



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
Arnold W. Reitze Jr
Michael Smith
William C. Stringer
Bryce C. Bird,
Executive Secretary

DAQ-038-20

UTAH AIR QUALITY BOARD MEETING

FINAL AGENDA

Wednesday, May 6, 2020 - 1:30 p.m.
This is an electronic meeting. No anchor location.

Interested persons can view electronically, via the Internet at:
<https://stream.meet.google.com/stream/6cdbab2d-4f26-4467-b3b2-8a8a8dba91be>

(This meeting is being held in accordance with Governor Gary Herbert's EXECUTIVE ORDER Suspending the Enforcement of Provisions of Utah Code §§ 52-4-202 and 52-4-207, and Related State Agency Orders, Rules, and Regulations, Due to Infectious Disease COVID-19 Novel Coronavirus.)

- I. Call-to-Order
- II. Date of the Next Air Quality Board Meeting: June 3, 2020
- III. Approval of the Minutes for March 4, 2020, Board Meeting.
- IV. Propose for Public Comment: New Rule R307-422. Emission Offset Requirements in PM2.5 Maintenance Areas. Presented by Liam Thrailkill, Becky Close, and Jon Black.
- V. Propose for Public Comment: R307-410. Permits: Emission Impact Analysis. Presented by Liam Thrailkill and Catherine Wyffels.
- 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.
 - D. Other Items to be Brought Before the Board.
 - E. 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 lwys@utah.gov.

ITEM 3



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John Rasband
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UTAH AIR QUALITY BOARD MEETING

March 4, 2020 – 1:30 p.m.

195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

DRAFT MINUTES

I. Call-to-Order

Erin Mendenhall called the meeting to order at 1:34 p.m.

Board members present: Erin Mendenhall, Scott Baird, Kevin Cromar, Mitra Kashanchi, Randal Martin, John Rasband, and Arnold Reitze

Excused: Cassady Kristensen and William Stringer

Executive Secretary: Bryce Bird

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

No action items for April 2020; next meeting is May 6, 2020.

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

- Arnold Reitze motioned to approve the minutes. John Rasband seconded. The Board approved unanimously.

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.

Mat Carlile, Environmental Planning Consultant at DAQ, stated that under state statute, authority is delegated to counties to design and manage a vehicle inspection and maintenance (I/M) program when it is required to attain or maintain any national ambient air quality standard. DAQ's responsibility is to

ensure that the program meets federal requirements and provides the needed emissions reductions to meet national ambient air quality standards. DAQ staff and EPA have reviewed Davis and Weber County's proposed I/M programs and determined that each program meets the requirements.

In order for Utah's state implementation plan (SIP) to get credit from the emissions reductions from these programs, each program must be incorporated into the SIP. This is done in SIP Section X. Section X, Part A summarizes I/M requirements that are common among all I/M programs. Section X, Part B and E are the sections unique to Davis and Weber County's I/M programs.

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 rule, changes made to Section X, Vehicle Inspection and Maintenance Program, Parts B and E.

On November 20, 2019, the Air Quality Board proposed these changes for public comment, which lasted through the month of January 2020. A public hearing was held on February 3, 2020, and due to severe weather a second hearing was held on February 5, 2020. No one came to either hearing. No comments were received on the proposed amendments. Staff recommends that the Board adopt the amended SIP Section X, Parts B, E, and R307-110-32 and R307-110-35 as proposed.

- Arnold Reitze motioned to adopt final adoption of 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. Mitra Kashanchi seconded. The Board approved unanimously.

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

Liam Thrailkill, Rules Coordinator at DAQ, stated that R307-401 was originally brought to the Board in August 2019 with amendments relating to soil vapor extraction, air stripper systems, and sub-slab vapor mitigation systems. The public comment period ran through September 2019, and three comments were received from one commenter. Staff reviewed and responded to those comments. Due to the Office of Administrative Rules switching to a new online system, a change in proposed rule was not possible to complete for R307-401 in November 2019. Staff decided to let the original filing lapse and create a new filing with the Office of Administrative Rules, which required a new rulemaking process. The comments received during the first public comment period were made part of the rulemaking record. The Board proposed R307-401 for public comment on November 20, 2019. The public comment period ran from December 15, 2019, to January 15, 2020. A public hearing was held on January 15, 2020. No comments were received during the public comment period or during the public hearing. Staff recommends that the Board adopt R307-401 as proposed.

- Kevin Cromar motioned that the Board adopt R307-401 as proposed. Arnold Reitze seconded. The Board approved unanimously.

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

Liam Thrailkill, Rules Coordinator at DAQ, stated that staff is proposing the repeal and reenactment of R307-165, which outlines the requirements for notifying, conducting, and reporting stack tests. Staff determined that 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 reason. Upon further review, staff determined that the rule should be updated to align with current stack testing practices, correct rule formatting, and general clarity. Based on the multitude of changes, staff is proposing the repeal of the existing R307-165 and reenactment with the proposed new rule. The proposed R307-165, Stack Testing, was shared with stakeholders. Comments were received and changes were incorporated, including clarification of applicability, alignment of requirements in the Test Conditions section with Part H of the SIP, and the removal of a stack testing definition. The EPA has reviewed the proposed changes and indicates that the changes are approvable. Staff recommends that the Board propose for public comment the repeal of existing R307-165, Emission Testing, and reenactment of R307-165, Stack Testing.

In response to which industry or sources are required to have stack testing, staff responded that the established source-specific emissions limits are the limits that are specified in individual approval orders. If a facility is required to do stack testing it will be stated in the facility's approval order.

When asked in what circumstance the director might request that stack testing is necessary, Mr. Bird responded that the proposed rule mirrors existing director authority as given in statute. There is no defined criteria of when the director would compel a source to do stack testing, but that it may be triggered based on a recommendation from DAQ's compliance staff.

In response to the question if sources have different stack testing requirements, such as less frequent than five years, staff responded that all sources are on a five year, or shorter, stack testing schedule.

- Kevin Cromar motioned that the Board repeal existing R307-165, Emissions Testing, and reenact proposed R307-165, Stack Testing, for public comment. Arnold Reitze seconded. The Board approved unanimously.

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.

Liam Thrailkill, Rules Coordinator at DAQ, stated that R307-101-3, R307-210, and R307-214 must be updated periodically to reflect the changes to the federal air quality regulations as published in Title 40 Code of Federal Regulations (CFR) that are relevant to the Utah Air Quality Rules. These changes incorporated by reference reflect changes made in the CFR dated July 1, 2019. As currently written, R307-405-2 and R307-410, must be individually amended to incorporate the most recent version of the CFR. To streamline the process for future rulemaking, R307-405-2 and R307-410 have been amended. The amendments make it so that these rules no longer need to be amended individually to update their CFR incorporation, because they now fall under R307-101-3. Staff recommends that the Board propose amended R307-101-3, R307-210, R307-214, R307-405-2, and R307-410 for public comment.

In the summary sheet changes it talks about final action adding HFO-1336mzz-Z to the list of compounds. Is that notation straight out of the CFR, to which staff responded that yes, it's directly from the CFR.

In the table for R307-401 on page 2 of 3 where it states, "cubic meter pounds per milligram hour," is it commonly understood by those who use this table that you multiply it by the concentration of the various compounds as modeled. Staff responded that multiplying the threshold limit factor through to get a pounds per hour concentration is commonly understood and so staff felt that no further

~~explanation was necessary.~~ Staff responded that multiplying the threshold limit value – ceiling (TLV-C) (in milligrams per cubic meter) by the appropriate Table 2 emission threshold factor value in units of (cubic meter pounds per milligram hour) yields a pounds per hour concentration or modeling trigger level for that HAP in pounds per hour. This is commonly understood among modeling staff and users of this table so staff felt that no further explanation was necessary. In addition, the language was taken directly out of the CFR. Staff will accept Dr. Martin's recommendation as a comment.

- John Rasband motioned that the Board amend R307-101-3, 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 for public comment. Mitra Kashanchi seconded. The Board approved unanimously.

VIII. Propose for Final Approval: Five-Year Review for R307-302. Solid Fuel Burning Devices. 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 the 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. Staff received no comments on the five-year review for R307-302 and has determined that R307-302 should be continued. Staff recommends that the Board continue R307-302 by approving the attached form to be filed with the Office of Administrative Rules.

- Arnold Reitze motioned that the Board approve the five-year review for R307-302, Solid Fuel Burning Devices. Randal Martin seconded. The Board approved unanimously.

IX. Informational Items.

A. Legislative and EPA Approval Updates. Presented by Mark Berger.

Mark Berger, Air Quality Policy Section Manager at DAQ, updated the Board on actions taken by the EPA within the last year. The actions include that the Utah's PM10 Maintenance Plans and Redesignation Request, and Clean Data Determinations for Salt Lake and Provo were published for final approval in the Federal Register. The proposed approvals for the second 10-year CO Maintenance Plans for Provo, the Regional Haze Alternative to BART plan, and the Uintah and Ouray Federal Implementation Plan are currently out for public comment.

Glade Sowards, Senior Policy Analyst at DAQ, gave a brief update of bills and appropriation requests that the DAQ is currently tracking during the current Legislative session.

In response to a question about funding for the Clean Air Retrofit, Replacement, and Off-Road Technology (CARROT) program, staff explained that about three years ago the Legislature passed a Clean Air Fund for environmental mitigation projects. Tax payers can make donations to the fund when filing their taxes. The DAQ is using those funds, along with funds from a General Motors ignition switch settlement, to fund events such as the snow blower exchange.

Is it possible to have collections from fines go into the environmental mitigation fund rather than to the state general fund? Staff responded that as part of the standard settlement negotiation a

source already has the option to request that some of the penalty amount be redirected to the environmental mitigation fund.

B. Air Toxics. Presented by Leonard Wright.

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

Staff commented that the settlement amount for JRJ Services listed on the December compliance memorandum of \$67,383 was imposed to the source as part of a Court imposed judgement, which is why it did not come before the Board for approval.

Marina Thomas of the Attorney General's Office gave a brief update on the outstanding legal settlements.

D. Monitoring. Presented by Bo Call.

Bo Call, Monitoring Section Manager at DAQ, gave an update on monitoring graphs noting that some of the charts are incomplete because the filters are being sent to a contract lab for weighing. There has been a delay in getting the finalized data due to facility problems at the Technical Support building which may take four to five months to fix the problems. However, the continuous data does show that we are in good shape across the board except for the Smithfield site where that data historically runs higher than the filter-based monitors. The 2019 data has been certified and has been sent to EPA, and is also currently available on EPA's air quality system (AQS).

Mr. Call was asked to explain how Smithfield's 98th percentile ended at 35.1 for last year. Mr. Call responded that there are four monitors at Smithfield, two of the monitors are daily monitors. In this case, the primary monitor that was used was the same primary monitor used for the previous year, the tapered element oscillating microbalance-monitor (TEOM), for consistency purposes. Any holes in the primary data was filled in with an average of all the other data points and so the average came out to 35.1.

E. Other Items to be Brought Before the Board.

As stated in a previous Board discussion, it's important that public comments that were received for a rule that later lapses and then is reenacted that those previous comments be carried forward and included in the new or reenacted rule. Staff was acknowledged for taking this recommendation by the Board and including it as part of DAQ's standard operating procedures for rules.

F. Board Meeting Follow-up Items.

Mr. Bird noted that staff is planning to update the Board on the penalty rule at the May meeting.

Meeting adjourned at 2:34 p.m.

ITEM 4



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DAQ-037-20

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Becky Close, Environmental Scientist

DATE: April 23, 2020

SUBJECT: PROPOSE FOR PUBLIC COMMENT: R307-422. Permits: Emission Offset Requirements in PM_{2.5} Maintenance Areas.

Division of Air Quality (DAQ) staff recently submitted Air Quality Board-approved PM_{2.5} maintenance plans to the EPA for the Salt Lake City, Provo, and Logan nonattainment areas (NAAs) as the final Clean Air Act (CAA) requirement for the areas to be redesignated to attainment status. An attainment designation will formally recognize the improvement in air quality that has occurred in these areas as a result of significant emission reductions through federal programs as well as the control measures implemented through the moderate and serious state implementation plans (SIPs).

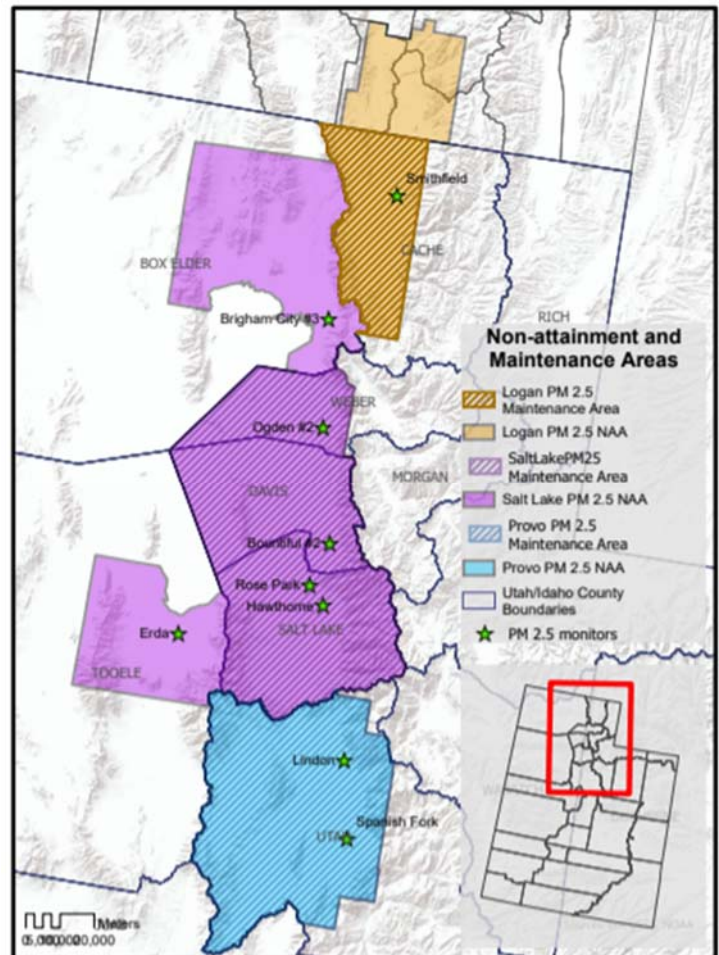
Section 107(d)(1)(A) of the CAA specifies National Ambient Air Quality Standard (NAAQS) designations as attainment, nonattainment, and unclassifiable. One of the main requirements for a NAA to be redesignated from nonattainment to attainment is a maintenance plan (technically a SIP revision) demonstrating attainment of the standard for at least ten years from the date of redesignation. The maintenance plan must be revised eight years after redesignation and show attainment of the standard for another ten-year period, resulting in 20 years of demonstrated maintenance. These requirements have given rise to the term "maintenance area," referring to former NAAs to which a maintenance plan applies. The PM_{2.5} maintenance areas are defined in R307-422 and will be added to R307-101.

It is important to look to the future and ensure that the air quality improvements through PM_{2.5} SIP implementation are not compromised over time due to the growth of new or expanding major stationary sources in and around the maintenance areas. The proposed rule R307-422 will accomplish this by continuing to implement the PM_{2.5} emission offset program in the PM_{2.5} maintenance areas. R307-422 is

consistent with the intent of R307-420 and R307-421, rules that continue the emission offset programs in maintenance areas for ozone and PM₁₀, respectively.

PM_{2.5} Maintenance Areas

The PM_{2.5} NAAs are shown on the map to the right. The Salt Lake City NAA includes portions of Box Elder and Tooele counties. The current design values and the distance of the partial counties from the controlling monitors indicate that the counties do not need to be included in the Salt Lake City PM_{2.5} maintenance area as defined in R307-422. Additionally, the 2035 future design values modeled in the maintenance demonstration at Box Elder County and Tooele County monitors are 27.5 µg/m³ and 23.1 µg/m³, respectively. Considering how low these concentrations are compared to the NAAQS (35 µg/m³), UDAQ has excluded these counties from the R307-422 definition of the Salt Lake City PM_{2.5} maintenance area. Although the counties are excluded from the definition, it does not mean unlimited major source growth will be allowed. If a major source or major modification occurs in Box Elder or Tooele counties, R307-422 still requires those sources to perform an impact analysis on any maintenance area and if shown to be over the significance threshold, the source would be required to purchase Emission Reduction Credits (ERCs) from the maintenance area it impacts.



Monitor	Location	2017-2019 Monitored Design Value (µg/m ³)	2035 Future Design Value (µg/m ³)
Brigham City	Box Elder County - outside R307-422 maintenance areas	28.6	27.5
Erda	Tooele County - outside R307-422 maintenance areas	24.8	23.1
Bountiful	SLC Maintenance Area	26.7	28.2
Hawthorne	SLC Maintenance Area	29.4	32.1
Rose Park	SLC Maintenance Area	29.8	33.6
Ogden	SLC Maintenance Area	24.7	28.9
Lindon	Provo Maintenance Area	26.1	29.5
Spanish Fork	Provo Maintenance Area	31.5	28.4
Smithfield	Logan Maintenance Area	33.0	28.2

New Source Review Permitting

While an area is in nonattainment for a NAAQS, the nonattainment new source review (NNSR) permitting program applies. The NNSR program is intended to allow the construction of new and modified sources in NAAs while still making progress toward attaining the NAAQS through lower emission threshold applicability, more strict emission controls, and emission offsetting. R307-403 is the NNSR permitting rule that applies to current NAAs in Utah. The R307-403 offsetting provisions require a new major stationary source or major modification at an existing major source to offset an emission increase of PM_{2.5} and/or PM_{2.5} precursors by obtaining ERCs from an established emissions bank. ERCs are created by sources that voluntarily reduce their emissions or shut down equipment or facilities.

Per Section 161 of the CAA, when an area is designated as attainment, the Prevention of Significant Deterioration (PSD) new source review permitting program applies instead of NNSR. The purpose of the PSD program is to keep the air quality in attainment areas below the NAAQS and prevent significant air quality deterioration. When the PM_{2.5} NAAs are redesignated to attainment, the PSD program will apply in the entire state of Utah for PM_{2.5} and its precursors that may not be associated with other pollutants for which an area may have been designated as nonattainment. DAQ will rely on the PSD program and existing State rules to protect the NAAQS. In addition, staff is proposing to continue the offsetting provisions of NNSR in the maintenance areas through R307-422 to ensure that the air quality improvements through PM_{2.5} SIP implementation are not compromised over time due to growth of new or expanding major stationary sources in the maintenance areas.

With the offsetting provisions continued through R307-422, the maintenance area airsheds receive protection beyond that provided by the CAA while allowing responsible growth. Per 179A(b) of the CAA, the DAQ must submit a maintenance plan revision eight years from the EPA redesignation date that shows attainment for another ten-year period. Evaluation of the efficacy and necessity of R307-422 will be evaluated during the development of this second maintenance plan.

The attached table, Table 1, outlines the differences between the nonattainment new source review program (NNSR), the prevention of significant deterioration (PSD) new source review program, and the new proposed R307-422. Permits: Emission Offset Requirements in PM_{2.5} Maintenance Areas.

Recommendation: Staff recommends that the Board propose for public comment R307-422 Permits: Emission Offset Requirements in PM_{2.5} Maintenance Areas, for a 30-day public comment period.

	NNSR	PSD	R307-422
Applicability	Nonattainment Areas	Attainment Areas	PM _{2.5} Maintenance Areas
Major Source Applicability	70 tpy all sources – serious NAA 100 tpy all sources – moderate NAA	100 tpy listed sources 250 tpy non-listed sources See 40 CFR 51.21(b)(1)(i)	-Inside and outside maintenance areas: 100 tpy all sources
Emissions Availability	Airshed emissions included in SIP (including ERCs)	Set on future date that first PSD permit application is submitted. Based on ambient concentration at the time (increment)	- Inside maintenance areas: airshed emissions included in SIP (including ERCs) - Outside of maintenance areas: evaluate source impacts on the maintenance areas, if necessary, obtain ERCs
Emission Controls	Inside NAA – Best Available Control Technology Outside NAA - Lowest Achievable Emission Rate if impacting NAA	Best Available Control Technology	Best Available Control Technology
PM_{2.5} Modeling Requirements	none	- NAAQS compliance analysis - Increment compliance analysis - Includes secondary impact analysis	- Outside of maintenance areas: evaluate source impacts on the maintenance areas

1 **R307. Environmental Quality, Air Quality.**

2 **R307-422. Permits: Emission Offset Requirements in PM_{2.5}**
3 **Maintenance Areas**

4 **R307-422-1. Purpose.**

5 The purpose of R307-422 is to continue the emission offset
6 provisions of the nonattainment area new source review program
7 in the Provo, and portions of the Logan and Salt Lake City PM_{2.5}
8 nonattainment areas once the areas are redesignated as
9 attainment.

10
11 **R307-422-2. Applicability.**

12 (1) This rule applies to the following:

13 (a) any stationary source of air pollutants located in or
14 impacting the Salt Lake City and Provo PM_{2.5} Maintenance Areas
15 which emits or has the potential to emit 100 tons per year or
16 more of direct PM_{2.5}, or any of the following individual PM_{2.5}
17 precursors: sulfur dioxide, nitrogen oxides, volatile organic
18 compounds, and ammonia;

19 (b) any stationary source of air pollutants located in or
20 impacting the Logan PM_{2.5} Maintenance Area which emits or has the
21 potential to emit 100 tons per year or more of direct PM_{2.5} or
22 any of the following individual PM_{2.5} precursors: sulfur dioxide,
23 nitrogen oxides, and volatile organic compounds; and

24 c) any modification at an existing source meeting the
25 criteria of Subsections (a) or (b) above, that results in
26 emission increases equal to or exceeding any of the following:
27 10 tons per year of direct PM_{2.5}, 40 tons per year of sulfur
28 dioxide, 40 tons per year of nitrogen oxides, 40 tons per year
29 of volatile organic compounds, or 70 tons per year of ammonia.

30 (2) A new source or modification of an existing source
31 located outside of a PM_{2.5} maintenance area shall be considered
32 to impact a PM_{2.5} maintenance area if the modeled impact for PM_{2.5}
33 or any PM_{2.5} precursor is greater than the increments established
34 in Section R307-403-3.

35
36 **R307-422-3. Definitions.**

37 Except as provided in Section R307-422-3, the definitions
38 in Section R307-403-1 apply to R307-422.

39 "Logan PM_{2.5} Maintenance Area" means the Logan, Utah-Idaho
40 24-hr PM_{2.5} nonattainment area, as defined in the August 3, 2018
41 version of 40 CFR 81.345, except Franklin County, Idaho, that
42 has been redesignated as attainment.

43 "Provo PM_{2.5} Maintenance Area" means the Provo, Utah 24-hr
44 PM_{2.5} nonattainment area, as defined in the August 3, 2018 version
45 of 40 CFR 81.345, that has been redesignated as attainment.

46 "Salt Lake City PM_{2.5} Maintenance Area" means the Salt Lake
47 City, Utah 24-hr PM_{2.5} nonattainment area, except Tooele County

and Box Elder County, as defined in the August 3, 2018 version of 40 CFR 81.345, that has been redesignated as attainment.

R307-422-4. General Requirements.

(1) All emission offsets shall meet the general requirements for calculating and banking emission offsets that are established in Section R307-403-4, Subsection R307-403-5(2), and Sections R307-403-7 and R307-403-8.

(2) Emission offsets shall be used only in the PM_{2.5} maintenance area where the emissions are generated. In the case of sources located outside the PM_{2.5} maintenance area, the emission offsets shall be obtained from the PM_{2.5} maintenance area where the modeled impact in Subsection R307-422-2(2) occurs.

R307-422-5. Offset Requirements.

New sources or modifications to existing sources located in or impacting a PM_{2.5} maintenance area shall obtain emission offsets in accordance with the following requirements:

(1) The general offsetting requirements in Section R307-403-4 shall apply.

(2) Any emissions increase that has been determined to require emission offsets shall be offset at a ratio of no less than 1:1. If the quantity of emission offsets is a fraction of a ton, the emission offset required shall be rounded up to the next whole ton.

(3) If offsetting requirements for PM₁₀ or ozone are also triggered, the most stringent emission offset ratio required by R307-403, R307-420, or R307-421 shall apply.

(4) Emission offsets shall not be traded between pollutants.

R307-422-6. Transition Provision.

R307-422 becomes effective in each maintenance area on the date that the EPA redesignates the area to attainment for the 2006 24-hr PM_{2.5} NAAQS.

KEY: air quality, attainment, offset

Date of Enactment or Last Substantive Amendment:

Notice of Continuation:

Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-2-108

Administrative Rule Analysis
Revised December 2019

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New <u> X </u> ; Amendment ____; Repeal ____; Repeal and Reenact ____		
Title No. - Rule No. - Section No.		
Utah Admin. Code Ref (R no.):	R307-422	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: Emission Offset Requirements in PM _{2.5} Maintenance Areas.
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 R307-422 is to continue the emission offset provisions of the nonattainment area new source review program in the Provo, and portions of the Logan and Salt Lake City PM _{2.5} nonattainment areas once the areas are redesignated as attainment.
4. Summary of the new rule or change:
The new rule continues the emission offset program for PM _{2.5} maintenance areas that was established during nonattainment.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There will be no change in costs for state government. This rule will continue the existing emissions offsetting requirements in R307-403 once the PM _{2.5} nonattainment areas are redesignated as attainment. No new requirements to the offsetting program are added.
B) Local governments:
There will be no change in costs for local government.
C) Small businesses ("small business" means a business employing 1-49 persons):
There will be no change in costs for small businesses since this rule will only apply to major sources (i.e. non-small businesses).
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

The costs of emission reduction credits (ERCs) are negotiated between sources and are not shared with DAQ. DAQ does not set the price of ERCs nor get involved in the financial aspects of ERC transactions. Therefore, DAQ does not have the information to evaluate the cost of this rule for non-small businesses. However, the costs for non-small businesses will remain the same as the current costs associated with the existing offsetting program in R307-403. There may be a fiscal benefit to non-small businesses in Tooele County and Box Elder since these counties are excluded from the R-307-422 definition of the Salt Lake City PM_{2.5} Maintenance Area, but this is dependent on the specific business and the modifications the business is pursuing.

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**):

There will be no change in costs for persons other than small business, non-small business, state, or local government entities.

F) Compliance costs for affected persons:

The compliance costs for affected persons will remain the same as the current cost associated with the existing offsetting program in R307-403. The DAQ does not have the information to evaluate the compliance cost since the ERC cost is negotiated between sources and not shared with DAQ.

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, L. Scott Baird, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

This rule continues the existing emission offset program and therefore no fiscal impacts should occur as a result of this new rule.

B) Name and title of department head commenting on the fiscal impacts:

L. 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	19-2-108	

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):	07/02/2020	
B) A public hearing (optional) will be held:		
On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):

10. This rule change MAY become effective on (mm/dd/yyyy): 07/08/2020

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):	04/13/2020
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R307. Environmental Quality, Air Quality.

R307-422. Permits: Emission Offset Requirements in PM_{2.5} Maintenance Areas

R307-422-1. Purpose.

The purpose of R307-422 is to continue the emission offset provisions of the nonattainment area new source review program in the Provo, and portions of the Logan and Salt Lake City PM_{2.5} nonattainment areas once the areas are redesignated as attainment.

R307-422-2. Applicability.

(1) This rule applies to the following:

(a) any stationary source of air pollutants located in or impacting the Salt Lake City and Provo PM_{2.5} Maintenance Areas which emits or has the potential to emit 100 tons per year or more of direct PM_{2.5}, or any of the following individual PM_{2.5} precursors: sulfur dioxide, nitrogen oxides, volatile organic compounds, and ammonia;

(b) any stationary source of air pollutants located in or impacting the Logan PM_{2.5} Maintenance Area which emits or has the potential to emit 100 tons per year or more of direct PM_{2.5} or any of the following individual PM_{2.5} precursors: sulfur dioxide, nitrogen oxides, and volatile organic compounds; and

(c) any modification at an existing source meeting the criteria of Subsections (a) or (b) above, that results in emission increases equal to or exceeding any of the following: 10 tons per year of direct PM_{2.5}, 40 tons per year of sulfur dioxide, 40 tons per year of nitrogen oxides, 40 tons per year of volatile organic compounds, or 70 tons per year of ammonia.

(2) A new source or modification of an existing source located outside of a PM_{2.5} maintenance area shall be considered to impact a PM_{2.5} maintenance area if the modeled impact for PM_{2.5} or any PM_{2.5} precursor is greater than the increments established in Section R307-403-3.

R307-422-3. Definitions.

Except as provided in Section R307-422-3, the definitions in Section R307-403-1 apply to R307-422.

"Logan PM_{2.5} Maintenance Area" means the Logan, Utah-Idaho 24-hr PM_{2.5} nonattainment area, as defined in the August 3, 2018 version of 40 CFR 81.345, except Franklin County, Idaho, that has been redesignated as attainment.

"Provo PM_{2.5} Maintenance Area" means the Provo, Utah 24-hr PM_{2.5} nonattainment area, as defined in the August 3, 2018 version of 40 CFR 81.345, that has been redesignated as attainment.

"Salt Lake City PM_{2.5} Maintenance Area" means the Salt Lake City, Utah 24-hr PM_{2.5} nonattainment area, except Tooele County and Box Elder County, as defined in the August 3, 2018 version of 40 CFR 81.345, that has been redesignated as attainment.

R307-422-4. General Requirements.

(1) All emission offsets shall meet the general requirements for calculating and banking emission offsets that are established in Section R307-403-4, Subsection R307-403-5(2), and Sections R307-403-7 and R307-403-8.

(2) Emission offsets shall be used only in the PM_{2.5} maintenance area where the emissions are generated. In the case of sources located outside the PM_{2.5} maintenance area, the emission offsets shall be obtained from the PM_{2.5} maintenance area where the modeled impact in Subsection R307-422-2(2) occurs.

R307-422-5. Offset Requirements.

New sources or modifications to existing sources located in or impacting a PM_{2.5} maintenance area shall obtain emission offsets in accordance with the following requirements:

(1) The general offsetting requirements in Section R307-403-4 shall apply.

(2) Any emissions increase that has been determined to require emission offsets shall be offset at a ratio of no less than 1:1. If the quantity of emission offsets is a fraction of a ton, the emission offset required shall be rounded up to the next whole ton.

(3) If offsetting requirements for PM₁₀ or ozone are also triggered, the most stringent emission offset ratio required by R307-403, R307-420, or R307-421 shall apply.

(4) Emission offsets shall not be traded between pollutants.

R307-422-6. Transition Provision.

R307-422 becomes effective in each maintenance area on the date that the EPA

redesignates the area to attainment for the 2006 24-hr PM_{2.5} NAAQS.

KEY: air quality, attainment, offset

Date of Enactment or Last Substantive Amendment:

Notice of Continuation:

Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-2-108

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-036-20

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Catherine Wyffels, Environmental Engineer

DATE: April 23, 2020

SUBJECT: PROPOSE FOR PUBLIC COMMENT: R307-410-4. Permits: Emissions Impact Analysis. Modeling of Criteria Pollutant Impacts in Attainment Areas.

The Division of Air Quality (DAQ) is proposing a revision to R307-410-4, Permits: Emissions Impact Analysis. Modeling of Criteria Pollutant Impacts in Attainment Areas, to add a PM_{2.5} modeling threshold for attainment areas.

The PM_{2.5} modeling threshold has been added to Table 1 in section R307-410-4. The proposed modeling threshold of 10 tons per year (tpy) is the PM_{2.5} significant emission rate (SER) for direct emissions of primary PM_{2.5} established by EPA in 40 CFR 51.166(b)(23).

Under the Prevention of Significant Deterioration (PSD) program in 40 CFR 51.166, SERs are established for each criteria pollutant to determine whether a modification is considered significant and subject to PSD review. Although SERs are used for PSD applicability purposes, DAQ uses SERs as the modeling threshold for both major and minor sources. The modeling thresholds for all pollutants in Table 1 of R307-410-4 are the SERs in 40 CFR 51.166, except for the threshold for PM₁₀ for fugitive dust and fugitive emissions. R307-410 requires that a modification or a new source with a potential to emit amounts exceeding the thresholds in Table 1 conduct air quality modeling to evaluate the source's impact on the National Ambient Air Quality Standards (NAAQS).

The proposed revision to R307-410 adds the PM_{2.5} SER as the PM_{2.5} modeling threshold. This threshold will apply to both major and minor sources in attainment areas.

This revision is being done in anticipation of the attainment designation of the PM_{2.5} nonattainment areas. While an area is in nonattainment for a NAAQS, the nonattainment new source review (NNSR) permitting program applies. The NNSR program is intended to allow the construction of new and modified sources while requiring more strict emission controls and emission offsetting. However, under NNSR, modeling is not conducted for the pollutant for which the area is nonattainment because the background concentration in the area is already exceeding the NAAQS. When an area is designated attainment, modeling is an important part of the New Source Review (NSR) program to ensure that a modification or new source will not cause or contribute to a violation of the NAAQS. DAQ wants to ensure that the appropriate requirements are in place for evaluating the impact of a new source or modification after the redesignation of the PM_{2.5} nonattainment areas.

The current amendment adding a PM_{2.5} modeling threshold is to address the pending PM_{2.5} attainment designation. Future rulemaking may require additional modifications to R307-410, specifically with the inclusion of NO₂ and Ozone requirements.

In addition, DAQ is correcting the terminology for the non-fugitive PM₁₀ modeling threshold. The previous language included the term “non-fugitive dust,” which is not defined in the Utah administrative rules and is technically incorrect.

Recommendation: Staff recommends that the Board propose for public comment R307-410-4 Permits: Emissions Impact Analysis. Modeling of Criteria Pollutant Impacts in Attainment Areas.

R307. Environmental Quality, Air Quality.**R307-410. Permits: Emissions Impact Analysis.****R307-410-4. Modeling of Criteria Pollutant Impacts in Attainment Areas.**

Prior to receiving an approval order under R307-401, a new source in an attainment area with a total controlled emission rate per pollutant greater than or equal to amounts specified in Table 1, or a modification to an existing source located in an attainment area which increases the total controlled emission rate per pollutant of the source in an amount greater than or equal to those specified in Table 1, shall conduct air quality modeling, as identified in Section R307-410-3, to estimate the impact of the new or modified source on air quality unless previously performed air quality modeling for the source indicates that the addition of the proposed emissions increase would not violate a National Ambient Air Quality Standard, as determined by the director.

TABLE 1

POLLUTANT	EMISSIONS
sulfur dioxide	40 tons per year
oxides of nitrogen	40 tons per year
PM10 - fugitive emissions and fugitive dust	5 tons per year
PM10 - non-fugitive emissions [or non-fugitive dust]	15 tons per year
<u>PM2.5 - combined non-fugitive emissions, fugitive dust, and fugitive emissions</u>	<u>10 tons per year</u>
carbon monoxide	100 tons per year
lead	0.6 tons per year

KEY: air pollution, modeling, hazardous air pollutant, stack height

Date of Enactment or Last Substantive Amendment: November 25, 2019

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.
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Utah Admin. Code Ref (R no.):	R307-410-4	Filing No. (Office Use Only)
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Changed to Admin. Code Ref. (R no.):	R
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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. Modeling of Criteria Pollutant Impacts in Attainment Areas.

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 amendment to R307-410-4 is being done in anticipation of redesignation of attainment for PM_{2.5} nonattainment areas. The amendment adds a PM_{2.5} modeling threshold for attainment areas. When an area is designated attainment, modeling is an important part of the New Source Review (NSR) program to ensure that a modification or new source will not cause or contribute to a violation of the NAAQS. The Division of Air Quality wants to ensure that the appropriate requirements are in place for evaluating the impact of a new source or modification after the redesignation of the PM_{2.5} nonattainment areas.

4. Summary of the new rule or change:

The amendment adds PM_{2.5} to the modeling thresholds for attainment areas. The PM_{2.5} modeling threshold has been added to Table 1 in section R307-410-4. The proposed modeling threshold of 10 tons per year (tpy) is the PM_{2.5} significant emission rate (SER) for direct emissions of primary PM_{2.5} established by EPA in 40 CFR 51.166(b)(23).

A public hearing is set for Wednesday, July 2, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Tuesday, July 1, 2020, at 5:00PM MT. The final status of the public hearing will be posted on Tuesday, July 1, 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:

This amendment will not result in any costs or savings to the state budget, as the amendment to the rule is covered in the existing permitting process.

B) Local governments:

The amendment will not result in any costs or savings to local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):

Small businesses may have costs due to the amendment to R307-410-4. The amendment adds PM_{2.5} to the modeling threshold for attainment areas. If a small business applies for a permit for a new approval order or a modification to an existing approval order that meets or exceeds the PM_{2.5} threshold of 10 tpy, the small business would then have to conduct modeling for PM_{2.5}. In the past two years there were one to two permit actions per year that would have been impacted by the proposed PM_{2.5} threshold. The anticipated cost of modeling is anywhere from \$5,000 to \$10,000. For a conservative estimate, the financial impact is based on two permit actions per year that exceed the PM_{2.5} threshold and a cost of \$10,000 for a modeling impact analysis, for a total of \$20,000 per year. There is no definite answer as to how many small businesses this amendment would impact in the future, but the table below shows the financial impact based on recent permit actions.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

Non-small businesses may have costs due to the amendment to R307-410-4. The amendment adds PM_{2.5} to the modeling threshold for attainment areas. If a non-small business applies for a permit for a new approval order or a modification to an existing approval order that meets or exceeds the PM_{2.5} threshold of 10 tpy, the non-small business would then have to conduct modeling for PM_{2.5}. In the past two years there were one to two permit actions per year that would have been impacted by the proposed PM_{2.5} threshold. The anticipated cost of modeling is anywhere from \$5,000 to \$10,000. For a conservative estimate, the financial impact is based on two permit actions per year that exceed the PM_{2.5} threshold and a cost of \$10,000 for a modeling impact analysis, for a total of \$20,000 per year. There is no definite answer as to how many non-small businesses this amendment would impact in the future, but the table below shows the financial impact based on recent permit actions.

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 amendment will not result in any costs or savings to persons other than small businesses, non-small businesses, state, or local government entities.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons due to the rule 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	\$20,000	\$20,000	\$20,000
Non-Small Businesses	\$20,000	\$20,000	\$20,000
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$40,000	\$40,000	\$40,000
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	-\$40,000	-\$40,000	-\$40,000

H) Department head approval of regulatory impact analysis:

The head of the Department of Environmental Quality, L. Scott Baird, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The amendments made to R307-410-4 could have a fiscal impact on small and non-small businesses, but the impact is anticipated to be to few businesses overall. Many new approval orders or modifications to existing approval orders for non-small businesses exceeding this proposed PM_{2.5} threshold will likely also trigger modeling for other pollutants in Table 1 of R307-410-4 and PM_{2.5} would be added to the already required modeling analyses. The number of businesses this will fiscally impact is anticipated to be low.

B) Name and title of department head commenting on the fiscal impacts:

L. Scott Baird, Executive Director of the Department of Environmental Quality

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		

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): 07/02/2020

B) A public hearing (optional) will be held:

On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
07/02/2020	09:00AM MST	195 N 1950 W Multi Agency State Office Building Fourth Floor, DAQ Salt Lake City, UT 84116
		For remote connection:

		Conference Line: 1-877-820-7831 Passcode: 915298#

10. This rule change MAY become effective on (mm/dd/yyyy):	07/08/2020
<p>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.</p>	

Agency Authorization Information

<p>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 <i>Utah State Bulletin</i>, and delaying the first possible effective date.</p>			
Agency head or designee, and title:	Bryce Bird, Division of Air Quality Director	Date (mm/dd/yyyy):	04/21/2020

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

ITEM 6

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-143-20

MEMORANDUM

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: March 10, 2020

SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – February 2020

Asbestos Demolition/Renovation NESHAP Inspections	16
Asbestos AHERA Inspections	16
Asbestos State Rules Only Inspections	2
Asbestos Notification Forms Accepted	140
Asbestos Telephone Calls	312
Asbestos Individuals Certifications Approved	76
Asbestos Company Certifications/Re-Certifications	0/12
Asbestos Alternate Work Practices Approved/Disapproved	1/0
Lead-Based Paint (LBP) Inspections	0
LBP Notification Forms Approved	0
LBP Telephone Calls	43
LBP Letters Prepared and Mailed	5
LBP Courses Reviewed/Approved	0
LBP Course Audits	2
LBP Individual Certifications Approved	27

LBP Firm Certifications	11
Notices of Violation Sent	0
Compliance Advisories Sent	5
Warning Letters Sent	4
Settlement Agreements Finalized	3
Penalties Agreed to:	
Ballard Enterprises, LLC	\$ 2,025.00
A-1 Environmental	\$ 4,500.00
CTR Builders, LLC	<u>\$ 620.00</u>
Total	\$ 7,145.00



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-192-20

MEMORANDUM

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: April 6, 2020

SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – March 2020

Asbestos Demolition/Renovation NESHAP Inspections	12
Asbestos AHERA Inspections	18
Asbestos State Rules Only Inspections	5
Asbestos Notification Forms Accepted	169
Asbestos Telephone Calls	420
Asbestos Individuals Certifications Approved	87
Asbestos Company Certifications/Re-Certifications	0/4
Asbestos Alternate Work Practices Approved/Disapproved	5/0
Lead-Based Paint (LBP) Inspections	0
LBP Notification Forms Approved	1
LBP Telephone Calls	76
LBP Letters Prepared and Mailed	3
LBP Courses Reviewed/Approved	0
LBP Course Audits	1
LBP Individual Certifications Approved	28

LBP Firm Certifications	16
Notices of Violation Sent	0
Compliance Advisories Sent	6
Warning Letters Sent	5
Settlement Agreements Finalized	0
Penalties Agreed to:	

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-398-20

MEMORANDUM

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: March 12, 2020

SUBJECT: Compliance Activities – February 2020

Annual Inspections Conducted:

Major.....	6
Synthetic Minor	1
Minor	52
On-Site Stack Test Audits Conducted:	3
Stack Test Report Reviews:	10
On-Site CEM Audits Conducted:	2
Emission Reports Reviewed:	29
Temporary Relocation Requests Reviewed & Approved:	8
Fugitive Dust Control Plans Reviewed & Accepted:.....	47
Open Burn Permit Applications Completed:	0
Soil Remediation Report Reviews:	11
¹ Miscellaneous Inspections Conducted:.....	20

Complaints Received:	10
Breakdown Reports Received:	2
Compliance Actions Resulting from a Breakdown:	0
Warning Letters Issued:	2
Notices of Violation Issued:	1
Unresolved Notices of Violation	
Altech Recovery	11/25/2019
Compass Minerals.....	12/10/2018
Gordon Creek Compressor Station	05/16/2018
Strang Excavating	01/17/2018
University of Utah	07/18/2019
University of Utah	02/10/2020
US Magnesium	01/08/2019
US Magnesium	03/02/2018
US Magnesium	08/27/2015
Compliance Advisories Issued:	6
No Further Action Letters Issued.....	0
Settlement Agreements Reached:	8
Utah Valley University	\$871
Pittman Farms	\$1600
SAPA Extrusions	\$583
Citation Oil and Gas	\$22,520
Rulon Harper Contracting.....	\$583
Sunroc-Cedar City	\$9,172
Interstate Rock Products	\$19,839
LDS Printing	\$478

¹Miscellaneous 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

SPENCER J. COX
Lieutenant Governor

Department of Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQC-584-20

MEMORANDUM

TO: Jay Morris, Compliance Branch Manager

FROM: Rik Ombach, Minor Source Compliance Manager

DATE: April 22, 2020

SUBJECT: Compliance Activities – March 2020

Annual Inspections Conducted:

Major.....3
Synthetic Minor2
Minor37

On-Site Stack Test Audits Conducted:0

Stack Test Report Reviews:26

On-Site CEM Audits Conducted:1

Emission Reports Reviewed:13

Temporary Relocation Requests Reviewed & Approved:3

Stack Test Protocols Reviewed & Approved:.....7

Fugitive Dust Control Plans Reviewed & Accepted:.....30

Soil Remediation Report Reviews:12

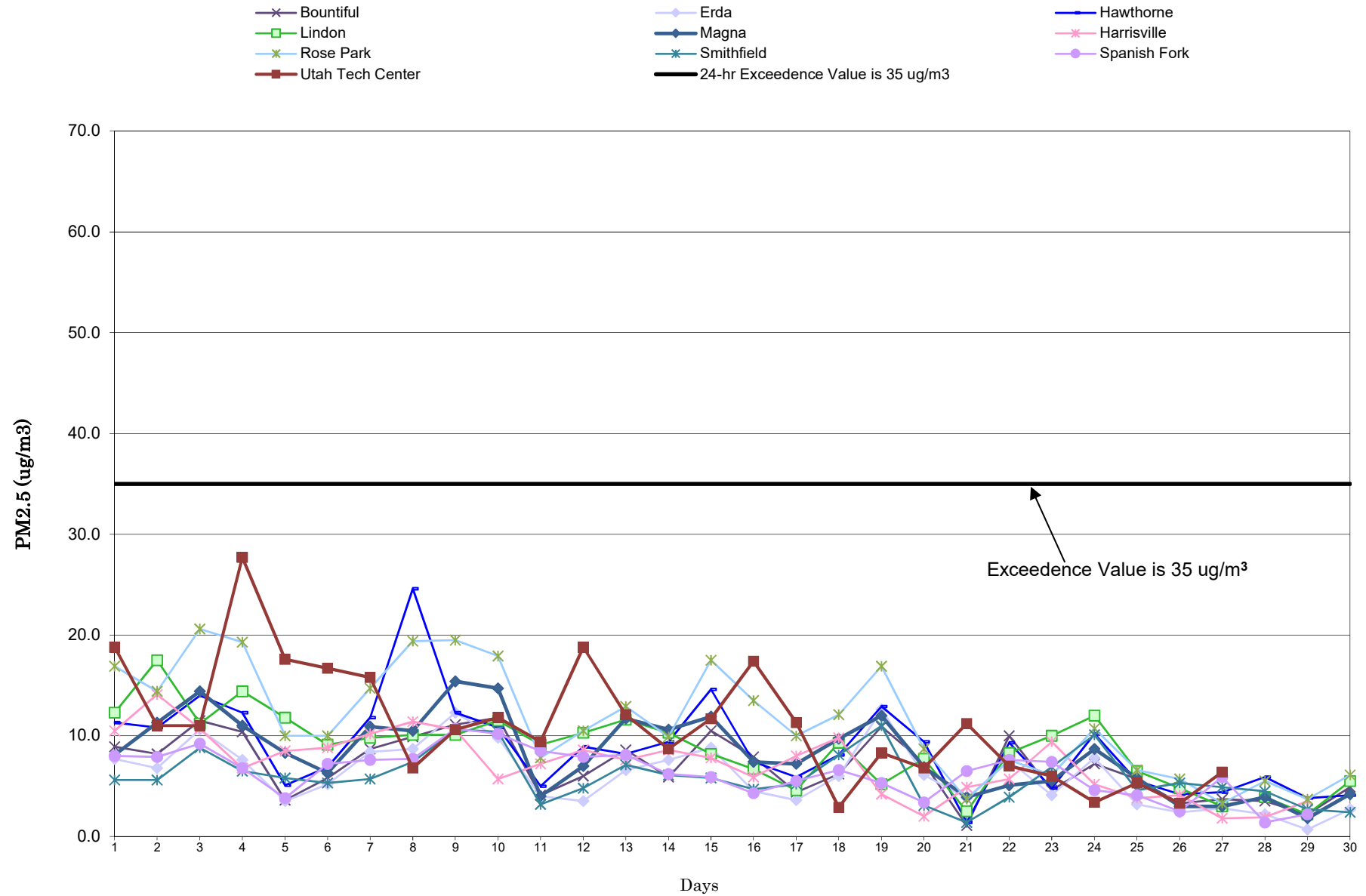
¹Miscellaneous Inspections Conducted:.....9

Complaints Received	18
Breakdown Reports Received (only count actual breakdowns):	2
Compliance Actions Resulting from a Breakdown:	0
Warning Letters Issued:	1
Notices of Violation Issued:.....	0
Unresolved Notices of Violation	
Altech Recovery	11/25/2019
Citation Oil and Gas (2).....	01/08/2020
Gordon Creek Compressor Station	05/16/2018
Reaction Cargo	01/09/2020
University of Utah	07/18/2019
University of Utah	02/10/2020
US Magnesium	01/08/2019
US Magnesium	03/02/2018
US Magnesium	08/27/2015
Compliance Advisories Issued:.....	10
No Further Action Letters Issued.....	2
Settlement Agreements Reached:	2
Toole Army Depot	\$7,200
Compass Minerals.....	\$20,000

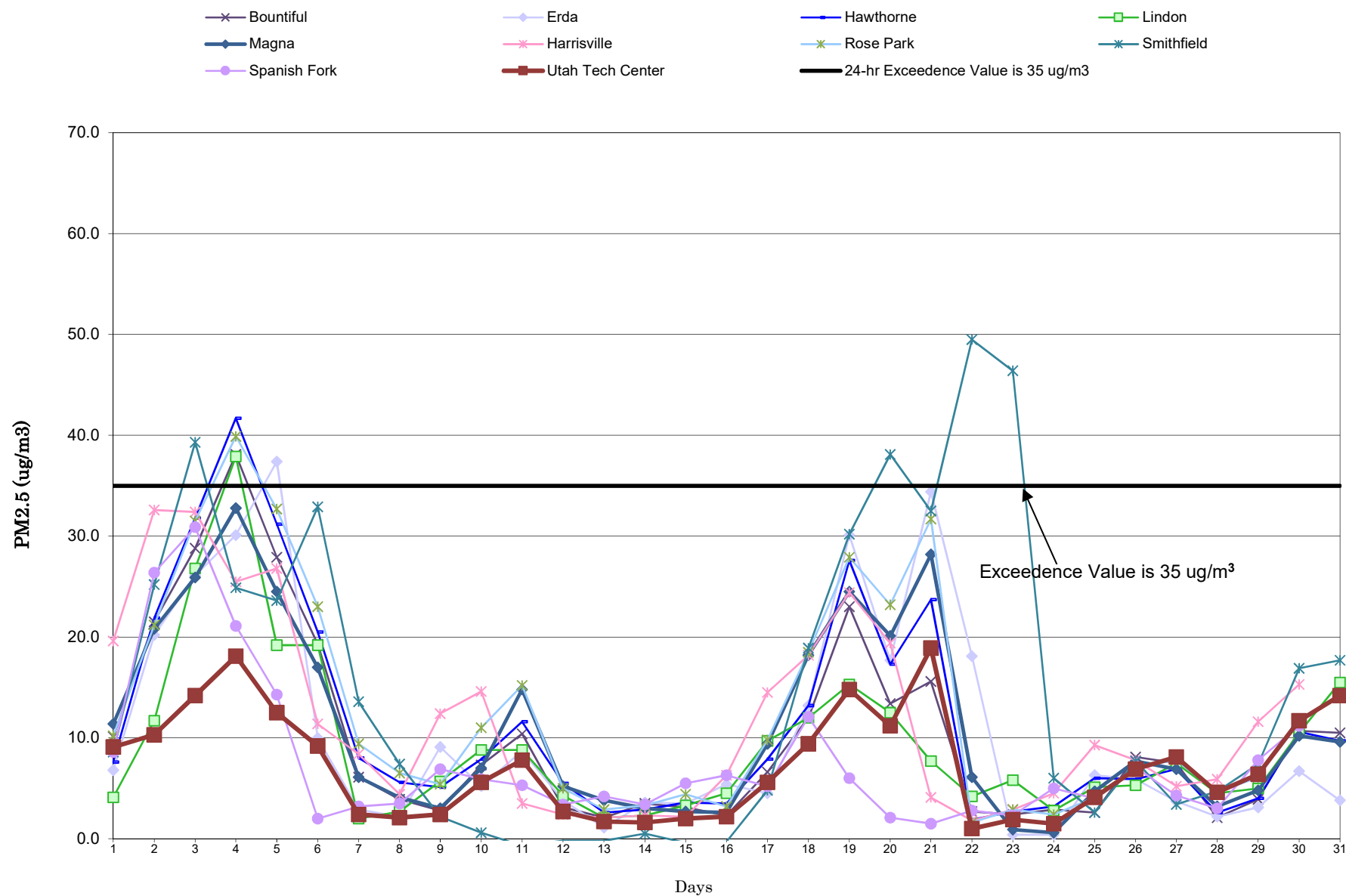
¹Miscellaneous inspections include, e.g., surveillance, level I inspections, VOC inspections, complaints, on-site training, dust patrol, smoke patrol, open burning, etc.

Air Monitoring

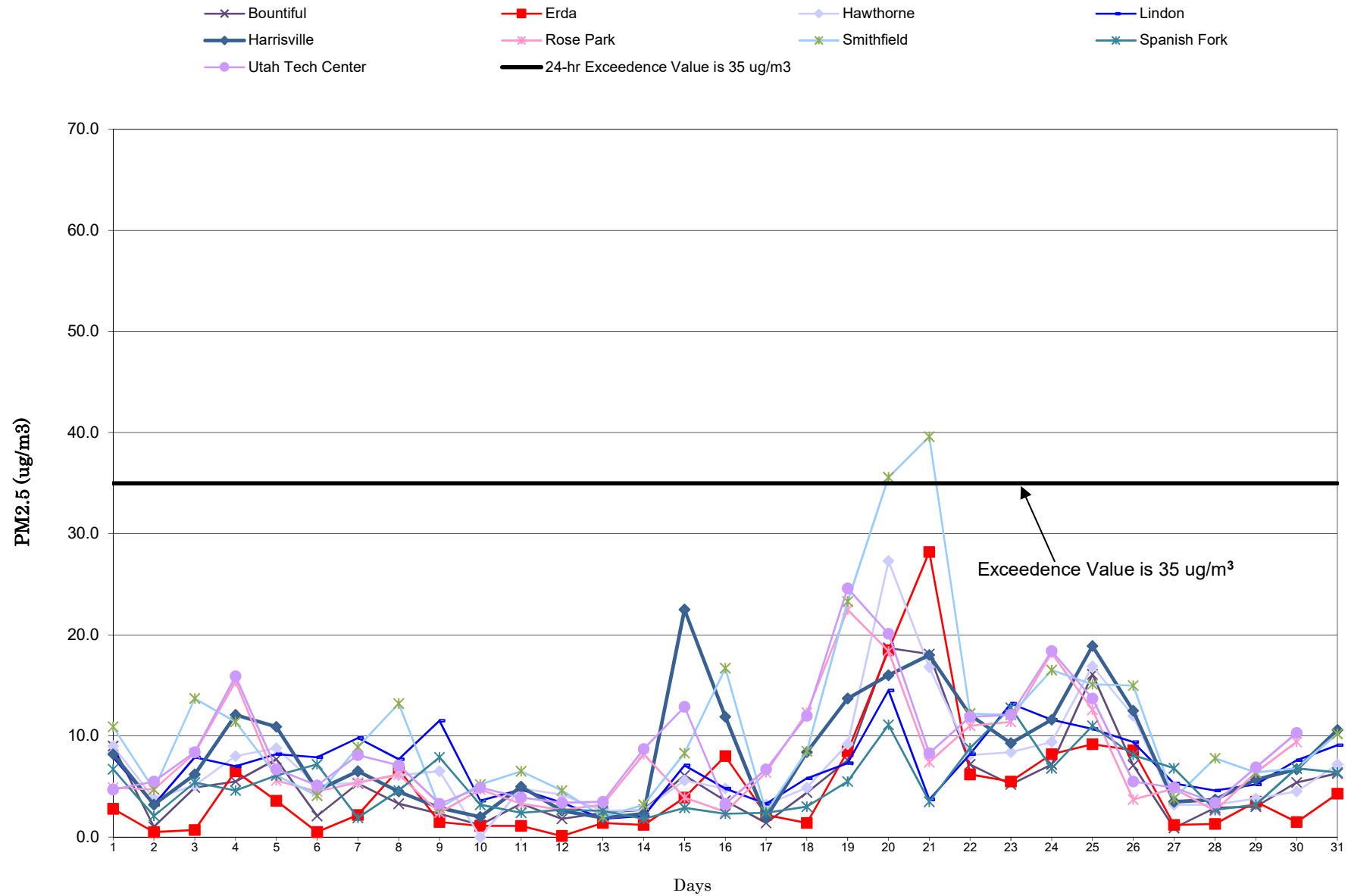
Utah 24-Hr PM2.5 Data November 2019



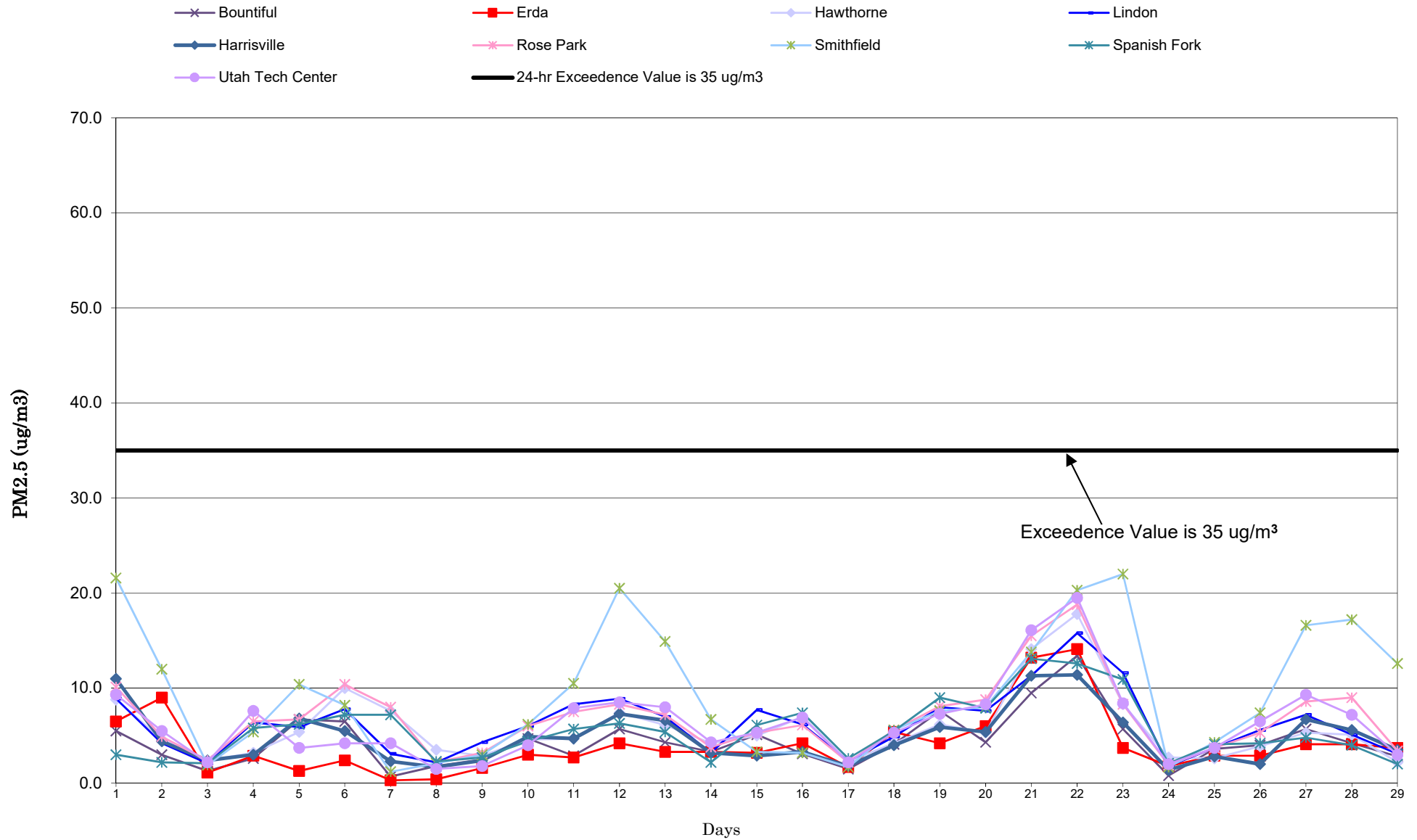
Utah 24-Hr PM2.5 Data December 2019



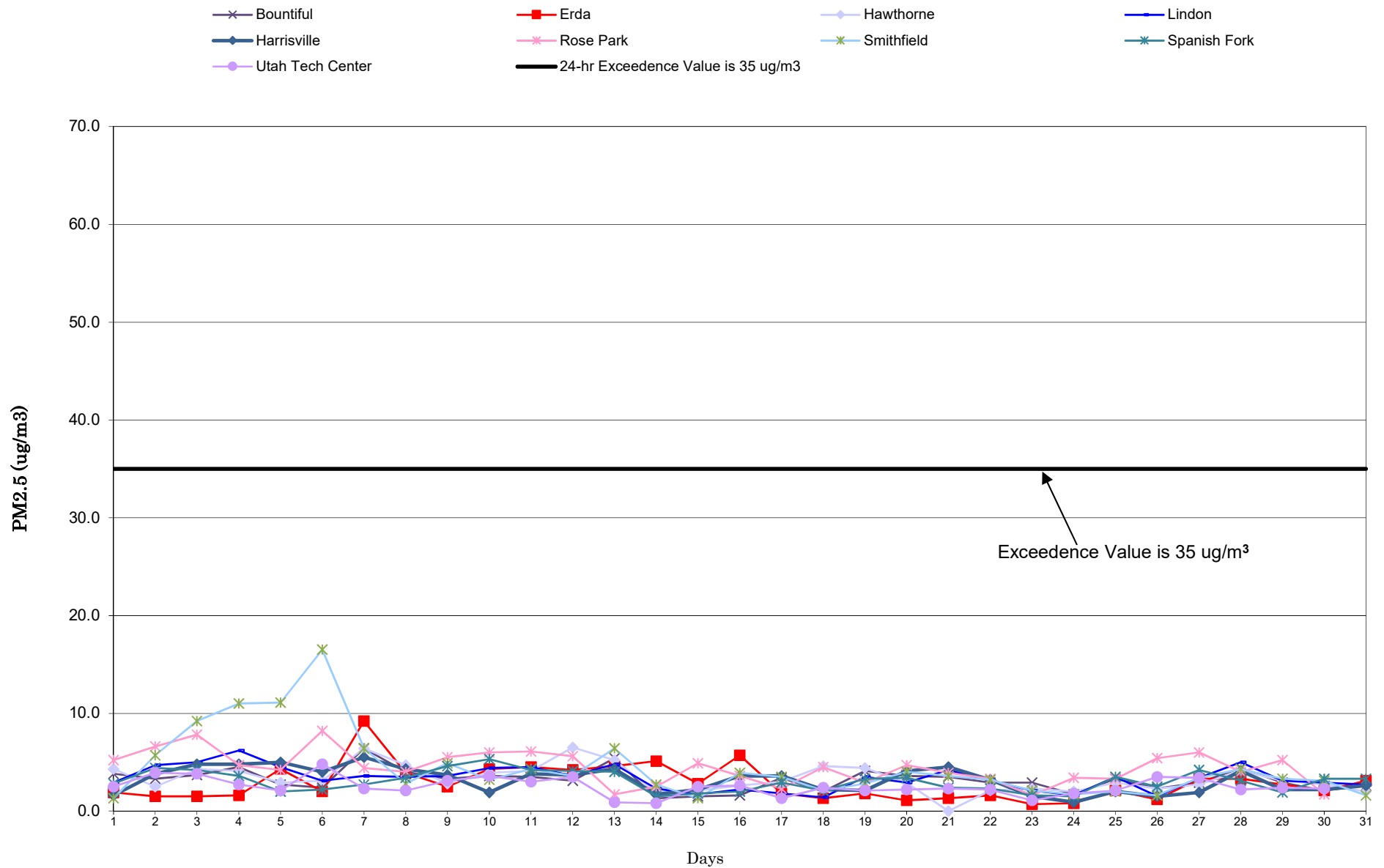
Utah 24-Hr PM2.5 Data January 2020



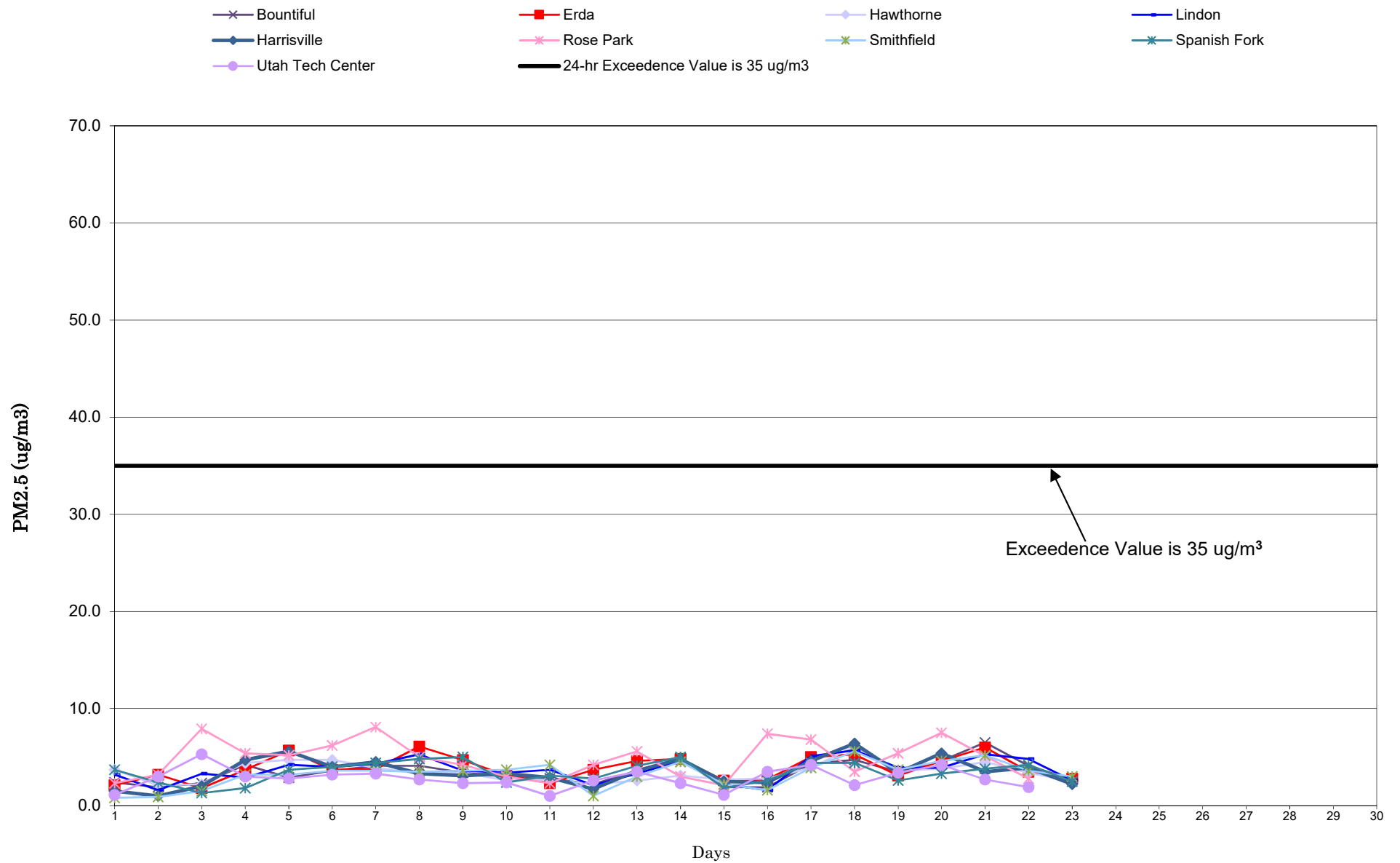
Utah 24-Hr PM2.5 Data February 2020



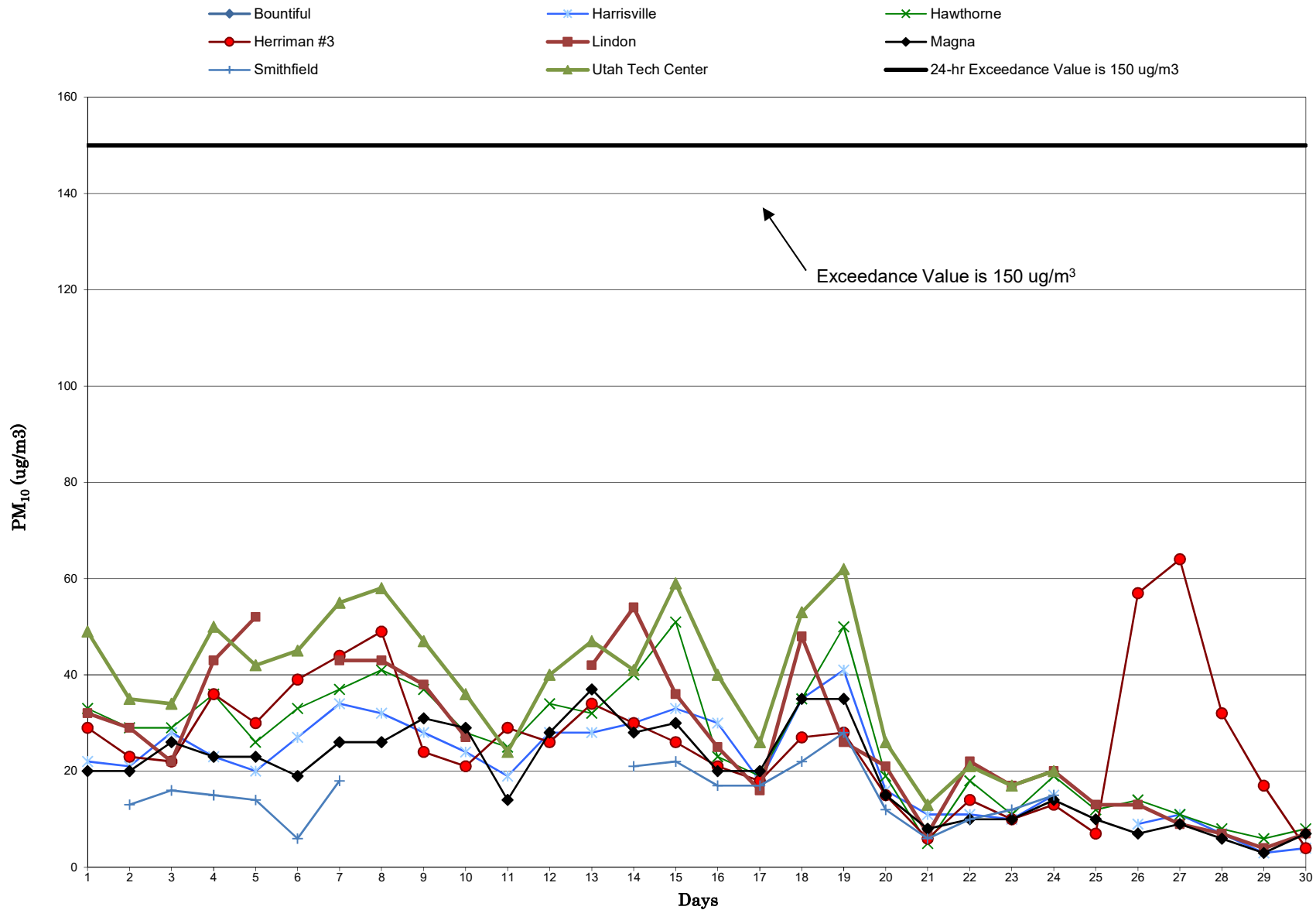
Utah 24-Hr PM2.5 Data March 2020



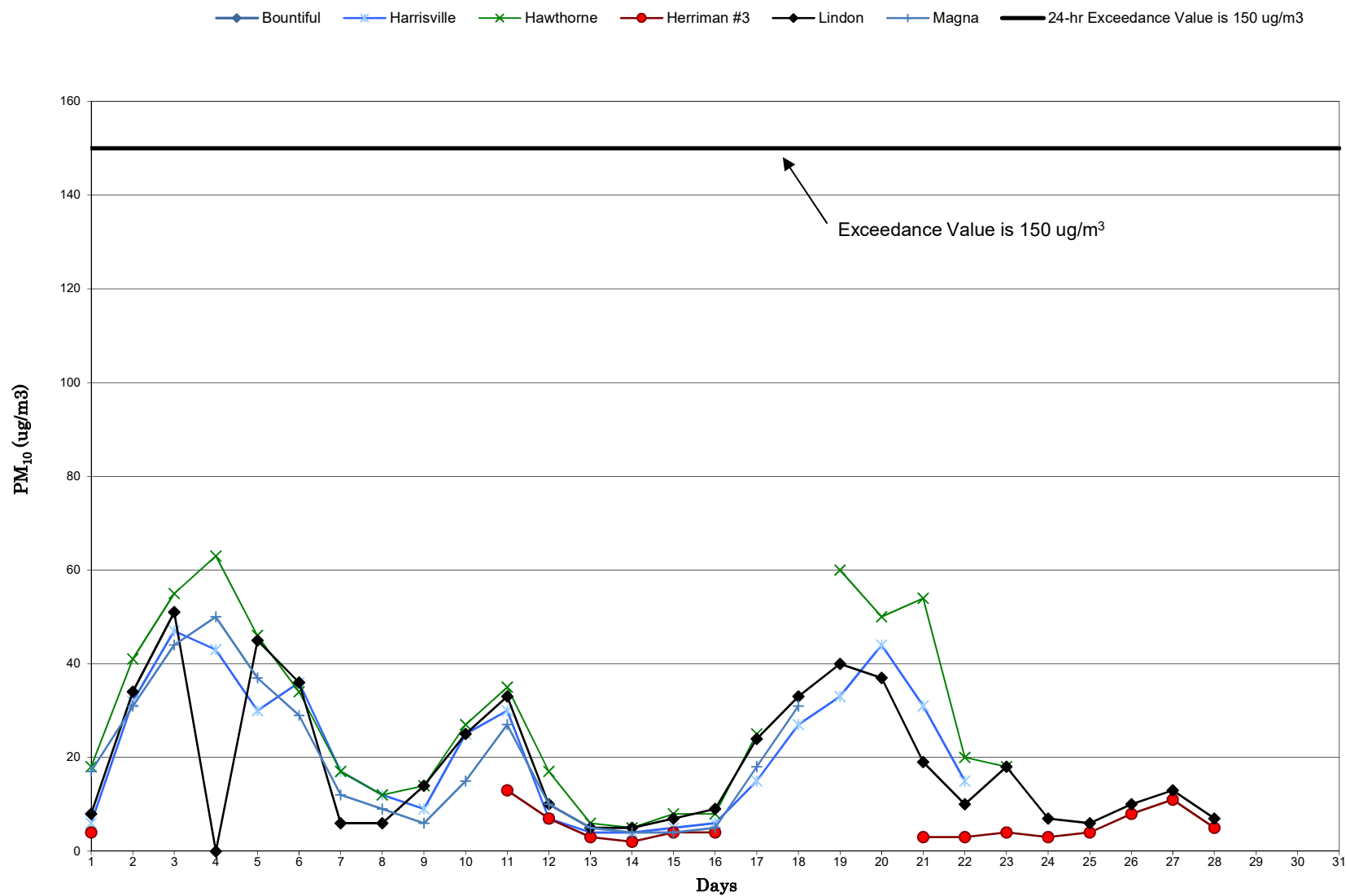
Utah 24-Hr PM2.5 Data April 2020



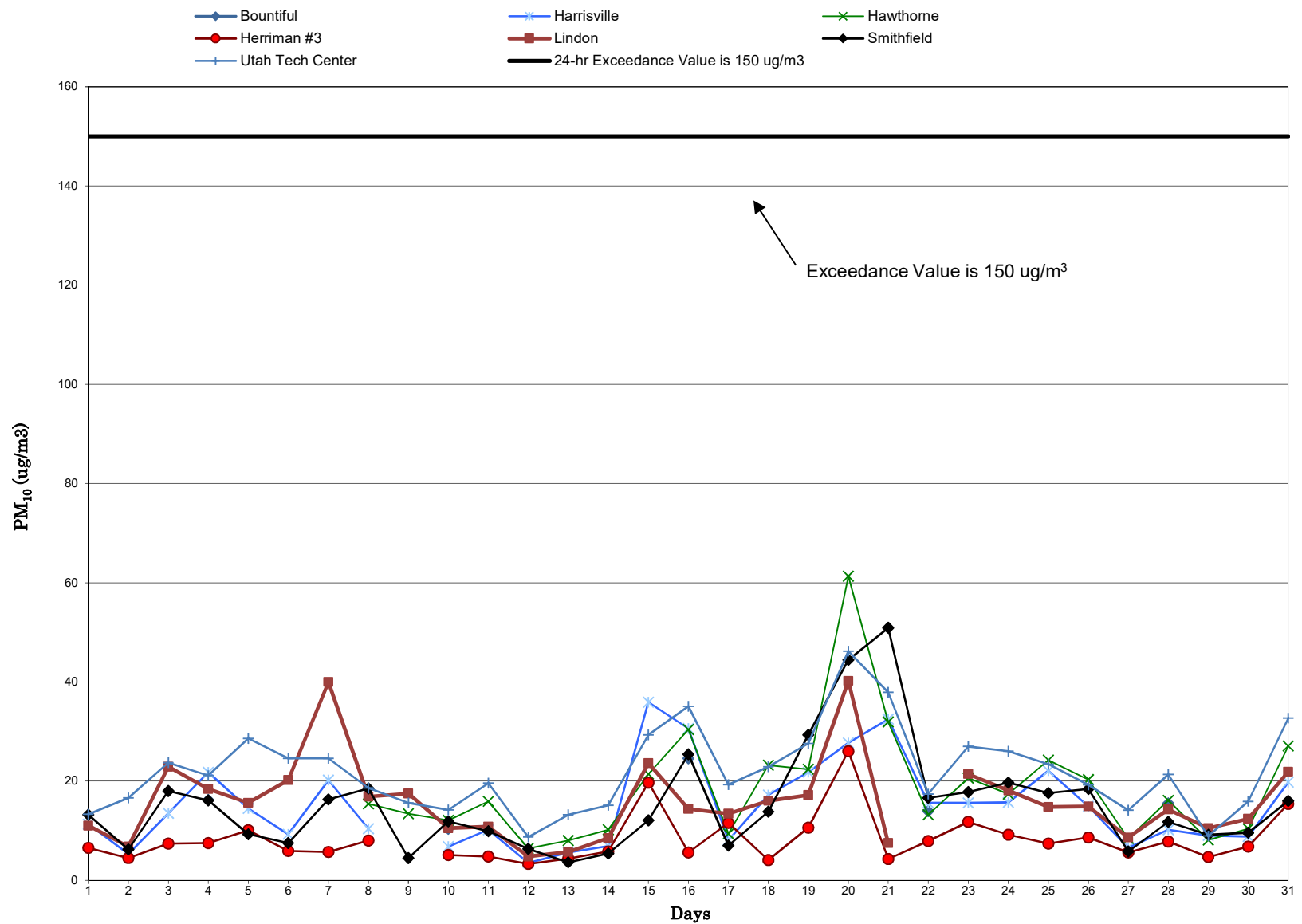
Utah 24-hr PM₁₀ Data November 2019



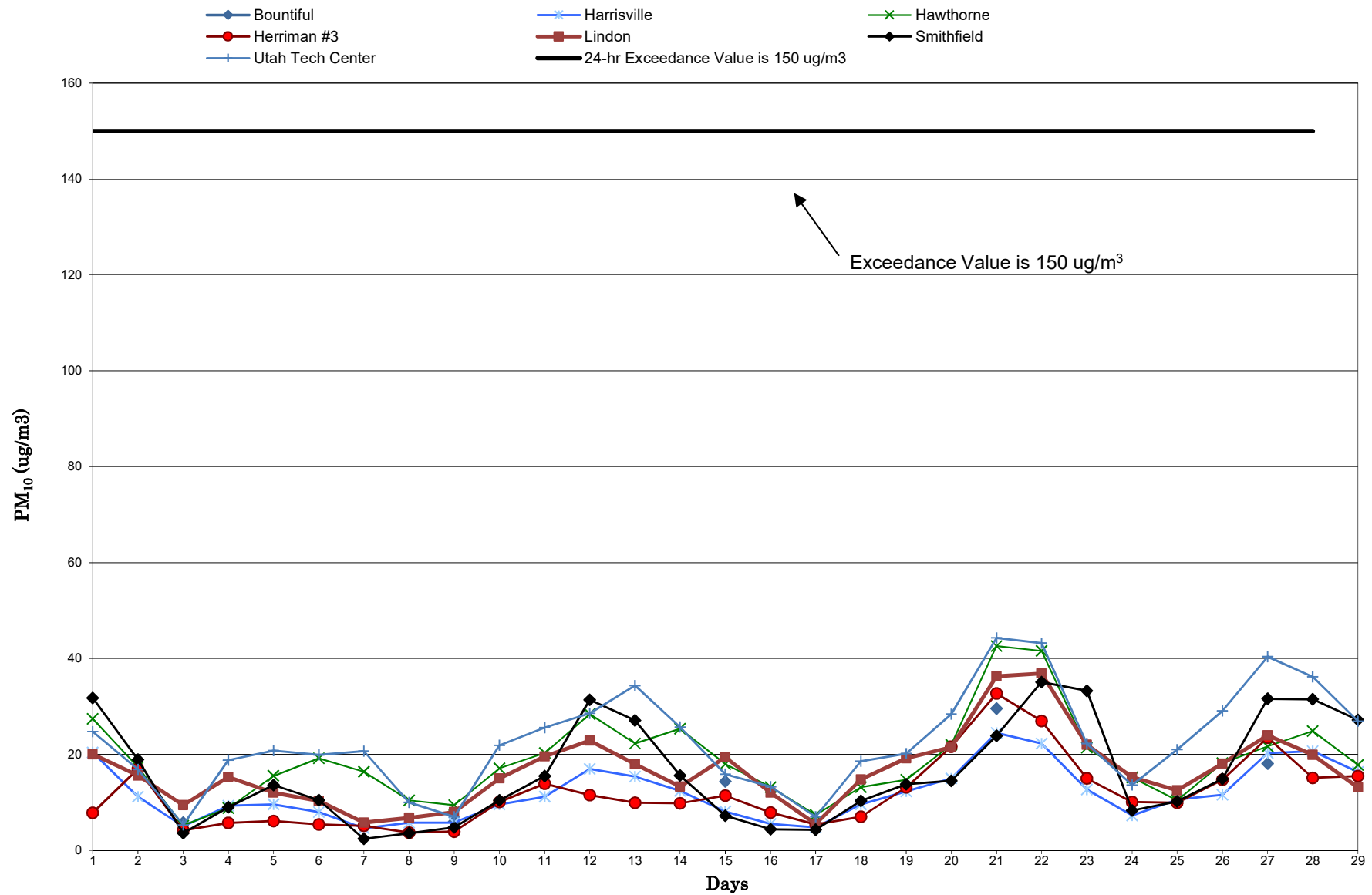
Utah 24-hr PM₁₀ Data December 2019



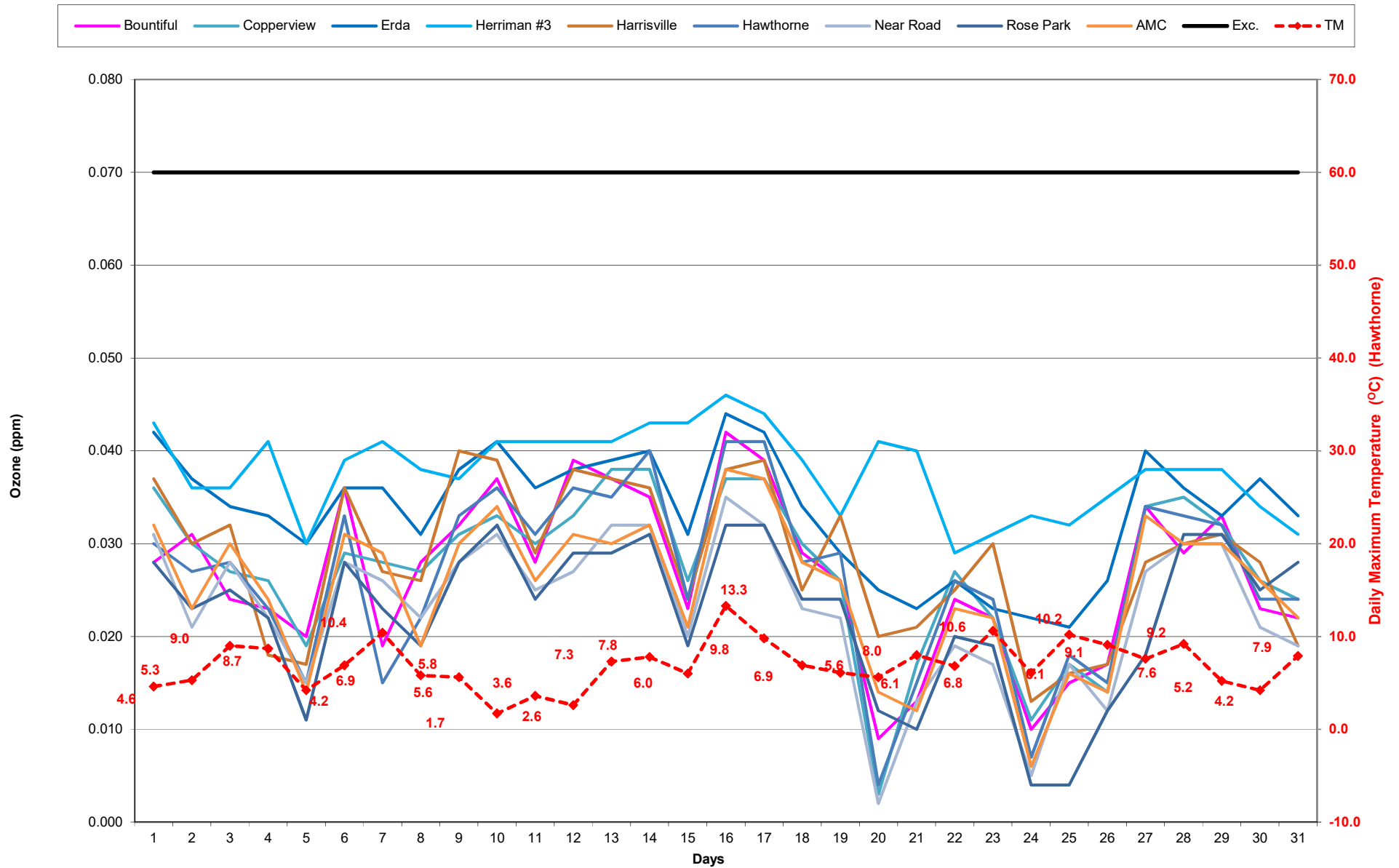
Utah 24-hr PM₁₀ Data January 2020



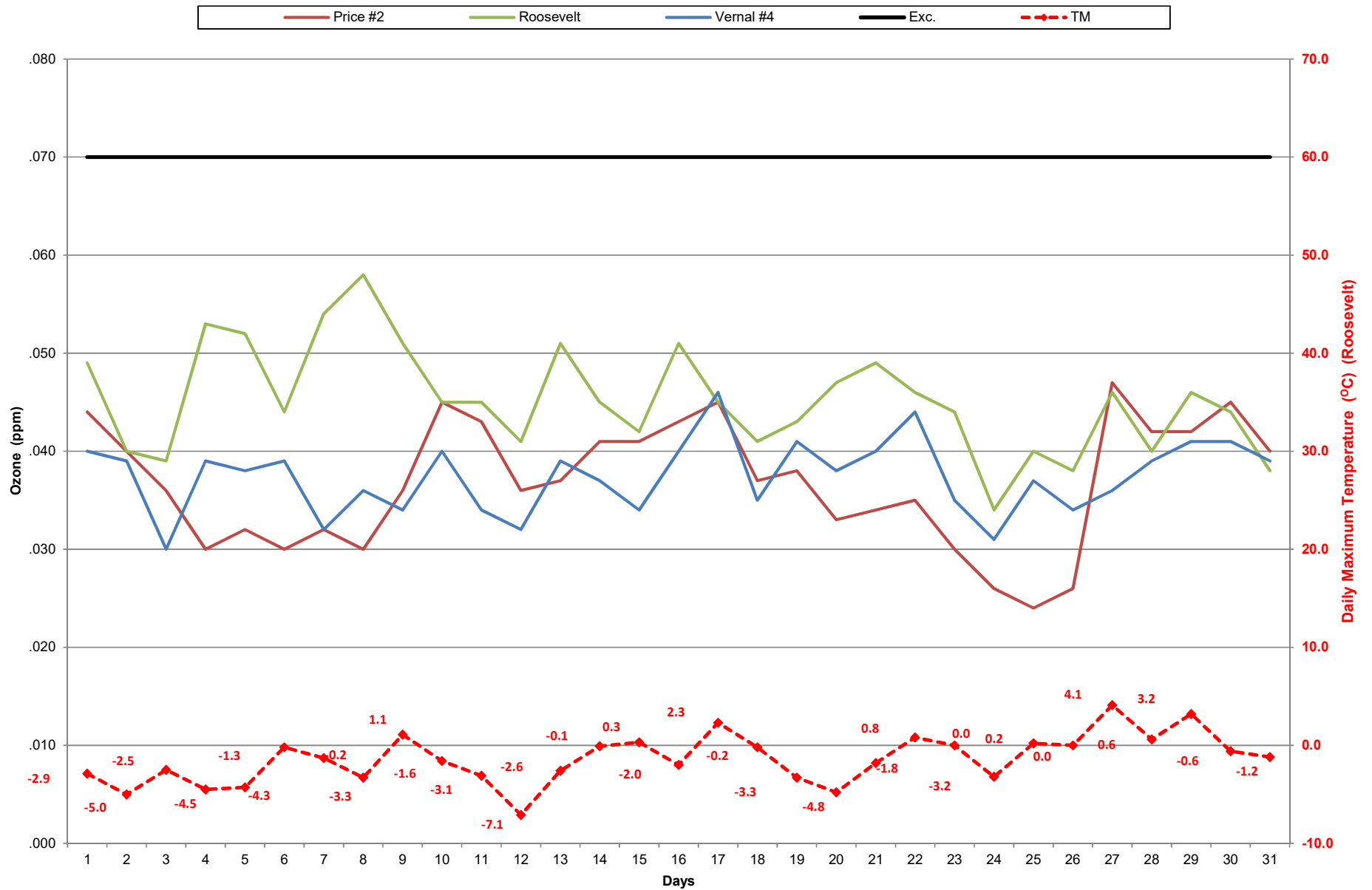
Utah 24-hr PM₁₀ Data February 2020



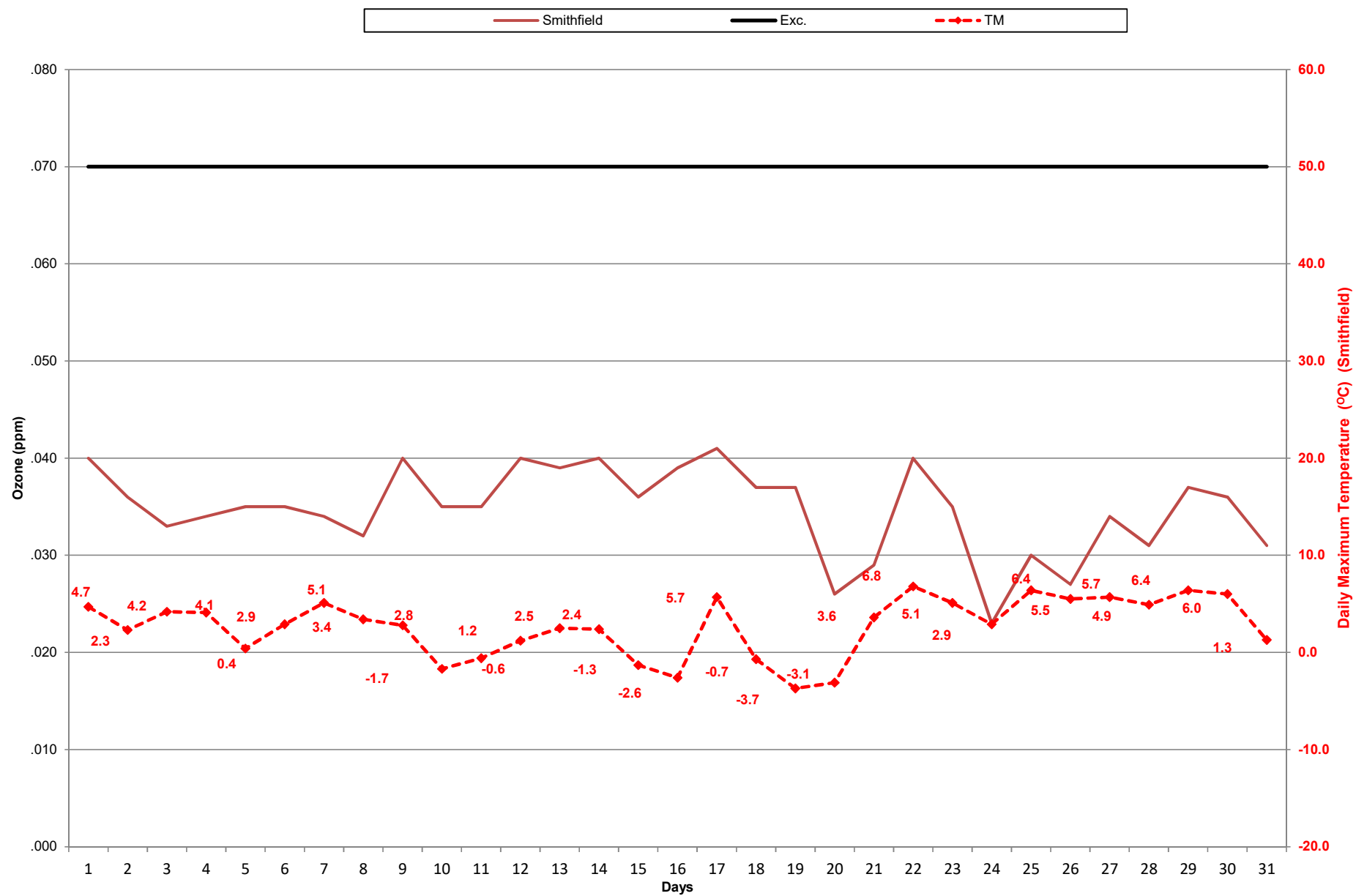
Highest 8-hr Ozone Concentration & Daily Maximum Temperature January 2020



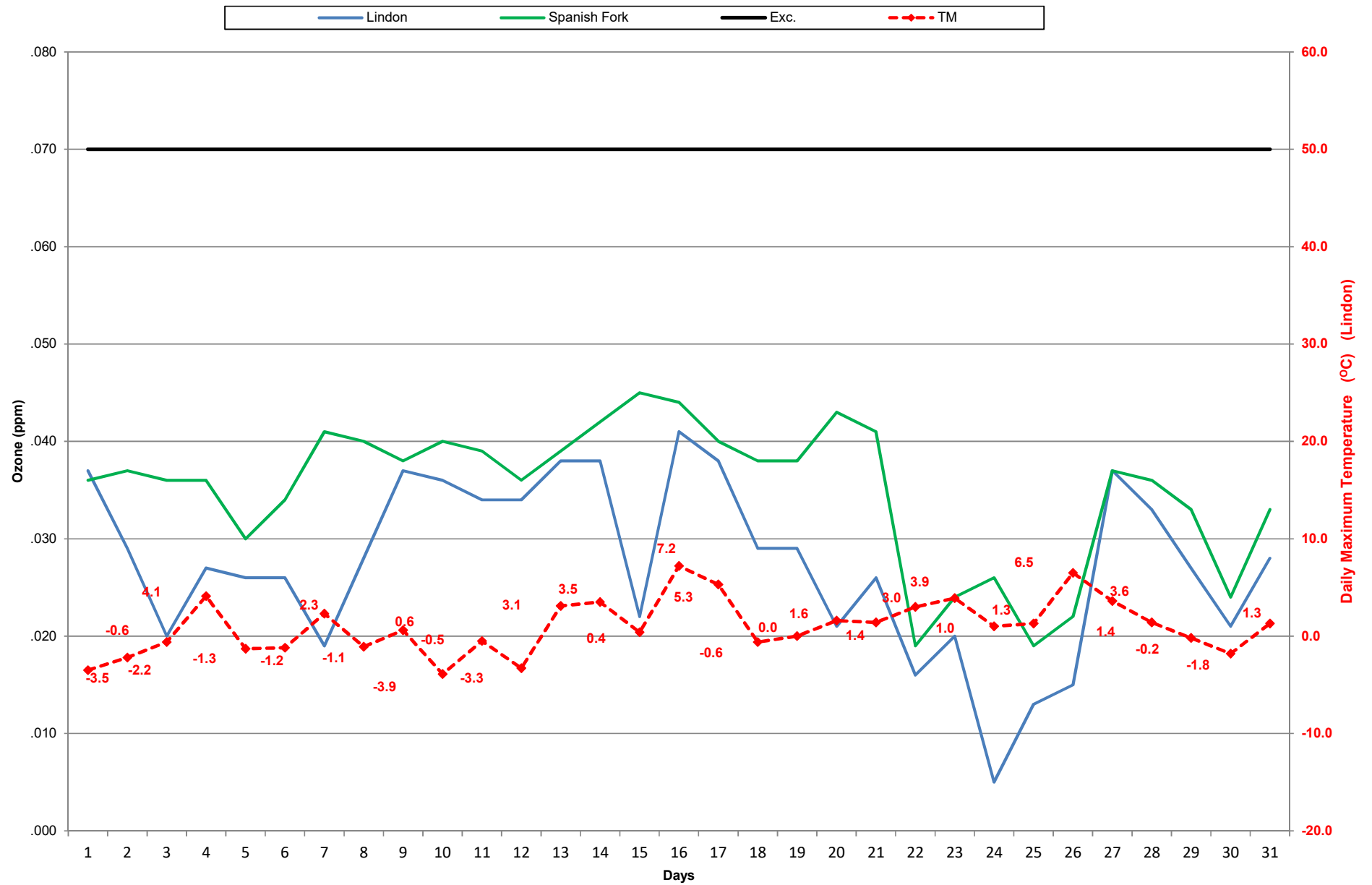
Highest 8-hr Ozone Concentration & Daily Maximum Temperature January 2020



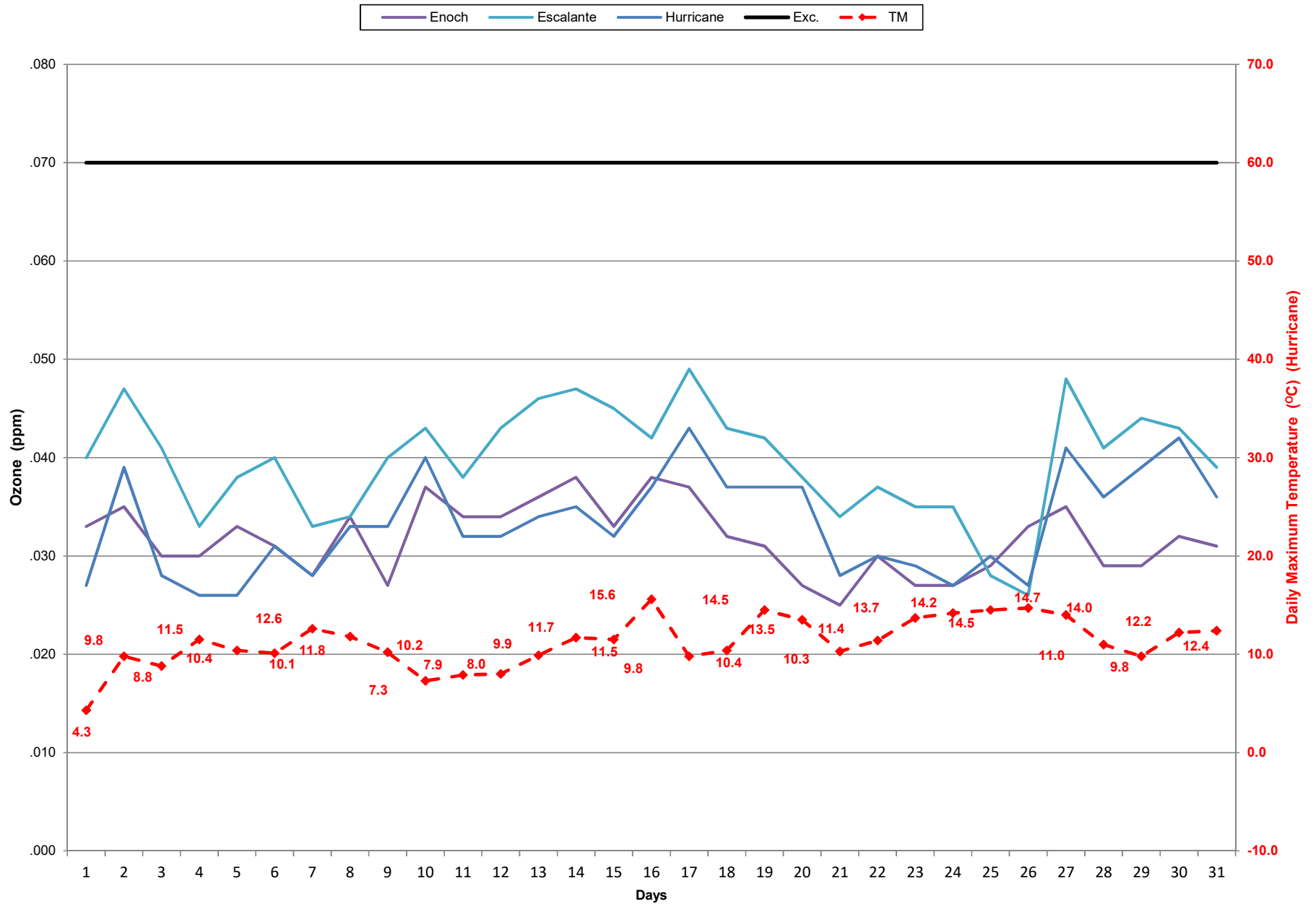
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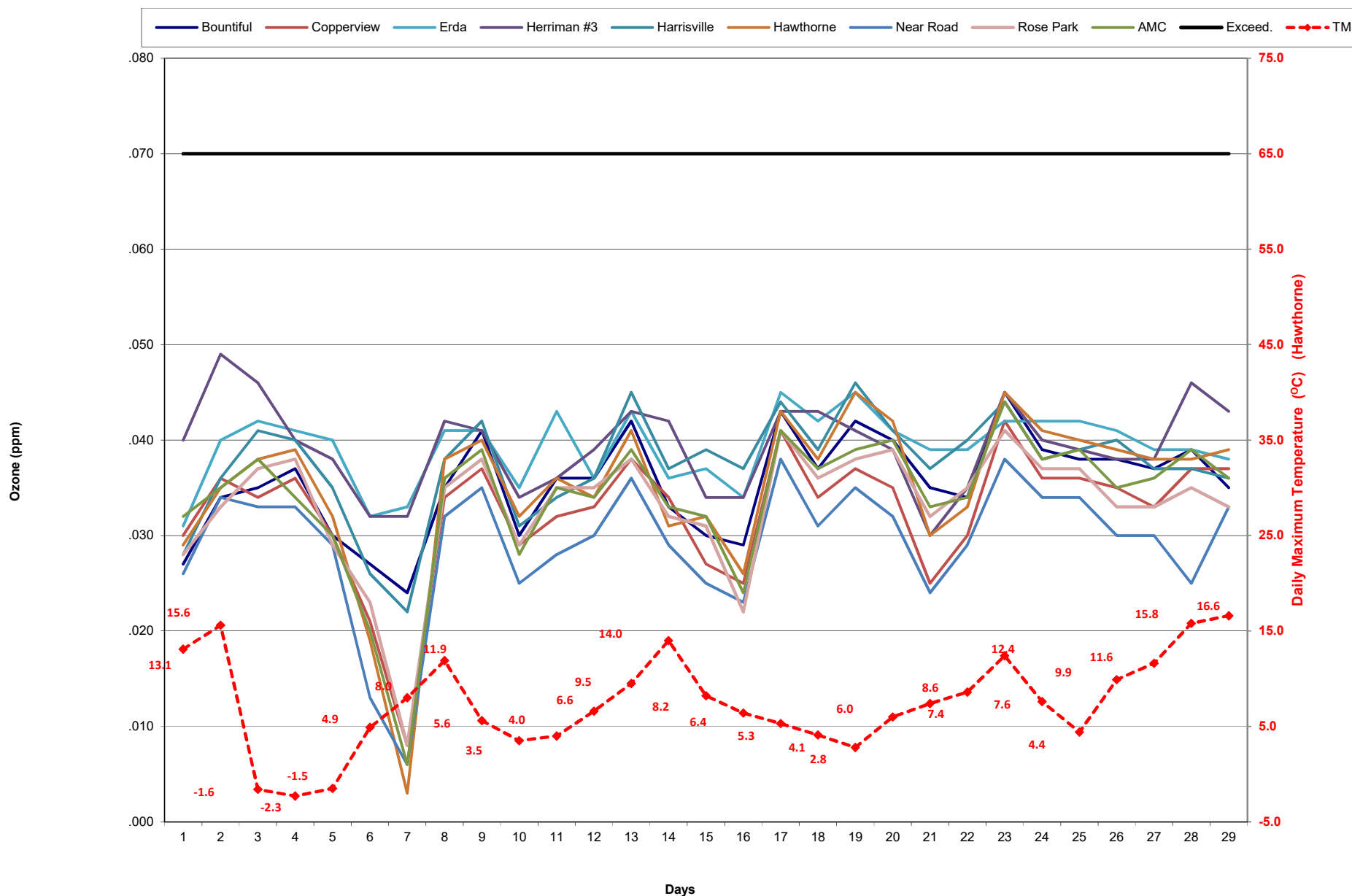
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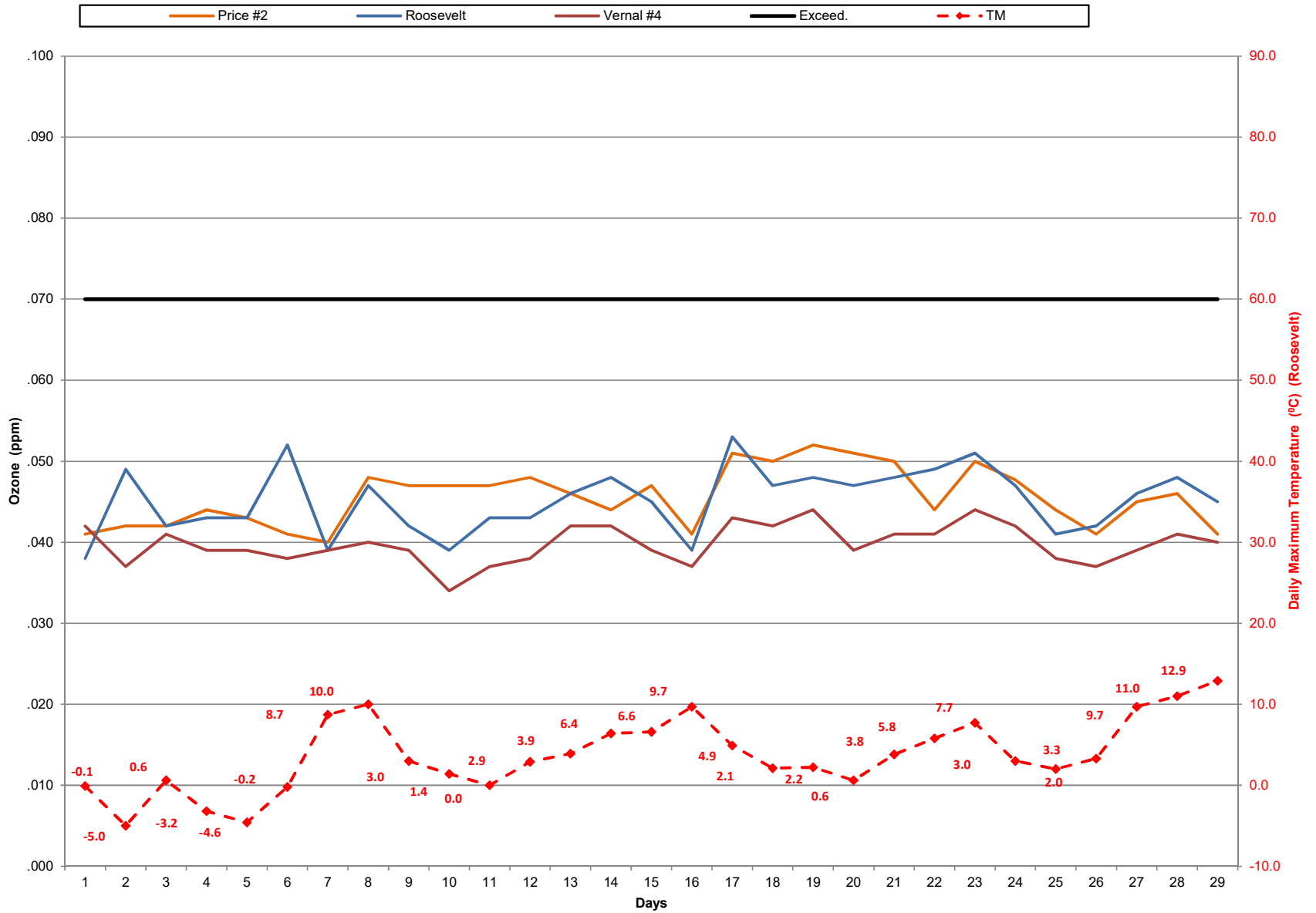
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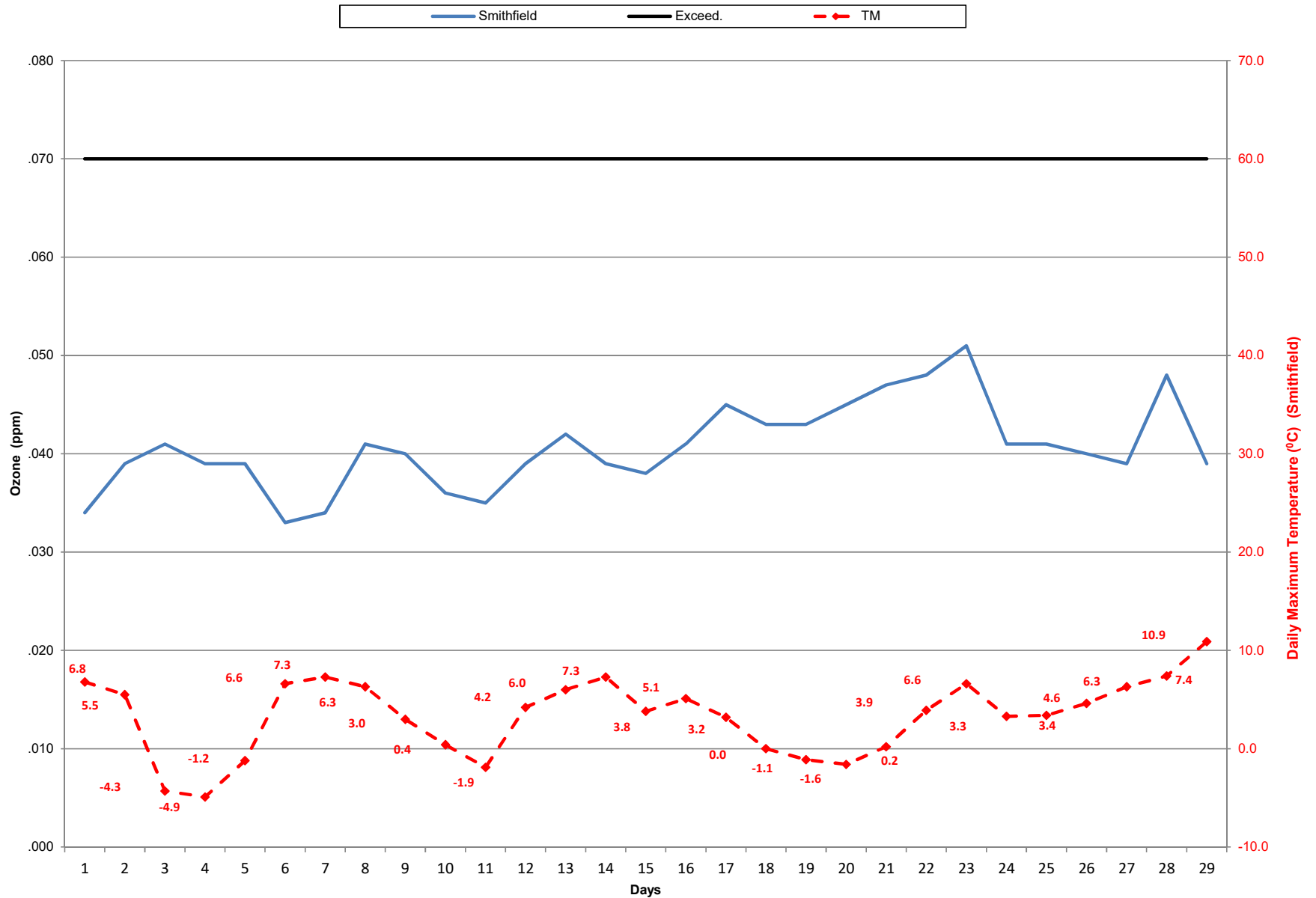
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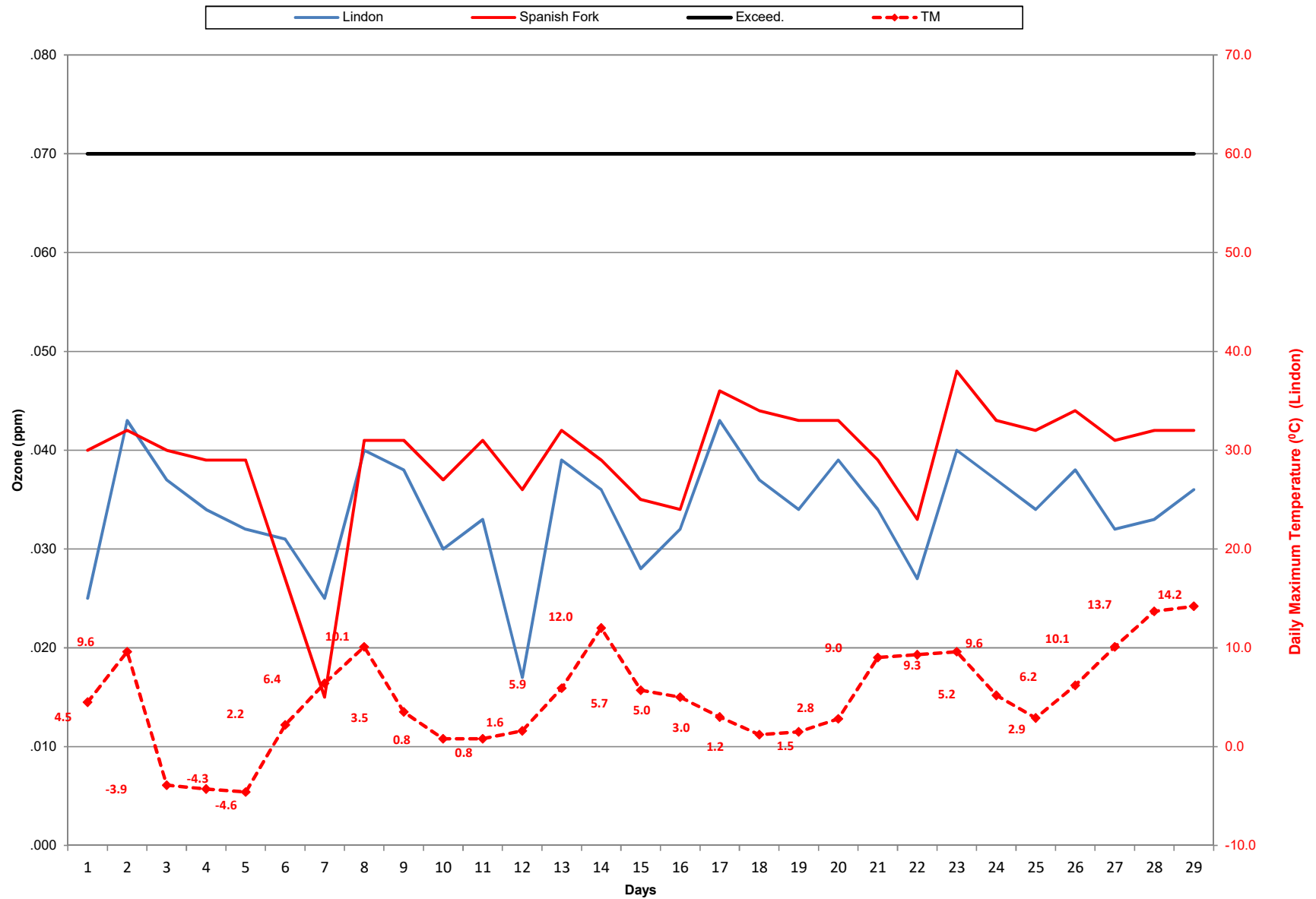
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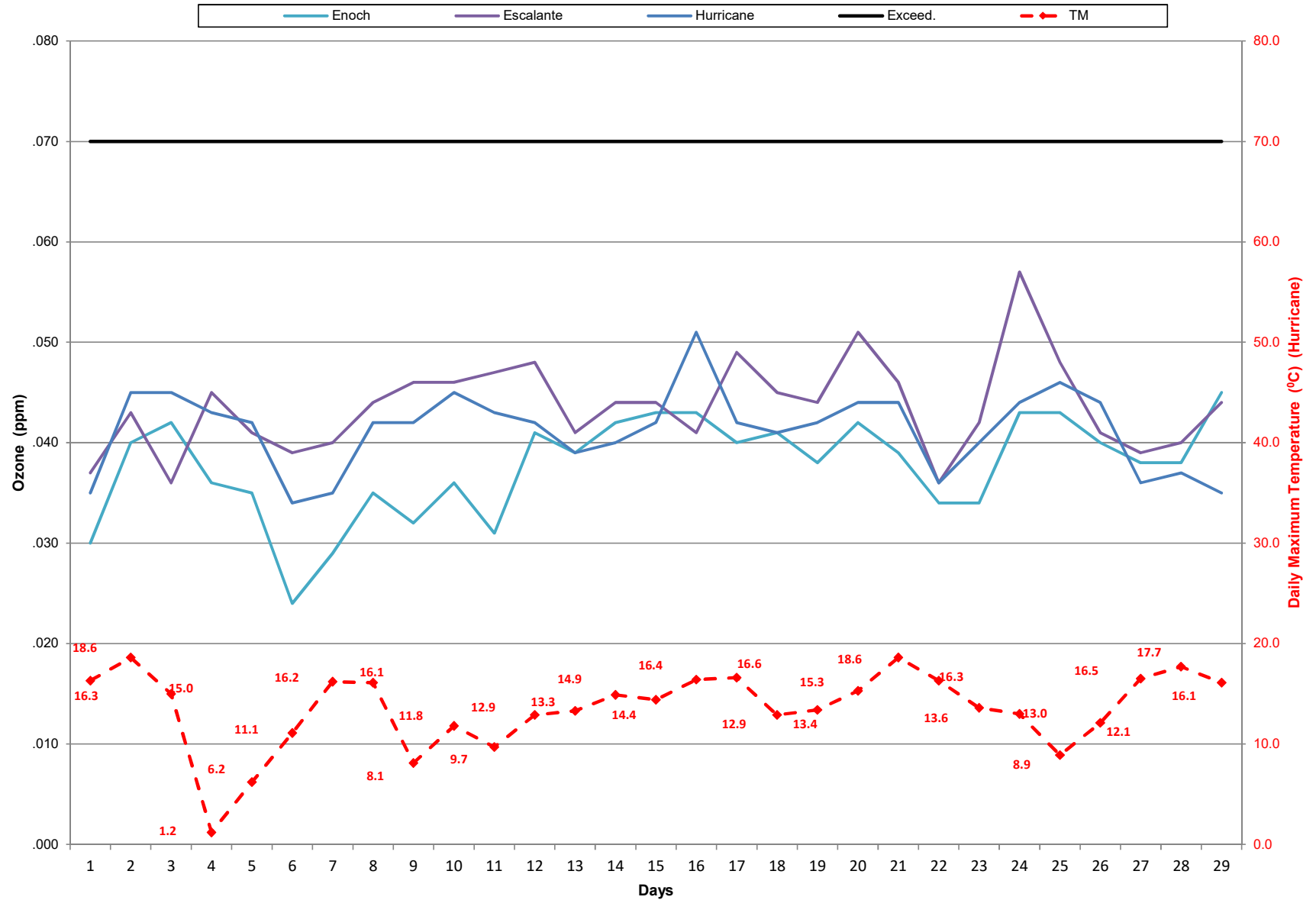
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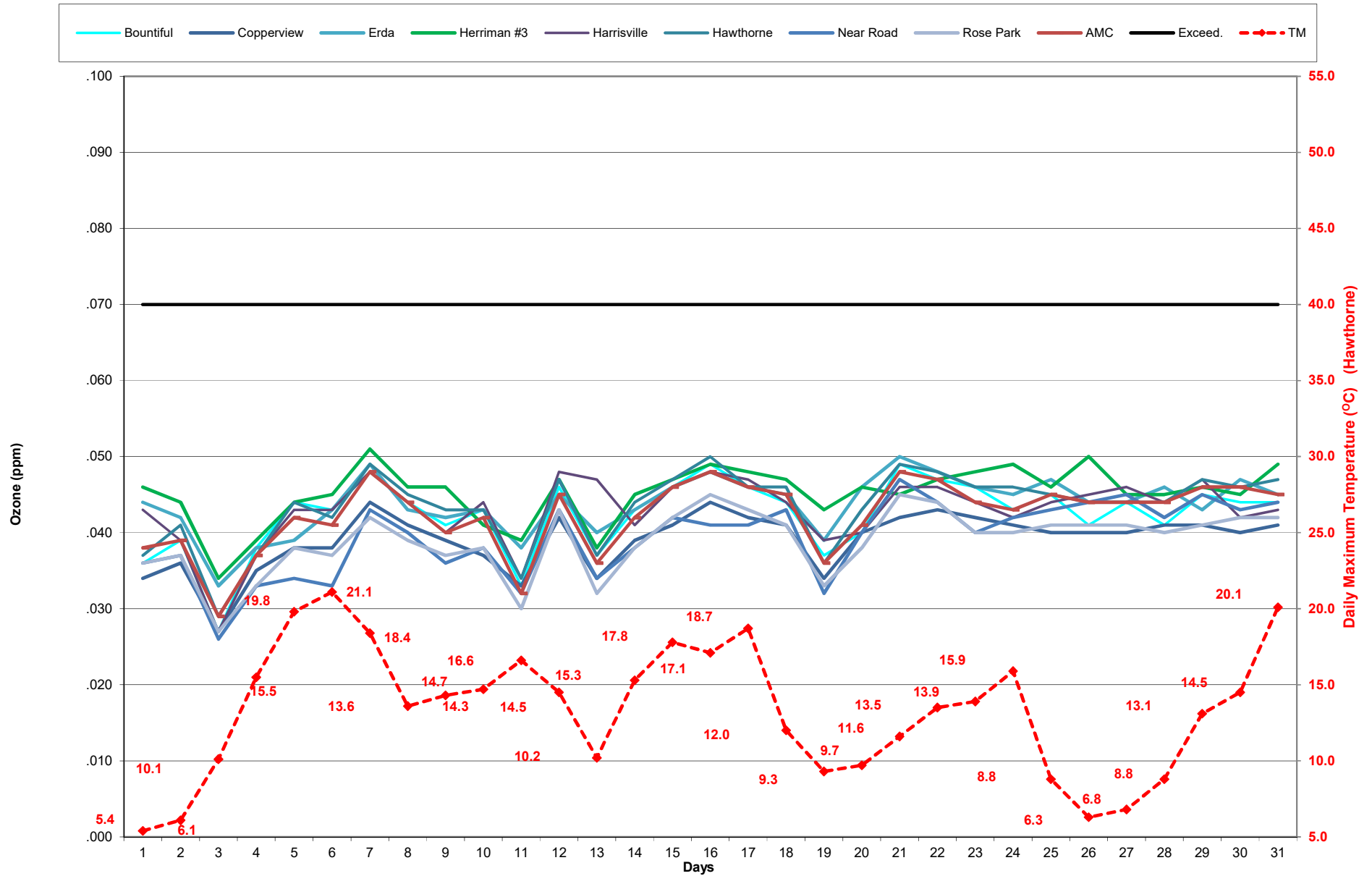
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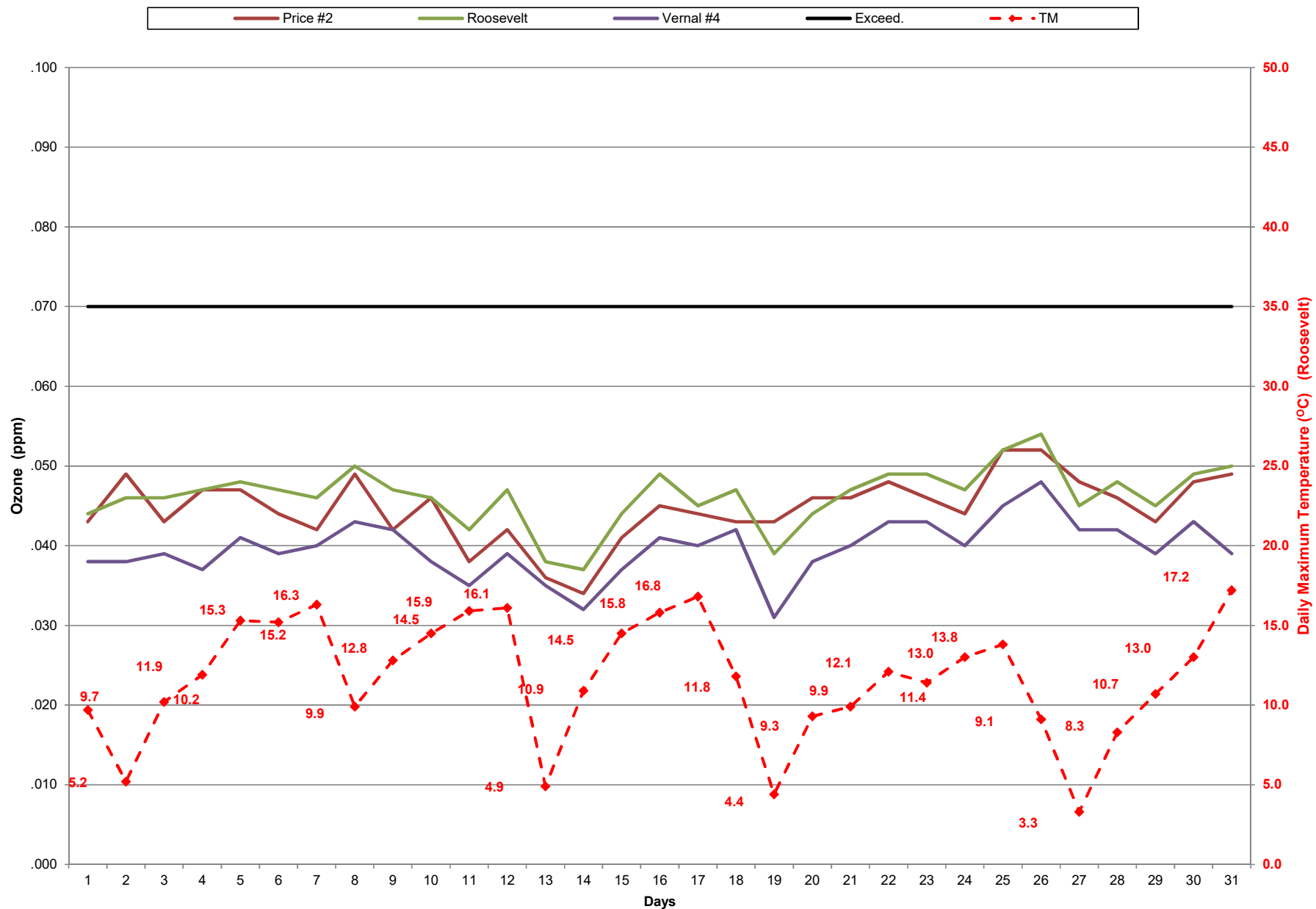
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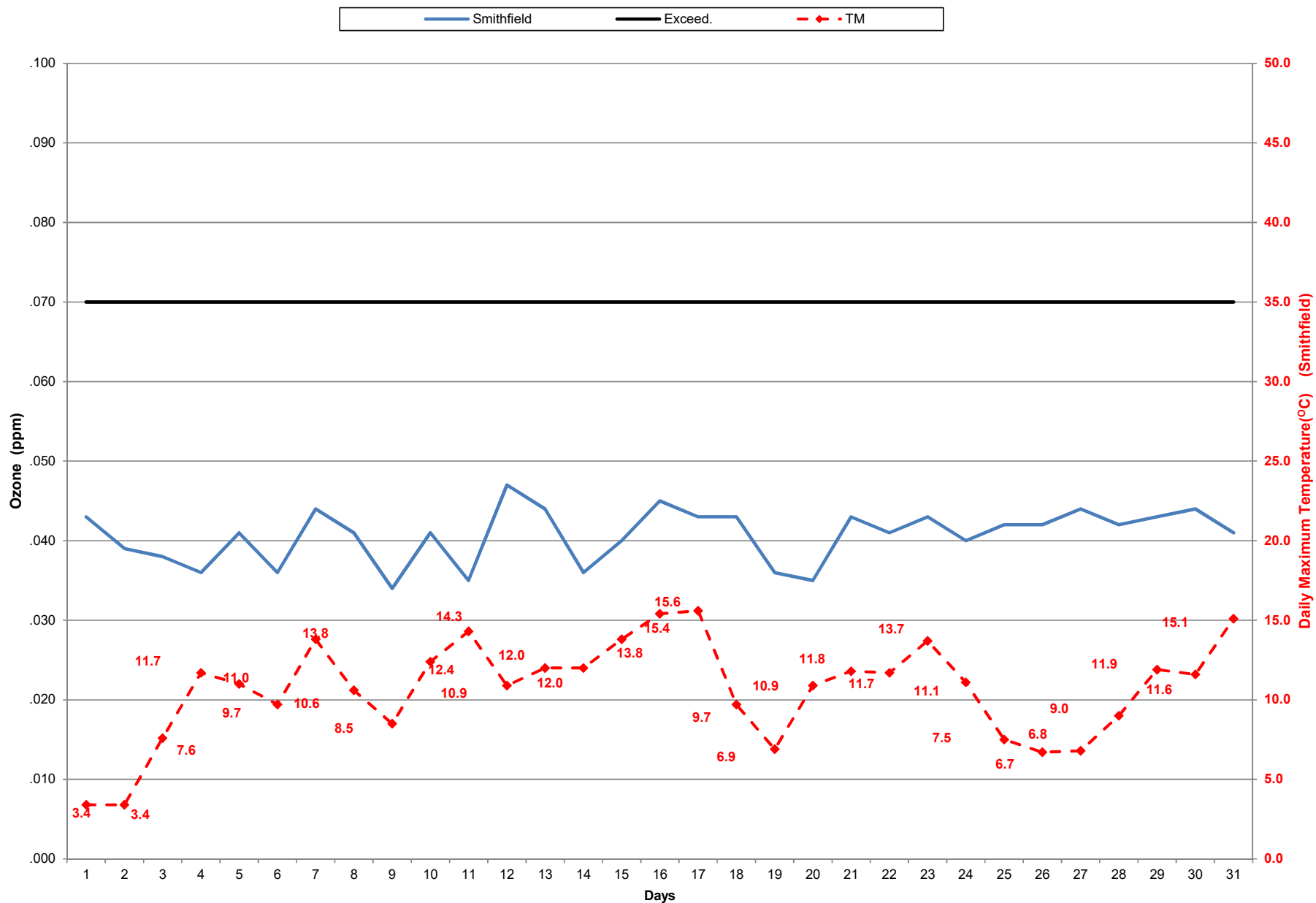
Highest 8-hr Ozone Concentration & Daily Maximum Temperature March 2020



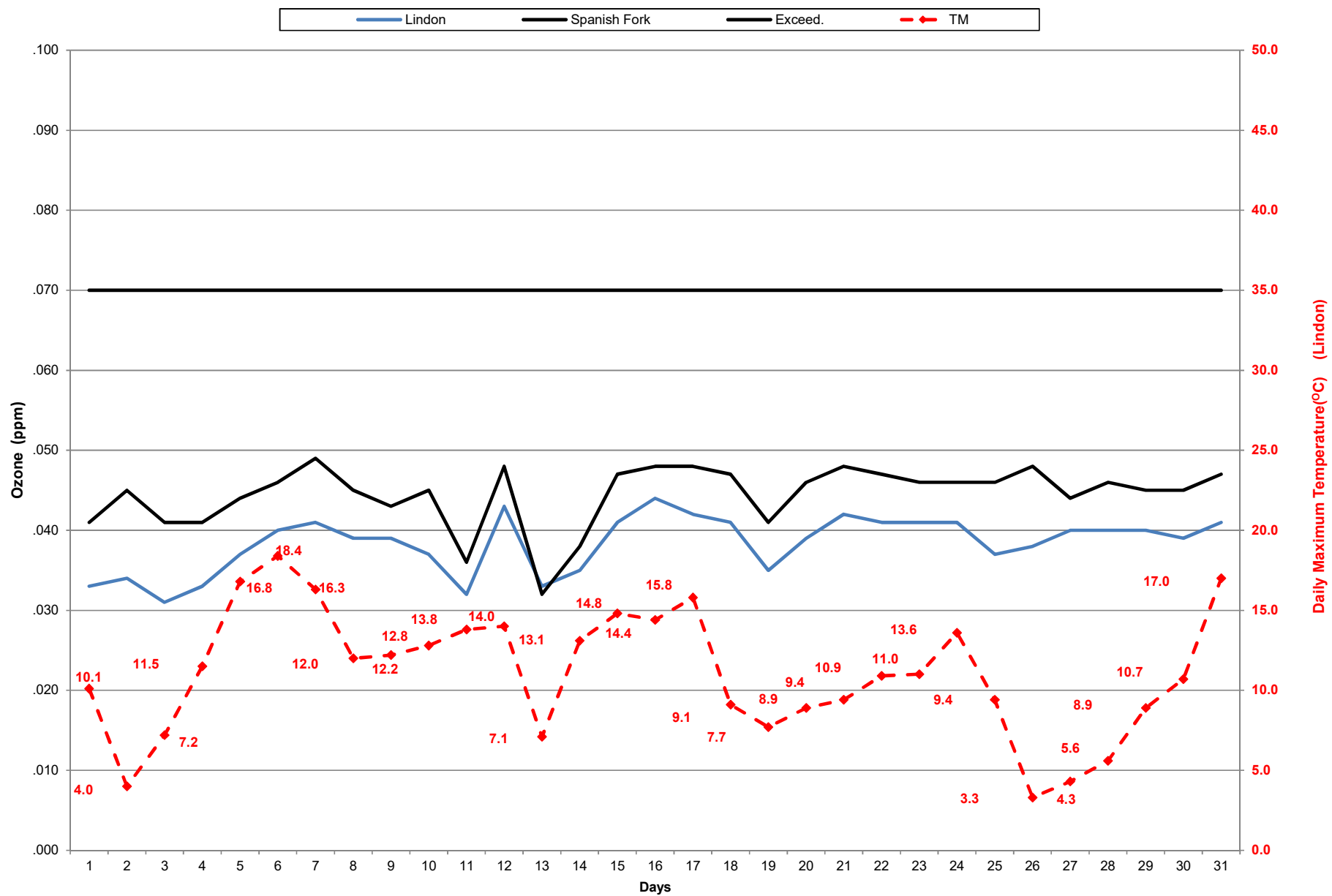
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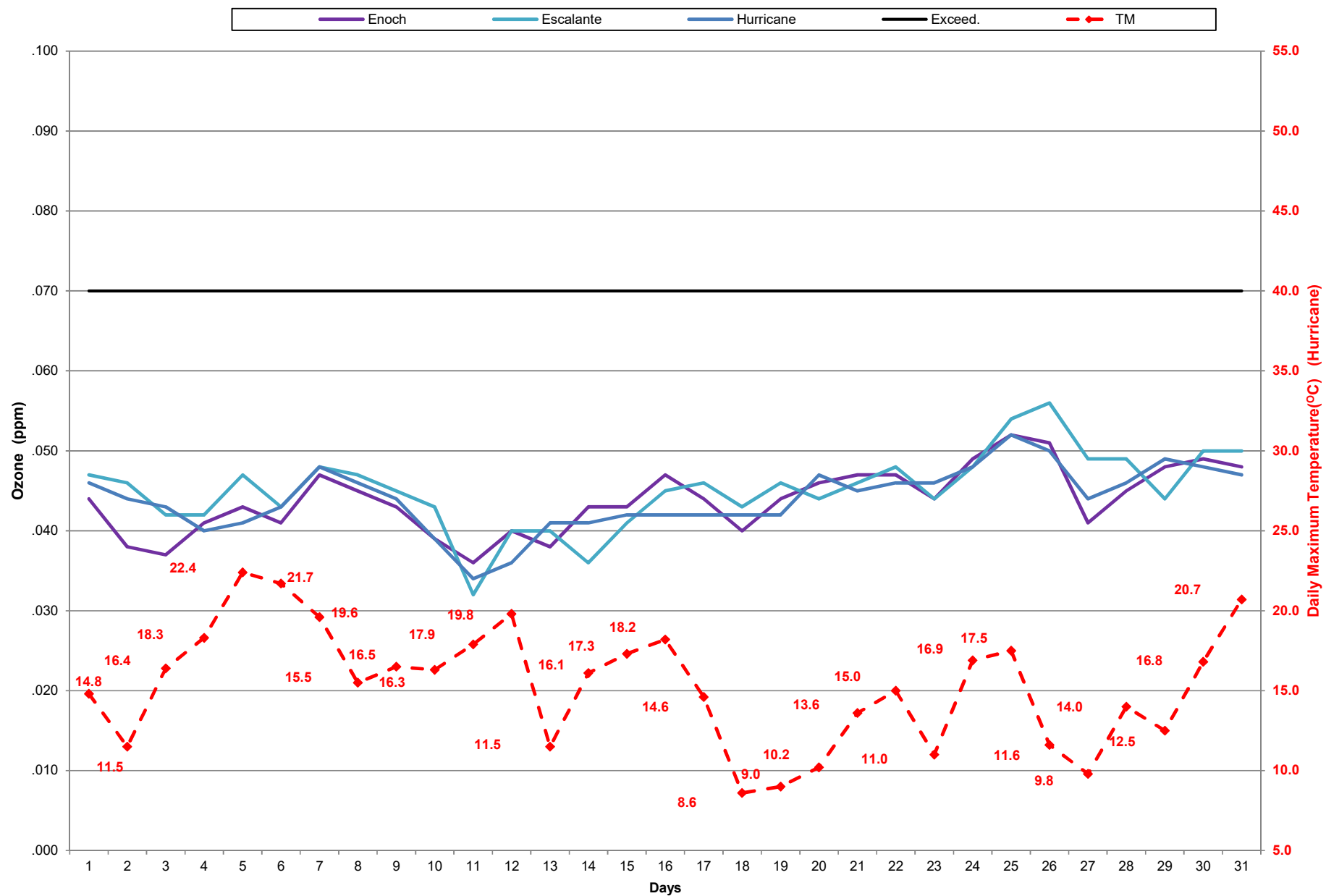
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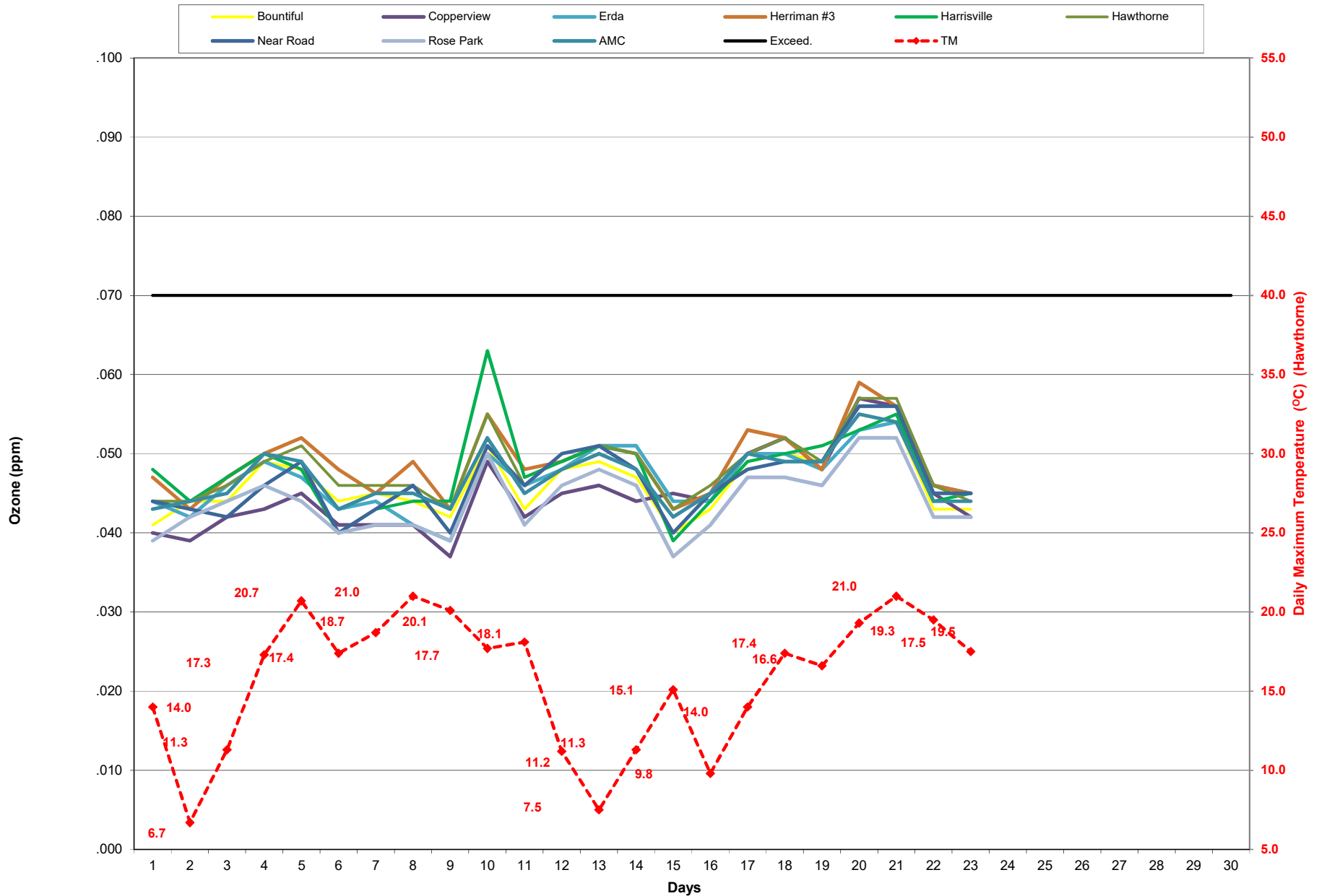
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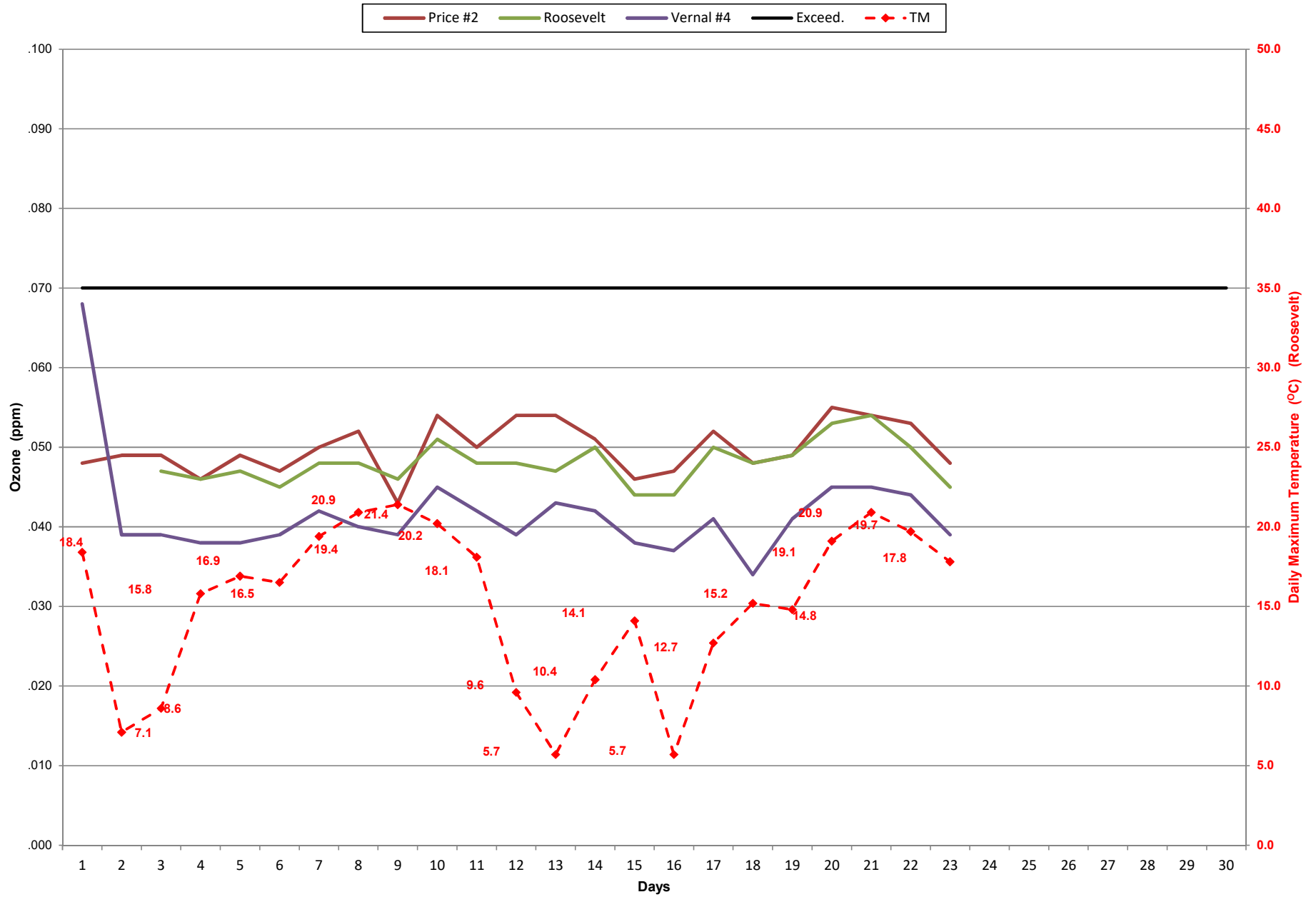
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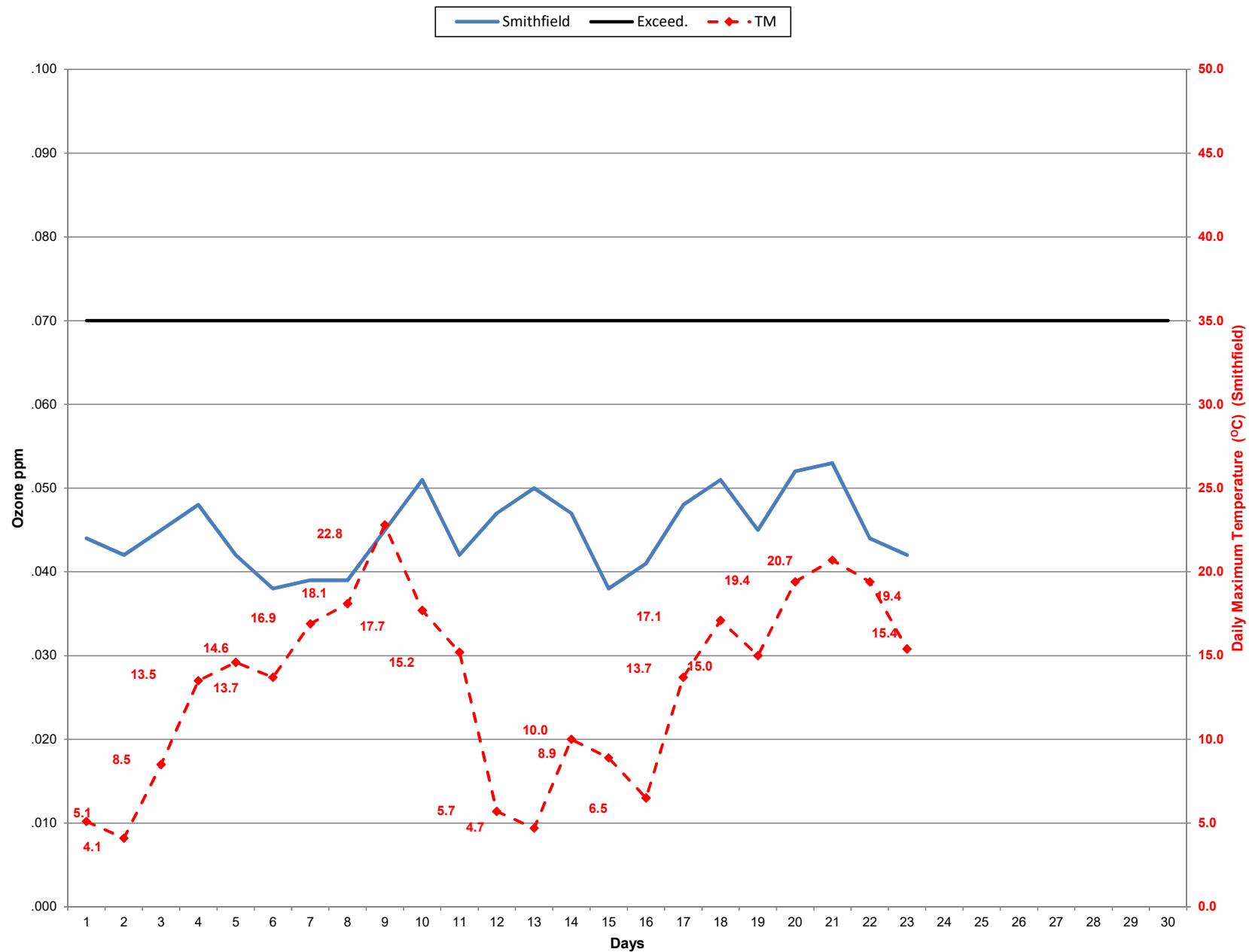
Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2020



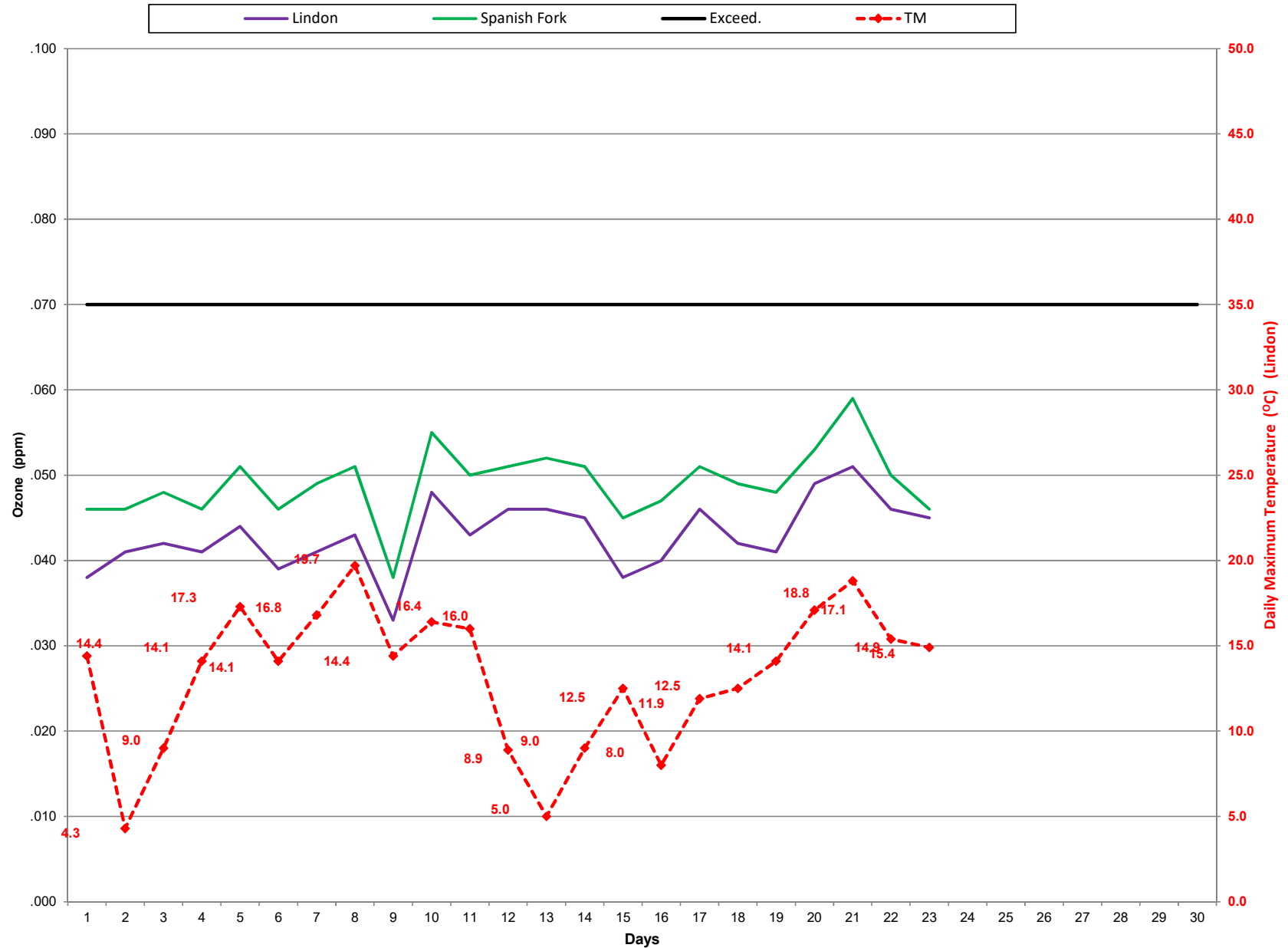
Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2020



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