and provided to the customer.

9.22 Vehicles capable of being operated on both gaseous and liquid petroleum fuels shall be tested for both fuels in accordance with the Analyzer specifications as referenced in Appendix A of this Regulation.

9.23 When a vehicle owner requests an Inspection, the Tester/Technician shall perform the inspection in the testing mode of the approved Analyzer. Performing a screening test (or pre-test) in the manual mode of the approved Analyzer or on a non-approved analyzer shall be a violation of this Regulation if the vehicle owner requested an emissions inspection. Adjustments or repairs shall not be made prior to a requested inspection.

9.24 If a vehicle fails the inspection and is within the time and mileage requirements of the federal emissions warranty contained in the Federal Clean Air Act, the Tester/Technician shall inform the owner/operator that he may qualify for warranty coverage of emission related repairs as provided by the vehicle manufacturer and mandated by the Federal Environmental Protection Agency.

10.0 CERTIFICATE OF WAIVER

10.1 Prior to referring the vehicle owner/operator to the Department for a Certificate of Waiver, the tester/technician or Station shall verify the repair and eligibility requirements of this Section have been met.

10.2 A Certificate of Waiver shall be issued only under the following conditions;

10.2.1 For all vehicles, an initial inspection was performed that did not pass,

10.2.2 For all vehicles, a second inspection was performed that did not pass after completion of any qualifying repair work. For 1995 or older vehicles, the second test result must demonstrate that the repaired vehicle meets the waiver cut-points specified in Appendix C.

10.2.3 For all vehicles, air pollution control devices applicable and specified for the make, model and year of the vehicle as specified in Section 9.11 of this Regulation are in place and operable on the vehicle. If the devices have been removed or rendered inoperable, they shall be replaced or repaired before a Waiver is granted.

10.2.4 For 1968 to 1980 model year motor vehicles, if the vehicle continues to exceed applicable emissions standards after two hundred fifty dollars ($250) of acceptable emissions related repairs have been performed and the adjustments required by Appendix G have been performed by a Certified and Permitted Emissions Repair Technician as part of the two hundred fifty dollars ($250) in emissions related repairs. Proof of repair costs, for that specific vehicle, shall be provided to the Department in the form of an itemized bill, invoice, work order, manifest or statement in which emissions related parts and labor are specifically identified. If repairs are made by the vehicle owner or by someone who does not possess a valid Emission Repair Technician Permit, or is not an ASE Master Technician Certificate holder, or a manufacturer specific master technician certificate holder, employed by an I/M Program Inspection and Repair Station, the cost of labor may not be included in the two hundred fifty dollars ($250).

10.2.5 For 1981 to 1995 model year motor vehicles, at least three hundred fifty dollars ($350) of acceptable emissions related repairs have been performed and the adjustments (where applicable) required by Appendix G have been performed by a Certified and Permitted Emissions Repair Technician as part of the three hundred dollars ($350) in emissions related repairs. Proof of repair costs, for that specific vehicle, shall be provided to the Department in the form of an itemized bill, invoice, work order, manifest or statement in which emission related parts and labor are specifically identified. If repairs are made by the vehicle owner or by someone who does not possess a valid Emissions Repair Technician Permit or is not an ASE Master Technician Certificate holder, or a

manufacturer specific master technician certificate holder, employed by an I/M Program Inspection and Repair Station, the cost of labor may not be included in the three hundred fifty dollars ($350).

10.2.6 For 1996 and newer model year vehicles, at least four hundred fifty dollars ($450) of acceptable emissions related repairs have been performed by a Certified and Permitted Emissions Repair Technician as part of the four hundred fifty dollars ($450) in emissions related repairs. Proof of repair costs, for that specific vehicle, shall be provided to the Department in the form of an itemized bill, invoice, work order, manifest or statement in which emissions related parts and labor are specifically identified. If repairs are made by the vehicle owner or by someone who does not possess a valid Emissions Repair Technician Permit, or is not an ASE Master Technician Certificate, or a manufacturer specific master technician certificate holder, employed by an I/M Program Inspection and Repair Station, the cost of labor may not be included in the four hundred fifty dollars ($450). Any repair costs eligible under the federal emissions warranties shall not be eligible to be applied to the repair cost waiver limits.

10.2.7 Any vehicle that experiences an increase in any emissions levels shall not be eligible for a certificate of waiver regardless of the amount spent in attempting to repair the vehicle.

10.2.8 As used in this section acceptable emissions related repairs:

10.2.8.1 Refers to those expenditures and costs associated with the adjustment, maintenance, and repair of the motor vehicle which are directly related to reduction of exhaust emissions necessary to comply with the applicable emissions standards, cut-points, and procedures.

10.2.8.2 Refers to repairs and maintenance of the following systems, if done according to manufacturer's specifications, to the extent that the purpose is to reduce emissions:

(a) Air Intake Systems;

(b) Ignition Systems;

(c) Fuel Control Systems;

(d) Emission Control Systems

(e) Basic Engine Systems; and

(f) Repair of problems identified by On-Board Diagnostic (OBD) fault codes.

10.2.9 Does not include adjustments, maintenance, or repairs performed 60 days prior to the official emissions inspection.

10.2.10 Does not include the fee paid for the inspection.

10.2.11 Does not include costs associated with the repairs or replacement required by Section 9.11 or the replacement, and/or repair of air pollution control equipment on the vehicle if the need for such adjustment, maintenance, replacement, or repair is due to disconnection of, tampering with, or abuse of the emissions control systems, or costs incurred due to engine switching and/or modifications.

10.2.12 Does not include repairs performed to the vehicle's exhaust system to correct problems with excessive exhaust dilution.

10.2.13 Does not include any diagnostics performed or any chemical additives.

10.2.14 A Certificate of Waiver shall only be issued once to any vehicle that qualifies, throughout the lifetime of the vehicle.

10.3 Information regarding all performed repairs shall be entered into the appropriate data base of the Analyzer when prompted.

10.4 A Certificate of Waiver shall only be issued by the Department. A Waiver shall only be issued after determining that the vehicle complies with the requirements of this section.

10.5 A Waiver shall not be issued to a vehicle with an inoperable check engine light.

11.0 ENGINE SWITCHING

11.1 All vehicles which qualify for testing under this section shall be tested by the Department.

11.2 Vehicles qualifying for testing under this Section shall not be eligible for a Certificate of Waiver.

11.3 Engine switching shall be allowed only in accordance with EPA policy, referenced in Appendix H.

11.4 Vehicles not meeting the requirements of Section 11.0 shall be deemed as tampered and dealt with in accordance with the tampering provisions of this Regulation.

11.5 All vehicles with switched engines shall be verified to meet EPA requirements by the Department prior to issuance of a Certificate of Compliance.

11.6 For 1968 to 1989 vehicles, having an engine other than the original engine and emissions control configuration are deemed as tampered. These vehicles must meet the HC and CO standards for the Model Year of the vehicle in order to receive a Certificate of Compliance, and are not eligible for a Certificate of Waiver, unless they are restored to the original engine and emissions control configuration or a configuration approved by the Department.

12.0 CERTIFIED EMISSIONS INSPECTION AND REPAIR TECHNICIAN / CERTIFIED EMISSIONS INSPECTION ONLY TECHNICIAN PERMIT

12.1 Certified Emissions Inspection and Repair Technician or Certified Emissions Inspection Only Permit is required.

12.1.1 Inspection for the issuance of a Certificate of Compliance shall only be performed by a person possessing a valid Certified Emissions Inspection and Repair Technician or a Certified Emissions Inspection Only Technician Permit issued by the Department.

12.1.2 Application for permit shall be made upon an application form prescribed by the Department. No Permit shall be issued unless:

12.1.2.1 For a Certified Emissions Inspection and Repair Technician Permit, the applicant shall show evidence of an associate degree or equivalent in automotive technology, or an ASE Master Technician Certificate or other Department approved prerequisites.

12.1.2.2 The applicant has shown adequate competence by successfully completing the written and practical portions of the Tester/Technician Permit requirements as specified in this Regulation.

12.1.2.3 The applicant has paid the required permit fees as set by the Board of Health (reference in Appendix B).

12.1.3 An applicant shall comply with all of the terms stated in the permit application and with all the requirements of this Regulation.

12.1.4 An applicant shall complete a Department approved training course and shall demonstrate knowledge and skill in the performance of Inspections and use of the approved Analyzer. Such knowledge and skill shall be shown by passing:

12.1.4.1 A written qualification test including but not limited to the following:

(a) Operation and purposes of emission control systems;

(b) Inspection procedures as outlined in this Regulation and prompted by the Analyzer;

(c) Operation of the Analyzer including the performance of gas calibration and leak check;

(d) The provisions of Section 207(b) Warranty provisions of the Federal Clean Air Act; and

(e) The provisions of this Regulation and other applicable Department policies and procedures.

12.1.4.2 A performance qualification test including but not limited to the following:

(a) Visual inspection and knowledge of the required emission control equipment;

(b) Demonstration of skill in proper use, care, maintenance, calibration and leak testing of the Analyzer;

12.1.5 A signed Hands-on Performance check sheet shall be necessary for successful completion of the performance qualification test. The hands-on Performance check sheet shall be signed by an instructor or other person approved by the Department.

12.1.6 The Department shall issue a Tester/Technician Permit to an applicant upon successful completion of the requirements of this Section.

12.1.7 The Tester/Technician Permit shall be valid only at the Station where the Tester/Technician is presently employed. If the Tester/Technician transfers from one Station to another, they shall notify the Department of the location change. The Permit shall be transferred by the Department prior to the Tester/Technician performing any inspections. The Permit will expire on the same date as the original. A transfer fee or duplicate fee will be charged, as set by the Board of Health and referenced in Appendix B of this Regulation.

12.1.8 Tester/Technician Permits are and remain the property of the Department, only their use and the license they represent is tendered.

12.2 Tester/Technician Permit Suspension and Revocation.

12.2.1 Tester/Technician Permit may be suspended by the Department for violations of this Regulation.

12.2.2 Tester/Technician Permit may be revoked by the Department for severe and/or repeated violations of this Regulation.

12.2.3 Suspension or revocation of Tester/Technician Permit shall follow the provisions of Appendix D of this Regulation.

12.2.4 Tester/Technician Permit may be suspended or revoked by the Department because of returned checks and may not be reinstated until repayment is confirmed. All returned checks will be charged a returned check handling fee (referenced in Appendix B).

12.3 Re-Qualification Requirements for all Tester/Technician Permits.

12.3.1 Tester/Technician Permits shall not be transferred from one person to another person. Tester/Technician Permits may not be transferred from one Station to another or from one status to another, i.e., from test and repair to test only, without a written request and Department approval.

12.3.2 The Department may renew a permit for an existing Tester/Technician after the permit renewal requirements have been completed, the fees are paid and the Tester/Technician has complied with this Regulation.

12.3.3 Upon determination by the Department of the necessity of updating the qualification for Tester/Technician, they shall be required to re-qualify.

12.3.4 The Tester/Technician shall be required to re-qualify within a specified time period determined by the Department (from the date of written notification by the Department). The notice shall be mailed to the address of record in the office of the Department. Failure to re-qualify within the required period of time shall result in suspension or revocation of the Tester/Technician Permit as described in this Regulation.

12.4 Tester/Technician Permit Expiration.

12.4.1 The Tester/Technician Permit shall be issued annually and shall expire one year from the date of issuance. The Permit shall be renewable within sixty (60) days prior to the date of expiration.

12.4.2 It is the responsibility of the Tester/Technician to pursue the renewal of the Tester/Technician Permit.

12.4.3 Permits that have expired for more than 90 days are not renewable.

12.5 Reinstatement of Revoked Tester/Technician Permit. The Department may issue a Tester/Technician Permit to a Tester/Technician that has had a permit revoked after the following conditions have been met:

12.5.1 A minimum of five years has passed since the date of revocation for the previous Tester/Technician Permit;

12.5.2 The Tester/Technician has not previously had 2 or more Permits revoked. Tester/Technicians with 2 or more revoked Permits are not eligible to make application for a Tester/Technician Permit;

12.5.3 A complete review of the Tester/Technician testing history will be conducted. A finding of 25 of more test records that indicate a failure to inspect or substitution of a vehicle other than the vehicle on the test record will result in the denial of the application.

12.5.4 The Tester/Technician agrees to a 2 year probationary period.

12.5.4.1 During the probationary period, the Tester/Technician agrees to surrender their Permit should any violations occur that result in suspension or revocation. Failure to surrender the permit will result in immediate revocation of the permit by the Department;

12.5.4.2 During the probationary period, the Tester/Technician agrees to participate in a testing record and overt testing procedure review once a quarter for the first year, and on six month intervals the second year;

12.5.4.3 During the probationary period, the Tester/Technician agrees to participate in additional trainings or audit procedures deemed necessary by the Department;

12.5.5 The Tester/Technician will pay a Revoked Tester/Technician Permit reinstatement fee of $400.00 to the Department.

12.5.5.1 The fee will include tuition costs and associated materials for required trainings.

13.0 EMISSIONS STANDARDS FOR MOTOR VEHICLES

13.1 In order to obtain a valid Certificate of Compliance, a motor vehicle subject to an Emissions Inspection shall not exceed the maximum concentrations for carbon monoxide (CO), and Hydrocarbons (HC) specified in Appendix C of this Regulation, or pass an approved OBD test as specified in Appendix E of this Regulation.

13.2 The Board of Health may establish more stringent Emissions Standards than specified in Appendix C. Any change in Emissions Standards shall be effective upon the first day of any calendar month designated by the Board of Health. The Board of Health shall consider the following factors before establishing more stringent Emissions Standards:

13.2.1 The existing ambient air quality;

13.2.2 The required stringency necessary to meet air quality standards;

13.2.3 The requirements for air quality programs currently in effect as promulgated by the EPA, the Utah Department of Environmental Quality, the County and the Board of Health; The Cut-Points established shall be part of an overall program, in accordance with EPA guidelines, to achieve the required tailpipe reductions, of CO and HC from motor vehicles measured from the date this program is implemented;

13.2.4 The general level of emission control technology on vehicles registered in the County;

13.2.5 Population growth and other factors which may reasonably be expected to impact CO and HC concentrations in the atmosphere;

13.2.6 The likelihood of a particular Cut-Point to achieve desired air quality goals; and

13.2.7 The ability to ensure compliance with the requirements of Section 41-6a-1642 and Section 41-6a-1643, Utah Code Annotated, 1953, as amended.

13.3 The Board of Health shall notify the Utah Department of Environmental Quality of any change to the Emissions Standards within 30 days of adopting changes.

13.4 Notwithstanding the foregoing, the Board of Health understands and acknowledges that following EPA approval of this regulation as part of the Utah State Implementation Plan, no changes to the Cut-points specified in Appendix C, shall be effective to alter the Cut-points for federal purposes absent EPA approval of the change as a revision to the Utah State Implementation Plan.

14.0 CERTIFICATE OF COMPLIANCE, CERTIFICATE OF COMPLIANCE NUMBERS AND CERTIFICATE OF WAIVER

14.1 No person shall make, issue or knowingly use any imitation or counterfeit of a Certificate of Compliance, Certificate of Compliance Numbers or Certificate of Waiver.

14.1.1 No person shall use a stolen Certificate of Compliance.

14.2 Certificate of Compliance Numbers shall be obtained only from the Department.

14.3 No refund or credit shall be allowed for unused certificates/numbers, except as provided in Section 14.7.

14.4 Certificate of Compliance Numbers shall be issued in lots to be determined by the Department.

14.4.1 Certificates of Compliance Numbers shall not be sold, loaned, transferred, or given to any other Station, or any unauthorized individual.

14.5 Certificates of Compliance shall not be issued until an inspection has been performed as required by this Regulation.

14.6 Completion of Certificates of Compliance by other means than the Analyzer by any person or station other than the Department is strictly prohibited.

14.7 Upon final cancellation, or revocation of the Permit, the Station owner, manager or other responsible person shall immediately surrender all unused Certificates of Compliance Numbers to the Department. The Department may receipt and refund the fee paid for unused certificates of Compliance Numbers to the Station owner according to the Weber County Clerk/Auditor's procedures. Upon transfer or termination of business ownership, the Station Permit and all Certificate of Compliance Numbers shall be immediately surrendered to the Department. Any person acquiring a business that has been permitted as an official Station, is prohibited from using any Permit, Certificate of Compliance Numbers or emissions documents issued to the former business; and

14.7.1 Any Analyzer manufacturer or their authorized representative who repossesses or otherwise removes an Analyzer from a Station shall immediately notify the Department and shall immediately surrender any Certificate of Compliance Numbers to the Department.

15.0 ADJUDICATIVE PROCEEDINGS

In accordance with the Weber-Morgan Health Department Adjudicative Proceedings, a Departmental Conference may be requested in writing within ten (10) days of any action in which a party is aggrieved.

16.0 PENALTY

16.1 Any person who is found guilty of violating any of the provisions of this Regulation, either by failing to do those acts required herein or by doing a prohibited act, shall be guilty of a class B misdemeanor pursuant to Section 26a-1-123, Utah Code Annotated, 1953, as amended. If a person is found guilty of a subsequent similar violation within two years, he shall be guilty of a class A misdemeanor pursuant to Section 26a-1-123, Utah Code annotated, 1953, as amended.

16.2 Each day that a violation is committed or permitted to continue shall constitute a separate violation. Also, each improperly issued Certificate of Compliance constitutes a separate violation.

16.3 The County Attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of this Regulation.

16.4 In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of this Regulation shall be liable for all expenses incurred by the Department in prosecuting and/or abating the violation.

16.5 The Penalty Schedule for Permits warning, Permits suspension, Permits revocation, and/or negotiated consent agreements as adopted by the Board of Health shall be referenced in Appendix D of this Regulation and may be changed and updated by the Board of Health as deemed necessary to accomplish the purposes of this Regulation.

16.6 Enforcement of any criminal penalties does not preclude imposition of administrative or civil penalties and vise-versa.

17.0 SEVERABILITY

If any provision, clause, sentence, or paragraph of this Regulation or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this Regulation. The valid part of any clause, sentence, or paragraph of this Regulation shall be given independence from the invalid provisions or application and to this end the provisions of this Regulation are hereby declared to be severable.

18.0 EFFECTIVE DATE

This Regulation including Appendix A through F shall become effective the day of its adoption by the Board of Health. Appendices may be modified by the Board of Health without affecting the rest of this Regulation. Appendices when amended by the Board shall become effective on the day of adoption of amendments by the Board of Health.

Adopted by the Weber-Morgan Board of Health on September 24, 2018

APPENDIX A

ANALYZER SPECIFICATIONS

1 EQUIPMENT SPECIFICATIONS

1.1 Computer.

Each workstation will be equipped with the same computer. The computer will be selected to minimize the obsolescence nature of personal computers. It will contain the following components as a minimum. Newer or faster components may be substituted if they become available and the older components can no longer be obtained.

- Windows 7 Professional.
- Intel Core 2 Duo E7500 processor.
- 2 GB RAM
- Onboard graphics controller capable of supporting 1024x768 resolution.
- Onboard LAN Ethernet controller.
- I/O ports: 6 USB 2.0/1.1 ports, 1 RJ45 LAN port, 3 DB-9 serial ports, 1 DB-15 VGA port, 1 DB-25 parallel port, audio jacks: line-out, line in, and mic in.

1.2 Printer

Each workstation will contain a monochrome laser printer (or equivalent) including a paper tray with a 250 sheet capacity loaded with normal letter sized paper capable of printing 27 pages per minute and first pages within 5 seconds.

1.3 OBD Interface

The OBD interface shall be a full OBD, SAE J1978, SAE J1979, SAE HS-3000 Scan Tool Compliant device that reads emission related codes on model year 1996 and newer vehicles. It supports all protocols including CAN, VPW, PWN, ISO, and KEYWORD (KWP).The hardware interface itself will be mounted inside the enclosure. It will be connected to a 5 meter heavy duty cable which will run from the cabinet to the connector used to plug into the vehicle's DLC. The OBD system will meet the following requirements:

- The interface cable has a plug that conforms to the J1962 Diagnostic Connector specification.
- Capable of communicating with the standard data link connector (DLC) of vehicles with certified OBD systems.
- Capable of checking for the monitors supported by the on-board diagnostic system and the evaluation status of supported monitors (test complete/test not complete) in Mode $01 PID $01, as well as be able to request the diagnostic trouble codes, as specified in SAE J1979.

In addition, the OBD system will have the ability to capture other information such as PID counts, PCM IDs, and OBD VINs if they are available which can be used to perform OBD “fingerprinting”.

The enclosure containing the hardware interface will supply the interface with an alternate power supply and ground. This will be used to successfully test vehicles which have either power or grounding issues.

1.4 Gas Cap Tester

The gas cap tester used for pressure testing the vehicle gas caps will be mounted inside of the cabinet. The tester uses a 20 foot coiled hose connected to the outside of the cabinet. The gas cap tester will meet the following specifications:

- Measurement:
  - Flow Rate Method: Comparative reference
  - Test Pressure Regulation: 30" H_20 gauge +/- 1"
  - Flow Rate Pass/Fail Point 60 cc/minute +/- 3 cc/minute
- Operating Conditions:
  - Temperature Range: 15-110° F
  - Altitude Range: - 60–7000’
  - Humidity Range: 0-100% (non-condensing)
- PASS/FAIL Adapter:
  - Pass Setting Flow Range: 52–56 cc/min.
  - Fail Setting Flow Range: 64–68 cc/min.

1.5 Gas and OBDII Units

1.5.1 Gas Analyzer

The system used for the TSI exhaust test will contain heavy duty sample and water filtration system designed to handle high throughput and a durable pump for rapid flow rate and sample delivery. The analyzer will meet the following specifications:

- Measurement Method is NDIR (non-dispersive infrared) for HC, CO, CO_2, electrochemical cell for O_2
- Measured Gases
  - HC, as either n-hexane or propane
  - CO, carbon monoxide
  - CO2, carbon dioxide

- O2, oxygen

- Measurement Range
  - HC: 0 to 30,000 ppm, (n-hexane)
  - CO: 0 to 15%
  - CO_2: 0 to 20%
  - O_2: 0 to 25%
- Operating Environment
  - 0º to 50ºC (32º to 122ºF)
  - 5 to 95% humidity
  - -300 to 3,000 m (-1,000 to 9,750 ft)
- Measurement Resolution
  - HC: 1 ppm
  - CO: 0.001%
  - CO_2: 0.01%
  - O_2: 0.01%
- Measurement Accuracy shall meet or exceed BAR97 accuracy standards.

The analyzer system will be contained in the standard cabinet. The cabinet will contain the following items on it for the analyzer:

- A fused AC power inlet.
- A connector for the sample probe.
- Three external ports for calibration.

1.5.2 Tachometer

The tachometer used for RPM pickup will make use of existing RPM measurement technologies. It will have a resolution of +/-1 RPM and will be connected to the vehicle using the following methods:

- Number one cylinder using inductive probe.
- Primary circuit using inductive probe.
- Battery tachometer using battery clamps or cigarette lighter.

The tachometer leads will hang on a hook on the outside of the cabinet and the tachometer boards themselves will be mounted inside the cabinet.

1.6 Optional Components

1.6.1 Barcode Scanner

The workstation will contain a barcode scanner capable of reading both 1D and 2D barcodes. The barcode scanner will meet the following specifications:

- IP54-rated sealing protects against elements, industrial design withstands multiple 6.5 foot (2 meter) drops to concrete, reducing downtime and costs for maintenance and repairs.
- Ability to read both 1D and 2D barcodes.
- Omni-directional scanning.
- UPC, EAN, Code 39, Code 128, Codabar, Interleaved 2 of 5, Code 93
- PDF417, microPDF417, MaxiCode, DataMatrix (ECC 2000), Composite Codes, QR Code

The barcode scanner will be connected to the cabinet via a USB cable and will be powered by the same cable.

1.6.2 Camera

The workstation will contain one or more USB cameras to be used for taking video recordings during an inspection.

2 FUNCTIONAL SPECIFICATION

2.1 Analyzer System.

This section describes the equipment functional specifications for the Utah Analyzer System. These specifications include the maintenance functions to be performed by the analyzers and the operating conditions.

2.1.1 Operating Conditions

The gas analyzer shall operate in a temperature range from 40 °F to 110 °F. Within this range, the analyzer must operate within the performance specification described above. A proper environment will be created in order to keep the analyzer operation within these ranges except under the most extreme circumstances. Proper air flow to the gas analyzer will be provided to prevent overheating and condensation of water vapor which could reduce the reliability and durability of the analyzer.

The input power required for proper operation of the analyzer will be 115 VAC at 60 Hz. External fuses or circuit breakers will be used to protect the analyzer from power fluctuations. The operation of the analyzer should not be affected by

electrical noise or voltage surges which would be found in a typical garage environment.

2.1.2 Warm-up

The gas analyzer shall be stable and ready for operation within 35 seconds of being turned on when at normal operating temperatures. If a test is started while the analyzer is in warm-up, a message will be displayed stating the analyzer is not ready and the test will not be able to proceed.

2.1.3 Sampling System

The sampling system will consist of a tailpipe probe attached to a flexible sample line at least 25 feet long, a water removal system, a particulate trap, sample pump, and other flow control components. A second probe and sampling line will be available to test vehicles with dual exhaust systems. The sampling system will be durable to withstand a heavy use system, be free from leaks, and be able to be easily maintained. The system must be able to resist corrosive elements it comes in contact with and be able to withstand typical vehicle exhaust temperatures.

2.1.4 Analyzer Response Time

The response time from the probe to the display shall not exceed eight seconds to ninety percent (90%) of a step change in input nor shall it exceed twelve seconds of a ninety-five percent (95%) step change in input. The response time for the O_2 sensor may be as long as fifteen seconds to ninety percent (90%) of full scale.

2.1.5 Gas Calibration

The gas analyzer will automatically require a gas calibration for HC, CO, CO2, and O2 every 72 hours (this time will be configurable). If the gas analyzer does not pass the calibration, the system will automatically lock out any more TSI emissions tests from being run.

The gas calibration will ensure that accuracy specifications are satisfied and that linearity is correct at both of the required span points. The gases used for the calibration must use BAR97 approved gases and they will be introduced into the analyzer though calibration ports on the gas analyzer enclosure. These gases will be within 2% of the required span points.

The calibration procedure will be designed to minimize the amount of calibration gas used. The procedure will not use more than two liters per span point. In addition, the procedure will be designed to take less than five minutes.

The span points used for the gas analyzer calibration will be as close as possible to the following gases.

Low Point	**High Point**
Propane – 200 ppm	Propane – 3200 ppm
CO – 0.5%	CO – 8.0%

CO2 – 6.0%	CO2 – 12.0%

2.1.6 Single-Point Calibration Check / Audit

A single-point calibration check will be required as recommended by the manufacturer. This calibration check will use any pre-approved gas values in order to verify the calibration curve. The analyzer enclosure will be designed to allow hooking up the additional calibration gases/bottles but they will not be a permanent part of the analyzer and may be brought in as needed.

2.1.7 Leak Check

The gas analyzer will automatically require a leak check for the sampling system at a frequency determined by the department. If the gas analyzer does not pass the leak check, the system will automatically lock out any more TSI emissions tests from being run. A probe tip cap will be provided in order to perform the vacuum decay method of leak check.

2.1.8 Hang-up Check

Before every idle test performed by the system, a HC hang-up check will be performed. This check will be done immediately prior to the actual emission testing portion of the test. During the check, the HC value will be monitored and will automatically complete when the HC value is 20 PPM or less. If the HC value does not drop below this limit within 2 minutes, the inspector will be asked to verify the probe is not in the tailpipe. If the HC value continues to remain high, the test will abort. This check should be performed in the background while the vehicle information is being verified in order to minimize the length of the test.

2.1.9 Dilution Check

While the test is being performed, the readings will be monitored to verify that excessive dilution is not being introduced to the system. This is done by adding the CO and CO2 readings and verifying that they are greater than or equal to 6%. If the sum falls below 6%, too much oxygen is entering the system and the test will need to be restarted after verifying that the probe has not fallen out of the vehicle's tailpipe.

2.1.10 Gas Cap Tester Check

The analyzer will automatically require a check for the gas cap tester every 72 hours or at a frequency determined by the department. If the analyzer does not pass the gas cap tester check, the system will automatically lock out any more TSI and OBD emissions tests from being run if the gas cap test would be applicable for the vehicle being tested. A pass/fail standard device will be provided in order to perform the check.

2.1.11 Information Display

The software will contain a location(s) where the following information is displayed to the inspector:

- Date of last calibration

- Date of last leak check
- Date of next required calibration check
- Gas analyzer related lockout

2.2 OBDII System

2.2.1 Operating Conditions

The OBD interface and associated components shall operate in a temperature range from 40 °F to 110 °F. Within this range, the OBD interface must operate within the performance specification described above. A proper environment will be created in order to keep the OBDII system operation within these ranges except under the most extreme circumstances. The input power required for proper operation of the OBDII enclosure will be 12 VDC. External fuses or circuit breakers will be used to protect the analyzer from power fluctuations. The operation of the OBDII system should not be affected by electrical noise or voltage surges which would be found in a typical garage environment.

2.2.2 DLC Connector

The OBDII connector will be compliant with the SAE J1978 specification and will allow the inspector the ability to connect to a vehicle easily. The attached cable will allow the system to connect to a vehicle located 15 feet away from the OBDII system.

2.2.3 General

The OBDII system will be compatible with most types of automotive service operating environments. The analyzer shall operate under the conditions and performance requirements listed here and in 40 CFR 51. The equipment design and operation must meet all Federal requirements (contained in 40 CFR 85.2207-2231) and recommended SAE practices (i.e., J1962, J1978 and J1979) for OBDII system inspections.

APPENDIX B

FEE SCHEDULE

The fees for implementing the requirements of the Vehicle Emission Inspection and Maintenance Program are contained in the current Weber-Morgan Health Department Fee Schedule available at 477 23rd Street, Ogden, Utah or online at the Department Web Page: www.webermorganhealth.org

APPENDIX C

MOTOR VEHICLE EMISSIONS Inspection and Maintenance PROGRAM

The following schedule gives the maximum allowable concentration for carbon monoxide (CO) and hydrocarbons (HC) for both cars and trucks as determined by an approved Analyzer using the prescribed procedures. The effective date for these cut-points is 1 November 1991.

ALL PASSENGER VEHICLES
1978 AND OLDER LIGHT DUTY TRUCKS 6,000 POUNDS GVWR OR LESS
1979 TRUCKS AND NEWER 8,500 POUNDS GVWR OR LESS

MAXIMUM CONCENTRATION STANDARDS

MODEL YEAR	PERCENT CARBON MONOXIDE	PARTS/MILLION HYDROCARBONS
1968 - 1969	6.0	800
1970 - 1974	5.0	700
1975 - 1976	4.0	600
1977 - 1979	3.0	500
1980	2.0	300
1981-1995	1.2	220

HEAVY DUTY TRUCKS AND VANS
1978 AND OLDER 6,001 OR GREATER
1979-2007 OVER 8,500 POUNDS GVWR
2008 AND NEWER OVER 14000 POUNDS GVWR

MAXIMUM CONCENTRATION STANDARDS

MODEL YEAR	PERCENT CARBON MONOXIDE	PARTS/MILLION HYDROCARBONS
1968 - 1969	7.0	1500
1970 - 1978	5.0	1200
1979 - 1980	4.0	1000
1981 AND NEWER	3.5	800

Note: These should be considered as “cut-points” for maximum allowable emissions levels. Vehicles must never be reset to these emission levels when readjustments are made, but rather shall be adjusted using manufacturer’s specifications. By using manufacturer’s specifications, the emission levels should be well below the “cut-points”.

The following schedule gives the maximum allowable concentration for carbon monoxide (CO) and hydrocarbons (HC) for both cars and trucks as determined by an approved Analyzer using the prescribed procedures in order to qualify for a waiver. The effective date for these cut-points is September 24, 2018.

ALL PASSENGER VEHICLES
1978 AND OLDER LIGHT DUTY TRUCKS 6,000 POUNDS GVWR OR LESS
1979 TRUCKS AND NEWER 8,500 POUNDS GVWR OR LESS

MAXIMUM CONCENTRATION STANDARDS FOR WAIVERS

MODEL YEAR	PERCENT CARBON MONOXIDE	PARTS/MILLION HYDROCARBONS
1968 - 1969	7.0	1000
1970 - 1974	6.0	800
1975 - 1976	5.0	700
1977 - 1979	4.0	600
1980	3.0	400
1981-1995	2.0	300

HEAVY DUTY TRUCKS AND VANS
1978 AND OLDER 6,001 OR GREATER
1979 AND NEWER OVER 8,500 POUNDS GVWR

MAXIMUM CONCENTRATION STANDARDS FOR WAIVERS

MODEL YEAR	PERCENT CARBON MONOXIDE	PARTS/MILLION HYDROCARBONS
1968 - 1969	8.0	1700
1970 - 1978	7.0	1500
1979 - 1980	5.0	1200
1981 - 1995	4.0	1000

Note: These should be considered as “cut-points” for maximum allowable emissions levels. Vehicles must never be reset to these emission levels when readjustments are made, but rather shall be adjusted using manufacturer’s specifications. By using manufacturer’s specifications, the emission levels should be well below the “cut-points”.

APPENDIX D

PENALTY SCHEDULE

VIOLATION *	1ST OCCURRENCE *	2ND OCCURRENCE *	3RD OCCURRENCE *	4th OCCURRENCE *
Failure to inspect or substituting a vehicle or vehicle simulator other than the vehicle entered in test record.	6 Month Suspension Station	9 Month Suspension Station	Revocation Station if within 2 years of 1st occurrence	
	6 Month Suspension and mandatory training Tester/Technician	Revocation Tester/Technician if within 2 years of 1st occurrence		
Non-permitted Tester/Technician performing inspection or gained access to the official testing portion of the Analyzer.	2 Month Suspension Station	6 Month Suspension Station	Revocation Station if within 2 years of 1st occurrence	
	2 Month Suspension Tester/Technician	6 Month Suspension Tester/Technician	Revocation Tester/Technician if within 2 years of 1st occurrence	
Pass a Failing Vehicle (including tampering portion of inspection).	15 Day Suspension Stations	1 month Suspension Station	2 month Suspension Station	Revocation Station if within 2 years of 1st occurrence
	1 month Suspension and mandatory training Tester/Technician	2 Month Suspension and mandatory training Tester/Technician	Revocation Tester/Technician if within 2 years of 1st occurrence	
Failure to Comply with Proper Test Procedures.	Formal Warning Station	15 Day Suspension Station	45 Day Suspension Station	Revocation Station if within 2 years of 1st occurrence
	Formal Warning and mandatory training Tester/Technician	30 Day Suspension and mandatory training Tester/Technician	90 Day Suspension and mandatory training Tester/Technician	Revocation Tester/Technician if within 2 years of 1st occurrence
Passing Covert Audit Vehicle † (see Covert Audit – Station Responsibility) †† (Covert Audit Occurrence Reset)	Formal Warning and mandatory training Tester/Technician	3 Month Suspension and mandatory training Tester/Technician	Revocation Tester/Technician	
The station was or is not equipped as required by Section 8.0 of the Regulation.	Formal Warning Station	Suspension Station until properly equipped		
Performing Unnecessary or Unrelated Repairs.	Formal Warning Station	3 Month Suspension Station	Revocation Station if within 2 years of 1st occurrence	
	Formal Warning and mandatory training Tester/Technician	3 Month Suspension and mandatory training Tester/Technician	Revocation Tester/Technician	

Falsifying any inspection or official document of the Vehicle Emissions Inspection and Maintenance Program or Fail a Passing Vehicle.	6 Month Suspension Station	9 Month Suspension Station	Revocation Station if within 2 years of 1st occurrence	
	6 Month Suspension and mandatory training Tester/Technician	Revocation Tester/Technician if within 2 years of 1st occurrence		
The Station or Technician denies access to a representative of the Department to conduct an audit or other necessary business during regular business hours.	6 Month Suspension Station	Revocation Station		
	6 Month Suspension Tester/Technician	Revocation Tester/Technician		
Station or Tester/Technician has violated any other provisions of the I/M Regulation, any State Rule or Law, County Ordinance or Department policy dealing with the I/M Program.	Up to 6 Month Suspension Station	6 Month Suspension Station	Revocation Station if within 2 years of 1st occurrence	
	Up to 6 Month Tester/Technician	6 Month Suspension Tester/Technician	Revocation Tester/Technician if within 2 years of 1st occurrence	
Inaccurate or Incomplete Data.	Formal Warning Station	15 Day Suspension Station	45 Day Suspension Station	Revocation Station if within 2 years of 1st occurrence
	Formal Warning and mandatory training Tester/Technician	1 Month Suspension and mandatory training Tester/Technician	3 Month Suspension Tester/Technician	Revocation Tester/Technician if within 2 years of 1st occurrence

*Other appropriate warnings, suspensions, negotiated consent agreements, and/or revocations as deemed necessary and prudent by the department. Violations that have been determined to be intentional or flagrant shall result in the maximum penalties.

Negotiated Consent Agreements

Initial Tester/Technician and/or Station suspensions may be reduced in length by a Negotiated Consent Agreement that may substitute monetary settlements for part or all of the suspension time for each violation incurred under the penalty schedule. Consent Agreements for stations shall be based on 50% of the maximum emission inspection fee multiplied by the actual number of Certificates of Compliance issued during the equivalent suspension time frame prior to the violation. Consent agreements shall not exceed $1,667.00 for every 30 day period contained within a suspension, and shall have a maximum amount of $10,000.00 for a six month suspension. Consent agreements for the tester/technician shall be based on $100 increments for any 7 day period or portion thereof up to a maximum of 180 days. Negotiated Consent Agreements are only applicable in relation to suspension.

Subsequent violations under each violation category are not eligible for negotiated consent agreements.

†Covert Audit – Station Responsibility

The owner/operator has a responsibility to provide a working environment to the tester/technician conducive to performing complete and thorough emissions tests as required in sections 4.3.5 and 9.0. Owner/Operators whose technicians fail to perform correctly on covert audit inspections will receive a written warning for each violation and will receive a three month suspension after three written warnings. Subsequent violations may result in additional suspensions or revocation.

††Resets Based on Successful Completion of Covert Audits

A covert audit violation occurrence will be removed from a station record when two sequential covert audits are completed successfully and without deficiencies.

A covert audit violation occurrence will be removed from a technician record when two sequential covert audits are completed successfully and without deficiencies by that technician.

Explanation of Occurrence Resets Based on Time Allowance

The penalty schedule allows for some types of violations to be removed from a Station record 2 years after the date of that occurrence. When an occurrence is removed, subsequent occurrences will be moved back on the penalty schedule in the appropriate category (i.e. second occurrence now becomes the first occurrence). A Station will clear its' record in a specified category by going two consecutive years without committing any of that type of violation.

Section 4.2

The Department encourages each I/M Station to develop a Quality Assurance Program within their organization. This program should implement a process designed to minimize the station's exposure under the penalty schedule by providing oversight of the Tester/Technician's activities and verifying that each emissions test is conducted according to this regulation.

APPENDIX E

OBD IM TEST PROCEDURES

The following test procedure is to be followed for 1996 model year vehicles or newer with a GVWR of less than 8,501 pounds and 2008 and newer vehicles with a GVWR less than 14,001:

1. Verify vehicle information;

2. Accurately enter information into analyzer at the required prompts;

3. Review the information entered into data review screens and make corrections if needed;

4. **Perform Visual Tampering Inspection of all emission control systems;**

5. Turn ignition key to the off position;

6. Locate the Diagnostic Link Connector (DLC) and connect the OBD lead from the analyzer;

7. **Check for the correct operation of the Malfunction Indicator Light (MIL);**

8. Follow analyzer prompts and continue test;

9. The analyzer will communicate with the vehicle and read fault codes and readiness status;

10. When prompted, turn off the engine, put ignition in the off position, and remove OBD lead;

11. If the MIL is functioning correctly and the readiness monitors are set correctly, the vehicle passes the OBDII test.

12. If the MIL is not functioning the vehicle fails the OBDII test and requires repair;

13. If the MIL is commanded **ON** the vehicle fails. The vehicle has a problem and has stored a Diagnostic Trouble Code (DTC). This DTC needs to be diagnosed for repairs.

14. If the test results say **Not Ready**, the vehicle needs to complete one or more drive cycles to reset and run the readiness monitors.

APPENDIX F

DIESEL FUELED VEHICLE TEST PROCEDURE

1.0 All diesel fueled vehicles 2007 and newer shall be tested in accordance with the following procedure;

1.1 Verify vehicle information;

1.2 Accurately enter information into analyzer at the required prompts;

1.3 Review the information entered into data review screens and make corrections if needed;

1.4 **Perform Visual Tampering Inspection of all emission control systems**

1.5 Turn ignition key to the off position;

1.6 Locate the Diagnostic Link Connector (DLC) and connect the OBD lead from the analyzer;

1.7 **Check for the correct operation of the Malfunction Indicator Light (MIL)**

1.8 Follow analyzer prompts and continue test;

1.9 The analyzer will communicate with the vehicle and read fault codes and readiness status;

1.10 When prompted, turn off the engine, put ignition in the off position, and remove OBD lead;

1.11 If the MIL is functioning correctly and the readiness monitors are set correctly, the vehicle passes the OBDII test.

1.12 If the MIL is not functioning the vehicle fails the OBDII test and requires repair;

1.13 If the MIL is commanded **ON** the vehicle fails. The vehicle has a problem and has stored a Diagnostic Trouble Code (DTC). This DTC needs to be diagnosed for repairs.

1.14. If the test results say **Not Ready**, the vehicle needs to complete one or more drive cycles to reset and run the readiness monitors.

2.0 All diesel powered vehicles 1998-2006 shall be subject to a visual anti-tampering inspection. The emission control systems identified in the emissions decal shall be in place and apparently operable on the vehicle.

2.1 The emission control systems listed on the emissions decal must be present and apparently operable to pass the emissions inspection.

2.2 If the OBDII system is identified in the emissions decal, the procedure in Section 1.1 through 1.10 shall be followed.

2.3 If the emissions decal is missing the Tester/Technician shall check an approved reference manual to determine what emission control systems the vehicle was manufactured with.

2.4 If the emissions decal is missing and the vehicle meets the requirements of Section 2.3, the following emissions control systems shall be present and apparently operable if factory equipped:

Catalyst;
Exhaust Gas Recirculation System (EGR);
Diesel Particulate System (DPF);
Air Injection Reaction System (AIR);
Urea System (SCR); and
OBD II System.

2.5 A Certificate of Compliance shall be issued if the emissions control devices are in place and apparently operable. An inspection of the OBD II system as referenced in Section 2.2 shall be for informational purposes only and will not determine whether a vehicle passes or fails the emission inspection.

APPENDIX G

ADJUSTMENT PROCEDURES

The adjustments should be performed on all 1980 and older vehicles (where applicable) that failed the I/M test. These adjustments must be performed by an emissions repair technician before a vehicle will be eligible for a waiver.

ADJUSTMENT PROCEDURES (Vehicles without computer Controlled Engine Systems)

1. The following adjustments should be performed on all 1981 and older vehicles (where applicable) that failed the I/M test. These adjustments must be performed by a Technician before a vehicle will be eligible for Certificate Of Waiver.

2. The Emissions Inspection and Repair Technician shall refer to the emissions tune-up specifications. Adjustments shall be made according to manufacturer's specifications. The adjustment procedures shall be as follows:

2.1 The dwell if applicable, shall be checked with a dwell meter to determine if it is within the recommended tolerance of 2 degrees of specifications. The dwell shall be reset if it exceeds this tolerance;

2.2 The idle speed shall be checked with a tachometer to determine if it is within 50 rpm of the manufacturer's specifications. If it is not, it shall be set to within 50 rpm of the manufacturer's specifications;

2.3 The ignition timing shall be checked, using a timing light or engine analyzer, to determine if it is within +4 degrees to -2 degrees of the recommended settings while the engine is idling at the specified speed. If the timing exceeds this tolerance, it shall be adjusted until it falls within +4 degrees to -2 degrees of the recommended setting;

2.4 The idle air/fuel ratio shall be adjusted according to manufacturer's suggested procedures and/or specifications using an infrared analyzer, propane enrichment kit, or tachometer;

2.5 The choke shall be checked for normal operation and, if appropriate, adjusted according to manufacturer's suggested procedures and/or specifications;

2.6 After completing the preceding steps, the idle speed shall be readjusted to manufacturer's specifications; and

2.7 The performed adjustments shall be entered in the required data base of the Analyzer.

APPENDIX H

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

ENGINE SWITCHING FACT SHEET

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
March 13, 1991
OFFICE OF AIR AND RADIATION

Pursuant to frequent requests for information received by the U.S. Environmental Protection Agency (EPA) regarding the legality and effects of engine switching, this document will summarize federal law and policy pertaining to this matter, and will discuss other related issues.

A. Federal Law

The federal tampering prohibition is contained in section 203(a)(3) of the Clean Air Act (Act), 42 U.S.C. 7522(a)(3). Section 203(a)(3)(A) of the Act prohibits any person from removing or rendering inoperative any emission control device or element of design installed on or in a motor vehicle or motor vehicle engine prior to its sale and delivery to an ultimate purchaser and prohibits any person from knowingly removing or rendering inoperative any such device or element of design after such sale and delivery, and the causing thereof. The maximum civil penalty for a violation of this section by a manufacturer or dealer is $25,000; for any other person, $2,500. Section 203(a)(3)(B) of the Act prohibits any person from manufacturing or selling, or offering to sell, or installing, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine, and where the person knows or should know that such part or component is being offered for sale or is being installed for such use. The maximum civil penalty for a violation of this section is $2,500.

EPA received many questions regarding the application of this law to a situation where one engine is removed from a vehicle and another engine is installed in its place. EPA's policy regarding "engine switching" is covered under the provisions of Mobile Source Enforcement Memorandum No. lA (Attachment 1). This policy states that EPA will not consider any modification to a "certified configuration" to be a violation of federal law if there is a reasonable basis for knowing that emissions are not adversely affected. In many cases, proper emission testing according to the Federal Test Procedure would be necessary to make this determination.

A "certified configuration" is an engine or engine chassis design which has been "certified" (approved) by EPA prior to the production of vehicles with that design. Generally, the manufacturer submits an application for certification of the designs of each engine or vehicle it proposes to manufacture prior to production. The application includes design requirements for all emission related parts, engine calibrations, and other design parameters for each different type of engine (in heavy-duty vehicles), or engine chassis combination (in light-duty vehicles). EPA then "certifies" each acceptable design for use, in vehicles of the upcoming model year.

For light-duty vehicles, installation of a light-duty engine into a different light-duty vehicle by any person would be considered tampering unless the resulting vehicle is identical (with regard to all emission related parts, engine design parameters, and engine calibrations) to a certified configuration of the same or newer model year as the vehicle chassis, or if there is a reasonable basis for knowing that emissions are not adversely affected as described in Memo 1A. The appropriate source for technical information regarding the certified configuration of a vehicle of a particular model year is the vehicle manufacturer.

For heavy-duty vehicles, the resulting vehicle must contain a heavy-duty engine which is identical to a certified configuration of a heavy-duty engine of the same model year or newer as the year of the installed engine. Under no circumstances, however, may a heavy-duty engine ever be installed in a light-duty vehicle.

The most common engine replacement involves replacing a gasoline engine in a light-duty vehicle with another gasoline engine. Another type of engine switching which commonly occurs, however, involves diesel powered vehicles where the diesel engine is removed and replaced with a gasoline engine. Applying the above policy, such a replacement is legal only if the resulting engine-chassis configuration is equivalent to a certified configuration of the same model year or newer as the chassis. If the vehicle chassis in question has been certified with gasoline, as well as diesel engines (as is common), such a conversion could be done legally.

Another situation recently brought to EPA's attention involves the offering for sale of used foreign-built engines. These engines are often not covered by a certified configuration for any vehicle sold in this country. In such a case, there is no way to install such an engine legally. EPA has recently brought enforcement actions against certain parties who have violated the tampering prohibition by performing illegal engine switches.

It should be noted that while EPA's policy allows engine switches as long as the resulting vehicle matches exactly to anv certified configuration of the same or newer model year as the chassis, there are some substantial practical limitations to performing such a replacement. Vehicle chassis and engine designs of one vehicle manufacturer are very distinct from those of another, such that it is generally not possible to put an engine into a chassis of a different manufacturer and have it match up to a certified configuration. Therefore, practical considerations will generally limit engine switches to installation of another

engine which was certified to be used in that same make and model (or a "twin" of that make and model, e.g., Pontiac Grand Am and Oldsmobile Calais). In addition, converting a vehicle into a different certified configuration is likely to be very difficult, and the cost may prove prohibitive.

B. State Laws

Many states also have statutes or regulations prohibiting tampering in general. Most of these laws specifically prohibit tampering by individuals. A few specifically prohibit engine switching, using provisions similar to those stated in EPA's policy. To determine the state law in any given state, the state's Attorney General's office should be contacted. In addition, many states have state or local antitampering inspection programs which require a periodic inspection of vehicles in that area, to determine the integrity of emission control systems. Many programs have established policies for vehicles which have been engine switched. While EPA does not require these programs to fail engine switched vehicles which are not in compliance with federal policy, the Agency does strongly recommend that these programs set their requirements so as to be consistent with the federal law. State or local programs which pass illegally engine switched vehicles may mislead federally regulated parties into believing that engine switching is allowed by federal law.

Appendix 2: Weber County Audit

Policies and Procedures

POLICIES AND PROCEDURES

WEBER-MORGAN HEALTH DEPARTMENT

DIVISION OF ENVIRONMENTAL HEALTH

I/M PROGRAM

UPDATED AUGUST 2019

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General Policies:

1. Any contact with the public shall be handled in a courteous and professional manner.

2. Department personnel shall not discuss with anyone outside of the Department any personal evaluations made of a specific brand of equipment, supplier, person or I/M station.

3. Department personnel shall not recommend one I/M station or repair facility over another.

4. Department personnel who are asked for technical assistance regarding why a vehicle failed an emission test should not specifically pinpoint a repair that would fix the vehicle. Recommendations should remain generic in nature and several suggestions as to the appropriate repair for the type of failure may be given.

5. Every effort shall be made to resolve problems or complete services during the vehicle owner's first visit to the Vehicle Emission Center.

6. All equipment shall be warmed-up, calibrated and ready for operation prior to the first scheduled appointment.

7. Whenever possible, appointments shall be scheduled in advance.

8. No money or check is to be accepted in the field by any I/M program personnel for payment of any items. Payment will only be accepted in person, paid by credit card over the phone, or by mail at the Weber-Morgan Health Department (Department) office.

9. There are three basic types of audits: 1. Overt Audits; 2. Covert Audits; 3. Data Audits.

OVERT STATION AUDIT

Station Audit Policy

1. I/M Program stations are to be audited on a bimonthly schedule. Audit frequency will be altered to a degree to help prevent the predictability of the audit date by station personnel. Audit dates may be more frequent for stations that display possible problem areas regarding compliance with I/M Program Regulations.

2. An I/M Station Audit Report will be completed during each audit. Any violation(s) will be noted, and the station manager or responsible individual informed regarding the violation(s).

3. A Station Audit Report will be completed during each audit. All items covered on the Station Audit Report are to be checked during each audit. Violations and obvious problem areas shall be noted on the Audit Report and brought to the attention of the station owner or responsible individual. Any discrepancies in the Station Audit Report shall be brought to the Program Manager.

4. Upon entering the station, the auditor will take notes of any discrepancies observed, i.e. incorrect inspection procedures, customer complaints, shop safety issues, hazardous spills or conditions. All running vehicles observed shall be vented to exhaust systems or to the outside. When these items are observed, the auditor shall approach the individual(s) or the

station manager about the situation and make sure that these items are corrected and it shall be noted on I/M Station Audit Report and initialed by the individual and station manager. This information will be entered into the station's file and checked on follow-up visit.

5. A gas audit of each station analyzer shall be performed by an auditor using Department approved span gas. If the analyzer fails the gas audit, it shall be noted on the Station Audit Report, and the auditor will attempt a second gas audit. If the second attempt fails the analyzer will automatically be locked out. A gas audit failure will require a service call to the analyzer's vendor, after repairs have been made the vendor will clear the lockout.

6. When possible, the station auditor should attempt to observe an actual emissions test during the station audit.

7. In the event that a station comes under investigation for alleged misconduct, a station auditor will conduct a station audit immediately and turn over all information to the Program Manager for appropriate follow-up.

8. All data collected during the audit will be stored in the I/M database, and all forms and reports filed in a station folder.

Station Audit Procedures

1. **Prior to the audit:**

   a. Review station files for each Station to be visited. Note any follow-up action(s) required from the previous audit or station visit.

   b. Obtain a calibration gas cylinder for analyzer gas audit.

   c. Check supply of audit forms, blank paper, and other supplies needed.

   d. Review all test records since the previous station audit.

   e. Review videos to ensure tests are being conducted in accordance with section 9.3 of Weber County's I/M Regulation.

2. **During the audit:**

   a. Check in with the station owner/manager.

   b. If a official emission inspection is being conducted, observe the technician performing the inspection, after test is completed verify the VIN of vehicle and technician information with data on the analyzer.

   c. Verify that the Station Permit, I/M Tester/Technician's Certificates, Station Sign, Fee Chart, Reference Manuals, and other required equipment is available. Note any discrepancies on the I/M Station Audit Report.

d. Select “LEAK CHECK” and perform the leak check to determine if there are any leaks in the system. If the leak check fails, the two speed idle portion of the analyzer will be locked out until repairs are made.

e. Once a leak check has passed, select “GAS AUDIT” and perform an Analyzer Calibration Gas Audit.

f. Check the Emission Control Application Guide to ensure it is not more than 4 years old.

g. Select the Station Audit Report, have the owner/station manager review the I/M Station Audit Report. Indicate any corrective action necessary and establish a date for completion. Have authorized station personal electronically sign it.

3. **After the audit**:

Compile all information and review any discrepancies to determine if further corrective action is required. If so, coordinate with the Program Manager.

ANALYZER VIDEO DATA USAGE

Department staff and auditors will review video data as necessary to facilitate tester/technician training, conduct test and station record audits and assist the progress of operating a successful and effective mobile source emissions program. The following items will be operating practices for video data use;

1. Employees found to be inappropriately using emission analyzer video data will be subject to the Weber County IT Internet Usage and Security Policy 17.3.1. Inappropriate use will be considered a violation of this policy.

2. Disciplinary action against an I/M Station or Tester/Technician will not be based solely on video data. Additional information such as, but not limited to, vehicle test records, witness testimony, audit records, etc. will be necessary to support actions taken by the department.

3. Health department staff access to the emissions analyzer camera for uses other than recording emissions tests is limited to the following conditions;

   a. Access to the camera video is necessary to facilitate training or repairs of the emissions analyzer.

   b. Station personnel have given their consent for the department staff to access the camera portion of the analyzer.

   c. Station personnel will be notified when camera access has been initiated and terminated by department staff.

COMPLAINT PROCEDURE

1. When an emission related complaint is received, the person who received the complaint will record the following information on an approved complaint form: name of person submitting complaint, address, home and/or work phone, station at which incident occurred, date and time of the incident, and a description of the complaint. The complaint will then be assigned to a station auditor who will investigate the complaint, take appropriate action, file a report with Program Manager, and notify the person who submitted the complaint as to the results of the investigation (see section 4.5 of Weber County's I/M Regulation).

COVERT AUDIT

1. To the extent possible, a covert audit will be performed at each I/M Program Station at least once a year. An attempt will be made to do one covert audit per Tester/Technician each year, if possible. Covert audits will be performed using a variety of vehicles that are representative of the subject fleet that are set to fail across a range of malfunctions. Suspected problem Stations and Tester/Technicians are targeted for earlier and more frequent audits. Complaints also trigger additional audits.

2. Remote visual observation of Tester/Technician performance will be conducted at least once per year per Tester/Technician. This can be in person or by watching video.

3. Vehicles used for undercover audits will be pre-tested and adjusted for use at the Vehicle Emission Center.

4. The audit shall be performed in such a manner as to avoid giving employees at the station being audited any indication that a covert audit is being performed.

5. Covert auditors will complete a training course provided by the Department, which is designed to thoroughly familiarize them with all aspects of inspection procedures.

6. Covert auditors will be rotated to avoid becoming recognizable to inspection station personnel.

7. In all cases, vehicles shall be adjusted to fail either the emissions or tampering or both aspects of the test.

8. On covert audit violations, administrative actions will follow the penalty schedule outlined in Appendix D of Weber County's I/M Regulation.

9. A complete covert audit includes the following phases:
   a. Pre-testing and adjusting of vehicle.
   b. Audit/testing at designated station.
   c. Post-testing and readjusting original configuration if needed.
   d. Submitting completed I/M tests and receipts to a Auditor, LEHS, or Program Manager, including a debriefing on covert audit results.
   e. Taking appropriate action on any violations and/or discrepancies.

10. Covert auditors hired by the Weber-Morgan Health Department who conduct covert audits on emissions testing stations should make sure that they do not suggest, encourage or otherwise induce a station and/or tester/technician to pass the vehicle when it should not be passed. If, however, the station and/or tester/technician offers to pass the vehicle, whether or not for financial or other incentive, the covert auditor is free to follow the lead of the station and/or tester/technician. (See State vs. Sprague 680 p. 2d 404 and Utah Code Annotated, Section 76-2-303)

ENFORCEMENT ON STATIONS, CERTIFIED TESTER/TECHNICIAN, AND VEHICLE OWNERS

1. The penalty schedule referenced in Appendix D of Weber County's I/M Regulation will be followed in the case of violations by individual Tester/Technicians and/or Stations. The penalties escalate based upon the frequency of violation and relative severity in terms of a violation's direct impact on the emission reduction potential of the program.

2. Auditors are granted the authority to immediately lock out a station for analyzer malfunction or finding of fraud. A Departmental Conference may be requested to evaluate evidence and determine further action. The Program Manager shall record all enforcement activities, including all formal warnings, consent agreements, suspensions, revocations and other notices of violation. Once a year, the program shall compile summary statistics on its enforcement activities and report this information to the EPA.

3. In the case of Tester/Technician incompetence, the Tester/Technician is required to be retrained, which consists of attending a four hour class put on by the Department. For cases of Tester/Technician violations resulting from factors other than incompetence, the Tester/Technician shall be suspended from testing for a minimum of 15 days, with such suspensions increasing with the severity and frequency of violation, leading ultimately to permit revocation.

PROCEDURE FOR HANDLING VEHICLES THAT WERE POTENTIALLY REGISTERED WITH A FRAUDULENT EMISSIONS CERTIFICATE

When the Department determines that a vehicle was issued a fraudulent Certificate of Compliance or if the Department finds some inconsistencies in data, the vehicle information will be submitted to the Program Manager and the following steps will take place:

1. A certified letter will be mailed to the vehicle owner informing them that their vehicle was fraudulently issued a Certificate of Compliance. The letter will contain the following information:

   a. Non-compliance of I/M Regulation,
   b. Where to bring the vehicle for the required test,
   c. Timeframe (5 days) given to have vehicle retested at the Weber County Vehicle Emissions Center.
   d. Enforcement actions for not bringing in the vehicle.

2. If the vehicle is brought into the Weber County Emissions Center within the 5 days, one of two things will happen. Either the vehicle will be tested and cleared for passing the test or the vehicle owner will be given 30 days to have the necessary repairs made before another retest.

3. If the vehicle owner does not bring their vehicle in for the required test/retest within the time allotted, the DMV will send a revocation letter. The letter will inform the vehicle owner that their registration has been revoked and will only be reinstated after a passing test has been performed at the Weber County Emissions Center.

4. If the vehicle owner doesn't come in for the required retest after the 30 day period allotted, the vehicle owner's registration will be revoked by the DMV. The letter will inform the vehicle owner that their registration has been revoked and will only be reinstated after a passing test has been performed at the Weber County Emissions Center.

CERTIFICATION FOR TESTER/TECHNICIAN

Any individual that is not currently permitted by the Weber County I/M Program or their previous Weber County permit has been expired for more than three months may become I/M permitted by completing the following requirements:

1. Fill out a Department application and meet the following requirements:

2. There are two paths potential testers/technicians can take to become certified.

Option 1: Pass the pretest with an 80%. Individuals can take the pretest twice in a 1 year period.

Option 2: Individuals without automotive experience or who have failed the pretest twice can enroll in the Ogden-Weber Technical College's 16 hour I/M Course. After successful completion of the course the individual will be allowed to take the pretest again, but will be allowed to pass with a 70%. To register for the class call 801.612.4161

Individuals who have passed the Ogden-Weber Technical College's course will be able to take the pretest a third time for free; each subsequent retest will cost $20. Individuals must wait at least one week in between tests.

After successful completion of Option 1 or 2, the individual is required to purchase a Technician Training Manual for $45; included in that fee is the cost of the first try on the written and practical exams. Three hours will be given to complete the written exam. Each subsequent retest will cost $20. Individuals must wait at least one week in between tests.

After passing both exams, a permit may be purchased for $25 and is valid for one year.

After a Tester/Technician is issued their permit, the Department will place the information into the Vehicle Information Database.

3. Upon satisfactory completion of all steps, the Tester/Technician will be given their own personal access code, and may commence emission testing.

4. To become a Test and Repair Tester/Technician, the individual must meet the requirements of section 12.1.2.1 of Weber County's I/M Regulation

RE-CERTIFICATION OF TESTER/TECHNICIANS

1. In order to re-certify for emissions testing, the tester/technician shall complete at least one of the following:
   a. Pass a written exam with a passing grade of 80% or better,
   b. Pass a hands-on practical examination administered by the Department, and/or
   c. When deemed necessary by the Department attend and pass if applicable, an emission related class taught by the Department or one that has been approved by the Department.

2. The written exam may be taken twice, allowing one week between attempts to pass exam.

3. Recertification requirements for Test and Repair Technicians may vary from year to year. For example, the Department may choose to have an ASE style written test one year to assess the technician's understanding of emission control systems and emission related repairs. Another year the Department may choose to have a practical test were the Department sets a vehicle up to fail, then watches the technician diagnose the problem.

4. No review of the first exam may be given if the test is not passed. A review may be given if the test is failed on the second attempt.

5. A Tester/Technician will be given a five (5) day grace period beyond their expiration date to pay the re-certification fee without a penalty.

6. If the recertification requirements are not met in the time alloted , then:
   a. The Tester/Technician shall discontinue testing (will be locked out of analyzer on the date of expiration)
   b. An expired renewal fee will be assessed
   c. When deemed necessary the emission repair technician will be required to attend a re-certification class and pay an appropriate class fee, as set by the Department, to be paid prior to the beginning of the class

7. A Tester/Technician's permit that has expired or who leaves one station to go to another station shall notify the Department and pay the appropriate transfer fee.

8. The Program Manager may impose additional re-certification requirements as allowed by the Weber County I/M Regulation.

9. Any Tester/Technician that has been suspended due to any violation of the Weber County I/M Regulation shall not be allowed to recertify until their suspension has been served or a consent agreement has been signed and paid in full. If the suspension goes beyond the

expiration date, then the Tester/Technician will be required to pay the expired Tester/Technician fee.

10. Tester/Technicians who have expired, and have met the requirements for renewal, shall be reinstated in their station within one business day.

CERTIFICATE OF WAIVER

A Certificate of Waiver shall be issued only under the following conditions:

1. A waiver may be issued by the Weber County I/M Vehicle Emission Center staff and only after verification that the vehicle complies with the requirements of Section 10 of Weber County's I/M Regulation.

2. All emission control systems applicable and specified for the make, model and year of the vehicle must be in place and operable on the vehicle. If the systems have been disconnected, removed, tampered, or are inoperable, they shall be replaced or repaired before a waiver can be granted.

3. At least $250 for 1968 through 1980 model year vehicles, $350 for 1981 through 1995 and $450 for 1996 and newer model year vehicles must have been spent on acceptable emission repairs as verified by a Weber County I/M program auditor during physical examination of the vehicle and review of the repair documentation.

4. To count the cost of labor towards a waiver, all emissions related adjustments and repairs must be performed by an individual who meets the requirements of section 12.1.2.1 of Weber County's I/M Regulation

5. Any vehicle that experiences an increase in any emissions levels shall not be eligible for a waiver regardless of the amount spent in attempting to repair the vehicle.

6. Acceptable emissions related repairs (Section 10.2.8.2):

    a. Refers to those expenditures and costs associated with the adjustment, maintenance, and repair of the motor vehicle which are directly related to reduction of exhaust emissions necessary to comply with the applicable emissions standards, cut-points, and procedures.

        (i) Air Intake Systems;

        (ii) Ignition Systems;

        (iii) Fuel Control Systems;

(iv) Emission Control Systems;

(v) Basic Engine Systems; and

(vi) Problems identified by the On-Board Diagnostic System (OBDII)

b. Does not include adjustments, maintenance, or repairs performed prior to the first official test

c. Does not include the fee paid for the inspection.

d. Does not include costs associated with costs incurred due to engine switching and/or modifications.

e. Does not include repairs performed to the vehicle's exhaust system to correct problems with excessive exhaust dilution.

f. Does not include any diagnostics performed or any chemical additives.

g. The readiness monitor of the repaired emission control system must be set to ready.

7. A Waiver shall not be issued to a vehicle with an inoperable check engine light.

8. Prior to referring the vehicle owner/operator to the Department for waiver eligibility, the Tester/Technician or Station shall verify that the repair and eligibility requirements of this section have been met.

9. Vehicles still under the federal emissions warranty are not eligible for a waiver until all warranties are exhausted. Warrantied repair and a tampering repair shall not be applied to the repair cost waiver limits.

10. Waivers will only be issued once during the life of the vehicle and are only valid for 60 days.

11. The Weber county I/M Program does not provide time extensions to relieve economic hardships in obtaining emission-related repairs.

12. Vehicle registration and/or title must be in applicant's name. No waivers will be issued to dealers.

Waiver Procedures:

1. All waiver requests will be performed by appointment only.

2. All evaluations for waivers will be done by using the waiver checklist.

3. When an appointment is made, the vehicle owner will be instructed to bring the following items:
   a. The vehicle that is seeking a waiver
   b. All tests (official only)
   c. All receipts
   d. The vehicle registration or title in the applicant's name.

4. Upon arrival, the individual(s) will be given a waiver application to complete. This application will be reviewed by an I/M Auditor to determine eligibility.

5. If individual(s) meet all requirements, then the vehicle will be brought in for an inspection of the emission related devices and a smoke check. After these checks are performed and vehicle passes these checks, an official emission test will be performed.

6. A waiver will not be issued if the vehicle owner fails to meet any portion of the waiver requirements, to include not having a second test done, not having the car on the road because it is being repaired, the engine is not operational, or having an expired registration.

NOT-READY VEHICLE COMPLIANCE WAIVER

A vehicle owner may be eligible for a Compliance Waiver when their vehicle is in a Not-Ready status and the following conditions are met;

1. The vehicle is not listed on the Health Department's OBDII Exempt.

2. The vehicle has an initial test conducted in the official test mode showing a Not-Ready status. The MIL is functioning correctly and is not commanded on. No pending codes are stored on the vehicle computer.

3. A second inspection has been conducted in the official test mode showing the following;

    a. Readiness monitors have not changed from Ready to Not-Ready.

    b. The test dates are separated by at least 7 days and the vehicle has traveled a minimum of 200 miles.

    c. The MIL is functioning correctly and is not commanded on. No pending codes are stored on the vehicle computer.

4. A statement is included from a test-and-repair technician or other repair technician recognized by rule, stating the appropriate diagnostics and manufacturer recommended drive cycles have been performed and the readiness monitors have not been set.

5. A third inspection showing a Not-Ready status is conducted by a second test-and-repair permitted facility and in the official test mode. The MIL is functioning correctly and is not commanded on. No pending codes are stored on the vehicle computer. Readiness monitors have not changed from Ready to Not-Ready.

6. The necessary drive cycles, diagnostics and repairs have been completed.

7. A fourth or final inspection has been conducted by the second test-and-repair permitted facility and in the official test mode showing the following;

    a. Readiness monitors have not changed from Ready to Not-Ready.

    b. The initial and final test dates are separated by at least 14 days and the vehicle has traveled a minimum of 400 miles.

    c. The MIL is functioning correctly and is not commanded on. No pending codes are stored on the vehicle computer.

8. A statement is included from a second test-and-repair technician or other technician recognized by rule, stating the appropriate diagnostics and manufacturer recommended drive cycles have been performed and the readiness monitors have not been set.

9. At least one of the statements must come from the vehicle manufacturer's dealership repair service and repair technician stating that they have performed the appropriate drive cycles and diagnostics, and they are unable to get the vehicle to reach a readiness status.

TEMPORARY PERMIT/EXTENSION

1. A vehicle owner may be eligible for a temporary permit/extension from the DMV. All vehicle owners will be referred to the DMV and will be required to meet all of their current requirements.

VEHICLE TESTING

1. Tests performed at the Vehicle Emission Center are by appointment only and include, but are not limited to the following:

   a. Official I/M test
   b. Testing of gray market vehicles
   c. Testing of kit cars
   d. Kit car engine verification
   e. Challenge test
   f. Courtesy retest
   g. Issuance of waivers
   h. Issuance of farm truck exemptions
   i. Opacity test
   j. Other tests/operations as deemed necessary

Challenge test:

   a. Test will be performed by I/M Auditor
   b. Complete testing procedures, as outlined in the Weber County I/M Regulation.
   c. A complaint report will be completed also if some follow-up action is indicated by the test results.
   d. If the test results indicate a problem with testing procedures and/or equipment of original testing station, all information will be turned over to the Program Manager for determination of action to be taken.

If test results indicate that original testing was correct and procedures were appropriate, the owner will be informed that such is the case and that he/she must comply with the requirements of the law as indicated on his/her original V.I.R.

Grey Market Vehicles:

Vehicles that were manufactured for sale outside the United States and do not have comparable emission control systems on them that a comparable U.S. vehicle would have, must be tested at the Vehicle Emission Center. Tampering requirements will be in accordance with modifications required by the EPA or as the vehicle was originally manufactured if no EPA modifications were required upon entry.

Vehicles that were manufactured for sale outside the United States but are equipped with the same emission control systems that a comparable U.S. vehicle would have may be tested at any permitted I/M station.

Kit Car Testing:

Kit cars shall be tested to the year of the engine using the applicable cut-points and tampering. If the engine is pre 1968 then cut-points and tampering for a 1968 model year shall be used for testing. A Nonconforming Vehicle Record will be completed for all kit cars.

Rebuilt Vehicles:

Rebuilt vehicles (vehicles that were totaled and rebuilt with new and/or used body parts) will be tested according to the year of the chassis.

Switched Engines:

Vehicles with switched engines shall meet all requirements of Appendix H of Weber County's I/M Regulation.

Courtesy Retests of Vehicles:

Courtesy retests will only be performed at the Vehicle Emission Center, by appointment only and without charge. In order to be eligible for a courtesy retest, the vehicle owner must produce a VIR indicating that they have paid for an emission test for the vehicle in question.

STATION INFORMATION

1. Auditors will keep files on each station in the program.

2. Each file will contain the following:
   a. Tab will contain station name and station number.
   b. A copy of station application and station checklist.
   c. A copy of the first station evaluation and performance report.
   d. A personnel cover sheet on the opposite side of file for reports on station or Emission Repair Technician(s) infractions. These reports will include date entered and detailed information and copies of any reports pertaining to entry.
   e. After each station audit, a copy of the station's evaluation and performance report will be put into the main data base.
   f. Audits shall be filed upon returning to the office.

3. New stations shall meet the requirements in section 8.0 of the I/M Regulation.

ANALYZER LOCKOUTS

1. Analyzer lockouts due to enforcement action will only be cleared by the Department.

2. Analyzer lockouts due to analyzer failure will only be cleared by the analyzer's vendor.

Station and Tester/Technician Suspension or Revocation

1. All suspensions and revocations shall be done in accordance with the Weber County I/M Regulation.

2. All Stations and Tester/Technicians shall be notified by letter when they are locked out of the analyzer.

3. Any Station or Tester/Technician that has been suspended shall not be allowed to re-certify until the suspension is served or a consent agreement has been signed and paid in full.

SMOKING VEHICLES

When a smoking vehicle complaint is received, the person who received the complaint will record the following information on an approved smoking vehicle complaint form: name of person submitting complaint, license plate, vehicle description, location, date, and time observed. The smoking vehicle complaint form will then be given to the Program Manager. The Program Manager will assign the complaint to a auditor and the following steps will take place:

1. A certified letter will be mailed to the vehicle owner informing them that their vehicle has been reported to the Weber-Morgan Health Department. The letter will contain the following information:

a. Utah State Law, 41-6a-1626(2), regarding smoking vehicles.
b. Where to bring the vehicle for the required test.
c. Timeframe (10 days) given to bring vehicle in for test.
d. Enforcement actions for not bringing in the vehicle.

2. If the vehicle is brought into the Vehicle Emissions Center within the 10 days, one of two things will happen. Either the vehicle will be tested (official I/M test and opacity test) and pass or the vehicle owner will sign a Notice of Violation stating that their vehicle failed. By signing the NOV, the vehicle owner is agreeing to make the necessary repairs within 30 days and to have the vehicle retested at the Vehicle Emissions Center.

3. If the vehicle owner does not bring their vehicle in for the required smoke test/retest within the time allotted or fails to make repairs, the DMV will send a “Notice of Revocation” letter.

4. The revocation will not be cleared until the vehicle has passed an official I/M test and opacity test at the Vehicle Emission Center.

FARM PLATES

Vehicles legally registered as Farm Trucks may be exempt from the emission inspection. Owners of these vehicles will submit an application to the Vehicle Emission Center to determination eligibility.

Vehicles with a manufactures GVW of 12,001 lbs or greater, that qualifies for registration as a farm truck under section 41-1a-1206 (agricultural use only) may go directly to the DMV and bypass the Vehicle Emissions office.

Vehicles less than 12,001 lbs GVW must qualify through the Vehicle Emissions office and meet

the following guidelines:

a. The vehicle must be a pickup truck.
b. The registered owner of the vehicle must also own or lease and operate a farm on greenbelt property.
c. The registered owner must sign the affidavit.

If all of the above criteria is met than a I/M Auditor will stamp and sign the affidavit in the appropriate space and send the individual to the DMV.

R307-110-31
and
R307-110-35

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2020**	**FY 2021**	**FY 2022**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses

This rule change is not expected to have any fiscal impacts on non-small businesses revenues or expenditures, because each county implements their own Inspection and Maintenance programs. This rule only incorporates those existing plans into the State Implementation Plan.

The Executive Director of the Department of Environmental Quality, Scott Baird, has reviewed and approved this fiscal analysis.

****"Non-small business" means a business employing 50 or more persons; "small business" means a business employing fewer than 50 persons.**

R307. Environmental Quality, Air Quality.
R307-110. General Requirements: State Implementation Plan.

R307-110-32. Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County, as most recently amended by the Utah Air Quality Board on March 4, 2020, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, PM10, PM2.5, ozone

Date of Enactment or Last Substantive Amendment: March 4, 2020
Notice of Continuation: January 27, 2017
Authorizing, and Implemented or Interpreted Law: 19-2-104

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2020**	**FY 2021**	**FY 2022**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses

This rule change is not expected to have any fiscal impacts on non-small businesses revenues or expenditures, because each county implements their own Inspection and Maintenance programs. This rule only incorporates those existing plans into the State Implementation Plan.

The Executive Director of the Department of Environmental Quality, Scott Baird, has reviewed and approved this fiscal analysis.

****"Non-small business" means a business employing 50 or more persons; "small business" means a business employing fewer than 50 persons.**

R307. Environmental Quality, Air Quality.
R307-110. General Requirements: State Implementation Plan.

R307-110-35. Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County, as most recently amended by the Utah Air Quality Board on March 4, 2020, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, PM10, PM2.5, ozone
Date of Enactment or Last Substantive Amendment: March 4, 2020
Notice of Continuation: January 27, 2017
Authorizing, and Implemented or Interpreted Law: 19-2-104

ITEM 5

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-018-20

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Alan Humpherys, Minor New Source Review Section Manager

DATE: February 21, 2020

SUBJECT: PROPOSE FOR FINAL ADOPTION: Amend R307-401. Permit: New and Modified Sources.

Staff is proposing the final adoption of amendments to R307-401 related to soil vapor extraction (SVE), air stripper systems, and sub-slab vapor mitigation systems (VMS). A public comment period ran from December 15, 2019, to January 15, 2020. Staff also conducted a public hearing on January 15, 2020. No comments were received.

Background and Summary of Changes

Rules R307-401-15 and 16 apply to SVE or air stripper systems and soil aeration projects. These rules exempt an owner or operator of a soil or groundwater remediation site from the new source review (NSR) permitting process as long as volatile organic compound (VOC) emissions are under five tons per year and hazardous air pollutants are less than their threshold values contained in R307-410-5(1)(c)(i)(c). The rules require the owner or operator to test to demonstrate compliance with the exemption levels.

R307-401 was modified to include new and updated definitions and updated testing and reporting requirements. In addition, staff added an exemption for sub-slab VMS, which are systems designed to mitigate vapor intrusion into an occupied or occupiable structure. These systems are not designed to remediate contaminated soil or groundwater. The amended rule exempts these systems from the NSR permitting process and from the requirements of R307-401-15. This exemption is included in R307-401-10(7).

On August 7, 2019, the Air Quality Board (Board) proposed for public comment amendments to R307-401 related to SVE, air stripper systems, and VMS. The public comment period was held from September 1 – 31, 2019, and staff received three comments regarding definitions and organization of the rule. The comments were attached to the Board memo in November. Staff generally agreed with the comments related to definitions and revised the rule accordingly.

However, due to the Office of Administrative Rules moving to a new system for online filings, staff was unable to submit a Change in Proposed Rule after the September 2019 public comment period. For that reason, staff decided to allow the original filing to lapse and created a new filing which incorporated the changes resulting from our proposed responses to the comments received during the September 2019 public comment period.

On November 20, 2019, the Board proposed the amended R307-401 for public comment. This public comment period ran from December 15, 2019, to January 15, 2020. No comments were received during this second public comment period. Staff also conducted a public hearing on January 15, 2020. There were no attendees at the public hearing.

Recommendation: Staff recommends that the Board adopt R307-401 as proposed.

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	$0	$0	$0

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses

These amendments will result in an unknown savings to non-small businesses. Information on how many instances the exemption will apply to an owner or operator of sub-slab vapor mitigation systems is not readily available. However, it is estimated that the savings will range between $2,800 and $3,500 per sampling event for each vent riser. Each system will have a specific vent riser count requirement. Stacks can range from four to 10 per project. As currently written, the rule requires each stack to be tested five times in the first year and twice a year after the first year for the life of the project. At a four stack site this could cost up to $70,000 in the first year, and up to $28,000 each subsequent year. Testing would be required for the life of the project.

The Executive Director of the Department of Environmental Quality, L. Scott Baird, has reviewed and approved this fiscal analysis.

****"Non-small business" means a business employing 50 or more persons; "small business" means a business employing fewer than 50 persons.**

R307. Environmental Quality, Air Quality.

R307-401. Permit: New and Modified Sources.

R307-401-2. Definitions.

"Actual emissions" (a) means the actual rate of emissions of an air pollutant from an emissions unit, as determined in accordance with R307-401-2(b) through R307-401-2(d).

(b) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit

actually emitted the air pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(c) The director may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(d) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

"Best available control technology" means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each air pollutant which would be emitted from any proposed stationary source or modification which the director, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the director determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

“Air Strippers” are systems designed to pump groundwater to the surface for treatment, usually by aeration.

"Building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same Major

Group (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively).

"Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions.

"Emissions unit" means any part of a stationary source that emits or would have the potential to emit any air pollutant.

"Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Indirect source" means a building, structure, facility, or installation which attracts or may attract mobile source activity that results in emission of a pollutant for which there is a national standard.

"Potential to emit" means the maximum capacity of a stationary source to emit an air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Secondary emissions" means emissions which occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

“Soil Aeration” is an ex-situ treatment process where excavated soil from a remediation project is spread in a thin layer to encourage biodegradation of soil contamination. Biodegradation may be stimulated through aeration or the addition of minerals, nutrients, and/or moisture.

“Soil Vapor Extraction”, or SVE, is a system designed to extract vapor phase contaminants from the subsurface. SVE systems are often combined with other technologies, such as air sparging or vacuum-enhanced recovery systems.

"Stationary source" means any building, structure, facility,

or installation which emits or may emit an air pollutant.

"Vapor Mitigation System", or VMS, is a sub-slab system whose primary purpose is mitigating vapor intrusion into an occupied, or occupiable, structure and is not intended or designed for the remediation of contaminated soil or groundwater. This definition includes both active and passive systems. Passive systems consist of a vapor barrier either below or above the slab of a structure and a venting system installed under a structure to divert vapor from beneath the structure to the sides or roofline of a structure. Active systems are similar to passive systems but incorporate a blower or fan to actively extract air from beneath the structure.

R307-401-10. Source Category Exemptions.

The source categories described in R307-401-10 are exempt from the requirement to obtain an approval order found in R307-401-5 through R307-401-8. The general provisions in R307-401-4 shall apply to these sources.

(1) Fuel-burning equipment in which combustion takes place at no greater pressure than one inch of mercury above ambient pressure with a rated capacity of less than five million BTU per hour using no other fuel than natural gas or LPG or other mixed gas that meets the standards of gas distributed by a utility in accordance with the rules of the Public Service Commission of the State of Utah, unless there are emissions other than combustion products.

(2) Comfort heating equipment such as boilers, water heaters, air heaters and steam generators with a rated capacity of less than one million BTU per hour if fueled only by fuel oil numbers 1 - 6,

(3) Emergency heating equipment, using coal or wood for fuel, with a rated capacity less than 50,000 BTU per hour.

(4) Exhaust systems for controlling steam and heat that do not contain combustion products.

(5) A well site as defined in 40 CFR 60.5430a, including centralized tank batteries, that is not a major source as defined in R307-101-2, and is registered with the Division as required by R307-505.

(6) A gasoline dispensing facility as defined in 40 CFR 63.11132 that is not a major source as defined in R307-101-2. These sources shall comply with the applicable requirements of R307-328 and 40 CFR 63 Subpart CCCCCC: National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

(7) A Vapor Mitigation System as defined in R307-401-2.

R307-401-15. Air Strippers and Soil Vapor Extraction Systems

R307-401-15 applies to remediation systems with the potential to generate air emissions, such as air strippers and soil vapor extraction (SVE) as defined in R307-401-2.

(1) The owner or operator of an air stripper or SVE remediation system is exempt from the notice of intent and approval order requirements of R307-401-5 through R307-401-8 if the following conditions are met:

(a) actual emissions of volatile organic compounds from a given project are less than 5 tons per year; and

(b) emission rates of hazardous air pollutants are below their respective threshold values contained in R307-410-5(1)(c)(i)(C).

(2) The owner or operator shall submit documentation to the director that demonstrates the project meets the exemption criteria in R307-401-15(1). Required documentation includes, but is not limited to:

(a) project summary, including location, system description, operational schedule, and schedule for construction;

(b) emission calculations and any laboratory sampling data used in calculations; and

(c) plans and specifications for the system and equipment.

(3) After beginning the soil remediation project, the owner or operator shall conduct testing to demonstrate compliance with the exemption levels in R307-401-15(1)(1) and (b). Monitoring and reporting shall be conducted as follows:

(a) Emissions for air strippers shall be based on the following:

(i) influent and effluent water samples analyzed for volatile organic compounds and hazardous air pollutants using the most recent version of USEPA Test Method 8260, Method 8021, or other EPA approved testing methods acceptable to the director; and

(ii) design water flow rate of the system or the water flow rates measured during the sample period.

(b) Emissions for SVE systems shall be based on the following:

(i) Air samples collected from a sample port in the exhaust stack of the SVE system and analyzed for volatile organic compounds and hazardous air pollutants using USEPA test method TO-15, or other EPA approved testing methods acceptable to the director.

(ii) Design air flow rate of the system or the air flow rates measured at the outlet of the SVE system during the sample period. Flow rates should be measured and reported at actual conditions.

(c) Within one month of sampling, the owner or operator shall submit to the director the sample results, estimated emissions of volatile organic compounds, and estimated emission

rates of hazardous air pollutants.

(d) Samples shall be collected at the following frequencies or more frequently as determined necessary by the director:

(i) no less than twenty-eight days and no more than thirty-one days (i.e., monthly) after startup for the first quarter;

(ii) quarterly for the remainder of the first year; and

(iii)semi-annually thereafter for the life of the project or as allowed in R307-401-15(3)(f).

(e) If an SVE or air stripper system is restarted after rehabilitation or an extended period of shutdown, the owner or operator shall recommence the sampling schedule in R307-415(3)(d), unless otherwise approved by the director.

(f) The owner or operator may request to discontinue sampling after three years of operation. To discontinue sampling, the owner or operator must submit to the director a request to discontinue monitoring.

(i) The request must include documentation demonstrating emissions have remained below the exemption levels in R307-401-15(1)(a) and (b) since startup of the system.

(ii) The request is subject to approval from the director upon consultation with other regulatory agencies involved in the project, such as Division of Environmental Response and Remediation or Division of Waste Management and Radiation Control.

(4) The following control devices do not require a notice of intent or approval order when used in relation to an air stripper or soil vapor extraction system that is exempted under R307-401-15:

(a) thermodestruction unit with a rated input capacity of less than five million BTU per hour using no other auxiliary fuel than natural gas or LPG, or

(b) carbon adsorption unit.

R307-401-16. Soil Aeration Projects.

R307-401-16 applies to soil aeration projects used to conduct soil remediation.

(1) The owner or operator of a soil aeration project is not subject to the notice of intent and approval order requirements of R307-401-5 through R307-401-8, if the following conditions are met:

(a) emissions of volatile organic compounds from a given soil aeration project are less than 5 tons per year; and

(b) emission rates of hazardous air pollutants are below their respective threshold values contained in R307-410-(1)(c)(i)(C).

(2) The owner or operator shall submit documentation to the director demonstrating the project meets the exemption criteria in R307-401-16(1). The owner or operator shall receive approval from

the director for the exemption prior to beginning the remediation project. Required documentation includes, but is not limited to:

(a) calculated emissions of volatile organic compounds and estimated emission rates of hazardous air pollutants from all soils to be treated from the soil aeration project.

(b) Emission calculations shall be based on soil samples of the soils to be remediated. Samples shall be analyzed for volatile organic compounds and hazardous air pollutants using the most recent version of USEPA Test Method 8260, Method 8021, or other EPA approved testing methods acceptable to the director. Emission calculations should be based on the methodology in EPA guidance *"Air Emissions from the Treatment of Soils Contaminated with Petroleum Fuels and Other Substances"* (EPA-600/R-92-124) or other methodology acceptable to the director.

(c) Location where soil aeration will occur and where the remediated material originated.

(3) The owner or operator is exempt from the reporting requirements in R307-401-16(2) if excavated soils are disposed of at a disposal or treatment facility, such as a landfill, solid waste management facility, or a landfarm facility, that is owned or operated by a third party and operates under an existing approval order.

KEY: air pollution, permits, approval orders, greenhouse gases
Date of Enactment or Last Substantive Amendment: June 6, 2019
Notice of Continuation: May 15, 2017
Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(q); 19-2-108

ITEM 6

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-016-20

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Liam Thrailkill, Rules Coordinator

DATE: February 21, 2020

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Repeal R307-165. Emission Testing and Reenact R307-165. Stack Testing.

The Division of Air Quality (DAQ) is proposing the repeal and reenactment of R307-165 that outlines the requirements for notifying, conducting, and reporting stack tests. The existing rule lacks the requirement for stack testing results to be submitted to DAQ. To align with federal requirements, the rule was opened for this addition. The DAQ then determined that the rule should be updated to align with current stack testing practices, rule formatting, and for general clarity. Based on the multitude of changes, DAQ is proposing the repeal of the existing R307-165 and reenactment with the proposed rule.

Notable changes between the existing and proposed rule include the modification of the testing frequency section, removal of appeals to the Air Quality Board (Board) for stack testing frequency exemptions, the clarification of the Purpose and Applicability section, conformity with existing Part H stack testing conditions, and the addition and specification of Reporting Requirements. The decision to remove the appeal language is additionally based on the lack of historical appeals. Further, appeals for test frequency variances were not in line with stack testing requirements as imposed through federal regulations, R07-401, or Part H of the State Implementation Plan.

The proposed R307-165 was shared with stakeholders. Comments were received and changes were incorporated including clarification of applicability; alignment of the requirements in R307-165-4, Test Conditions, with Part H, and the removal of a stack testing definition. EPA has reviewed the proposed changes and indicated they are approvable.

Recommendation: Staff recommends that the Board repeal existing R307-165. Emission Testing and reenact the proposed R307-165, Stack Testing, for public comment.

[~~**R307. Environmental Quality, Air Quality.**~~
~~**R307-165. Emission Testing.**~~
~~**R307-165-1. Purpose.**~~
~~R307-165 establishes the frequency of emission testing requirements for all areas in the state.~~

~~**R307-165-2. Testing Every 5 Years.**~~
~~Emission testing is required at least once every five years of all sources with established emission limitations specified in approval orders issued under R307-401 or in section IX, Part H of the Utah state implementation plan. In addition, if the director has reason to believe that an applicable emission limitation is being exceeded, the director may require the owner or operator to perform such emission testing as is necessary to determine actual compliance status. Sources approved in accordance with R307-401 will be tested within six months of start-up. The Board may grant exceptions to the mandatory testing requirements of R307-165-2 that are consistent with the purposes of R307.~~

~~**R307-165-3. Notification of DAQ.**~~
~~At least 30 days prior to conducting any emission testing required under any part of R307, the owner or operator shall notify the director of the date, time and place of such testing and, if determined necessary by the director, the owner or operator shall attend a pretest conference.~~

~~**R307-165-4. Test Conditions.**~~
~~All tests shall be conducted while the source is operating at the maximum production or combustion rate at which such source will be operated. During the tests, the source shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operations. In addition, the source shall operate under such other relevant conditions as the director shall specify.~~

~~**R307-165-5. Rejection of Test Results.**~~
~~The director may reject emissions test data if they are determined to be incomplete, inadequate, not representative of operating conditions specified for the test, or if the director was not provided an opportunity to have an observer present at the test.~~

~~**KEY: air pollution, emission testing**~~
~~**Date of Enactment or Last Substantive Amendment: September 2, 2005**~~
~~**Notice of Continuation: February 5, 2015**~~
~~**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)**~~**]**

R307. Environmental Quality, Air Quality.
R307-165. Stack Testing.
R307-165-1. Purpose and Applicability.

(1) The purpose of R307-165 is to establish the requirements for stack testing.

(2) R307-165 applies to all emissions units with established source-specific emission limitations as specified in approval orders issued under R307-401 or in Section IX, Part H of the Utah state implementation plan.

(3) R307-165 does not apply to opacity limitations or emissions units with emissions monitored under R307-170.

R307-165-2. Testing Frequency.

(1) The owner or operator of an emissions unit as per R307-165-1(2) shall conduct stack testing at least once every five years. More frequent testing may be required as specified in an applicable federal rule, approval order, Title V permit, or State Implementation Plan.

(2) If the director has reason to believe that an applicable emission limitation is being exceeded, the owner or operator shall perform such stack testing as is necessary to determine the actual compliance status and as required by the director.

(3) The owner or operator shall conduct stack testing of emissions units approved in accordance with R307-401 within 180 days of startup.

R307-165-3. Notification of DAQ.

(1) Unless otherwise specified by federal rule, the owner or operator shall notify the director of the date, time and place of stack testing no less than 30 days, before conducting a stack test, and provide a copy of the source test protocol to the director.

(2) The source shall obtain approval of the protocol from the director prior to conducting the test. The source test protocol shall:

(a) identify the reason for the test(s);

(b) outline the proposed test methodologies;

(c) identify the stack(s) to be tested; and

(d) identify the procedures to be used.

(3) The owner or operator shall attend a pretest conference if determined necessary by the director.

R307-165-4. Test Conditions.

(1) The production rate during all stack testing shall be no less than 90% of the maximum production rate achieved in the previous three years. If the desired production rate is not achieved at the time of the test, the maximum production rate shall be 110% of the tested achieved rate, but not more than the maximum allowable production rate. This new allowable maximum production rate shall remain in effect until

successfully tested at a higher rate. The owner/operator shall request a higher production rate when necessary. Testing at no less than 90% of the higher rate shall be conducted. A new maximum production rate (110% of the new rate) will then be allowed if the test is successful. This process may be repeated until the maximum allowable production rate is achieved.

(2) During the stack testing, the owner or operator shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operations of the emissions unit.

(3) The owner or operator shall operate the emissions unit under such other relevant conditions as the director shall specify.

R307-165-5. Reporting.

The owner or operator shall submit a written report of the results from the stack testing to the director no later than 60 days after completion of the stack testing. The report shall include validated results and supporting information.

R307-165-6. Rejection of Test Results.

The director may reject stack testing results if determined to be incomplete, inadequate, not representative of operating conditions specified for the test, or if the director was not provided an opportunity to have an observer present at the test.

KEY: air pollution, stack testing
Date of Enactment or Last Substantive Amendment:
Notice of Continuation:
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)

State of Utah
Administrative Rule Analysis
Revised December 2019

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New ___; Amendment ___; Repeal ___; Repeal and Reenact _X__		
	Title No. - Rule No. - Section No.	
Utah Admin. Code Ref (R no.):	**R307-165**	**Filing No. (Office Use Only)**
Changed to Admin. Code Ref. (R no.):	**R**	

Agency Information

1. Department:	Department of Environmental Quality	
Agency:	Division of Air Quality	
Room no.:		
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO BOX 144820	
City, state, zip:	Salt Lake City, UT 84116-4820	
Contact person(s):		
Name:	**Phone:**	**Email:**
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:

Stack Testing

3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?)**:**

The reason for the repeal and reenact was to add R307-165-5, Reporting Requirements, and to re-organize the rule to make it more readable. With all of the changes made in reorganization, staff deemed it simpler and more efficient to do a complete repeal and reenact.

4. Summary of the new rule or change:

The main changes in the new rule from the old rule are the addition of a reporting section, changing rule formatting, and general clarity corrections to the text. More notable changes include removing the appeals to the board for stack testing frequency exemptions, clarifying the Purpose and Applicability section, and conforming with existing Part H stack testing conditions.

A public hearing is set for Monday, May 4th, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Friday, May 1st, 2020, at 5:00PM MT. The final status of the public hearing will be posted on Friday, May 1st, after 5:00PM MT. The status of the public hearing may be checked at the following website location under the corresponding rule.

https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The reenacted rule is not anticipated to have any additional costs or benefits to the state budget.

B) Local governments:

The reenacted rule is not anticipated to have any additional costs or benefits to local governments.

C) Small businesses ("small business" means a business employing 1-49 persons)**:**

The reenacted rule is not anticipated to have any additional costs or benefits to small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**

The reenacted rule is not anticipated to have any additional costs or benefits to non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**

The reenacted rule is not anticipated to have any additional costs or benefits to persons other than small businesses, non-small businesses, state, or local government entities.

F) Compliance costs for affected persons:

The reenacted rule is not anticipated to cause any additional compliance costs for affected persons.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	**FY2020**	**FY2021**	**FY2022**
State Government	$0	$0	$0
Local Governments	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Governments	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**

H) Department head approval of regulatory impact analysis:

The head of the Department of Environmental Quality, Scott Baird, has reviewed and approves of this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The reenacted rule is being implemented to formally add reporting requirements into the rule, remove the specific five-year testing requirements, remove the appeals to the board for testing frequency, and make general clarifying changes to the rule. The reenacted rule is not anticipated to have any fiscal impact on businesses.

B) Name and title of department head commenting on the fiscal impacts:

Scott Baird, Department Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

8. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*)**:**	
	First Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*)**:**	
	Second Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until (mm/dd/yyyy)**:**		05/04/2020
B) A public hearing (optional) will be held:		
On (mm/dd/yyyy)**:**	**At** (hh:mm AM/PM)**:**	**At** (place)**:**
05/04/2020	10:00 AM	Multi Agency State Office Building Division of Air Quality, Fourth Floor 195 N 1950 W Salt Lake City, UT 84116

10. This rule change MAY become effective on (mm/dd/yyyy)**:**	06/03/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

Agency head or designee, and title:	Bryce Bird, Division Director	**Date** (mm/dd/yyyy)**:**	02/18/2020

~~**R307. Environmental Quality, Air Quality.**~~
~~**R307-165. Emission Testing.**~~
~~**R307-165-1. Purpose.**~~
~~R307-165 establishes the frequency of emission testing requirements for all areas in the state.~~

~~**R307-165-2. Testing Every 5 Years.**~~
~~Emission testing is required at least once every five years of all sources with established emission limitations specified in approval orders issued under R307-401 or in section IX, Part H of the Utah state implementation plan. In addition, if the director has reason to believe that an applicable emission limitation is being exceeded, the director may require the owner or operator to perform such emission testing as is necessary to determine actual compliance status. Sources approved in accordance with R307-401 will be tested within six months of start-up. The Board may grant exceptions to the mandatory testing requirements of R307-165-2 that are consistent with the purposes of R307.~~

~~**R307-165-3. Notification of DAQ.**~~
~~At least 30 days prior to conducting any emission testing required under any part of R307, the owner or operator shall notify the director of the date, time and place of such testing and, if determined necessary by the director, the owner or operator shall attend a pretest conference.~~

~~**R307-165-4. Test Conditions.**~~
~~All tests shall be conducted while the source is operating at the maximum production or combustion rate at which such source will be operated. During the tests, the source shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operations. In addition, the source shall operate under such other relevant conditions as the director shall specify.~~

~~**R307-165-5. Rejection of Test Results.**~~
~~The director may reject emissions test data if they are determined to be incomplete, inadequate, not representative of operating conditions specified for the test, or if the director was not provided an opportunity to have an observer present at the test.~~

~~**KEY: air pollution, emission testing**~~
~~**Date of Enactment or Last Substantive Amendment: September 2, 2005**~~
~~**Notice of Continuation: February 5, 2015**~~
~~**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)**~~

R307. Environmental Quality, Air Quality.
R307-165. Stack Testing.
R307-165-1. Purpose and Applicability.

(1) The purpose of R307-165 is to establish the requirements for stack testing.

(2) R307-165 applies to all emissions units with established source-specific emission limitations as specified in approval orders issued under R307-401 or in Section IX, Part H of the Utah state implementation plan.

(3) R307-165 does not apply to opacity limitations or emissions units with emissions monitored under R307-170.

R307-165-2. Testing Frequency.

(1) The owner or operator of an emissions unit as per R307-165-1(2) shall conduct stack testing at least once every five years. More frequent testing may be required as specified in an applicable federal rule, approval order, Title V permit, or State Implementation Plan.

(2) If the director has reason to believe that an applicable emission limitation is being exceeded, the owner or operator shall perform such stack testing as is necessary to determine the actual compliance status and as required by the director.

(3) The owner or operator shall conduct stack testing of emissions units approved in accordance with R307-401 within 180 days of startup.

R307-165-3. Notification of DAQ.

(1) Unless otherwise specified by federal rule, the owner or operator shall notify the director of the date, time and place of stack testing no less than 30 days, before conducting a stack test, and provide a copy of the source test protocol to the director.

(2) The source shall obtain approval of the protocol from the director prior to conducting the test. The source test protocol shall:
(a) identify the reason for the test(s);
(b) outline the proposed test methodologies;
(c) identify the stack(s) to be tested; and
(d) identify the procedures to be used.

(3) The owner or operator shall attend a pretest conference if determined necessary by the director.

R307-165-4. Test Conditions.

(1) The production rate during all stack testing shall be no less than 90% of the maximum production rate achieved in the previous three years. If the desired production rate is not achieved at the time of the test, the maximum production rate shall be 110% of the tested achieved rate, but not more than the maximum allowable production rate. This new allowable maximum production rate shall remain in effect until successfully tested at a higher rate. The owner/operator shall request a higher production rate when necessary. Testing at no less than 90% of the higher rate shall be conducted. A new maximum production rate (110% of the new rate) will then be allowed if the test is successful. This process may be repeated until the maximum allowable production rate is achieved.

(2) During the stack testing, the owner or operator shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operations of the emissions unit.

(3) The owner or operator shall operate the emissions unit under such other relevant conditions as the director shall specify.

R307-165-5. Reporting.

The owner or operator shall submit a written report of the results from the stack testing to the director no later than 60 days after completion of the stack testing. The report shall include validated results and supporting information.

R307-165-6. Rejection of Test Results.

The director may reject stack testing results if determined to be incomplete, inadequate, not representative of operating conditions specified for the test, or if the director was not provided an opportunity to have an observer present at the test.

KEY: air pollution, stack testing
Date of Enactment or Last Substantive Amendment:
Notice of Continuation:
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)

ITEM 7

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-008-20

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Liam Thrailkill, Rules Coordinator

DATE: February 19, 2020

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-101-3. Version of Code of Federal Regulations Incorporated by Reference; R307-210. Standards of Performance for New and Stationary Sources; R307-214. National Emissions Standards for Hazardous Air Pollutants; R307-405-2. Permits: Major Sources in Attainment or Unclassified Areas (PSD). Applicability; and R307-410. Permits: Emissions Impact Analysis.

R307-101-3, Version of Code of Federal Regulations Incorporated by Reference, must be updated periodically to reflect changes to the federal air quality regulations as published in Title 40 of the Code of Federal Regulations (40 CFR). All published changes to 40 CFR that are relevant to the Utah Air Quality Rules from July 1, 2017, to July 1, 2019, are listed in the attached document named *Summary of Changes for R307-101-3.* The rule has been amended to identify the most recent version of 40 CFR, July 1, 2019, as the version that is incorporated throughout the Utah Air Quality Rules.

R307-210, Standards of Performance for New Stationary Sources (NSPS), must be updated periodically to reflect changes to federal air quality regulations found in 40 CFR Part 60. All published changes to 40 CFR Part 60 from July 1, 2017, to July 1, 2019, are listed in the attached document named *Summary of Changes for R307-210.* To reflect these changes, R307-210 must be amended to incorporate by reference the July 1, 2019, version of 40 CFR Part 60.

R307-214, National Emission Standards for Hazardous Air Pollutants (NESHAPs), must be updated periodically to reflect changes to the NESHAPs as published in 40 CFR Parts 61 and 63. All published changes to 40 CFR Parts 61 and 63 from July 1, 2017, to July 1, 2019, are listed in the attached document

named *Summary of Changes for R307-214.* To reflect these changes, R307-214 must be amended to incorporate by reference the July 1, 2019, version of 40 CFR Parts 61 and 63.

R307-405-2. Permits: Major Sources in Attainment or Unclassified Areas (PSD). Applicability; and R307-410. Permits: Emissions Impact Analysis, currently need to be amended individually to incorporate the most recent version of the Code of Federal Regulations. To streamline the process, DAQ staff have amended both rules for future rulemaking. With the amended changes, R307-405-2 and R307-410 will no longer need to be amended individually to update their Code of Federal Regulations incorporation, but will now fall under R307-101-3. Since both R307-405-2 and R307-410 were amended recently to update their incorporation of the Code of Federal Regulations, there are no changes to be noted.

Recommendation: Staff recommends that the Board propose the amended R307-101-3, R307-210, R307-214. R307-405-2, and R307-410 for public comment.

R307. Environmental Quality, Air Quality.
R307-101. General Requirements.

R307-101-3. Version of Code of Federal Regulations Incorporated by Reference.

Except as specifically identified in an individual rule, the version of the Code of Federal Regulations (CFR) incorporated throughout R307 is dated July 1, 201<u>9</u>[~~7~~].

KEY: air pollution, definitions
Date of Enactment or Last Substantive Amendment: [~~February 7, 2019~~]<u>2020</u>
Notice of Continuation: November 13, 2018
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

State of Utah
Administrative Rule Analysis
Revised December 2019

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New ___; Amendment ___; Repeal ___; Repeal and Reenact ___		
	Title No. - Rule No. - Section No.	
Utah Admin. Code Ref (R no.):	**R307-101-3**	**Filing No. (Office Use Only)**
Changed to Admin. Code Ref. (R no.):	**R**	

Agency Information

1. Department:	Department of Environmental Quality	
Agency:	Division of Air Quality	
Room no.:		
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO BOX 144820	
City, state, zip:	Salt Lake City, UT 84116-4820	
Contact person(s):		
Name:	**Phone:**	**Email:**
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:

Version of Code of Federal Regulations Incorporated by Reference.

3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?)**:**

This rule is updated to reflect changes to the federal air quality regulations as published in Title 40 of the Code of Federal Regulations.

4. Summary of the new rule or change:

This filing amends the rule to incorporate all changes within the updated version of Title 40 of the Code of Federal Regulations form July 1, 2017, to July 1, 2019.

A public hearing is set for Monday, May 4th, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Friday, May 1st, 2020, at 5:00PM MT. The final status of the public hearing will be posted on Friday, May 1st, after 5:00PM MST. The status of the public hearing may be checked at the following website location under the corresponding rule.

https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This rule incorporates already existing federal regulations. No additional costs or benefits affect the state budget after incorporation.

B) Local governments:

This rule incorporates already existing federal regulations. No additional costs or benefits affect local governments after incorporation.

C) Small businesses ("small business" means a business employing 1-49 persons)**:**

This rule incorporates already existing federal regulations. No additional costs or benefits affect small businesses after incorporation.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**

This rule incorporates already existing federal regulations. No additional costs or benefits affect non-small businesses after incorporation.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**

This rule incorporates already existing federal regulations. No additional costs or benefits affect persons other than small-businesses, non-small businesses, state, or local government-entities after incorporation.

F) Compliance costs for affected persons:

There are no new compliance costs as a result of incorporation.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	**FY2020**	**FY2021**	**FY2022**
State Government	$0	$0	$0
Local Governments	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Governments	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**

H) Department head approval of regulatory impact analysis:

Scott Baird, Executive Director for the Department of Environmental Quality, has reviewed and accepts this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

Due to the nature of incorporating already existing federal regulations into state rules, no additional fiscal impacts on businesses will result from this amendment.

B) Name and title of department head commenting on the fiscal impacts:

Scott Baird, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Subsection 19-2-104(1)(a)		

Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

8. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*)**:**

	First Incorporation
Official Title of Materials Incorporated (from title page)	Code of Federal Regulations
Publisher	Office of Federal Register
Date Issued	07/01/2017
Issue, or version	Title 40

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*)**:**

	Second Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until (mm/dd/yyyy)**:**	05/04/2020

B) A public hearing (optional) will be held:

On (mm/dd/yyyy)**:**	**At** (hh:mm AM/PM)**:**	**At** (place)**:**
05/04/2020	09:00 AM	Multi Agency State Office Building 195 N, 1950 W Fourth Floor, Division of Air Quality Salt Lake City, UT 84116

10. This rule change MAY become effective on (mm/dd/yyyy)**:**	06/03/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

Agency head or designee, and title:	Bryce Bird, Division Director	**Date** (mm/dd/yyyy)**:**	02/10/2020

R307. Environmental Quality, Air Quality.
R307-101. General Requirements.

R307-101-3. Version of Code of Federal Regulations Incorporated by Reference.

Except as specifically identified in an individual rule, the version of the Code of Federal Regulations (CFR) incorporated throughout R307 is dated July 1, 2019[~~7~~].

KEY: air pollution, definitions
Date of Enactment or Last Substantive Amendment: [~~February 7, 2019~~]2020
Notice of Continuation: November 13, 2018
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

R307-101-3:
Summary of CFR Changes from July 1, 2017, to July 1, 2019

Rule	CFR section Incorporated	Summary of Changes to CFR
R307-101-2	40 CFR 51.100(s)	40 CFR 51.100(s)(1) was revised by amending the introductory text. This final action revised the regulatory definition of VOC under the Clean Air Act (CAA). This final action added HFO-1336mzz-Z to the list of compounds excluded from the regulatory definition of VOC on the basis that this compound makes a negligible contribution to tropospheric ozone (O3) formation. **83 Fed. Reg. 61127 (November 28, 2018)**
	40 CFR 93, Subpart B	No Change
R307-170-7	40 CFR 75, Appendix A, Section 6.2	No Change
R307-221-2	Definitions 40 CFR 60.751	No Change
R307-221-3	40 CFR 60.752 through 60.759, including Appendix A	Appendix A-1 Method 2B. In Method 2B, in section 12.1, the definition of ambient carbon dioxide concentration was revised to read "$(CO_2)_a$ = Ambient carbon dioxide concentration, ppm (if not measured during the test period, may be assumed to equal the global monthly mean CO2 concentration posted at http://www.esrl.noaa.gov/gmd/ccgg/trends/global.html#global_data)." The agency continues to believe that the global monthly mean $(CO_2)_a$ concentration varies over time. Also, a website link is added to the definition as specified at proposal. Appendix A-3 Method 5 Section 6.1.1.9 is revised to allow the use of a single temperature sensor in lieu of two temperature sensors on the dry gas meter as allowed by Technical Information Document 19 (TID–19) and the approved broadly applicable alternative, ALT–117 (see https://www.epa.gov/emc). Consistent with allowing flexibility for the weighing container in section 11.2.1, Method 5B, the first sentence in section 11.2.1, Method 5 is revised similarly. Method 5B Section 11.0 is revised to replace the reference to Method 5, section 11.0 with specific analytical procedures and to report the results using Figure 5B–1 for complete data review. Section 17.0 is revised as proposed to delete the word ''Reserved'' from the title, and Figure 5B–1 (Analytical Data Sheet) is added. Appendix A-4 Method 7 In Method 7, sections 10.1.2 and 11.3 reference erroneous sections; the correct section was inserted. The referenced section 10.1.1.2 is changed to 10.1.1 to include procedures in both sections 10.1.1.1 and 10.1.1.2.

R307-101-3:
Summary of CFR Changes from July 1, 2017, to July 1, 2019

Rule	CFR section Incorporated	Summary of Changes to CFR
		Method 8 Method 8, sections 6.1.1.1 through 6.1.1.4 are renumbered to 6.1.1.2 through 6.1.1.5; a new section 6.1.1.1 is added to clarify the requirements that apply to the probe nozzle; and, in response to comments, Figure 8–1 (Sulfuric Acid Sampling Train) was corrected by: (1) Modifying the impinger graphics to make it consistent with the text in section 6.1.1.4 and (2) revising the proposed label S-Type Pitot Tube to Type S Pitot Tube for consistency. The first sentence in section 6.1.1.1was revised to ‘‘Borosilicate or quartz glass with a sharp, tapered leading edge and coupled to the probe liner using a polytetrafluoroethylene (PTFE) or glasslined union (e.g., fused silica, Silico, or equivalent).’’ Based on a public comment that recommended adding Silco coated stainless steel unions as an option for Teflon unions, and for consistency with other test methods, we have replaced Teflon with the generic option polytetrafluoroethylene (PTFE). Appendix A-6 Method 18 In Method 18, in section 13.1, the erroneous paragraph (c) designation was re-designated as (b). Appendix A-7 Method 22 In Method 22, sections 11.2.1 and 11.2.2 were revised to allow digital photography to be used for a subset of the recordkeeping requirements. Section 11.2.3 is added to specify the requirements for digital photographic records. In response to comments on the proposal, the next to the last sentence in section 11.2.3 regarding photographs that must be taken within 15 minutes of the observation period was revised from the proposal, and another sentence was added to provide clarity. The revised and new sentences read: ‘‘The photograph(s) representing the environmental conditions including the sky conditions and the position of the sun relative to the observer and the emission point must be taken within a reasonable time of the observation (i.e., 15 minutes). When observations are taken from exactly the same observation point on a routine basis (e.g., daily) and as long as there are no modifications to the units depicted, only a single photograph each day is necessary to document the observer’s location relative to the emissions source, the process unit being observed, and the location of potential and actual emission points.’’ The agency notes that ALT–109 (see https://www.epa.gov/emc) is the associated broadly applicable alternative that allows the use of digital photographs for specific recordkeeping requirements. Appendix A-8 Method 26 Method 26, section 6.2.2 was revised to allow the use of glass sample storage containers as an option to allow flexibility and to be consistent with Method 26A. The proposed title of section 6.2.2, ‘‘Storage Bottles,’’ was changed to ‘‘Storage Containers’’ to be consistent with the language in section 6.2.2.

R307-101-3:
Summary of CFR Changes from July 1, 2017, to July 1, 2019

Rule	CFR section Incorporated	Summary of Changes to CFR
		Method 26A Method 26A, section 6.2.1 was revised to remove the language regarding sample storage containers. In response to comments on the proposal, EPA determined that high-density polyethylene is an acceptable material for sample storage containers in addition to the currently allowed glass. Therefore, in a new section 6.2.4., EPA specified that both high-density polyethylene and glass are acceptable sample storage containers. Method 28WHH In Test Method 28WHH, equation 8 in section 13.5.1 was corrected. **83 FR 56922 (November 14, 2018)**
R307-221-4	Section 40 CFR Part 60.18	No Change
R307-222-2	40 CFR 60.31e	No Change
R307-222-2	40 CFR 60.51c	No Change
R307-222-3	40 CFR 60.52c(b), 40 CFR 60.53c, 40 CFR 60.55c, 40 CFR 60.58c(b) excluding (b)(2)(ii) and (b)(7), and 40 CFR 60.58c(c) through (f)	No Change
R307-222-4	Table 1A and Table 1B in 40 CFR Part 60, Subpart Ce; 40 CFR 60.57c; and 40 CFR 60.56c, excluding 56c(b)(12) and 56c(c)(3)	No Change
R307-222-5(2)	Table 2 in 40 CFR Part 60, Subpart Ce (40CFR60.30e-39e)	No Change
R307-222-5(3)	40 CFR 60.36e(a)(1) and (a)(2)	No Change
R307-222-5(4)	Testing requirements of 40 CFR 60.37e(b)(1) through (b)(5)	No Change

R307-101-3:
Summary of CFR Changes from July 1, 2017, to July 1, 2019

Rule	CFR section Incorporated	Summary of Changes to CFR
R307-222-5(5)	40 CFR 60.37e(d)(1) through (d)(3)	No Change
R307-222-5(6)	40 CFR 60.38e(b)(1) and (b)(2)	No Change
R307-223-1(2)	40 CFR 60.1555(a) through (k) 40 CFR 60.1940	No Change
R307-223-2(1)	40 CFR 60.1940 Equations found in 40 CFR 60.1935	No Change
R307-223-2(2)	Equations found in 40 CFR 60.1935 40 CFR 60.1540 and 60.1585 through 60.1905, and with the requirements and schedules set forth in Tables 2 through 8 that are found following 40 CFR 60.1940 for operator training and certification	No Change
R307-223-3(1)	40 CFR 60.1540 and 60.1585 through 60.1905, and with the requirements and schedules set forth in Tables 2 through 8 that are found following 40 CFR 60.1940 for operator training and certification 40 CFR Part 60, subpart HHHH, Sections 60.4101 through 60.4124; (b) Sections 60.4142 paragraph (c)(2) through paragraph (c)(4); (c) Sections 60.4150 through 60.4176.	No Change

R307-101-3:
Summary of CFR Changes from July 1, 2017, to July 1, 2019

Rule	CFR section Incorporated	Summary of Changes to CFR
R307-224-2	40 CFR Part 60, subpart HHHH, Sections 60.4101 through 60.4124; (b) Sections 60.4142 paragraph (c)(2) through paragraph (c)(4); (c) Sections 60.4150 through 60.4176. Definitions contained in 40 CFR 93.101	No Change
R307-310-2	40 CFR Part 93.101	No Change
R307-328	40 CFR Parts 63.421, 63.425(e), 63.425(i), and Reference Methods of 40 CFR Part 60.,	No Change
R307-415	40 CFR Parts 72.2, 72, 61.145, 720.3(ee), 70.8(d), 70.7(g), 72.421	No Change
R307-417-1	40 CFR Part 72	No Change
R307-417-2	40 CFR Part 75	No Change
R307-417-3	40 CFR Part 76	No Change
R307-801-4	40 CFR 763 Subpart E, and appendices	No Change

R307. Environmental Quality, Air Quality.
R307-210. Standards of Performance for New Stationary Sources.
R307-210-1. Standards of Performance for New Stationary Sources.

The provisions of 40 Code of Federal Regulations (CFR) Part 60, effective on July 1, 201<u>9</u>[~~7~~], except for Subparts Cb, Cc, Cd, Ce, BBBB, DDDD, and HHHH, are incorporated by reference into these rules with the exception that references in 40 CFR to "Administrator" shall mean "director" unless by federal law the authority referenced is specific to the Administrator and cannot be delegated.

KEY: air pollution, stationary sources, new source review
Date of Enactment or Last Substantive Amendment: [~~May 23, 2018~~]<u>2020</u>
Notice of Continuation: May 12, 2016
Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(q); 19-2-108

State of Utah
Administrative Rule Analysis
Revised December 2019

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New ___; Amendment __X_; Repeal ___; Repeal and Reenact ___		
	Title No. - Rule No. - Section No.	
Utah Admin. Code Ref (R no.):	**R307-210**	**Filing No. (Office Use Only)**
Changed to Admin. Code Ref. (R no.):	**R**	

Agency Information

1. Department:	Department of Environmental Quality	
Agency:	Division of Air Quality	
Room no.:		
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO BOX 144820	
City, state, zip:	Salt Lake City, UT 84116-4820	
Contact person(s):		
Name:	**Phone:**	**Email:**
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:

Standards of Performance for New Stationary Sources.

3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?)**:**

This rule is amended to reflect changes to the federal air quality regulations as published in Title 40 of the Code of Federal Regulations.

4. Summary of the new rule or change:

This filing amends the rule to incorporate all changes within the updated version of Title 40 of the Code of Federal Regulations from July 1, 2017, to July 1, 2019.

A public hearing is set for Monday, May 4th, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Friday, May 1st, 2020, at 5:00PM MT. The final status of the public hearing will be posted on Friday, May 1st, after 5:00PM MST. The status of the public hearing may be checked at the following website location under the corresponding rule.

https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This rule incorporates already existing federal regulations. No additional costs or benefits affect the state budget after incorporation.

B) Local governments:

This rule incorporates already existing federal regulations. No additional costs or benefits affect local governments after incorporation.

C) Small businesses ("small business" means a business employing 1-49 persons)**:**

This rule incorporates already existing federal regulations. No additional costs or benefits exist for small businesses after incorporation.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**

This rule incorporates already existing federal regulations. No additional costs or benefits exist for non-small businesses after incorporation.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**

This rule incorporates already existing federal regulations. No additional costs or benefits exist for persons other than small business, non-small businesses, state, or local government entities after incorporation.

F) Compliance costs for affected persons:

There are no new compliance costs as a result of incorporation.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	**FY2020**	**FY2021**	**FY2022**
State Government	$0	$0	$0
Local Governments	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Governments	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**

H) Department head approval of regulatory impact analysis:

Scott Baird, Executive Director for the Department of Environmental Quality, has reviewed and accepts this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

Due to the nature of the incorporated materials already existing as federal regulations, the incorporation into state rules will result in no additional fiscal impacts on businesses.

B) Name and title of department head commenting on the fiscal impacts:

Scott Baird, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

19-2-104(1)(a)		

Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

8. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*)**:**

	First Incorporation
Official Title of Materials Incorporated (from title page)	Code of Federal Regulations
Publisher	Office of the Federal Register
Date Issued	07/01/2019
Issue, or version	Title 40

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*)**:**

	Second Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until (mm/dd/yyyy)**:**	05/04/2020

B) A public hearing (optional) will be held:

On (mm/dd/yyyy)**:**	**At** (hh:mm AM/PM)**:**	**At** (place)**:**
05/04/2020	09:00 AM	Multi Agency State Office Building Fourth Floor, Division of Air Quality 195 N 1950 W Salt Lake City, UT 84116

10. This rule change MAY become effective on (mm/dd/yyyy)**:**	06/03/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

Agency head or designee, and title:	Bryce Bird, Division Director	**Date** (mm/dd/yyyy)**:**	02/10/2020

R307. Environmental Quality, Air Quality.
R307-210. Standards of Performance for New Stationary Sources.
R307-210-1. Standards of Performance for New Stationary Sources.

The provisions of 40 Code of Federal Regulations (CFR) Part 60, effective on July 1, 2019[~~7~~], except for Subparts Cb, Cc, Cd, Ce, BBBB, DDDD, and HHHH, are incorporated by reference into these rules with the exception that references in 40 CFR to "Administrator" shall mean "director" unless by federal law the authority referenced is specific to the Administrator and cannot be delegated.

KEY: air pollution, stationary sources, new source review
Date of Enactment or Last Substantive Amendment: [~~May 23, 2018~~]2020
Notice of Continuation: May 12, 2016
Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(q); 19-2-108

R307-210
Final Standards of Performance for Stationary Sources (NSPS)
From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
40 CFR 60.17	In § 60.17, revised paragraph (h)(177) to read as follows: § 60.17 Incorporations by reference. * * * * * (h) * * * (177) ASTM D6216–12, Standard Practice for Opacity Monitor Manufacturers to Certify Conformance with Design and Performance Specifications, approved October 1, 2012; IBR approved for appendix B to part 60. * 83 FR No. 220 (November 14, 2018) . Section 60.17 was amended by revising paragraph (g)(14) to read as follows: § 60.17 Incorporations by reference. * * * * * (g) * * * (14) ASME/ANSI PTC 19.10–1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], (Issued August 31, 1981), IBR approved for §§ 60.56c(b), 60.63(f), 60.106(e), 60.104a(d), (h), (i), and (j), 60.105a(b), (d), (f), and (g), 60.106a(a), 60.107a(a), (c), and (d), tables 1 and 3 to subpart EEEE, tables 2 and 4 to subpart FFFF, table 2 to subpart JJJJ, §§ 60.285a(f), 60.4415(a), 60.2145(s) and (t), 60.2710(s), (t), and (w), 60.2730(q), 60.4900(b), 60.5220(b), tables 1 and 2 to subpart LLLL, tables 2 and 3 to subpart MMMM, §§ 60.5406(c), 60.5406a(c), 60.5407a(g), 60.5413(b), 60.5413a(b), and 60.5413a(d). 83 FR No.227 (November 26, 2018) Amended § 60.17 by: a. In paragraph (g)(14), by removing ‘‘60.2710(s), (t), and (w),’’and adding, it its place, ‘‘60.2710(s) and (t),’’; and b. In paragraph (h)(190), by removing ‘‘tables 1, 5,’’ and adding, in its place, ‘‘tables 5,’’. **84 FR No. 73 (April 16, 2019)**
40 CFR 60.48Da (f)	No Changes
40 CFR 60.61-60.64	No Changes
40 CFR 60.100a-60.107a	Section 60.105a was amended by revising paragraph (b)(2)(ii) to read as follows: § 60.105a Monitoring of emissions and operations for fluid catalytic cracking units (FCCU) and fluid coking units (FCU). * * * * * (b) * * * (2) * * * (ii) The owner or operator shall conduct performance evaluations of each CO2 and O2 monitor according to the requirements in § 60.13(c) and Performance Specification 3 of appendix B to this part. The owner or operator shall use Method 3, 3A or 3B of appendix A–2 to this part for conducting the relative accuracy evaluations. The method ANSI/ASME PTC 19.10–1981, ‘‘Flue and Exhaust Gas Analyses,’’ (incorporated by reference— see § 60.17) is an acceptable alternative to EPA Method 3B of appendix A–2 to part 60. * * * * * 4. Section 60.106a was amended by revising paragraph (a)(1)(iii) to read as follows: § 60.106a Monitoring of emissions and operations for sulfur recovery plants. (a) * * * (1) * * * (iii) The owner or operator shall conduct performance evaluations of each SO2 monitor according to the requirements in § 60.13(c) and Performance Specification 2 of appendix B to part 60. The owner or operator shall use Method 6 or 6C of appendix A–4 to part 60. The method ANSI/ASME PTC 19.10–1981, ‘‘Flue and Exhaust Gas Analyses,’’ (incorporated by reference—see § 60.17) is an acceptable alternative to EPA Method 6. **83 FR No.227**

R307-210
Final Standards of Performance for Stationary Sources (NSPS)
From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
40 CFR 60.200; 60.201; 60.203; 60.205; 60.210; 62.211; 60.213 60.215; 60.223-60.225; 60.230; 60.233; 60.235; 60.243; 60.245.	No Change
60.332; 60.543; 60.562-1; 60.614; 60.643; 60.664.	No Change
40 CFR 60.2000-60.2265 (Subpart CCCC)	This action finalized amendments, which provide clarity and address implementation issues in the final commercial and industrial solid waste incineration (CISWI) NSPS and emission guidelines (EG), as well as correcting inconsistencies and errors in these provisions. **84 FR No. 73 (April 16, 2019)**
40 CFR 60.4300-60.4420 (Subpart KKKK)	No Change
40 CFR 60.5360-60.5499 (Subpart OOOO)	No Change
40 CFR 60.5360a-60.5499a (Subpart OOOOa)	No Change
40 CFR 60.5508-60.5580 (Subpart TTTT)	No Change
40 CFR 60.5700-60.5880 (Subpart UUUU)	No Change

R307-210
Final Standards of Performance for Stationary Sources (NSPS)
From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
40 CFR 60. Appendix B	In appendix B to part 60, in ‘‘Performance Specification 2- Specifications and Test Procedures for SO2 and NOX Continuous Emission Monitoring Systems in Stationary Sources’’ remove sections 6.1.1.1, 6.1.1.2, 6.1.1.3, and 6.1.1.4. **82 FR No. 150 (August 7, 2017)** 11. In appendix B to part 60: ■ a. Add the following entries to the list of Performance Specifications in numeric order: ■ i. Performance Specification 12B— Specifications and Test Procedures for Monitoring Total Vapor Phase Mercury Emissions From Stationary Sources Using A Sorbent Trap Monitoring System ■ ii. Performance Specification 17 [Reserved] ■ iii. Performance Specification 18— Performance Specifications and Test Procedures for Gaseous Hydrogen Chloride (HCl) Continuous Emission Monitoring Systems at Stationary Sources ■ iv. PS–18—Appendix A Standard Addition Procedures ■ b. In Performance Specification 1, remove ‘‘D 6216–98’’ wherever it appears and add in its place ‘‘D6216–12’’, and revise section 2.1, the introductory text of section 13.0, sections 13.1 and 13.2, and paragraph 8. of section 16.0. **2.1** ASTM D6216–12 (incorporated by reference, see § 60.17) is the reference for design specifications, manufacturer’s performance specifications, and test procedures. The opacity monitor manufacturer must periodically select and test an opacity monitor, that is representative of a group of monitors produced during a specified period or lot, for conformance with the design specifications in ASTM D6216–12. The opacity monitor manufacturer must test each opacity monitor for conformance with the manufacturer’s performance specifications in ASTM D6216–12. Note: If the initial certification of the opacity monitor occurred before November 14, 2018 using D6216–98, D6216–03, or D6216–07, it is not necessary to recertify using D6216-12. **13.0** What Specifications Does a COMS Have to Meet for Certification? A COMS must meet the following design, manufacturer’s performance, and field audit performance specifications: Note: If the initial certification of the opacity monitor occurred before November 14, 2018 using D6216–98, D6216–03, or D6216–07, it is not necessary to recertify using D6216–12.A. COMS must meet the following design, manufacturer’s performance, and field audit performance specifications. **13.1** Design Specifications. The opacity monitoring equipment must comply with the design specifications of ASTM D6216–12.

R307-210
Final Standards of Performance for Stationary Sources (NSPS)
From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	13.2 Manufacturer's Performance Specifications. The opacity monitor must comply with the manufacturer's performance specifications of ASTM D6216–12. **16.0** * * * **8**. ASTM D6216–12: Standard Practice for Opacity Monitor Manufacturers to Certify Conformance with Design and Performance Specifications. ASTM. October 2012. ■ c. In Performance Specification 2, revise section 13.2. **13.2** Relative Accuracy Performance Specification. ■ d. In Performance Specification 3, revise sections 12.0 and 13.2. **12.0** Calculations and Data Analysis Calculate the RA using equations 3–1 and 3–2. Summarize the results on a data sheet similar to that shown in Figure 2.2 of PS2. **13.2** CEMS Relative Accuracy Performance Specification. The RA of the CEMS must be no greater than 20.0 percent of the mean value of the reference method (RM) data when calculated using equation 3–1. The results are also acceptable if the result of Equation 3–2 is less than or equal to 1.0 percent O2 (or CO2). ■ e. In Performance Specification 11, revise section 13.1. **13.1** What is the 7-day drift check performance specification? Your daily PM CEMS internal drift checks must demonstrate that the daily drift of your PM CEMS does not deviate from the value of the reference light, optical filter, Beta attenuation signal, or other technology-suitable reference standard by more than 2 percent of the response range. If your CEMS includes diluent and/or auxiliary monitors (for temperature, pressure, and/or moisture) that are employed as a necessary part of this performance specification, you must determine the calibration drift separately for each ancillary monitor in terms of its respective output (see the appropriate performance specification for the diluent CEMS specification). None of the calibration drifts may exceed their individual specification. ■ f. In Performance Specification 15, add reserved section 13.0. **13.0** Method Performance [Reserved] ■ g. In Performance Specification 18, revise section 11.8.7 and table 1 in section 17.0, and add reserved section 12.0 to PS–18.

R307-210
Final Standards of Performance for Stationary Sources (NSPS)
From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	11.8.7 The zero-level and mid-level CD for each day must be less than 5.0 percent of the span value as specified in section 13.2 of this PS. You must meet this criterion for 7 consecutive operating days.

TABLE 1—INTERFERENCE TEST GAS CONCENTRATIONS

Potential Interferent gas[1]	Approximate concentration (balance N_2)
CO_2	15% ± 1% CO_2.[2]
CO	100 ± 20 ppm.
CH_2O	20 ± 5 ppm.
CH_4	100 ± 20 ppm.
NH_3	10 ± 5 ppm (extractive CEMS only)
NO	250 ± 50 ppm.
SO_2	200 ± 20 ppm.
O_2	3% ± 1% O_2.[2]
H_2O	10 % ± 1% H_2O.[2]
N_2	Balance. [2]

[1]Any of these specific gases can be tested at a lower level if the manufacturer has provided reliable means for limiting or scrubbing that gas to a specified level in CEMS field installations.
[2]Gases for short path IP cell interference tests cannot be added above 100 percent stack equivalent concentration. Add these gases at the indicated percentages to make up the remaining cell volume.

12.0 [Reserved]
83 FR No. 220 (November 14, 2018)

R307. Environmental Quality, Air Quality.
R307-214. National Emission Standards for Hazardous Air Pollutants.
R307-214-1. Pollutants Subject to Part 61.

The provisions of Title 40 of the Code of Federal Regulations (40 CFR) Part 61, National Emission Standards for Hazardous Air Pollutants, effective as of July 1, 2019[~~7~~], are incorporated into these rules by reference. For pollutant emission standards delegated to the State, references in 40 CFR Part 61 to "the Administrator" shall refer to the director.

R307-214-2. Sources Subject to Part 63.

The provisions listed below of 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories, effective as of July 1, 2019[~~7~~], are incorporated into these rules by reference. References in 40 CFR Part 63 to "the Administrator" shall refer to the director, unless by federal law the authority is specific to the Administrator and cannot be delegated.

(1) 40 CFR Part 63, Subpart A, General Provisions.

(2) 40 CFR Part 63, Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance with 42 U.S.C. 7412(g) and (j).

(3) 40 CFR Part 63, Subpart F, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.

(4) 40 CFR Part 63, Subpart G, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.

(5) 40 CFR Part 63, Subpart H, National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.

(6) 40 CFR Part 63, Subpart I, National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.

(7) 40 CFR Part 63, Subpart J, National Emission Standards for Polyvinyl Chloride and Copolymers Production.

(8) 40 CFR Part 63, Subpart L, National Emission Standards for Coke Oven Batteries.

(9) 40 CFR Part 63, Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.

(10) 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

(11) 40 CFR Part 63, Subpart O, National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations.

(12) 40 CFR Part 63, Subpart Q, National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.

(13) 40 CFR Part 63, Subpart R, National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).

(14) 40 CFR Part 63, Subpart T, National Emission Standards for

Halogenated Solvent Cleaning.

(15) 40 CFR Part 63, Subpart U, National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.

(16) 40 CFR Part 63, Subpart AA, National Emission Standards for Hazardous Air Pollutants for Phosphoric Acid Manufacturing.

(17) 40 CFR Part 63, Subpart BB, National Emission Standards for Hazardous Air Pollutants for Phosphate Fertilizer Production.

(18) 40 CFR Part 63, Subpart CC, National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.

(19) 40 CFR Part 63, Subpart DD, National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.

(20) 40 CFR Part 63, Subpart EE, National Emission Standards for Magnetic Tape Manufacturing Operations.

(21) 40 CFR Part 63, Subpart GG, National Emission Standards for Aerospace Manufacturing and Rework Facilities.

(22) 40 CFR Part 63, Subpart HH, National Emission Standards for Hazardous Air Pollutants for Oil and Natural Gas Production.

(23) 40 CFR Part 63, Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations.

(24) 40 CFR Part 63, Subpart KK, National Emission Standards for the Printing and Publishing Industry.

(25) 40 CFR Part 63, Subpart MM, National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills.

(26) 40 CFR Part 63, Subpart OO, National Emission Standards for Tanks - Level 1.

(27) 40 CFR Part 63, Subpart PP, National Emission Standards for Containers.

(28) 40 CFR Part 63, Subpart QQ, National Emission Standards for Surface Impoundments.

(29) 40 CFR Part 63, Subpart RR, National Emission Standards for Individual Drain Systems.

(30) 40 CFR Part 63, Subpart SS, National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process (Generic MACT).

(31) 40 CFR Part 63, Subpart TT, National Emission Standards for Equipment Leaks- Control Level 1 (Generic MACT).

(32) 40 CFR Part 63, Subpart UU, National Emission Standards for Equipment Leaks-Control Level 2 Standards (Generic MACT).

(33) 40 CFR Part 63, Subpart VV, National Emission Standards for Oil-Water Separators and Organic-Water Separators.

(34) 40 CFR Part 63, Subpart WW, National Emission Standards for Storage Vessels (Tanks)-Control Level 2 (Generic MACT).

(35) 40 CFR Part 63, Subpart XX, National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.

(36) 40 CFR Part 63, Subpart YY, National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic MACT.

(37) 40 CFR Part 63, Subpart CCC, National Emission Standards for Hazardous Air Pollutants for Steel Pickling-HCl Process Facilities

and Hydrochloric Acid Regeneration Plants.

(38) 40 CFR Part 63, Subpart DDD, National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.

(39) 40 CFR Part 63, Subpart EEE, National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.

(40) 40 CFR Part 63, Subpart GGG, National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production.

(41) 40 CFR Part 63, Subpart HHH, National Emission Standards for Hazardous Air Pollutants for Natural Gas Transmission and Storage.

(42) 40 CFR Part 63, Subpart III, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.

(43) 40 CFR Part 63, Subpart JJJ, National Emission Standards for Hazardous Air Pollutants for Group IV Polymers and Resins.

(44) 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants for Portland Cement Manufacturing Industry.

(45) 40 CFR Part 63, Subpart MMM, National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.

(46) 40 CFR Part 63, Subpart NNN, National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.

(47) 40 CFR Part 63, Subpart OOO, National Emission Standards for Hazardous Air Pollutants for Amino/Phenolic Resins Production (Resin III).

(48) 40 CFR Part 63, Subpart PPP, National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production.

(49) 40 CFR Part 63, Subpart QQQ, National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelters.

(50) 40 CFR Part 63, Subpart RRR, National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.

(51) 40 CFR Part 63, Subpart TTT, National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.

(52) 40 CFR Part 63, Subpart UUU, National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.

(53) 40 CFR Part 63, Subpart VVV, National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.

(54) 40 CFR Part 63, Subpart AAAA, National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills.

(55) 40 CFR Part 63, Subpart CCCC, National Emission Standards for Manufacturing of Nutritional Yeast.

(56) 40 CFR Part 63, Subpart DDDD, National Emission Standards for Hazardous Air Pollutants for Plywood and Composite Wood Products.

(57) 40 CFR Part 63, Subpart EEEE, National Emission Standards for Hazardous Air Pollutants for Organic Liquids Distribution (non-gasoline).

(58) 40 CFR Part 63, Subpart FFFF, National Emission Standards for Hazardous Air Pollutants for Miscellaneous Organic Chemical Manufacturing.

(59) 40 CFR Part 63, Subpart GGGG, National Emission Standards

for Vegetable Oil Production; Solvent Extraction.

(60) 40 CFR Part 63, Subpart HHHH, National Emission Standards for Wet-Formed Fiberglass Mat Production.

(61) 40 CFR Part 63, Subpart IIII, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Automobiles and Light-Duty Trucks.

(62) 40 CFR Part 63, Subpart JJJJ, National Emission Standards for Hazardous Air Pollutants for Paper and Other Web Surface Coating Operations.

(63) 40 CFR Part 63, Subpart KKKK, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Metal Cans.

(64) 40 CFR Part 63, Subpart MMMM, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.

(65) 40 CFR Part 63, Subpart NNNN, National Emission Standards for Large Appliances Surface Coating Operations.

(66) 40 CFR Part 63, Subpart OOOO, National Emission Standards for Hazardous Air Pollutants for Fabric Printing, Coating and Dyeing Surface Coating Operations.

(67) 40 CFR Part 63, Subpart PPPP, National Emissions Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.

(68) 40 CFR Part 63, Subpart QQQQ, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Wood Building Products.

(69) 40 CFR Part 63, Subpart RRRR, National Emission Standards for Hazardous Air Pollutants for Metal Furniture Surface Coating Operations.

(70) 40 CFR Part 63, Subpart SSSS, National Emission Standards for Metal Coil Surface Coating Operations.

(71) 40 CFR Part 63, Subpart TTTT, National Emission Standards for Leather Tanning and Finishing Operations.

(72) 40 CFR Part 63, Subpart UUUU, National Emission Standards for Cellulose Product Manufacturing.

(73) 40 CFR Part 63, Subpart VVVV, National Emission Standards for Boat Manufacturing.

(74) 40 CFR Part 63, Subpart WWWW, National Emissions Standards for Hazardous Air Pollutants for Reinforced Plastic Composites Production.

(75) 40 CFR Part 63, Subpart XXXX, National Emission Standards for Tire Manufacturing.

(76) 40 CFR Part 63, Subpart YYYY, National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.

(77) 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

(78) 40 CFR Part 63, Subpart AAAAA, National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.

(79) 40 CFR Part 63, Subpart BBBBB, National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.

(80) 40 CFR Part 63, Subpart CCCCC, National Emission Standards

for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.

(81) 40 CFR Part 63, Subpart DDDDD, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters.

(82) 40 CFR Part 63, Subpart EEEEE, National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.

(83) 40 CFR Part 63, Subpart FFFFF, National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing.

(84) 40 CFR Part 63, Subpart GGGGG, National Emission Standards for Hazardous Air Pollutants for Site Remediation.

(85) 40 CFR Part 63, Subpart HHHHH, National Emission Standards for Hazardous Air Pollutants for Miscellaneous Coating Manufacturing.

(86) 40 CFR Part 63, Subpart IIIII, National Emission Standards for Hazardous Air Pollutants for Mercury Emissions from Mercury Cell Chlor-Alkali Plants.

(87) 40 CFR Part 63, Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.

(88) 40 CFR Part 63, Subpart KKKKK, National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.

(89) 40 CFR Part 63, Subpart LLLLL, National Emission Standards for Hazardous Air Pollutants for Asphalt Processing and Asphalt Roofing Manufacturing.

(90) 40 CFR Part 63, Subpart MMMMM, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Fabrication Operations.

(91) 40 CFR Part 63, Subpart NNNNN, National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production.

(92) 40 CFR Part 63, Subpart PPPPP, National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands.

(93) 40 CFR Part 63, Subpart QQQQQ, National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.

(94) 40 CFR Part 63, Subpart RRRRR, National Emission Standards for Hazardous Air Pollutants for Taconite Iron Ore Processing.

(95) 40 CFR Part 63, Subpart SSSSS, National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.

(96) 40 CFR Part 63, Subpart TTTTT, National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining.

(97) 40 CFR Part 63, Subpart UUUUU, National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Utility Steam Generating Units.

(98) 40 CFR Part 63, Subpart WWWWW, National Emission Standards for Hospital Ethylene Oxide Sterilizers.

(99) 40 CFR Part 63, Subpart YYYYY, National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities.

(100) 40 CFR Part 63, Subpart ZZZZZ, National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.

(101) 40 CFR Part 63 Subpart BBBBBB National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities

(102) 40 CFR Part 63 Subpart CCCCCC National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

(103) 40 CFR Part 63, Subpart DDDDDD, National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.

(104) 40 CFR Part 63, Subpart EEEEEE, National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources.

(105) 40 CFR Part 63, Subpart FFFFFF, National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources.

(106) 40 CFR Part 63, Subpart GGGGGG, National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources--Zinc, Cadmium, and Beryllium.

(107) 40 CFR Part 63, Subpart JJJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

(108) 40 CFR Part 63, Subpart LLLLLL, National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.

(109) 40 CFR Part 63, Subpart MMMMMM, National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources.

(110) 40 CFR Part 63, Subpart NNNNNN, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds.

(111) 40 CFR Part 63, Subpart OOOOOO, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.

(112) 40 CFR Part 63, Subpart PPPPPP, National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources.

(113) 40 CFR Part 63, Subpart QQQQQQ, National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.

(114) 40 CFR Part 63, Subpart RRRRRR, National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources.

(115) 40 CFR Part 63, Subpart SSSSSS, National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources.

(116) 40 CFR Part 63, Subpart VVVVVV, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources.

(117) 40 CFR Part 63, Subpart TTTTTT, National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources.

(118) 40 CFR Part 63, Subpart WWWWWW, National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.

(119) 40 CFR Part 63, Subpart XXXXXX, National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

(120) 40 CFR Part 63, Subpart YYYYYY, National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities.

(121) 40 CFR Part 63, Subpart ZZZZZZ, National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.

(122) 40 CFR Part 63, Subpart AAAAAAA, National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing.

(123) 40 CFR Part 63, Subpart BBBBBBB, National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry.

(124) 40 CFR Part 63, Subpart CCCCCCC, National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing.

(125) 40 CFR Part 63, Subpart DDDDDDD, National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.

(126) 40 CFR Part 63, Subpart EEEEEEE, National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category.

KEY: air pollution, hazardous air pollutant, MACT, NESHAP
Date of Enactment or Last Substantive Amendment: [~~May 23, 2018~~]2020
Notice of Continuation: September 8, 2017
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

State of Utah
Administrative Rule Analysis
Revised December 2019

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New ___; Amendment _X__; Repeal ___; Repeal and Reenact ___		
	Title No. - Rule No. - Section No.	
Utah Admin. Code Ref (R no.):	**R307-214**	**Filing No. (Office Use Only)**
Changed to Admin. Code Ref. (R no.):	**R**	

Agency Information

1. Department:	Department of Environmental Quality	
Agency:	Division of Air Quality	
Room no.:		
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO BOX 144820	
City, state, zip:	Salt Lake City, UT 84116-4820	
Contact person(s):		
Name:	**Phone:**	**Email:**
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:

National Emission Standards for Hazardous Air Pollutants

3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?)**:**

This rule is updated to reflect changes to the federal air quality regulations as published in Title 40 of the Code of Federal Regulations.

4. Summary of the new rule or change:

This filing amends the rule to incorporate all changes within the updated version of Title 40 of the Code of Federal Regulations from July 1, 2017, to July 1, 2019.

A public hearing is set for Monday, May 4th, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Friday, May 1st, 2020, at 5:00PM MT. The final status of the public hearing will be posted on Friday, May 1st, after 5:00PM MST. The status of the public hearing may be checked at the following website location under the corresponding rule.

https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This rule incorporates already existing federal regulations. No additional costs or benefits affect the state budget after incorporation.

B) Local governments:

This rule incorporates already existing federal regulations. No additional costs or benefits affect local governments after incorporation.

C) Small businesses ("small business" means a business employing 1-49 persons)**:**

This rule incorporates already existing federal regulations. No additional costs or benefits exist for small businesses after incorporation.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**

This rule incorporates already existing federal regulations. No additional costs or benefits exist for small businesses after incorporation.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**

This rule incorporates already existing federal regulations. No additional costs or benefits exist for persons other than small businesses, non-small businesses, state, or local government entities after incorporation.

F) Compliance costs for affected persons:

There are no new compliance costs as a result of incorporation.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	**FY2020**	**FY2021**	**FY2022**
State Government	$0	$0	$0
Local Governments	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Governments	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**

H) Department head approval of regulatory impact analysis:

Scott Baird, Executive Director for the Department of Environmental Quality, has reviewed and accepts this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

Due to the nature of incorporating already existing federal regulations into Utah state rules, there will be no additional fiscal impacts on businesses as a result of this amendment.

B) Name and title of department head commenting on the fiscal impacts:

Scott Baird, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

19-2-104(1)(a)		

Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

8. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*)**:**

	First Incorporation
Official Title of Materials Incorporated (from title page)	Code of Federal Regulations
Publisher	Office of the Federal Register
Date Issued	07/01/2019
Issue, or version	Title 40

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*)**:**

	Second Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until (mm/dd/yyyy)**:**	05/04/2020

B) A public hearing (optional) will be held:

On (mm/dd/yyyy)**:**	**At** (hh:mm AM/PM)**:**	**At** (place)**:**
05/04/2020	09:00 AM	Multi Agency State Office Building Division of Air Quality, Fourth Floor 195 N 1950 W Salt Lake City, UT 84116

10. This rule change MAY become effective on (mm/dd/yyyy)**:**	06/03/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

Agency head or designee, and title:	Bryce Bird, Division Director	**Date** (mm/dd/yyyy)**:**	02/10/2020

R307. Environmental Quality, Air Quality.
R307-214. National Emission Standards for Hazardous Air Pollutants.
R307-214-1. Pollutants Subject to Part 61.

The provisions of Title 40 of the Code of Federal Regulations (40 CFR) Part 61, National Emission Standards for Hazardous Air Pollutants, effective as of July 1, 2019[~~7~~], are incorporated into these rules by reference. For pollutant emission standards delegated to the State, references in 40 CFR Part 61 to "the Administrator" shall refer to the director.

R307-214-2. Sources Subject to Part 63.

The provisions listed below of 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories, effective as of July 1, 2019[~~7~~], are incorporated into these rules by reference. References in 40 CFR Part 63 to "the Administrator" shall refer to the director, unless by federal law the authority is specific to the Administrator and cannot be delegated.

(1) 40 CFR Part 63, Subpart A, General Provisions.

(2) 40 CFR Part 63, Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance with 42 U.S.C. 7412(g) and (j).

(3) 40 CFR Part 63, Subpart F, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.

(4) 40 CFR Part 63, Subpart G, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.

(5) 40 CFR Part 63, Subpart H, National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.

(6) 40 CFR Part 63, Subpart I, National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.

(7) 40 CFR Part 63, Subpart J, National Emission Standards for Polyvinyl Chloride and Copolymers Production.

(8) 40 CFR Part 63, Subpart L, National Emission Standards for Coke Oven Batteries.

(9) 40 CFR Part 63, Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.

(10) 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

(11) 40 CFR Part 63, Subpart O, National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations.

(12) 40 CFR Part 63, Subpart Q, National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.

(13) 40 CFR Part 63, Subpart R, National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).

(14) 40 CFR Part 63, Subpart T, National Emission Standards for Halogenated Solvent Cleaning.

(15) 40 CFR Part 63, Subpart U, National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.

(16) 40 CFR Part 63, Subpart AA, National Emission Standards for Hazardous Air Pollutants for Phosphoric Acid Manufacturing.

(17) 40 CFR Part 63, Subpart BB, National Emission Standards for Hazardous Air Pollutants for Phosphate Fertilizer Production.

(18) 40 CFR Part 63, Subpart CC, National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.

(19) 40 CFR Part 63, Subpart DD, National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.

(20) 40 CFR Part 63, Subpart EE, National Emission Standards for Magnetic Tape Manufacturing Operations.

(21) 40 CFR Part 63, Subpart GG, National Emission Standards for Aerospace Manufacturing and Rework Facilities.

(22) 40 CFR Part 63, Subpart HH, National Emission Standards for Hazardous Air Pollutants for Oil and Natural Gas Production.

(23) 40 CFR Part 63, Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations.

(24) 40 CFR Part 63, Subpart KK, National Emission Standards for the Printing and Publishing Industry.

(25) 40 CFR Part 63, Subpart MM, National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills.

(26) 40 CFR Part 63, Subpart OO, National Emission Standards for Tanks - Level 1.

(27) 40 CFR Part 63, Subpart PP, National Emission Standards for Containers.

(28) 40 CFR Part 63, Subpart QQ, National Emission Standards for Surface Impoundments.

(29) 40 CFR Part 63, Subpart RR, National Emission Standards for Individual Drain Systems.

(30) 40 CFR Part 63, Subpart SS, National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process (Generic MACT).

(31) 40 CFR Part 63, Subpart TT, National Emission Standards for Equipment Leaks- Control Level 1 (Generic MACT).

(32) 40 CFR Part 63, Subpart UU, National Emission Standards for Equipment Leaks-Control Level 2 Standards (Generic MACT).

(33) 40 CFR Part 63, Subpart VV, National Emission Standards for Oil-Water Separators and Organic-Water Separators.

(34) 40 CFR Part 63, Subpart WW, National Emission Standards for Storage Vessels (Tanks)-Control Level 2 (Generic MACT).

(35) 40 CFR Part 63, Subpart XX, National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.

(36) 40 CFR Part 63, Subpart YY, National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic MACT.

(37) 40 CFR Part 63, Subpart CCC, National Emission Standards for Hazardous Air Pollutants for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants.

(38) 40 CFR Part 63, Subpart DDD, National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.

(39) 40 CFR Part 63, Subpart EEE, National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.

(40) 40 CFR Part 63, Subpart GGG, National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production.

(41) 40 CFR Part 63, Subpart HHH, National Emission Standards for Hazardous Air Pollutants for Natural Gas Transmission and Storage.

(42) 40 CFR Part 63, Subpart III, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.

(43) 40 CFR Part 63, Subpart JJJ, National Emission Standards for Hazardous Air Pollutants for Group IV Polymers and Resins.

(44) 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants for Portland Cement Manufacturing Industry.

(45) 40 CFR Part 63, Subpart MMM, National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.

(46) 40 CFR Part 63, Subpart NNN, National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.

(47) 40 CFR Part 63, Subpart OOO, National Emission Standards for Hazardous Air Pollutants for Amino/Phenolic Resins Production (Resin III).

(48) 40 CFR Part 63, Subpart PPP, National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production.

(49) 40 CFR Part 63, Subpart QQQ, National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelters.

(50) 40 CFR Part 63, Subpart RRR, National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.

(51) 40 CFR Part 63, Subpart TTT, National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.

(52) 40 CFR Part 63, Subpart UUU, National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.

(53) 40 CFR Part 63, Subpart VVV, National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.

(54) 40 CFR Part 63, Subpart AAAA, National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills.

(55) 40 CFR Part 63, Subpart CCCC, National Emission Standards for Manufacturing of Nutritional Yeast.

(56) 40 CFR Part 63, Subpart DDDD, National Emission Standards for Hazardous Air Pollutants for Plywood and Composite Wood Products.

(57) 40 CFR Part 63, Subpart EEEE, National Emission Standards for Hazardous Air Pollutants for Organic Liquids Distribution (non-gasoline).

(58) 40 CFR Part 63, Subpart FFFF, National Emission Standards for Hazardous Air Pollutants for Miscellaneous Organic Chemical Manufacturing.

(59) 40 CFR Part 63, Subpart GGGG, National Emission Standards for Vegetable Oil Production; Solvent Extraction.

(60) 40 CFR Part 63, Subpart HHHH, National Emission Standards for Wet-Formed Fiberglass Mat Production.

(61) 40 CFR Part 63, Subpart IIII, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Automobiles and Light-Duty Trucks.

(62) 40 CFR Part 63, Subpart JJJJ, National Emission Standards for Hazardous Air Pollutants for Paper and Other Web Surface Coating Operations.

(63) 40 CFR Part 63, Subpart KKKK, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Metal Cans.

(64) 40 CFR Part 63, Subpart MMMM, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.

(65) 40 CFR Part 63, Subpart NNNN, National Emission Standards for Large Appliances Surface Coating Operations.

(66) 40 CFR Part 63, Subpart OOOO, National Emission Standards for Hazardous Air Pollutants for Fabric Printing, Coating and Dyeing Surface Coating Operations.

(67) 40 CFR Part 63, Subpart PPPP, National Emissions Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.

(68) 40 CFR Part 63, Subpart QQQQ, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Wood Building Products.

(69) 40 CFR Part 63, Subpart RRRR, National Emission Standards for Hazardous Air Pollutants for Metal Furniture Surface Coating Operations.

(70) 40 CFR Part 63, Subpart SSSS, National Emission Standards for Metal Coil Surface Coating Operations.

(71) 40 CFR Part 63, Subpart TTTT, National Emission Standards for Leather Tanning and Finishing Operations.

(72) 40 CFR Part 63, Subpart UUUU, National Emission Standards for Cellulose Product Manufacturing.

(73) 40 CFR Part 63, Subpart VVVV, National Emission Standards for Boat Manufacturing.

(74) 40 CFR Part 63, Subpart WWWW, National Emissions Standards for Hazardous Air Pollutants for Reinforced Plastic Composites Production.

(75) 40 CFR Part 63, Subpart XXXX, National Emission Standards for Tire Manufacturing.

(76) 40 CFR Part 63, Subpart YYYY, National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.

(77) 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

(78) 40 CFR Part 63, Subpart AAAAA, National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.

(79) 40 CFR Part 63, Subpart BBBBB, National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.

(80) 40 CFR Part 63, Subpart CCCCC, National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.

(81) 40 CFR Part 63, Subpart DDDDD, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters.

(82) 40 CFR Part 63, Subpart EEEEE, National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.

(83) 40 CFR Part 63, Subpart FFFFF, National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing.

(84) 40 CFR Part 63, Subpart GGGGG, National Emission Standards for Hazardous Air Pollutants for Site Remediation.

(85) 40 CFR Part 63, Subpart HHHHH, National Emission Standards for Hazardous Air Pollutants for Miscellaneous Coating Manufacturing.

(86) 40 CFR Part 63, Subpart IIIII, National Emission Standards for Hazardous Air Pollutants for Mercury Emissions from Mercury Cell Chlor-Alkali Plants.

(87) 40 CFR Part 63, Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.

(88) 40 CFR Part 63, Subpart KKKKK, National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.

(89) 40 CFR Part 63, Subpart LLLLL, National Emission Standards for Hazardous Air Pollutants for Asphalt Processing and Asphalt Roofing Manufacturing.

(90) 40 CFR Part 63, Subpart MMMMM, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Fabrication Operations.

(91) 40 CFR Part 63, Subpart NNNNN, National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production.

(92) 40 CFR Part 63, Subpart PPPPP, National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands.

(93) 40 CFR Part 63, Subpart QQQQQ, National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.

(94) 40 CFR Part 63, Subpart RRRRR, National Emission Standards for Hazardous Air Pollutants for Taconite Iron Ore Processing.

(95) 40 CFR Part 63, Subpart SSSSS, National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.

(96) 40 CFR Part 63, Subpart TTTTT, National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining.

(97) 40 CFR Part 63, Subpart UUUUU, National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Utility Steam Generating Units.

(98) 40 CFR Part 63, Subpart WWWWW, National Emission Standards for Hospital Ethylene Oxide Sterilizers.

(99) 40 CFR Part 63, Subpart YYYYY, National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities.

(100) 40 CFR Part 63, Subpart ZZZZZ, National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.

(101) 40 CFR Part 63 Subpart BBBBBB National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities

(102) 40 CFR Part 63 Subpart CCCCCC National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

(103) 40 CFR Part 63, Subpart DDDDDD, National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.

(104) 40 CFR Part 63, Subpart EEEEEE, National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources.

(105) 40 CFR Part 63, Subpart FFFFFF, National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources.

(106) 40 CFR Part 63, Subpart GGGGGG, National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources--Zinc, Cadmium, and Beryllium.

(107) 40 CFR Part 63, Subpart JJJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

(108) 40 CFR Part 63, Subpart LLLLLL, National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.

(109) 40 CFR Part 63, Subpart MMMMMM, National Emission Standards for Hazardous Air Pollutants for Carbon Black

Production Area Sources.

(110) 40 CFR Part 63, Subpart NNNNNN, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds.

(111) 40 CFR Part 63, Subpart OOOOOO, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.

(112) 40 CFR Part 63, Subpart PPPPPP, National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources.

(113) 40 CFR Part 63, Subpart QQQQQQ, National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.

(114) 40 CFR Part 63, Subpart RRRRRR, National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources.

(115) 40 CFR Part 63, Subpart SSSSSS, National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources.

(116) 40 CFR Part 63, Subpart VVVVVV, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources.

(117) 40 CFR Part 63, Subpart TTTTTT, National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources.

(118) 40 CFR Part 63, Subpart WWWWWW, National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.

(119) 40 CFR Part 63, Subpart XXXXXX, National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

(120) 40 CFR Part 63, Subpart YYYYYY, National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities.

(121) 40 CFR Part 63, Subpart ZZZZZZ, National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.

(122) 40 CFR Part 63, Subpart AAAAAAA, National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing.

(123) 40 CFR Part 63, Subpart BBBBBBB, National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry.

(124) 40 CFR Part 63, Subpart CCCCCCC, National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing.

(125) 40 CFR Part 63, Subpart DDDDDDD, National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.

(126) 40 CFR Part 63, Subpart EEEEEEE, National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category.

KEY: air pollution, hazardous air pollutant, MACT, NESHAP
Date of Enactment or Last Substantive Amendment: [~~May 23, 2018~~]2020
Notice of Continuation: September 8, 2017
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

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40 CFR 61	40 CFR 61 This document notified affected sources and other interested parties that the Connecticut Department of Energy and Environmental Protection (CT DEEP) had voluntarily and partially withdrawn from the delegation of authority to implement and enforce the federal asbestos program provisions at 40 CFR part 61, subpart M. **82 FR No. 218 (November 14, 2017)** The States of Iowa, Kansas, Missouri, and Nebraska and the local agencies of Lincoln-Lancaster County, Nebraska, and the city of Omaha, Nebraska, submitted updated regulations for delegation of EPA authority for implementation and enforcement of NSPS, NESHAP, and MACT standards. **83 FR No. 106 (June 1, 2018)** 8. Section 61.04 was amended by: a. Redesignating paragraphs (b)(A) through (EEE) as paragraphs (b)(1) through (57). b. Revising newly redesignated paragraphs (b)(19), (35), and (44) to update the addresses of State Environmental agencies. **82 FR No. 135 (July 17, 2017)** Section 61.04 was amended by revising paragraphs (b)(33) introductory text and (c)(6)(iii) to read as follows: § 61.04 Address. * * * * * (b) * * * (33) State of New Mexico: New Mexico Environment Department, 525 Camino de los Marquez, Suite I, Santa Fe, New Mexico 87505. For a list of delegated standards for New Mexico (excluding Bernalillo County and Indian country), see paragraph (c)(6) of this section. * * * * * (c) * * * (6) * * * (iii) New Mexico. The New Mexico Environment Department (NMED) has been delegated the following part 61 standards promulgated by the EPA, as amended in the Federal Register through January 15, 2017. The (X) symbol is used to indicate each subpart that has been delegated. The delegations are subject to all of the conditions and limitations set forth in Federal law and regulations. **83 FR No. 72 (April 13, 2018)** On April 13, 2018, the Environmental Protection Agency (EPA) published a direct final rule approving the updated delegation of EPA authority for implementation and enforcement of certain New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs) for all sources (both part 70 and non-part 70 sources) to the New Mexico Environmental Department (NMED). EPA stated in the direct final rule that if EPA received relevant adverse comments by May 14, 2018, EPA would publish a timely withdrawal in the Federal Register. EPA received an adverse comment on May 14, 2018, and accordingly is withdrawing the direct final rule. **83 FR No. 108 (June 5, 2018)**

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	Section 61.04 was amended by revising paragraphs (b)(33) and (c)(6)(iii) to read as follows: § 61.04 Address. (b) * * * (33) State of New Mexico: New Mexico Environment Department, P.O. Box 5469, Santa Fe, New Mexico 87502–5469. For a list of delegated standards for New Mexico (excluding Bernalillo County and Indian country), see paragraph (c)(6) of this section. * * * * * (c) * * * (6) * * * (iii) New Mexico. The New Mexico Environment Department (NMED) has been delegated the following part 61 standards promulgated by the EPA, as amended in the Federal Register through January 15, 2017. The (X) symbol is used to indicate each subpart that has been delegated. The delegations are subject to all of the conditions and limitations set forth in Federal law and regulations. **83 FR No. 177 (September 12, 2018)** Section 61.04 was amended by revising paragraphs (b)(38) and (c)(6)(iv) to read as follows: § 61.04 Address. * * * * * (b) * * * (38) State of Oklahoma, Oklahoma Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, OK 73101–1677. For a list of delegated standards for Oklahoma see paragraph (c)(6) of this section. * * * * * (c) * * * (6) * * * (iv) Oklahoma. The Oklahoma Department of Environmental Quality (ODED) has been delegated the following part 61 standards promulgated by EPA, as amended in the Federal Register through September 1, 2016. The (X) symbol is used to indicate each subpart that has been delegated. **83 FR No. 204 (October 22, 2018)** Section 61.04 was amended by revising paragraph (c)(1)(ii) to read as follows: § 61.04 Address. * * * * * (c) * * * (1) * * * (ii) The remainder of the sources subject to the asbestos provisions in subpart M of this part, except for those listed under paragraph (c)(1)(i) of this section, must comply with the New Hampshire Code of Administrative Rules: Chapter Env-A 1800, Asbestos Management and Control, effective as of May 5, 2017 as incorporated by reference, see § 61.18. * * * * * ■ 3. Section 61.18 was amended by revising paragraph (e)(1)(ii) to read as follows: § 61.18 Incorporation by reference. * * * * * (e) * * * (1) * * * (ii) New Hampshire Code of Administrative Rules: Chapter Env-A 1800, Asbestos Management and Control, effective as of May 5, 2017 (certified with June 23, 2017 letter from Clark B. Freise, Assistant Commissioner, Department of Environmental Services, State of New Hampshire), as follows: Revision Notes #1 and #2; Part Env-A 1801–1807, excluding Env-A 1801.02(e), Env-A 1801.07, Env-A 1802.02, Env-A 1802.04, Env-A 1802.07–1802.09, Env-A 1802.13, Env-A 1802.15–1802.17, Env-A 1802.25, Env-A 1802.31, Env-A 1802.37, Env-A 1802.40, Env-A 1802.44, and Env-A 1803.05–1803.09; and Appendices B, C, and D; IBR approved for § 61.04(c). **83 FR No. 185 (September 24, 2018)**

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	Section 61.04 was amended by revising paragraphs (b)(36) and (c)(8) to read as follows: § 61.04 Address. * * * * * (b) * * * (36) State of North Dakota, North Dakota Department of Environmental Quality, 918 East Divide Avenue, Bismarck, ND 58501–1947. Note: For a table listing Region VIII's NESHAP delegation status, see paragraph (c) of this section. * * * * * (c) * * * (8) The most current delegation status table for National Emissions Standards for Hazardous Air Pollutants for Region VIII can be found online at http:// www.epa.gov/region8/air-program. The following is a table indicating the delegation status of National Emissions Standards for Hazardous Air Pollutants in Region VIII. The recodification and delegation for North Dakota's August 6, 2018 submittal is effective as of March 15, 2019, as detailed in EPA's delegation letter of December 17, 2018. **84 FR No. 28 (February 11, 2019)** Due to unforeseen delays resulting from the lapse in appropriations for the Environmental Protection Agency (EPA), the EPA's final approvals concerning revisions to North Dakota's environmental protection programs that have the effect of transferring authority from the North Dakota Department of Health (NDDH) to the newly-created North Dakota Department of Environmental Quality (NDDEQ) were delayed until April 30, 2019. This action delayed the effective dates of the four relevant rules, published in the Federal Register between December 19, 2018 and February 11, 2019. In § 61.04(c)(8), remove ''March 15, 2019'' and add in its place ''April 30, 2019'' and remove ''December 17, 2018'' and add in its place ''February 26, 2019''. **84 FR No. 45 (March 7, 2019)**
40 CFR 63.600-63.611 (Subpart AA)	2. Section 63.605(d)(1)(ii)(A) was revised to read as follows: § 63.605 Operating and monitoring requirements. * * * * * (d) * * * (1) * * * (ii) * * * (A) The allowable range for the daily averages of the pressure drop across an absorber and of the flow rate of the absorber liquid to each absorber in the process absorbing system, or secondary voltage for a wet electrostatic precipitator, is ±20 percent of the baseline average value determined in paragraph (d)(1)(i) of this section. The Administrator retains the right to reduce the ±20 percent adjustment to the baseline average values of operating ranges in those instances where performance test results indicate that a source's level of emissions is near the value of an applicable emissions standard. However, the adjustment must not be reduced to less than ±10 percent under any instance. * * * * * ■ 3. Section 63.608 was amended by adding paragraphs (e) and (f) to read as follows: § 63.608 General requirements and applicability of general provisions of this part. * * * * * (e) If you use blower design capacity to determine the gas flow rate through the absorber for use in the liquid-to-gas ratio as specified in Table 3 to this subpart, then you must include in the site-specific monitoring plan specified in paragraph (c) of this section calculations showing how you determined the maximum possible gas flow rate through the absorber based on the blower's specifications (including any adjustments you

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	made for pressure drop). (f) If you use a regression model to determine the gas flow rate through the absorber for use in the liquid-to-gas ratio as specified in Table 3 to this subpart, then you must include in the sitespecific monitoring plan specified in paragraph (c) of this section the calculations that were used to develop the regression model, including the calculations you use to convert amperage of the blower to brake horsepower. You must describe any constants included in the equations (e.g., efficiency, power factor), and describe how these constants were determined. If you want to change a constant in your calculation, then you must conduct a regression model verification to confirm the new value of the constant. In addition, the sitespecific monitoring plan must be updated annually to reflect the data used in the annual regression model verification that is described in Table 3 to this subpart. Table 1 to Subpart AA of Part 63 [Amended] ■ 4. Table 1 to Subpart AA of Part 63, footnote ‘‘c’’ is amended by removing the text ‘‘August 19, 2016,’’ and adding the text ‘‘August 19, 2018,’’ in its place. Table 2 to Subpart AA of Part 63 [Amended] ■ 5. Table 2 to Subpart AA of Part 63, footnote ‘‘c’’ is amended by removing the text ‘‘August 19, 2016,’’ and adding the text ‘‘August 19, 2018,’’ in its place. ■ 6. Table 3 to subpart AA of part 63 is amended by: a. Revising the column headings for ‘‘And you must monitor . . .’’ and ‘‘And . . .’’;b. Revising the entry for ‘‘Install CPMS for liquid and gas flow at the inlet of the absorber’’; and c. Adding footnotes ‘‘a’’ through ‘‘d’’ at the end of the table. The revisions and additions read as follows: ■7. Table 4 to subpart AA of part 63 is amended by revising the entry for ‘‘Influent liquid flow rate and gas stream flow rate’’ and adding footnote ‘‘a’’ at the end of the table **82FR No.187 (September 28, 2017)**
63.620--63.632 (Subpart BB)	8. Section 63.625(d)(1)(ii)(A) was revised to read as follows: § 63.625 Operating and monitoring requirements. * * * * * (d) * * * (1) * * * (ii) * * * (A) The allowable range for the daily averages of the pressure drop across an absorber and of the flow rate of the absorber liquid to each absorber in the process absorbing system, or secondary voltage for a wet electrostatic precipitator, is ±20 percent of the baseline average value determined in paragraph (d)(1)(i) of this section. The Administrator retains the right to reduce the ±20 percent adjustment to the baseline average values of operating ranges in those instances where performance test results indicate that a source’s level of emissions is near the value of an applicable emissions standard. However, the adjustment must not be reduced to less than ±10 percent under any instance. * * * * * ■ 9. Section 63.628 was amended by adding paragraphs (e) and (f) to read as follows: § 63.628 General requirements and applicability of general provisions of this part. * * * * * (e) If you use blower design capacity to determine the gas flow rate through the absorber for use in the liquid-to-gas ratio as specified in Table 3 to this subpart, then you must include in the site-specific monitoring plan specified in paragraph (c) of this section calculations showing how you determined the maximum possible gas flow rate through the absorber based on the blower’s specifications (including any adjustments you made for pressure drop). (f) If you use a regression model to determine the gas flow rate through the absorber for use in

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	the liquid-to-gas ratio as specified in Table 3 to this subpart, then you must include in the sitespecific monitoring plan specified in paragraph (c) of this section the calculations that were used to develop the regression model, including the calculations you use to convert amperage of the blower to brake horsepower. You must describe any constants included in the equations (e.g., efficiency, power factor), and describe how these constants were determined. If you want to change a constant in your calculation, then you must conduct a regression model verification to confirm the new value of the constant. In addition, the sitespecific monitoring plan must be updated annually to reflect the data used in the annual regression model verification that is described in Table 3 to this subpart. ■ 10. Table 3 to subpart BB of part 63 was amended by: ■ a. Revised the column headings for ''And you must monitor . . .'' and ''And . . .''; ■ b. Revised the entry for ''Install CPMS for liquid and gas flow at the inlet of the absorber''; and ■ c. Added footnotes ''a'' through ''d'' at the end of the table. ■ 11. Table 4 to subpart BB of part 63 was revised **82 FR No. 187 (September 28, 2017)**
40 CFR 63.640-63.679 (Subpart CC)	■ 6. Section 63.641 was amended by: ■ a. Revised the definitions of ''Flare purge gas'' and ''Flare supplemental gas''; to read: *Flare purge gas* means gas introduced between a flare header's water seal and the flare tip to prevent oxygen infiltration (backflow) into the flare tip or for other safety reasons. For a flare with no water seal, the function of flare purge gas is performed by flare sweep gas and, therefore, by definition, such a flare has no flare purge gas. *Flare supplemental gas* means all gas introduced to the flare to improve the heat content of combustion zone gas. Flare supplemental gas does not include assist air or assist steam. ■ b. Added a definition of ''Pressure relief device'' in alphabetical order; Pressure relief device means a valve, rupture disk, or similar device used only to release an unplanned, nonroutine discharge of gas from process equipment in order to avoid safety hazards or equipment damage. A pressure relief device discharge can result from an operator error, a malfunction such as a power failure or equipment failure, or other unexpected cause. Such devices include conventional, spring-actuated relief valves, balanced bellows relief valves, pilot-operated relief valves, rupture disks, and breaking, buckling, or shearing pin devices. ■ c. Revised the introductory text and adding paragraphs (1)(i) and (ii) to the definition of ''Reference control technology for storage vessels''; and *Reference control technology for storage vessels means either*: (1) * * * (i) An internal floating roof, including an external floating roof converted to an internal floating roof, meeting the specifications of § 63.1063(a)(1)(i), (a)(2), and (b) and §

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	63.660(b)(2); (ii) An external floating roof meeting the specifications of § 63.1063(a)(1)(ii), (a)(2), and (b) and § 63.660(b)(2); or ■ d. Revised the definition of ''Relief valve'' *Relief valve* means a type of pressure relief device that is designed to re-close after the pressure relief. ■ 7. Section 63.643 was amended by: ■ a. Revised paragraphs (c) introductory text, (c)(1) introductory text, and (c)(1)(ii) through (iv); and (c) An owner or operator may designate a process vent as a maintenance vent if the vent is only used as a result of startup, shutdown, maintenance, or inspection of equipment where equipment is emptied, depressurized, degassed or placed into service. The owner or operator does not need to designate a maintenance vent as a Group 1 or Group 2 miscellaneous process vent nor identify maintenance vents in a Notification of Compliance Status report. The owner or operator must comply with the applicable requirements in paragraphs (c)(1) through (3) of this section for each maintenance vent according to the compliance dates specified in table 11 of this subpart, unless an extension is requested in accordance with the provisions in § 63.6(i). (1) Prior to venting to the atmosphere, process liquids are removed from the equipment as much as practical and the equipment is depressured to a control device meeting requirements in paragraphs (a)(1) or (2) of this section, a fuel gas system, or back to the process until one of the following conditions, as applicable, is met. * * * * * (ii) If there is no ability to measure the LEL of the vapor in the equipment based on the design of the equipment, the pressure in the equipment served by the maintenance vent is reduced to 5 pounds per square inch gauge (psig) or less. Upon opening the maintenance vent, active purging of the equipment cannot be used until the LEL of the vapors in the maintenance vent (or inside the equipment if the maintenance is a hatch or similar type of opening) is less than 10 percent. (iii) The equipment served by the maintenance vent contains less than 72 pounds of total volatile organic compounds (VOC). (iv) If the maintenance vent is associated with equipment containing pyrophoric catalyst (e.g., hydrotreaters and hydrocrackers) and a pure hydrogen supply is not available at the equipment at the time of the startup, shutdown, maintenance, or inspection activity, the LEL of the vapor in the equipment must be less than 20 percent, except for one event per year not to exceed 35 percent. ■ b. Added a new paragraph (c)(1)(v). (v) If, after applying best practices to isolate and purge equipment served by a maintenance vent, none of the applicable criterion in paragraphs (c)(1)(i) through (iv) can be met prior to installing or removing a blind flange or similar equipment blind, the pressure in the equipment served by the maintenance vent is reduced to 2 psig or less, Active purging of the

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	equipment may be used provided the equipment pressure at the location where purge gas is introduced remains at 2 psig or less. ■ 8. Section 63.644 is amended by: ■ a. Revised paragraph (c) introductory text; ■ b. Removed the period at the end of paragraph (c)(2) and adding ‘‘; or’’ in its place; and (c) The owner or operator of a Group 1 miscellaneous process vent using a vent system that contains bypass lines that could divert a vent stream away from the control device used to comply with paragraph (a) of this section either directly to the atmosphere or to a control device that does not comply with the requirements in § 63.643(a) shall comply with either paragraph (c)(1), (2), or (3) of this section. Use of the bypass at any time to divert a Group 1 miscellaneous process vent stream to the atmosphere or to a control device that does not comply with the requirements in § 63.643(a) is an emissions standards violation. Equipment such as low leg drains and equipment subject to § 63.648 are not subject to this paragraph (c). ■ c. Added paragraph (c)(3) (3) Use a cap, blind flange, plug, or a second valve for an open-ended valve or line following the requirements specified in § 60.482–6(a)(2), (b) and (c). ■ 9. Section 63.648 was amended by: ■ a. Revised the introductory text of paragraphs (a), (c), and (j); and (a) Each owner or operator of an existing source subject to the provisions of this subpart shall comply with the provisions of 40 CFR part 60, subpart VV, and paragraph (b) of this section except as provided in paragraphs (a)(1) through (3), and (c) through (j) of this section. Each owner or operator of a new source subject to the provisions of this subpart shall comply with subpart H of this part except as provided in paragraphs (c) through (j) of this section. * * * * * (c) In lieu of complying with the existing source provisions of paragraph (a) in this section, an owner or operator may elect to comply with the requirements of §§ 63.161 through 63.169, 63.171, 63.172, 63.175, 63.176, 63.177, 63.179, and 63.180 except as provided in paragraphs (c)(1) through (12) and (e) through (j) of this section. * * * * * (j) Except as specified in paragraph (j)(4) of this section, the owner or operator must comply with the requirements specified in paragraphs (j)(1) and (2) of this section for pressure relief devices, such as relief valves or rupture disks, in organic HAP gas or vapor service instead of the pressure relief device requirements of § 60.482–4 or § 63.165, as applicable. Except as specified in paragraphs (j)(4) and (5) of this section, the owner or operator must also comply with the requirements specified in paragraph (j)(3) of this section for all pressure relief devices in organic HAP service. * * * * *

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	■ b. Revised paragraphs (j)(3)(ii)(A) and (E), (j)(3)(iv), (j)(3)(v) introductory text, and (j)(4). (3) * * * (ii) * * * (A) Flow, temperature, liquid level and pressure indicators with deadman switches, monitors, or automatic actuators. Independent, non-duplicative systems within this category count as separate redundant prevention measures. * * * * * (E) Staged relief system where initial pressure relief device (with lower set release pressure) discharges to a flare or other closed vent system and control device. * * * * * (iv) The owner or operator shall determine the total number of release events occurred during the calendar year for each affected pressure relief device separately. The owner or operator shall also determine the total number of release events for each pressure relief device for which the root cause analysis concluded that the root cause was a force majeure event, as defined in this subpart. (v) Except for pressure relief devices described in paragraphs (j)(4) and (5) of this section, the following release events from an affected pressure relief device are a violation of the pressure release management work practice standards: (4) Pressure relief devices routed to a control device. (i) If all releases and potential leaks from a pressure relief device are routed through a closed vent system to a control device, back into the process or to the fuel gas system, the owner or operator is not required to comply with paragraph (j)(1), (2), or (3) (if applicable) of this section. (ii) If a pilot-operated pressure relief device is used and the primary release valve is routed through a closed vent system to a control device, back into the process or to the fuel gas system, the owner or operator is required to comply only with paragraphs (j)(1) and (2) of this section for the pilot discharge vent and is not required to comply with paragraph (j)(3) of this section for the pilot-operated pressure relief device. (iii) If a balanced bellows pressure relief device is used and the primary release valve is routed through a closed vent system to a control device, back into the process or to the fuel gas system, the owner or operator is required to comply only with paragraphs (j)(1) and (2) of this section for the bonnet vent and is not required to comply with paragraph (j)(3) of this section for the balanced bellows pressure relief device. (iv) Both the closed vent system and control device (if applicable) referenced in paragraphs (j)(4)(i) through (iii) of this section must meet the requirements of § 63.644. When complying with this paragraph (j)(4), all references to ‘‘Group 1 miscellaneous process vent’’ in § 63.644 mean ‘‘pressure relief device.’’ (v) If a pressure relief device complying with this paragraph (j)(4) is routed to the fuel gas system, then on and after January 30, 2019, any flares receiving gas from that fuel gas system must be in compliance with § 63.670. ■ 10. Section 63.655 was amended by: ■ a. Revised paragraphs (f)(1)(i)(A)(1) through (3), (f)(1)(i)(B)(3), (f)(1)(i)(C)(2), (f)(1)(iii), (f)(2), (f)(4), (g)(2)(i)(B)(1) and (g)(10) introductory text; ■ b. Redesignating paragraph (g)(10)(iii) as (g)(10)(iv); § 63.655 Reporting and recordkeeping requirements. * * * * * (f) * * * (1) * * * (i) * * * (A) * * * (1) For each Group 1 storage vessel complying with either § 63.646 or § 63.660 that is not included in an emissions average, the method of

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	compliance (i.e., internal floating roof, external floating roof, or closed vent system and control device). (2) For storage vessels subject to the compliance schedule specified in § 63.640(h)(2) that are not complying with § 63.646 or § 63.660 as applicable, the anticipated compliance date. (3) For storage vessels subject to the compliance schedule specified in § 63.640(h)(2) that are complying with § 63.646 or § 63.660, as applicable, and the Group 1 storage vessels described in § 63.640(l), the actual compliance date. (B) * * * (3) If the owner or operator elects to submit the results of a performance test, identification of the storage vessel and control device for which the performance test will be submitted, and identification of the emission point(s) that share the control device with the storage vessel and for which the performance test will be conducted. If the performance test is submitted electronically through the EPA's Compliance and Emissions Data Reporting Interface (CEDRI) in accordance with § 63.655(h)(9), the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted may be submitted in the Notification of Compliance Status in lieu of the performance test results. The performance test results must be submitted to CEDRI by the date the Notification of Compliance Status is submitted. (C) * * * (2) If a performance test is conducted instead of a design evaluation, results of the performance test demonstrating that the control device achieves greater than or equal to the required control efficiency. A performance test conducted prior to the compliance date of this subpart can be used to comply with this requirement, provided that the test was conducted using EPA methods and that the test conditions are representative of current operating practices. If the performance test is submitted electronically through the EPA's Compliance and Emissions Data Reporting Interface in accordance with § 63.655(h)(9), the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted may be submitted in the Notification of Compliance Status in lieu of the performance test results. The performance test results must be submitted to CEDRI by the date the Notification of Compliance Status is submitted. * * * * * (iii) For miscellaneous process vents controlled by control devices required to be tested under § 63.645 and § 63.116(c), performance test results including the information in paragraphs (f)(1)(iii)(A) and (B) of this section. Results of a performance test conducted prior to the compliance date of this subpart can be used provided that the test was conducted using the methods specified in § 63.645 and that the test conditions are representative of current operating conditions. If the performance test is submitted electronically through the EPA's Compliance and Emissions Data Reporting Interface in accordance with § 63.655(h)(9), the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted may be submitted in the Notification of Compliance Status in lieu of the performance test results. The performance test results must be submitted to CEDRI by the date the Notification of Compliance Status is submitted. * * * * * (2) If initial performance tests are required by §§ 63.643 through 63.653, the Notification of Compliance Status report shall include one complete test report for each test method used for a particular source. On and after February 1, 2016, for data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (https://www.epa.gov/electronicreporting-air-emissions/electronicreporting-tool-ert) at the time of the

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	test, you must submit the results in accordance with § 63.655(h)(9) by the date that you submit the Notification of Compliance Status, and you must include the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted in the Notification of Compliance Status. All other performance test results must be reported in the Notification of Compliance Status. * * * * * (4) Results of any continuous monitoring system performance evaluations shall be included in the Notification of Compliance Status report, unless the results are required to be submitted electronically by § 63.655(h)(9). For performance evaluation results required to be submitted through CEDRI, submit the results in accordance with § 63.655(h)(9) by the date that you submit the Notification of Compliance Status and include the process unit where the CMS is installed, the parameter measured by the CMS, and the date that the performance evaluation was conducted in the Notification of Compliance Status. * * * * * (g) * * * (2) * * * (i) * * * (B) * * * (1) A failure is defined as any time in which the internal floating roof has defects; or the primary seal has holes, tears, or other openings in the seal or the seal fabric; or the secondary seal (if one has been installed) has holes, tears, or other openings in the seal or the seal fabric; or, for a storage vessel that is part of a new source, the gaskets no longer close off the liquid surface from the atmosphere; or, for a storage vessel that is part of a new source, the slotted membrane has more than a 10 percent open area. * * * * * (10) For pressure relief devices subject to the requirements § 63.648(j), Periodic Reports must include the information specified in paragraphs (g)(10)(i) through (iv) of this section. ■ c. Added new paragraph (g)(10)(iii); * * * * * (iii) For pilot-operated pressure relief devices in organic HAP service, report each pressure release to the atmosphere through the pilot vent that equals or exceeds 72 pounds of VOC per day, including duration of the pressure release through the pilot vent and estimate of the mass quantity of each organic HAP released. ■ d. Revised paragraph (g)(13) introductory text and paragraph (h)(2)(ii); (13) For maintenance vents subject to the requirements in § 63.643(c), Periodic Reports must include the information specified in paragraphs (g)(13)(i) through (iv) of this section for any release exceeding the applicable limits in § 63.643(c)(1). For the purposes of this reporting requirement, owners or operators complying with § 63.643(c)(1)(iv) must report each venting event for which the lower explosive limit is 20 percent or greater; owners or operators complying with § 63.643(c)(1)(v) must report each venting event conducted under those provisions and include an explanation for each event as to why utilization of this alternative was required. * * * * * (h) * * * (2) * * * (ii) In order to afford the Administrator the opportunity to have an observer present, the owner or operator of a storage vessel equipped with an external floating roof shall notify the Administrator of any seal gap measurements. The notification shall be made in writing at least 30 calendar days in advance of any gap measurements

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	required by § 63.120(b)(1) or (2) or § 63.1063(d)(3). The State or local permitting authority can waive this notification requirement for all or some storage vessels subject to the rule or can allow less than 30 calendar days' notice. ■ e. Removed and reserved paragraph (h)(5)(iii); ■ f. Revised paragraph (h)(8) (8) For fenceline monitoring systems subject to § 63.658, each owner or operator shall submit the following information to the EPA's Compliance and Emissions Data Reporting Interface (CEDRI) on a quarterly basis. (CEDRI can be accessed through the EPA's Central Data Exchange (CDX) (https:// cdx.epa.gov/). The first quarterly report must be submitted once the owner or operator has obtained 12 months of data. The first quarterly report must cover the period beginning on the compliance date that is specified in Table 11 of this subpart and ending on March 31, June 30, September 30 or December 31, whichever date is the first date that occurs after the owner or operator has obtained 12 months of data (i.e., the first quarterly report will contain between 12 and 15 months of data). Each subsequent quarterly report must cover one of the following reporting periods: Quarter 1 from January 1 through March 31; Quarter 2 from April 1 through June 30; Quarter 3 from July 1 through September 30; and Quarter 4 from October 1 through December 31. Each quarterly report must be electronically submitted no later than 45 calendar days following the end of the reporting period. (i) Facility name and address. (ii) Year and reporting quarter (i.e., Quarter 1, Quarter 2, Quarter 3, or Quarter 4). (iii) For the first reporting period and for any reporting period in which a passive monitor is added or moved, for each passive monitor: The latitude and longitude location coordinates; the sampler name; and identification of the type of sampler (i.e., regular monitor, extra monitor, duplicate, field blank, inactive). The owner or operator shall determine the coordinates using an instrument with an accuracy of at least 3 meters. Coordinates shall be in decimal degrees with at least five decimal places. (iv) The beginning and ending dates for each sampling period. (v) Individual sample results for benzene reported in units of mg/m3 for each monitor for each sampling period that ends during the reporting period. Results below the method detection limit shall be flagged as below the detection limit and reported at the method detection limit. (vi) Data flags that indicate each monitor that was skipped for the sampling period, if the owner or operator uses an alternative sampling frequency under § 63.658(e)(3). (vii) Data flags for each outlier determined in accordance with Section 9.2 of Method 325A of appendix A of this part. For each outlier, the owner or operator must submit the individual sample result of the outlier, as well as the evidence used to conclude that the result is an outlier. (viii) The biweekly concentration difference (Dc) for benzene for each sampling period and the annual average Dc for benzene for each sampling period. ■ g. Revised paragraph (h)(9)(i) introductory text and paragraph (h)(9)(ii) introductory text; (9) * * * (i) Unless otherwise specified by this subpart, within 60 days after the date of completing each performance test as required by this subpart, the owner or operator shall submit the results of the performance tests following the procedure specified in either paragraph (h)(9)(i)(A) or (B) of this section.

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	* * * * * (ii) Unless otherwise specified by this subpart, within 60 days after the date of completing each CEMS performance evaluation as required by this subpart, the owner or operator must submit the results of the performance evaluation following the procedure specified in either paragraph (h)(9)(ii)(A) or (B) of this section. ■ h. Added paragraph (h)(10); (10)(i) If you are required to electronically submit a report through the Compliance and Emissions Data Reporting Interface (CEDRI) in the EPA's Central Data Exchange (CDX), and due to a planned or actual outage of either the EPA's CEDRI or CDX systems within the period of time beginning 5 business days prior to the date that the submission is due, you will be or are precluded from accessing CEDRI or CDX and submitting a required report within the time prescribed, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description identifying the date(s) and time(s) the CDX or CEDRI were unavailable when you attempted to access it in the 5 business days prior to the submission deadline; a rationale for attributing the delay in reporting beyond the regulatory deadline to the EPA system outage; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved. The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator. (ii) If you are required to electronically submit a report through CEDRI in the EPA's CDX and a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning 5 business days prior to the date the submission is due, the owner or operator may assert a claim of force majeure for failure to timely comply with the reporting requirement. For the purposes of this paragraph, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (e.g., hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (e.g., large scale power outage). If you intend to assert a claim of force majeure, you must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description of the force majeure event and a rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any

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	circumstance, the reporting must occur as soon as possible after the force majeure event occurs. The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator. ■ i. Revised paragraph (i)(3)(ii)(B); (B) Block average values for 1 hour or shorter periods calculated from all measured data values during each period. If values are measured more frequently than once per minute, a single value for each minute may be used to calculate the hourly (or shorter period) block average instead of all measured values; or ■ j. Added paragraphs (i)(3)(ii)(C) and (i)(5)(i) through (v); (C) All values that meet the set criteria for variation from previously recorded values using an automated data compression recording system. (1) The automated data compression recording system shall be designed to: (i) Measure the operating parameter value at least once every hour. (ii) Record at least 24 values each day during periods of operation. (iii) Record the date and time when monitors are turned off or on. (iv) Recognize unchanging data that may indicate the monitor is not functioning properly, alert the operator, and record the incident. (v) Compute daily average values of the monitored operating parameter based on recorded data. (2) You must maintain a record of the description of the monitoring system and data compression recording system including the criteria used to determine which monitored values are recorded and retained, the method for calculating daily averages, and a demonstration that the system meets all criteria of paragraph (i)(3)(ii)(C)(1) of this section. * * * * * (5) * * * (i) Identification of all petroleum refinery process unit heat exchangers at the facility and the average annual HAP concentration of process fluid or intervening cooling fluid estimated when developing the Notification of Compliance Status report. (ii) Identification of all heat exchange systems subject to the monitoring requirements in § 63.654 and identification of all heat exchange systems that are exempt from the monitoring requirements according to the provisions in § 63.654(b). For each heat exchange system that is subject to the monitoring requirements in § 63.654, this must include identification of all heat exchangers within each heat exchange system, and, for closed-loop recirculation systems, the cooling tower included in each heat exchange system. (iii) Results of the following monitoring data for each required monitoring event: (A) Date/time of event. (B) Barometric pressure. (C) El Paso air stripping apparatus water flow milliliter/minute (ml/min) and air flow, ml/min, and air temperature, °Celsius. (D) FID reading (ppmv). (E) Length of sampling period. (F) Sample volume. (G) Calibration information identified in Section 5.4.2 of the ‘‘Air Stripping Method (Modified El Paso Method) for Determination of Volatile Organic Compound Emissions from Water Sources’’ Revision Number One, dated January 2003, Sampling Procedures Manual, Appendix P: Cooling Tower Monitoring, prepared by Texas Commission on Environmental Quality, January 31, 2003 (incorporated by reference—see § 63.14). (iv) The date

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	when a leak was identified, the date the source of the leak was identified, and the date when the heat exchanger was repaired or taken out of service. (v) If a repair is delayed, the reason for the delay, the schedule for completing the repair, the heat exchange exit line flow or cooling tower return line average flow rate at the monitoring location (in gallons/minute), and the estimate of potential strippable hydrocarbon emissions for each required monitoring interval during the delay of repair. ■ k. Revised paragraphs (i)(7)(iii)(B) and (i)(11) introductory text; (7) * * * (iii) * * * (B) The pressure or temperature of the coke drum vessel, as applicable, for the 5-minute period prior to the pre-vent draining. * * * * * (11) For each pressure relief device subject to the pressure release management work practice standards in § 63.648(j)(3), the owner or operator shall keep the records specified in paragraphs (i)(11)(i) through (iii) of this section. For each pilot-operated pressure relief device subject to the requirements at § 63.648(j)(4)(ii) or (iii), the owner or operator shall keep the records specified in paragraph (i)(11)(iv) of this section. ■ l. Added paragraph (i)(11)(iv); (iv) For pilot-operated pressure relief devices, general or release-specific records for estimating the quantity of VOC released from the pilot vent during a release event, and records of calculations used to determine the quantity of specific HAP released for any event or series of events in which 72 or more pounds of VOC are released in a day. ■ m. Revised paragraph (i)(12) introductory text and paragraph (i)(12)(iv); and (12) For each maintenance vent opening subject to the requirements in § 63.643(c), the owner or operator shall keep the applicable records specified in paragraphs (i)(12)(i) through (vi) of this section. * * * * * (iv) If complying with the requirements of § 63.643(c)(1)(iii), records used to estimate the total quantity of VOC in the equipment and the type and size limits of equipment that contain less than 72 pounds of VOC at the time of maintenance vent opening. For each maintenance vent opening for which the deinventory procedures specified in paragraph (i)(12)(i) of this section are not followed or for which the equipment opened exceeds the type and size limits established in the records specified in this paragraph, identification of the maintenance vent, the process units or equipment associated with the maintenance vent, the date of maintenance vent opening, and records used to estimate the total quantity of VOC in the equipment at the time the maintenance vent was opened to the atmosphere. ■ n. Added paragraph (i)(12)(vi). (vi) If complying with the requirements of § 63.643(c)(1)(v), identification of the maintenance vent, the process units or equipment associated with the maintenance vent, records documenting actions taken to comply with other applicable

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	alternatives and why utilization of this alternative was required, the date of maintenance vent opening, the equipment pressure and lower explosive limit of the vapors in the equipment at the time of discharge, an indication of whether active purging was performed and the pressure of the equipment during the installation or removal of the blind if active purging was used, the duration the maintenance vent was open during the blind installation or removal process, and records used to estimate the total quantity of VOC in the equipment at the time the maintenance vent was opened to the atmosphere for each applicable maintenance vent opening. ■ 11. Section 63.657 was amended by revising paragraphs (a)(1)(i) and (ii), (a)(2)(i) and (ii), (b)(5), and (e) § 63.657 Delayed coking unit decoking operation standards. (a) * * * (1) * * * (i) An average vessel pressure of 2 psig or less determined on a rolling 60- event average; or (ii) An average vessel temperature of 220 degrees Fahrenheit or less determined on a rolling 60-event average. (2) * * * (i) A vessel pressure of 2.0 psig or less for each decoking event; or (ii) A vessel temperature of 218 degrees Fahrenheit or less for each decoking event. * * * * * (b) * * * (5) The output of the pressure monitoring system must be reviewed each day the unit is operated to ensure that the pressure readings fluctuate as expected between operating and cooling/decoking cycles to verify the pressure taps are not plugged. Plugged pressure taps must be unplugged or otherwise repaired prior to the next operating cycle. * * * * * (e) The owner or operator of a delayed coking unit using the ‘‘water overflow’’ method of coke cooling prior to complying with the applicable requirements in paragraph (a) of this section must meet the requirements in either paragraph (e)(1) or (e)(2) of this section or, if applicable, the requirements in paragraph (e)(3) of this section. The owner or operator of a delayed coking unit using the ‘‘water overflow’’ method of coke cooling subject to this paragraph shall determine the coke drum vessel temperature as specified in paragraphs (c) and (d) of this section and shall not otherwise drain or vent the coke drum until the coke drum vessel temperature is at or below the applicable limits in paragraph (a)(1)(ii) or (a)(2)(ii) of this section. (1) The overflow water must be directed to a separator or similar disengaging device that is operated in a manner to prevent entrainment of gases from the coke drum vessel to the overflow water storage tank. Gases from the separator or disengaging device must be routed to a closed blowdown system or otherwise controlled following the requirements for a Group 1 miscellaneous process vent. The liquid from the separator or disengaging device must be hardpiped to the overflow water storage tank or similarly transported to prevent exposure of the overflow water to the atmosphere. The overflow water storage tank may be an open or uncontrolled fixed-roof tank provided that a submerged fill pipe (pipe outlet below existing liquid level in the tank) is used to transfer overflow water to the tank.

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	(2) The overflow water must be directed to a storage vessel meeting the requirements for storage vessels in subpart SS of this part. (3) Prior to November 26, 2020, if the equipment needed to comply with paragraphs (e)(1) or (2) of this section are not installed and operational, you must comply with all of the requirements in paragraphs (e)(3)(i) through (iv) of this section. (i) The temperature of the coke drum, measured according to paragraph (c) of this section, must be 250 degrees Fahrenheit or less prior to initiation of water overflow and at all times during the water overflow. (ii) The overflow water must be hardpiped to the overflow water storage tank or similarly transported to prevent exposure of the overflow water to the atmosphere. (iii) The overflow water storage tank may be an open or uncontrolled fixedroof tank provided that all of the following requirements are met. (A) A submerged fill pipe (pipe outlet below existing liquid level in the tank) is used to transfer overflow water to the tank. (B) The liquid level in the storage tank is at least 6 feet above the submerged fill pipe outlet at all times during water overflow. (C) The temperature of the contents in the storage tank remain below 150 degrees Fahrenheit at all times during water overflow. ■ 12. Section 63.658 was amended by revising paragraphs (c)(1), (2) and (3), (d)(1) introductory text and (d)(2), (e) introductory text, (e)(3)(iv), (f)(1)(i) introductory text, and (f)(1)(i)(B). (c) * * * (1) As it pertains to this subpart, known sources of VOCs, as used in Section 8.2.1.3 in Method 325A of appendix A of this part for siting passive monitors, means a wastewater treatment unit, process unit, or any emission source requiring control according to the requirements of this subpart, including marine vessel loading operations. For marine vessel loading operations, one passive monitor should be sited on the shoreline adjacent to the dock. For this subpart, an additional monitor is not required if the only emission sources within 50 meters of the monitoring boundary are equipment leak sources satisfying all of the conditions in paragraphs (c)(1)(i) through (iv) of this section. (i) The equipment leak sources in organic HAP service within 50 meters of the monitoring boundary are limited to valves, pumps, connectors, sampling connections, and open-ended lines. If compressors, pressure relief devices, or agitators in organic HAP service are present within 50 meters of the monitoring boundary, the additional passive monitoring location specified in Section 8.2.1.3 in Method 325A of appendix A of this part must be used. (ii) All equipment leak sources in gas or light liquid service (and in organic HAP service), including valves, pumps, connectors, sampling connections and open-ended lines, must be monitored using EPA Method 21 of 40 CFR part 60, appendix A–7 no less frequently than quarterly with no provisions for skip period monitoring, or according to the provisions of § 63.11(c) Alternative Work practice for monitoring equipment for leaks. For the purpose of this provision, a leak is detected if the instrument reading equals or exceeds the applicable limits in paragraphs (c)(1)(ii)(A) through (E) of this section: (A) For valves, pumps or connectors at an existing source, an instrument reading of 10,000 ppmv. (B) For valves or connectors at a new source, an instrument reading of 500 ppmv. (C) For pumps at a new source, an instrument reading of 2,000 ppmv. (D) For sampling connections

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	or openended lines, an instrument reading of 500 ppmv above background. (E) For equipment monitored according to the Alternative Work practice for monitoring equipment for leaks, the leak definitions contained in § 63.11 (c)(6)(i) through (iii). (iii) All equipment leak sources in organic HAP service, including sources in gas, light liquid and heavy liquid service, must be inspected using visual, audible, olfactory, or any other detection method at least monthly. A leak is detected if the inspection identifies a potential leak to the atmosphere or if there are indications of liquids dripping. (iv) All leaks identified by the monitoring or inspections specified in paragraphs (c)(1)(ii) or (iii) of this section must be repaired no later than 15 calendar days after it is detected with no provisions for delay of repair. If a repair is not completed within 15 calendar days, the additional passive monitor specified in Section 8.2.1.3 in Method 325A of appendix A of this part must be used. (2) The owner or operator may collect one or more background samples if the owner or operator believes that an offsite upwind source or an onsite source excluded under § 63.640(g) may influence the sampler measurements. If the owner or operator elects to collect one or more background samples, the owner or operator must develop and submit a site-specific monitoring plan for approval according to the requirements in paragraph (i) of this section. Upon approval of the sitespecific monitoring plan, the background sampler(s) should be operated co-currently with the routine samplers. (3) If there are 19 or fewer monitoring locations, the owner or operator shall collect at least one co-located duplicate sample per sampling period and at least one field blank per sampling period. If there are 20 or more monitoring locations, the owner or operator shall collect at least two co-located duplicate samples per sampling period and at least one field blank per sampling period. The co-located duplicates may be collected at any of the perimeter sampling locations. * * * * * (d) * * * (1) If a near-field source correction is used as provided in paragraph (i)(2) of this section or if an alternative test method is used that provides timeresolved measurements, the owner or operator shall: * * * * * (2) For cases other than those specified in paragraph (d)(1) of this section, the owner or operator shall collect and record sampling period average temperature and barometric pressure using either an on-site meteorological station in accordance with Section 8.3.1 through 8.3.3 of Method 325A of appendix A of this part or, alternatively, using data from a United States Weather Service (USWS) meteorological station provided the USWS meteorological station is within 40 kilometers (25 miles) of the refinery. * * * * * (e) The owner or operator shall use a sampling period and sampling frequency as specified in paragraphs (e)(1) through (3) of this section. * * * * * (3) * * * (iv) If every sample at a monitoring site that is monitored at the frequency specified in paragraph (e)(3)(iii) of this section is at or below 0.9 mg/m3 for 2 years (i.e., 4 consecutive semiannual samples), only one sample per year is required for that monitoring site. For yearly sampling, samples shall occur at least 10 months but no more than 14 months apart. * * * * * (f) * * * (1) * * * (i) Except when near-field source correction is used as provided in paragraph (i) of this section, the owner or operator shall determine the highest and lowest sample results for benzene concentrations from the

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	sample pool and calculate Dc as the difference in these concentrations. Co-located samples must be averaged together for the purposes of determining the benzene concentration for that sampling location, and, if applicable, for determining Dc. The owner or operator shall adhere to the following procedures when one or more samples for the sampling period are below the method detection limit for benzene: * * * * * (B) If all sample results are below the method detection limit, the owner or operator shall use the method detection limit as the highest sample result and zero as the lowest sample result when calculating $\triangle$ c 13. Section 63.660 was amended by revising the introductory text, paragraph (b) introductory text, paragraphs (b)(1) and (e), and paragraph (i)(2) introductory text, and adding paragraph (i)(2)(iii) On and after the applicable compliance date for a Group 1 storage vessel located at a new or existing source as specified in § 63.640(h), the owner or operator of a Group 1 storage vessel storing liquid with a maximum true vapor pressure less than 76.6 kilopascals (11.1 pounds per square inch) that is part of a new or existing source shall comply with either the requirements in subpart WW or SS of this part according to the requirements in paragraphs (a) through (i) of this section and the owner or operator of a Group 1 storage vessel storing liquid with a maximum true vapor pressure greater than or equal to 76.6 kilopascals (11.1 pounds per square inch) that is part of a new or existing source shall comply with the requirements in subpart SS of this part according to the requirements in paragraphs (a) through (i) of this section. * * * * * (b) A floating roof storage vessel complying with the requirements of subpart WW of this part may comply with the control option specified in paragraph (b)(1) of this section and, if equipped with a ladder having at least one slotted leg, shall comply with one of the control options as described in paragraph (b)(2) of this section. If the floating roof storage vessel does not meet the requirements of § 63.1063(a)(2)(i) through (a)(2)(viii) as of June 30, 2014, these requirements do not apply until the next time the vessel is completely emptied and degassed, or January 30, 2026, whichever occurs first. (1) In addition to the options presented in §§ 63.1063(a)(2)(viii)(A) and (B) and 63.1064, a floating roof storage vessel may comply with § 63.1063(a)(2)(viii) using a flexible enclosure device and either a gasketed or welded cap on the top of the guidepole. * * * * * (e) For storage vessels previously subject to requirements in § 63.646, initial inspection requirements in § 63.1063(c)(1) and (c)(2)(i) (i.e., those related to the initial filling of the storage vessel) or in § 63.983(b)(1)(i)(A), as applicable, are not required. Failure to perform other inspections and monitoring required by this section shall constitute a violation of the applicable standard of this subpart. * * * * * (i) * * * (2) If a closed vent system contains a bypass line, the owner or operator shall comply with the provisions of either § 63.983(a)(3)(i) or (ii) or paragraph (iii) of this section for each closed vent system that contains bypass lines that could divert a vent stream either directly to the atmosphere or to a control device that does not comply with the requirements in subpart SS of this part. Except as provided in paragraphs (i)(2)(i) and (ii) of this section, use of the bypass at any time to divert a Group 1 storage vessel either directly to the atmosphere or to a control device that does not comply

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	with the requirements in subpart SS of this part is an emissions standards violation. Equipment such as low leg drains and equipment subject to § 63.648 are not subject to this paragraph (i)(2). * * * * * (iii) Use a cap, blind flange, plug, or a second valve for an open-ended valves or line following the requirements specified in § 60.482–6(a)(2), (b) and (c). 14. Section 63.670 was amended by: ■ a. Revising paragraph (f); (f) Dilution operating limits for flares with perimeter assist air. Except as provided in paragraph (f)(1) of this section, for each flare actively receiving perimeter assist air, the owner or operator shall operate the flare to maintain the net heating value dilution parameter (NHVdil) at or above 22 British thermal units per square foot (Btu/ft2) determined on a 15-minute block period basis when regulated material is being routed to the flare for at least 15-minutes. The owner or operator shall monitor and calculate NHVdil as specified in paragraph (n) of this section. (1) If the only assist air provided to a specific flare is perimeter assist air intentionally entrained in lower and/or upper steam at the flare tip and the effective diameter is 9 inches or greater, the owner or operator shall comply only with the NHVcz operating limit in paragraph (e) of this section for that flare. ■ b. Revised paragraphs (h) introductory text, (h)(1), and (i) introductory text; * * * * (h) Visible emissions monitoring. The owner or operator shall conduct an initial visible emissions demonstration using an observation period of 2 hours using Method 22 at 40 CFR part 60, appendix A–7. The initial visible emissions demonstration should be conducted the first time regulated materials are routed to the flare. Subsequent visible emissions observations must be conducted using either the methods in paragraph (h)(1) of this section or, alternatively, the methods in paragraph (h)(2) of this section. The owner or operator must record and report any instances where visible emissions are observed for more than 5 minutes during any 2 consecutive hours as specified in § 63.655(g)(11)(ii). (1) At least once per day for each day regulated material is routed to the flare, conduct visible emissions observations using an observation period of 5 minutes using Method 22 at 40 CFR part 60, appendix A–7. If at any time the owner or operator sees visible emissions while regulated material is routed to the flare, even if the minimum required daily visible emission monitoring has already been performed, the owner or operator shall immediately begin an observation period of 5 minutes using Method 22 at 40 CFR part 60, appendix A–7. If visible emissions are observed for more than one continuous minute during any 5-minute observation period, the observation period using Method 22 at 40 CFR part 60, appendix A–7 must be extended to 2 hours or until 5- minutes of visible emissions are observed. Daily 5-minute Method 22 observations are not required to be conducted for days the flare does not receive any regulated material. * * * * * (i) Flare vent gas, steam assist and air assist flow rate monitoring. The owner or operator shall install, operate, calibrate, and maintain a monitoring system capable of continuously measuring, calculating, and recording the volumetric

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	flow rate in the flare header or headers that feed the flare as well as any flare supplemental gas used. Different flow monitoring methods may be used to measure different gaseous streams that make up the flare vent gas provided that the flow rates of all gas streams that contribute to the flare vent gas are determined. If assist air or assist steam is used, the owner or operator shall install, operate, calibrate, and maintain a monitoring system capable of continuously measuring, calculating, and recording the volumetric flow rate of assist air and/or assist steam used with the flare. If pre-mix assist air and perimeter assist are both used, the owner or operator shall install, operate, calibrate, and maintain a monitoring system capable of separately measuring, calculating, and recording the volumetric flow rate of premix assist air and perimeter assist air used with the flare. Flow monitoring system requirements and acceptable alternatives are provided in paragraphs (i)(1) through (6) of this section. ■ c. Added paragraphs (i)(5) and (6); (5) Continuously monitoring fan speed or power and using fan curves is an acceptable method for continuously monitoring assist air flow rates. (6) For perimeter assist air intentionally entrained in lower and/or upper steam, the monitored steam flow rate and the maximum design air-to steam volumetric flow ratio of the entrainment system may be used to determine the assist air flow rate. ■ d. Revised paragraph (j)(6) introductory text; (j) * * * (6) Direct compositional or net heating value monitoring is not required for gas streams that have been demonstrated to have consistent composition (or a fixed minimum net heating value) according to the methods in paragraphs (j)(6)(i) through (iii) of this section. ■ e. Revised the definition of the Qcum term in the equation in paragraph (k)(3); (k) * * * (3) * * * * * * * * Qcum = Cumulative volumetric flow over 15- minute block average period, standard cubic feet. ■ f. Revised paragraph (m)(2) introductory text; (m) * * * (2) Owners or operators of flares that use the feed-forward calculation methodology in paragraph (l)(5)(i) of this section and that monitor gas composition or net heating value in a location representative of the cumulative vent gas stream and that directly monitor flare supplemental gas flow additions to the flare must determine the 15-minute block average NHVcz using the following equation. ■ g. Revised the definitions of the QNG2, QNG1, and NHVNG terms in the equation in paragraph (m)(2); QNG2 = Cumulative volumetric flow of flare supplemental gas during the 15-minute block period, scf.

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	QNG1 = Cumulative volumetric flow of flare supplemental gas during the previous 15-minute block period, scf. For the first 15-minute block period of an event, use the volumetric flow value for the current 15-minute block period, i.e., QNG1 = QNG2. NHVNG = Net heating value of flare supplemental gas for the 15-minute block period determined according to the requirements in paragraph (j)(5) of this section, Btu/scf. ■ h. Revised paragraph (n)(2) introductory text; (n) * * * (2) Owners or operators of flares that use the feed-forward calculation methodology in paragraph (l)(5)(i) of this section and that monitor gas composition or net heating value in a location representative of the cumulative vent gas stream and that directly monitor flare supplemental gas flow additions to the flare must determine the 15-minute block average NHVdil using the following equation only during periods when perimeter assist air is used. For 15-minute block periods when there is no cumulative volumetric flow of perimeter assist air, the 15-minute block average NHVdil parameter does not need to be calculated. * * * ■ i. Revised the definitions of the QNG2, QNG1, and NHVNG terms in the equation in paragraph (n)(2); and QNG2 = Cumulative volumetric flow of flare supplemental gas during the 15-minute block period, scf. QNG1 = Cumulative volumetric flow of flare supplemental gas during the previous 15-minute block period, scf. For the first 15-minute block period of an event, use the volumetric flow value for the current 15-minute block period, i.e., QNG1 = QNG2. NHVNG = Net heating value of flare supplemental gas for the 15-minute block period determined according to the requirements in paragraph (j)(5) of this section, Btu/scf. ■ j. Revised paragraphs (o) introductory text, (o)(1)(ii)(B), (o)(1)(iii)(B), and (o)(3)(i). (o) Emergency flaring provisions. The owner or operator of a flare that has the potential to operate above its smokeless capacity under any circumstance shall comply with the provisions in paragraphs (o)(1) through (7) of this section. (1) * * * (ii) * * * (B) Implementation of prevention measures listed for pressure relief devices in § 63.648(j)(3)(ii)(A) through (E) for each pressure relief device that can discharge to the flare. * * * * * (iii) * * * (B) The smokeless capacity of the flare based on a 15-minute block average and design conditions. Note: A single value must be provided for the smokeless capacity of the flare. * * * * * (3) * * * (i) The vent gas flow rate exceeds the smokeless capacity of the flare based on a 15-minute block average and visible emissions are present from the flare for more than 5 minutes during any 2 consecutive hours during the release event.

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	15. Table 6 to Subpart CC is amended by revising the entries ‘‘63.6(f)(3)’’, ‘‘63.6(h)(8)’’, 63.7(a)(2)’’, ‘‘63.7(f)’’, ‘‘63.7(h)(3)’’, and ‘‘63.8(e)’’ ■ 16. Table 11 to subpart CC is amended by revising items (2)(iv), (3)(iv) and (4)(v) **83 FR No. 227 (November 26, 2018)**
40 CFR 63.1175--63.1199 (Subpart DDD)	No Changes
63.7480--63.7575 (Subpart DDDDD)	No Changes
40 CFR 63.741-63.759 (Subpart GG)	No Change
63.8380--63.8515 (Subpart JJJJJ)	No Changes
63.8530--63.8665 (Subpart KKKKK)	No Changes
40 CFR 63.1340--63.1359 (Subpart LLL)	Section 63.1349 was amended by adding paragraph (b)(6)(v)(H) to read as follows: § 63.1349 Performance testing requirements. * * * * * (b) * * * (6) * * * (v) * * * (H) Paragraph (b)(6)(v) of this section expires on July 25, 2017 at which time the owner or operator must demonstrate compliance with paragraphs (b)(6)(i), (ii), or (iii). Section 63.1350 was amended by revising paragraph (l)(4) introductory text to read as follows: § 63.1350 Monitoring requirements.

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	* * * * * (l) * * * (4) If you monitor continuous performance through the use of an HCl CPMS according to paragraphs (b)(6)(v)(A) through (H) of § 63.1349, for any exceedance of the 30-kiln operating day HCl CPMS average value from the established operating limit, you must: **82 FR No.161** ■ 2. Section 63.1341 was amended by: ■ a. Removed the definition of ''affirmative defense''; and ■ b. Revised the definitions of ''dioxins and furans (D/F),'' ''in-line coal mill,'' and ''TEQ.'' Dioxins and furans (D/F) means tetra-, penta-, hexa-, hepta-, and octachlorinated dibenzo dioxins and furans. * * * * * In-line coal mill means a coal mill using kiln exhaust gases in their process. A coal mill with a heat source other than the kiln or a coal mill using exhaust gases from the clinker cooler is not an in-line coal mill. * * * * * TEQ means the international method of expressing toxicity equivalents for dioxins and furans as defined in U.S. EPA, Interim Procedures for Estimating Risks Associated with Exposures to Mixtures of Chlorinated Dibenzo-pdioxins and -dibenzofurans (CDDs and CDFs) and 1989 Update, March 1989. The 1989 Toxic Equivalency Factors (TEFs) used to determine the dioxin and furan TEQs are listed in Table 2 to subpart LLL of Part 63. 3. Section 63.1343 was amended by removing paragraph (d) and Table 2. ■ 4. Section 63.1348 was amended by: ■ a. Added a sentence after the first sentence in paragraph (a) introductory text; a) Initial Performance Test Requirements. * * * Any affected source that was unable to demonstrate compliance before the compliance date due to being idled, or that had demonstrated compliance but was idled during the normal window for the next compliance test, must demonstrate compliance within 180 days after coming out of the idle period. ■ b. Revised paragraph (a)(3)(i), the second sentence in paragraph (a)(3)(iv), and paragraphs (a)(4)(ii), (a)(7)(ii), (b)(3)(ii), and (b)(4); (3) D/F compliance. (i) If you are subject to limitations on D/F emissions under § 63.1343(b), you must demonstrate initial compliance with the D/F emissions standards by using the performance test methods and procedures in § 63.1349(b)(3). The owner or operator of a kiln with an inline raw mill must demonstrate initial compliance by conducting separate performance tests while the raw mill is operating and the raw mill is not operating. Determine the D/F TEQ concentration for each run and calculate the arithmetic average of the TEQ concentrations measured for the three runs to determine continuous compliance.

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	* * * * * (iv) * * * Compliance is demonstrated if the system is maintained within ±5 percent accuracy during the performance test determined in accordance with the procedures and criteria submitted for review in your monitoring plan required in § 63.1350(p). (4) * * * (ii) Total Organic HAP Emissions Tests. If you elect to demonstrate compliance with the total organic HAP emissions limit under § 63.1343(b) in lieu of the THC emissions limit, you must demonstrate compliance with the total organic HAP emissions standards by using the performance test methods and procedures in § 63.1349(b)(7). * * * * * (7) * * * (ii) Perform required emission monitoring and testing of the kiln exhaust prior to the reintroduction of the coal mill exhaust, and also testing the kiln exhaust diverted to the coal mill. All emissions must be added together for all emission points, and must not exceed the limit per each pollutant as listed in § 63.1343(b). (b) * * * (3) * * * (ii) Bag Leak Detection System (BLDS). If you install a BLDS on a raw mill or finish mill in lieu of conducting the daily visible emissions testing, you must demonstrate compliance using a BLDS that is installed, operated, and maintained in accordance with the requirements of § 63.1350(f)(4)(ii). (4) D/F Compliance. If you are subject to a D/F emissions limitation under § 63.1343(b), you must demonstrate compliance using a continuous monitoring system (CMS) that is installed, operated and maintained to record the temperature of specified gas streams in accordance with the ■ c. Added a heading to paragraph (b)(5); and ■ d. Revised paragraph (b)(5)(i). (5) Activated Carbon Injection Compliance. (i) If you use activated carbon injection to comply with the D/ F emissions limitation under § 63.1343(b), you must demonstrate compliance using a CMS that is installed, operated, and maintained to record the rate of activated carbon injection in accordance with the 5. Section 63.1349 was amended by: ■ a. Revised paragraphs (b)(1)(vi), (b)(3)(iv), (b)(4)(i), (b)(6)(i)(A), (b)(7)(viii)(A), (b)(8)(vi), and (b)(8)(vii)(B); (b)(1) * * * (vi) For each performance test, conduct at least three separate test runs under the conditions that exist when the affected source is operating at the level reasonably expected to occur. Conduct each test run to collect a minimum sample volume of 2 dscm for determining compliance with a new source limit and 1 dscm for determining compliance with an existing source limit. Calculate the time weighted average of the results from three consecutive runs, including applicable sources as required by paragraph (b)(1)(viii) of this section, to determine compliance. You need not determine the particulate matter collected in the impingers ‘‘back half’’ of the Method 5 or Method 5I particulate sampling train to demonstrate compliance with the PM standards of this subpart. This shall not preclude the permitting authority from requiring a determination of the ‘‘back half’’ for other purposes. For kilns with inline raw mills, testing must be conducted while the raw mill is on and while the raw mill is off. If the exhaust streams of a kiln with an inline raw mill and a clinker cooler are comingled, then the comingled exhaust stream must be tested with the raw mill on and the raw mill off.

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	(3) * * * (iv) The run average temperature must be calculated for each run, and the average of the run average temperatures must be determined and included in the performance test report and will determine the applicable temperature limit in accordance with § 63.1346(b). (4) * * * (i) If you are subject to limitations on THC emissions, you must operate a CEMS in accordance with the requirements in § 63.1350(i). For the purposes of conducting the accuracy and quality assurance evaluations for CEMS, the THC span value (as propane) is 50 to 60 ppmvw and the reference method (RM) is Method 25A of appendix A to part 60 of this chapter. (6) * * * (i)(A) If the source is equipped with a wet scrubber, tray tower or dry scrubber, you must conduct performance testing using Method 321 of appendix A to this part unless you have installed a CEMS that meets the requirements § 63.1350(l)(1). For kilns with inline raw mills, testing must be conducted for the raw mill on and raw mill off conditions. (7) * * * (viii) * * * (A) Determine the THC CEMS average values in ppmvw, and the average of your corresponding three total organic HAP compliance test runs, using Equation 12. (8) * * * (vi) If your kiln has an inline kiln/raw mill, you must conduct separate performance tests while the raw mill is operating (''mill on'') and while the raw mill is not operating (''mill off''). Using the fraction of time the raw mill is on and the fraction of time that the raw mill is off, calculate this limit as a weighted average of the SO2 levels measured during raw mill on and raw mill off compliance testing with Equation 17. (vii) * * * (B) Determine your SO2 CEMS instrument average ppm, and the average of your corresponding three HCl compliance test runs, using Equation 18. ■ b. Removed and reserved paragraph (d). ■ 10. Added table 2 to subpart LLL. **83 FR No. 143 (July 25, 2018)**
40 CFR 63.1500--63.1520 (Subpart RRR)	No Change
40 CFR 63.1560--63.1579 (Subpart UUU)	18. Section 63.1564 was amended by revising the introductory text of paragraphs (b)(4)(iii), (c)(3), and (c)(4) and revising paragraph (c)(5)(iii) to read as follows: (4) * * * (iii) If you elect Option 3 in paragraph (a)(1)(v) of this section, the Ni lb/hr emission limit, compute your Ni emission rate using Equation 5 of this section and your site-specific Ni operating limit (if you use a continuous opacity monitoring system) using Equations 6 and 7 of this section as follows: * * *

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	(3) If you use a continuous opacity monitoring system and elect to comply with Option 3 in paragraph (a)(1)(v) of this section, determine continuous compliance with your site-specific Ni operating limit by using Equation 11 of this section as follows: (4) If you use a continuous opacity monitoring system and elect to comply with Option 4 in paragraph (a)(1)(vi) of this section, determine continuous compliance with your site-specific Ni operating limit by using Equation 12 of this section as follows: (5) * * * (iii) Calculating the inlet velocity to the primary internal cyclones in feet per second (ft/sec) by dividing the average volumetric flow rate (acfm) by the cumulative cross-sectional area of the primary internal cyclone inlets (ft2) and by 60 seconds/minute (for unit conversion). 19. Section 63.1565 was amended by revising paragraph (a)(5)(ii) to read as follows: § 63.1565 What are my requirements for organic HAP emissions from catalytic cracking units? (a) * * * (5) * * * (ii) You can elect to maintain the oxygen (O2) concentration in the exhaust gas from your catalyst regenerator at or above 1 volume percent (dry basis) or 1 volume percent (wet basis with no moisture correction). ■ 20. Section 63.1569 was amended by revising paragraph (c)(2) to read as follows: § 63.1569 What are my requirements for HAP emissions from bypass lines? * * * * * (c) * * * (2) Demonstrate continuous compliance with the work practice standard in paragraph (a)(3) of this section by complying with the procedures in your operation, maintenance, and monitoring plan. 21. Section 63.1571 was amended by revising the introductory text of paragraphs (a), (a)(5) and (a)(6), and by revising the introductory text of paragraphs (d)(1) and (d)(2) (a) When must I conduct a performance test? You must conduct initial performance tests and report the results by no later than 150 days after the compliance date specified for your source in § 63.1563 and according to the provisions in § 63.7(a)(2) and § 63.1574(a)(3). If you are required to do a performance evaluation or test for a semi-regenerative catalytic reforming unit catalyst regenerator vent, you may do them at the first regeneration cycle after your compliance date and report the results in a followup Notification of Compliance Status report due no later than 150 days after the test. You must conduct additional performance tests as specified in paragraphs (a)(5) and (6) of this section and report the results of these performance tests according to the provisions in § 63.1575(f). * * * * * (5) Periodic performance testing for PM or Ni. Except as provided in paragraphs (a)(5)(i) and (ii) of this section, conduct a periodic performance test for PM or Ni for each catalytic cracking unit at least once every 5 years according to the requirements in Table 4 of this subpart. You must conduct the first periodic performance test no later than August 1, 2017 or within 150 days of startup of a new unit.

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	* * * * * (6) One-time performance testing for Hydrogen Cyanide (HCN). Conduct a performance test for HCN from each catalytic cracking unit no later than August 1, 2017 or within 150 days of startup of a new unit according to the applicable requirements in paragraphs (a)(6)(i) and (ii) of this section. * * * * * (d) * * * (1) If you must meet the HAP metal emission limitations in § 63.1564, you elect the option in paragraph (a)(1)(v) in § 63.1564 (Ni lb/hr), and you use continuous parameter monitoring systems, you must establish an operating limit for the equilibrium catalyst Ni concentration based on the laboratory analysis of the equilibrium catalyst Ni concentration from the initial performance test. Section 63.1564(b)(2) allows you to adjust the laboratory measurements of the equilibrium catalyst Ni concentration to the maximum level. You must make this adjustment using Equation 1 of this section as follows: * * * * * (2) If you must meet the HAP metal emission limitations in § 63.1564, you elect the option in paragraph (a)(1)(vi) in § 63.1564 (Ni per coke burn-off), and you use continuous parameter monitoring systems, you must establish an operating limit for the equilibrium catalyst Ni concentration based on the laboratory analysis of the equilibrium catalyst Ni concentration from the initial performance test. Section 63.1564(b)(2) allows you to adjust the laboratory measurements of the equilibrium catalyst Ni concentration to the maximum level. You must make this adjustment using Equation 2 of this section as follows: 22. Section 63.1572 was amended by revising paragraphs (c)(1) and (d)(1) (c) * * * (1) You must install, operate, and maintain each continuous parameter monitoring system according to the requirements in Table 41 of this subpart. You must also meet the equipment specifications in Table 41 of this subpart if pH strips or colormetric tube sampling systems are used. You must meet the requirements in Table 41 of this subpart for BLD systems. Alternatively, before August 1, 2017, you may install, operate, and maintain each continuous parameter monitoring system in a manner consistent with the manufacturer's specifications or other written procedures that provide adequate assurance that the equipment will monitor accurately. * * * * * (d) * * * (1) Except for monitoring malfunctions, associated repairs, and required quality assurance or control activities (including as applicable, calibration checks and required zero and span adjustments), you must conduct all monitoring in continuous operation (or collect data at all required intervals) at all times the affected source is operating. 23. Section 63.1573 was amended by revising paragraph (a)(1) introductory text. (a) * * * (1) You may use this alternative to a continuous parameter monitoring system for the catalytic regenerator exhaust gas flow rate for your catalytic cracking unit if the unit does not introduce any other gas streams into the catalyst regeneration vent (i.e., complete combustion units with no additional combustion devices). You may also use this alternative to a continuous parameter monitoring system for the catalytic regenerator atmospheric exhaust gas flow rate for your catalytic reforming unit during the coke burn and rejuvenation cycles if the unit operates as a constant pressure

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	system during these cycles. You may also use this alternative to a continuous parameter monitoring system for the gas flow rate exiting the catalyst regenerator to determine inlet velocity to the primary internal cyclones as required in § 63.1564(c)(5) regardless of the configuration of the catalytic regenerator exhaust vent downstream of the regenerator (i.e., regardless of whether or not any other gas streams are introduced into the catalyst regeneration vent). Except, if you only use this alternative to demonstrate compliance with § 63.1564(c)(5), you shall use this procedure for the performance test and for monitoring after the performance test. You shall: Section 63.1574 was amended by revising paragraph (a)(3)(ii) to read as follows: (a) * * * (3) * * * (ii) For each initial compliance demonstration that includes a performance test, you must submit the notification of compliance status no later than 150 calendar days after the compliance date specified for your affected source in § 63.1563. For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (https://www.epa.gov/ electronic-reporting-air-emissions/ electronic-reporting-tool-ert) at the time of the test, you must submit the results in accordance with § 63.1575(k)(1)(i) by the date that you submit the Notification of Compliance Status, and you must include the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted in the Notification of Compliance Status. For performance evaluations of continuous monitoring systems (CMS) measuring relative accuracy test audit (RATA) pollutants that are supported by the EPA's ERT as listed on the EPA's ERT website at the time of the evaluation, you must submit the results in accordance with § 63.1575(k)(2)(i) by the date that you submit the Notification of Compliance Status, and you must include the process unit where the CMS is installed, the parameter measured by the CMS, and the date that the performance evaluation was conducted in the Notification of Compliance Status. All other performance test and performance evaluation results (i.e., those not supported by EPA's ERT) must be reported in the Notification of Compliance Status. 25. Section 63.1575 is amended by: ■ a. Revising paragraphs (f)(1), (k)(1) introductory text and (k)(2) introductory text; (f) * * * (1) A copy of any performance test or performance evaluation of a CMS done during the reporting period on any affected unit, if applicable. The report must be included in the next semiannual compliance report. The copy must include a complete report for each test method used for a particular kind of emission point tested. For additional tests performed for a similar emission point using the same method, you must submit the results and any other information required, but a complete test report is not required. A complete test report contains a brief process description; a simplified flow diagram showing affected processes, control equipment, and sampling point locations; sampling site data; description of sampling and analysis procedures and any modifications to standard procedures; quality assurance procedures; record of operating conditions during the test; record of preparation of standards; record of calibrations; raw data sheets for field sampling;

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	raw data sheets for field and laboratory analyses; documentation of calculations; and any other information required by the test method. For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (https://www.epa.gov/ electronic-reporting-air-emissions/ electronic-reporting-tool-ert) at the time of the test, you must submit the results in accordance with paragraph (k)(1)(i) of this section by the date that you submit the compliance report, and instead of including a copy of the test report in the compliance report, you must include the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted in the compliance report. For performance evaluations of CMS measuring relative accuracy test audit (RATA) pollutants that are supported by the EPA's ERT as listed on the EPA's ERT website at the time of the evaluation, you must submit the results in accordance with paragraph (k)(2)(i) of this section by the date that you submit the compliance report, and you must include the process unit where the CMS is installed, the parameter measured by the CMS, and the date that the performance evaluation was conducted in the compliance report. All other performance test and performance evaluation results (i.e., those not supported by EPA's ERT) must be reported in the compliance report. * * * * * (k) * * * (1) Unless otherwise specified by this subpart, within 60 days after the date of completing each performance test as required by this subpart, you must submit the results of the performance tests following the procedure specified in either paragraph (k)(1)(i) or (ii) of this section. * * * * * (2) Unless otherwise specified by this subpart, within 60 days after the date of completing each CEMS performance evaluation required by § 63.1571(a) and (b), you must submit the results of the performance evaluation following the procedure specified in either paragraph (k)(2)(i) or (ii) of this section. ■ b. Adding paragraph (l). (l) Extensions to electronic reporting deadlines. (1) If you are required to electronically submit a report through the Compliance and Emissions Data Reporting Interface (CEDRI) in the EPA's Central Data Exchange (CDX), and due to a planned or actual outage of either the EPA's CEDRI or CDX systems within the period of time beginning 5 business days prior to the date that the submission is due, you will be or are precluded from accessing CEDRI or CDX and submitting a required report within the time prescribed, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description identifying the date(s) and time(s) the CDX or CEDRI were unavailable when you attempted to access it in the 5 business days prior to the submission deadline; a rationale for attributing the delay in reporting beyond the regulatory deadline to the EPA system outage; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the report must be

R307-214: Changes to 40 CFR 61 and 63
From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	submitted electronically as soon as possible after the outage is resolved. The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator. 26. Section 63.1576 was amended by revising paragraph (a)(2)(i) to read as follows: (a) * * * (2) * * * (i) Record the date, time, and duration of each startup and/or shutdown period for which the facility elected to comply with the alternative standards in § 63.1564(a)(5)(ii) or § 63.1565(a)(5)(ii) or § 63.1568(a)(4)(ii) or (iii). ■ 27. Table 3 to Subpart UUU was amended by revising the table heading and entries for items 2.c, 6, 7, 8 and 9 ■ 28. Table 4 to Subpart UUU of Part 63 was amended by revising the entries for items 9.c and 10.c ■ 29. Table 5 to Subpart UUU was amended by revising the entry for item 3 ■ 30. Table 6 to Subpart UUU was amended by revising the entries for items 1.a.ii and 7 ■ 31. Table 10 to Subpart UUU was amended by revising the entry for item 3 ■32. Table 43 to Subpart UUU was amended by revising the entry for item 2 ■ 33. Table 44 to Subpart UUU was amended by revising the entries ‘‘63.6(f)(3)’’, ‘‘63.6(h)(7)(i)’’, ‘‘63.6(h)(8)’’, ‘‘63.7(a)(2)’’, ‘‘63.7(g)’’, ‘‘63.8(e)’’, ‘‘63.10(d)(2)’’, ‘‘63.10(e)(1)– (2)’’, and ‘‘63.10(e)(4)’’ **83 FR No. 227 (November 26, 2018)**
63.9980--63.10042 (Subpart UUUUU)	17. Revise Table 5 to Subpart UUUUU of part 63 **83 FR No. 220 (November 14, 2018)**

R307. Environmental Quality, Air Quality.
R307-405. Permits: Major Sources in Attainment or Unclassified Areas (PSD).
R307-405-2. Applicability.
[~~(1) All references to 40 CFR in R307-405 shall mean the version that is in effect on July 1, [2011]2018.~~]
(1)~~(2)~~ The provisions of 40 CFR 52.21(a)(2) are hereby incorporated by reference.
(2)~~(3)~~ Notwithstanding the exemptions in R307-401, any source that is subject to R307-405 is subject to the requirement to obtain an approval order in R307-401-5 through 8.

KEY: air pollution, PSD, Class I area, greenhouse gases
Date of Enactment or Last Substantive Amendment: [~~February 4, 2016~~]2020
Notice of Continuation: November 13, 2018
Authorizing, and Implemented or Interpreted Law: 19-2-104

State of Utah
Administrative Rule Analysis
Revised December 2019

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New ___; Amendment __X_; Repeal ___; Repeal and Reenact ___		
	Title No. - Rule No. - Section No.	
Utah Admin. Code Ref (R no.):	**R307-405-2**	**Filing No. (Office Use Only)**
Changed to Admin. Code Ref. (R no.):	**R**	

Agency Information

1. Department:	Department of Environmental Quality	
Agency:	Division of Air Quality	
Room no.:		
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO BOX 144820	
City, state, zip:	Salt Lake City, UT 84116-4820	
Contact person(s):		
Name:	**Phone:**	**Email:**
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:

Permits: Major Sources in Attainment or Unclassified Areas (PSD); Applicability.

3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?)**:**

The purpose of the amendment to R307-405-2 is to remove the specific line within the rule that incorporates the CFR and instead have the incorporation fall under another rule to streamline the rulemaking process.

4. Summary of the new rule or change:

R307-405-2(1) is removed to instead have the CFR version incorporation fall under another rule to streamline the rulemaking process.

A public hearing is set for Monday, May 4th, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Friday, May 1st, 2020, at 5:00PM MT. The final status of the public hearing will be posted on Friday, May 1st, after 5:00PM MST. The status of the public hearing may be checked at the following website location under the corresponding rule.

https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This rule change will have no additional costs or benefits affecting the state budget as it simply moves the CFR incorporation by reference language from R307-405-2 to R307-101-3.

B) Local governments:

This rule change will have no additional costs or benefits affecting local governments as it simply moves the CFR incorporation by reference language from R307-405-2 to R307-101-3.

C) Small businesses ("small business" means a business employing 1-49 persons)**:**

This rule change will have no additional costs or benefits affecting small businesses as it simply moves the CFR incorporation by reference language from R307-405-2 to R307-101-3.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**

This rule change will have no additional costs or benefits affecting non-small businesses as it simply moves the CFR incorporation by reference language from R307-405-2 to R307-101-3.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**

This rule change will have no additional costs or benefits affecting persons other than small businesses, non-small businesses, state, or local government entities as it simply moves the CFR incorporation by reference language from R307-405-2 to R307-101-3.

F) Compliance costs for affected persons:

There are no new compliance costs as a result of this amendment.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	**FY2020**	**FY2021**	**FY2022**
State Government	$0	$0	$0
Local Governments	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Governments	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**

H) Department head approval of regulatory impact analysis:

Scott Baird, Executive Director for the Department of Environmental Quality, has reviewed and accepts this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The amendment to R307-405-2 simply moves the CFR incorporation by reference to R307-101-3 which will result in no fiscal impact on businesses.

B) Name and title of department head commenting on the fiscal impacts:

Scott Baird, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

19-2-104(1)(a)		

Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

8. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*)**:**

	First Incorporation
Official Title of Materials Incorporated (from title page)	Code of Federal Regulations
Publisher	The Office of the Federal Register
Date Issued	07/01/2019
Issue, or version	Title 40

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*)**:**

	Second Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until (mm/dd/yyyy)**:**	05/04/2020

B) A public hearing (optional) will be held:

On (mm/dd/yyyy)**:**	**At** (hh:mm AM/PM)**:**	**At** (place)**:**
05/04/2020	09:00 AM	Multi Agency State Office Building Fourth Floor, Division of Air Quality 195 N 1950 W Salt Lake City, UT 84116

10. This rule change MAY become effective on (mm/dd/yyyy)**:**	06/03/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

Agency head or designee, and title:	Bryce Bird, Division Director	**Date** (mm/dd/yyyy)**:**	02/10/2020

Rule Text Example (Delete this line after entering your rule text)

R51. Agriculture and Food, Administration.
R51-3. Government Records Access and Management Act.
R51-3-1. Purpose and Authority.

Under authority of the Government Records Access and Management Act, Section 63G-2-204, and Section 63A-12-104. This rule provides procedures for access and denial of access to government records.

R51-3-2. Duties of Divisions within the Department.

Each Division Director shall comply with Section 63-A-12-103 and shall appoint a records officer to perform, or to assist in performing the following functions:

A. The duties set forth in Section 63A-12-103; and

B. Review and respond to requests for access to division records.

R51-3-3. Requests for Access.

A. All requests for access to records shall be in writing. Requests shall be directed to the attention of the records officer of the particular division which the requester believes generated or possesses the records.

B. The division is not required to respond to requests submitted to the wrong person or location within the time limits set by the Government Records Access and Management Act.

C. A fee will be charged for copies of records provided. Amounts charged for photocopying will be as authorized in Section 4-1-6 and Subsection 63G-2-203. Fees must be paid at the time of the request or before the records are provided to the requester.

R51-3-4. Requests to Amend a Record.

An individual may contest the accuracy or completeness of a document pertaining to that individual pursuant to Section 63G-2-603. The request shall be made in writing to the records officer of the particular division.

Adjudicative proceedings under the GRAMA Act shall be informal and will be carried out in accordance with Section 63G-2-401 et seq., with the exception of appeals.

R51-3-5. Appeals of Requests to Amend a Record.

Appeals of requests to amend a record shall be handled as informal hearings under the Utah Administrative Procedures Act.

R51-3-6. Forms.

Request forms are available from the records officer of each division.

Date of Enactment or Last Substantive Amendment: 1992
Notice of Continuation: February 29, 2016
Authorizing, and Implemented or Interpreted Law: 63G-2-204

R307. Environmental Quality, Air Quality.
R307-410. Permits: Emissions Impact Analysis.
...

R307-410-3. Use of Dispersion Models.

All estimates of ambient concentrations derived in meeting the requirements of R307 shall be based on appropriate air quality models, data bases, and other requirements specified in 40 CFR Part 51, Appendix W, [~~(~~] Guideline on Air Quality Models [~~)~~], [~~effective July 1, 2018,~~] which is hereby incorporated by reference. Where an air quality model specified in the Guideline on Air Quality Models or other EPA approved guidance documents is inappropriate, the director may authorize the modification of the model or substitution of another model. In meeting the requirements of federal law, any modification or substitution will be made only with the written approval of the Administrator, EPA.

...

R307-410-5. Documentation of Ambient Air Impacts for Hazardous Air Pollutants.

(1) Prior to receiving an approval order under R307-401, a source shall provide documentation of increases in emissions of hazardous air pollutants as required under (c) below for all installations not exempt under (a) below.

(a) Exempted Installations.

(i) The requirements of R307-410-5 do not apply to installations which are subject to or are scheduled to be subject to an emission standard promulgated under 42 U.S.C. 7412 at the time a notice of intent is submitted, except as defined in (ii) below. This exemption does not affect requirements otherwise applicable to the source, including requirements under R307-401.

(ii) The director may, upon making a written determination that the delay in the implementation of an emission standard under R307-214-2, that incorporates 40 CFR Part 63, might reasonably be expected to pose an unacceptable risk to public health, require, on a case-by-case basis, notice of intent documentation of emissions consistent with (c) below.

(A) The director will notify the source in writing of the preliminary decision to require some or all of the documentation as listed in (c) below.

(B) The source may respond in writing within thirty days of receipt of the notice, or such longer period as the director approves.

(C) In making a final determination, the director will document objective bases for the determination, which may include public information and studies, documented public comment, the applicant's written response, the physical and chemical properties of emissions, and ambient monitoring data.

(b) Lead Compounds Exemption. The requirements of R307-410-5 do not apply to emissions of lead compounds. Lead compounds shall be evaluated pursuant to requirements of R307-410-4.

(c) Submittal Requirements.

(i) Each applicant's notice of intent shall include:

(A) the estimated maximum pounds per hour emission rate increase from each affected installation,

(B) the type of release, whether the release flow is vertically restricted or unrestricted, the maximum release duration in minutes per hour, the release height measured from the ground, the height of any adjacent building or structure, the shortest distance between the release point and any area defined as "ambient air" under 40 CFR 50.1(e),[~~ effective July 1, 2018,~~] which is hereby incorporated by reference for each installation for which the source proposes an emissions increase,

(C) the emission threshold value, calculated to be the applicable threshold limit value - time weighted average (TLV-TWA) or the threshold limit value - ceiling (TLV-C) multiplied by the appropriate emission threshold factor listed in Table 2, except in the case of arsenic, benzene, beryllium, and ethylene oxide which shall be calculated using chronic emission threshold factors, and formaldehyde, which shall be calculated using an acute emission threshold factor. For acute hazardous air pollutant releases having a duration period less than one hour, this maximum pounds per hour emission rate shall be consistent with an identical operating process having a continuous release for a one-hour period.

TABLE 2
EMISSION THRESHOLD FACTORS FOR HAZARDOUS AIR POLLUTANTS
(cubic meter pounds per milligram hour)

VERTICALLY-RESTRICTED AND FUGITIVE EMISSION RELEASE POINTS

DISTANCE TO PROPERTY BOUNDARY	ACUTE	CHRONIC	CARCINOGENIC
20 Meters or less	0.038	0.051	0.017
21 - 50 Meters	0.051	0.066	0.022
51 - 100 Meters	0.092	0.123	0.041
Beyond 100 Meters	0.180	0.269	0.090

VERTICALLY-UNRESTRICTED EMISSION RELEASE POINTS

DISTANCE TO PROPERTY BOUNDARY	ACUTE	CHRONIC	CARCINOGENIC
50 Meters or less	0.154	0.198	0.066
51 - 100 Meters	0.224	0.244	0.081
Beyond 100 Meters	0.310	0.368	0.123

(ii) A source with a proposed maximum pounds per hour emissions increase equal to or greater than the emissions threshold value shall include documentation of a comparison of the estimated ambient concentration of the proposed emissions with the applicable toxic screening level specified in (d) below.

(iii) A source with an estimated ambient concentration equal to or greater than the toxic screening level shall provide additional documentation regarding the impact of the proposed emissions. The director may require such documentation to include, but not be limited

to:

(A) a description of symptoms and adverse health effects that can be caused by the hazardous air pollutant,

(B) the exposure conditions or dose that is sufficient to cause the adverse health effects,

(C) a description of the human population or other biological species which could be exposed to the estimated concentration,

(D) an evaluation of land use for the impacted areas,

(E) the environmental fate and persistency.

(d) Toxic Screening Levels and Averaging Periods.

(i) The toxic screening level for an acute hazardous air pollutant is 1/10th the value of the TLV-C, and the applicable averaging period shall be:

(A) one hour for emissions releases having a duration period of one hour or greater,

(B) one hour for emission releases having a duration period less than one hour if the emission rate used in the model is consistent with an identical operating process having a continuous release for a one-hour period or more, or

(C) the dispersion model's shortest averaging period when using an applicable model capable of estimating ambient concentrations for periods of less than one hour.

(ii) The toxic screening level for a chronic hazardous air pollutant is 1/30th the value of the TLV- TWA, and the applicable averaging period shall be 24 hours.

(iii) The toxic screening level for all carcinogenic hazardous air pollutants is 1/90 the value of the TLV-TWA, and the applicable averaging period shall be 24 hours, except in the case of formaldehyde which shall be evaluated consistent with (d)(i) above and arsenic, benzene, beryllium, and ethylene oxide which shall be evaluated consistent with (d)(ii) above.

...

KEY: air pollution, modeling, hazardous air pollutant, stack height
Date of Enactment or Last Substantive Amendment: [~~December 15, 2015~~]2020
Notice of Continuation: May 15, 2017
Authorizing, and Implemented or Interpreted Law: 19-2-104

State of Utah
Administrative Rule Analysis
Revised December 2019

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New ___; Amendment _X__; Repeal ___; Repeal and Reenact ___		
	Title No. - Rule No. - Section No.	
Utah Admin. Code Ref (R no.):	**R307-410**	**Filing No. (Office Use Only)**
Changed to Admin. Code Ref. (R no.):	**R**	

Agency Information

1. Department:	Department of Environmental Quality	
Agency:	Division of Air Quality	
Room no.:		
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO BOX 144820	
City, state, zip:	Salt Lake City, UT 84116-4820	
Contact person(s):		
Name:	**Phone:**	**Email:**
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:

Permits: Emissions Impact Analysis.

3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?)**:**

The purpose of the amendment is to streamline the future rulemaking for updating the version of the Code of Federal Regulations (CFR) incorporated into the rule. With this amendment, the specific date of the version of the CFR is moved from R307-410 to R307-101-3.

4. Summary of the new rule or change:

The amendment moves the version of the CFR incorporated by reference from R307-410 to R307-101-3.

A public hearing is set for Monday, May 4th, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Friday, May 1st, 2020, at 5:00PM MT. The final status of the public hearing will be posted on Friday, May 1st, after 5:00PM MST. The status of the public hearing may be checked at the following website location under the corresponding rule.

https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This rule change will have no additional costs or benefits affecting the state budget as it simply moves the CFR incorporation by reference language from R307-410 to R307-101-3.

B) Local governments:

This rule change will have no additional costs or benefits affecting local governments as it simply moves the CFR incorporation by reference language from R307-410 to R307-101-3.

C) Small businesses ("small business" means a business employing 1-49 persons)**:**

This rule change will have no additional costs or benefits affecting small businesses as it simply moves the CFR incorporation by reference language from R307-410 to R307-101-3.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**

This rule change will have no additional costs or benefits affecting non-small businesses as it simply moves the CFR incorporation by reference language from R307-410 to R307-101-3.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**

This rule change will have no additional costs or benefits affecting persons other than small businesses, non-small businesses, or local government entities as it simply moves the CFR incorporation by reference language from R307-410 to R307-101-3.

F) Compliance costs for affected persons:

There are no new compliance costs as a result of this amendment.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	**FY2020**	**FY2021**	**FY2022**
State Government	$0	$0	$0
Local Governments	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Cost	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Governments	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**

H) Department head approval of regulatory impact analysis:

Scott Baird, Executive Director for the Department of Environmental Quality, has reviewed and accepts this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The amendment to R307-410 moving the CFR incorporation by reference language to R307-101-3 will have no fiscal impact on businesses.

B) Name and title of department head commenting on the fiscal impacts:

Scott Baird, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

19-2-104(1)(a)		

Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

8. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*)**:**

	First Incorporation
Official Title of Materials Incorporated (from title page)	Code of Federal Regulations
Publisher	The Office of the Federal Register
Date Issued	07/01/2019
Issue, or version	Title 40

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*)**:**

	Second Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until (mm/dd/yyyy)**:**	05/04/2020

B) A public hearing (optional) will be held:

On (mm/dd/yyyy)**:**	**At** (hh:mm AM/PM)**:**	**At** (place)**:**
05/04/2020	09:00 AM	Multi Agency State Office Building Fourth Floor, Division of Air Quality 195 N 1950 W Salt Lake City, UT 84116

10. This rule change MAY become effective on (mm/dd/yyyy)**:**	06/03/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

Agency head or designee, and title:	Bryce Bird	**Date** (mm/dd/yyyy)**:**	02/10/2020

R307. Environmental Quality, Air Quality.
R307-410. Permits: Emissions Impact Analysis.
...

R307-410-3. Use of Dispersion Models.

All estimates of ambient concentrations derived in meeting the requirements of R307 shall be based on appropriate air quality models, data bases, and other requirements specified in 40 CFR Part 51, Appendix W, [~~(~~] Guideline on Air Quality Models [~~)~~], [~~ effective July 1, 2018,~~] which is hereby incorporated by reference. Where an air quality model specified in the Guideline on Air Quality Models or other EPA approved guidance documents is inappropriate, the director may authorize the modification of the model or substitution of another model. In meeting the requirements of federal law, any modification or substitution will be made only with the written approval of the Administrator, EPA.

...

R307-410-5. Documentation of Ambient Air Impacts for Hazardous Air Pollutants.

(1) Prior to receiving an approval order under R307-401, a source shall provide documentation of increases in emissions of hazardous air pollutants as required under (c) below for all installations not exempt under (a) below.

(a) Exempted Installations.

(i) The requirements of R307-410-5 do not apply to installations which are subject to or are scheduled to be subject to an emission standard promulgated under 42 U.S.C. 7412 at the time a notice of intent is submitted, except as defined in (ii) below. This exemption does not affect requirements otherwise applicable to the source, including requirements under R307-401.

(ii) The director may, upon making a written determination that the delay in the implementation of an emission standard under R307-214-2, that incorporates 40 CFR Part 63, might reasonably be expected to pose an unacceptable risk to public health, require, on a case-by-case basis, notice of intent documentation of emissions consistent with (c) below.

(A) The director will notify the source in writing of the preliminary decision to require some or all of the documentation as listed in (c) below.

(B) The source may respond in writing within thirty days of receipt of the notice, or such longer period as the director approves.

(C) In making a final determination, the director will document objective bases for the determination, which may include public information and studies, documented public comment, the applicant's written response, the physical and chemical properties of emissions, and ambient monitoring data.

(b) Lead Compounds Exemption. The requirements of R307-410-5 do not apply to emissions of lead compounds. Lead compounds shall be evaluated pursuant to requirements of R307-410-4.

(c) Submittal Requirements.

(i) Each applicant's notice of intent shall include:

(A) the estimated maximum pounds per hour emission rate increase from each affected installation,

(B) the type of release, whether the release flow is vertically restricted or unrestricted, the maximum release duration in minutes per hour, the release height measured from the ground, the height of any adjacent building or structure, the shortest distance between the release point and any area defined as "ambient air" under 40 CFR 50.1(e),[~~ effective July 1, 2018,~~] which is hereby incorporated by reference for each installation for which the source proposes an emissions increase,

(C) the emission threshold value, calculated to be the applicable threshold limit value - time weighted average (TLV-TWA) or the threshold limit value - ceiling (TLV-C) multiplied by the appropriate emission threshold factor listed in Table 2, except in the case of arsenic, benzene, beryllium, and ethylene oxide which shall be calculated using chronic emission threshold factors, and formaldehyde, which shall be calculated using an acute emission threshold factor. For acute hazardous air pollutant releases having a duration period less than one hour, this maximum pounds per hour emission rate shall be consistent with an identical operating process having a continuous release for a one-hour period.

TABLE 2
EMISSION THRESHOLD FACTORS FOR HAZARDOUS AIR POLLUTANTS
(cubic meter pounds per milligram hour)

VERTICALLY-RESTRICTED AND FUGITIVE EMISSION RELEASE POINTS

DISTANCE TO PROPERTY BOUNDARY	ACUTE	CHRONIC	CARCINOGENIC
20 Meters or less	0.038	0.051	0.017
21 - 50 Meters	0.051	0.066	0.022
51 - 100 Meters	0.092	0.123	0.041
Beyond 100 Meters	0.180	0.269	0.090

VERTICALLY-UNRESTRICTED EMISSION RELEASE POINTS

DISTANCE TO PROPERTY BOUNDARY	ACUTE	CHRONIC	CARCINOGENIC
50 Meters or less	0.154	0.198	0.066
51 - 100 Meters	0.224	0.244	0.081
Beyond 100 Meters	0.310	0.368	0.123

(ii) A source with a proposed maximum pounds per hour emissions increase equal to or greater than the emissions threshold value shall include documentation of a comparison of the estimated ambient concentration of the proposed emissions with the applicable toxic screening level specified in (d) below.

(iii) A source with an estimated ambient concentration equal to or greater than the toxic screening level shall provide additional documentation regarding the impact of the proposed emissions. The director may require such documentation to include, but not be limited to:

(A) a description of symptoms and adverse health effects that can be caused by the hazardous air pollutant,

(B) the exposure conditions or dose that is sufficient to cause the adverse health effects,

(C) a description of the human population or other biological species which could be exposed to the estimated concentration,

(D) an evaluation of land use for the impacted areas,

(E) the environmental fate and persistency.

(d) Toxic Screening Levels and Averaging Periods.

(i) The toxic screening level for an acute hazardous air pollutant is 1/10th the value of the TLV-C, and the applicable averaging period shall be:

(A) one hour for emissions releases having a duration period of one hour or greater,

(B) one hour for emission releases having a duration period less than one hour if the emission rate used in the model is consistent with an identical operating process having a continuous release for a one-hour period or more, or

(C) the dispersion model's shortest averaging period when using an applicable model capable of estimating ambient concentrations for periods of less than one hour.

(ii) The toxic screening level for a chronic hazardous air pollutant is 1/30th the value of the TLV- TWA, and the applicable averaging period shall be 24 hours.

(iii) The toxic screening level for all carcinogenic hazardous air pollutants is 1/90 the value of the TLV-TWA, and the applicable averaging period shall be 24 hours, except in the case of formaldehyde which shall be evaluated consistent with (d)(i) above and arsenic, benzene, beryllium, and ethylene oxide which shall be evaluated consistent with (d)(ii) above.

...

KEY: air pollution, modeling, hazardous air pollutant, stack height
Date of Enactment or Last Substantive Amendment: [~~December 15, 2015~~]2020
Notice of Continuation: May 15, 2017
Authorizing, and Implemented or Interpreted Law: 19-2-104

ITEM 8

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-012-20

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Liam Thrailkill, Rules Coordinator

DATE: February 19, 2020

SUBJECT: FIVE-YEAR REVIEW: R307-302. Solid Fuel Burning Devices.

Utah Code Title 63G-3-305 requires each agency to review and justify each of its rules within five years of a rule's original effective date or within five years of the filing of the last five-year review. This review process is not a time to revise or amend the rules, but only to verify that the rule is still necessary and allowed under state and federal statute. As part of this process, we are required to identify any comments received during and since the last five-year review of each rule. This process is not the time to revisit those comments or to respond to them.

DAQ has completed the five-year review for R307-302, Solid Fuel Burning Devices. The results of the 5-year review are found in the attached Five-Year Notice of Review and Statement of Continuation form. Based on our review of the rule, we believe it is both allowed under federal and state statute and necessary because it reduces pollution during winter temperature inversions and is part of Utah's State Implementation Plan.

Recommendation: Staff recommends that the Board continue R307-302, Solid Fuel Burning Devices, by approving the attached Five-Year Notice of Review and Statement of Continuation form to be filed with the Office of Administrative Rules.

R307. Environmental Quality, Air Quality.
R307-302. Solid Fuel Burning Devices.
R307-302-1. Purpose and Definitions.

(1) R307-302 establishes visible emission standards and specifies when it is permissible to burn in solid fuel burning devices used to provide comfort heating.

(2) The following additional definitions apply to R307-302:

"Seasoned wood" means wood that has a moisture content of less than or equal to 25%.

"Sole source of heat" means the solid fuel burning device is the only available source of heat for the entire residence, except for small portable heaters.

"Solid fuel burning device" means fireplaces, wood stoves and boilers used for burning wood, coal, or any other nongaseous and non-liquid fuel, both indoors and outdoors, but excluding outdoor wood boilers, which are regulated under R307-208.

R307-302-2. Applicability.

(1) R307-302-3 and R307-302-6 shall apply to any solid fuel burning device used to provide comfort heating in PM10 or PM2.5 nonattainment or maintenance areas as defined in 40 CFR 81.345 (July 1, 2011). Collectively, The PM10 and PM2.5 nonattainment and maintenance plan areas are geographically defined as all regions of Salt Lake and Davis counties; all portions of the Cache Valley; all regions in Weber County west of the Wasatch mountain range; all regions of Utah County; in Box Elder County, from the Wasatch mountain range west to the Promontory mountain range and south of Portage; and in Tooele County, from the northernmost part of the Oquirrh mountain range to the northern most part of the Stansbury mountain range and north of Route 199.

(2) R307-302-4 shall apply only within the city limits of Provo in Utah County.

(3) R307-302-5 shall apply in all portions of Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties.

(4) The following exemptions apply to R307-302:

(a) R307-302 does not apply to restaurant and institutional food preparation.

(b) R307-302 does not apply to commercial and industrial boilers subject to an approval order issued under R307-401.

(c) R307-302-3 does not apply to sources located above 7,000 feet in elevation within Box Elder, Davis, Salt Lake, Tooele, Utah and Weber counties.

(d) R307-302 does not apply to firefighting training devices that meet the definition of a solid fuel burning device.

R307-302-3. No-Burn Periods for Particulates.

(1) A person using a solid fuel burning device as a sole source of heat must register with the director in order to be exempt during mandatory no-burn periods.

(2) When the ambient concentration of PM10 measured by the monitors in Salt Lake, Davis, Weber, or Utah counties reaches the level of 120 micrograms per cubic meter and the forecasted weather for the

specific area includes a temperature inversion which is predicted to continue for at least 24 hours, the director will issue a public announcement and will distribute such announcement to the local media notifying the public that a mandatory no-burn period for solid fuel burning devices is in effect. The mandatory no-burn periods will only apply to those areas or counties impacting the real-time monitoring site registering the 120 micrograms per cubic meter concentration. A person in the affected areas shall not use a solid fuel burning device unless it is the sole source of heat for an entire residence and registered with the director.

(3) PM10 Contingency Plan. If the PM10 Contingency Plan described in Section IX, Part A, of the State Implementation Plan has been implemented, the trigger level for no-burn periods as specified in R307-302-3(2) will be 110 micrograms per cubic meter for that area where the PM10 Contingency Plan has been implemented.

(4) When the ambient concentration of PM2.5 measured by monitors in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah or Weber counties are forecasted to reach or exceed 25 micrograms per cubic meter, the director will issue a public announcement to provide broad notification that a mandatory no-burn period for solid fuel burning devices is in effect. The mandatory no-burn periods will only apply to those counties identified by the director. A person within the geographical boundaries described in R307-302-2(1) shall not use a solid fuel burning device unless it is the sole source of heat for an entire residence and registered with the director.

(5) PM2.5 Contingency Plan. If the PM2.5 contingency plan of the State Implementation Plan has been implemented, the trigger level for no-burn periods as specified in R307-302-3(4) shall be 15 micrograms per cubic meter for the area where the PM2.5 contingency plan has been implemented.

R307-302-4. No-Burn Periods for Carbon Monoxide.

(1) Beginning on November 1 and through March 1, the director will issue a public announcement and will distribute such announcement to the local media notifying the public that a mandatory no-burn period for solid fuel burning devices is in effect when the running eight-hour average carbon monoxide concentration as monitored by the state at 4:00 PM reaches a value of 6.0 ppm or more.

(2) In addition to the conditions contained in R307-302-4(1), the director may use meteorological conditions to initiate a no-burn period. These conditions are:

(a) A national weather service forecasted clearing index value of 250 or less;

(b) Forecasted wind speeds of three miles per hour or less;

(c) Passage of a vigorous cold front through the Wasatch Front; or

(d) Arrival of a strong high pressure system into the area.

(3) During the no-burn periods specified in R307-302-4(1) and (2), a person in Provo City shall not use a solid fuel burning device unless it is the sole source of heat for an entire residence and is registered with the director.

R307-302-5. Opacity and Prohibited Fuels for Heating Appliances.

(1) Except during no-burn periods as required by R307-302-3 and 4, visible emissions from solid fuel burning devices shall be limited to a shade or density no darker than 20% opacity as measured by EPA Method 9, except for the following:

(a) An initial fifteen minute start-up period, and

(b) A period of fifteen minutes in any three-hour period in which emissions may exceed the 20% opacity limitation for refueling.

(2) Prohibited Fuels: A person shall not cause or allow any of the following materials to be burned in a solid fuel burning device at any time:

(a) asphaltic products;

(b) books and magazines;

(c) garbage;

(d) paints;

(e) colored/wrapping paper;

(f) plastic;

(g) rubber products;

(h) treated wood;

(i) waste petroleum products; or

(j) any other material not intended by a manufacturer for use as a fuel in a solid fuel burning device.

(3) A person burning wood in a solid fuel burning device shall only burn seasoned wood.

R307-302-6. Prohibition.

(1) No person shall sell, offer for sale, supply, install, or transfer a wood burning stove that is not EPA certified or a fireplace that is not EPA qualified.

(2) Ownership of a non EPA certified stove within a residential dwelling installed prior to March 6, 2014 may be transferred as part of a real estate transaction, so long as the unit remains intact within the real property of sale.

KEY: air pollution, fireplaces, stoves, solid fuel burning
Date of Enactment or Last Substantive Amendment: February 1, 2017
Notice of Continuation: May 6, 2015
Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104

State of Utah
Administrative Rule Analysis
Revised December 2019

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	**R307-302**	**Filing No. (Office Use Only)**

Agency Information

1. Department:	Department of Environmental Quality	
Agency:	Division of Air Quality	
Room no.:	Fourth Floor	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116-3085	
Mailing address:	PO BOX 144820	
City, state, zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	**Phone:**	**Email:**
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

Solid Fuel Burning Devices

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Rule R307-302 identifies no-burn periods for solid fuel burning devices in areas that sometimes exceed the health standards for fine particulate and carbon monoxide. Subsection 19-2-104(1)(a) allows the Air Quality Board to make rules "…regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminant source."

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

Since the last five-year review, there has been one rulemaking activity. With amendments in OAR # 157553, submitted to EPA on February 27, 2017, there were multiple comments made by one commenter. None of the comments were directly in support or opposition of the rule, but were posed as questions/

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The provisions to regulate solid fuel burning are part of the requirements to reduce particulates and carbon monoxide that are included in Utah's state implementation plans for particulate matter and carbon monoxide. Because the provisions in this rule are needed to reduce pollution during winter temperature inversions when pollutants build up in the air, and because the rule is part of Utah's state implementation plan, the rule should be continued.

Agency Authorization Information

To the agency: Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

Agency head or designee, and title:	Bryce Bird, Division Director	**Date** (mm/dd/yyyy)**:**	02/11/2020

Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or nonsubstantive change.

R307. Environmental Quality, Air Quality.
R307-302. Solid Fuel Burning Devices.
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(c) R307-302-3 does not apply to sources located above 7,000 feet in elevation within Box Elder, Davis, Salt Lake, Tooele, Utah and Weber counties.

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(2) In addition to the conditions contained in R307-302-4(1), the director may use meteorological conditions to initiate a no-burn period. These conditions are:

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(e) colored/wrapping paper;

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(h) treated wood;

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(3) A person burning wood in a solid fuel burning device shall only burn seasoned wood.

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(1) No person shall sell, offer for sale, supply, install, or transfer a wood burning stove that is not EPA certified or a fireplace that is not EPA qualified.

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Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104

ITEM 9

Legislative and EPA Approval Updates

2020 DAQ Bill Tracking Sheet

Bill Number	Short Title	Sponsor	Status	Comments: Insight or context on the bill or agency position on the bill
HB0059	Tax Credit for Alternative Fuel Heavy-Duty Vehicles	Rep. Stoddard	Senate Rules	Extends the availability of the income tax credit related to certain alternative fuel heavy-duty vehicles. The tax credit is reduced incrementally from 2020 to 2029
HB0092S1	Fire Amendments	Rep Casey Snider	Senate Floor	Provides criteria that the Director must use to approve prescribed fires and requires the submission of an exceptional event justification if air quality standards are exceeded.
HB0176	Vehicle Emissions Reduction Program	Rep Stenquist	House Rules	Creates the Vehicle Emissions Reduction Program to provide financial assistance in the purchase of a vehicle under certain conditions.
HB0180	Emission Inspection Revisions	Rep. Maloy	Passed	Exempts electric motor vehicles from local emissions compliance fees.
HB0194	Clean and Renewable Energy Amendments	Rep. Ward/Sen. Bramble	House Public Utilities, Energy and Technology Committee	Requires at least 50% of the kilowatt hours of annual retail electric sales sold to customers by large-scale electrical corporations to be renewable energy, if cost effective, by July 2030.
HB02352nd Sub	Voluntary Home Energy Information Pilot Program	Rep. Arent/Sen. Bramble	Senate Transportation, Public Utilities, Energy, and Technology Committee	Provides for the creation of model rules by the Office of Energy Development to establish a voluntary home energy information program- including information to potential homebuyers & sellers about energy efficiency, cost savings, and air quality impacts of single-family homes.
HB0259	Electric Vehicle Charging Network	Rep. Spendlove	Senate Floor	Requires the Department of Transportation to lead in the creation of a statewide electric vehicle charging network plan to provide electric vehicle charging facilities along certain state highways.
HB02692nd Sub	Tax Credit Amendments	Rep. Sagers/Sen. Okerlund	Senate Rules Committee	Creates a corporate income tax credit for certain commercial energy systems that use hydrogen electrolysis systems.
HB0281	Tax Credit for Alternative Fuel Vehicles	Rep. Harrison	House Rules	Tax Credit EV, cap on purchase price $45K, new and used, $3M program cap, 3-year Sunset.
HB02992nd Sub	Opportunity Zone Enhancements	Rep. Winder	Senate Floor	Authorizes the Director of the Division of Air Quality to prioritize electric vehicle charger incentives to private entities that are installing charging equipment in Utah's IRS qualified opportunity zones (QOZs).
HB03172nd sub	Nonroad Engine Study	Rep. Handy	House Floor	Directs the DAQ to study non-road vehicles' emissions impact on pollution, including the number and type of non-road compression-ignition engines in nonattainment areas; agricultural equipment excluded.
HB0326	Energy Efficiency Amendments	Rep. Stenquist	House Public Utilities, Energy and Technology Committee	Broadens the appliances that are eligible for existing incentives and rebates by allowing overall energy efficiency to be considered instead of electrical energy only.
HB0339	Clean Air Special Group License Plate	Rep. Handy/Sen. Escamilla	Senate Transportation, Public Utilities, Energy, and Technology Committee	Creates the Clean Air License Plate - proceeds to the Clean Air Fund for air quality education, awareness, and other programs to promote cleaner air.
HB0396	Electric Vehicle Charging Infrastructure Amendments	Rep Snow	House Floor	Requires the Public Service Commission to allow a $50,000,000 investment in to electric charging infrastructure
HB0415	Construction Code Amendments	Rep Potter	HPSC	Amends Nitrogen Oxide emissions limits for natural gas water heaters to allow for higher NOx if an equivalent BTU rating is not available.

Bill Number	Short Title	Sponsor	Status	Comments: Insight or context on the bill or agency position on the bill
HCR0011	Resolution supporting Utah's Roadmap for positive solutions on the environment and Air Quality	Rep Briscoe	House rules	Supports the solutions in the Utah Roadmap and resolves to encourage solutions on environment and Air Quality.
SB00774th Sub	Electric Energy Related Tax Credit	Sen. Kitchen/Rep. Peterson	House Revenue and Taxation Committee	Creates income tax credit for the purchase of electric energy storage assets or certain commercial electric class 8 vehicles
SB0078	Energy Storage, Information, Research, and Grant Program Act	Sen. Fillmore/Rep. Hawkes	Failed HPUET	Creates a grant program to advance energy storage technology and use, requires the Office of Energy Development to administer the program and issue grants. Grants rulemaking authority to the Office of Energy Development
SB0088	Environmental Quality Revisions	Sen Okerlund	Passed	Department cleanup bill.
SB00921st Sub	Statewide Comprehensive Rail Plan	Sen. Anderegg/Rep. Harrison	House Rules Committee (Due to fiscal impact)	Requires UDOT to develop a statewide comprehensive plan for public transit, freight, and any other use of fixed rail to fully and efficiently integrate all uses of rail within the state.
SB0112	Inland Port Amendments	Sen. Escamilla	Senate Rules Committee	To qualify for UIPA incentives, a developer must meet a low impact sustainable standard addressing waste management and fugitive dust.
SCR0012	Concurrent Resolution Concerning Climate Action	Sen. Cullimore	Senate Rules	Encourages the Utah federal delegation to support a bipartisan solution to address climate change through carbon dividends.
SJR002	Joint Resolution Encouraging Action to Reduce The Number of Utah Children with Elevated Blood Lead Levels	Sen Iwamoto	House Committee	Explain risks of environmental lead exposure and the recommended federal and state guidelines for screening and testing children for lead exposure.

2020 DAQ Appropriations Tracking Sheet

Sponsor	Title	Description	Amount Requested	Appropriations Subcommittee	Status
Rep. Handy	Freight Switcher Locomotive Mitigation	Provides funding to change three freight switchers to a Tier 4 Air Quality standard	One-time: $2,000,000	Natural Resources	
Rep. Spendlove (Governor's request)	Electric Vehicle Infrastructure	Electric Vehicle charging infrastructure, including DC Fast Chargers, to decrease "range anxiety"	One-time: $66,000,000	Infrastructure and General Government	
Sen. Harper Governor's request	Transit Funding	Strategic double-tracking FrontRunner commuter rail to increase frequencies and decrease transit travel times	One-time $34,000,000	Infrastructure and General Government	

UTAH DEPARTMENT of ENVIRONMENTAL QUALITY
AIR QUALITY

EPA Utah-Related SIP Actions Update
March 4, 2020

Final Approval – PM10 Maintenance Plans and Resignation Request – Published Feb 26, 2020

- Approval is for Maintenance Plans for Salt Lake County, Utah County, and Ogden City Nonattainment Areas
- Reclassifies all three areas as attainment areas
- Approves R307-302, Solid Fuel Burning Devices
- Approves PM10 Emissions Limits and Operating Practices in SIP Section IX.H.1 and 2
- Effective March 27, 2020

Proposed Approval – 2nd 10-Year CO Maintenance Plan for Provo, UT – Published March 2, 2020

- EPA determined the plan meets Clean Air Act requirements and is sufficient to provide maintenance out to 2025
- Comment ends April 21, 2020

Proposed Approval - Regional Haze Alternative to BART Plan – Published January 22, 2020

- Proposes to approve the alternative to BART for NOx on the basis that it provides greater reasonable progress than BART. EPA is also proposing to withdraw the FIP for BART NOx
- Proposes to approve the amendments to Part H that require reporting all PM emissions limit exceedances at the Hunter and Huntington Plants
- Finds that Utah's SIP fully satisfies the requirements of section 309 of the RHR and that Utah has fully complied with the requirements for reasonable progress for the first implementation period.
- Public comment period ends March 23, 2020

Proposed Rule – Federal Implementation Plan for Managing Emissions from Oil and Natural Gas Sources on Country Lands Within the Uintah and Ouray Indian Reservation in Utah (U&O FIP) – Proposed Jan 21, 2020

- Proposes to implement control requirements for new, modified, and existing oil and natural gas sources located on Indian country lands in the Uinta Basin nonattainment area
- Purpose is to protect air quality and provide certainty to industry that requirements align with Utah rules and are consistent throughout the Uinta Basin nonattainment area
- Public comment period ends March 23, 2020

Final Rule – Clean Data Determination; Salt Lake City, UT 2006 Fine Particulate Matter Standards Nonattainment Area – Published September 27, 2019

Final Rule – Clean Data Determination; Provo, UT 2006 Fine Particulate Matter Standards Nonattainment Area – Published April 10, 2019

- Determined monitored data demonstrate that the areas attained the 24-Hr PM2.5 NAAQS
- Allowed for submission to EPA of PM2.5 Maintenance Plans
- EPA is reviewing Maintenance Plans for Salt Lake, Provo, and Logan and is on track for approval by the end of the Federal fiscal year

Air Toxics

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQA-903-19

M E M O R A N D U M

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: December 11, 2019

SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – November 2019

Asbestos Demolition/Renovation NESHAP Inspections	5
Asbestos AHERA Inspections	5
Asbestos State Rules Only Inspections	2
Asbestos Notification Forms Accepted	129
Asbestos Telephone Calls	350
Asbestos Individuals Certifications Approved	145
Asbestos Company Certifications/Re-Certifications	2/10
Asbestos Alternate Work Practices Approved/Disapproved	5/0
Lead-Based Paint (LBP) Inspections	4
LBP Notification Forms Approved	0
LBP Telephone Calls	16
LBP Letters Prepared and Mailed	7
LBP Courses Reviewed/Approved	1
LBP Course Audits	1
LBP Individual Certifications Approved	9

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www.deq.utah.gov
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LBP Firm Certifications	10
Notices of Violation Sent	0
Compliance Advisories Sent	12
Warning Letters Sent	7
Settlement Agreements Finalized	5
Penalties Agreed to:	
Alpine School District	$ 630.00
Porter & Porter, LTD	$ 4,575.00
Certified Disaster Services, Inc.	$ 4,612.50
Hybrid Construction & Development, LLC	$ 3,310.00
One Fifty-Five, LLC and Wasatch Property Associates, LLC	$11,106.45
Total	$24,233.95

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQA-009-20

M E M O R A N D U M

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: January 7, 2020

SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – December 2019

Asbestos Demolition/Renovation NESHAP Inspections	5
Asbestos AHERA Inspections	4
Asbestos State Rules Only Inspections	1
Asbestos Notification Forms Accepted	198
Asbestos Telephone Calls	300
Asbestos Individuals Certifications Approved	88
Asbestos Company Certifications/Re-Certifications	2/16
Asbestos Alternate Work Practices Approved/Disapproved	2/0
Lead-Based Paint (LBP) Inspections	0
LBP Notification Forms Approved	0
LBP Telephone Calls	14
LBP Letters Prepared and Mailed	2
LBP Courses Reviewed/Approved	0
LBP Course Audits	0
LBP Individual Certifications Approved	9

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LBP Firm Certifications	15
Notices of Violation Sent	0
Compliance Advisories Sent	2
Warning Letters Sent	5
Settlement Agreements Finalized	1
Penalties Agreed to:	
EmeraldPro Painting of Northern Utah	$4,614.70

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQA-083-20

M E M O R A N D U M

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: February 13, 2020

SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – January 2020

Asbestos Demolition/Renovation NESHAP Inspections	7
Asbestos AHERA Inspections	5
Asbestos State Rules Only Inspections	0
Asbestos Notification Forms Accepted	135
Asbestos Telephone Calls	366
Asbestos Individuals Certifications Approved	70
Asbestos Company Certifications/Re-Certifications	0/6
Asbestos Alternate Work Practices Approved/Disapproved	6/0
Lead-Based Paint (LBP) Inspections	1
LBP Notification Forms Approved	0
LBP Telephone Calls	49
LBP Letters Prepared and Mailed	10
LBP Courses Reviewed/Approved	0
LBP Course Audits	0
LBP Individual Certifications Approved	40

LBP Firm Certifications	12
Notices of Violation Sent	0
Compliance Advisories Sent	4
Warning Letters Sent	4
Settlement Agreements Finalized	3
Penalties Agreed to:	
Ballard Enterprises, LLC	$ 2,250.00
Granite Mountain Properties, LLC	$ 7,837.50
AbateX Environmental Services, Inc.	$ 750.00
Total	$10,837.50

Compliance

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQC-1725-19

M E M O R A N D U M

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: December 24, 2019

SUBJECT: Compliance Activities – November 2019

Annual Inspections Conducted:

Major 3
Synthetic Minor 2
Minor 63

On-Site Stack Test Audits Conducted: 10

Stack Test Report Reviews: 40

On-Site CEM Audits Conducted: 0

Emission Reports Reviewed: 17

Temporary Relocation Requests Reviewed & Approved: 10

Fugitive Dust Control Plans Reviewed & Accepted: 117

Open Burn Permit Applications Completed: 0

Soil Remediation Report Reviews: 0

[1]Miscellaneous Inspections Conducted: 19

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Complaints Received: 15

Breakdown Reports Received: 0

Compliance Actions Resulting From A Breakdown: 0

Warning Letters Issued: 1

Notices of Violation Issued: 0

Unresolved Notices of Violation:

Geneva Rock Products 10/20/2017
Mel Clark Construction 01/11/2019
Sunroc 02/28/2019
University of Utah 07/18/2019

Attorney General Office:

Compass Minerals 12/10/2018
Gordon Creek Compressor Station 05/16/2018
JRJ Services 06/21/2018
JRJ Services 09/07/2018
US Magnesium 01/08/2019
US Magnesium 03/02/2018
US Magnesium 08/27/2015
Strang Excavating 01/17/2018

Compliance Advisories Issued: 9

No Further Action Letters Issued 5

Settlement Agreements Reached: 1
Altamont Energy, LLC $11,200.00

[1]Miscellaneous inspections include, e.g., surveillance, level I inspections, VOC inspections, complaints, on-site training, dust patrol, smoke patrol, open burning, etc.

State of Utah

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Governor

SPENCER J. COX
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Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQC-030-20

M E M O R A N D U M

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: January 8, 2020

SUBJECT: Compliance Activities – December 2019

Annual Inspections Conducted:

Major 4
Synthetic Minor 1
Minor 43

On-Site Stack Test Audits Conducted: 5

Stack Test Report Reviews: 22

On-Site CEM Audits Conducted: 0

Emission Reports Reviewed: 21

Temporary Relocation Requests Reviewed & Approved: 10

Fugitive Dust Control Plans Reviewed & Accepted: 94

Open Burn Permit Applications Completed: 0

Soil Remediation Report Reviews: 6

[1]Miscellaneous Inspections Conducted: 8

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Complaints Received: 12

Breakdown Reports Received: 2

Compliance Actions Resulting From A Breakdown: 0

Warning Letters Issued: 1

Notices of Violation Issued: 0

Unresolved Notices of Violation:

Sunroc 02/28/2019
University of Utah 07/18/2019

Attorney General Office:

Compass Minerals 12/10/2018
Gordon Creek Compressor Station 05/16/2018
US Magnesium 01/08/2019
US Magnesium 03/02/2018
US Magnesium 08/27/2015
Strang Excavating 01/17/2018

Compliance Advisories Issued: 9

No Further Action Letters Issued 5

Settlement Agreements Reached: 3
JRJ Services $67,383.20
Geneva Rock Products $12,752.00
Mel Clark Construction $1,578.00

[1]Miscellaneous inspections include, e.g., surveillance, level I inspections, VOC inspections, complaints, on-site training, dust patrol, smoke patrol, open burning, etc.

State of Utah

GARY R. HERBERT
Governor

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Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQC-260-20

M E M O R A N D U M

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: February 20, 2020

SUBJECT: Compliance Activities – January 2020

Annual Inspections Conducted:

Major 6
Synthetic Minor 3
Minor 36

On-Site Stack Test Audits Conducted: 1

Stack Test Report Reviews: 48

On-Site CEM Audits Conducted: 0

Emission Reports Reviewed: 4

Temporary Relocation Requests Reviewed & Approved: 7

Fugitive Dust Control Plans Reviewed & Accepted: 152

Open Burn Permit Applications Completed: 0

Soil Remediation Report Reviews: 14

[1]Miscellaneous Inspections Conducted: 13

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Complaints Received: 8

Breakdown Reports Received: 1

Compliance Actions Resulting from a Breakdown: 0

Warning Letters Issued: 2

Notices of Violation Issued: 0

Unresolved Notices of Violation (AG Office):

Altech Recovery	11/25/2019
Citation Oil and Gas	01/08/2020
Compass Minerals	12/10/2018
Gordon Creek Compressor Station	05/16/2018
Strang Excavating	01/17/2018
Sunroc	02/28/2019
University of Utah	07/18/2019
US Magnesium	01/08/2019
US Magnesium	03/02/2018
US Magnesium	08/27/2015

Compliance Advisories Issued: 14

No Further Action Letters Issued 14

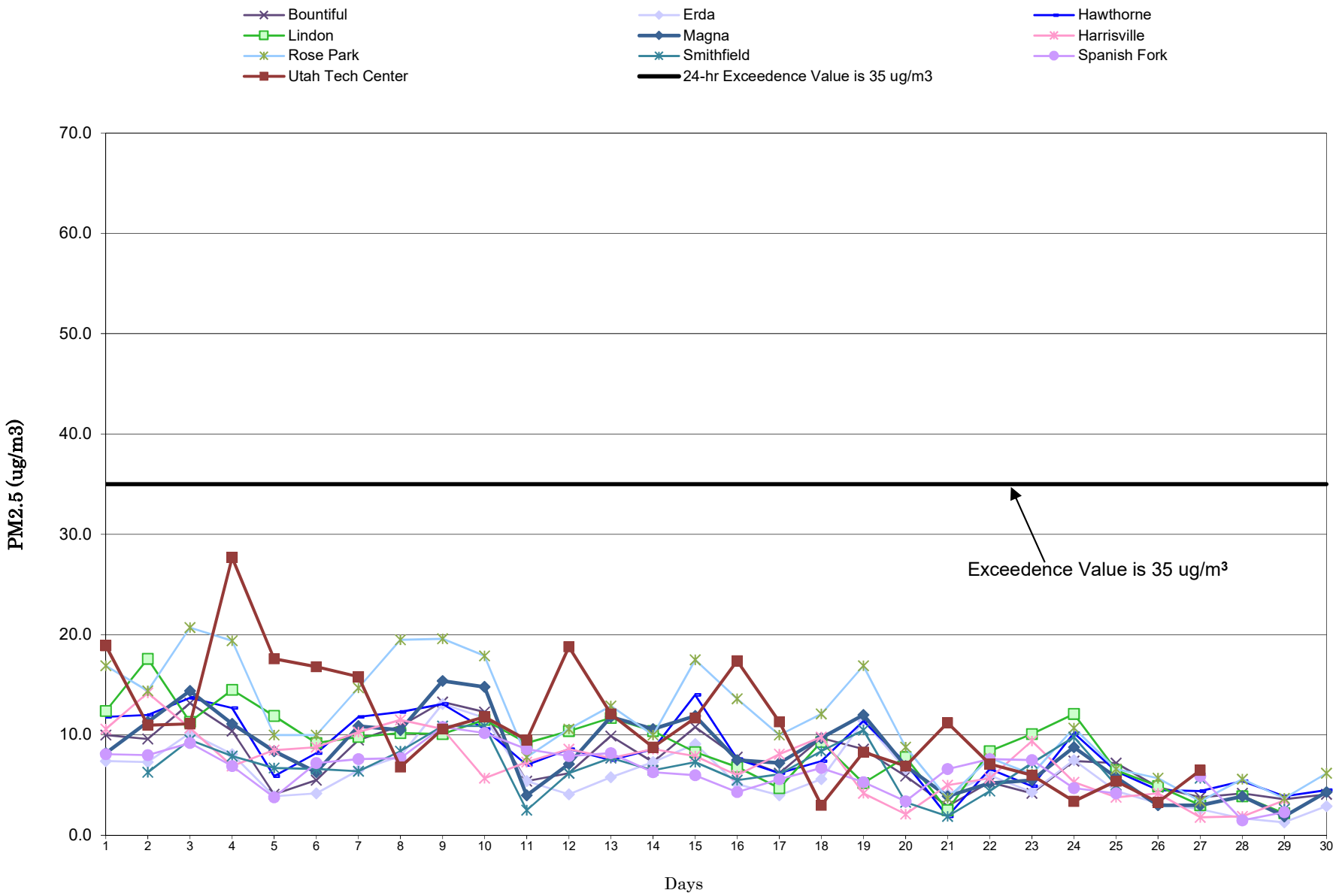
Settlement Agreements Reached: 4

Staker & Parsons	$2,958.00
Kinder Morgan Altamont	$4,960.00
Dannon	$359.00
Autoliv	$2,399.00

[1]Miscellaneous inspections include, e.g., surveillance, level I inspections, VOC inspections, complaints, on-site training, dust patrol, smoke patrol, open burning, etc.

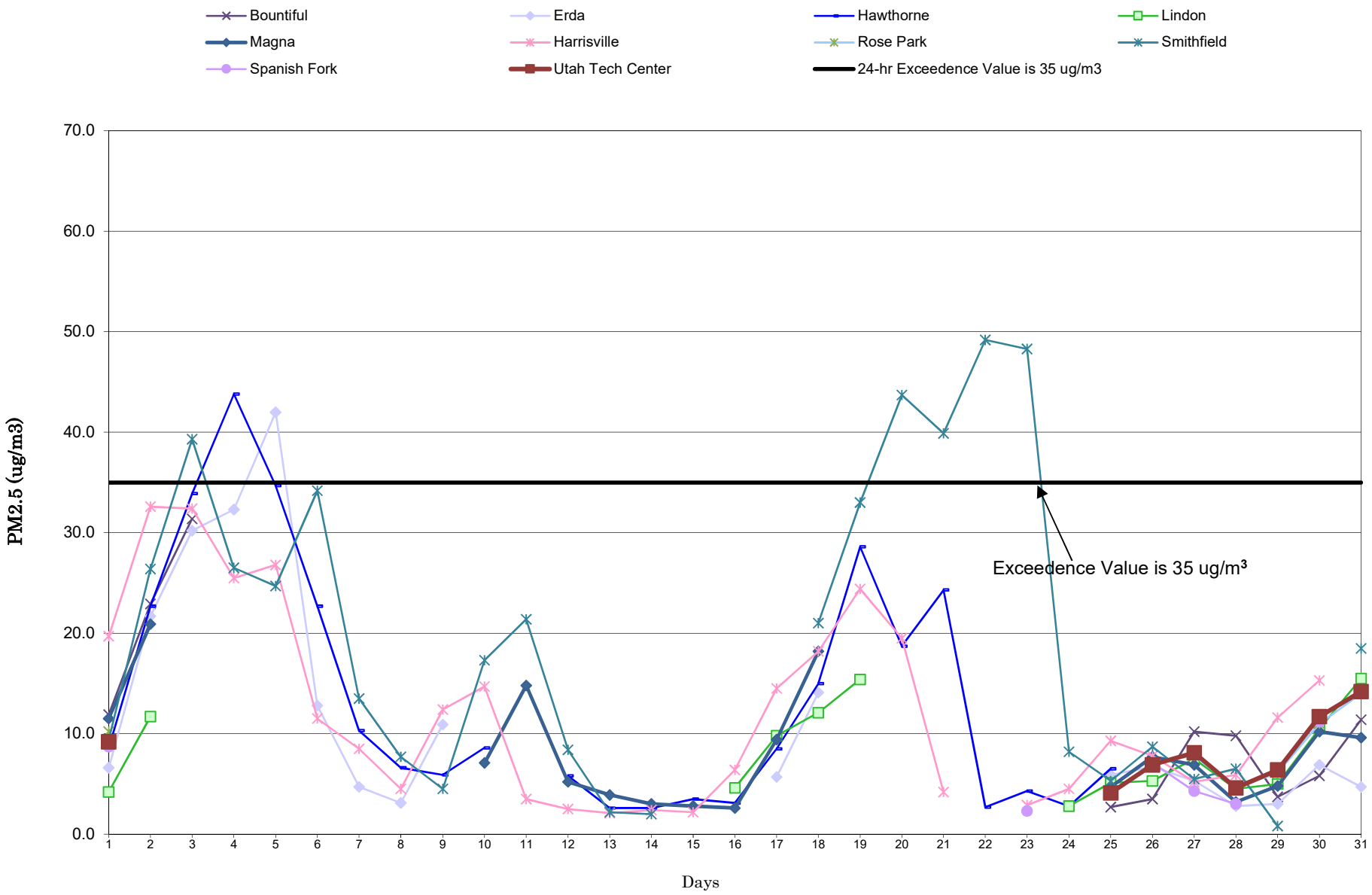
Air Monitoring

Utah 24-Hr PM2.5 Data November 2019

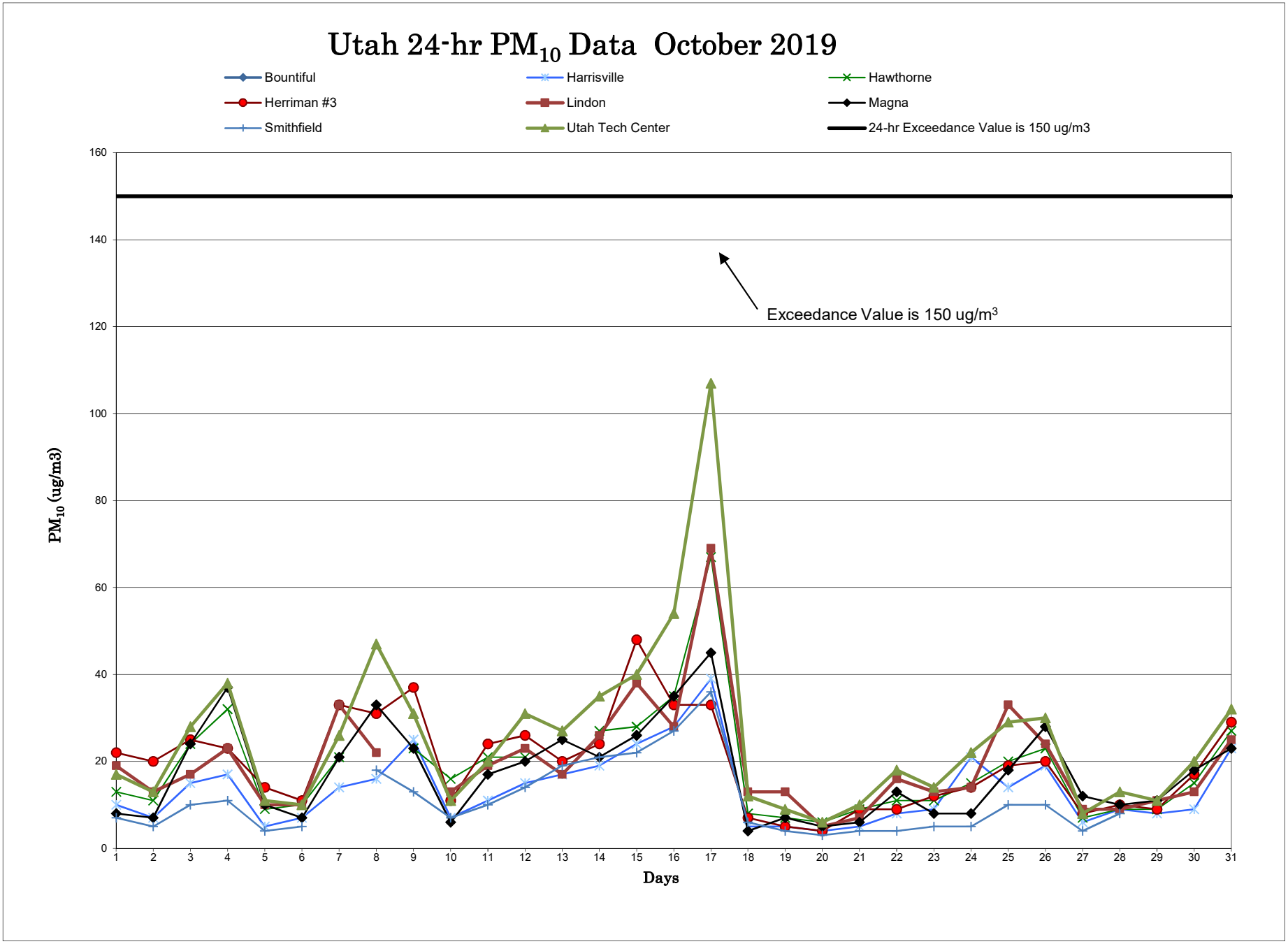


Utah Division of Air Quality

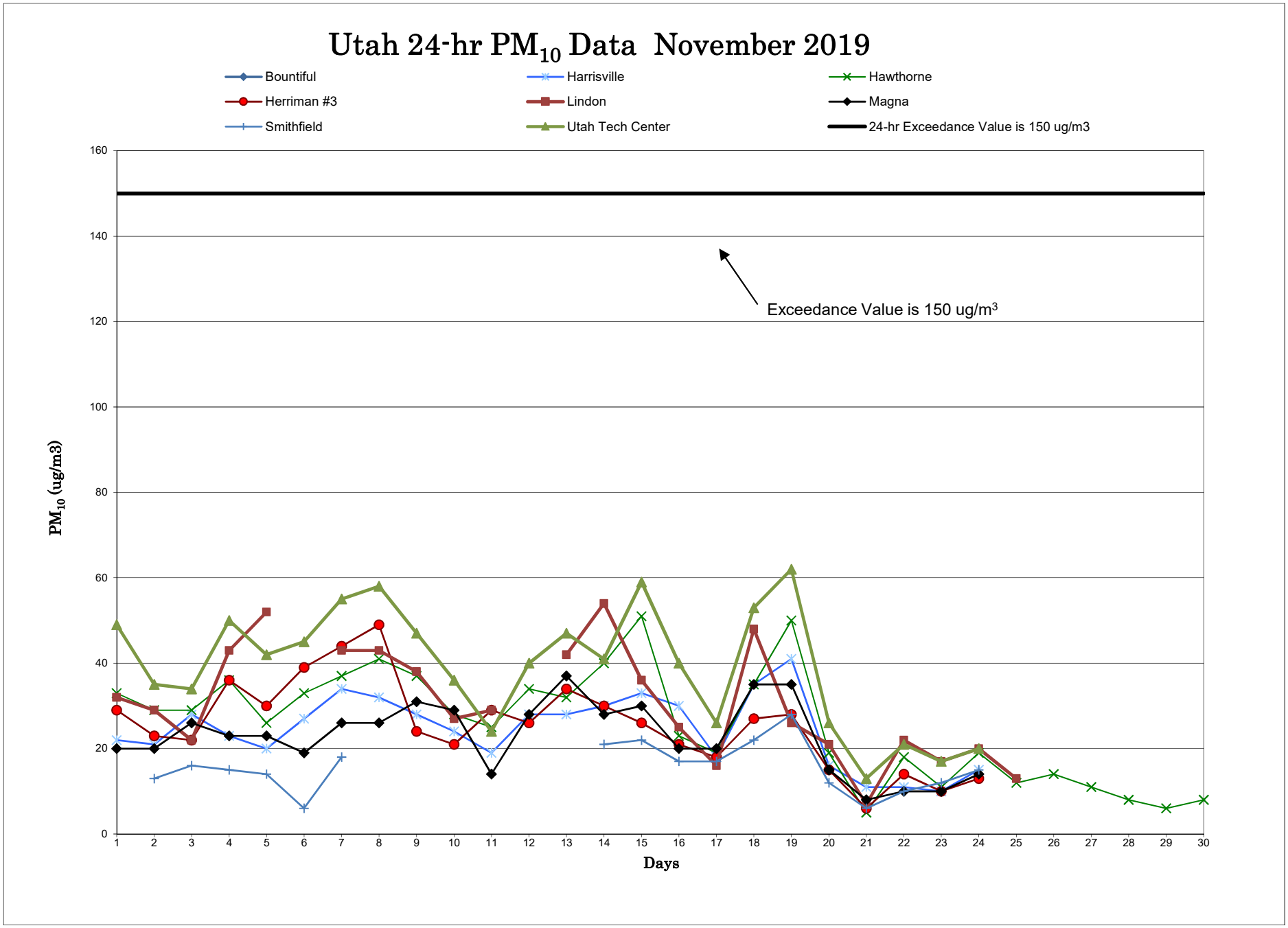
Utah 24-Hr PM2.5 Data December 2019



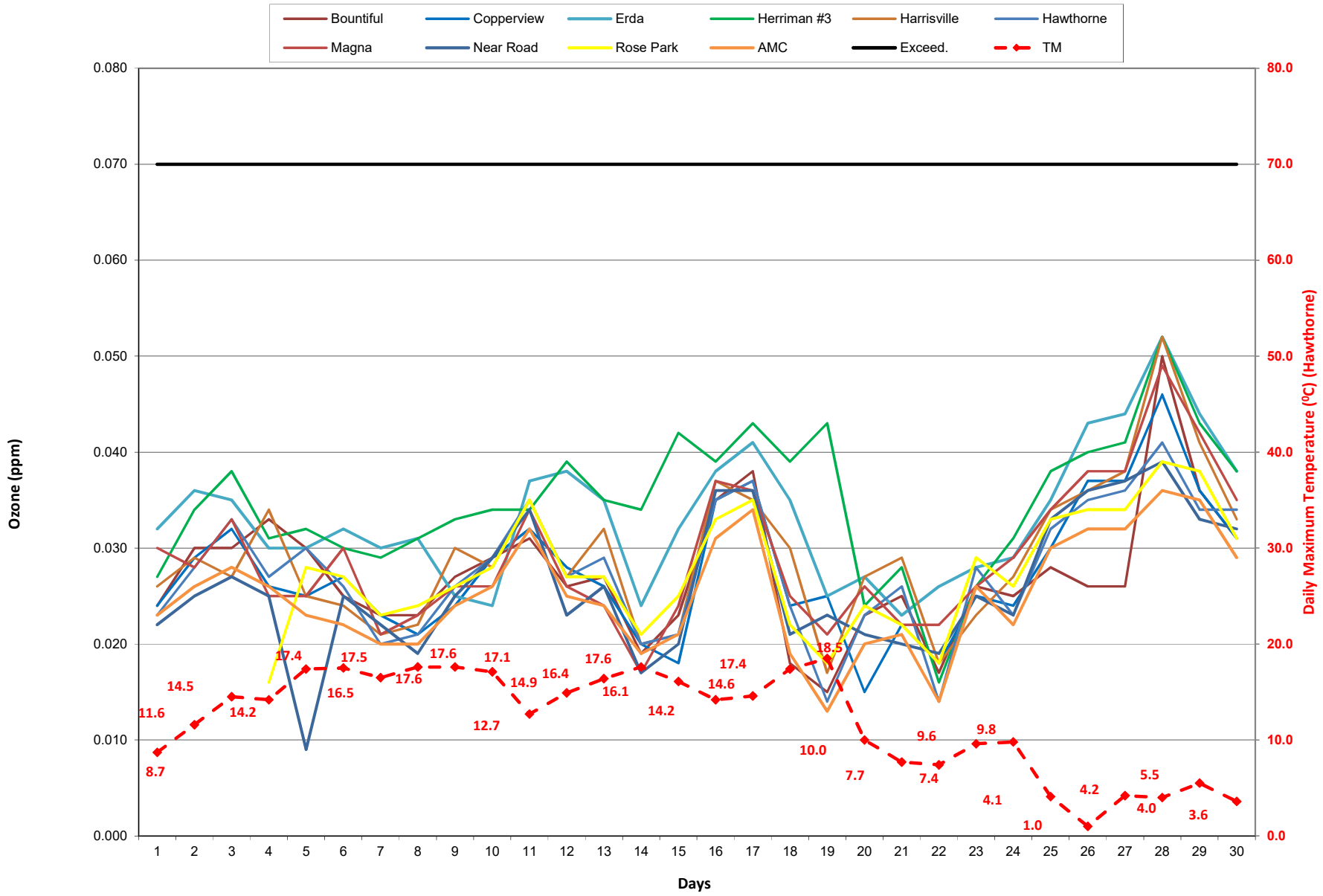
Utah Division of Air Quality

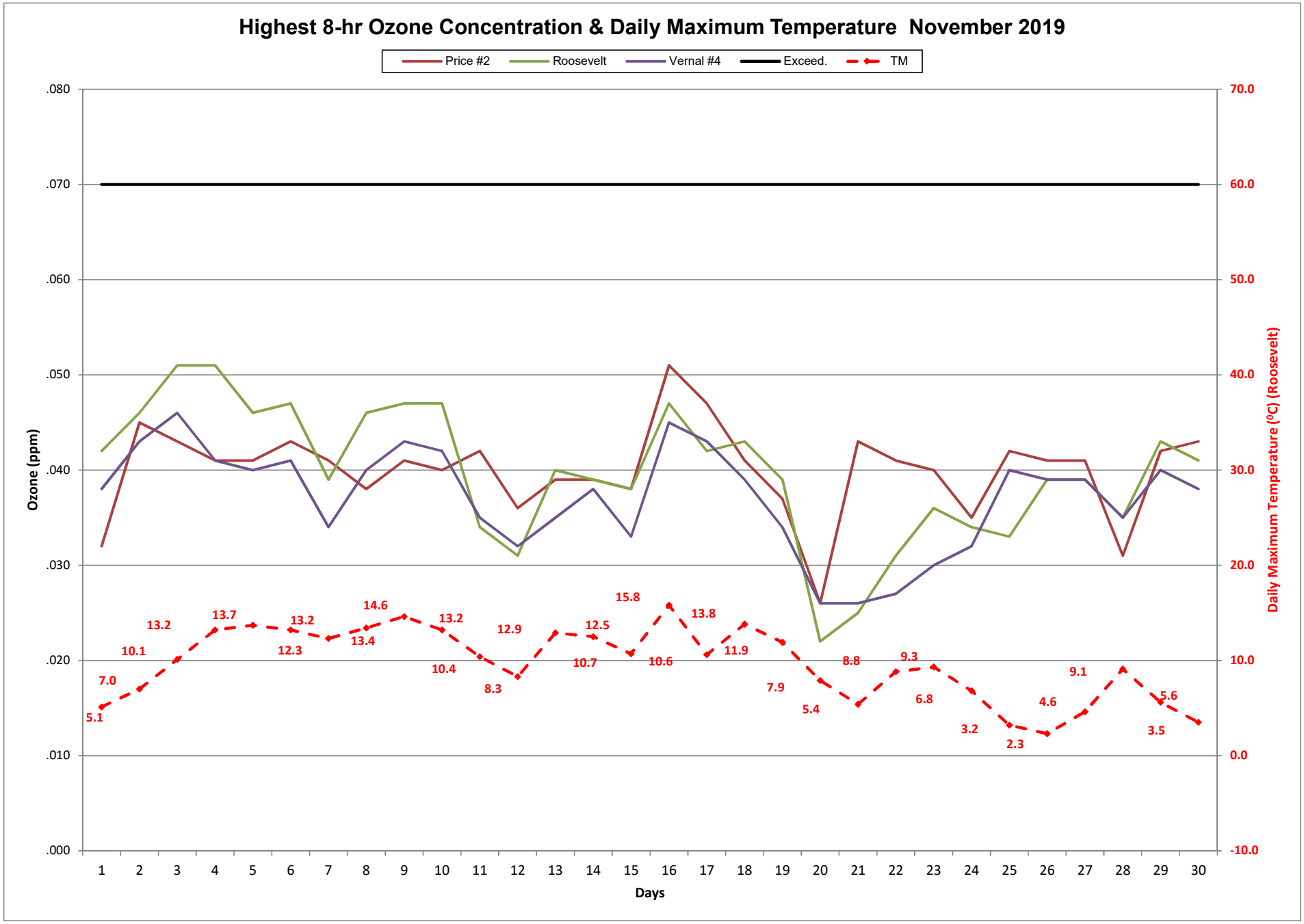


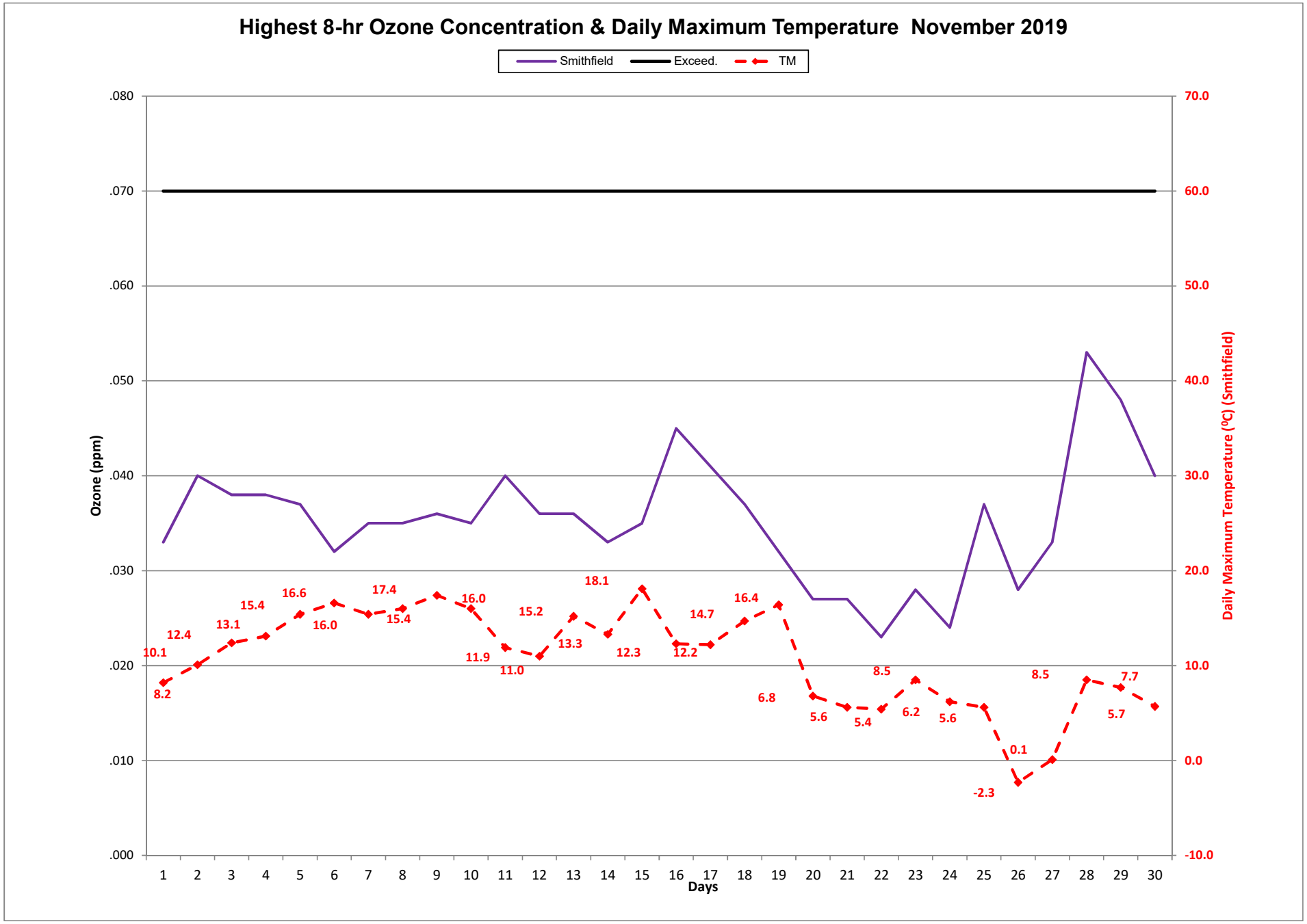
Utah Division of Air Quality

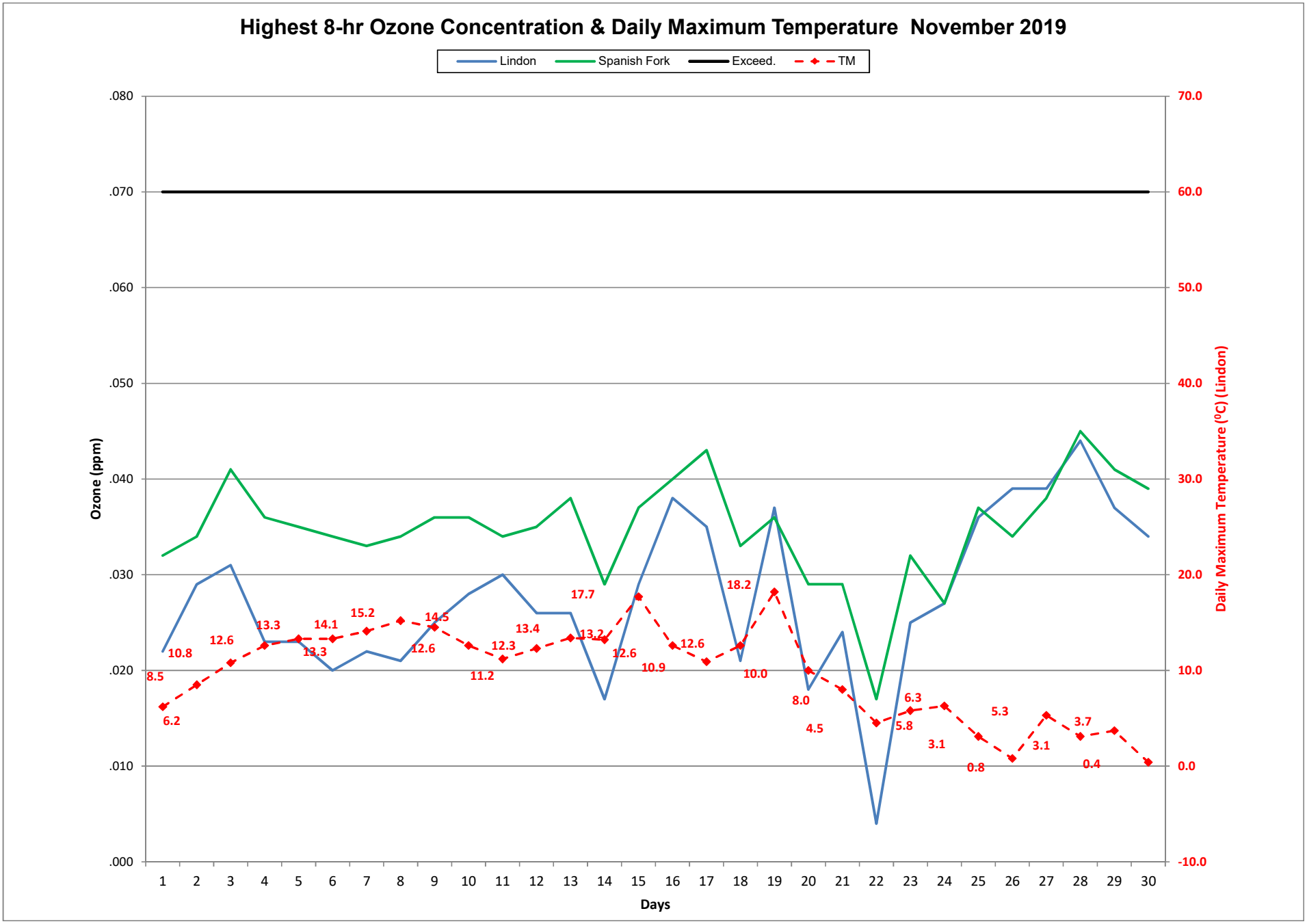


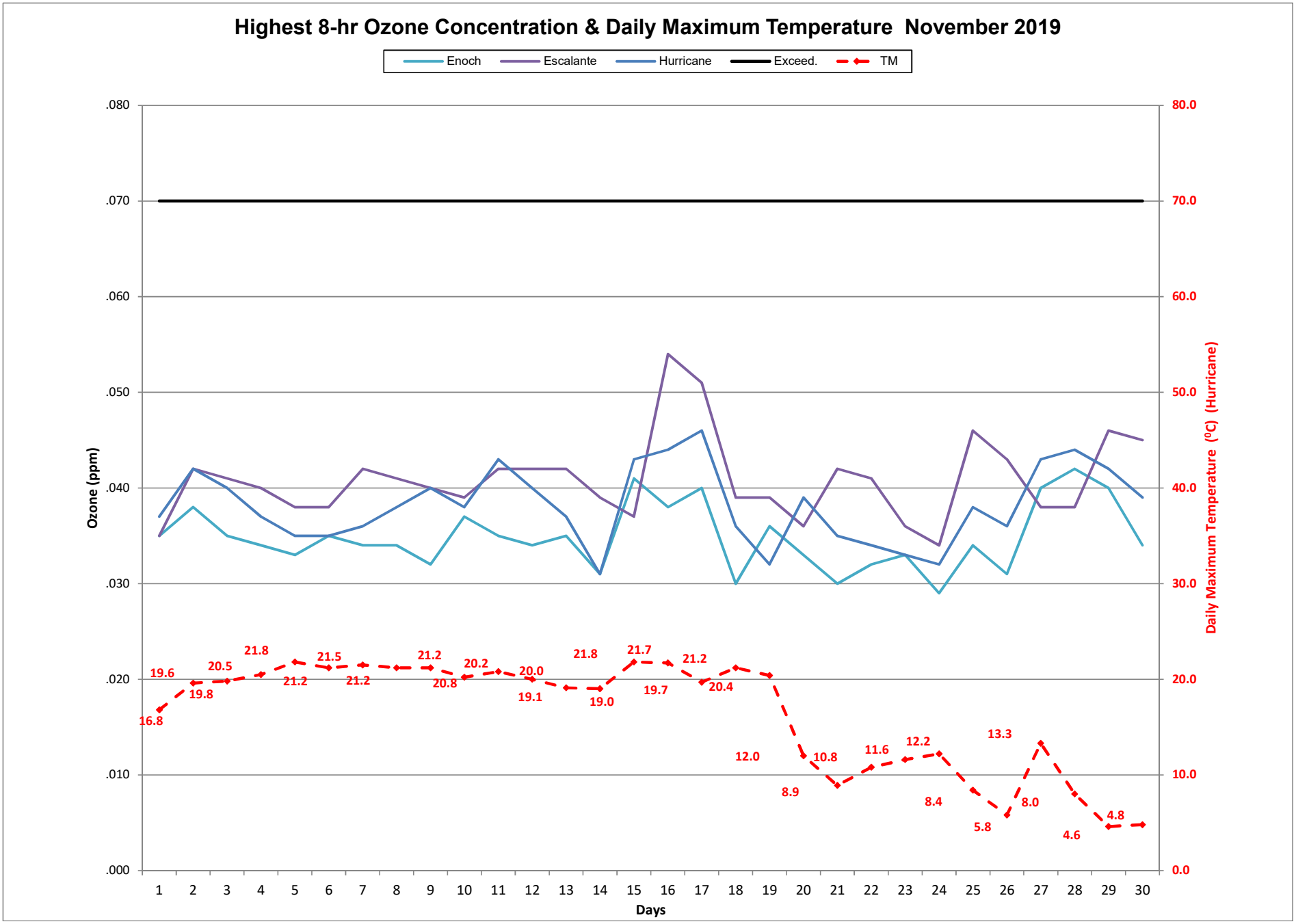
Utah Division of Air Quality


Highest 8-hr Ozone Concentration & Daily Maximum Temperature November 2019
Bountiful
Copperview
Erda
Herriman #3
Harrisville
Hawthorne
Magna
Near Road
Rose Park
AMC
Exceed.
TM
Ozone (ppm)
Daily Maximum Temperature (ºC) (Hawthorne)
Days
0.080
0.070
0.060
0.050
0.040
0.030
0.020
0.010
0.000
80.0
70.0
60.0
50.0
40.0
30.0
20.0
10.0
0.0
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
8.7
11.6
14.5
14.2
17.4
16.5
17.5
17.6
17.6
17.1
12.7
14.9
16.4
17.6
16.1
14.2
17.4
14.6
18.5
10.0
7.7
9.6
7.4
9.8
4.1
1.0
4.2
5.5
4.0
3.6

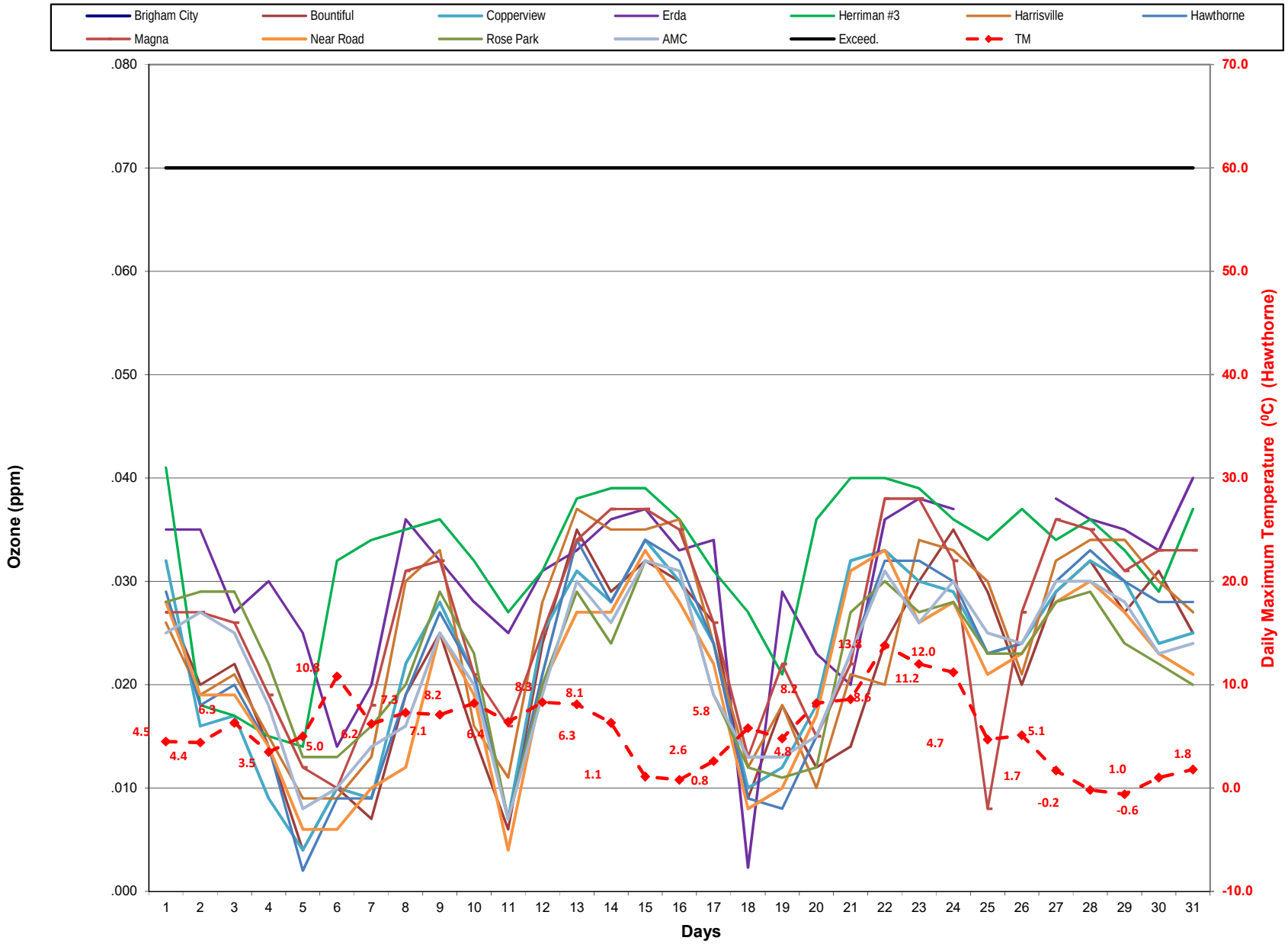

Highest 8-hr Ozone Concentration & Daily Maximum Temperature November 2019
Price #2
Roosevelt
Vernal #4
Exceed.
TM
Ozone (ppm)
Daily Maximum Temperature (ºC) (Roosevelt)
Days
.080
.070
.060
.050
.040
.030
.020
.010
.000
70.0
60.0
50.0
40.0
30.0
20.0
10.0
0.0
-10.0
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
5.1 7.0 10.1 13.2 13.7 12.3 13.2 13.4 14.6 13.2 10.4 8.3 12.9 10.7 12.5 15.8 10.6 13.8 11.9 7.9 5.4 8.8 9.3 6.8 3.2 2.3 4.6 9.1 5.6 3.5

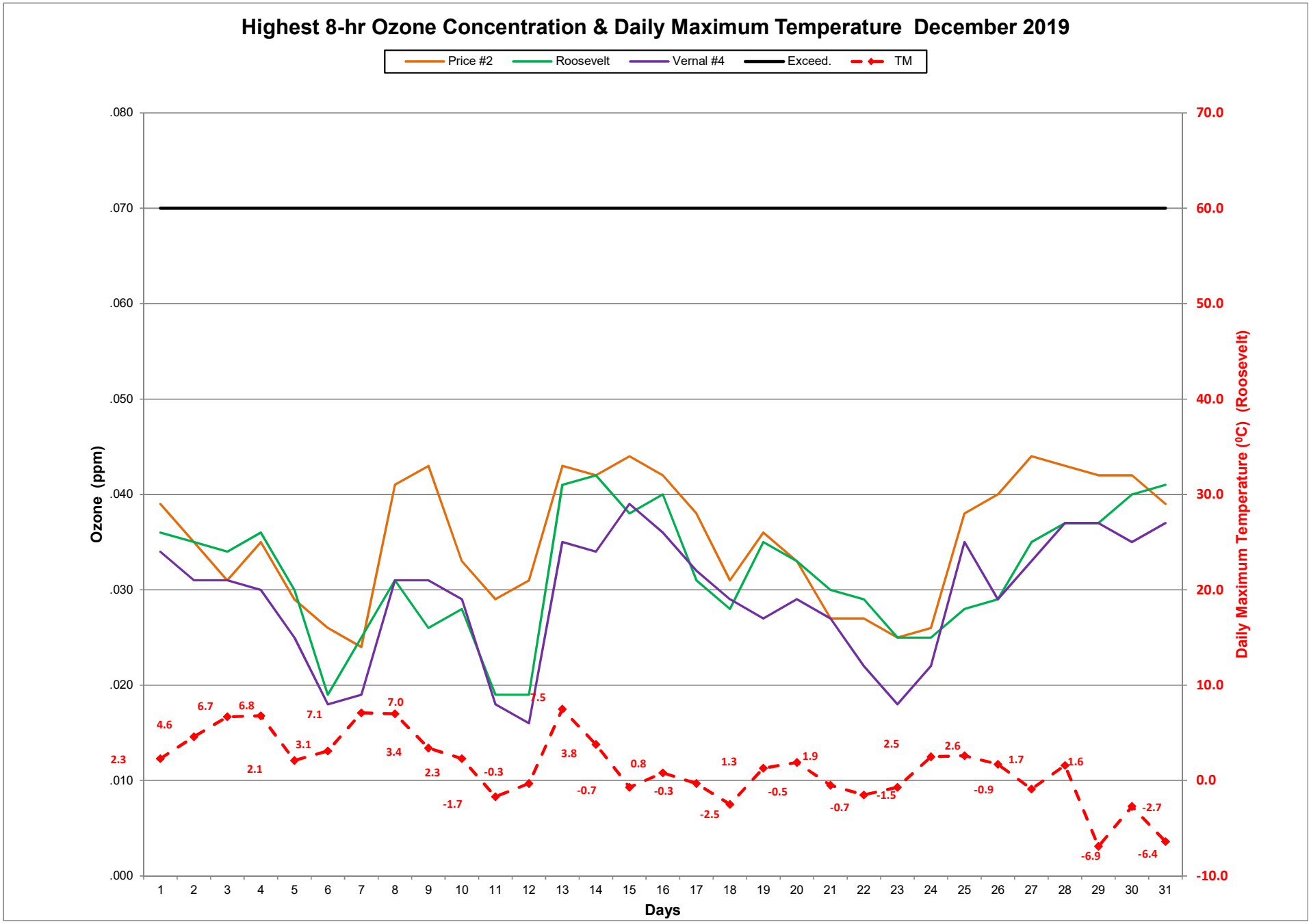

Highest 8-hr Ozone Concentration & Daily Maximum Temperature November 2019
Smithfield
Exceed.
TM
Ozone (ppm)
Daily Maximum Temperature (ºC) (Smithfield)
Days
.080
.070
.060
.050
.040
.030
.020
.010
.000
70.0
60.0
50.0
40.0
30.0
20.0
10.0
0.0
-10.0
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
10.1 12.4 13.1 15.4 16.6 16.0 17.4 15.4 16.0 11.9 11.0 15.2 13.3 18.1 12.3 12.2 14.7 16.4 6.8 5.6 5.4 8.5 6.2 5.6 -2.3 0.1 8.5 7.7 5.7
8.2

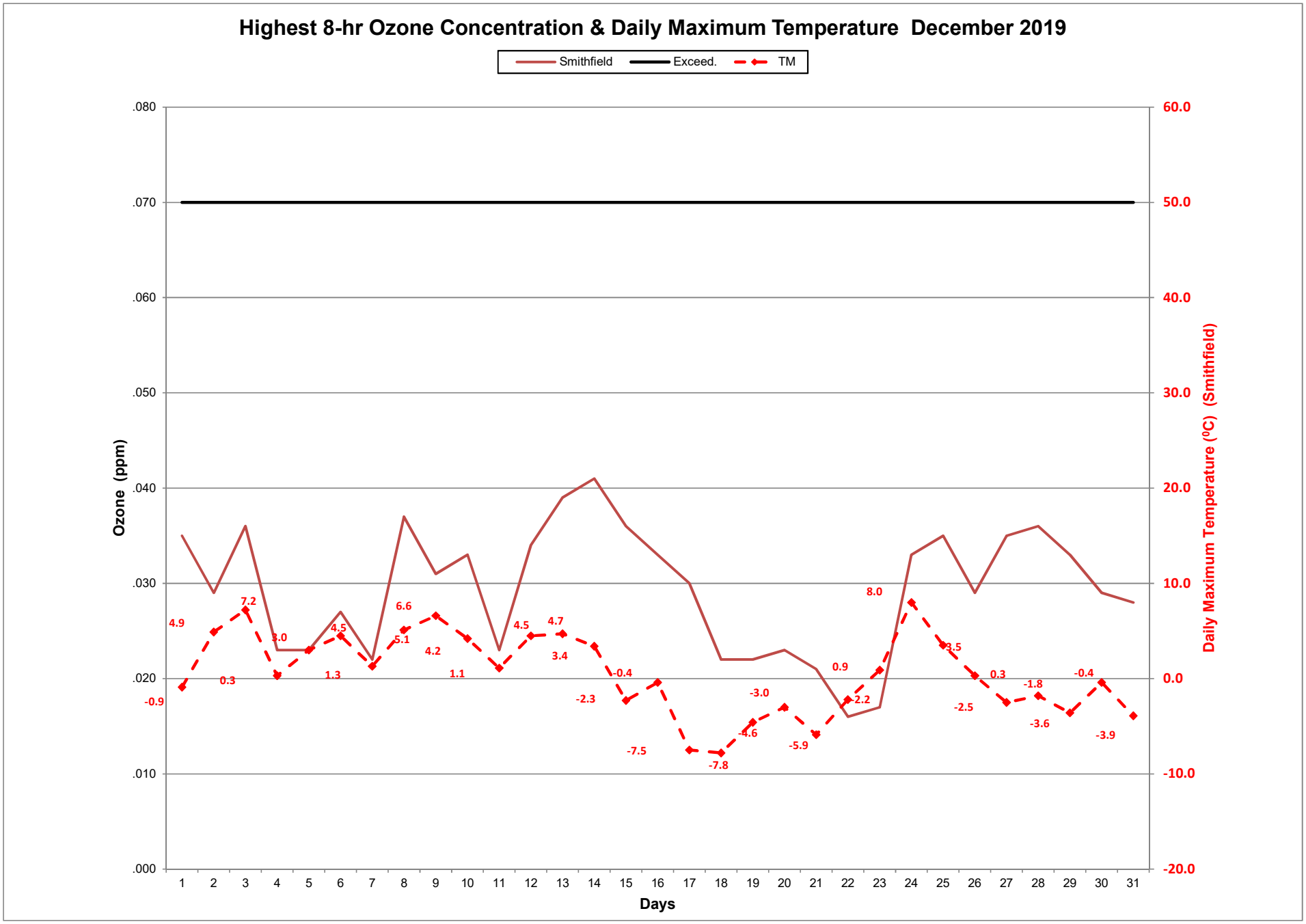

Highest 8-hr Ozone Concentration & Daily Maximum Temperature November 2019
Lindon
Spanish Fork
Exceed.
TM
Ozone (ppm)
Daily Maximum Temperature (°C) (Lindon)
Days
.080
.070
.060
.050
.040
.030
.020
.010
.000
70.0
60.0
50.0
40.0
30.0
20.0
10.0
0.0
-10.0
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
8.5
10.8
12.6
13.3
13.3
14.1
15.2
12.6
14.5
11.2
12.3
13.4
13.2
17.7
12.6
10.9
12.6
18.2
10.0
8.0
4.5
5.8
6.3
3.1
0.8
5.3
3.1
3.7
0.4
6.2

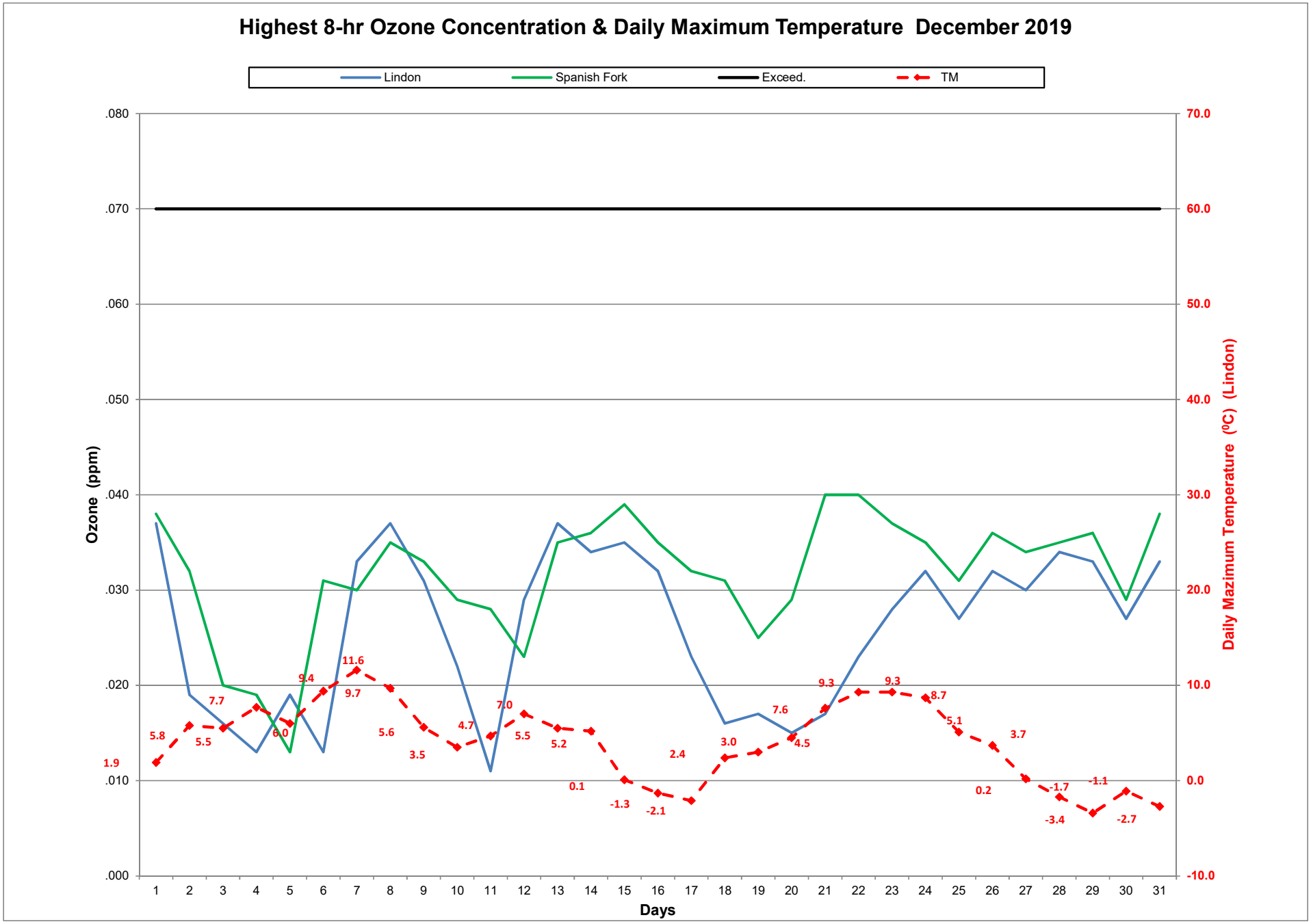

Highest 8-hr Ozone Concentration & Daily Maximum Temperature November 2019
Enoch
Escalante
Hurricane
Exceed.
TM
Ozone (ppm)
Daily Maximum Temperature (ºC) (Hurricane)
Days
.080
.070
.060
.050
.040
.030
.020
.010
.000
80.0
70.0
60.0
50.0
40.0
30.0
20.0
10.0
0.0
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
16.8 19.6 19.8 20.5 21.8 21.2 21.5 21.2 21.2 20.8 20.2 20.0 19.1 21.8 19.0 21.7 19.7 21.2 20.4 12.0 8.9 10.8 11.6 12.2 8.4 5.8 13.3 8.0 4.6 4.8

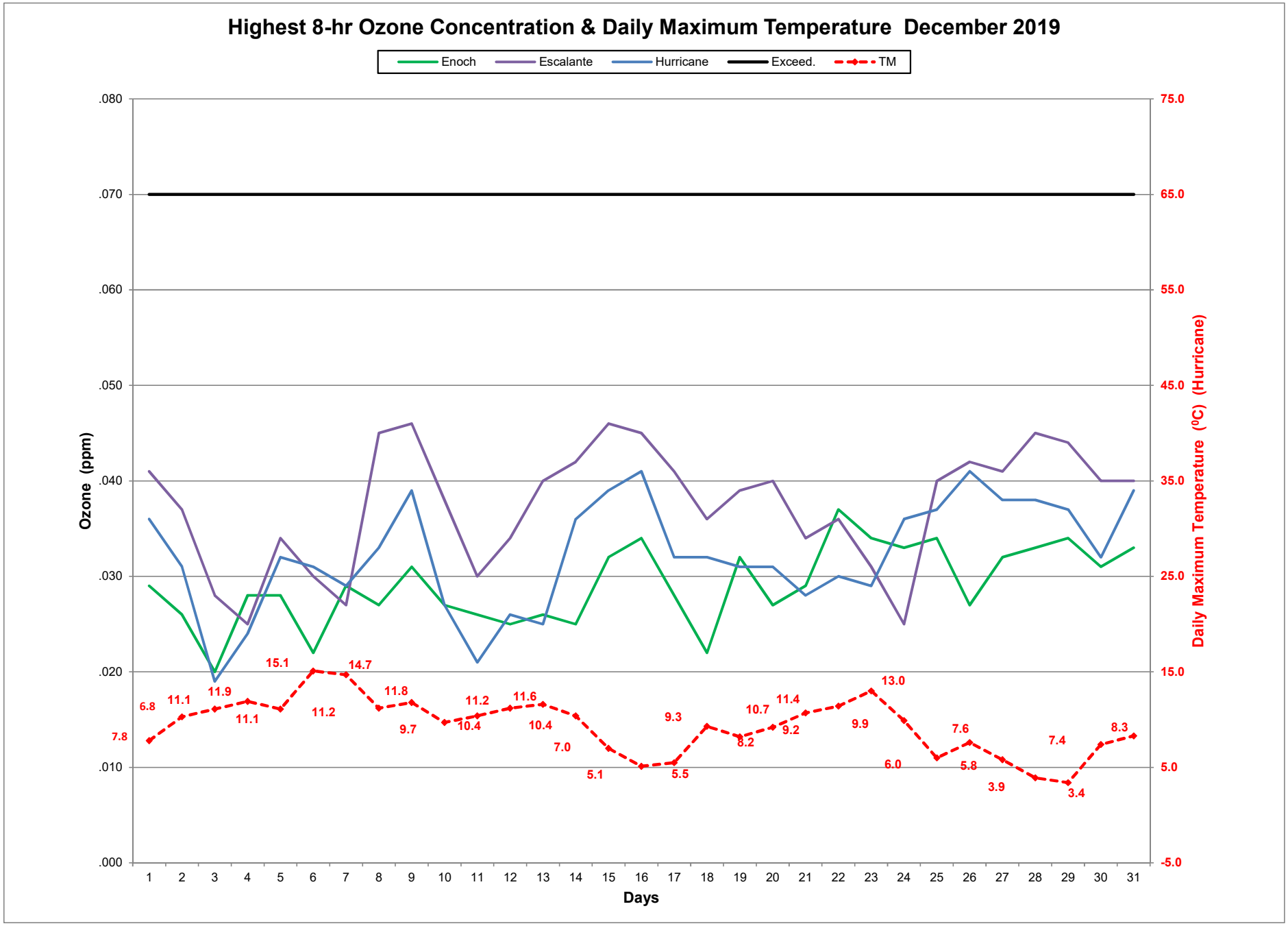
Highest 8-hr Ozone Concentration & Daily Maximum Temperature December 2019



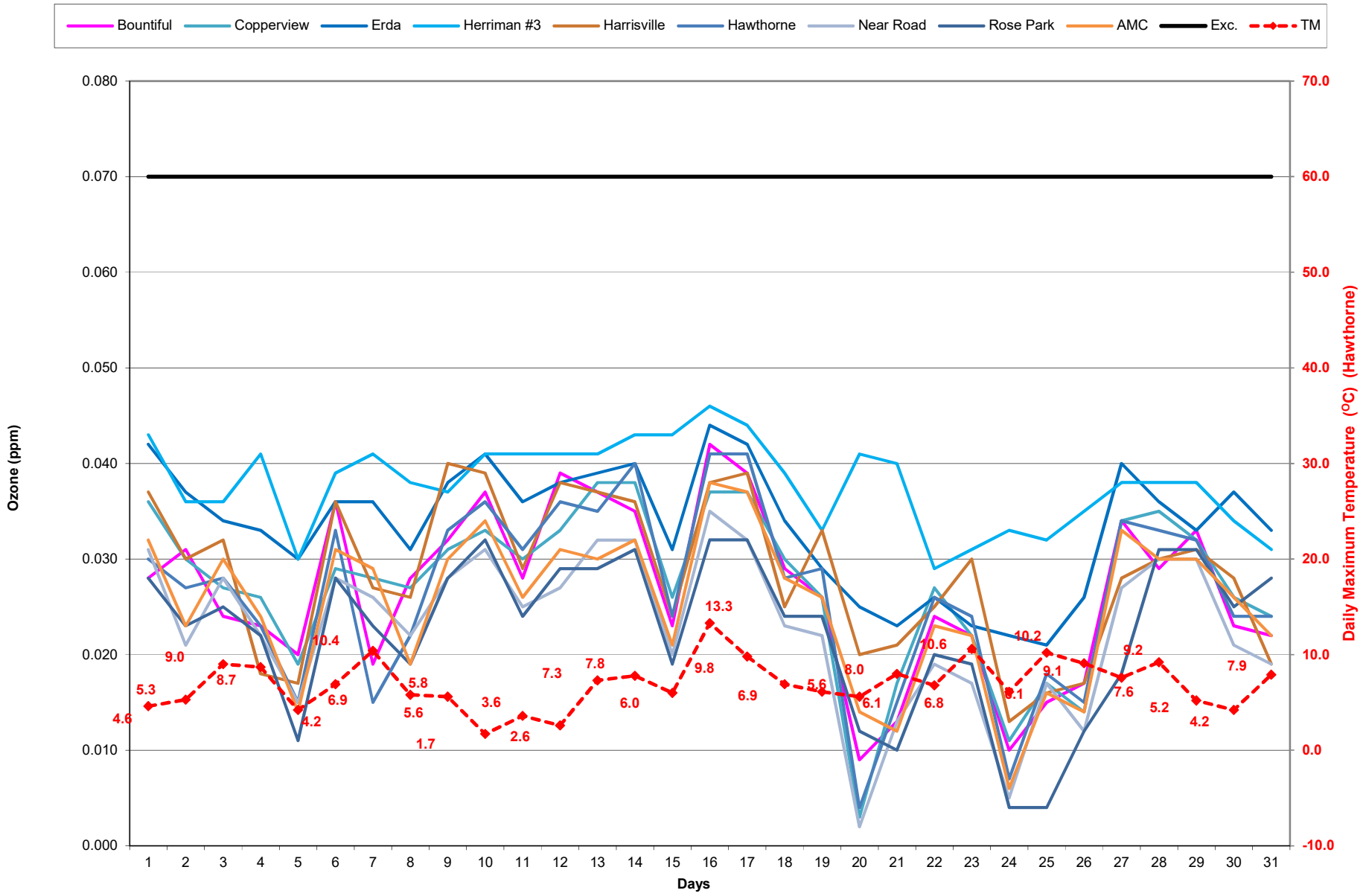

Highest 8-hr Ozone Concentration & Daily Maximum Temperature December 2019
Price #2
Roosevelt
Vernal #4
Exceed.
TM
Ozone (ppm)
Daily Maximum Temperature (ºC) (Roosevelt)
Days
.080
.070
.060
.050
.040
.030
.020
.010
.000
70.0
60.0
50.0
40.0
30.0
20.0
10.0
0.0
-10.0
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
4.6 6.7 6.8 2.1 3.1 7.1 7.0 3.4 2.3 -1.7 -0.3 7.5 3.8 -0.7 0.8 -0.3 -2.5 1.3 -0.5 1.9 -0.7 -1.5 2.5 2.6 -0.9 1.7 1.6 -6.9 -6.4 -2.7
2.3

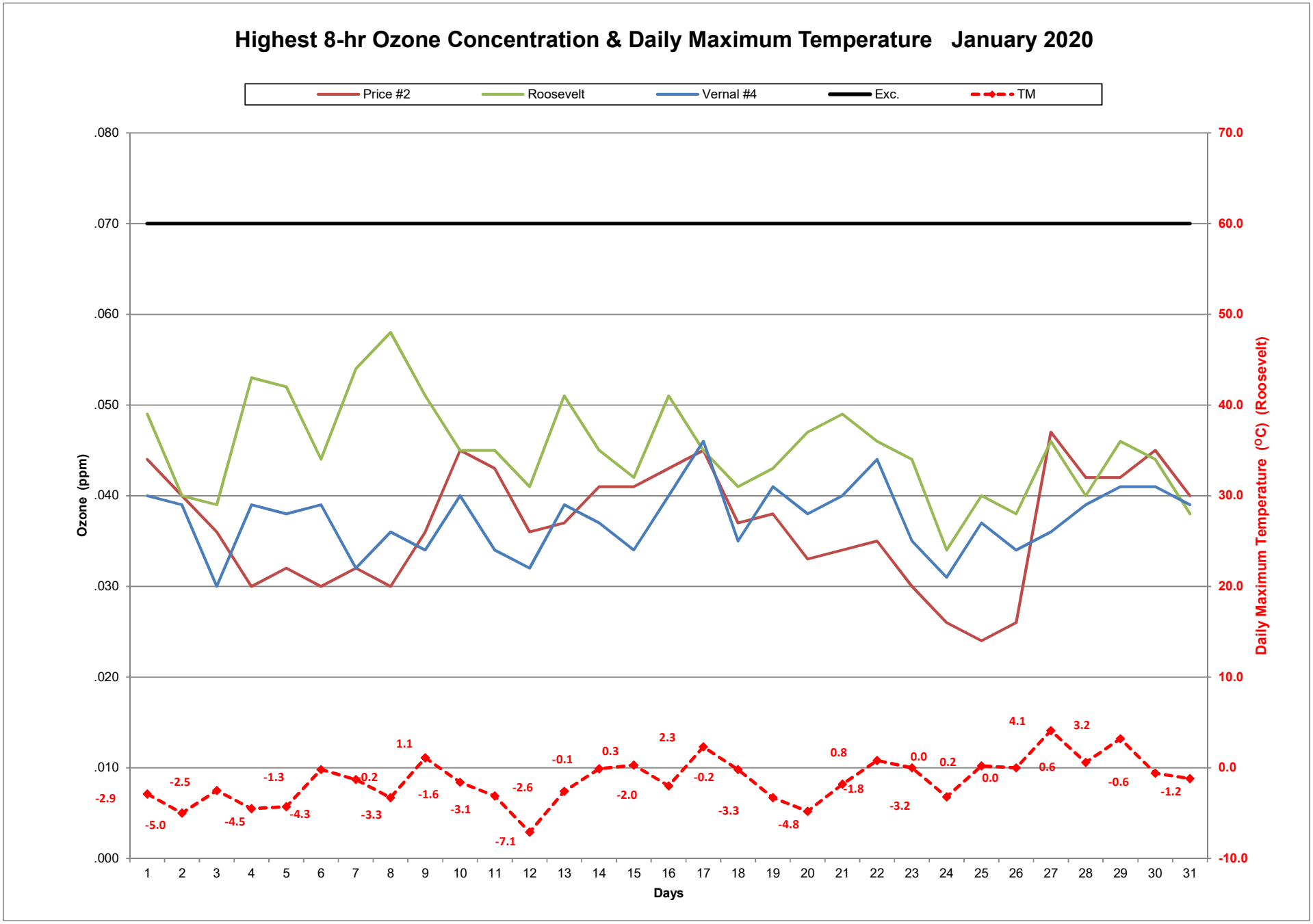

Highest 8-hr Ozone Concentration & Daily Maximum Temperature December 2019
Smithfield
Exceed.
TM
Ozone (ppm)
.080
.070
.060
.050
.040
.030
.020
.010
.000
Daily Maximum Temperature (⁰C) (Smithfield)
60.0
50.0
40.0
30.0
20.0
10.0
0.0
-10.0
-20.0
Days
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
4.9 -0.9 7.2 0.3 3.0 4.5 1.3 6.6 5.1 4.2 1.1 4.5 4.7 3.4 -2.3 -0.4 -7.5 -7.8 -3.0 -4.6 -5.9 0.9 -2.2 8.0 3.5 -2.5 0.3 -1.8 -3.6 -0.4 -3.9

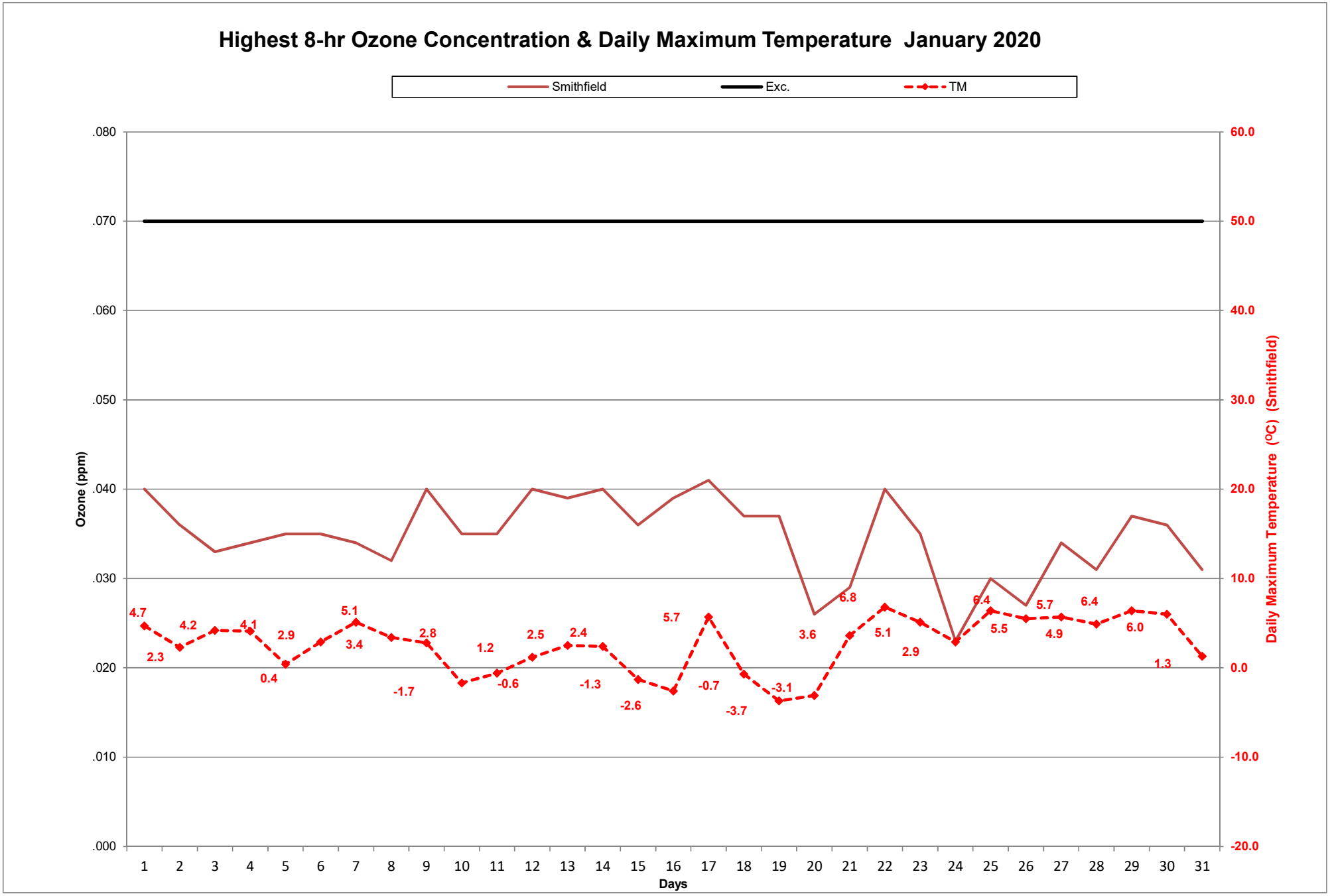

Highest 8-hr Ozone Concentration & Daily Maximum Temperature December 2019
Lindon
Spanish Fork
Exceed.
TM
Ozone (ppm)
Daily Mazimum Temperature (ºC) (Lindon)
Days
.080
.070
.060
.050
.040
.030
.020
.010
.000
70.0
60.0
50.0
40.0
30.0
20.0
10.0
0.0
-10.0
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
1.9
5.8
5.5
7.7
6.0
9.4
9.7
11.6
5.6
3.5
4.7
7.0
5.5
5.2
0.1
-1.3
-2.1
2.4
3.0
4.5
7.6
9.3
9.3
8.7
5.1
0.2
3.7
-1.7
-3.4
-1.1
-2.7

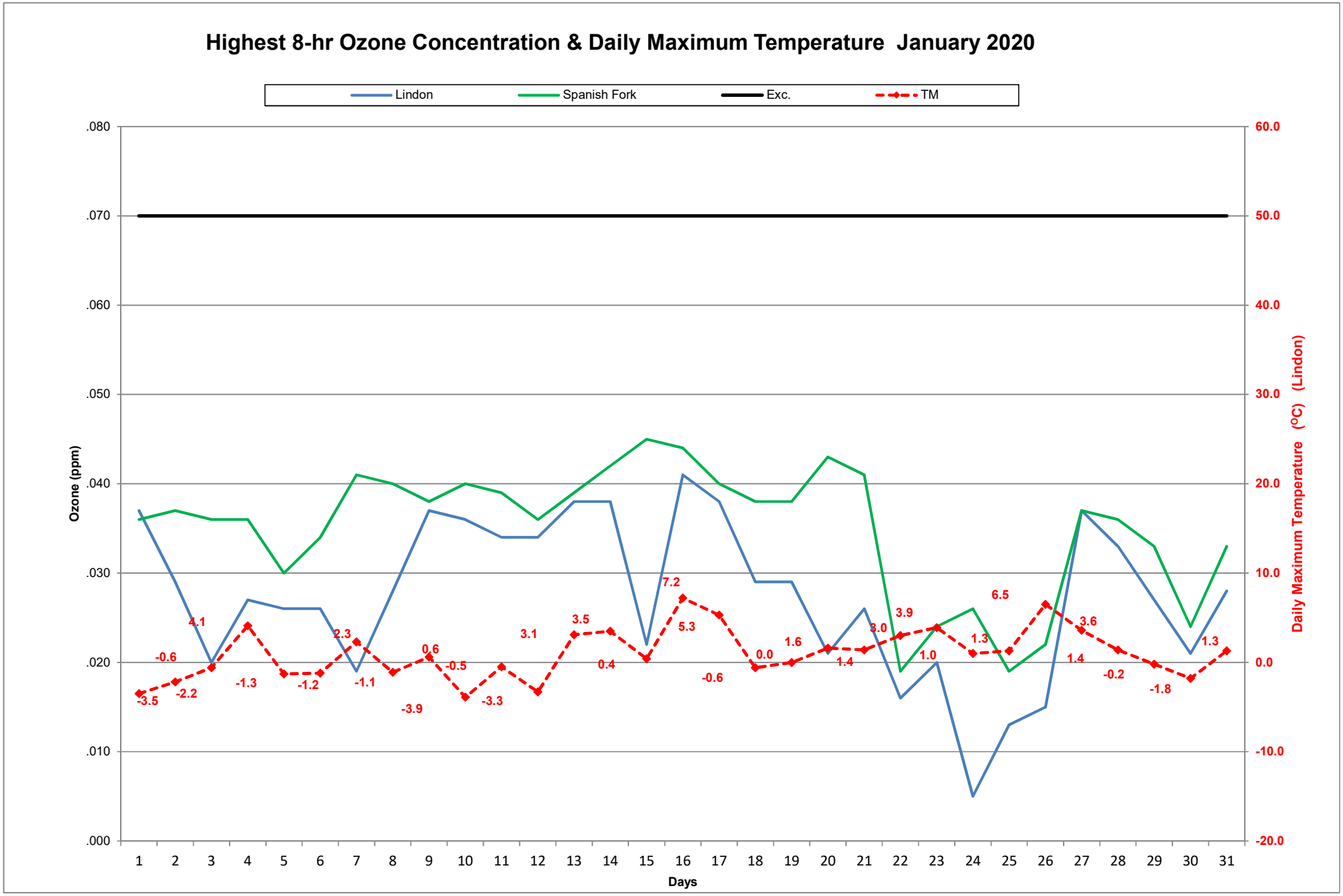

Highest 8-hr Ozone Concentration & Daily Maximum Temperature December 2019
Enoch
Escalante
Hurricane
Exceed.
TM
Ozone (ppm)
Daily Maximum Temperature (⁰C) (Hurricane)
Days
.080
.070
.060
.050
.040
.030
.020
.010
.000
75.0
65.0
55.0
45.0
35.0
25.0
15.0
5.0
-5.0
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
7.8 6.8 11.1 11.9 11.1 15.1 11.2 14.7 11.8 9.7 11.2 10.4 11.6 10.4 7.0 5.1 9.3 5.5 10.7 8.2 11.4 9.2 9.9 13.0 6.0 7.6 5.8 3.9 7.4 3.4 8.3

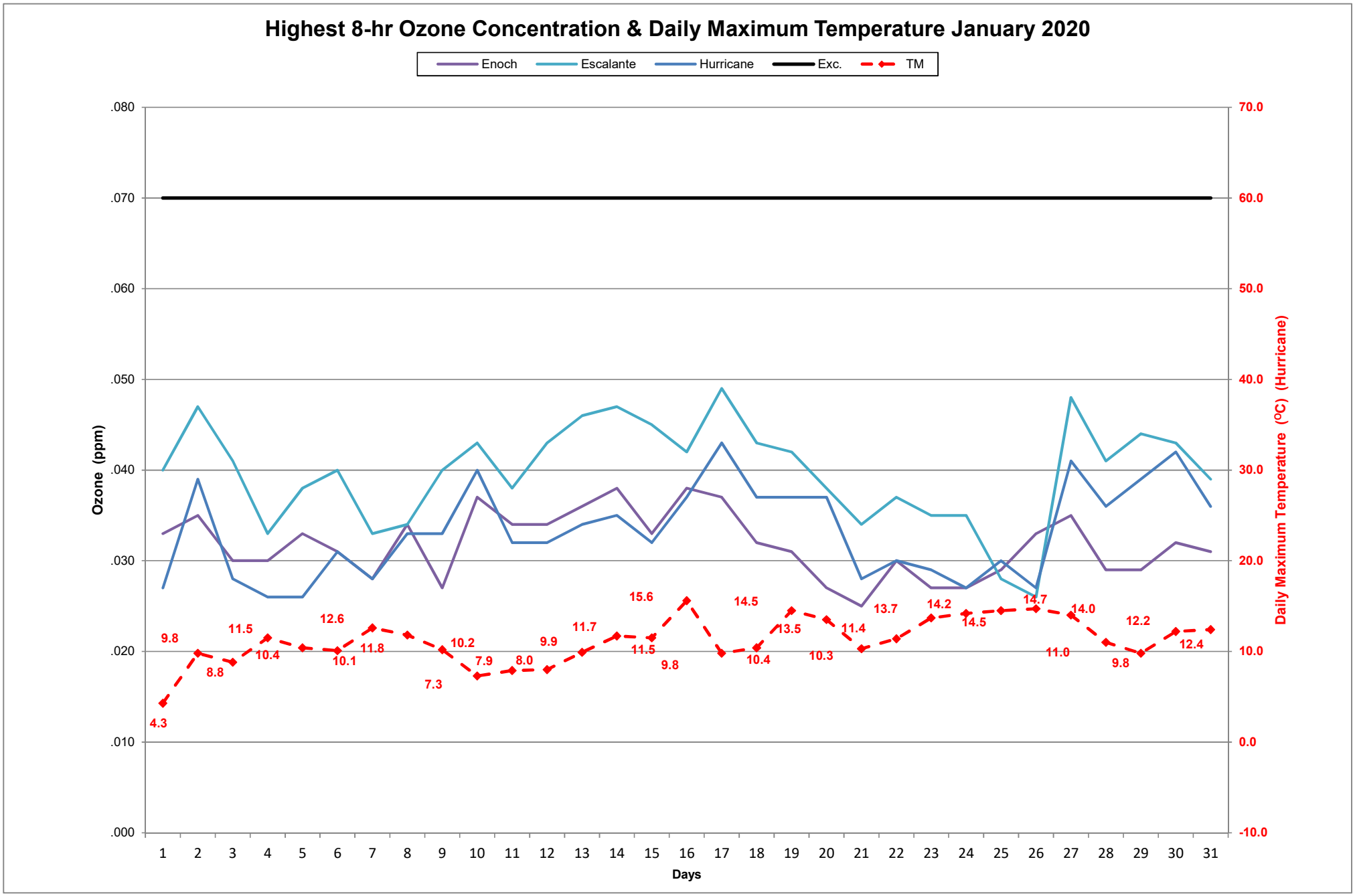
Highest 8-hr Ozone Concentration & Daily Maximum Temperature January 2020



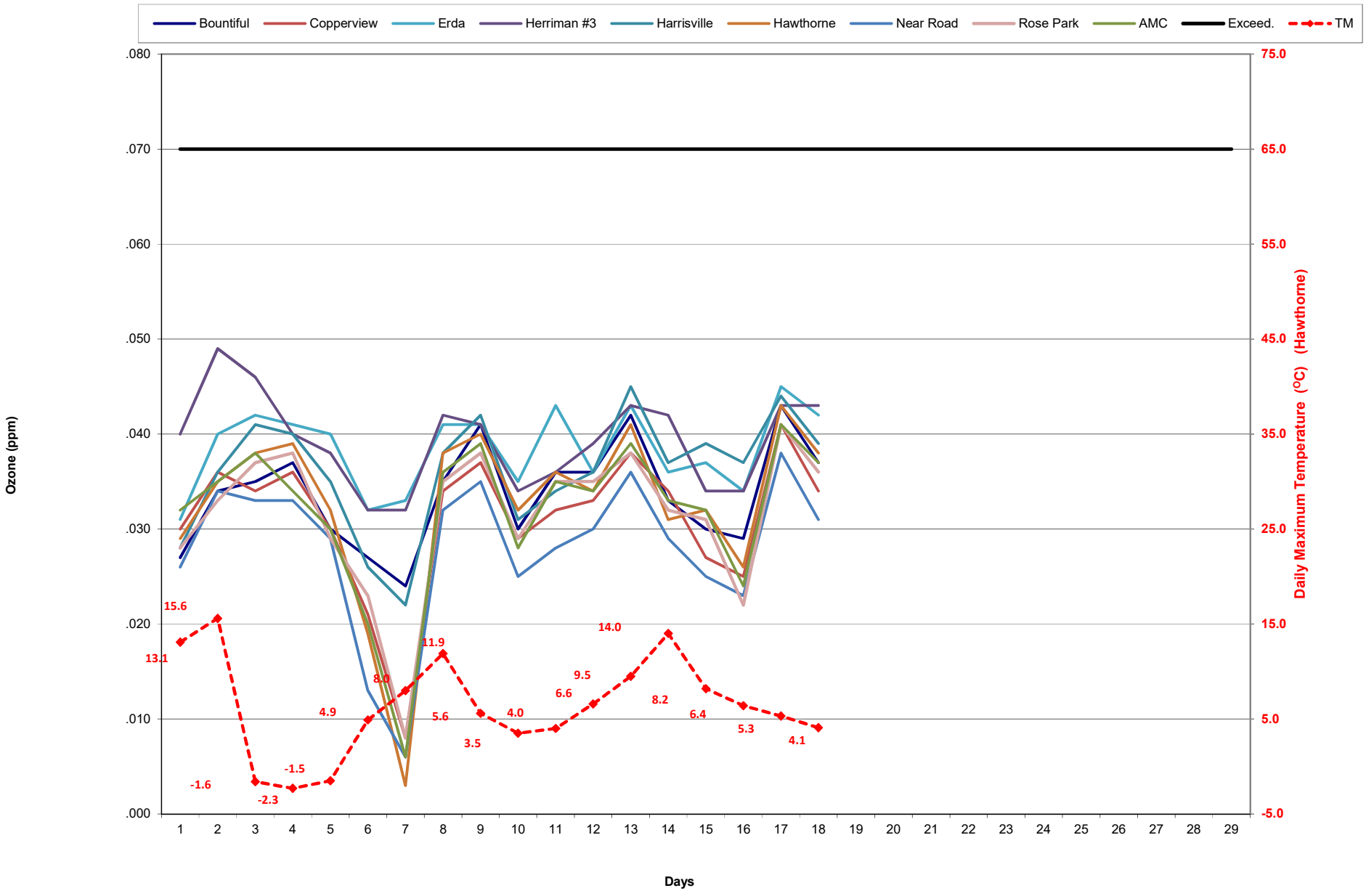

Highest 8-hr Ozone Concentration & Daily Maximum Temperature January 2020
Price #2
Roosevelt
Vernal #4
Exc.
TM
Ozone (ppm)
Daily Maximum Temperature (°C) (Roosevelt)
Days
.080
.070
.060
.050
.040
.030
.020
.010
.000
70.0
60.0
50.0
40.0
30.0
20.0
10.0
0.0
-10.0
-2.9
-5.0
-2.5
-4.5
-1.3
-4.3
0.2
-3.3
1.1
-1.6
-3.1
-2.6
-7.1
-0.1
0.3
-2.0
2.3
-0.2
-3.3
-4.8
0.8
-1.8
0.0
-3.2
0.2
0.0
4.1
0.6
3.2
-0.6
-1.2


Highest 8-hr Ozone Concentration & Daily Maximum Temperature January 2020
Smithfield
Exc.
TM
Ozone (ppm)
.080
.070
.060
.050
.040
.030
.020
.010
.000
Daily Maximum Temperature (ºC) (Smithfield)
60.0
50.0
40.0
30.0
20.0
10.0
0.0
-10.0
-20.0
Days
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
4.7 2.3 4.2 4.1 0.4 2.9 5.1 3.4 -1.7 2.8 1.2 -0.6 2.5 2.4 -1.3 -2.6 5.7 -0.7 -3.7 -3.1 3.6 6.8 5.1 2.9 5.5 6.4 4.9 5.7 6.4 6.0 1.3

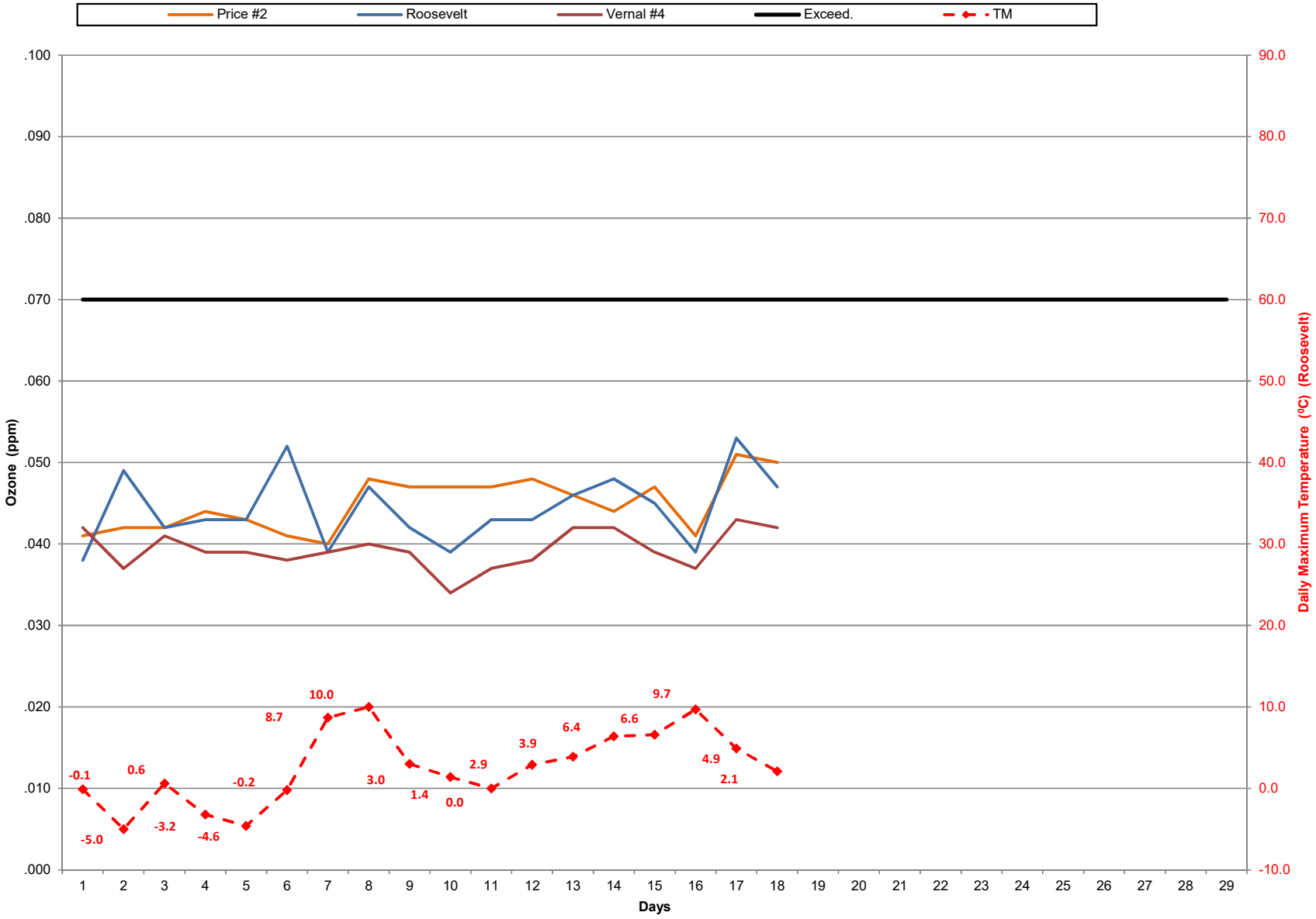

Highest 8-hr Ozone Concentration & Daily Maximum Temperature January 2020
Lindon
Spanish Fork
Exc.
TM
Ozone (ppm)
Daily Maximum Temperature (°C) (Lindon)
Days
.080
.070
.060
.050
.040
.030
.020
.010
.000
60.0
50.0
40.0
30.0
20.0
10.0
0.0
-10.0
-20.0
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
-3.5 -2.2 -0.6 4.1 -1.3 -1.2 -1.1 2.3 -3.9 0.6 -0.5 -3.3 3.1 3.5 0.4 7.2 5.3 -0.6 0.0 1.6 1.4 3.0 3.9 1.0 1.3 6.5 3.6 1.4 -0.2 -1.8 1.3

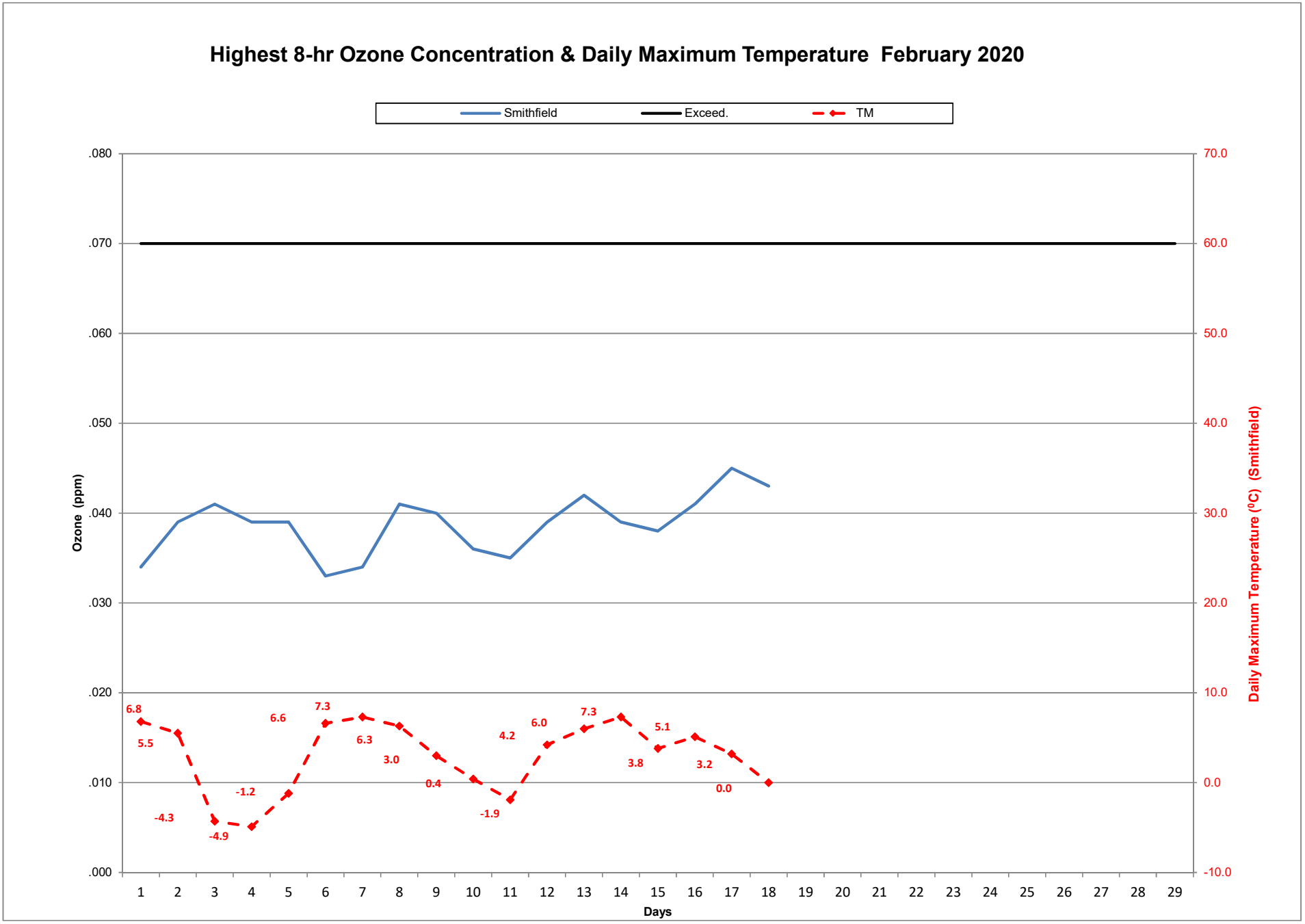

Highest 8-hr Ozone Concentration & Daily Maximum Temperature January 2020
Enoch
Escalante
Hurricane
Exc.
TM
Ozone (ppm)
Daily Maximum Temperature (ºC) (Hurricane)
Days
.080
.070
.060
.050
.040
.030
.020
.010
.000
70.0
60.0
50.0
40.0
30.0
20.0
10.0
0.0
-10.0
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
4.3
9.8
8.8
11.5
10.4
12.6
10.1
11.8
7.3
10.2
7.9
8.0
9.9
11.7
11.5
15.6
9.8
14.5
10.4
13.5
10.3
11.4
13.7
14.2
14.5
14.7
11.0
14.0
9.8
12.2
12.4

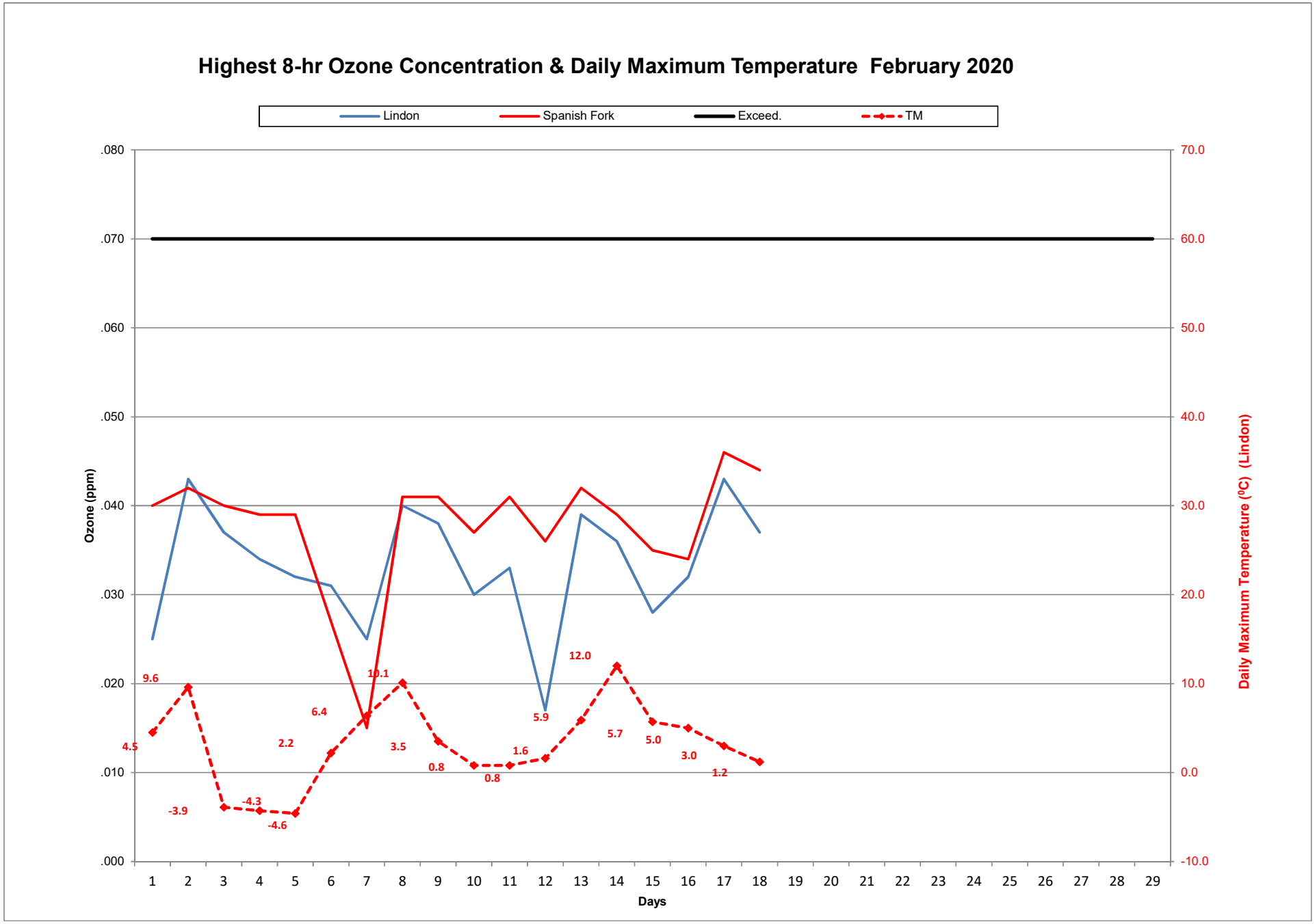
Highest 8-hr Ozone Concentration & Daily Maximum Temperature February 2020

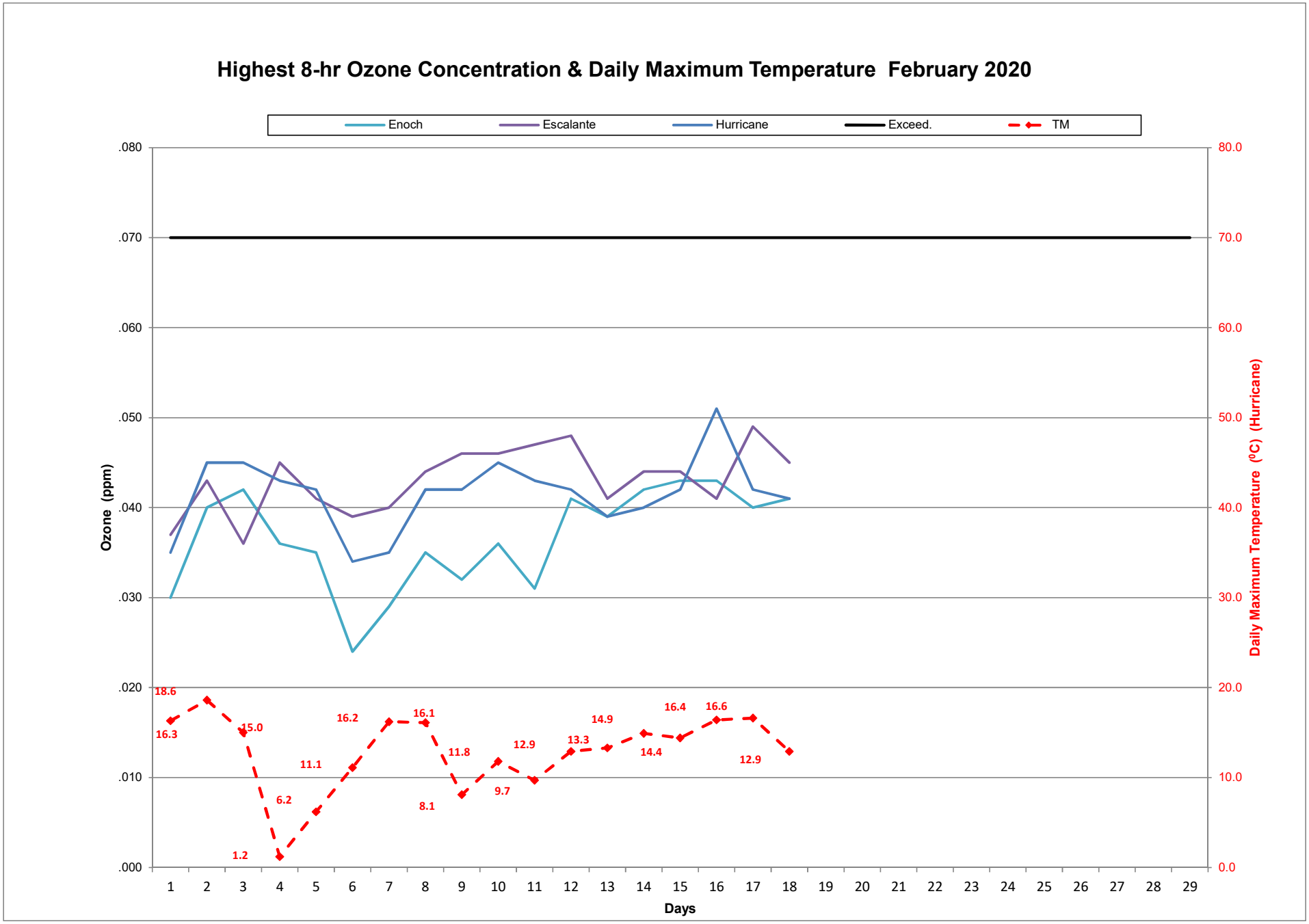


Highest 8-hr Ozone Concentration & Daily Maximum Temperature February 2020




Highest 8-hr Ozone Concentration & Daily Maximum Temperature February 2020
Smithfield
Exceed.
TM
Ozone (ppm)
Daily Maximum Temperature (ºC) (Smithfield)
Days
.080
.070
.060
.050
.040
.030
.020
.010
.000
70.0
60.0
50.0
40.0
30.0
20.0
10.0
0.0
-10.0
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29
6.8
5.5
-4.3
-4.9
-1.2
6.6
7.3
6.3
3.0
0.4
-1.9
4.2
6.0
7.3
3.8
5.1
3.2
0.0


Highest 8-hr Ozone Concentration & Daily Maximum Temperature February 2020
Lindon
Spanish Fork
Exceed.
TM
Ozone (ppm)
Daily Maximum Temperature (°C) (Lindon)
Days
.080
.070
.060
.050
.040
.030
.020
.010
.000
70.0
60.0
50.0
40.0
30.0
20.0
10.0
0.0
-10.0
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29
9.6
4.5
-3.9
-4.3
-4.6
2.2
6.4
10.1
3.5
0.8
0.8
1.6
5.9
12.0
5.7
5.0
3.0
1.2


Highest 8-hr Ozone Concentration & Daily Maximum Temperature February 2020
Enoch
Escalante
Hurricane
Exceed.
TM
Ozone (ppm)
Daily Maximum Temperature (°C) (Hurricane)
Days
.080
.070
.060
.050
.040
.030
.020
.010
.000
80.0
70.0
60.0
50.0
40.0
30.0
20.0
10.0
0.0
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29
18.6
16.3
15.0
1.2
6.2
11.1
16.2
16.1
8.1
11.8
9.7
12.9
13.3
14.9
14.4
16.4
16.6
12.9