



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-042-20

UTAH AIR QUALITY BOARD MEETING

DRAFT AGENDA

Wednesday, June 3, 2020 - 1:30 p.m.

This is an electronic meeting. No anchor location. Interested persons can view electronically, via the Internet at meeting link:

<https://meetingsamer15.webex.com/meetingsamer15/j.php?MTID=m791a90d755c4a1a05aa73b69b4887aed>

Meeting number: 126 245 6604 Password: y8tHw3xcuv5 (98849392 from phones and video systems)
Join by phone: +1-408-418-9388 United States Toll (access code: 126 245 6604)

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: August 5, 2020
- III. Approval of the Minutes for the May 6, 2020, Board Meeting.
- IV. Propose for Final Adoption: 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.
- V. Propose for Final Adoption: Repeal R307-165. Emission Testing. Reenact R307-165. Stack Testing. Presented by Liam Thrailkill and Sarah Foran.
- VI. Propose for Public Comment: R307-150. Emission Inventories. Presented by Liam Thrailkill, Catherine Williams, Sheila Vance, and Cate Youatt.

- VII. Propose for Public Comment: R307-101-2. General Requirements: Definitions. Presented by Liam Thrailkill and Becky Close.
- VIII. Propose for Public Comment: R307-401. Permits: New and Modified Sources, R307-415-9. Permits: Operating Permits Requirements: Fees for Operating Permits, and R307-801. Utah Asbestos Rule: Purpose and Authority. Presented by Liam Thrailkill, Alan Humphreys, and David Beatty.
- IX. Informational Items.
 - A. R307-422. Permits: Emission Offset Requirements in PM2.5 Maintenance Areas Update. Presented by Becky Close.
 - B. Recent Progress in Air Quality Modeling. Presented by Chris Pennell.
 - C. Air Toxics. Presented by Leonard Wright.
 - D. Compliance. Presented by Harold Burge and Rik Ombach.
 - E. Monitoring. Presented by Bo Call.
 - F. Other Items to be Brought Before the Board.
 - G. 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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Michael Smith
William C. Stringer
Bryce C. Bird,
Executive Secretary

UTAH AIR QUALITY BOARD MEETING

May 6, 2020 – 1:30 p.m.

Wednesday, May 6, 2020 - 1:30 p.m.

This is an electronic meeting. No anchor location.

DRAFT MINUTES

I. Call-to-Order

Erin Mendenhall called the meeting to order at 1:31 p.m.

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

Executive Secretary: Bryce Bird

II. Date of the Next Air Quality Board Meeting: June 3, 2020

III. Approval of the Minutes for March 4, 2020, Board Meeting.

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

IV. Propose for Public Comment: New Rule R307-422. Emission Offset Requirements in PM_{2.5} Maintenance Areas. Presented by Liam Thrailkill, Becky Close, and Jon Black.

Liam Thrailkill, Rules Coordinator at DAQ, stated staff is bringing forward new rule R307-422. Permits: Emission Offset Requirements in PM_{2.5} Maintenance Areas for Board consideration. Recently, staff submitted Air Quality Board approved PM_{2.5} maintenance plans to EPA for Salt Lake City, Provo, and Logan nonattainment areas as the final Clean Air Act (CAA) requirement for the areas to be redesignated to attainment status. Maintenance plans are to be revised eight years after redesignation and show attainment of the standard for another 10 years, resulting in 20 years of demonstrated maintenance. The requirements have given rise to the term “maintenance areas,” which are defined in R307-422.

1 This proposed rule R307-422 continues the implementation of the PM_{2.5} emission offset program in
2 the PM_{2.5} maintenance areas. Given Utah's air quality issues, the practice of continuing offset
3 programs has been identified as necessary to ensure air quality maintenance through the maintenance
4 period. R307-422 is consistent with past State air quality policy and is similar in the intent of
5 previously adopted rules, R307-420 and R307-421, which continue emission offset programs in
6 maintenance areas for both ozone and PM₁₀.

7
8 This new rule R307-422 is being proposed to help ensure that air quality improvements made
9 through the PM_{2.5} State Implementation Plan (SIP) are not compromised due to growth of new or
10 expanding major stationary sources in and around the maintenance areas. The PM_{2.5} maintenance
11 plans include a modeling demonstration that produced a future design value at the Rose Park monitor
12 of 33.6 ug/m³. The modeling demonstration included growth at existing major sources, but did not
13 include new, unknown major source growth. Unknown major sources are difficult to model because
14 the pollutant profiles and amounts are unknown and major sources are placed in their actual location
15 in a photochemical model.

16
17 While the projected future design values at the controlling monitor, Rose Park, and nearby
18 Hawthorne, are fairly close to the standard, this is not true of the surrounding counties. Due to low
19 current and projected future design values for Box Elder and Tooele counties, these counties are
20 excluded from the R307-422 definition of the Salt Lake City PM_{2.5} maintenance area. Box Elder and
21 Tooele county will only be excluded from the maintenance plan definition for offsetting purposes,
22 not the general definition that will be added to R307-101-2 in June 2020. Though they are excluded
23 from the definition, it does not allow unlimited major source growth. If a major source or major
24 modification occurs in Box Elder or Tooele County, R307-422 still requires those sources to perform
25 an impact analysis on any maintenance area and purchase emission reduction credits if necessary.

26
27 When an area is in nonattainment for a national ambient air quality standard (NAAQS), the
28 nonattainment new source review (NNSR) permitting program applies. R307-403 is the NNSR
29 permitting rule that applies to current nonattainment areas in Utah. However, once an area is
30 designated as attainment, the prevention of significant deterioration (PSD) new source review
31 permitting program applies instead of NNSR. While the PSD program requires impact modeling and
32 best available control technology (BACT), it has less stringent source applicability thresholds. With
33 PSD permitting, some sources that emit between 100 and 250 tons per year would not be required to
34 meet PSD requirements. With a lower source applicability threshold in R307-422 of 100 tons per
35 year applying to all sources, this gap is closed.

36
37 With the PSD program, increment, or the emissions availability ceiling is set on the minor source
38 baseline date. The minor source baseline date has never been established for PM_{2.5} in Utah. Having
39 increment set at a future date with unknown monitored values leaves us open to an unknown amount
40 of growth with PM_{2.5}. With R307-422 in place, the amount of allowed growth is already set with
41 available offsets.

42
43 Different airsheds have unique issues that lead to NAAQS violations. In Utah, emission reductions
44 came from varied source categories which collectively brought the airsheds into attainment. DAQ
45 was able to reduce emissions in the nonattainment areas through multiple area source rules, BACT,
46 federal programs such as tier 3, and the NNSR program that includes offsetting. The area source
47 rules, tier 3, and BACT will remain throughout the maintenance period, but PSD is a less stringent
48 permitting program than NNSR. DAQ has worked hard to find and implement the emission
49 reductions to get to the point we are at today, and regressing to the PSD program may result in a
50 NAAQS violation.
51

1 Above all else, the goal is to avoid a NAAQS violation. If the standard is violated again, DAQ would
2 need to have a contingency plan with corrective actions implemented within one year of the
3 violation. If we wait and implement R307-422 as a contingency plan, we will be years behind in
4 accomplishing what could be accomplished now. Staff is proposing R307-422 to prevent a future
5 NAAQS violation. Staff recommends that the Board propose for public comment R307-422. Permits:
6 Emission Offset Requirements in PM_{2.5} Maintenance Areas.

7
8 Board members Kashanchi and Rasband made comments about the timing of this rule during the
9 current COVID-19 pandemic. The health and safety and environmental compliance people at
10 industry are focused on the management of safeguards that they need to put in place in regards to the
11 Governor's Stay Safe Stay Home Directive, in addition to maintaining compliance with permit
12 conditions. It is suggested that DAQ pause on this rulemaking until such time that the state can
13 transition to a lower or normal risk category. Staff responded that because it will take the EPA some
14 time to review the maintenance plans and modeling, possibly the end of 2020 or early 2021, that
15 R307-422 probably won't go into effect until early next year. DAQ wanted to bring this rule forward
16 in anticipation of EPA approval of redesignation to attainment status.

17
18 Staff gave some opportunities or flexibilities available for the public comment period during the
19 current public health situation. The Board could approve it today for a 45 day public comment period
20 and that timeline would give the public a nine to ten week comment period and it would be published
21 on July 1st. The rule could be held for the June Board meeting, and if approved then it would also
22 publish July 1st. As far as the timeline if approved, once the rule is out for public comment and
23 posted in the state Bulletin, we have 120 days to adopt before it lapses. So, if approved today, the
24 timeline would take us out to the end of October 2020 to meet the 120 days. In addition, staff would
25 do an extended outreach to stakeholders and the public.

26
27 Questions specific to the rule include, is there precedence for excluding Tooele and Box Elder
28 counties and if there is a major modification or a new source in either county, do they still have to go
29 through the modeling exercise. Staff responded that there is not precedence, but that the two counties
30 will stay part of the maintenance area definition for everything else besides this offsetting rule. It is
31 correct that if there was a major modification or new source they would have to do the modeling
32 exercise. However, because they are outside of the maintenance areas as defined in R307-422, they
33 would have to do an impact analysis and if shown that they impacted a significant threshold, then
34 they would have to purchase reduction credits. This is a Utah-only rule and so this will not go to
35 EPA for approval.

36
37 On page 2 of 2 of the rule, lines 22-24, where it states that any emission increase that has been
38 determined to require emission offsets of not less than 1:1, is that for all the precursor pollutants
39 listed on page 1 of the rule, and why was the 1:1 ration selected? Staff responded that the ratio
40 applies to the precursors as well. As for the selected ratio, in 40 CFR Part 51 Appendix S, Emission
41 Offset Interpretative Ruling, it does set 1.15:1 and 1.2:1 ratios for ozone for VOC and NO_x relating
42 to ozone. Operating under new source review, the ratio could have been more strict, but it was kept at
43 1:1 for PM_{2.5} offsetting and staff felt that the ratio would work for maintenance as well.

44
45 Kevin Cromar motions that the Board propose R307-422 for a 45-day public comment period.
46 Arnold Reitze seconded the motion.

47
48 In discussion, Mitra Kashanchi restates her concerns with the timing of this rule and makes a
49 substitute motion to move this proposal to the June meeting agenda. John Rasband seconded the
50 substitute motion.
51

1 In discussion to the substitute motion, staff was asked to go over options for the Board in considering
2 the flexibility for the public comment period and the timelines. With no change to the substitute
3 motion, the vote is presented to the Board. The substitute motion passes.
4

- 5 ● Kevin Cromar motions to propose R307-422 for a 45-day public comment period. Arnold Reitze
6 seconded.
7
- 8 ● Mitra Kashanchi makes a substitute motion to move the proposal for R307-422 to the June Board
9 meeting agenda. John Rasband seconded. The substitute motion carries with five in favor (E.
10 Mendenhall, C. Kristensen, M. Kashanchi, R. Martin, J. Rasband) and three opposed (K.
11 Cromar, A. Reitze, W. Stringer).
12

13 Public comment from Kathy Van Dame was introduced. Ms. Van Dame asked if there is a way in the
14 process of Utah-only rules that the Inland Port could be designated as a stationary source, or be
15 subject to the emission offset requirements of R307-422 and R307-410, or any other new rules.
16

17 Public comment from Mike Tomko speaking on behalf of the Utah Petroleum Association (UPA)
18 was introduced. Mr. Tomko's comments address the question of why is this rulemaking being
19 proposed at this time in the context of COVID-19. In addition, to the significant adverse impact the
20 rule could have on new projects in Utah, Mr. Tomko's comments covered the following four
21 considerations that the UPA feel are important in this rulemaking: 1) credit to the state and
22 stakeholders, including the regulated community for achieving attainment; 2) the division did not
23 find the offset measure to be a necessary part of the PM_{2.5} maintenance plan; 3) imposing the offset
24 rule following redesignation is not required by the EPA or the CAA and suggests there is no finding
25 that it is necessary to do so in the order to protect public health or the environment; and 4) the CAA
26 and Utah's air quality permitting program have robust requirements for areas that have achieved
27 attainment that are designed to maintain that attainment status without requiring offsets. The UPA
28 requests that the Air Quality Board pause this rulemaking beyond the June meeting and ask staff to
29 thoroughly evaluate the need, appropriateness, and implications of imposing this rule following
30 redesignation to attainment.
31

32 **V. Propose for Public Comment: R307-410. Permits: Emission Impact Analysis. Presented by**
33 **Liam Thrailkill and Catherine Wyffels.**
34

35 Liam Thrailkill, Rules Coordinator at DAQ, stated that staff is proposing an amendment to R307-
36 410-4 to add a PM_{2.5} modeling threshold for attainment areas. The proposed modeling threshold of
37 10 tons per year is the PM_{2.5} significant emissions rate for direct emissions of primary PM_{2.5} as
38 established by EPA in 40 CFR 51.166(b)(23).
39

40 DAQ uses significant emission rates as the modeling threshold for both major and minor sources.
41 This revision will apply to both major and minor sources in attainment areas. The amendment is
42 being done in anticipation of the attainment designation of the PM_{2.5} nonattainment areas. When an
43 area is designated attainment, modeling is an important part of the new source review program to
44 ensure that a modification or new source will not cause or contribute to a violation of the NAAQS.
45

46 In addition, staff is correcting the terminology for the non-fugitive PM₁₀ modeling threshold. The
47 previous language included the term "non-fugitive dust," which is not defined in the Utah
48 administrative rules and is technically incorrect. Staff recommends that the Board propose for public
49 comment, amended R307-410-4, Permits: Emission Impact Analysis. Modeling of Criteria Pollutant
50 Impacts in Attainment Areas.
51

1 In response to the question of what is the difference between potential to emit and total controlled
2 emission rates as stated in the staff memorandum to the Board, staff responded that they are
3 essentially the same. The definition in state rules for potential to emit specifically includes any air
4 pollution control equipment.

- 6 • Cassady Kristensen moved that the Board approve R307-410, Permits: Emission Impact
7 Analysis, for public comment. Mitra Kashanchi seconded. The Board approved unanimously.

9 **VI. Informational Items.**

11 **A. Air Toxics. Presented by Leonard Wright.**

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

15 **C. Monitoring. Presented by Bo Call.**

17 Bo Call, Monitoring Section Manager at DAQ, updated the Board on monitoring graphs, noting
18 that historically this is the time where the monitoring data is good for air quality. In response to
19 increased media stories of cleaner air because of shutdowns, Mr. Call responded that it's
20 apparent that fewer cars on the road do result in fewer emissions from that sector, but also that
21 people are working from home and perhaps there are other areas that have increases in
22 emissions. Right now data from the monitoring instruments are so low that they may be reading
23 the noise levels of the instruments and those types of things. Going forward, a lot of our early
24 season ozone is the result of biogenics. Given more time and as more data is received for review,
25 we may be able to suggest and demonstrate what specific reductions there have been.

27 In addition, the state has worked through the process of creating a state-wide teleworking
28 initiative. The DAQ is working with Utah Department of Transportation, Wasatch Front
29 Regional Council, and UCAIR to capture information that can be used to promote good air
30 quality and good choices moving forward. Industry is also going through the learning process,
31 and collecting all of the best practices and lessons learned to make options to help with the air
32 quality as well.

34 Staff does not have a response to Logan Mitchell's, a research analyst at the University of Utah,
35 study about reductions in NOx during the current pandemic as staff has not reviewed the report
36 at this time.

38 **D. Other Items to be Brought Before the Board.**

40 **E. Board Meeting Follow-up Items.**

42 Meeting adjourned at 2:57 p.m.

ITEM 4



State of Utah

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Department of Environmental Quality

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Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-048-20

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Liam Thrailkill, Rules Coordinator

DATE: May 21, 2020

SUBJECT: PROPOSE FOR FINAL ADOPTION: 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.

On March 4, 2020, the Utah Air Quality Board proposed for public comment amendments to R307-101-3, Version of Code of Federal Regulations Incorporated by Reference; R307-210, Standards of Performance for New Stationary Sources (NSPS); R307-214, National Emission Standards for Hazardous Air Pollutants (NESHAP); R307-405-2, Permits: Major Sources in Attainment or Unclassified Areas (PSD), Applicability; and R307-410, Permits: Emissions Impact Analysis.

The amendments to R307-101-3, R307-210, and R307-214 update the most recent version of the Code of Federal Regulations (CFR) to July 1, 2019. R307-101-3 is the general version of the CFR incorporation which applies throughout Title R307 unless otherwise specified in a rule. The 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*.

R307-210, Standards of Performance for New Stationary Sources (NSPS), incorporates air quality regulations found in Title 40 of the CFR Part 60. The reference to the version of the CFR in R307-210 is specific to R307-210 only. 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*.

R307-214, National Emission Standards for Hazardous Air Pollutants (NESHAPs), incorporates changes to NESHAPs as published in Title 40 of the 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 was amended.

R307-405-2, Permits: Major sources in Attainment or Unclassified Areas (PSD), Applicability; and R307-410, Permits: Emissions Impact Analysis, needed to be amended individually to incorporate the most recent version of the CFR. To streamline the process, DAQ staff amended both rules for future rulemaking. With the amended changes, R307-405-2 and R307-410 no longer need to be amended individually to update their CFR 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 CFR, there are no changes to be noted.

The public comment period ran from April 1, 2020, through May 4, 2020. No comments were received. The public hearing tentatively scheduled for May 4th was cancelled because a hearing was not requested.

Recommendation: Staff recommends that the Board adopt R307-101-3, R307-210, R307-214, R307-405-2, and R307-410 as proposed.

1 R307. Environmental Quality, Air Quality.

2 R307-101. General Requirements.

3
4 R307-101-3. Version of Code of Federal Regulations Incorporated by
5 Reference.

6 Except as specifically identified in an individual rule, the
7 version of the Code of Federal Regulations (CFR) incorporated
8 throughout R307 is dated July 1, 2019.

9
10 KEY: air pollution, definitions

11 Date of Enactment or Last Substantive Amendment: February 7, 2019

12 Notice of Continuation: November 13, 2018

13 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 (O ₃) 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	<p>Appendix A-1 Method 2B In Method 2B, in section 12.1, the definition of ambient carbon dioxide concentration was revised to read “(CO₂)_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 (CO₂)_a concentration varies over time. Also, a website link is added to the definition as specified at proposal.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>

R307-101-3:
Summary of CFR Changes from July 1, 2017, to July 1, 2019

Rule	CFR Section Incorporated	Summary of Changes to CFR
		<p>consistency. The first sentence in section 6.1.1.1 was 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, Silco, 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).</p> <p>Appendix A-6 Method 18 In Method 18, in section 13.1, the erroneous paragraph (c) designation was re-designated as (b).</p> <p>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.</p> <p>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.</p> <p>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.</p>

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 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
R307-222-5(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	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
	are found following 40 CFR 60.1940 for operator training and certification	
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
R307-224-2	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

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

2 **R307-210. Standards of Performance for New Stationary Sources.**

3 **R307-210-1. Standards of Performance for New Stationary Sources.**

4 The provisions of 40 Code of Federal Regulations (CFR) Part 60,
5 effective on July 1, 2019, except for Subparts Cb, Cc, Cd, Ce, BBBB,
6 DDDD, and HHHH, are incorporated by reference into these rules with
7 the exception that references in 40 CFR to "Administrator" shall mean
8 "director" unless by federal law the authority referenced is specific
9 to the Administrator and cannot be delegated.

10
11 **KEY: air pollution, stationary sources, new source review**

12 **Date of Enactment or Last Substantive Amendment: May 23, 2018**

13 **Notice of Continuation: May 12, 2016**

14 **Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(q);**
15 **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	<p>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. *</p> <p>83 FR No. 220 (November 14, 2018)</p> <p>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).</p> <p>83 FR No.227 (November 26, 2018)</p> <p>Amended § 60.17 by: a. In paragraph (g)(14), by removing “60.2710(s), (t), and (w),” and adding, in 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,”.</p> <p>84 FR No. 73 (April 16, 2019)</p>
40 CFR 60.48Da (f)	No Changes
40 CFR 60.61-60.64	No Changes
40 CFR 60.100a-60.107a	<p>Section 60.105a was amended by revising paragraph (b)(2)(ii) to read as follows:</p> <p>§ 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. * * * *</p> <p>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.</p> <p>83 FR No.227</p>
40 CFR 60.200; 60.201; 60.203; 60.205; 60.210; 60.211; 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

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 60.2000-60.2265 (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
40 CFR 60. Appendix B	<p>In appendix B to part 60, in “Performance Specification 2- Specifications and Test Procedures for SO₂ and NO_x 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)</p> <p>11. In appendix B to part 60: ■ a. Add the following entries to the list of Performance Specifications in numeric order:</p> <ul style="list-style-type: none"> ■ 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

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
	<p>■ 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.</p> <p>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.</p> <p>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.</p> <p>13.1 Design Specifications. The opacity monitoring equipment must comply with the design specifications of ASTM D6216–12.</p> <p>13.2 Manufacturer’s Performance Specifications. The opacity monitor must comply with the manufacturer’s performance specifications of ASTM D6216–12.</p> <p>16.0 * * * 8. ASTM D6216–12: Standard Practice for Opacity Monitor Manufacturers to Certify Conformance with Design and Performance Specifications. ASTM. October 2012.</p> <p>■ c. In Performance Specification 2, revise section 13.2.</p> <p>13.2 Relative Accuracy Performance Specification.</p> <p>■ d. In Performance Specification 3, revise sections 12.0 and 13.2.</p> <p>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.</p> <p>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).</p> <p>■ e. In Performance Specification 11, revise section 13.1.</p>

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																						
	<p>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.</p> <p>■ f. In Performance Specification 15, add reserved section 13.0.</p> <p>13.0 Method Performance [Reserved]</p> <p>■ 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.</p> <p>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.</p> <p style="text-align: center;">TABLE 1—INTERFERENCE TEST GAS CONCENTRATIONS</p> <table border="1" data-bbox="478 802 1663 1154"> <thead> <tr> <th>Potential Interferent gas¹</th><th>Approximate concentration (balance N₂)</th></tr> </thead> <tbody> <tr> <td>CO₂</td><td>15% ± 1% CO₂.²</td></tr> <tr> <td>CO</td><td>100 ± 20 ppm.</td></tr> <tr> <td>CH₂O</td><td>20 ± 5 ppm.</td></tr> <tr> <td>CH₄</td><td>100 ± 20 ppm.</td></tr> <tr> <td>NH₃</td><td>10 ± 5 ppm (extractive CEMS only)</td></tr> <tr> <td>NO</td><td>250 ± 50 ppm.</td></tr> <tr> <td>SO₂</td><td>200 ± 20 ppm.</td></tr> <tr> <td>O₂</td><td>3% ± 1% O₂.²</td></tr> <tr> <td>H₂O</td><td>10 % ± 1% H₂O.²</td></tr> <tr> <td>N₂</td><td>Balance. ²</td></tr> </tbody> </table> <p>¹Any 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.</p> <p>²Gases 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.</p> <p>12.0 [Reserved] 83 FR No. 220 (November 14, 2018)</p>	Potential Interferent gas ¹	Approximate concentration (balance N ₂)	CO ₂	15% ± 1% CO ₂ . ²	CO	100 ± 20 ppm.	CH ₂ O	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 ₂ O	10 % ± 1% H ₂ O. ²	N ₂	Balance. ²
Potential Interferent gas ¹	Approximate concentration (balance N ₂)																						
CO ₂	15% ± 1% CO ₂ . ²																						
CO	100 ± 20 ppm.																						
CH ₂ O	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 ₂ O	10 % ± 1% H ₂ O. ²																						
N ₂	Balance. ²																						

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, 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, 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.

1 (15) 40 CFR Part 63, Subpart U, National Emission Standards for
2 Hazardous Air Pollutant Emissions: Group I Polymers and Resins.

3 (16) 40 CFR Part 63, Subpart AA, National Emission Standards
4 for Hazardous Air Pollutants for Phosphoric Acid Manufacturing.

5 (17) 40 CFR Part 63, Subpart BB, National Emission Standards
6 for Hazardous Air Pollutants for Phosphate Fertilizer Production.

7 (18) 40 CFR Part 63, Subpart CC, National Emission Standards
8 for Hazardous Air Pollutants from Petroleum Refineries.

9 (19) 40 CFR Part 63, Subpart DD, National Emission Standards
10 for Hazardous Air Pollutants from Off-Site Waste and Recovery
11 Operations.

12 (20) 40 CFR Part 63, Subpart EE, National Emission Standards
13 for Magnetic Tape Manufacturing Operations.

14 (21) 40 CFR Part 63, Subpart GG, National Emission Standards
15 for Aerospace Manufacturing and Rework Facilities.

16 (22) 40 CFR Part 63, Subpart HH, National Emission Standards
17 for Hazardous Air Pollutants for Oil and Natural Gas Production.

18 (23) 40 CFR Part 63, Subpart JJ, National Emission Standards
19 for Wood Furniture Manufacturing Operations.

20 (24) 40 CFR Part 63, Subpart KK, National Emission Standards
21 for the Printing and Publishing Industry.

22 (25) 40 CFR Part 63, Subpart MM, National Emission Standards
23 for Hazardous Air Pollutants for Chemical Recovery Combustion Sources
24 at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills.

25 (26) 40 CFR Part 63, Subpart OO, National Emission Standards
26 for Tanks - Level 1.

27 (27) 40 CFR Part 63, Subpart PP, National Emission Standards
28 for Containers.

29 (28) 40 CFR Part 63, Subpart QQ, National Emission Standards
30 for Surface Impoundments.

31 (29) 40 CFR Part 63, Subpart RR, National Emission Standards
32 for Individual Drain Systems.

33 (30) 40 CFR Part 63, Subpart SS, National Emission Standards
34 for Closed Vent Systems, Control Devices, Recovery Devices and Routing
35 to a Fuel Gas System or a Process (Generic MACT).

36 (31) 40 CFR Part 63, Subpart TT, National Emission Standards
37 for Equipment Leaks- Control Level 1 (Generic MACT).

38 (32) 40 CFR Part 63, Subpart UU, National Emission Standards
39 for Equipment Leaks-Control Level 2 Standards (Generic MACT).

40 (33) 40 CFR Part 63, Subpart VV, National Emission Standards
41 for Oil-Water Separators and Organic-Water Separators.

42 (34) 40 CFR Part 63, Subpart WW, National Emission Standards
43 for Storage Vessels (Tanks)-Control Level 2 (Generic MACT).

44 (35) 40 CFR Part 63, Subpart XX, National Emission Standards
45 for Ethylene Manufacturing Process Units: Heat Exchange Systems and
46 Waste Operations.

47 (36) 40 CFR Part 63, Subpart YY, National Emission Standards
48 for Hazardous Air Pollutants for Source Categories: Generic MACT.

49 (37) 40 CFR Part 63, Subpart CCC, National Emission Standards
50 for Hazardous Air Pollutants for Steel Pickling-HCl Process Facilities
51 and Hydrochloric Acid Regeneration Plants.

52 (38) 40 CFR Part 63, Subpart DDD, National Emission Standards

1 for Hazardous Air Pollutants for Mineral Wool Production.
2 (39) 40 CFR Part 63, Subpart EEE, National Emission Standards
3 for Hazardous Air Pollutants from Hazardous Waste Combustors.
4 (40) 40 CFR Part 63, Subpart GGG, National Emission Standards
5 for Hazardous Air Pollutants for Pharmaceuticals Production.
6 (41) 40 CFR Part 63, Subpart HHH, National Emission Standards
7 for Hazardous Air Pollutants for Natural Gas Transmission and Storage.
8 (42) 40 CFR Part 63, Subpart III, National Emission Standards
9 for Hazardous Air Pollutants for Flexible Polyurethane Foam
10 Production.
11 (43) 40 CFR Part 63, Subpart JJJ, National Emission Standards
12 for Hazardous Air Pollutants for Group IV Polymers and Resins.
13 (44) 40 CFR Part 63, Subpart LLL, National Emission Standards
14 for Hazardous Air Pollutants for Portland Cement Manufacturing
15 Industry.
16 (45) 40 CFR Part 63, Subpart MMM, National Emission Standards
17 for Hazardous Air Pollutants for Pesticide Active Ingredient
18 Production.
19 (46) 40 CFR Part 63, Subpart NNN, National Emission Standards
20 for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.
21 (47) 40 CFR Part 63, Subpart OOO, National Emission Standards
22 for Hazardous Air Pollutants for Amino/Phenolic Resins Production
23 (Resin III).
24 (48) 40 CFR Part 63, Subpart PPP, National Emission Standards
25 for Hazardous Air Pollutants for Polyether Polyols Production.
26 (49) 40 CFR Part 63, Subpart QQQ, National Emission Standards
27 for Hazardous Air Pollutants for Primary Copper Smelters.
28 (50) 40 CFR Part 63, Subpart RRR, National Emission Standards
29 for Hazardous Air Pollutants for Secondary Aluminum Production.
30 (51) 40 CFR Part 63, Subpart TTT, National Emission Standards
31 for Hazardous Air Pollutants for Primary Lead Smelting.
32 (52) 40 CFR Part 63, Subpart UUU, National Emission Standards
33 for Hazardous Air Pollutants for Petroleum Refineries: Catalytic
34 Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.
35 (53) 40 CFR Part 63, Subpart VVV, National Emission Standards
36 for Hazardous Air Pollutants: Publicly Owned Treatment Works.
37 (54) 40 CFR Part 63, Subpart AAAA, National Emission Standards
38 for Hazardous Air Pollutants for Municipal Solid Waste Landfills.
39 (55) 40 CFR Part 63, Subpart CCCC, National Emission Standards
40 for Manufacturing of Nutritional Yeast.
41 (56) 40 CFR Part 63, Subpart DDDD, National Emission Standards
42 for Hazardous Air Pollutants for Plywood and Composite Wood Products.
43 (57) 40 CFR Part 63, Subpart EEEE, National Emission Standards
44 for Hazardous Air Pollutants for Organic Liquids Distribution
45 (non-gasoline).
46 (58) 40 CFR Part 63, Subpart FFFF, National Emission Standards
47 for Hazardous Air Pollutants for Miscellaneous Organic Chemical
48 Manufacturing.
49 (59) 40 CFR Part 63, Subpart GGGG, National Emission Standards
50 for Vegetable Oil Production; Solvent Extraction.
51 (60) 40 CFR Part 63, Subpart HHHH, National Emission Standards
52 for Wet-Formed Fiberglass Mat Production.

1 (61) 40 CFR Part 63, Subpart IIII, National Emission Standards
2 for Hazardous Air Pollutants for Surface Coating of Automobiles and
3 Light-Duty Trucks.

4 (62) 40 CFR Part 63, Subpart JJJJ, National Emission Standards
5 for Hazardous Air Pollutants for Paper and Other Web Surface Coating
6 Operations.

7 (63) 40 CFR Part 63, Subpart KKKK, National Emission Standards
8 for Hazardous Air Pollutants for Surface Coating of Metal Cans.

9 (64) 40 CFR Part 63, Subpart MMMM, National Emission Standards
10 for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal
11 Parts and Products.

12 (65) 40 CFR Part 63, Subpart NNNN, National Emission Standards
13 for Large Appliances Surface Coating Operations.

14 (66) 40 CFR Part 63, Subpart OOOO, National Emission Standards
15 for Hazardous Air Pollutants for Fabric Printing, Coating and Dyeing
16 Surface Coating Operations.

17 (67) 40 CFR Part 63, Subpart PPPP, National Emissions Standards
18 for Hazardous Air Pollutants for Surface Coating of Plastic Parts and
19 Products.

20 (68) 40 CFR Part 63, Subpart QQQQ, National Emission Standards
21 for Hazardous Air Pollutants for Surface Coating of Wood Building
22 Products.

23 (69) 40 CFR Part 63, Subpart RRRR, National Emission Standards
24 for Hazardous Air Pollutants for Metal Furniture Surface Coating
25 Operations.

26 (70) 40 CFR Part 63, Subpart SSSS, National Emission Standards
27 for Metal Coil Surface Coating Operations.

28 (71) 40 CFR Part 63, Subpart TTTT, National Emission Standards
29 for Leather Tanning and Finishing Operations.

30 (72) 40 CFR Part 63, Subpart UUUU, National Emission Standards
31 for Cellulose Product Manufacturing.

32 (73) 40 CFR Part 63, Subpart VVVV, National Emission Standards
33 for Boat Manufacturing.

34 (74) 40 CFR Part 63, Subpart WWWW, National Emissions Standards
35 for Hazardous Air Pollutants for Reinforced Plastic Composites
36 Production.

37 (75) 40 CFR Part 63, Subpart XXXX, National Emission Standards
38 for Tire Manufacturing.

39 (76) 40 CFR Part 63, Subpart YYYY, National Emission Standards
40 for Hazardous Air Pollutants for Stationary Combustion Turbines.

41 (77) 40 CFR Part 63, Subpart ZZZZ, National Emission Standards
42 for Hazardous Air Pollutants for Stationary Reciprocating Internal
43 Combustion Engines.

44 (78) 40 CFR Part 63, Subpart AAAAA, National Emission Standards
45 for Hazardous Air Pollutants for Lime Manufacturing Plants.

46 (79) 40 CFR Part 63, Subpart BBBB, National Emission Standards
47 for Hazardous Air Pollutants for Semiconductor Manufacturing.

48 (80) 40 CFR Part 63, Subpart CCCCC, National Emission Standards
49 for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and
50 Battery Stacks.

51 (81) 40 CFR Part 63, Subpart DDDDD, National Emission Standards
52 for Hazardous Air Pollutants for Industrial, Commercial, and

1 Institutional Boilers and Process Heaters.

2 (82) 40 CFR Part 63, Subpart EEEEE, National Emission Standards
3 for Hazardous Air Pollutants for Iron and Steel Foundries.

4 (83) 40 CFR Part 63, Subpart FFFFF, National Emission Standards
5 for Hazardous Air Pollutants for Integrated Iron and Steel
6 Manufacturing.

7 (84) 40 CFR Part 63, Subpart GGGGG, National Emission Standards
8 for Hazardous Air Pollutants for Site Remediation.

9 (85) 40 CFR Part 63, Subpart HHHHH, National Emission Standards
10 for Hazardous Air Pollutants for Miscellaneous Coating Manufacturing.

11 (86) 40 CFR Part 63, Subpart IIIII, National Emission Standards
12 for Hazardous Air Pollutants for Mercury Emissions from Mercury Cell
13 Chlor-Alkali Plants.

14 (87) 40 CFR Part 63, Subpart JJJJJ, National Emission Standards
15 for Hazardous Air Pollutants for Brick and Structural Clay Products
16 Manufacturing.

17 (88) 40 CFR Part 63, Subpart KKKKK, National Emission Standards
18 for Hazardous Air Pollutants for Clay Ceramics Manufacturing.

19 (89) 40 CFR Part 63, Subpart LLLLL, National Emission Standards
20 for Hazardous Air Pollutants for Asphalt Processing and Asphalt Roofing
21 Manufacturing.

22 (90) 40 CFR Part 63, Subpart MMMMM, National Emission Standards
23 for Hazardous Air Pollutants for Flexible Polyurethane Foam
24 Fabrication Operations.

25 (91) 40 CFR Part 63, Subpart NNNNN, National Emission Standards
26 for Hazardous Air Pollutants for Hydrochloric Acid Production.

27 (92) 40 CFR Part 63, Subpart PPPPP, National Emission Standards
28 for Hazardous Air Pollutants for Engine Test Cells/Stands.

29 (93) 40 CFR Part 63, Subpart QQQQQ, National Emission Standards
30 for Hazardous Air Pollutants for Friction Materials Manufacturing
31 Facilities.

32 (94) 40 CFR Part 63, Subpart RRRRR, National Emission Standards
33 for Hazardous Air Pollutants for Taconite Iron Ore Processing.

34 (95) 40 CFR Part 63, Subpart SSSSS, National Emission Standards
35 for Hazardous Air Pollutants for Refractory Products Manufacturing.

36 (96) 40 CFR Part 63, Subpart TTTTT, National Emission Standards
37 for Hazardous Air Pollutants for Primary Magnesium Refining.

38 (97) 40 CFR Part 63, Subpart UUUUU, National Emission Standards
39 for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Utility
40 Steam Generating Units.

41 (98) 40 CFR Part 63, Subpart WWWW, National Emission Standards
42 for Hospital Ethylene Oxide Sterilizers.

43 (99) 40 CFR Part 63, Subpart YYYYY, National Emission Standards
44 for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace
45 Steelmaking Facilities.

46 (100) 40 CFR Part 63, Subpart ZZZZZ, National Emission Standards
47 for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.

48 (101) 40 CFR Part 63 Subpart BBBBBB National Emission Standards
49 for Hazardous Air Pollutants for Source Category: Gasoline
50 Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities

51 (102) 40 CFR Part 63 Subpart CCCCCC National Emission Standards
52 for Hazardous Air Pollutants for Source Category: Gasoline Dispensing

1 Facilities.

2 (103) 40 CFR Part 63, Subpart DDDDDD, National Emission
3 Standards for Hazardous Air Pollutants for Polyvinyl Chloride and
4 Copolymers Production Area Sources.

5 (104) 40 CFR Part 63, Subpart EEEEEEE, National Emission
6 Standards for Hazardous Air Pollutants for Primary Copper Smelting
7 Area Sources.

8 (105) 40 CFR Part 63, Subpart FFFFFFF, National Emission
9 Standards for Hazardous Air Pollutants for Secondary Copper Smelting
10 Area Sources.

11 (106) 40 CFR Part 63, Subpart GGGGGG, National Emission
12 Standards for Hazardous Air Pollutants for Primary Nonferrous Metals
13 Area Sources--Zinc, Cadmium, and Beryllium.

14 (107) 40 CFR Part 63, Subpart JJJJJJ, National Emission
15 Standards for Hazardous Air Pollutants for Industrial, Commercial,
16 and Institutional Boilers Area Sources.

17 (108) 40 CFR Part 63, Subpart LLLLLL, National Emission
18 Standards for Hazardous Air Pollutants for Acrylic and Modacrylic
19 Fibers Production Area Sources.

20 (109) 40 CFR Part 63, Subpart MMMMMM, National Emission
21 Standards for Hazardous Air Pollutants for Carbon Black Production
22 Area Sources.

23 (110) 40 CFR Part 63, Subpart NNNNNN, National Emission
24 Standards for Hazardous Air Pollutants for Chemical Manufacturing Area
25 Sources: Chromium Compounds.

26 (111) 40 CFR Part 63, Subpart OOOOOO, National Emission
27 Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam
28 Production and Fabrication Area Sources.

29 (112) 40 CFR Part 63, Subpart PPPPPP, National Emission
30 Standards for Hazardous Air Pollutants for Lead Acid Battery
31 Manufacturing Area Sources.

32 (113) 40 CFR Part 63, Subpart QQQQQQ, National Emission
33 Standards for Hazardous Air Pollutants for Wood Preserving Area
34 Sources.

35 (114) 40 CFR Part 63, Subpart RRRRRR, National Emission
36 Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing
37 Area Sources.

38 (115) 40 CFR Part 63, Subpart SSSSSS, National Emission
39 Standards for Hazardous Air Pollutants for Glass Manufacturing Area
40 Sources.

41 (116) 40 CFR Part 63, Subpart VVVVVV, National Emission
42 Standards for Hazardous Air Pollutants for Chemical Manufacturing Area
43 Sources.

44 (117) 40 CFR Part 63, Subpart TTTTTT, National Emission
45 Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals
46 Processing Area Sources.

47 (118) 40 CFR Part 63, Subpart WWWWWW, National Emission
48 Standards for Hazardous Air Pollutants: Area Source Standards for
49 Plating and Polishing Operations.

50 (119) 40 CFR Part 63, Subpart XXXXXX, National Emission
51 Standards for Hazardous Air Pollutants Area Source Standards for Nine
52 Metal Fabrication and Finishing Source Categories.

1 (120) 40 CFR Part 63, Subpart YYYYYY, National Emission
2 Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys
3 Production Facilities.

4 (121) 40 CFR Part 63, Subpart ZZZZZZ, National Emission
5 Standards for Hazardous Air Pollutants: Area Source Standards for
6 Aluminum, Copper, and Other Nonferrous Foundries.

7 (122) 40 CFR Part 63, Subpart AAAAAAA, National Emission
8 Standards for Hazardous Air Pollutants for Area Sources: Asphalt
9 Processing and Asphalt Roofing Manufacturing.

10 (123) 40 CFR Part 63, Subpart BBBBbbb, National Emission
11 Standards for Hazardous Air Pollutants for Area Sources: Chemical
12 Preparations Industry.

13 (124) 40 CFR Part 63, Subpart CCCCCC, National Emission
14 Standards for Hazardous Air Pollutants for Area Sources: Paints and
15 Allied Products Manufacturing.

16 (125) 40 CFR Part 63, Subpart DDDDDDD, National Emission
17 Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds
18 Manufacturing.

19 (126) 40 CFR Part 63, Subpart EEEEEEE, National Emission
20 Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and
21 Production Area Source Category.

22
23 **KEY: air pollution, hazardous air pollutant, MACT, NESHAP**

24 **Date of Enactment or Last Substantive Amendment: May 23, 2018**

25 **Notice of Continuation: September 8, 2017**

26 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)**

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
40 CFR 61	<p>40 CFR 61</p> <p>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)</p> <p>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)</p> <p>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)</p> <p>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)</p> <p>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)</p> <p>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.</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>83 FR No. 177 (September 12, 2018)</p> <p>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.</p> <p>83 FR No. 204 (October 22, 2018)</p> <p>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. * * * * *</p> <p>■ 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).</p> <p>83 FR No. 185 (September 24, 2018)</p> <p>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.</p> <p>84 FR No. 28 (February 11, 2019)</p> <p>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”.</p> <p>84 FR No. 45 (March 7, 2019)</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
40 CFR 63.600-63.611 (Subpart AA)	<p>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. * * * * *</p> <p>■ 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 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]</p> <p>■ 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]</p> <p>■ 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.</p> <p>■ 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:</p> <p>■ 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</p> <p>82FR No.187 (September 28, 2017)</p>
63.620--63.632 (Subpart BB)	<p>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. * * * * *</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>■ 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 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.</p> <p>■ 10. Table 3 to subpart BB of part 63 was amended by:</p> <p>■ a. Revised the column headings for “And you must monitor . . .” and “And . . .”;</p> <p>■ b. Revised the entry for “Install CPMS for liquid and gas flow at the inlet of the absorber”; and</p> <p>■ c. Added footnotes “a” through “d” at the end of the table.</p> <p>■ 11. Table 4 to subpart BB of part 63 was revised</p> <p>82 FR No. 187 (September 28, 2017)</p>
40 CFR 63.640-63.679 (Subpart CC)	<p>■ 6. Section 63.641 was amended by:</p> <p>■ a. Revised the definitions of “Flare purge gas” and “Flare supplemental gas”; to read: <i>Flare purge gas</i> 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. <i>Flare supplemental gas</i> 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.</p> <p>■ b. Added a definition of “Pressure relief device” in alphabetical order; <i>Pressure relief device</i> 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.</p> <p>■ c. Revised the introductory text and adding paragraphs (1)(i) and (ii) to the definition of “Reference control technology for storage vessels”; and <i>Reference control technology for storage vessels means either:</i> (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 § 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</p> <p>■ d. Revised the definition of “Relief valve” <i>Relief valve</i> means a type of pressure relief device that is designed to re-close after the pressure relief.</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>■ 7. Section 63.643 was amended by:</p> <p>■ a. Revised paragraphs (c) introductory text, (c)(1) introductory text, and (c)(1)(ii) through (iv); and</p> <p>(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.</p> <p>■ b. Added a new paragraph (c)(1)(v).</p> <p>(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 equipment may be used provided the equipment pressure at the location where purge gas is introduced remains at 2 psig or less.</p> <p>■ 8. Section 63.644 is amended by:</p> <p>■ a. Revised paragraph (c) introductory text;</p> <p>■ b. Removed the period at the end of paragraph (c)(2) and adding “; or” in its place; and</p> <p>(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).</p> <p>■ c. Added paragraph (c)(3)</p> <p>(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).</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>■ 9. Section 63.648 was amended by:</p> <p>■ a. Revised the introductory text of paragraphs (a), (c), and (j); and</p> <p>(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. * * * *</p> <p>■ b. Revised paragraphs (j)(3)(ii)(A) and (E), (j)(3)(iv), (j)(3)(v) introductory text, and (j)(4).</p> <p>(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. * * * *</p> <p>* (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:</p> <p>(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.</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>■ 10. Section 63.655 was amended by:</p> <p>■ 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;</p> <p>■ b. Redesignating paragraph (g)(10)(iii) as (g)(10)(iv);</p> <p>§ 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 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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>* * * * (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.</p> <p>* * * * (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 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.</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>***** (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.</p> <p>***** (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.</p> <p>***** (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.</p> <p>■ c. Added new paragraph (g)(10)(iii);</p> <p>***** (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.</p> <p>■ d. Revised paragraph (g)(13) introductory text and paragraph (h)(2)(ii);</p> <p>(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.</p> <p>***** (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 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.</p> <p>■ e. Removed and reserved paragraph (h)(5)(iii);</p> <p>■ f. Revised paragraph (h)(8)</p> <p>(8) For fence-line 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</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>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.</p> <p>■ 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. * * * * (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.</p> <p>■ 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</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>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 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.</p> <p>■ 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</p> <p>■ 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.</p> <p>***** (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</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>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 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.</p> <p>■ 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.</p> <p>■ 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.</p> <p>■ 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.</p> <p>■ 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 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.</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>■ 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.</p> <p>(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.</p> <p>(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.</p> <p>* * * * (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.</p> <p>* * * * (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.</p> <p>(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.</p> <p>(2) The overflow water must be directed to a storage vessel meeting the requirements for storage vessels in subpart SS of this part.</p> <p>(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.</p> <p>■ 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).</p> <p>(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</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>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 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.</p> <p>***** (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:</p> <p>***** (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.</p> <p>***** (e) The owner or operator shall use a sampling period and sampling frequency as specified in paragraphs (e)(1) through (3) of this section.</p> <p>***** (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.</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>***** (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 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:</p> <p>***** (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 ΔC.</p> <p>13. Section 63.660 was amended by revising the introductory text, paragraph (b) introductory text, paragraphs (b)(1) and (c), and paragraph (i)(2) introductory text, and adding paragraph (i)(2)(iii)</p> <p>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.</p> <p>***** (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.</p> <p>***** (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 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).</p> <p>***** (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).</p> <p>14. Section 63.670 was amended by: ■ a. Revising paragraph (f);</p> <p>(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</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>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 (c) of this section for that flare.</p> <p>■ 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 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.</p> <p>■ 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.</p> <p>■ 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.</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>■ 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.</p> <p>■ 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.</p> <p>■ 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. 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.</p> <p>■ 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. * * *</p> <p>■ 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.</p> <p>■ 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.</p> <p>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)”</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>■ 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)</p>
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 JJJJ)	No Changes
63.8530--63.8665 (Subpart KKKKK)	No Changes
40 CFR 63.1340--63.1359 (Subpart LLL)	<p>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).</p> <p>Section 63.1350 was amended by revising paragraph (l)(4) introductory text to read as follows: § 63.1350 Monitoring requirements. * * * * * (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:</p> <p>82 FR No.161</p> <p>■ 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.</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>***** 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.</p> <p>3. Section 63.1343 was amended by removing paragraph (d) and Table 2.</p> <p>■ 4. Section 63.1348 was amended by:</p> <p>■ a. Added a sentence after the first sentence in paragraph (a) introductory text;</p> <p>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.</p> <p>■ 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);</p> <p>(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.</p> <p>***** (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).</p> <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).</p> <p>***** (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).</p> <p>(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</p> <p>■ c. Added a heading to paragraph (b)(5); and</p> <p>■ d. Revised paragraph (b)(5)(i).</p> <p>(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</p> <p>5. Section 63.1349 was amended by:</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>■ 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);</p> <p>(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.</p> <p>(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).</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(vii) * * * (B) Determine your SO₂ CEMS instrument average ppm, and the average of your corresponding three HCl compliance test runs, using Equation 18.</p> <p>■ b. Removed and reserved paragraph (d).</p> <p>■ 10. Added table 2 to subpart LLL. 83 FR No. 143 (July 25, 2018)</p>
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:

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>(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: * * *</p> <p>(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:</p> <p>(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:</p> <p>(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).</p> <p>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).</p> <p>■ 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.</p> <p>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. * * * * * (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</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>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:</p> <p>* * * * (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:</p> <p>22. Section 63.1572 was amended by revising paragraphs (c)(1) and (d)(1)</p> <p>(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 colorimetric 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.</p> <p>* * * * (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.</p> <p>23. Section 63.1573 was amended by revising paragraph (a)(1) introductory text.</p> <p>(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 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:</p> <p>Section 63.1574 was amended by revising paragraph (a)(3)(ii) to read as follows:</p> <p>(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</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>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.</p> <p>25. Section 63.1575 is amended by:</p> <p>■ a. Revising paragraphs (f)(1), (k)(1) introductory text and (k)(2) introductory text;</p> <p>(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; 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.</p> <p>* * * * (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.</p> <p>■ b. Adding paragraph (l).</p> <p>(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</p>

R307-214:
Changes to 40 CFR 61 and 63 From July 1, 2017, to July 1, 2019

CFR Reference	Summary of Changes to CFR
	<p>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.</p> <p>26. Section 63.1576 was amended by revising paragraph (a)(2)(i) to read as follows:</p> <p>(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).</p> <ul style="list-style-type: none"> ■ 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)” <p>83 FR No. 227 (November 26, 2018)</p>
63.9980--63.10042 (Subpart UUUUU)	<p>17. Revise Table 5 to Subpart UUUUU of part 63</p> <p>83 FR No. 220 (November 14, 2018)</p>

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

2 **R307-405. Permits: Major Sources in Attainment or Unclassified**
3 **Areas (PSD).**

4 **R307-405-2. Applicability.**

5 (1) The provisions of 40 CFR 52.21(a)(2) are hereby incorporated
6 by reference.

7 (2) Notwithstanding the exemptions in R307-401, any source that
8 is subject to R307-405 is subject to the requirement to obtain an
9 approval order in R307-401-5 through 8.

10
11
12 **KEY: air pollution, PSD, Class I area, greenhouse gases**

13 **Date of Enactment or Last Substantive Amendment: February 4, 2016**

14 **Notice of Continuation: November 13, 2018**

15 **Authorizing, and Implemented or Interpreted Law: 19-2-104**

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, 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), 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	ACUTE	CHRONIC	CARCINOGENIC
PROPERTY BOUNDARY			
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	ACUTE	CHRONIC	CARCINOGENIC
PROPERTY BOUNDARY			
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:

1 (A) a description of symptoms and adverse health effects that
2 can be caused by the hazardous air pollutant,

3 (B) the exposure conditions or dose that is sufficient to cause
4 the adverse health effects,

5 (C) a description of the human population or other biological
6 species which could be exposed to the estimated concentration,

7 (D) an evaluation of land use for the impacted areas,

8 (E) the environmental fate and persistency.

9 (d) Toxic Screening Levels and Averaging Periods.

10 (i) The toxic screening level for an acute hazardous air
11 pollutant is 1/10th the value of the TLV-C, and the applicable averaging
12 period shall be:

13 (A) one hour for emissions releases having a duration period
14 of one hour or greater,

15 (B) one hour for emission releases having a duration period less
16 than one hour if the emission rate used in the model is consistent
17 with an identical operating process having a continuous release for
18 a one-hour period or more, or

19 (C) the dispersion model's shortest averaging period when using
20 an applicable model capable of estimating ambient concentrations for
21 periods of less than one hour.

22 (ii) The toxic screening level for a chronic hazardous air
23 pollutant is 1/30th the value of the TLV- TWA, and the applicable
24 averaging period shall be 24 hours.

25 (iii) The toxic screening level for all carcinogenic hazardous
26 air pollutants is 1/90 the value of the TLV-TWA, and the applicable
27 averaging period shall be 24 hours, except in the case of formaldehyde
28 which shall be evaluated consistent with (d)(i) above and arsenic,
29 benzene, beryllium, and ethylene oxide which shall be evaluated
30 consistent with (d)(ii) above.

31 ...
32
33

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

35 **Date of Enactment or Last Substantive Amendment: December 15, 2015**

36 **Notice of Continuation: May 15, 2017**

37 **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-047-20

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Sarah Foran, Environmental Engineer

DATE: May 21, 2020

SUBJECT: PROPOSE FOR FINAL ADOPTION: Repeal R307-165. Emission Testing; and Reenact R307-165. Stack Testing.

On March 4, 2020, the Utah Air Quality Board proposed for public comment the repeal of R307-165, Emission Testing; and reenactment of R307-165, Stack Testing. Staff is now proposing for final adoption 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 the Division of Air Quality (DAQ). To align with federal requirements, the rule was opened for this addition. The DAQ also 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, the decision was made to propose a repeal and reenactment of the rule. The public comment period for the repeal and reenactment of R307-165 was from April 1, 2020, to May 4, 2020. Comments were received during this period and the responses are attached to this memo. The public hearing tentatively scheduled for May 4, 2020, was cancelled because a request for a hearing was not made.

One change was made in response to comments. R307-165-1(2) was shortened to clarify rule applicability. The new change does not modify the intent of applicability, but clarifies and ensures readability of the rule.

DAQ believes the proposed R307-165 will clarify rule applicability and ensure alignment with Part H and federal requirements.

Recommendation: Staff recommends that the Board adopt the repeal of existing R307-165, Emission Testing; and the reenactment of R307-165, Stack Testing, as amended.

Responses to Comments Regarding R307-165: Stack Testing.

Utah Petroleum Association

Comment Summary A-1: The Utah Petroleum Association (UPA) recommends replacing ambiguous language in R307-165-1(a). UPA requests that the rule uses “emission-unit specific emission limitations” language as a replacement for the proposed “source specific emission limitation.” UPA believes that “source” is too generic of a specification and that the use of “emission-unit” ensures a clear understanding of applicability.

UDAQ Response to Comment A-1: UDAQ agrees that the use of “source-specific” could be confusing. UDAQ has updated the language to clarify applicability.

Comment Summary A-2: UPA requests additional language to be incorporated to further specify rule applicability. UPA has interpreted that this rule only applies to Approval Orders (AO) which explicitly cite R307-165 in the AO conditions. As such, UPA requests this provision to be incorporated in the rule. UPA based this interpretation on the response UDAQ staff gave to the Board members during the March 4, 2019 board meeting.

UDAQ Response to Comment A-2: During the March 4, 2019 board meeting, UDAQ responded to questions from the Air Quality Board for the proposal for public notice Item 6: *Propose for Public Comment: Repeal R307-165. Emissions Testing. Reenact R307-165. Stack Testing.* The board requested clarification of the proposed rule applicability for AOs. UDAQ staff responded, in summary, that *emission limits are specified in AOs and those limits are under the umbrella of R307-165. Stack testing requirements are listed in the AO as a compliance-based condition.*

As emission limits are determined through Best Available Control Technology (BACT) evaluations, R307-165 is not cited in AOs for emission limit determinations. For each applicable emission limit, UDAQ includes stack testing methods where necessary. Adding the language to limit applicability of the proposed rule only to emission limits that cite R307-165 in the AOs is not feasible. It would result in excluding multiple facilities and operations that fall under the current and proposed R307-165 but do not have R307-165 expressly cited in an AO condition. This is not the result UDAQ intends with the proposed R307-165.

Comment Summary A-3: UPA requests the current language that allows a source to petition the Board for exception from mandatory testing requirements be revised to give the Director the power to grant exceptions. In the proposed rule, UDAQ removed this exception language entirely. UPA believes that the removal of this provision may lead to costly impacts for facilities and requests a provision allowing petitioning the Director for an exception to be added to the rule.

UDAQ Response to Comment A-3: UDAQ thinks that adding a requested provision is unnecessary. The Director can already make these determinations (i.e. whether a facility is in violation of its AO by not meeting mandatory testing requirements) as part of the compliance actions exercising his or her enforcement discretion.

UDAQ further proposes to remove the Board’s authority to grant exceptions to stack testing requirements under R307-165-2 for the following reasons. First, UDAQ researched the existing exception provisions and determined that no petitions were historically submitted to the Board. Second, and more importantly,

1 retaining the petitioning mechanism that allows the Board to change mandatory testing requirements
2 would undermine SIP enforceability as explained by EPA. In 2009, the EPA proposed to disapprove
3 Utah's requests under the Clean Air Act to redesignate Salt Lake County, Utah County, and Ogden City
4 PM₁₀ nonattainment areas and disapprove certain State Implementation Plan (SIP) revisions.¹ As part of
5 that disapproval, EPA reviewed Utah's revisions to R307-165 and declined to approve them, specifically
6 commenting on the Utah Air Quality Board's authority to grant exceptions to the mandatory testing
7 requirements. EPA stated that "it would be inappropriate . . . to re-approve the Board's discretionary
8 authority to grant exceptions to R307-165-2's mandatory testing requirements because the exercise of
9 such discretionary authority would undermine the enforceability of the SIP."² Third, while the current rule
10 includes the Board's authority to grant exceptions, R307-102-4 (Variances Authorized) promulgated
11 under the authority of Section 19-2-113 of the Utah Code does not include an exception for variances
12 from the mandatory testing requirements. This creates internal inconsistency in the rules, which is cured
13 by removing the Board's authority to grant exceptions under R307-165-2 from the proposed rule.
14
15

16 **Comment Summary A-4:** UPA believes that an exemption should be added for the logistical operational
17 issues associated with the testing conditions as laid out in R307-165-4(1).
18

19 UDAQ Response to Comment A-4: The testing provisions of Subsection R307-165-4(1) are taken
20 directly from SIP Section IX, Part H.1.e.i.I. and Part H.11.e.i.J. UPA requested consistency with this
21 wording in the advanced rule making process and UDAQ agreed.
22
23

24 **Comment Summary A-5:** UPA requested the addition of applicability exemptions to R307-165 for
25 emission limits imposed through federal requirements and Title V. UPA believes that "periodic testing" is
26 sufficient as determined from the preamble for Part 70 "57 FR 32250, 32278 (July 21, 1992)" in regards
27 to insufficient testing.
28

29 UDAQ Response to Comment A-5: First, UDAQ believes this frequency to be sufficient unless a more
30 stringent timeline is specified in AOs, Title V, MACT, NESHAP, or NSPS requirements. Second, the
31 current rule includes the 5-year testing frequency. Sources are currently required to test at least at this
32 frequency. Changing the language to "periodic" as requested in the comment would disturb the existing
33 testing timelines and interfere with future testing as the sources could have no definite timeline in which
34 the testing should occur. If the requested change was incorporated, the vagueness of the wording would
35 add confusion and uncertainty to the rule.
36
37

38 **Comment Summary A-6:** UPA requests the removal of the requirement previously contained in
39 R307-165-3. Notification of DAQ. UPA believes the requirement for test protocol approval will hinder
40 testing timelines.
41

42 UDAQ Response to Comment A-6: UDAQ believes that testing protocol approvals will ensure tests are
43 appropriate for the facility in question. UDAQ currently interprets and applies the federal requirement for
44 testing to mean that a source should submit a test protocol prior to the test. UDAQ believes the prior
45 approval ensures that a facility does not select an inappropriate test method which may result in
46 unnecessary testing costs, time delays, and potential non-compliance.

¹ See Approval and Promulgation of Air Quality Implementation Plans; Utah; Redesignation Request and Maintenance Plan for Salt Lake County; Utah County; Ogden City PM₁₀ Nonattainment Area, 74 Fed. Reg. 62,717 (proposed rule) (Dec. 1, 2009).

² *Id.* at 62,728.

Comment Summary A-7: UPA requests the removal of the word “written” from R307-165-5. Reporting to allow for submittal of stack testing reports using electronic means.

UDAQ Response to Comment A-7: For state-administered programs under 40 CFR, EPA requires that electronic submission of reports in lieu of paper be approved under the Cross-Media Electronic Reporting Rule (CROMERR). UDAQ does not currently have an EPA-approved electronic reporting system; therefore, written reports are required to ensure compliance with CROMERR.

Tesoro Refining & Marketing Company LLC (Tesoro)

Comment Summary B-1: Tesoro requested a mechanism for exemption from the mandatory testing requirements.

UDAQ Response to Comment B-1: See *Response to Comment Summary A-3*.

Comment Summary B-2: Tesoro requested an additional exemption for emission limitations established through NSPS, NESHAP, or MACT requirements.

UDAQ Response to Comment B-2: See *Response to Comment A-5*.

Comment Summary B-3: Tesoro requested the inclusion of a "mass-based" clarification under R307-165-1(a)

UDAQ Response to Comment B-3: See *Response to Comment A-1*. UDAQ decided not to add a “mass-based” clarification as requested because emission limits exist outside of mass-based limits. Concentration emission limits in both volumetric and mass limits are subject to R307-165.

Comment Summary B-4: Tesoro requests the removal of R307-165-4.

UDAQ Response to Comment B-4: See *UDAQ Comment Response to A-4*.

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

2 ~~[R307-165. Emission Testing.~~

3 ~~R307-165-1. Purpose.~~

4 ~~_____ R307-165 establishes the frequency of emission testing~~
5 ~~requirements for all areas in the state.~~

7 ~~R307-165-2. Testing Every 5 Years.~~

8 ~~_____ Emission testing is required at least once every five years~~
9 ~~of all sources with established emission limitations specified in~~
10 ~~approval orders issued under R307-401 or in section IX, Part H of~~
11 ~~the Utah state implementation plan. In addition, if the director~~
12 ~~has reason to believe that an applicable emission limitation is~~
13 ~~being exceeded, the director may require the owner or operator to~~
14 ~~perform such emission testing as is necessary to determine actual~~
15 ~~compliance status. Sources approved in accordance with R307-401~~
16 ~~will be tested within six months of start-up. The Board may grant~~
17 ~~exceptions to the mandatory testing requirements of R307-165-2~~
18 ~~that are consistent with the purposes of R307.~~

20 ~~R307-165-3. Notification of DAQ.~~

21 ~~_____ At least 30 days prior to conducting any emission testing~~
22 ~~required under any part of R307, the owner or operator shall~~
23 ~~notify the director of the date, time and place of such testing~~
24 ~~and, if determined necessary by the director, the owner or~~
25 ~~operator shall attend a pretest conference.~~

27 ~~R307-165-4. Test Conditions.~~

28 ~~_____ All tests shall be conducted while the source is operating at~~
29 ~~the maximum production or combustion rate at which such source~~
30 ~~will be operated. During the tests, the source shall burn fuels~~
31 ~~or combinations of fuels, use raw materials, and maintain process~~
32 ~~conditions representative of normal operations. In addition, the~~
33 ~~source shall operate under such other relevant conditions as the~~
34 ~~director shall specify.~~

36 ~~R307-165-5. Rejection of Test Results.~~

37 ~~_____ The director may reject emissions test data if they are~~
38 ~~determined to be incomplete, inadequate, not representative of~~
39 ~~operating conditions specified for the test, or if the director~~
40 ~~was not provided an opportunity to have an observer present at the~~
41 ~~test.]~~

R307-165. Stack Testing.**R307-165-1. Purpose and Applicability.**

(1) The purpose of Rule R307-165 is to establish the requirements for stack testing.

(2) Rule R307-165 applies to ~~[all]~~each emissions unit[s] with established ~~[source-specific]~~ emission limitations ~~[as]~~ specified in approval orders issued under Rule R307-401 or in the Utah State Implementation Plan Section IX, Part H.

(3) Rule R307-165 does not apply to opacity limitations or emissions units with emissions monitored under Rule R307-170.

R307-165-2. Testing Frequency.

(1) The owner or operator of an emissions unit under Subsection 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 an emissions unit approved under Rule 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;
- (b) outline each proposed test methodology;
- (c) identify each stack to be tested; and
- (d) identify each procedure 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

1 at a higher rate. The owner or operator shall request a higher
2 production rate when necessary. Testing at no less than 90% of the
3 higher rate shall be conducted. A new maximum production rate of
4 110% of the new rate will then be allowed if the test is
5 successful. This process may be repeated until the maximum
6 allowable production rate is achieved.

7 (2) During the stack testing, the owner or operator shall
8 burn fuels or combinations of fuels, use raw materials, and
9 maintain process conditions representative of normal operations of
10 the emissions unit.

11 (3) The owner or operator shall operate the emissions unit
12 under such other relevant conditions as the director shall
13 specify.

14
15 **R307-165-5. Reporting.**

16 The owner or operator shall submit a written report of the
17 results from the stack testing to the director no later than 60
18 days after completion of the stack testing. The report shall
19 include validated results and supporting information.

20
21 **R307-165-6. Rejection of Test Results.**

22 The director may reject stack testing results if determined
23 to be incomplete, inadequate, not representative of operating
24 conditions specified for the test, or if the director was not
25 provided an opportunity to have an observer present at the test.

26
27 **KEY: air pollution, emission testing**

28 **Date of Enactment or Last Substantive Amendment: September 2,**
29 **2005**

30 **Notice of Continuation: February 5, 2015**

31 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)**

State of Utah
Administrative Rule Analysis
Revised May 2020

NOTICE OF CHANGE IN PROPOSED RULE		
	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:	Environmental Quality	
Agency:	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	
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:		
R307-165. Stack Testing		
3. Change in Proposed Rule:		
Changes FILING Name, Publication date of prior filing:	R307-165, Emission Testing, Published 04/01/20	
4. Reason for this change:		
The change came about due to public comments requesting further clarity.		
5. Summary of this change:		
The amendment clarifies rule applicability. The change does not modify the intent of applicability, but clarifies and ensures readability of the rule.		

Fiscal Information

6. Aggregate anticipated cost or savings to:
A) State budget:
There are no anticipated costs due to the change in proposed rule to the state budget as the amendment is for clarification.
B) Local government:
There are no anticipated costs due to the change in proposed rule to local government as the amendment is for clarification.
C) Small businesses ("small business" means a business employing 1-49 persons):
There are no anticipated costs due to the change in proposed rule to small businesses as the amendment is for clarification.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no anticipated costs due to the change in proposed rule to non-small businesses as the amendment is for clarification.

E) Persons other than small businesses, non-small businesses, or 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 are no anticipated costs due to the change in proposed rule to persons other than small businesses, non-small businesses, or state or local government entities as the amendment is for clarification.

F) Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons as the amendment is for clarification.

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	FY2021	FY2022	FY2023
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.

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

The change in proposed rule is intended to clarify applicability and ensure easier readability of the rule, and is anticipated to have no fiscal impact on businesses.

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

L. Scott Baird, Executive Director

Citation Information

8. 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)		

Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables)

9. 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

10. 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):		07/31/2020
B) A public hearing (optional) will be held:		
On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):

11. This rule change MAY become effective on (mm/dd/yyyy):	08/03/2020
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 11, 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 Section 63G-3-303. 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):	05/18/2020
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R307. Environmental Quality, Air Quality.

R307-165. Stack Testing.

R307-165-1. Purpose and Applicability.

- (1) The purpose of Rule R307-165 is to establish the requirements for stack testing.
- (2) Rule R307-165 applies to ~~at~~each emissions unit[s] with established ~~source-specific~~ emission limitations ~~as~~-specified in approval orders issued under Rule R307-401 or in the Utah State Implementation Plan Section IX, Part H.
- (3) Rule R307-165 does not apply to opacity limitations or emissions units with emissions monitored under Rule R307-170.

R307-165-2. Testing Frequency.

- (1) The owner or operator of an emissions unit under Subsection 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 an emissions unit approved under Rule 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;
 - (b) outline each proposed test methodology;
 - (c) identify each stack to be tested; and
 - (d) identify each procedure 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 or 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 of 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, 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)

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-045-20

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Catherine Williams, Environmental Scientist; and
Sheila Vance, Environmental Scientist

DATE: May 21, 2020

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-150. Emission Inventories.

Division of Air Quality (DAQ) staff are proposing two changes to R307-150, Emission Inventories. The first change is to implement a requirement of the Clean Air Act (CAA) for areas that are designated as nonattainment for the 2015 ozone national ambient air quality standards (NAAQS). The second is a change that will increase the transparency and accuracy of the emissions inventory data, as well as reporting process efficiency for point source facilities and DAQ staff.

On August 3, 2018, the Environmental Protection Agency (EPA) designated areas in Utah as ozone nonattainment areas under the CAA. These areas are Davis, Weber, Salt Lake, Utah counties, and a portion of Tooele County. The Uinta Basin located in Duchesne and Uintah counties at an elevation of 6,500 feet above sea level and below has also been designated an ozone nonattainment area. As part of the requirements for an ozone nonattainment area, all sources with emissions of either oxides of nitrogen (NO_x) or volatile organic compounds (VOCs) greater than 25 tons per year are required to provide the DAQ with an annual statement describing the emission sources and the actual amount of NO_x and VOC emissions from those sources. The first such statement will be due by April 15, 2021. The majority of sources with NO_x and/or VOC emissions at this level are already participating in the reporting of their emissions triennially, with the next required submittal due by April 15, 2021.

Current Utah rules also require sources with potential emissions of NO_x, oxides of sulfur, and PM₁₀ greater than 25 tons per year or 10 tons per year of VOCs in Davis, Weber, Salt Lake, or Utah counties to provide an emission inventory triennially, again with the next required submittal due by April 15, 2021. In addition,

sources involved in oil and gas extraction, production, and transmission operations with emissions greater than one ton per year are required to report an emission inventory triennially. Virtually all sources that meet the ozone emission statement requirement in the Uinta Basin nonattainment are oil and gas operations. Therefore, the majority of sources that will be required to submit an emission statement annually under the ozone nonattainment areas are already reporting triennially and, as such, are familiar with the process and the impact of having to report annually should be fairly minimal. The fiscal costs that may be incurred will not be seen until fiscal year 2022, since the triennial statements are to be submitted in fiscal year 2021. The portion of Tooele County that is in the ozone nonattainment area has a very small number of sources that will now be required to report an inventory to DAQ.

It is the intent of DAQ to have the reporting of annual emission statements by required sources to be as seamless as possible. Sources that are required to report the 2020 triennial emission inventory by April 15, 2021, will also meet the initial emission statement that will be required to be submitted by April 15, 2021. Sources that are only required to report an annual emission statement will be able to submit their statement electronically via already-established DAQ processes. All required point sources currently report their inventory via a program called the Statewide & Local Emission Inventory System (SLEIS), and oil and gas sources will report their inventory through the Centralized Air Emissions Reporting System (CAERS).

The second change being proposed to R307-150 is to change the level of inventory data being submitted by some sources. Currently, sources subject to R307-150-7 submit facility totals for each pollutant (summary-only facilities), while all other sources submit specific information regarding each piece of permitted equipment (detailed facilities). Inventory staff would like to change this rule so that all sources are required to submit a detailed emissions inventory. Staff believe this change will improve the reporting experience for the user, the quality control process for staff, and the point source data quality for State Implementation Plans.

While “summary-only” appears to be an easier reporting process for facilities, it often is even more challenging than completing a detailed report. In the point source inventory database, SLEIS, summary-only facilities have no prompts for completing calculations, and usually have to create their own worksheets to determine totals. For detailed emissions inventory reports, SLEIS shows users how to calculate emission totals. Once a detailed SLEIS report has been tailored for each of a facility’s emissions units, the following inventory cycles will be significantly easier because the next inventory report is generated from the previous one. Thus, some additional work in the short-term should provide a better experience in the long-term.

Inventory staff will work with the affected facilities for this change to be successful. As the 2020 inventory deadline of April 15, 2021, approaches, staff will again offer several in-person training sessions showing users how to complete an inventory, similar to the implementation of SLEIS in 2018. The same information is currently available on the SLEIS homepage through tutorial videos for those unable to attend the trainings. Also, staff will be available through emails, phone calls, and in-person meetings throughout the triennial inventory process to assist any facility in completing their inventory. Staff are also able to tailor equipment formats to best match a facility’s existing workbook.

Once facilities have submitted a detailed report, the process for checking the quality of the report also becomes easier for inventory staff. Currently with summary-only reports, staff must review report attachments provided by the facility to ensure the accuracy of the total emissions. Reviewing these attachments is more time consuming for staff because the formatting is inconsistent and staff often find errors that would not be present in a detailed report in SLEIS. There are currently 318 summary-only facilities; if these facilities are not converted to detail for the 2020 reporting cycle, the amount of work to provide quality control for these reports will be significantly greater.

With regard to improving the overall quality of emissions data, having all detailed reports will allow staff to analyze point source data from all sources down to the equipment type. Currently, summary-only facilities have one facility-wide total for each pollutant, and staff are unable to extract emissions data by piece of equipment. Statewide, this means over 4,500 tons of criteria pollutants have no Standard Classification Code (SCC), the current parameter used by the Inventory Section to classify emissions. Moving summary-only to detailed reports will mean every aspect of point source data will have an SCC. Furthermore, this change will mean the entire statewide inventory will have SCCs.

DAQ Inventory staff believe the detailed report process is cleaner, more streamlined and transparent, and will improve the accuracy of the inventory. In summary, this is a better product to offer the regulated community and will result in a more efficient experience. Staff are committed to helping facilities make this a success.

Staff provided advance notice of these proposed changes to potentially impacted sources and have responded to questions and concerns raised in that timeframe.

Recommendation: Staff recommends that the Board propose amended R307-150 for public comment.

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

2 **R307-150. Emission Inventories.**

3 **R307-150-1. Purpose and General Requirements.**

4 (1) The purpose of Rule R307-150 is:

5 (a) to establish by rule the time frame, pollutants, and
6 information that sources must include in inventory submittals; and

7 (b) to establish consistent reporting requirements for
8 stationary sources in Utah to determine whether sulfur dioxide
9 emissions remain below the sulfur dioxide milestones established in
10 the State Implementation Plan for Regional Haze, section XX.E.1.a,
11 incorporated by reference in Section R307-110-28.

12 (2) The requirements of Rule R307-150 replace any annual
13 inventory reporting requirements in approval orders or operating
14 permits issued prior to December 4, 2003.

15 (3) Emission inventories shall be submitted on or before [~~ninety~~
16 ~~days following the effective date of this rule and thereafter on or~~
17 ~~before~~] April 15 of each year following the calendar year for which
18 an inventory is required. The inventory shall be submitted in a format
19 specified by the Division of Air Quality following consultation with
20 each source.

21 (4) The executive secretary may require at any time a full or
22 partial year inventory upon reasonable notice to affected sources when
23 it is determined that the inventory is necessary to develop a state
24 implementation plan, to assess whether there is a threat to public
25 health or safety or the environment, or to determine whether the source
26 is in compliance with Title R307.

27 (5) Recordkeeping Requirements.

28 (a) Each owner or operator of a stationary source subject to this
29 rule shall maintain a copy of the emission inventory submitted to the
30 Division of Air Quality and records indicating how the information
31 submitted in the inventory was determined, including any calculations,
32 data, measurements, and estimates used. The records under Section
33 R307-150-4 shall be kept for ten years. Other records shall be kept
34 for a period of at least five years from the due date of each inventory.

35 (b) The owner or operator of the stationary source shall make
36 these records available for inspection by any representative of the
37 Division of Air Quality during normal business hours.

38
39 **R307-150-2. Definitions.**

40 The following additional definitions apply to Rule R307-150.

41 "Acute pollutant" means any noncarcinogenic air pollutant for
42 which a threshold limit value - ceiling (TLV-C) has been adopted by
43 the American Conference of Governmental Industrial Hygienists in its
44 "Threshold Limit Values for Chemical Substances and Physical Agents
45 and Biological Exposure Indices," 2003 edition.

1 "Carcinogenic pollutant" means any air pollutant that is
2 classified as a known human carcinogen (A1) or suspected human
3 carcinogen (A2) by the American Conference of Governmental Industrial
4 Hygienists in its "Threshold Limit Values for Chemical Substances and
5 Physical Agents and Biological Exposure Indices," 2003 edition.

6 "Chronic Pollutant" means any noncarcinogenic air pollutant for
7 which a threshold limit value - time weighted average (TLV-TWA) having
8 no threshold limit value - ceiling (TLV-C) has been adopted by the
9 American Conference of Governmental Industrial Hygienists in its
10 "Threshold Limit Values for Chemical Substances and Physical Agents
11 and Biological Exposure Indices," 2003 edition.

12 "Dioxins" and "Furans" mean total tetra- through octachlorinated
13 dibenzo-p-dioxins and dibenzofurans.

14 "Emissions unit" means emissions unit as defined in Section
15 R307-415-3.

16 "Large Major Source" means a major source that emits or has the
17 potential to emit 2500 tons or more per year of oxides of sulfur, oxides
18 of nitrogen, or carbon monoxide, or that emits or has the potential
19 to emit 250 tons or more per year of PM₁₀, PM_{2.5}, volatile organic
20 compounds, or ammonia.

21 "Lead" means elemental lead and the portion of its compounds
22 measured as elemental lead.

23 "Major Source" means major source as defined in Section
24 R307-415-3.

25
26 **R307-150-3. Applicability.**

27 (1) Section R307-150-4 applies to all stationary sources with
28 actual emissions of 100 tons or more per year of sulfur dioxide in
29 calendar year 2000 or any subsequent year unless exempted in Subsection
30 R307-150-3(1)(a). Sources subject to Subsection R307-150-4 may be
31 subject to other sections of Rule R307-150.

32 (a) A stationary source that meets the requirements of
33 Subsection R307-150-3(1) that has permanently ceased operation is
34 exempt from the requirements of Section R307-150-4 for all years during
35 which the source did not operate at any time during the year.

36 (b) Notwithstanding Subsection R307-150-3(1)(a), beginning
37 with 2016 emissions, the Division of Air Quality will include emissions
38 of 8,005 tons per year [~~/yr~~] of sulfur dioxide for the Carbon Power Plant
39 in the annual regional sulfur dioxide milestone report required as part
40 of the Regional Haze State Implementation Plan.

41 (c) Except as provided in Subsection R307-150-3(1)(a), any
42 source that meets the criteria of Subsection R307-150-3(1) and that
43 emits less than 100 tons per year of sulfur dioxide in any subsequent
44 year shall remain subject to the requirements of Section R307-150-4
45 until 2018 or until the first control period under the Western Backstop

1 Sulfur Dioxide Trading Program as established in Subsection
2 R307-250-12(1)(a), whichever is earlier.

3 (2) Section R307-150-5 applies to large major sources.

4 (3) Section R307-150-6 applies to:

5 (a) each major source that is not a large major source;

6 (b) each source with the potential to emit 5 tons or more per
7 year of lead; ~~and~~

8 (c) each source not included in Subsections R307-150-3(2),
9 R307-150-3(3)(a), or R307-150-3(3)(b) that is located in Davis, Salt
10 Lake, Utah, or Weber Counties and that has the potential to emit 25
11 tons or more per year of any combination of oxides of nitrogen, oxides
12 of sulfur and PM₁₀, or the potential to emit 10 tons or more per year
13 of volatile organic compounds; ~~and~~[-]

14 (d) each Part 70 source not included in Subsections
15 R307-150-3(2), R307-150-3(3)(a), R307-150-3(3)(b), or
16 R307-150-3(3)(c).

17 [~~(4) R307 150 7 applies to Part 70 sources not included in~~
18 ~~R307-150-3(2) or R307-150-3(3).~~]

19 (4[5]) Section R307-150-8[9] applies to sources with Standard
20 Industrial Classification codes in the major group 13 that have
21 uncontrolled actual emissions greater than one ton per year for a
22 single pollutant of PM₁₀, PM_{2.5}, oxides of nitrogen, oxides of sulfur,
23 carbon monoxide or volatile organic compounds. These sources include,
24 but are not limited to, industries involved in oil and natural gas
25 exploration, production, and transmission operations; well production
26 facilities; natural gas compressor stations; and natural gas
27 processing plants and commercial oil and gas disposal wells, and ponds.

28 (a) Sources that require inventory submittals under Subsections
29 R307-150-3(1) through R307-150-3(3) are excluded from the
30 requirements of Section R307-150-8[9]

31 (5) Section R307-150-9 applies to stationary sources located in
32 a designated ozone nonattainment area that have the potential to emit
33 oxides of nitrogen or volatile organic compounds greater than 25 tons
34 per year.

35 36 **R307-150-4. Sulfur Dioxide Milestone Inventory Requirements.**

37 (1) Annual Sulfur Dioxide Emission Report.

38 (a) Sources identified in Subsection R307-150-3(1) shall submit
39 an annual inventory of sulfur dioxide emissions beginning with
40 calendar year 2003 for all emissions units including fugitive
41 emissions.

42 (b) The inventory shall include the rate and period of
43 emissions, excess or breakdown emissions, startup and shut down
44 emissions, the specific emissions unit that is the source of the air
45 pollution, type and efficiency of the air pollution control equipment,

1 percent of sulfur content in fuel and how the percent is calculated,
2 and other information necessary to quantify operation and emissions
3 and to evaluate pollution control efficiency. The emissions of a
4 pollutant shall be calculated using the source's actual operating
5 hours, production rates, and types of materials processed, stored, or
6 combusted during the inventoried time period.

7 (2) Each source subject to Section R307-150-4 that is also
8 subject to 40 CFR Part 75 reporting requirements shall submit a summary
9 report of annual sulfur dioxide emissions that were reported to the
10 Environmental Protection Agency under 40 CFR Part 75 in lieu of the
11 reporting requirements in (1) above.

12 (3) Changes in Emission Measurement Techniques. Each source
13 subject to Section R307-150-4 that uses a different emission
14 monitoring or calculation method than was used to report their sulfur
15 dioxide emissions in 2006 under Rule R307-150 or 40 CFR Part 75 shall
16 adjust their reported emissions to be comparable to the emission
17 monitoring or calculation method that was used in 2006. The
18 calculations that are used to make this adjustment shall be included
19 with the annual emission report.

20
21 **R307-150-5. Sources Identified in R307-150-3(2), Large Major Source**
22 **Inventory Requirements.**

23 (1) Each large major source shall submit an emission inventory
24 annually beginning with calendar year 2002. The inventory shall
25 include PM₁₀, PM_{2.5}, oxides of sulfur, oxides of nitrogen, carbon
26 monoxide, volatile organic compounds, and ammonia for all emissions
27 units including fugitive emissions.

28 (2) For every third year beginning with 2005, the inventory
29 shall also include all other chargeable pollutants and hazardous air
30 pollutants not exempted in Section R307-150-7[8].

31 (3) For each pollutant specified in (1) or (2) above, the
32 inventory shall include the rate and period of emissions, excess or
33 breakdown emissions, startup and shut down emissions, the specific
34 emissions unit that is the source of the air pollution, composition
35 of air pollutant, type and efficiency of the air pollution control
36 equipment, and other information necessary to quantify operation and
37 emissions and to evaluate pollution control efficiency. The
38 emissions of a pollutant shall be calculated using the source's actual
39 operating hours, production rates, and types of materials processed,
40 stored, or combusted during the inventoried time period.

41
42 **R307-150-6. Sources Identified in R307-150-3(3).**

43 (1) Each source identified in Subsection R307-150-3(3) shall
44 submit an inventory every third year beginning with calendar year 2002
45 for all emissions units including fugitive emissions.

(a) The inventory shall include PM₁₀, PM_{2.5}, oxides of sulfur, oxides of nitrogen, carbon monoxide, volatile organic compounds, ammonia, other chargeable pollutants, and hazardous air pollutants not exempted in Section R307-150-7[8].

(b) For each pollutant, the inventory shall include the rate and period of emissions, excess or breakdown emissions, startup and shut down emissions, the specific emissions unit which is the source of the air pollution, composition of air pollutant, type and efficiency of the air pollution control equipment, and other information necessary to quantify operation and emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.

(2) Sources identified in Subsection R307-150-3(3) shall submit an inventory for each year after 2002 in which the total amount of PM₁₀, oxides of sulfur, oxides of nitrogen, carbon monoxide, or volatile organic compounds increases or decreases by 40 tons or more per year from the most recently submitted inventory. For each pollutant, the inventory shall meet the requirements of Subsections R307-150-6(1)(a) and (b).

~~**[R307-150-7. Sources Identified in R307-150-3(4), Other Part 70 Sources.]**~~

~~—— (1) Sources identified in R307-150-3(4) shall submit the following emissions inventory every third year beginning with calendar year 2002 for all emission units including fugitive emissions.~~

~~—— (2) Sources identified in R307-150-3(4) shall submit an inventory for each year after 2002 in which the total amount of PM₁₀, oxides of sulfur, oxides of nitrogen, carbon monoxide, or volatile organic compounds increases or decreases by 40 tons or more per year from the most recently submitted inventory.~~

~~—— (3) The emission inventory shall include individual pollutant totals of all chargeable pollutants not exempted in R307-150-8.]~~

R307-150-7[8]. Exempted Hazardous Air Pollutants.

(1) The following air pollutants are exempt from this rule if they are emitted in an amount less than that listed in Table 1.

TABLE 1

POLLUTANT	Pounds/year
Arsenic	0.21
Benzene	33.90
Beryllium	0.04

1 Ethylene oxide 38.23
2 Formaldehyde 5.83
3

4 (2) Hazardous air pollutants, except for dioxins or furans, are
5 exempt from being reported if they are emitted in an amount less than
6 the smaller of the following:

7 (a) 500 pounds per year; or

8 (b) for acute pollutants, the applicable TLV-C expressed in
9 milligrams per cubic meter and multiplied by 15.81 to obtain the
10 pounds-per-year threshold; or

11 (c) for chronic pollutants, the applicable TLV-TWA expressed in
12 milligrams per cubic meter and multiplied by 21.22 to obtain the
13 pounds-per-year threshold; or

14 (d) for carcinogenic pollutants, the applicable TLV-C or
15 TLV-TWA expressed in milligrams per cubic meter and multiplied by 7.07
16 to obtain the pounds-per-year threshold.
17

18 **R307-150-8[9]. Crude Oil and Natural Gas Source Category.**

19 (1) Sources identified in Subsection R307-150-3(4[5]) shall
20 submit an inventory every third year beginning with the 2017 calendar
21 year for all emission units.

22 (a) The inventory shall include the total emissions for PM₁₀,
23 PM_{2.5}, oxides of sulfur, oxides of nitrogen, carbon monoxide and
24 volatile organic compounds for each emission unit at the source. The
25 emissions of a pollutant shall be calculated using the emission unit's
26 actual operating hours, product rates, and types of materials
27 processed, stored, or combusted during the inventoried time period.

28 (b) The inventory shall include the type and efficiency of air
29 pollution control equipment.

30 (c) The inventory shall be submitted in an electronic format
31 determined by the Director specific to this source category.
32

33 **R307-150-9. Annual Ozone Emission Statement.**

34 (1) Beginning in the year 2021, sources identified in Subsection
35 R307-150-3(5) shall submit an ozone emission statement to the Division
36 of Air Quality annually by April 15 of each year for the previous year's
37 emissions.

38 (2) A source required to submit an emission statement shall
39 provide the following minimum information:

40 (a) a certification that the information contained in the
41 statement is accurate to the best knowledge of the individual
42 certifying the statement;

43 (b) the physical location where actual emissions occurred;

44 (c) the name and address of person or entity operating or owning
45 the source;

1 (d) the nature of the source; and
2 (c) the total actual emissions of oxides of nitrogen and volatile
3 organic compounds in tons per year for each emission unit.
4 (3) Emission statements shall be submitted in an electronic
5 format determined by the Director.
6

7 **KEY: air pollution, reports, inventories**

8 **Date of Enactment or Last Substantive Amendment: June 25, 2019**

9 **Notice of Continuation: November 13, 2018**

10 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(c)**

State of Utah
Administrative Rule Analysis
Revised May 2020

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.):	R307-150	Filing No. (Office Use Only)
Changed to Admin. Code Ref. (R no.):	R	

Agency Information

1. Department:	Utah Department of Environmental Quality	
Agency:	Utah Division of Air Quality	
Room no.:		
Building:	MASOB	
Street address:	195 North 1950 West	
City, state:	Salt Lake City, Utah	
Mailing address:	PO Box 144820	
City, state, zip:	Salt Lake City, Utah, 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 or section catchline:

R307-150. Emission Inventories.

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?):

Division of Air Quality staff are proposing two amendments to R307-150. The first amendment is to convert all summary only reports to detailed reports. There are certain facilities that currently submit only summary reports, while others submit detailed reports. Staff is proposing to make the amendment so all sources have detailed reports to submit.

The second amendment is a new section which incorporates a requirement of the Clean air Act for areas that have been designated as nonattainment for ozone. The State of Utah has three areas that have been designated by the Environmental Protection Agency as marginal nonattainment for ozone and as such are required to have sources of oxides of nitrogen (NOx) and volatile organic compounds (VOCs) provide annual emission statements to the Division of Air Quality. This rule is required to be incorporated into the State of Utah's State Implementation Plan (SIP) within two years of designation and the first emission statements are due three years from designation. Three areas in Utah were designated nonattainment areas for ozone August 3, 2018.

4. Summary of the new rule or change:

For the first amendment, currently, sources subject to R307-150-7 submit facility totals for each pollutant (summary-only facilities), while all other sources submit specific information regarding each piece of permitted equipment (detailed facilities). Point Source staff would like to change this rule so that all sources are required to submit a detailed emissions inventory. Staff believe this will improve the reporting experience for the user, as well as the accuracy of the point source inventory. The point source inventory database, SLEIS, shows users how to calculate a detailed emissions inventory, whereas summary-only facilities have no prompts for completing calculations and usually have to create their own worksheets to determine totals. Once SLEIS has been tailored for each of a facility's emissions units, the following inventory cycles will be significantly easier because the next inventory report is generated from the previous one. Thus, some additional work in the short-term should provide a better experience in the long-term.

For the second amendment, this new section requires sources that have the potential to emit 25 tons of either NOx or VOCs provide an annual statement to the Division of Air Quality that documents the total actual emissions of NOx and VOCs for the previous calendar year. The statement had minimal requirements and needs to be certified as true and accurate.

A public hearing is set for Monday, August 3, 2020. Further details may be found below. The hearing will be cancelled should

no request for one be made by Friday, July 31, 2020, at 5:00PM MT. The final status of the public hearing will be posted on Friday, July 31, after 5:00PM MT. The status of the public hearing may be checked at the following website location under the corresponding rule.

<https://deg.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:

We do not anticipate any cost to UDAQ, we believe current staff can manage this change, therefore there is no need to hire additional personnel.

B) Local governments:

There are no anticipated costs or savings to local governments as these rule amendments are not applicable to them.

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

There are approximately 50 companies that already report triennial inventories that will now need to report annual summaries, which will take roughly 8-12 hours of work of either a staff member or a consultant to complete. It is estimated of those 50, approximately 25% are small business and the annual total cost to each source would be \$2,000, for a total cost of about \$30,000 for all small sources. As the triennial inventory is due in 2021 as well as the first emission statement, this cost would not occur until 2022.

For the amendment moving from summary-only reports to detailed inventory reports, it is possible that a small business would need to hire contract work to track and report the emissions, though staff expects most businesses to be able to absorb the workload with current personnel. The estimation is that, of the roughly 300 businesses going from summary to detail reports, 50 will hire outside work to complete the task, costing each small business \$2,000. The belief is that after the first year of the detailed reporting, most, if not all, of the small businesses will be able to complete the detailed report themselves without needing contracting work. Staff will be open to working with sources throughout the process to answer questions, as well. This cost will be incurred in 2021, when the first detailed report will be due.

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

An estimated 75% of the 50 businesses who will now need to report annually are expected to be non-small businesses. As the business may be more complex, it is estimated that 12-20 hours of staff time or consultant work will be needed with an estimated total cost to all of \$50,000. Some non-small businesses may be able to absorb this additional reporting with current staff, whereas some may need to hire out the work. Due to the triennial inventory being due in 2021, this additional cost would not incur until 2022. Currently, there are an estimated three businesses in Tooele County that were not required to report an emission inventory under current rules that will now have to establish an emission inventory. This initial cost is estimated at \$8,000 for all three combined. Another \$1,500 each per year is estimated to report the inventories. The cost to these non-small businesses will be incurred in 2021.

For the amendment of moving from summary only to a detailed inventory report, staff expects businesses this large to either already have personnel tracking these emissions, or be able to absorb the workload of tracking and reporting with current personnel.

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**):

These rule amendments are not directly applicable to persons other than small businesses, non-small businesses, state, or local government entities.

F) Compliance costs for affected persons:

Should any business fail to submit their emissions inventory report by the due date, compliance action may be taken.

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	FY2021	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$100,000	\$30,000	\$50,000

Non-Small Businesses	\$8,000	\$54,500	\$54,500
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$108,000	\$84,500	\$104,500
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 Executive Director 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 to this rule will result in fiscal costs for both small and non-small businesses. The plan is for the Division of Air Quality to have staff work with the businesses in every way possible to help limit and, when possible, eliminate these costs by assisting in the completion of their emission inventories. The heightened frequency of inventory reporting may cost businesses in the short-run to hire outside consulting, but the objective is to assist all businesses so they may be able to handle these additional reporting requirements with their current staff in the future.

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(1)(c)		

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):		08/03/2020
B) A public hearing (optional) will be held:		
On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
08/03/2020	09:00 AM MST	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):	09/03/2020
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 <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
Agency head or designee, and title:	Bryce Bird	Date (mm/dd/yyyy):	05/18/2020

R307. Environmental Quality, Air Quality.

R307-150. Emission Inventories.

R307-150-1. Purpose and General Requirements.

- (1) The purpose of Rule R307-150 is:
 - (a) to establish by rule the time frame, pollutants, and information that sources must include in inventory submittals; and
 - (b) to establish consistent reporting requirements for stationary sources in Utah to determine whether sulfur dioxide emissions remain below the sulfur dioxide milestones established in the State Implementation Plan for Regional Haze, section XX.E.1.a, incorporated by reference in Section R307-110-28.
- (2) The requirements of Rule R307-150 replace any annual inventory reporting requirements in approval orders or operating permits issued prior to December 4, 2003.
- (3) Emission inventories shall be submitted on or before ~~[ninety days following the effective date of this rule and thereafter on or before]~~ April 15 of each year following the calendar year for which an inventory is required. The inventory shall be submitted in a format specified by the Division of Air Quality following consultation with each source.
- (4) The executive secretary may require at any time a full or partial year inventory upon reasonable notice to affected sources when it is determined that the inventory is necessary to develop a state implementation plan, to assess whether there is a threat to public health or safety or the environment, or to determine whether the source is in compliance with Title R307.
- (5) Recordkeeping Requirements.
 - (a) Each owner or operator of a stationary source subject to this rule shall maintain a copy of the emission inventory submitted to the Division of Air Quality and records indicating how the information submitted in the inventory was determined, including any calculations, data, measurements, and estimates used. The records under Section R307-150-4 shall be kept for ten years. Other records shall be kept for a period of at least five years from the due date of each inventory.
 - (b) The owner or operator of the stationary source shall make these records available for inspection by any representative of the Division of Air Quality during normal business hours.

R307-150-2. Definitions.

The following additional definitions apply to Rule R307-150.

"Acute pollutant" means any noncarcinogenic air pollutant for which a threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices," 2003 edition.

"Carcinogenic pollutant" means any air pollutant that is classified as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices," 2003 edition.

"Chronic Pollutant" means any noncarcinogenic air pollutant for which a threshold limit value - time weighted average (TLV-TWA) having no threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices," 2003 edition.

"Dioxins" and "Furans" mean total tetra- through octachlorinated dibenzo-p-dioxins and dibenzofurans.

"Emissions unit" means emissions unit as defined in Section R307-415-3.

"Large Major Source" means a major source that emits or has the potential to emit 2500 tons or more per year of oxides of sulfur, oxides of nitrogen, or carbon monoxide, or that emits or has the potential to emit 250 tons or more per year of PM₁₀, PM_{2.5}, volatile organic compounds, or ammonia.

"Lead" means elemental lead and the portion of its compounds measured as elemental lead.

"Major Source" means major source as defined in Section R307-415-3.

R307-150-3. Applicability.

- (1) Section R307-150-4 applies to all stationary sources with actual emissions of 100 tons or more per year of sulfur dioxide in calendar year 2000 or any subsequent year unless exempted in Subsection R307-150-3(1)(a). Sources subject to Subsection R307-150-4 may be subject to other sections of Rule R307-150.
 - (a) A stationary source that meets the requirements of Subsection R307-150-3(1) that has permanently ceased operation is exempt from the requirements of Section R307-150-4 for all years during which the source did not operate at any time during the year.
 - (b) Notwithstanding Subsection R307-150-3(1)(a), beginning with 2016 emissions, the Division of Air Quality will include emissions of 8,005 tons ~~per year~~^{per yr} of sulfur dioxide for the Carbon Power Plant in the annual regional sulfur dioxide milestone report required as part of the Regional Haze State Implementation Plan.
 - (c) Except as provided in Subsection R307-150-3(1)(a), any source that meets the criteria of Subsection R307-150-3(1) and that emits less than 100 tons per year of sulfur dioxide in any subsequent year shall remain subject to the requirements of Section R307-150-4 until 2018 or until the first control period under the Western Backstop Sulfur Dioxide Trading Program as established in Subsection R307-250-12(1)(a), whichever is earlier.
- (2) Section R307-150-5 applies to large major sources.
- (3) Section R307-150-6 applies to:
 - (a) each major source that is not a large major source;
 - (b) each source with the potential to emit 5 tons or more per year of lead; ~~and~~

(c) each source not included in Subsections R307-150-3(2), R307-150-3(3)(a), or R307-150-3(3)(b) that is located in Davis, Salt Lake, Utah, or Weber Counties and that has the potential to emit 25 tons or more per year of any combination of oxides of nitrogen, oxides of sulfur and PM₁₀, or the potential to emit 10 tons or more per year of volatile organic compounds; and[-]

(d) each Part 70 source not included in Subsections R307-150-3(2), R307-150-3(3)(a), R307-150-3(3)(b), or R307-150-3(3)(c).

~~[(4) R307-150-7 applies to Part 70 sources not included in R307-150-3(2) or R307-150-3(3).]~~

~~[(4)(5)]~~ Section R307-150-8[9] applies to sources with Standard Industrial Classification codes in the major group 13 that have uncontrolled actual emissions greater than one ton per year for a single pollutant of PM₁₀, PM_{2.5}, oxides of nitrogen, oxides of sulfur, carbon monoxide or volatile organic compounds. These sources include, but are not limited to, industries involved in oil and natural gas exploration, production, and transmission operations; well production facilities; natural gas compressor stations; and natural gas processing plants and commercial oil and gas disposal wells, and ponds.

(a) Sources that require inventory submittals under Subsections R307-150-3(1) through R307-150-3[(4)](3) are excluded from the requirements of Section R307-150-8[9]

(5) Section R307-150-9 applies to stationary sources located in a designated ozone nonattainment area that have the potential to emit oxides of nitrogen or volatile organic compounds greater than 25 tons per year.

R307-150-4. Sulfur Dioxide Milestone Inventory Requirements.

(1) Annual Sulfur Dioxide Emission Report.

(a) Sources identified in Subsection R307-150-3(1) shall submit an annual inventory of sulfur dioxide emissions beginning with calendar year 2003 for all emissions units including fugitive emissions.

(b) The inventory shall include the rate and period of emissions, excess or breakdown emissions, startup and shut down emissions, the specific emissions unit that is the source of the air pollution, type and efficiency of the air pollution control equipment, percent of sulfur content in fuel and how the percent is calculated, and other information necessary to quantify operation and emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.

(2) Each source subject to Section R307-150-4 that is also subject to 40 CFR Part 75 reporting requirements shall submit a summary report of annual sulfur dioxide emissions that were reported to the Environmental Protection Agency under 40 CFR Part 75 in lieu of the reporting requirements in (1) above.

(3) Changes in Emission Measurement Techniques. Each source subject to Section R307-150-4 that uses a different emission monitoring or calculation method than was used to report their sulfur dioxide emissions in 2006 under Rule R307-150 or 40 CFR Part 75 shall adjust their reported emissions to be comparable to the emission monitoring or calculation method that was used in 2006. The calculations that are used to make this adjustment shall be included with the annual emission report.

R307-150-5. Sources Identified in R307-150-3(2), Large Major Source Inventory Requirements.

(1) Each large major source shall submit an emission inventory annually beginning with calendar year 2002. The inventory shall include PM₁₀, PM_{2.5}, oxides of sulfur, oxides of nitrogen, carbon monoxide, volatile organic compounds, and ammonia for all emissions units including fugitive emissions.

(2) For every third year beginning with 2005, the inventory shall also include all other chargeable pollutants and hazardous air pollutants not exempted in Section R307-150-7[8].

(3) For each pollutant specified in (1) or (2) above, the inventory shall include the rate and period of emissions, excess or breakdown emissions, startup and shut down emissions, the specific emissions unit that is the source of the air pollution, composition of air pollutant, type and efficiency of the air pollution control equipment, and other information necessary to quantify operation and emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.

R307-150-6. Sources Identified in R307-150-3(3).

(1) Each source identified in Subsection R307-150-3(3) shall submit an inventory every third year beginning with calendar year 2002 for all emissions units including fugitive emissions.

(a) The inventory shall include PM₁₀, PM_{2.5}, oxides of sulfur, oxides of nitrogen, carbon monoxide, volatile organic compounds, ammonia, other chargeable pollutants, and hazardous air pollutants not exempted in Section R307-150-7[8].

(b) For each pollutant, the inventory shall include the rate and period of emissions, excess or breakdown emissions, startup and shut down emissions, the specific emissions unit which is the source of the air pollution, composition of air pollutant, type and efficiency of the air pollution control equipment, and other information necessary to quantify operation and emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.

(2) Sources identified in Subsection R307-150-3(3) shall submit an inventory for each year after 2002 in which the total amount of PM₁₀, oxides of sulfur, oxides of nitrogen, carbon monoxide, or volatile organic compounds increases or decreases by 40 tons or more per year from the most recently submitted inventory. For each pollutant, the inventory shall meet the requirements of Subsections R307-150-6(1)(a) and (b).

~~R307-150-7. Sources Identified in R307-150-3(4), Other Part 70 Sources.~~

- ~~(1) Sources identified in R307-150-3(4) shall submit the following emissions inventory every third year beginning with calendar year 2002 for all emission units including fugitive emissions.~~
- ~~(2) Sources identified in R307-150-3(4) shall submit an inventory for each year after 2002 in which the total amount of PM10, oxides of sulfur, oxides of nitrogen, carbon monoxide, or volatile organic compounds increases or decreases by 40 tons or more per year from the most recently submitted inventory.~~
- ~~(3) The emission inventory shall include individual pollutant totals of all chargeable pollutants not exempted in R307-150-8.]~~

R307-150-7[8]. Exempted Hazardous Air Pollutants.

- (1) The following air pollutants are exempt from this rule if they are emitted in an amount less than that listed in Table 1.

TABLE 1

POLLUTANT	Pounds/year
Arsenic	0.21
Benzene	33.90
Beryllium	0.04
Ethylene oxide	38.23
Formaldehyde	5.83

(2) Hazardous air pollutants, except for dioxins or furans, are exempt from being reported if they are emitted in an amount less than the smaller of the following:

- (a) 500 pounds per year; or
- (b) for acute pollutants, the applicable TLV-C expressed in milligrams per cubic meter and multiplied by 15.81 to obtain the pounds-per-year threshold; or
- (c) for chronic pollutants, the applicable TLV-TWA expressed in milligrams per cubic meter and multiplied by 21.22 to obtain the pounds-per-year threshold; or
- (d) for carcinogenic pollutants, the applicable TLV-C or TLV-TWA expressed in milligrams per cubic meter and multiplied by 7.07 to obtain the pounds-per-year threshold.

R307-150-8[9]. Crude Oil and Natural Gas Source Category.

- (1) Sources identified in Subsection R307-150-3(4[5]) shall submit an inventory every third year beginning with the 2017 calendar year for all emission units.
- (a) The inventory shall include the total emissions for PM₁₀, PM_{2.5}, oxides of sulfur, oxides of nitrogen, carbon monoxide and volatile organic compounds for each emission unit at the source. The emissions of a pollutant shall be calculated using the emission unit's actual operating hours, product rates, and types of materials processed, stored, or combusted during the inventoried time period.
 - (b) The inventory shall include the type and efficiency of air pollution control equipment.
 - (c) The inventory shall be submitted in an electronic format determined by the Director specific to this source category.

R307-150-9. Annual Ozone Emission Statement.

- (1) Beginning in the year 2021, sources identified in Subsection R307-150-3(5) shall submit an ozone emission statement to the Division of Air Quality annually by April 15 of each year for the previous year's emissions.
- (2) A source required to submit an emission statement shall provide the following minimum information:
- (a) a certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement;
 - (b) the physical location where actual emissions occurred;
 - (c) the name and address of person or entity operating or owning the source;
 - (d) the nature of the source; and
 - (e) the total actual emissions of oxides of nitrogen and volatile organic compounds in tons per year for each emission unit.
- (3) Emission statements shall be submitted in an electronic format determined by the Director.

KEY: air pollution, reports, inventories

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

Notice of Continuation: November 13, 2018

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(c)

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-044-20

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: May 20, 2020

SUBJECT: PROPOSE FOR PUBLIC COMMENT: R307-101-2. General Requirements. Definitions.

The Division of Air Quality (DAQ) is proposing amendments to R307-101-2 General Requirements, Definitions, to define the PM_{2.5} Maintenance Areas.

The DAQ has submitted all Clean Air Act (CAA) requirements to the Environmental Protection Agency for the 2006 24-hr PM_{2.5} nonattainment areas to be redesignated to attainment. The maintenance areas must be defined so that the rules approved as part of the State Implementation Plan continue to apply throughout the maintenance period. Defining the maintenance areas in R307-101 means that all R307 references to PM_{2.5} maintenance areas will apply to the new maintenance areas, which prevents backsliding under CAA Section 110(l).

Recommendation: Staff recommends that the Board propose for public comment, R307-101, General Requirements, for a 30-day public comment period.

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

2 **R307-101. General Requirements.**

3 **R307-101-2. Definitions.**

4 Except where specified in individual rules, definitions in
5 R307-101-2 are applicable to all rules adopted by the Air Quality
6 Board.

7 "Actual Emissions" means the actual rate of emissions of a
8 pollutant from an emissions unit determined as follows:

9 (1) In general, actual emissions as of a particular date
10 shall equal the average rate, in tons per year, at which the unit
11 actually emitted the pollutant during a two-year period which
12 precedes the particular date and which is representative of normal
13 source operations. The director shall allow the use of a
14 different time period upon a determination that it is more
15 representative of normal source operation. Actual emissions shall
16 be calculated using the unit's actual operating hours, production
17 rates, and types of materials processed, stored, or combusted
18 during the selected time period.

19 (2) The director may presume that source-specific allowable
20 emissions for the unit are equivalent to the actual emissions of
21 the unit.

22 (3) For any emission unit, other than an electric utility
23 steam generating unit specified in (4), which has not begun normal
24 operations on the particular date, actual emissions shall equal
25 the potential to emit of the unit on that date.

26 (4) For an electric utility steam generating unit (other
27 than a new unit or the replacement of an existing unit) actual
28 emissions of the unit following the physical or operational change
29 shall equal the representative actual annual emissions of the
30 unit, provided the source owner or operator maintains and submits
31 to the director, on an annual basis for a period of 5 years from
32 the date the unit resumes regular operation, information
33 demonstrating that the physical or operational change did not
34 result in an emissions increase. A longer period, not to exceed
35 10 years, may be required by the director if the director
36 determines such a period to be more representative of normal
37 source post-change operations.

38 "Acute Hazardous Air Pollutant" means any noncarcinogenic
39 hazardous air pollutant for which a threshold limit value -
40 ceiling (TLV-C) has been adopted by the American Conference of
41 Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit
42 Values for Chemical Substances and Physical Agents and Biological
43 Exposure Indices, (2009)."

44 "Air pollutant" means a substance that qualifies as an air
45 pollutant as defined in 42 U.S.C. Sec. 7602.

1 "Air Pollutant Source" means private and public sources of
2 emissions of air pollutants.

3 "Air Pollution" means the presence of an air pollutant in the
4 ambient air in such quantities and duration and under conditions
5 and circumstances, that are injurious to human health or welfare,
6 animal or plant life, or property, or would unreasonably interfere
7 with the enjoyment of life or use of property as determined by the
8 standards, rules and regulations adopted by the Air Quality Board
9 (Section 19-2-104).

10 "Allowable Emissions" means the emission rate of a source
11 calculated using the maximum rated capacity of the source (unless
12 the source is subject to enforceable limits which restrict the
13 operating rate, or hours of operation, or both) and the emission
14 limitation established pursuant to R307-401-8.

15 "Ambient Air" means that portion of the atmosphere, external
16 to buildings, to which the general public has access. (Section 19-
17 2-102(4)).

18 "Appropriate Authority" means the governing body of any city,
19 town or county.

20 "Atmosphere" means the air that envelops or surrounds the
21 earth and includes all space outside of buildings, stacks or
22 exterior ducts.

23 "Authorized Local Authority" means a city, county, city-
24 county or district health department; a city, county or
25 combination fire department; or other local agency duly designated
26 by appropriate authority, with approval of the state Department of
27 Health; and other lawfully adopted ordinances, codes or
28 regulations not in conflict therewith.

29 "Board" means Air Quality Board. See Section 19-2-102(8)(a).

30 "Breakdown" means any malfunction or procedural error, to
31 include but not limited to any malfunction or procedural error
32 during start-up and shutdown, which will result in the
33 inoperability or sudden loss of performance of the control
34 equipment or process equipment causing emissions in excess of
35 those allowed by approval order or Title R307.

36 "BTU" means British Thermal Unit, the quantity of heat
37 necessary to raise the temperature of one pound of water one
38 degree Fahrenheit.

39 "Calibration Drift" means the change in the instrument meter
40 readout over a stated period of time of normal continuous
41 operation when the VOC concentration at the time of measurement is
42 the same known upscale value.

43 "Carbon Adsorption System" means a device containing
44 adsorbent material (e.g., activated carbon, aluminum, silica gel),
45 an inlet and outlet for exhaust gases, and a system for the proper

1 disposal or reuse of all VOC adsorbed.

2 "Carcinogenic Hazardous Air Pollutant" means any hazardous
3 air pollutant that is classified as a known human carcinogen (A1)
4 or suspected human carcinogen (A2) by the American Conference of
5 Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit
6 Values for Chemical Substances and Physical Agents and Biological
7 Exposure Indices, (2009)."

8 "Chargeable Pollutant" means any regulated air pollutant
9 except the following:

10 (1) Carbon monoxide;

11 (2) Any pollutant that is a regulated air pollutant solely
12 because it is a Class I or II substance subject to a standard
13 promulgated or established by Title VI of the Act, Stratospheric
14 Ozone Protection;

15 (3) Any pollutant that is a regulated air pollutant solely
16 because it is subject to a standard or regulation under Section
17 112(r) of the Act, Prevention of Accidental Releases.

18 "Chronic Hazardous Air Pollutant" means any noncarcinogenic
19 hazardous air pollutant for which a threshold limit value - time
20 weighted average (TLV-TWA) having no threshold limit value -
21 ceiling (TLV-C) has been adopted by the American Conference of
22 Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit
23 Values for Chemical Substances and Physical Agents and Biological
24 Exposure Indices, (2009)."

25 "Clean Air Act" means federal Clean Air Act as found in 42
26 U.S.C. Chapter 85.

27 "Clean Coal Technology" means any technology, including
28 technologies applied at the precombustion, combustion, or post
29 combustion stage, at a new or existing facility which will achieve
30 significant reductions in air emissions of sulfur dioxide or
31 oxides of nitrogen associated with the utilization of coal in the
32 generation of electricity, or process steam which was not in
33 widespread use as of November 15, 1990.

34 "Clean Coal Technology Demonstration Project" means a project
35 using funds appropriated under the heading "Department of Energy-
36 Clean Coal Technology," up to a total amount of \$2,500,000,000 for
37 commercial demonstration of clean coal technology, or similar
38 projects funded through appropriations for the Environmental
39 Protection Agency. The Federal contribution for a qualifying
40 project shall be at least 20 percent of the total cost of the
41 demonstration project.

42 "Clearing Index" means an indicator of the predicted rate of
43 clearance of ground level pollutants from a given area. This
44 number is provided by the National Weather Service.

45 "Coating" means a material that can be applied to a substrate

1 and which cures to form a continuous solid film for protective,
2 decorative, or functional purposes. Such materials include, but
3 are not limited to, paints, varnishes, sealants, adhesives,
4 caulks, maskants, inks, and temporary protective coatings.

5 "Commence" as applied to construction of a major source or
6 major modification means that the owner or operator has all
7 necessary pre-construction approvals or permits and either has:

8 (1) Begun, or caused to begin, a continuous program of
9 actual on-site construction of the source, to be completed within
10 a reasonable time; or

11 (2) Entered into binding agreements or contractual
12 obligations, which cannot be canceled or modified without
13 substantial loss to the owner or operator, to undertake a program
14 of actual construction of the source to be completed within a
15 reasonable time.

16 "Composite vapor pressure" means the sum of the partial
17 pressures of the compounds defined as VOCs.

18 "Condensable PM2.5" means material that is vapor phase at
19 stack conditions, but which condenses and/or reacts upon cooling
20 and dilution in the ambient air to form solid or liquid
21 particulate matter immediately after discharge from the stack.

22 "Compliance Schedule" means a schedule of events, by date,
23 which will result in compliance with these regulations.

24 "Construction" means any physical change or change in the
25 method of operation including fabrication, erection, installation,
26 demolition, or modification of a source which would result in a
27 change in actual emissions.

28 "Control Apparatus" means any device which prevents or
29 controls the emission of any air pollutant directly or indirectly
30 into the outdoor atmosphere.

31 "Department" means Utah State Department of Environmental
32 Quality. See Section 19-1-103(1).

33 "Director" means the Director of the Division of Air Quality.
34 See Section 19-1-103(1).

35 "Division" means the Division of Air Quality.

36 "Electric Utility Steam Generating Unit" means any steam
37 electric generating unit that is constructed for the purpose of
38 supplying more than one-third of its potential electric output
39 capacity and more than 25 MW electrical output to any utility
40 power distribution system for sale. Any steam supplied to a steam-
41 distribution system for the purpose of providing steam to a steam-
42 electric generator that would produce electrical energy for sale
43 is also considered in determining the electrical energy output
44 capacity of the affected facility.

45 "Emission" means the act of discharge into the atmosphere of

1 an air pollutant or an effluent which contains or may contain an
2 air pollutant; or the effluent so discharged into the atmosphere.

3 "Emissions Information" means, with reference to any source
4 operation, equipment or control apparatus:

5 (1) Information necessary to determine the identity, amount,
6 frequency, concentration, or other characteristics related to air
7 quality of any air pollutant which has been emitted by the source
8 operation, equipment, or control apparatus;

9 (2) Information necessary to determine the identity, amount,
10 frequency, concentration, or other characteristics (to the extent
11 related to air quality) of any air pollutant which, under an
12 applicable standard or limitation, the source operation was
13 authorized to emit (including, to the extent necessary for such
14 purposes, a description of the manner or rate of operation of the
15 source operation), or any combination of the foregoing; and

16 (3) A general description of the location and/or nature of
17 the source operation to the extent necessary to identify the
18 source operation and to distinguish it from other source
19 operations (including, to the extent necessary for such purposes,
20 a description of the device, installation, or operation
21 constituting the source operation).

22 "Emission Limitation" means a requirement established by the
23 Board, the director or the Administrator, EPA, which limits the
24 quantity, rate or concentration of emission of air pollutants on a
25 continuous emission reduction including any requirement relating
26 to the operation or maintenance of a source to assure continuous
27 emission reduction (Section 302(k)).

28 "Emissions Unit" means any part of a stationary source which
29 emits or would have the potential to emit any pollutant subject to
30 regulation under the Clean Air Act.

31 "Enforceable" means all limitations and conditions which are
32 enforceable by the Administrator, including those requirements
33 developed pursuant to 40 CFR Parts 60 and 61, requirements within
34 the State Implementation Plan and R307, any permit requirements
35 established pursuant to 40 CFR 52.21 or R307-401.

36 "EPA" means Environmental Protection Agency.

37 "EPA Method 9" means 40 CFR Part 60, Appendix A, Method 9,
38 "Visual Determination of Opacity of Emissions from Stationary
39 Sources," and Alternate 1, "Determination of the opacity of
40 emissions from stationary sources remotely by LIDAR."

41 "Executive Director" means the Executive Director of the Utah
42 Department of Environmental Quality. See Section 19-1-103(2).

43 "Existing Installation" means an installation, construction
44 of which began prior to the effective date of any regulation
45 having application to it.

1 "Filterable PM2.5" means particles with an aerodynamic
2 diameter equal to or less than 2.5 micrometers that are directly
3 emitted by a source as a solid or liquid at stack or release
4 conditions and can be captured on the filter of a stack test
5 train.

6 "Fireplace" means all devices both masonry or factory built
7 units (free standing fireplaces) with a hearth, fire chamber or
8 similarly prepared device connected to a chimney which provides
9 the operator with little control of combustion air, leaving its
10 fire chamber fully or at least partially open to the room.
11 Fireplaces include those devices with circulating systems, heat
12 exchangers, or draft reducing doors with a net thermal efficiency
13 of no greater than twenty percent and are used for aesthetic
14 purposes.

15 "Fugitive Dust" means particulate, composed of soil and/or
16 industrial particulates such as ash, coal, minerals, etc., which
17 becomes airborne because of wind or mechanical disturbance of
18 surfaces. Natural sources of dust and fugitive emissions are not
19 fugitive dust within the meaning of this definition.

20 "Fugitive Emissions" means emissions from an installation or
21 facility which are neither passed through an air cleaning device
22 nor vented through a stack or could not reasonably pass through a
23 stack, chimney, vent, or other functionally equivalent opening.

24 "Garbage" means all putrescible animal and vegetable matter
25 resulting from the handling, preparation, cooking and consumption
26 of food, including wastes attendant thereto.

27 "Gasoline" means any petroleum distillate, used as a fuel for
28 internal combustion engines, having a Reid vapor pressure of 4
29 pounds or greater.

30 "Hazardous Air Pollutant (HAP)" means any pollutant listed by
31 the EPA as a hazardous air pollutant in conformance with Section
32 112(b) of the Clean Air Act. A list of these pollutants is
33 available at the Division of Air Quality.

34 "Household Waste" means any solid or liquid material normally
35 generated by the family in a residence in the course of ordinary
36 day-to-day living, including but not limited to garbage, paper
37 products, rags, leaves and garden trash.

38 "Incinerator" means a combustion apparatus designed for high
39 temperature operation in which solid, semisolid, liquid, or
40 gaseous combustible wastes are ignited and burned efficiently and
41 from which the solid and gaseous residues contain little or no
42 combustible material.

43 "Installation" means a discrete process with identifiable
44 emissions which may be part of a larger industrial plant.
45 Pollution equipment shall not be considered a separate

1 installation or installations.

2 "LPG" means liquified petroleum gas such as propane or
3 butane.

4 "Maintenance Area" means an area that is subject to the
5 provisions of a maintenance plan that is included in the Utah
6 state implementation plan, and that has been redesignated by EPA
7 from nonattainment to attainment of any National Ambient Air
8 Quality Standard.

9 (a) The following areas are considered maintenance areas for
10 ozone:

11 (i) Salt Lake County, effective August 18, 1997; and

12 (ii) Davis County, effective August 18, 1997.

13 (b) The following areas are considered maintenance areas for
14 carbon monoxide:

15 (i) Salt Lake City, effective March 22, 1999;

16 (ii) Ogden City, effective May 8, 2001; and

17 (iii) Provo City, effective January 3, 2006.

18 (c) The following areas are considered maintenance areas for
19 PM10:

20 (i) Salt Lake County, effective on the date that EPA
21 approves the maintenance plan that was adopted by the Board on
22 December 2, 2015; and

23 (ii) Utah County, effective on the date that EPA approves
24 the maintenance plan that was adopted by the Board on December 2,
25 2015; and

26 (iii) Ogden City, effective on the date that EPA approves
27 the maintenance plan that was adopted by the Board on December 2,
28 2015.

29 (d) The following area is considered a maintenance area for
30 sulfur dioxide: all of Salt Lake County and the eastern portion
31 of Tooele County above 5600 feet, effective on the date that EPA
32 approves the maintenance plan that was adopted by the Board on
33 January 5, 2005.

34 (e) The following areas are considered maintenance areas for
35 PM_{2.5}:

36 (i) the Salt Lake City, Utah 24-hr PM_{2.5} nonattainment area,
37 as defined in the July 1, 2019 version of 40 CFR 81.345,
38 effective on the date that EPA redesignates the area to
39 attainment for PM_{2.5};

40 (ii) the Provo, Utah 24-hr PM_{2.5} nonattainment area, as
41 defined in the July 1, 2019 version of 40 CFR 81.345, effective
42 on the date that EPA redesignates the area to attainment for
43 PM_{2.5}; and

44 (iii) the Utah portion of the Logan, Utah-Idaho 24-hr PM_{2.5}
45 nonattainment area, as defined in the July 1, 2019 version of

1 40 CFR 81.345, effective on the date that EPA redesignates the
2 area to attainment for PM_{2.5}.

3 "Major Modification" means any physical change in or change
4 in the method of operation of a major source that would result in
5 a significant net emissions increase of any pollutant. A net
6 emissions increase that is significant for volatile organic
7 compounds shall be considered significant for ozone. Within Salt
8 Lake and Davis Counties or any nonattainment area for ozone, a net
9 emissions increase that is significant for nitrogen oxides shall
10 be considered significant for ozone. Within areas of
11 nonattainment for PM₁₀, a significant net emission increase for
12 any PM₁₀ precursor is also a significant net emission increase for
13 PM₁₀. A physical change or change in the method of operation
14 shall not include:

- 15 (1) routine maintenance, repair and replacement;
- 16 (2) use of an alternative fuel or raw material by reason of
17 an order under section 2(a) and (b) of the Energy Supply and
18 Environmental Coordination Act of 1974, or by reason of a natural
19 gas curtailment plan pursuant to the Federal Power Act;
- 20 (3) use of an alternative fuel by reason of an order or rule
21 under section 125 of the federal Clean Air Act;
- 22 (4) use of an alternative fuel at a steam generating unit to
23 the extent that the fuel is generated from municipal solid waste;
- 24 (5) use of an alternative fuel or raw material by a source:
 - 25 (a) which the source was capable of accommodating before
26 January 6, 1975, unless such change would be prohibited under any
27 enforceable permit condition; or
 - 28 (b) which the source is otherwise approved to use;
- 29 (6) an increase in the hours of operation or in the
30 production rate unless such change would be prohibited under any
31 enforceable permit condition;
- 32 (7) any change in ownership at a source
- 33 (8) the addition, replacement or use of a pollution control
34 project at an existing electric utility steam generating unit,
35 unless the director determines that such addition, replacement, or
36 use renders the unit less environmentally beneficial, or except:
 - 37 (a) when the director has reason to believe that the
38 pollution control project would result in a significant net
39 increase in representative actual annual emissions of any criteria
40 pollutant over levels used for that source in the most recent air
41 quality impact analysis in the area conducted for the purpose of
42 Title I of the Clean Air Act, if any, and
 - 43 (b) the director determines that the increase will cause or
44 contribute to a violation of any national ambient air quality
45 standard or PSD increment, or visibility limitation.

1 (9) the installation, operation, cessation, or removal of a
2 temporary clean coal technology demonstration project, provided
3 that the project complies with:

4 (a) the Utah State Implementation Plan; and

5 (b) other requirements necessary to attain and maintain the
6 national ambient air quality standards during the project and
7 after it is terminated.

8 "Major Source" means, to the extent provided by the federal
9 Clean Air Act as applicable to R307:

10 (1) any stationary source of air pollutants which emits, or
11 has the potential to emit, one hundred tons per year or more of
12 any pollutant subject to regulation under the Clean Air Act; or

13 (a) any source located in a nonattainment area for carbon
14 monoxide which emits, or has the potential to emit, carbon
15 monoxide in the amounts outlined in Section 187 of the federal
16 Clean Air Act with respect to the severity of the nonattainment
17 area as outlined in Section 187 of the federal Clean Air Act; or

18 (b) any source located in Salt Lake or Davis Counties or in
19 a nonattainment area for ozone which emits, or has the potential
20 to emit, VOC or nitrogen oxides in the amounts outlined in Section
21 182 of the federal Clean Air Act with respect to the severity of
22 the nonattainment area as outlined in Section 182 of the federal
23 Clean Air Act; or

24 (c) any source located in a nonattainment area for PM10
25 which emits, or has the potential to emit, PM10 or any PM10
26 precursor in the amounts outlined in Section 189 of the federal
27 Clean Air Act with respect to the severity of the nonattainment
28 area as outlined in Section 189 of the federal Clean Air Act.

29 (2) any physical change that would occur at a source not
30 qualifying under subpart 1 as a major source, if the change would
31 constitute a major source by itself;

32 (3) the fugitive emissions and fugitive dust of a stationary
33 source shall not be included in determining for any of the
34 purposes of these R307 rules whether it is a major stationary
35 source, unless the source belongs to one of the following
36 categories of stationary sources:

37 (a) Coal cleaning plants (with thermal dryers);

38 (b) Kraft pulp mills;

39 (c) Portland cement plants;

40 (d) Primary zinc smelters;

41 (e) Iron and steel mills;

42 (f) Primary aluminum or reduction plants;

43 (g) Primary copper smelters;

44 (h) Municipal incinerators capable of charging more than 250
45 tons of refuse per day;

- 1 (i) Hydrofluoric, sulfuric, or nitric acid plants;
- 2 (j) Petroleum refineries;
- 3 (k) Lime plants;
- 4 (l) Phosphate rock processing plants;
- 5 (m) Coke oven batteries;
- 6 (n) Sulfur recovery plants;
- 7 (o) Carbon black plants (furnace process);
- 8 (p) Primary lead smelters;
- 9 (q) Fuel conversion plants;
- 10 (r) Sintering plants;
- 11 (s) Secondary metal production plants;
- 12 (t) Chemical process plants;
- 13 (u) Fossil-fuel boilers (or combination thereof) totaling
- 14 more than 250 million British Thermal Units per hour heat input;
- 15 (v) Petroleum storage and transfer units with a total
- 16 storage capacity exceeding 300,000 barrels;
- 17 (w) Taconite ore processing plants;
- 18 (x) Glass fiber processing plants;
- 19 (y) Charcoal production plants;
- 20 (z) Fossil fuel-fired steam electric plants of more than 250
- 21 million British Thermal Units per hour heat input;
- 22 (aa) Any other stationary source category which, as of
- 23 August 7, 1980, is being regulated under section 111 or 112 of the
- 24 federal Clean Air Act.
- 25 "Modification" means any planned change in a source which
- 26 results in a potential increase of emission.
- 27 "National Ambient Air Quality Standards (NAAQS)" means the
- 28 allowable concentrations of air pollutants in the ambient air
- 29 specified by the Federal Government (Title 40, Code of Federal
- 30 Regulations, Part 50).
- 31 "Net Emissions Increase" means the amount by which the sum of
- 32 the following exceeds zero:
- 33 (1) any increase in actual emissions from a particular
- 34 physical change or change in method of operation at a source; and
- 35 (2) any other increases and decreases in actual emissions at
- 36 the source that are contemporaneous with the particular change and
- 37 are otherwise creditable. For purposes of determining a "net
- 38 emissions increase":
- 39 (a) An increase or decrease in actual emissions is
- 40 contemporaneous with the increase from the particular change only
- 41 if it occurs between the date five years before construction on
- 42 the particular change commences; and the date that the increase
- 43 from the particular change occurs.
- 44 (b) An increase or decrease in actual emissions is
- 45 creditable only if it has not been relied on in issuing a prior

1 approval for the source which approval is in effect when the
2 increase in actual emissions for the particular change occurs.

3 (c) An increase or decrease in actual emission of sulfur
4 dioxide, nitrogen oxides or particulate matter which occurs before
5 an applicable minor source baseline date is creditable only if it
6 is required to be considered in calculating the amount of maximum
7 allowable increases remaining available. With respect to
8 particulate matter, only PM10 emissions will be used to evaluate
9 this increase or decrease.

10 (d) An increase in actual emissions is creditable only to
11 the extent that the new level of actual emissions exceeds the old
12 level.

13 (e) A decrease in actual emissions is creditable only to the
14 extent that:

15 (i) The old level of actual emissions or the old level of
16 allowable emissions, whichever is lower, exceeds the new level of
17 actual emissions;

18 (ii) It is enforceable at and after the time that actual
19 construction on the particular change begins; and

20 (iii) It has approximately the same qualitative significance
21 for public health and welfare as that attributed to the increase
22 from the particular change.

23 (iv) It has not been relied on in issuing any permit under
24 R307-401 nor has it been relied on in demonstrating attainment or
25 reasonable further progress.

26 (f) An increase that results from a physical change at a
27 source occurs when the emissions unit on which construction
28 occurred becomes operational and begins to emit a particular
29 pollutant. Any replacement unit that requires shakedown becomes
30 operational only after a reasonable shakedown period, not to
31 exceed 180 days.

32 "New Installation" means an installation, construction of
33 which began after the effective date of any regulation having
34 application to it.

35 "Nonattainment Area" means an area designated by the
36 Environmental Protection Agency as nonattainment under Section
37 107, Clean Air Act for any National Ambient Air Quality Standard.
38 The designations for Utah are listed in 40 CFR 81.345.

39 "Offset" means an amount of emission reduction, by a source,
40 greater than the emission limitation imposed on such source by
41 these regulations and/or the State Implementation Plan.

42 "Opacity" means the capacity to obstruct the transmission of
43 light, expressed as percent.

44 "Open Burning" means any burning of combustible materials
45 resulting in emission of products of combustion into ambient air

1 without passage through a chimney or stack.

2 "Owner or Operator" means any person who owns, leases,
3 controls, operates or supervises a facility, an emission source,
4 or air pollution control equipment.

5 "PSD" Area means an area designated as attainment or
6 unclassifiable under section 107(d)(1)(D) or (E) of the federal
7 Clean Air Act.

8 "PM2.5" means particulate matter with an aerodynamic diameter
9 less than or equal to a nominal 2.5 micrometers as measured by an
10 EPA reference or equivalent method.

11 "PM2.5 Precursor" means any chemical compound or substance
12 which, after it has been emitted into the atmosphere, undergoes
13 chemical or physical changes that convert it into particulate
14 matter, specifically PM2.5.

15 (1) Specifically, Sulfur dioxide, Nitrogen oxides, Volatile
16 organic compounds and Ammonia are precursors to PM2.5 in any PM2.5
17 nonattainment area, except where the Administrator of the EPA has
18 approved a demonstration satisfying 40 CFR 51.1006(a)(3) which
19 has, for a particular PM2.5 nonattainment area, determined
20 otherwise.

21 (2) The following subparagraphs denote specific
22 nonattainment areas (as defined in the July 1, 2017 version of 40
23 CFR 81.345), within which certain pollutants identified in
24 paragraph (1) are exempted from the definition of PM2.5 precursor
25 for the purposes of 40 CFR 51.165

26 (a) In the Logan UT-ID PM2.5 nonattainment area - Ammonia is
27 exempted.

28 "PM10" means particulate matter with an aerodynamic diameter
29 less than or equal to a nominal 10 micrometers as measured by an
30 EPA reference or equivalent method.

31 "PM10 Precursor" means any chemical compound or substance
32 which, after it has been emitted into the atmosphere, undergoes
33 chemical or physical changes that convert it into particulate
34 matter, specifically PM10.

35 "Part 70 Source" means any source subject to the permitting
36 requirements of R307-415.

37 "Person" means an individual, trust, firm, estate, company,
38 corporation, partnership, association, state, state or federal
39 agency or entity, municipality, commission, or political
40 subdivision of a state. (Subsection 19-2-103(4)).

41 "Pollution Control Project" means any activity or project at
42 an existing electric utility steam generating unit for purposes of
43 reducing emissions from such unit. Such activities or projects
44 are limited to:

45 (1) The installation of conventional or innovative pollution

1 control technology, including but not limited to advanced flue gas
2 desulfurization, sorbent injection for sulfur dioxide and nitrogen
3 oxides controls and electrostatic precipitators;

4 (2) An activity or project to accommodate switching to a
5 fuel which is less polluting than the fuel used prior to the
6 activity or project, including, but not limited to natural gas or
7 coal reburning, or the cofiring of natural gas and other fuels for
8 the purpose of controlling emissions;

9 (3) A permanent clean coal technology demonstration project
10 conducted under Title II, sec. 101(d) of the Further Continuing
11 Appropriations Act of 1985 (sec. 5903(d) of title 42 of the United
12 States Code), or subsequent appropriations, up to a total amount
13 of \$2,500,000,000 for commercial demonstration of clean coal
14 technology, or similar projects funded through appropriations for
15 the Environmental Protection Agency; or

16 (4) A permanent clean coal technology demonstration project
17 that constitutes a repowering project.

18 "Potential to Emit" means the maximum capacity of a source to
19 emit a pollutant under its physical and operational design. Any
20 physical or operational limitation on the capacity of the source
21 to emit a pollutant including air pollution control equipment and
22 restrictions on hours of operation or on the type or amount of
23 material combusted, stored, or processed shall be treated as part
24 of its design if the limitation or the effect it would have on
25 emissions is enforceable. Secondary emissions do not count in
26 determining the potential to emit of a stationary source.

27 "Primary PM2.5" means the sum of filterable PM2.5 and
28 condensable PM2.5.

29 "Process Level" means the operation of a source, specific to
30 the kind or type of fuel, input material, or mode of operation.

31 "Process Rate" means the quantity per unit of time of any raw
32 material or process intermediate consumed, or product generated,
33 through the use of any equipment, source operation, or control
34 apparatus. For a stationary internal combustion unit or any other
35 fuel burning equipment, this term may be expressed as the quantity
36 of fuel burned per unit of time.

37 "Reactivation of a Very Clean Coal-Fired Electric Utility
38 Steam Generating Unit" means any physical change or change in the
39 method of operation associated with the commencement of commercial
40 operations by a coal-fired utility unit after a period of
41 discontinued operation where the unit:

42 (1) Has not been in operation for the two-year period prior
43 to the enactment of the Clean Air Act Amendments of 1990, and the
44 emissions from such unit continue to be carried in the emission
45 inventory at the time of enactment;

1 (2) Was equipped prior to shutdown with a continuous system
2 of emissions control that achieves a removal efficiency for sulfur
3 dioxide of no less than 85 percent and a removal efficiency for
4 particulates of no less than 98 percent;

5 (3) Is equipped with low-NOx burners prior to the time of
6 commencement of operations following reactivation; and

7 (4) Is otherwise in compliance with the requirements of the
8 Clean Air Act.

9 "Reasonable Further Progress" means annual incremental
10 reductions in emission of an air pollutant which are sufficient to
11 provide for attainment of the NAAQS by the date identified in the
12 State Implementation Plan.

13 "Refuse" means solid wastes, such as garbage and trash.

14 "Regulated air pollutant" means any of the following:

15 (a) Nitrogen oxides or any volatile organic compound;

16 (b) Any pollutant for which a national ambient air quality
17 standard has been promulgated;

18 (c) Any pollutant that is subject to any standard
19 promulgated under Section 111 of the Act, Standards of Performance
20 for New Stationary Sources;

21 (d) Any Class I or II substance subject to a standard
22 promulgated under or established by Title VI of the Act,
23 Stratospheric Ozone Protection;

24 (e) Any pollutant subject to a standard promulgated under
25 Section 112, Hazardous Air Pollutants, or other requirements
26 established under Section 112 of the Act, including Sections
27 112(g), (j), and (r) of the Act, including any of the following:

28 (i) Any pollutant subject to requirements under Section
29 112(j) of the Act, Equivalent Emission Limitation by Permit. If
30 the Administrator fails to promulgate a standard by the date
31 established pursuant to Section 112(e) of the Act, any pollutant
32 for which a subject source would be major shall be considered to
33 be regulated on the date 18 months after the applicable date
34 established pursuant to Section 112(e) of the Act;

35 (ii) Any pollutant for which the requirements of Section
36 112(g)(2) of the Act (Construction, Reconstruction and
37 Modification) have been met, but only with respect to the
38 individual source subject to Section 112(g)(2) requirement.

39 "Repowering" means replacement of an existing coal-fired
40 boiler with one of the following clean coal technologies:
41 atmospheric or pressurized fluidized bed combustion, integrated
42 gasification combined cycle, magnetohydrodynamics, direct and
43 indirect coal-fired turbines, integrated gasification fuel cells,
44 or as determined by the Administrator, in consultation with the
45 Secretary of Energy, a derivative of one or more of these

1 technologies, and any other technology capable of controlling
2 multiple combustion emissions simultaneously with improved boiler
3 or generation efficiency and with significantly greater waste
4 reduction relative to the performance of technology in widespread
5 commercial use as of November 15, 1990.

6 (1) Repowering shall also include any oil and/or gas-fired
7 unit which has been awarded clean coal technology demonstration
8 funding as of January 1, 1991, by the Department of Energy.

9 (2) The director shall give expedited consideration to
10 permit applications for any source that satisfies the requirements
11 of this definition and is granted an extension under section 409
12 of the Clean Air Act.

13 "Representative Actual Annual Emissions" means the average
14 rate, in tons per year, at which the source is projected to emit a
15 pollutant for the two-year period after a physical change or
16 change in the method of operation of unit, (or a different
17 consecutive two-year period within 10 years after that change,
18 where the director determines that such period is more
19 representative of source operations), considering the effect any
20 such change will have on increasing or decreasing the hourly
21 emissions rate and on projected capacity utilization. In
22 projecting future emissions the director shall:

23 (1) Consider all relevant information, including but not
24 limited to, historical operational data, the company's own
25 representations, filings with the State of Federal regulatory
26 authorities, and compliance plans under title IV of the Clean Air
27 Act; and

28 (2) Exclude, in calculating any increase in emissions that
29 results from the particular physical change or change in the
30 method of operation at an electric utility steam generating unit,
31 that portion of the unit's emissions following the change that
32 could have been accommodated during the representative baseline
33 period and is attributable to an increase in projected capacity
34 utilization at the unit that is unrelated to the particular
35 change, including any increased utilization due to the rate of
36 electricity demand growth for the utility system as a whole.

37 "Residence" means a dwelling in which people live, including
38 all ancillary buildings.

39 "Residential Solid Fuel Burning" device means any residential
40 burning device except a fireplace connected to a chimney that
41 burns solid fuel and is capable of, and intended for use as a
42 space heater, domestic water heater, or indoor cooking appliance,
43 and has an air-to-fuel ratio less than 35-to-1 as determined by
44 the test procedures prescribed in 40 CFR 60.534. It must also
45 have a useable firebox volume of less than 6.10 cubic meters or 20

1 cubic feet, a minimum burn rate less than 5 kilograms per hour or
2 11 pounds per hour as determined by test procedures prescribed in
3 40 CFR 60.534, and weigh less than 800 kilograms or 362.9 pounds.
4 Appliances that are described as prefabricated fireplaces and are
5 designed to accommodate doors or other accessories that would
6 create the air starved operating conditions of a residential solid
7 fuel burning device shall be considered as such. Fireplaces are
8 not included in this definition for solid fuel burning devices.

9 "Road" means any public or private road.

10 "Salvage Operation" means any business, trade or industry
11 engaged in whole or in part in salvaging or reclaiming any product
12 or material, including but not limited to metals, chemicals,
13 shipping containers or drums.

14 "Secondary Emissions" means emissions which would occur as a
15 result of the construction or operation of a major source or major
16 modification, but do not come from the major source or major
17 modification itself.

18 Secondary emissions must be specific, well defined,
19 quantifiable, and impact the same general area as the source or
20 modification which causes the secondary emissions. Secondary
21 emissions include emissions from any off-site support facility
22 which would not be constructed or increase its emissions except as
23 a result of the construction or operation of the major source or
24 major modification. Secondary emissions do not include any
25 emissions which come directly from a mobile source such as
26 emissions from the tailpipe of a motor vehicle, from a train, or
27 from a vessel.

28 Fugitive emissions and fugitive dust from the source or
29 modification are not considered secondary emissions.

30 "Secondary PM2.5" means particles that form or grow in mass
31 through chemical reactions in the ambient air well after dilution
32 and condensation have occurred. Secondary PM2.5 is usually formed
33 at some distance downwind from the source.

34 "Significant" means:

35 (1) In reference to a net emissions increase or the
36 potential of a source to emit any of the following pollutants, a
37 rate of emissions that would equal or exceed any of the following
38 rates:

39 Carbon monoxide: 100 ton per year (tpy);

40 Nitrogen oxides: 40 tpy;

41 Sulfur dioxide: 40 tpy;

42 PM10: 15 tpy;

43 PM2.5: 10 tpy;

44 Particulate matter: 25 tpy;

45 Ozone: 40 tpy of volatile organic compounds;

1 Lead: 0.6 tpy.

2 "Solid Fuel" means wood, coal, and other similar organic
3 material or combination of these materials.

4 "Solvent" means organic materials which are liquid at
5 standard conditions (Standard Temperature and Pressure) and which
6 are used as dissolvers, viscosity reducers, or cleaning agents.

7 "Source" means any structure, building, facility, or
8 installation which emits or may emit any air pollutant subject to
9 regulation under the Clean Air Act and which is located on one or
10 more continuous or adjacent properties and which is under the
11 control of the same person or persons under common control. A
12 building, structure, facility, or installation means all of the
13 pollutant-emitting activities which belong to the same industrial
14 grouping. Pollutant-emitting activities shall be considered as
15 part of the same industrial grouping if they belong to the same
16 "Major Group" (i.e. which have the same two-digit code) as
17 described in the Standard Industrial Classification Manual, 1972,
18 as amended by the 1977 Supplement (US Government Printing Office
19 stock numbers 4101-0065 and 003-005-00176-0, respectively).

20 "Stack" means any point in a source designed to emit solids,
21 liquids, or gases into the air, including a pipe or duct but not
22 including flares.

23 "Standards of Performance for New Stationary Sources" means
24 the Federally established requirements for performance and record
25 keeping (Title 40 Code of Federal Regulations, Part 60).

26 "State" means Utah State.

27 "Temporary" means not more than 180 calendar days.

28 "Temporary Clean Coal Technology Demonstration Project" means
29 a clean coal technology demonstration project that is operated for
30 a period of 5 years or less, and which complies with the Utah
31 State Implementation Plan and other requirements necessary to
32 attain and maintain the national ambient air quality standards
33 during the project and after it is terminated.

34 "Threshold Limit Value - Ceiling (TLV-C)" means the airborne
35 concentration of a substance which may not be exceeded, as adopted
36 by the American Conference of Governmental Industrial Hygienists
37 in its "Threshold Limit Values for Chemical Substances and
38 Physical Agents and Biological Exposure Indices, (2009)."

39 "Threshold Limit Value - Time Weighted Average (TLV-TWA)"
40 means the time-weighted airborne concentration of a substance
41 adopted by the American Conference of Governmental Industrial
42 Hygienists in its "Threshold Limit Values for Chemical Substances
43 and Physical Agents and Biological Exposure Indices, (2009)."

44 "Total Suspended Particulate (TSP)" means minute separate
45 particles of matter, collected by high volume sampler.

1 "Toxic Screening Level" means an ambient concentration of an
2 air pollutant equal to a threshold limit value - ceiling (TLV- C)
3 or threshold limit value -time weighted average (TLV-TWA) divided
4 by a safety factor.

5 "Trash" means solids not considered to be highly flammable or
6 explosive including, but not limited to clothing, rags, leather,
7 plastic, rubber, floor coverings, excelsior, tree leaves, yard
8 trimmings and other similar materials.

9 "VOC content" means the weight of VOC per volume of material
10 and is calculated by the following equation in gram/liter (or
11 alternately in pound/gallon, or pound/pound):

12 Grams of VOC per Liter of Material = $W_s - W_w - W_{es} / V_m$

13 Where:

14 W_s = weight of volatile organic compounds

15 W_w = weight of water

16 W_{es} = weight of exempt compounds

17 V_m = volume of material

18 "Volatile Organic Compound (VOC)" means VOC as defined in 40
19 CFR 51.100(s), effective as of the date referenced in R307-101-3,
20 is hereby adopted and incorporated by reference.

21 "Waste" means all solid, liquid or gaseous material,
22 including, but not limited to, garbage, trash, household refuse,
23 construction or demolition debris, or other refuse including that
24 resulting from the prosecution of any business, trade or industry.

25 "Zero Drift" means the change in the instrument meter readout
26 over a stated period of time of normal continuous operation when
27 the VOC concentration at the time of measurement is zero.

28
29 **KEY: air pollution, definitions**

30 **Date of Enactment or Last Substantive Amendment: February 7, 2019**

31 **Notice of Continuation: November 13, 2018**

32 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)**

State of Utah
Administrative Rule Analysis
Revised May 2020

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.): **R307-101** **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:

R307-101-2. General Requirements. Definitions.

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 DAQ has submitted all Clean Air Act (CAA) requirements to the Environmental Protection Agency for the 2006 24-hr PM_{2.5} nonattainment areas to be redesignated to attainment. The maintenance areas must be defined so that the rules approved as part of the State Implementation continue to apply throughout the maintenance period. Defining the maintenance areas in R307-101 means that all R307 references to PM_{2.5} maintenance areas will apply to the new maintenance areas, which prevents backsliding under CAA Section 110(l).

4. Summary of the new rule or change:

This amendment to R307-101 adds the PM_{2.5} Maintenance Area definitions to the Utah Air Quality Rules.

A public hearing is set for Monday, August 3, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Friday, July 31, 2020, at 5:00PM MT. The final status of the public hearing will be posted on Friday, July 31, 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:

There will be no change in costs for state government. The addition of maintenance area definitions allows the rules currently applicable to continue when the areas are redesignated from nonattainment to attainment.

B) Local governments:

There will be no change in costs for local government as the rule amendment is not applicable to local government.

C) Small businesses ("small business" means a business employing 1-49 persons):			
There will be no change in costs for small business since the air quality rules currently apply to small business.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
There will be no change in costs for non-small business since the air quality rules currently apply 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):			
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 cost for affected persons will remain the same as the current cost associated with all existing air quality rules that the new definitions apply to.			
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	FY2021	FY2022	FY2023
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 the fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
This rule amendment adds definitions so that air quality rules continue to apply when areas are redesignated from nonattainment to attainment, so there will be no fiscal impacts on businesses.			
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(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)	
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):		08/03/2020
B) A public hearing (optional) will be held:		
On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
08/03/2020	10:00 AM MST	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): 09/03/2020

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):	05/18/2020
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R307. Environmental Quality, Air Quality.

R307-101. General Requirements.

R307-101-2. Definitions.

Except where specified in individual rules, definitions in R307-101-2 are applicable to all rules adopted by the Air Quality Board.

"Actual Emissions" means the actual rate of emissions of a pollutant from an emissions unit determined as follows:

(1) 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 pollutant during a two-year period which precedes the particular date and which is representative of normal source operations. 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.

(2) The director may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(3) For any emission unit, other than an electric utility steam generating unit specified in (4), which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(4) For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the director, on an annual basis for a period of 5 years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the director if the director determines such a period to be more representative of normal source post-change operations.

"Acute Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Air pollutant" means a substance that qualifies as an air pollutant as defined in 42 U.S.C. Sec. 7602.

"Air Pollutant Source" means private and public sources of emissions of air pollutants.

"Air Pollution" means the presence of an air pollutant in the ambient air in such quantities and duration and under conditions and circumstances, that are injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or use of property as determined by the standards, rules and regulations adopted by the Air Quality Board (Section 19-2-104).

"Allowable Emissions" means the emission rate of a source calculated using the maximum rated capacity of the source (unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both) and the emission limitation established pursuant to R307-401-8.

"Ambient Air" means that portion of the atmosphere, external to buildings, to which the general public has access. (Section 19-2-102(4)).

"Appropriate Authority" means the governing body of any city, town or county.

"Atmosphere" means the air that envelops or surrounds the earth and includes all space outside of buildings, stacks or exterior ducts.

"Authorized Local Authority" means a city, county, city-county or district health department; a city, county or combination fire department; or other local agency duly designated by appropriate authority, with approval of the state Department of Health; and other lawfully adopted ordinances, codes or regulations not in conflict therewith.

"Board" means Air Quality Board. See Section 19-2-102(8)(a).

"Breakdown" means any malfunction or procedural error, to include but not limited to any malfunction or procedural error during start-up and shutdown, which will result in the inoperability or sudden loss of performance of the control equipment or process equipment causing emissions in excess of those allowed by approval order or Title R307.

"BTU" means British Thermal Unit, the quantity of heat necessary to raise the temperature of one pound of water one degree Fahrenheit.

"Calibration Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is the same known upscale value.

"Carbon Adsorption System" means a device containing adsorbent material (e.g., activated carbon, aluminum, silica gel), an inlet and outlet for exhaust gases, and a system for the proper disposal or reuse of all VOC adsorbed.

"Carcinogenic Hazardous Air Pollutant" means any hazardous air pollutant that is classified as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Chargeable Pollutant" means any regulated air pollutant except the following:

(1) Carbon monoxide;

(2) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated or established by Title VI of the Act, Stratospheric Ozone Protection;

(3) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Act, Prevention of Accidental Releases.

"Chronic Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - time weighted average (TLV-TWA) having no threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological

Exposure Indices, (2009)."

"Clean Air Act" means federal Clean Air Act as found in 42 U.S.C. Chapter 85.

"Clean Coal Technology" means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.

"Clean Coal Technology Demonstration Project" means a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology," up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The Federal contribution for a qualifying project shall be at least 20 percent of the total cost of the demonstration project.

"Clearing Index" means an indicator of the predicted rate of clearance of ground level pollutants from a given area. This number is provided by the National Weather Service.

"Coating" means a material that can be applied to a substrate and which cures to form a continuous solid film for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealants, adhesives, caulks, maskants, inks, and temporary protective coatings.

"Commence" as applied to construction of a major source or major modification means that the owner or operator has all necessary pre-construction approvals or permits and either has:

(1) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(2) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

"Composite vapor pressure" means the sum of the partial pressures of the compounds defined as VOCs.

"Condensable PM_{2.5}" means material that is vapor phase at stack conditions, but which condenses and/or reacts upon cooling and dilution in the ambient air to form solid or liquid particulate matter immediately after discharge from the stack.

"Compliance Schedule" means a schedule of events, by date, which will result in compliance with these regulations.

"Construction" means any physical change or change in the method of operation including fabrication, erection, installation, demolition, or modification of a source which would result in a change in actual emissions.

"Control Apparatus" means any device which prevents or controls the emission of any air pollutant directly or indirectly into the outdoor atmosphere.

"Department" means Utah State Department of Environmental Quality. See Section 19-1-103(1).

"Director" means the Director of the Division of Air Quality. See Section 19-1-103(1).

"Division" means the Division of Air Quality.

"Electric Utility Steam Generating Unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

"Emission" means the act of discharge into the atmosphere of an air pollutant or an effluent which contains or may contain an air pollutant; or the effluent so discharged into the atmosphere.

"Emissions Information" means, with reference to any source operation, equipment or control apparatus:

(1) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics related to air quality of any air pollutant which has been emitted by the source operation, equipment, or control apparatus;

(2) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any air pollutant which, under an applicable standard or limitation, the source operation was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source operation), or any combination of the foregoing; and

(3) A general description of the location and/or nature of the source operation to the extent necessary to identify the source operation and to distinguish it from other source operations (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source operation).

"Emission Limitation" means a requirement established by the Board, the director or the Administrator, EPA, which limits the quantity, rate or concentration of emission of air pollutants on a continuous emission reduction including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction (Section 302(k)).

"Emissions Unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the Clean Air Act.

"Enforceable" means all limitations and conditions which are enforceable by the Administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within the State Implementation Plan and R307, any permit requirements established pursuant to 40 CFR 52.21 or R307-401.

"EPA" means Environmental Protection Agency.

"EPA Method 9" means 40 CFR Part 60, Appendix A, Method 9, "Visual Determination of Opacity of Emissions from Stationary Sources," and Alternate 1, "Determination of the opacity of emissions from stationary sources remotely by LIDAR."

"Executive Director" means the Executive Director of the Utah Department of Environmental Quality. See Section 19-1-103(2).

"Existing Installation" means an installation, construction of which began prior to the effective date of any regulation having application to it.

"Filterable PM_{2.5}" means particles with an aerodynamic diameter equal to or less than 2.5 micrometers that are directly emitted by a source as a solid or liquid at stack or release conditions and can be captured on the filter of a stack test train.

"Fireplace" means all devices both masonry or factory built units (free standing fireplaces) with a hearth, fire chamber or similarly prepared device connected to a chimney which provides the operator with little control of combustion air, leaving its fire chamber fully or at least partially open to the room. Fireplaces include those devices with circulating systems, heat exchangers, or draft reducing doors with a net thermal efficiency of no greater than twenty percent and are used for aesthetic purposes.

"Fugitive Dust" means particulate, composed of soil and/or industrial particulates such as ash, coal, minerals, etc., which becomes airborne because of wind or mechanical disturbance of surfaces. Natural sources of dust and fugitive emissions are not fugitive dust within the meaning of this definition.

"Fugitive Emissions" means emissions from an installation or facility which are neither passed through an air cleaning device nor vented through a stack or could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Garbage" means all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food, including wastes attendant thereto.

"Gasoline" means any petroleum distillate, used as a fuel for internal combustion engines, having a Reid vapor pressure of 4 pounds or greater.

"Hazardous Air Pollutant (HAP)" means any pollutant listed by the EPA as a hazardous air pollutant in conformance with Section 112(b) of the Clean Air Act. A list of these pollutants is available at the Division of Air Quality.

"Household Waste" means any solid or liquid material normally generated by the family in a residence in the course of ordinary day-to-day living, including but not limited to garbage, paper products, rags, leaves and garden trash.

"Incinerator" means a combustion apparatus designed for high temperature operation in which solid, semisolid, liquid, or gaseous combustible wastes are ignited and burned efficiently and from which the solid and gaseous residues contain little or no combustible material.

"Installation" means a discrete process with identifiable emissions which may be part of a larger industrial plant. Pollution equipment shall not be considered a separate installation or installations.

"LPG" means liquified petroleum gas such as propane or butane.

"Maintenance Area" means an area that is subject to the provisions of a maintenance plan that is included in the Utah state implementation plan, and that has been redesignated by EPA from nonattainment to attainment of any National Ambient Air Quality Standard.

(a) The following areas are considered maintenance areas for ozone:

- (i) Salt Lake County, effective August 18, 1997; and
- (ii) Davis County, effective August 18, 1997.

(b) The following areas are considered maintenance areas for carbon monoxide:

- (i) Salt Lake City, effective March 22, 1999;
- (ii) Ogden City, effective May 8, 2001; and
- (iii) Provo City, effective January 3, 2006.

(c) The following areas are considered maintenance areas for PM₁₀:

- (i) Salt Lake County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on December 2, 2015; and
- (ii) Utah County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on December 2, 2015; and
- (iii) Ogden City, effective on the date that EPA approves the maintenance plan that was adopted by the Board on December 2, 2015.

(d) The following area is considered a maintenance area for sulfur dioxide: all of Salt Lake County and the eastern portion of Tooele County above 5600 feet, effective on the date that EPA approves the maintenance plan that was adopted by the Board on January 5, 2005.

(e) The following areas are considered maintenance areas for PM_{2.5}:

(i) the Salt Lake City, Utah 24-hr PM_{2.5} nonattainment area, as defined in the July 1, 2019 version of 40 CFR 81.345, effective on the date that EPA redesignates the area to attainment for PM_{2.5};

(ii) the Provo, Utah 24-hr PM_{2.5} nonattainment area, as defined in the July 1, 2019 version of 40 CFR 81.345, effective on the date that EPA redesignates the area to attainment for PM_{2.5}; and

(iii) the Utah portion of the Logan, Utah-Idaho 24-hr PM_{2.5} nonattainment area, as defined in the July 1, 2019 version of 40 CFR 81.345, effective on the date that EPA redesignates the area to attainment for PM_{2.5}.

"Major Modification" means any physical change in or change in the method of operation of a major source that would result in a significant net emissions increase of any pollutant. A net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone. Within Salt Lake and Davis Counties or any nonattainment area for ozone, a net emissions increase that is significant for nitrogen oxides shall be considered significant for ozone. Within areas of nonattainment for PM₁₀, a significant net emission increase for any PM₁₀ precursor is also a significant net emission increase for PM₁₀. A physical change or change in the method of operation shall not include:

- (1) routine maintenance, repair and replacement;
- (2) use of an alternative fuel or raw material by reason of an order under section 2(a) and (b) of the Energy Supply and

Environmental Coordination Act of 1974, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(3) use of an alternative fuel by reason of an order or rule under section 125 of the federal Clean Air Act;

(4) use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(5) use of an alternative fuel or raw material by a source:

(a) which the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any enforceable permit condition; or

(b) which the source is otherwise approved to use;

(6) an increase in the hours of operation or in the production rate unless such change would be prohibited under any enforceable permit condition;

(7) any change in ownership at a source

(8) the addition, replacement or use of a pollution control project at an existing electric utility steam generating unit, unless the director determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

(a) when the director has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the Clean Air Act, if any, and

(b) the director determines that the increase will cause or contribute to a violation of any national ambient air quality standard or PSD increment, or visibility limitation.

(9) the installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(a) the Utah State Implementation Plan; and

(b) other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Major Source" means, to the extent provided by the federal Clean Air Act as applicable to R307:

(1) any stationary source of air pollutants which emits, or has the potential to emit, one hundred tons per year or more of any pollutant subject to regulation under the Clean Air Act; or

(a) any source located in a nonattainment area for carbon monoxide which emits, or has the potential to emit, carbon monoxide in the amounts outlined in Section 187 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 187 of the federal Clean Air Act; or

(b) any source located in Salt Lake or Davis Counties or in a nonattainment area for ozone which emits, or has the potential to emit, VOC or nitrogen oxides in the amounts outlined in Section 182 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 182 of the federal Clean Air Act; or

(c) any source located in a nonattainment area for PM₁₀ which emits, or has the potential to emit, PM₁₀ or any PM₁₀ precursor in the amounts outlined in Section 189 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 189 of the federal Clean Air Act.

(2) any physical change that would occur at a source not qualifying under subpart 1 as a major source, if the change would constitute a major source by itself;

(3) the fugitive emissions and fugitive dust of a stationary source shall not be included in determining for any of the purposes of these R307 rules whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(a) Coal cleaning plants (with thermal dryers);

(b) Kraft pulp mills;

(c) Portland cement plants;

(d) Primary zinc smelters;

(e) Iron and steel mills;

(f) Primary aluminum or reduction plants;

(g) Primary copper smelters;

(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(i) Hydrofluoric, sulfuric, or nitric acid plants;

(j) Petroleum refineries;

(k) Lime plants;

(l) Phosphate rock processing plants;

(m) Coke oven batteries;

(n) Sulfur recovery plants;

(o) Carbon black plants (furnace process);

(p) Primary lead smelters;

(q) Fuel conversion plants;

(r) Sintering plants;

(s) Secondary metal production plants;

(t) Chemical process plants;

(u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British Thermal Units per hour heat input;

(v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

- (w) Taconite ore processing plants;
- (x) Glass fiber processing plants;
- (y) Charcoal production plants;
- (z) Fossil fuel-fired steam electric plants of more than 250 million British Thermal Units per hour heat input;
- (aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the federal Clean Air Act.

"Modification" means any planned change in a source which results in a potential increase of emission.

"National Ambient Air Quality Standards (NAAQS)" means the allowable concentrations of air pollutants in the ambient air specified by the Federal Government (Title 40, Code of Federal Regulations, Part 50).

"Net Emissions Increase" means the amount by which the sum of the following exceeds zero:

- (1) any increase in actual emissions from a particular physical change or change in method of operation at a source; and
- (2) any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable. For purposes of determining a "net emissions increase":

(a) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date five years before construction on the particular change commences; and the date that the increase from the particular change occurs.

(b) An increase or decrease in actual emissions is creditable only if it has not been relied on in issuing a prior approval for the source which approval is in effect when the increase in actual emissions for the particular change occurs.

(c) An increase or decrease in actual emission of sulfur dioxide, nitrogen oxides or particulate matter which occurs before an applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM10 emissions will be used to evaluate this increase or decrease.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is enforceable at and after the time that actual construction on the particular change begins; and

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(iv) It has not been relied on in issuing any permit under R307-401 nor has it been relied on in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

"New Installation" means an installation, construction of which began after the effective date of any regulation having application to it.

"Nonattainment Area" means an area designated by the Environmental Protection Agency as nonattainment under Section 107, Clean Air Act for any National Ambient Air Quality Standard. The designations for Utah are listed in 40 CFR 81.345.

"Offset" means an amount of emission reduction, by a source, greater than the emission limitation imposed on such source by these regulations and/or the State Implementation Plan.

"Opacity" means the capacity to obstruct the transmission of light, expressed as percent.

"Open Burning" means any burning of combustible materials resulting in emission of products of combustion into ambient air without passage through a chimney or stack.

"Owner or Operator" means any person who owns, leases, controls, operates or supervises a facility, an emission source, or air pollution control equipment.

"PSD" Area means an area designated as attainment or unclassifiable under section 107(d)(1)(D) or (E) of the federal Clean Air Act.

"PM2.5" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by an EPA reference or equivalent method.

"PM2.5 Precursor" means any chemical compound or substance which, after it has been emitted into the atmosphere, undergoes chemical or physical changes that convert it into particulate matter, specifically PM2.5.

(1) Specifically, Sulfur dioxide, Nitrogen oxides, Volatile organic compounds and Ammonia are precursors to PM2.5 in any PM2.5 nonattainment area, except where the Administrator of the EPA has approved a demonstration satisfying 40 CFR 51.1006(a)(3) which has, for a particular PM2.5 nonattainment area, determined otherwise.

(2) The following subparagraphs denote specific nonattainment areas (as defined in the July 1, 2017 version of 40 CFR 81.345), within which certain pollutants identified in paragraph (1) are exempted from the definition of PM2.5 precursor for the purposes of 40 CFR 51.165

(a) In the Logan UT-ID PM2.5 nonattainment area - Ammonia is exempted.

"PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by an EPA reference or equivalent method.

"PM10 Precursor" means any chemical compound or substance which, after it has been emitted into the atmosphere, undergoes

chemical or physical changes that convert it into particulate matter, specifically PM10.

"Part 70 Source" means any source subject to the permitting requirements of R307-415.

"Person" means an individual, trust, firm, estate, company, corporation, partnership, association, state, state or federal agency or entity, municipality, commission, or political subdivision of a state. (Subsection 19-2-103(4)).

"Pollution Control Project" means any activity or project at an existing electric utility steam generating unit for purposes of reducing emissions from such unit. Such activities or projects are limited to:

(1) The installation of conventional or innovative pollution control technology, including but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls and electrostatic precipitators;

(2) An activity or project to accommodate switching to a fuel which is less polluting than the fuel used prior to the activity or project, including, but not limited to natural gas or coal reburning, or the cofiring of natural gas and other fuels for the purpose of controlling emissions;

(3) A permanent clean coal technology demonstration project conducted under Title II, sec. 101(d) of the Further Continuing Appropriations Act of 1985 (sec. 5903(d) of title 42 of the United States Code), or subsequent appropriations, up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency; or

(4) A permanent clean coal technology demonstration project that constitutes a repowering project.

"Potential to Emit" means the maximum capacity of a source to emit a 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.

"Primary PM2.5" means the sum of filterable PM2.5 and condensable PM2.5.

"Process Level" means the operation of a source, specific to the kind or type of fuel, input material, or mode of operation.

"Process Rate" means the quantity per unit of time of any raw material or process intermediate consumed, or product generated, through the use of any equipment, source operation, or control apparatus. For a stationary internal combustion unit or any other fuel burning equipment, this term may be expressed as the quantity of fuel burned per unit of time.

"Reactivation of a Very Clean Coal-Fired Electric Utility Steam Generating Unit" means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

(1) Has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such unit continue to be carried in the emission inventory at the time of enactment;

(2) Was equipped prior to shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85 percent and a removal efficiency for particulates of no less than 98 percent;

(3) Is equipped with low-NOx burners prior to the time of commencement of operations following reactivation; and

(4) Is otherwise in compliance with the requirements of the Clean Air Act.

"Reasonable Further Progress" means annual incremental reductions in emission of an air pollutant which are sufficient to provide for attainment of the NAAQS by the date identified in the State Implementation Plan.

"Refuse" means solid wastes, such as garbage and trash.

"Regulated air pollutant" means any of the following:

(a) Nitrogen oxides or any volatile organic compound;

(b) Any pollutant for which a national ambient air quality standard has been promulgated;

(c) Any pollutant that is subject to any standard promulgated under Section 111 of the Act, Standards of Performance for New Stationary Sources;

(d) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act, Stratospheric Ozone Protection;

(e) Any pollutant subject to a standard promulgated under Section 112, Hazardous Air Pollutants, or other requirements established under Section 112 of the Act, including Sections 112(g), (j), and (r) of the Act, including any of the following:

(i) Any pollutant subject to requirements under Section 112(j) of the Act, Equivalent Emission Limitation by Permit. If the Administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to Section 112(e) of the Act;

(ii) Any pollutant for which the requirements of Section 112(g)(2) of the Act (Construction, Reconstruction and Modification) have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

"Repowering" means replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

(1) Repowering shall also include any oil and/or gas-fired unit which has been awarded clean coal technology demonstration

funding as of January 1, 1991, by the Department of Energy.

(2) The director shall give expedited consideration to permit applications for any source that satisfies the requirements of this definition and is granted an extension under section 409 of the Clean Air Act.

"Representative Actual Annual Emissions" means the average rate, in tons per year, at which the source is projected to emit a pollutant for the two-year period after a physical change or change in the method of operation of unit, (or a different consecutive two-year period within 10 years after that change, where the director determines that such period is more representative of source operations), considering the effect any such change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting future emissions the director shall:

(1) Consider all relevant information, including but not limited to, historical operational data, the company's own representations, filings with the State of Federal regulatory authorities, and compliance plans under title IV of the Clean Air Act; and

(2) Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

"Residence" means a dwelling in which people live, including all ancillary buildings.

"Residential Solid Fuel Burning" device means any residential burning device except a fireplace connected to a chimney that burns solid fuel and is capable of, and intended for use as a space heater, domestic water heater, or indoor cooking appliance, and has an air-to-fuel ratio less than 35-to-1 as determined by the test procedures prescribed in 40 CFR 60.534. It must also have a useable firebox volume of less than 6.10 cubic meters or 20 cubic feet, a minimum burn rate less than 5 kilograms per hour or 11 pounds per hour as determined by test procedures prescribed in 40 CFR 60.534, and weigh less than 800 kilograms or 362.9 pounds. Appliances that are described as prefabricated fireplaces and are designed to accommodate doors or other accessories that would create the air starved operating conditions of a residential solid fuel burning device shall be considered as such. Fireplaces are not included in this definition for solid fuel burning devices.

"Road" means any public or private road.

"Salvage Operation" means any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to metals, chemicals, shipping containers or drums.

"Secondary Emissions" means emissions which would occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself.

Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source or modification which causes the secondary emissions. Secondary emissions include emissions from any off-site support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major 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.

Fugitive emissions and fugitive dust from the source or modification are not considered secondary emissions.

"Secondary PM_{2.5}" means particles that form or grow in mass through chemical reactions in the ambient air well after dilution and condensation have occurred. Secondary PM_{2.5} is usually formed at some distance downwind from the source.

"Significant" means:

(1) In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Carbon monoxide: 100 ton per year (tpy);

Nitrogen oxides: 40 tpy;

Sulfur dioxide: 40 tpy;

PM₁₀: 15 tpy;

PM_{2.5}: 10 tpy;

Particulate matter: 25 tpy;

Ozone: 40 tpy of volatile organic compounds;

Lead: 0.6 tpy.

"Solid Fuel" means wood, coal, and other similar organic material or combination of these materials.

"Solvent" means organic materials which are liquid at standard conditions (Standard Temperature and Pressure) and which are used as solvers, viscosity reducers, or cleaning agents.

"Source" means any structure, building, facility, or installation which emits or may emit any air pollutant subject to regulation under the Clean Air Act and which is located on one or more continuous or adjacent properties and which is under the control of the same person or persons under common control. A building, structure, facility, or installation means all of the pollutant-emitting activities which belong to the same industrial grouping. 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 (US Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively).

"Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

"Standards of Performance for New Stationary Sources" means the Federally established requirements for performance and record keeping (Title 40 Code of Federal Regulations, Part 60).

"State" means Utah State.

"Temporary" means not more than 180 calendar days.

"Temporary Clean Coal Technology Demonstration Project" means a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the Utah State Implementation Plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Threshold Limit Value - Ceiling (TLV-C)" means the airborne concentration of a substance which may not be exceeded, as adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Threshold Limit Value - Time Weighted Average (TLV-TWA)" means the time-weighted airborne concentration of a substance adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Total Suspended Particulate (TSP)" means minute separate particles of matter, collected by high volume sampler.

"Toxic Screening Level" means an ambient concentration of an air pollutant equal to a threshold limit value - ceiling (TLV- C) or threshold limit value -time weighted average (TLV-TWA) divided by a safety factor.

"Trash" means solids not considered to be highly flammable or explosive including, but not limited to clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.

"VOC content" means the weight of VOC per volume of material and is calculated by the following equation in gram/liter (or alternately in pound/gallon, or pound/pound):

Grams of VOC per Liter of Material = $W_s - W_w - W_{es} / V_m$

Where:

W_s = weight of volatile organic compounds

W_w = weight of water

W_{es} = weight of exempt compounds

V_m = volume of material

"Volatile Organic Compound (VOC)" means VOC as defined in 40 CFR 51.100(s), effective as of the date referenced in R307-101-3, is hereby adopted and incorporated by reference.

"Waste" means all solid, liquid or gaseous material, including, but not limited to, garbage, trash, household refuse, construction or demolition debris, or other refuse including that resulting from the prosecution of any business, trade or industry.

"Zero Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is zero.

KEY: air pollution, definitions

Date of Enactment or Last Substantive Amendment: February 7, 2019

Notice of Continuation: November 13, 2018

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

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-046-20

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 Manager; and
David Beatty, Operating Permits Section Manager

DATE: May 21, 2020

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-401. Permit: New and Modified Sources; R307-415-9. Permits: Operating Permits Requirements. Fees for Operating Permits; and R307-801-1. Utah Asbestos Rule. Purpose and Authority.

During the 2020 legislative session, the State Legislature passed Senate Bill 88, Environmental Quality Revisions (S.B. 88). This bill cleaned up statutory language within for of the Department of Environmental Quality (Department), including certain sections of the Utah Code specific to air quality, namely Sections 19-1-201, 19-2-108, and 19-2-109.1. The amendments to R307-401, Permits: New and Modified Sources, and R307-415-9, Fees for Operating Permits, incorporate these changes into the air quality rules. The amendments to R307-801-1, Utah Asbestos Rule, Purpose and Authority, correct references to the Utah Code as modified by S.B. 88.

S.B. 88 aligned the process of establishing the operating permits fees with the current process employed by the Department and the Legislature. Under the current process, the Department develops a draft fee schedule annually as required by Section 63J-1-504 of the Utah Code. That fee schedule is subject to a public hearing and then submitted to the Legislature to seek “the Legislature’s approval as part of the department’s annual appropriations request.”¹ The Legislature may increase, decrease, or reject the fee schedule, which then triggers the Department’s obligation to “modify the fee schedule to implement the Legislature’s actions.”² The schedule of fees becomes effective once the Legislature approves it and the Governor signs the bill containing the schedule of fees.

¹ Utah Code § 19-1-201(2)(b) (as amended by Chapter 256, 2020 General Session).

² *Id.* § 63J-1-504(4)(d); *see also id.* § 63J-1-504(5)(b).

The proposed changes to R307-401 include the requirement that a source that must have a permit cannot operate without first having obtained such a permit. In other words, operation without a permit—and not merely a failure to obtain a permit—is now a violation of R307-401. Another change in R307-401 due to the statute amendments is that a source is required to pay the applicable new source review permitting fee as part of the permit application, and the permit application is not complete and the permit is not issued without the payment of the fee. The final changes in the rule are to clean up the language to match the statute.

A general amendment throughout the subsections of R307-415-9 allows for multiple annual emissions fees. The previous language in statute only allowed a single uniform annual fee based on the number of tons emitted. The revised language would allow the Department to charge varying fees that could include, for example, annual base fees; varying fees for different source sizes, types, and pollutant classes; administrative fees; etc. Additionally, there were multiple amendments throughout R307-415-9 to align with the state statute and clean up outdated language.

Recommendation: Staff recommends that the Board propose amended R307-401, R307-415-9, and R307-801 for public comment.

R307. Environmental Quality, Air Quality.**R307-401. Permit: New and Modified Sources.****R307-401-1. Purpose.**

This rule establishes the application and permitting requirements for new installations and modifications to existing installations throughout the State of Utah. Additional permitting requirements apply to larger installations or installations located in nonattainment or maintenance areas. These additional requirements can be found in Rules R307-403, R307-405, R307-406, R307-420, and R307-421. Modeling requirements in Rule R307-410 may also apply. Each of the permitting rules establishes independent requirements, and the owner or operator must comply with all of the requirements that apply to the installation. Exemptions under R307-401 do not affect applicability of the other permitting rules.

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 Subsections 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

1 application of best available control technology result in emissions
2 of any pollutant which would exceed the emissions allowed by any
3 applicable standard under 40 CFR parts 60 and 61. If the director
4 determines that technological or economic limitations on the
5 application of measurement methodology to a particular emissions unit
6 would make the imposition of an emissions standard infeasible, a
7 design, equipment, work practice, operational standard or combination
8 thereof, may be prescribed instead to satisfy the requirement for the
9 application of best available control technology. Such standard
10 shall, to the degree possible, set forth the emissions reduction
11 achievable by implementation of such design, equipment, work practice
12 or operation, and shall provide for compliance by means which achieve
13 equivalent results.

14 "Building, structure, facility, or installation" means all of the
15 pollutant-emitting activities which belong to the same industrial
16 grouping, are located on one or more contiguous or adjacent properties,
17 and are under the control of the same person (or persons under common
18 control) except the activities of any vessel. Pollutant-emitting
19 activities shall be considered as part of the same industrial grouping
20 if they belong to the same Major Group (i.e., which have the same
21 two-digit code) as described in the Standard Industrial Classification
22 Manual, 1972, as amended by the 1977 Supplement (U.S. Government
23 Printing Office stock numbers 4101-0066 and 003-005-00176-0,
24 respectively).

25 "Construction" means any physical change or change in the method
26 of operation (including fabrication, erection, installation,
27 demolition, or modification of an emissions unit) that would result
28 in a change in emissions.

29 "Emissions unit" means any part of a stationary source that emits
30 or would have the potential to emit any air pollutant.

31 "Fugitive emissions" means those emissions which could not
32 reasonably pass through a stack, chimney, vent, or other functionally
33 equivalent opening.

34 "Indirect source" means a building, structure, facility, or
35 installation which attracts or may attract mobile source activity that
36 results in emissions of a pollutant for which there is a national
37 standard.

38 "Potential to emit" means the maximum capacity of a stationary
39 source to emit an air pollutant under its physical and operational
40 design. Any physical or operational limitation on the capacity of the
41 source to emit a pollutant, including air pollution control equipment
42 and restrictions on hours of operation or on the type or amount of
43 material combusted, stored, or processed, shall be treated as part of
44 its design if the limitation or the effect it would have on emissions
45 is enforceable. Secondary emissions do not count in determining the

1 potential to emit of a stationary source.

2 "Secondary emissions" means emissions which occur as a result of
3 the construction or operation of a major stationary source or major
4 modification, but do not come from the major stationary source or major
5 modification itself. Secondary emissions include emissions from any
6 offsite support facility which would not be constructed or increase
7 its emissions except as a result of the construction or operation of
8 the major stationary source or major modification. Secondary emissions
9 do not include any emissions which come directly from a mobile source,
10 such as emissions from the tailpipe of a motor vehicle, from a train,
11 or from a vessel.

12 "Stationary source" means any building, structure, facility, or
13 installation which emits or may emit an air pollutant.

14
15 **R307-401-3. Applicability.**

16 (1) Rule R307-401 applies to any person [~~intending~~] planning to:

17 (a) construct a new installation [~~which~~] that will or might
18 reasonably be expected to be [~~come~~] a source or an indirect source of
19 air pollution; [~~or~~]

20 (b) make modifications to or relocate an existing installation
21 [~~which~~] that will or might reasonably be expected to increase the
22 amount of [~~or~~] or change the character or effect of [~~or the character~~
23 ~~of~~] air pollutants discharged, so that [~~such~~] the installation may
24 be expected to be [~~come~~] a source or indirect source of air
25 pollution; [~~or~~]

26 (c) install an air cleaning device [~~control apparatus~~] or other
27 equipment intended to control emission[s] of air pollutants.

28 (2) Rules R307-403, R307-405 and R307-406 may establish
29 additional permitting requirements for new or modified sources.

30 (a) Exemptions contained in Rule R307-401 do not affect
31 applicability or other requirements under Rules R307-403, R307-405 or
32 R307-406.

33 (b) Exemptions contained in Rules R307-403, R307-405 or
34 R307-406 do not affect applicability or other requirements under Rule
35 R307-401, unless specifically authorized in this rule.

36
37 **R307-401-4. General Requirements.**

38 The general requirements in Subsections R307-401-4(1) through
39 R307-401-4([3]4) apply to all new and modified installations,
40 including installations that are exempt from the requirement to obtain
41 an approval order.

42 (1) Any control apparatus installed on an installation shall be
43 adequately and properly maintained.

44 (2) If the director determines that an exempted installation is
45 not meeting an approval order or State Implementation Plan limitation,

1 is creating an adverse impact to the environment, or would be injurious
2 to human health or welfare, the director may require the owner or
3 operator to submit a notice of intent and obtain an approval order in
4 accordance with Sections R307-401-5 through R307-401-8. The director
5 will complete an appropriate analysis and evaluation in consultation
6 with the owner or operator before determining that an approval order
7 is required.

8 (3) Low Oxides of Nitrogen Burner Technology.

9 (a) Except as provided in Subsection R307-401-4(3)(b), whenever
10 existing fuel combustion burners are replaced, the owner or operator
11 shall install low oxides of nitrogen burners or equivalent oxides of
12 nitrogen controls, as determined by the director, unless such
13 equipment is not physically practical or cost effective. The owner or
14 operator shall submit a demonstration that the equipment is not
15 physically practical or cost effective to the director for review and
16 approval prior to beginning construction.

17 (b) The provisions of (a) above do not apply to non-commercial,
18 residential buildings.

19 (4) A person shall not operate a source of air pollution that
20 is required to have a permit under Rule R307-401 unless the person has
21 obtained a permit for the source under the procedures of Rule R307-401.
22

23 **R307-401-5. Notice of Intent.**

24 (1) Except as provided in Sections R307-401-9 through
25 R307-401-17, any person subject to Rule R307-401 shall submit a notice
26 of intent to the director and receive an approval order [~~prior to~~
27 ~~initiation of~~]precedent to the construction, modification,
28 installation, establishment, or relocation of an air pollutant source
29 or indirect source. The notice of intent shall be in a format specified
30 by the director.

31 (2) The notice of intent shall include the following
32 information:

33 (a) A description of the nature of the processes involved; the
34 nature, procedures for handling and quantities of raw materials; the
35 type and quantity of fuels employed; and the nature and quantity of
36 finished product.

37 (b) The e[ffluent] expected composition and physical characteristics of
38 effluent stream both before and after treatment by any control
39 apparatus, including emission rates, volume, temperature, air
40 pollutant types, and concentration of air pollutants.

41 (c) The s[ize], type, and performance characteristics of any
42 control apparatus.

43 (d) An analysis of best available control technology for the
44 proposed source or modification. When determining best available
45 control technology for a new or modified source in an ozone

1 nonattainment or maintenance area that will emit volatile organic
2 compounds or nitrogen oxides, the owner or operator of the source shall
3 consider EPA Control Technique Guidance (CTG) documents and
4 Alternative Control Technique documents that are applicable to the
5 source. Best available control technology shall be at least as
6 stringent as any published CTG that is applicable to the source.

7 (e) The location and elevation of the emission point and
8 other factors relating to dispersion and diffusion of the air pollutant
9 in relation to nearby structures and window openings, and other
10 information necessary to appraise the possible effects of the
11 effluent.

12 (f) The location of planned sampling points and the tests of the
13 completed installation to be made by the owner or operator when
14 necessary to ascertain compliance.

15 (g) The typical operating schedule.

16 (h) A schedule for construction.

17 (i) Any plans, specifications and related information that are
18 in final form at the time of submission of notice of intent.

19 (j) Any additional information required by:

20 (i) Rule R307-403, Permits: New and Modified Sources in
21 Nonattainment Areas and Maintenance Areas;

22 (ii) Rule R307-405, Permits: Major Sources in Attainment or
23 Unclassified Areas (PSD);

24 (iii) Rule R307-406, Visibility;

25 (iv) Rule R307-410, Permits: Emissions Impact Analysis;

26 (v) Rule R307-420, Permits: Ozone Offset Requirements in Davis
27 and Salt Lake Counties; or

28 (vi) Rule R307-421, Permits: PM10 Offset Requirements in Salt
29 Lake County and Utah County. (k) Any other information necessary
30 to determine if the proposed ~~[source or]~~ construction, modification,
31 installation, or establishment will be in ~~[compliance]~~ accord with
32 Title R307.

33 (l) The payment of a new source review fee established under
34 Subsection 19-1-201(6)(i).

35 (3) Notwithstanding the exemptions in Sections R307-401-9
36 through R307-401-16, any person that is subject to Rules R307-403,
37 R307-405, or R307-406 shall submit a notice of intent to the director
38 and receive an approval order ~~[prior to initiation of]~~ precedent to the
39 construction, modification, installation, establishment, or
40 relocation of an air pollutant source or indirect source.

41 42 **R307-401-6. Review Period.**

43 (1) Completeness Determination. Within 30 days after receipt of
44 a notice of intent, or any additional information necessary to the
45 review, the director will advise the applicant of any deficiency in

1 the notice of intent or the information submitted.

2 (2) Within 90 days ~~[of]~~after the receipt of a complete
3 application including all the information described in Section
4 R307-401-5, the director will

5 (a) issue an approval order for the proposed construction,
6 installation, modification, relocation, or establishment pursuant to
7 the requirements of Section R307-401-8, or

8 (b) issue an order prohibiting the proposed construction,
9 installation, modification, relocation or establishment if it is
10 ~~[deemed]~~determined that any part of the proposal ~~[is inadequate to meet~~
11 ~~the applicable]~~ will not be in the accord with the requirements of Title
12 R307.

13 (3) The review period under Subsection R307-401-6(2) may be
14 extended by up to three 30-day extensions if more time is needed to
15 review the proposal.

16
17 **R307-401-7. Public Notice.**

18 (1) Issuing the Notice. Prior to issuing an approval or
19 disapproval order, the director will advertise intent to approve or
20 disapprove in a newspaper of general circulation in the locality of
21 the proposed construction, installation, modification, relocation or
22 establishment.

23 (2) Opportunity for Review and Comment.

24 (a) At least one location will be provided where the information
25 submitted by the owner or operator, the director's analysis of the
26 notice of intent proposal, and the proposed approval order conditions
27 will be available for public inspection.

28 (b) Public Comment.

29 (i) A 30-day public comment period will be established.

30 (ii) A request to extend the length of the comment period, up
31 to 30 days, may be submitted to the director within 15 days of the date
32 the notice in Subsection R307-401-7(1) is published.

33 (iii) Public Hearing. A request for a hearing on the proposed
34 approval or disapproval order may be submitted to the director within
35 15 days of the date the notice in Subsection R307-401-7(1) is
36 published.

37 (iv) The hearing will be held in the area of the proposed
38 construction, installation, modification, relocation or
39 establishment.

40 (v) The public comment and hearing procedure shall not be
41 required when an order is issued for the purpose of extending the time
42 required by the director to review plans and specifications.

43 (3) The director will consider all comments received during the
44 public comment period and at the public hearing and, if appropriate,
45 will make changes to the proposal in response to comments before

1 issuing an approval order or disapproval order.

2
3 **R307-401-8. Approval Order.**

4 (1) The director will issue an approval order if the following
5 conditions have been met:

6 (a) The degree of pollution control for emissions, to include
7 fugitive emissions and fugitive dust, is at least best available
8 control technology. When determining best available control
9 technology for a new or modified source in an ozone nonattainment or
10 maintenance area that will emit volatile organic compounds or nitrogen
11 oxides, best available control technology shall be at least as
12 stringent as any Control Technique Guidance document that has been
13 published by EPA that is applicable to the source.

14 (b) The proposed installation will meet the applicable
15 requirements of:

16 (i) Rule R307-403, Permits: New and Modified Sources in
17 Nonattainment Areas and Maintenance Areas;

18 (ii) Rule R307-405, Permits: Major Sources in Attainment or
19 Unclassified Areas (PSD);

20 (iii) Rule R307-406, Visibility;

21 (iv) Rule R307-410, Permits: Emissions Impact Analysis;

22 (v) Rule R307-420, Permits: Ozone Offset Requirements in Davis
23 and Salt Lake Counties;

24 (vi) Rule R307-210, Standards of Performance for New Stationary
25 Sources;

26 (vii) National Primary and Secondary Ambient Air Quality
27 Standards;

28 (viii) Rule R307-214, National Emission Standards for Hazardous
29 Air Pollutants;

30 (ix) Rule R307-110, General Requirements: State Implementation
31 Plan; and

32 (x) all other provisions of Title R307.

33 (2) The approval order will require that all pollution control
34 equipment be adequately and properly maintained.

35 (3) Receipt of an approval order does not relieve any owner or
36 operator of the responsibility to comply with the provisions of Title
37 R307 or the State Implementation Plan.

38 (4) To accommodate staged construction of a large source, the
39 director may issue an order authorizing construction of an initial
40 stage prior to receipt of detailed plans for the entire proposal
41 provided that, through a review of general plans, engineering reports
42 and other information the proposal is determined feasible by the
43 director under the intent of Title R307. Subsequent detailed plans will
44 then be processed as prescribed in this paragraph. For staged
45 construction projects the previous determination under Subsections

1 R307-401-8(1) and (2) will be reviewed and modified as appropriate at
2 the earliest reasonable time prior to commencement of construction of
3 each independent phase of the proposed source or modification.

4 (5) If the director determines that a proposed stationary
5 source, modification or relocation does not meet the conditions
6 established in (1) above, the director will not issue an approval
7 order.

8
9 **R307-401-9. Small Source Exemption.**

10 (1) A small stationary source is exempt from the requirement to
11 obtain an approval order in Sections R307-401-5 through R307-401-8 if
12 the following conditions are met.

13 (a) its actual emissions are less than 5 tons per year per air
14 pollutant of any of the following air pollutants: sulfur dioxide,
15 carbon monoxide, nitrogen oxides, PM₁₀, ozone, or volatile organic
16 compounds;

17 (b) its actual emissions are less than 500 pounds per year of
18 any hazardous air pollutant and less than 2000 pounds per year of any
19 combination of hazardous air pollutants;

20 (c) its actual emissions are less than 500 pounds per year of
21 any air pollutant not listed in (a) or (b) above and less than 2000
22 pounds per year of any combination of air pollutants not listed in (a)
23 or (b) above.

24 (d) Air pollutants that are drawn from the environment through
25 equipment in intake air and then are released back to the environment
26 without chemical change, as well as carbon dioxide, nitrogen, oxygen,
27 argon, neon, helium, krypton, xenon should not be included in emission
28 calculations when determining applicability under (a) through (c)
29 above.

30 (2) The owner or operator of a source that is exempted from the
31 requirement to obtain an approval order under (1) above shall no longer
32 be exempt if actual emissions in any subsequent year exceed the
33 emission thresholds in (1) above. The owner or operator shall submit
34 a notice of intent under Section R307-401-5 no later than 180 days after
35 the end of the calendar year in which the source exceeded the emission
36 threshold.

37 (3) Small Source Exemption - Registration. The director will
38 maintain a registry of sources that are claiming an exemption under
39 Section R307-401-9. The owner or operator of a stationary source that
40 is claiming an exemption under Section R307-401-9 may submit a written
41 registration notice to the director. The notice shall include the
42 following minimum information:

43 (a) identifying information, including company name and
44 address, location of source, telephone number, and name of plant site
45 manager or point of contact;

(b) a description of the nature of the processes involved, equipment, anticipated quantities of materials used, the type and quantity of fuel employed and nature and quantity of the finished product;

(c) identification of expected emissions;

(d) estimated annual emission rates;

(e) any control apparatus used; and

(f) typical operating schedule.

(4) An exemption under Section R307-401-9 does not affect the requirements of Section R307-401-17, Temporary Relocation.

(5) A stationary source that is not required to obtain a permit under Rule R307-405 for greenhouse gases, as defined in Subsection R307-405-3(9)(a), is not required to obtain an approval order for greenhouse gases under Rule R307-401. This exemption does not affect the requirement to obtain an approval order for any other air pollutant emitted by the stationary source.

R307-401-10. Source Category Exemptions.

The source categories described in Section R307-401-10 are exempt from the requirement to obtain an approval order found in Sections R307-401-5 through R307-401-8. The general provisions in Section 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 Section R307-101-2, and is registered with the Division as required by Rule R307-505.

(6) A gasoline dispensing facility as defined in 40 CFR 63.11132 that is not a major source as defined in Section R307-101-2. These sources shall comply with the applicable requirements of Rule R307-328 and 40 CFR 63 Subpart CCCCCC: National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing

1 Facilities.

2
3 **R307-401-11. Replacement-in-Kind Equipment.**

4 (1) Applicability. Existing process equipment or pollution
5 control equipment that is covered by an existing approval order or
6 State Implementation Plan requirement may be replaced using the
7 procedures in (2) below if:

8 (a) the potential to emit of the process equipment is the same
9 or lower;

10 (b) the number of emission points or emitting units is the same
11 or lower;

12 (c) no additional types of air pollutants are emitted as a result
13 of the replacement;

14 (d) the process equipment or pollution control equipment is
15 identical to or functionally equivalent to the replaced equipment;

16 (e) the replacement does not change the basic design parameters
17 of the process unit or pollution control equipment;

18 (f) the replaced process equipment or pollution control
19 equipment is permanently removed from the stationary source, otherwise
20 permanently disabled, or permanently barred from operation;

21 (g) the replacement process equipment or pollution control
22 equipment does not trigger New Source Performance Standards or
23 National Emissions Standards for Hazardous Air Pollutants under 42
24 U.S.C. 7411 or 7412; and

25 (h) the replacement of the control apparatus or process
26 equipment does not violate any other provision of Title R307.

27 (2) Replacement-in-Kind Procedures.

28 (a) In lieu of filing a notice of intent under Section
29 R307-401-5, the owner or operator of a stationary source shall submit
30 a written notification to the director before replacing the equipment.
31 The notification shall contain a description of the
32 replacement-in-kind equipment, including the control capability of
33 any control apparatus and a demonstration that the conditions of (1)
34 above are met.

35 (b) If the replacement-in-kind meets the conditions of (1)
36 above, the director will update the source's approval order and notify
37 the owner or operator. Public review under Section R307-401-7 is not
38 required for the update to the approval order.

39 (3) If the replaced process equipment or pollution control
40 equipment is brought back into operation, it shall constitute a new
41 emissions unit.

42
43 **R307-401-12. Reduction in Air Pollutants.**

44 (1) Applicability. The owner or operator of a stationary source
45 of air pollutants that reduces or eliminates air pollutants is exempt

1 from the requirement to submit a notice of intent and obtain an approval
2 order prior to construction if:

3 (a) the project does not increase the potential to emit of any
4 air pollutant or cause emissions of any new air pollutant, and

5 (b) the director is notified of the change and the reduction of
6 air pollutants is made enforceable through an approval order in
7 accordance with (2) below.

8 (2) Notification. The owner or operator shall submit a written
9 description of the project to the director no later than 60 days after
10 the changes are made. The director will update the source's approval
11 order or issue a new approval order to include the project and to make
12 the emission reductions enforceable. Public review under Section
13 R307-401-7 is not required for the update to the approval order.
14

15 **R307-401-13. Plantwide Applicability Limits.**

16 A plantwide applicability limit under Section R307-405-21 does
17 not exempt a stationary source from the requirements of R307-401.
18

19 **R307-401-14. Used Oil Fuel Burned for Energy Recovery.**

20 (1) Definitions.

21 "Boiler" means boiler as defined in R315-1-1(b).

22 "Used Oil" is defined as any oil that has been refined from crude
23 oil, used, and, as a result of such use contaminated by physical or
24 chemical impurities.

25 (2) Boilers burning used oil for energy recovery are exempt from
26 the requirement to obtain an approval order in Sections R307-401-5
27 through R307-401-8 if the following requirements are met:

28 (a) the heat input design is less than one million BTU/hr;

29 (b) contamination levels of all used oil to be burned do not
30 exceed any of the following values:

31 (i) arsenic - 5 ppm by weight,

32 (ii) cadmium - 2 ppm by weight,

33 (iii) chromium - 10 ppm by weight,

34 (iv) lead - 100 ppm by weight,

35 (v) total halogens - 1,000 ppm by weight,

36 (vi) Sulfur - 0.50% by weight; and

37 (c) the flash point of all used oil to be burned is at least 100
38 degrees Fahrenheit.

39 (3) Testing. The owner or operator shall test each load of used
40 oil received or generated as directed by the director to ensure it meets
41 these requirements. Testing may be performed by the owner [+/or
42 operator or documented by test reports from the used fuel oil vendor.
43 The flash point shall be measured using the appropriate ASTM method
44 as required by the director. Records for used oil consumption and test
45 reports are to be kept for all periods when fuel-burning equipment is

1 in operation. The records shall be kept on site and made available to
2 the director or the director's representative upon request. Records
3 must be kept for a three-year period.

4
5 **R307-401-15. Air Strippers and Soil Venting Projects.**

6 (1) The owner or operator of an air stripper or soil venting
7 system that is used to remediate contaminated groundwater or soil is
8 exempt from the notice of intent and approval order requirements of
9 Sections R307-401-5 through R307-401-8 if the following conditions are
10 met:

11 (a) the estimated total air emissions of volatile organic
12 compounds from a given project are less than the de minimis emissions
13 listed in Subsection R307-401-9(1)(a), and

14 (b) the level of any one hazardous air pollutant or any
15 combination of hazardous air pollutants is below the levels listed in
16 Subsection R307-410-5(1)(c)(i)(C).

17 (2) The owner or operator shall submit documentation that the
18 project meets the exemption requirements in Subsection R307-401-15(1)
19 to the director prior to beginning the remediation project.

20 (3) After beginning the soil remediation project, the owner or
21 operator shall submit emissions information to the director to verify
22 that the emission rates of the volatile organic compounds and hazardous
23 air pollutants in Subsection R307-401-15(1) are not exceeded.

24 (a) Emissions estimates of volatile organic compounds shall be
25 based on test data obtained in accordance with the test method in the
26 EPA document SW-846, Test #8260c or 8261a, or the most recent EPA
27 revision of either test method if approved by the director.

28 (b) Emissions estimates of hazardous air pollutants shall be
29 based on test data obtained in accordance with the test method in EPA
30 document SW-846, Test #8021B or the most recent EPA revision of the
31 test method if approved by the director.

32 (c) Results of the test and calculated annual quantity of
33 emissions of volatile organic compounds and hazardous air pollutants
34 shall be submitted to the director within one month of sampling.

35 (d) The test samples shall be drawn on intervals of no less than
36 twenty-eight days and no more than thirty-one days (i.e., monthly) for
37 the first quarter, quarterly for the first year, and semi-annually
38 thereafter or as determined necessary by the director.

39 (4) The following control devices do not require a notice of
40 intent or approval order when used in relation to an air stripper or
41 soil venting project exempted under Section R307-401-15:

42 (a) thermodestruction unit with a rated input capacity of less
43 than five million BTU per hour using no other auxiliary fuel than
44 natural gas or LPG, or

45 (b) carbon adsorption unit.

R307-401-16. De minimis Emissions From Soil Aeration Projects.

An owner or operator of a soil remediation project is not subject to the notice of intent and approval order requirements of Sections R307-401-5 through R307-401-8 when soil aeration or land farming is used to conduct a soil remediation, if the owner or operator submits the following information to the director prior to beginning the remediation project:

(1) documentation that the estimated total air emissions of volatile organic compounds, using an appropriate sampling method, from the project are less than the de minimis emissions listed in Subsection R307-401-9(1)(a);

(2) documentation that the levels of any one hazardous air pollutant or any combination of hazardous air pollutants are less than the levels in Subsection R307-410-5(1)(d); and

(3) the location of the remediation and where the remediated material originated.

R307-401-17. Temporary Relocation.

The owner or operator of a stationary source previously approved under Rule R307-401 may temporarily relocate and operate the stationary source at any site for up to 180 working days in any calendar year not to exceed 365 consecutive days, starting from the initial relocation date. The director will evaluate the expected emissions impact at the site and compliance with applicable Title R307 rules as the basis for determining if approval for temporary relocation may be granted. Records of the working days at each site, consecutive days at each site, and actual production rate shall be submitted to the director at the end of each 180 calendar days. These records shall also be kept on site by the owner or operator for the entire project, and be made available for review to the director as requested. Section R307-401-7, Public Notice, does not apply to temporary relocations under Section R307-401-17.

R307-401-18. Eighteen Month Review.

Approval orders issued by the director in accordance with the provisions of Rule R307-401 will be reviewed eighteen months after the date of issuance to determine the status of construction, installation, modification, relocation or establishment. If a continuous program of construction, installation, modification, relocation or establishment is not proceeding, the director may revoke the approval order.

R307-401-19. General Approval Order.

(1) The director may issue a general approval order that would

1 establish conditions for similar new or modified sources of the same
2 type or for specific types of equipment. The general approval order
3 may apply throughout the state or in a specific area.

4 (a) A major source or major modification as defined in Rules
5 R307-403, R307-405, or R307-420 for each respective area is not
6 eligible for coverage under a general approval order.

7 (b) A source that is subject to the requirements of Section
8 R307-403-5 is not eligible for coverage under a general approval order.

9 (c) A source that is subject to the requirements of Section
10 R307-410-4 is not eligible for coverage under a general approval order
11 unless a demonstration that meets the requirements of Section
12 R307-410-4 was conducted.

13 (d) A source that is subject to the requirements of Subsection
14 R307-410-5(1)(c)(ii) is not eligible for coverage under a general
15 approval order unless a demonstration that meets the requirements of
16 Subsection R307-410-5(1)(c)(ii) was conducted.

17 (e) A source that is subject to the requirements of Subsection
18 R307-410-5(1)(c)(iii) is not eligible for coverage under a general
19 approval order.

20 (2) A general approval order shall meet all applicable
21 requirements of Section R307-401-8.

22 (3) The public notice requirements in Section R307-401-7 shall
23 apply to a general approval order except that the director will
24 advertise the notice of intent in a newspaper of statewide circulation.

25 (4) Application.

26 (a) After a general approval order has been issued, the owner
27 or operator of a proposed new or modified source may apply to be covered
28 under the conditions of the general approval order.

29 (b) The owner or operator shall submit the application on forms
30 provided by the director in lieu of the notice of intent requirements
31 in Section R307-401-5 for all equipment covered by the general approval
32 order.

33 (c) The owner or operator may request that an existing,
34 individual approval order for the source be revoked, and that it be
35 covered by the general approval order.

36 (d) The owner or operator that has applied to be covered by a
37 general approval order shall not initiate construction, modification,
38 or relocation until the application has been approved by the director.

39 (5) Approval.

40 (a) The director will review the application and approve or deny
41 the request based on criteria specified in the general approval order
42 for that type of source. If approved, the director will issue an
43 authorization to the applicant to operate under the general approval
44 order.

45 (b) The public notice requirements in Section R307-401-7 do not

1 apply to the approval of an application to be covered under the general
2 approval order.

3 (c) The director will maintain a record of all stationary
4 sources that are covered by a specific general approval order and this
5 record will be available for public review.

6 (6) Exclusions and Revocation.

7 (a) The director may require any source that has applied for or
8 is authorized by a general approval order to submit a notice of intent
9 and obtain an individual approval order under Section R307-401-8.
10 Cases where an individual approval order will be required include, but
11 are not limited to, the following:

12 (i) the director determines that the source does not meet the
13 criteria specified in the general approval order;

14 (ii) the director determines that the application for the
15 general approval order did not contain all necessary information to
16 evaluate applicability under the general approval order;

17 (iii) modifications were made to the source that were not
18 authorized by the general approval order or an individual approval
19 order;

20 (iv) the director determines the source may cause a violation
21 of a national ambient air quality standard; or

22 (v) the director determines that one is required based on the
23 compliance history and current compliance status of the source or
24 applicant.

25 (b)(i) Any source authorized by a general approval order may
26 request to be excluded from the coverage of the general approval order
27 by submitting a notice of intent under Section R307-401-5 and receiving
28 an individual approval order under Section R307-401-8.

29 (ii) When the director issues an individual approval order to
30 a source subject to a general approval order, the applicability of the
31 general approval order to the individual source is revoked on the
32 effective date of the individual approval order.

33 (7) Modification of General Approval Order. The director may
34 modify, replace, or discontinue the general approval order.

35 (a) Administrative corrections may be made to the existing
36 version of the general approval order. These corrections are to correct
37 typographical errors or similar minor administrative changes.

38 (b) All other modifications or the discontinuation of a general
39 approval order shall not apply to any source authorized under previous
40 versions of the general approval order unless the owner or operator
41 submits an application to be covered under the new version of the
42 general approval order. Modifications under Subsection
43 R307-401-19(7)(b) shall meet the public notice requirements in
44 Subsection R307-401-19(3).

45 (c) A general approval order shall be reviewed at least every

1 three years. The review of the general approval order shall follow
2 the public notice requirements of Subsection R307-401-19(3).

3 (8) Modifications at a source covered by a general approval
4 order. A source may make modifications only as authorized by the
5 approved general approval order. Modifications outside the scope
6 authorized by the approved general approval order shall require a new
7 application for either an individual approval order under Section
8 R307-401-8 or a general approval order under Section R307-401-19.
9

10 **KEY: air pollution, permits, approval orders, greenhouse gases**

11 **Date of Enactment or Last Substantive Amendment: June 6, 2019**

12 **Notice of Continuation: May 15, 2017**

13 **Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(q);**

14 **19-2-108**

State of Utah
Administrative Rule Analysis
Revised May 2020

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.):	R307-401	Filing No. (Office Use Only)
Changed to Admin. Code Ref. (R no.):	R	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:	Fourth Floor	
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:
Permit: New and Modified 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?):
Due to Senate Bill 88 being passed by the Utah State Legislature in 2020, amendments were needed in R307-401 to bring the rule in line with Utah Code.
4. Summary of the new rule or change:
<p>The proposed changes to R307-401 include the requirement that the sources that must have a permit cannot operate without first having obtained such a permit. In other words, operation without a permit—and not merely a failure to obtain a permit—is now a violation of R307-401. Another change in R307-401 due to the statute amendments is that sources are required to pay the applicable New Source Review permitting fee as part of the permit application, and the permit application is not complete without the payment of the fee. The final changes in the rule are to clean up the language to match the statute.</p> <p>A public hearing is set for Monday, August 3, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Friday, July 31, 2020, at 5:00PM MT. The final status of the public hearing will be posted on Friday, July 31, after 5:00PM MT. The status of the public hearing may be checked at the following website location under the corresponding rule.</p> <p>https://deg.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment</p>

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
Due to these rule amendments, the only fiscal impacts for the state budget would be greater allocation to the general fund from compliance actions regarding the need to obtain a permit before operation.

B) Local governments:

These rule amendments do not apply to local governments and therefore will have no fiscal impact on them.

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

The only costs to small businesses would come from lack of compliance to the new rule amendments, specifically the failure to have a permit prior to operating. The actual numbers for this are inestimable.

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

The only costs to non-small businesses would come from lack of compliance to the new rule amendments, specifically the failure to have a permit prior to operating. The actual numbers for this are inestimable.

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 are no anticipated costs to persons other than small businesses, non-small businesses, state, or local government entities because the amendments are not applicable to them.

F) Compliance costs for affected persons:

There are no further compliance costs for affected persons as a result of this 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	FY2021	FY2022	FY2023
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:

The only fiscal impact these amendments to R307-401, as a result of Senate Bill 88 in the 2020 Utah Legislative Session, may have on businesses, would be as a result of non-compliance.

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(3)(q)

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):		08/03/2020
B) A public hearing (optional) will be held:		
On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
08/03/2020	11:00AM MST	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): 09/03/2020

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):	05/18/2020
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R307. Environmental Quality, Air Quality.

R307-401. Permit: New and Modified Sources.

R307-401-1. Purpose.

This rule establishes the application and permitting requirements for new installations and modifications to existing installations throughout the State of Utah. Additional permitting requirements apply to larger installations or installations located in nonattainment or maintenance areas. These additional requirements can be found in Rules R307-403, R307-405, R307-406, R307-420, and R307-421. Modeling requirements in Rule R307-410 may also apply. Each of the permitting rules establishes independent requirements, and the owner or operator must comply with all of the requirements that apply to the installation. Exemptions under R307-401 do not affect applicability of the other permitting rules.

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 Subsections 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.

"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 emissions 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.

"Stationary source" means any building, structure, facility, or installation which emits or may emit an air pollutant.

R307-401-3. Applicability.

(1) Rule R307-401 applies to any person ~~[intending]~~ planning to:

(a) construct a new installation ~~[which]~~ that will or might reasonably be expected to be ~~[come]~~ a source or an indirect source of air

pollution;~~[-or]~~

(b) make modifications to or relocate an existing installation ~~[which]~~that will or might reasonably be expected to increase the amount of~~[-]~~ or change the character or effect of~~[-, or the character of,]~~ air pollutants discharged, so that ~~[such]~~the installation may be expected to be~~[come]~~ a source or indirect source of air pollution;~~[-]~~ or

(c) install an air cleaning device ~~[control apparatus]~~or other equipment intended to control emission[s] of air pollutants.

(2) Rules R307-403, R307-405 and R307-406 may establish additional permitting requirements for new or modified sources.

(a) Exemptions contained in Rule R307-401 do not affect applicability or other requirements under Rules R307-403, R307-405 or R307-406.

(b) Exemptions contained in Rules R307-403, R307-405 or R307-406 do not affect applicability or other requirements under Rule R307-401, unless specifically authorized in this rule.

R307-401-4. General Requirements.

The general requirements in Subsections R307-401-4(1) through R307-401-4(~~3~~4) apply to all new and modified installations, including installations that are exempt from the requirement to obtain an approval order.

(1) Any control apparatus installed on an installation shall be adequately and properly maintained.

(2) If the director determines that an exempted installation is not meeting an approval order or State Implementation Plan limitation, is creating an adverse impact to the environment, or would be injurious to human health or welfare, the director may require the owner or operator to submit a notice of intent and obtain an approval order in accordance with Sections R307-401-5 through R307-401-8. The director will complete an appropriate analysis and evaluation in consultation with the owner or operator before determining that an approval order is required.

(3) Low Oxides of Nitrogen Burner Technology.

(a) Except as provided in Subsection R307-401-4(3)(b), whenever existing fuel combustion burners are replaced, the owner or operator shall install low oxides of nitrogen burners or equivalent oxides of nitrogen controls, as determined by the director, unless such equipment is not physically practical or cost effective. The owner or operator shall submit a demonstration that the equipment is not physically practical or cost effective to the director for review and approval prior to beginning construction.

(b) The provisions of (a) above do not apply to non-commercial, residential buildings.

(4) A person shall not operate a source of air pollution that is required to have a permit under Rule R307-401 unless the person has obtained a permit for the source under the procedures of Rule R307-401.

R307-401-5. Notice of Intent.

(1) Except as provided in Sections R307-401-9 through R307-401-17, any person subject to Rule R307-401 shall submit a notice of intent to the director and receive an approval order ~~[prior to initiation of]~~precedent to the construction, modification, installation, establishment, or relocation of an air pollutant source or indirect source. The notice of intent shall be in a format specified by the director.

(2) The notice of intent shall include the following information:

(a) A description of the nature of the processes involved; the nature, procedures for handling and quantities of raw materials; the type and quantity of fuels employed; and the nature and quantity of finished product.

(b) The e[E]xpected composition and physical characteristics of effluent stream both before and after treatment by any control apparatus, including emission rates, volume, temperature, air pollutant types, and concentration of air pollutants.

(c) The s[S]ize, type, and performance characteristics of any control apparatus.

(d) An analysis of best available control technology for the proposed source or modification. When determining best available control technology for a new or modified source in an ozone nonattainment or maintenance area that will emit volatile organic compounds or nitrogen oxides, the owner or operator of the source shall consider EPA Control Technique Guidance (CTG) documents and Alternative Control Technique documents that are applicable to the source. Best available control technology shall be at least as stringent as any published CTG that is applicable to the source.

(e) The l[L]ocation and elevation of the emission point and other factors relating to dispersion and diffusion of the air pollutant in relation to nearby structures and window openings, and other information necessary to appraise the possible effects of the effluent.

(f) The location of planned sampling points and the tests of the completed installation to be made by the owner or operator when necessary to ascertain compliance.

(g) The typical operating schedule.

(h) A schedule for construction.

(i) Any plans, specifications and related information that are in final form at the time of submission of notice of intent.

(j) Any additional information required by:

(i) Rule R307-403, Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas;

(ii) Rule R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD);

(iii) Rule R307-406, Visibility;

(iv) Rule R307-410, Permits: Emissions Impact Analysis;

(v) Rule R307-420, Permits: Ozone Offset Requirements in Davis and Salt Lake Counties; or

(vi) Rule R307-421, Permits: PM10 Offset Requirements in Salt Lake County and Utah County. (k) Any other information necessary to determine if the proposed ~~[source or]~~construction, modification, installation, or establishment will be in ~~[compliance]~~accord with Title R307.

(l) The payment of a new source review fee established under Subsection 19-1-201(6)(i).

(3) Notwithstanding the exemptions in Sections R307-401-9 through R307-401-16, any person that is subject to Rules R307-403, R307-405, or R307-406 shall submit a notice of intent to the director and receive an approval order ~~[prior to initiation of]~~precedent to the construction, modification, installation, establishment, or relocation of an air pollutant source or indirect source.

R307-401-6. Review Period.

(1) Completeness Determination. Within 30 days after receipt of a notice of intent, or any additional information necessary to the review, the director will advise the applicant of any deficiency in the notice of intent or the information submitted.

(2) Within 90 days ~~[of]~~after the receipt of a complete application including all the information described in Section R307-401-5, the director will

(a) issue an approval order for the proposed construction, installation, modification, relocation, or establishment pursuant to the requirements of Section R307-401-8, or

(b) issue an order prohibiting the proposed construction, installation, modification, relocation or establishment if it is ~~[deemed]~~determined that any part of the proposal ~~[is inadequate to meet the applicable]~~ will not be in the accord with the requirements of Title R307.

(3) The review period under Subsection R307-401-6(2) may be extended by up to three 30-day extensions if more time is needed to review the proposal.

R307-401-7. Public Notice.

(1) Issuing the Notice. Prior to issuing an approval or disapproval order, the director will advertise intent to approve or disapprove in a newspaper of general circulation in the locality of the proposed construction, installation, modification, relocation or establishment.

(2) Opportunity for Review and Comment.

(a) At least one location will be provided where the information submitted by the owner or operator, the director's analysis of the notice of intent proposal, and the proposed approval order conditions will be available for public inspection.

(b) Public Comment.

(i) A 30-day public comment period will be established.

(ii) A request to extend the length of the comment period, up to 30 days, may be submitted to the director within 15 days of the date the notice in Subsection R307-401-7(1) is published.

(iii) Public Hearing. A request for a hearing on the proposed approval or disapproval order may be submitted to the director within 15 days of the date the notice in Subsection R307-401-7(1) is published.

(iv) The hearing will be held in the area of the proposed construction, installation, modification, relocation or establishment.

(v) The public comment and hearing procedure shall not be required when an order is issued for the purpose of extending the time required by the director to review plans and specifications.

(3) The director will consider all comments received during the public comment period and at the public hearing and, if appropriate, will make changes to the proposal in response to comments before issuing an approval order or disapproval order.

R307-401-8. Approval Order.

(1) The director will issue an approval order if the following conditions have been met:

(a) The degree of pollution control for emissions, to include fugitive emissions and fugitive dust, is at least best available control technology. When determining best available control technology for a new or modified source in an ozone nonattainment or maintenance area that will emit volatile organic compounds or nitrogen oxides, best available control technology shall be at least as stringent as any Control Technique Guidance document that has been published by EPA that is applicable to the source.

(b) The proposed installation will meet the applicable requirements of:

(i) Rule R307-403, Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas;

(ii) Rule R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD);

(iii) Rule R307-406, Visibility;

(iv) Rule R307-410, Permits: Emissions Impact Analysis;

(v) Rule R307-420, Permits: Ozone Offset Requirements in Davis and Salt Lake Counties;

(vi) Rule R307-210, Standards of Performance for New Stationary Sources;

(vii) National Primary and Secondary Ambient Air Quality Standards;

(viii) Rule R307-214, National Emission Standards for Hazardous Air Pollutants;

(ix) Rule R307-110, General Requirements: State Implementation Plan; and

(x) all other provisions of Title R307.

(2) The approval order will require that all pollution control equipment be adequately and properly maintained.

(3) Receipt of an approval order does not relieve any owner or operator of the responsibility to comply with the provisions of Title R307 or the State Implementation Plan.

(4) To accommodate staged construction of a large source, the director may issue an order authorizing construction of an initial stage prior to receipt of detailed plans for the entire proposal provided that, through a review of general plans, engineering reports and other information the proposal is determined feasible by the director under the intent of Title R307. Subsequent detailed plans will then be processed as prescribed in this paragraph. For staged construction projects the previous determination under Subsections R307-401-8(1) and (2) will be

reviewed and modified as appropriate at the earliest reasonable time prior to commencement of construction of each independent phase of the proposed source or modification.

(5) If the director determines that a proposed stationary source, modification or relocation does not meet the conditions established in (1) above, the director will not issue an approval order.

R307-401-9. Small Source Exemption.

(1) A small stationary source is exempt from the requirement to obtain an approval order in Sections R307-401-5 through R307-401-8 if the following conditions are met.

(a) its actual emissions are less than 5 tons per year per air pollutant of any of the following air pollutants: sulfur dioxide, carbon monoxide, nitrogen oxides, PM₁₀, ozone, or volatile organic compounds;

(b) its actual emissions are less than 500 pounds per year of any hazardous air pollutant and less than 2000 pounds per year of any combination of hazardous air pollutants;

(c) its actual emissions are less than 500 pounds per year of any air pollutant not listed in (a) or (b) above and less than 2000 pounds per year of any combination of air pollutants not listed in (a) or (b) above.

(d) Air pollutants that are drawn from the environment through equipment in intake air and then are released back to the environment without chemical change, as well as carbon dioxide, nitrogen, oxygen, argon, neon, helium, krypton, xenon should not be included in emission calculations when determining applicability under (a) through (c) above.

(2) The owner or operator of a source that is exempted from the requirement to obtain an approval order under (1) above shall no longer be exempt if actual emissions in any subsequent year exceed the emission thresholds in (1) above. The owner or operator shall submit a notice of intent under Section R307-401-5 no later than 180 days after the end of the calendar year in which the source exceeded the emission threshold.

(3) Small Source Exemption - Registration. The director will maintain a registry of sources that are claiming an exemption under Section R307-401-9. The owner or operator of a stationary source that is claiming an exemption under Section R307-401-9 may submit a written registration notice to the director. The notice shall include the following minimum information:

(a) identifying information, including company name and address, location of source, telephone number, and name of plant site manager or point of contact;

(b) a description of the nature of the processes involved, equipment, anticipated quantities of materials used, the type and quantity of fuel employed and nature and quantity of the finished product;

(c) identification of expected emissions;

(d) estimated annual emission rates;

(e) any control apparatus used; and

(f) typical operating schedule.

(4) An exemption under Section R307-401-9 does not affect the requirements of Section R307-401-17, Temporary Relocation.

(5) A stationary source that is not required to obtain a permit under Rule R307-405 for greenhouse gases, as defined in Subsection R307-405-3(9)(a), is not required to obtain an approval order for greenhouse gases under Rule R307-401. This exemption does not affect the requirement to obtain an approval order for any other air pollutant emitted by the stationary source.

R307-401-10. Source Category Exemptions.

The source categories described in Section R307-401-10 are exempt from the requirement to obtain an approval order found in Sections R307-401-5 through R307-401-8. The general provisions in Section 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 Section R307-101-2, and is registered with the Division as required by Rule R307-505.

(6) A gasoline dispensing facility as defined in 40 CFR 63.11132 that is not a major source as defined in Section R307-101-2. These sources shall comply with the applicable requirements of Rule R307-328 and 40 CFR 63 Subpart CCCCCC: National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

R307-401-11. Replacement-in-Kind Equipment.

(1) Applicability. Existing process equipment or pollution control equipment that is covered by an existing approval order or State Implementation Plan requirement may be replaced using the procedures in (2) below if:

(a) the potential to emit of the process equipment is the same or lower;

(b) the number of emission points or emitting units is the same or lower;

(c) no additional types of air pollutants are emitted as a result of the replacement;

- (d) the process equipment or pollution control equipment is identical to or functionally equivalent to the replaced equipment;
 - (e) the replacement does not change the basic design parameters of the process unit or pollution control equipment;
 - (f) the replaced process equipment or pollution control equipment is permanently removed from the stationary source, otherwise permanently disabled, or permanently barred from operation;
 - (g) the replacement process equipment or pollution control equipment does not trigger New Source Performance Standards or National Emissions Standards for Hazardous Air Pollutants under 42 U.S.C. 7411 or 7412; and
 - (h) the replacement of the control apparatus or process equipment does not violate any other provision of Title R307.
- (2) Replacement-in-Kind Procedures.
- (a) In lieu of filing a notice of intent under Section R307-401-5, the owner or operator of a stationary source shall submit a written notification to the director before replacing the equipment. The notification shall contain a description of the replacement-in-kind equipment, including the control capability of any control apparatus and a demonstration that the conditions of (1) above are met.
- (b) If the replacement-in-kind meets the conditions of (1) above, the director will update the source's approval order and notify the owner or operator. Public review under Section R307-401-7 is not required for the update to the approval order.
- (3) If the replaced process equipment or pollution control equipment is brought back into operation, it shall constitute a new emissions unit.

R307-401-12. Reduction in Air Pollutants.

- (1) Applicability. The owner or operator of a stationary source of air pollutants that reduces or eliminates air pollutants is exempt from the requirement to submit a notice of intent and obtain an approval order prior to construction if:
- (a) the project does not increase the potential to emit of any air pollutant or cause emissions of any new air pollutant, and
 - (b) the director is notified of the change and the reduction of air pollutants is made enforceable through an approval order in accordance with (2) below.
- (2) Notification. The owner or operator shall submit a written description of the project to the director no later than 60 days after the changes are made. The director will update the source's approval order or issue a new approval order to include the project and to make the emission reductions enforceable. Public review under Section R307-401-7 is not required for the update to the approval order.

R307-401-13. Plantwide Applicability Limits.

A plantwide applicability limit under Section R307-405-21 does not exempt a stationary source from the requirements of R307-401.

R307-401-14. Used Oil Fuel Burned for Energy Recovery.

- (1) Definitions.
- "Boiler" means boiler as defined in R315-1-1(b).
- "Used Oil" is defined as any oil that has been refined from crude oil, used, and, as a result of such use contaminated by physical or chemical impurities.
- (2) Boilers burning used oil for energy recovery are exempt from the requirement to obtain an approval order in Sections R307-401-5 through R307-401-8 if the following requirements are met:
- (a) the heat input design is less than one million BTU/hr;
 - (b) contamination levels of all used oil to be burned do not exceed any of the following values:
 - (i) arsenic - 5 ppm by weight,
 - (ii) cadmium - 2 ppm by weight,
 - (iii) chromium - 10 ppm by weight,
 - (iv) lead - 100 ppm by weight,
 - (v) total halogens - 1,000 ppm by weight,
 - (vi) Sulfur - 0.50% by weight; and
 - (c) the flash point of all used oil to be burned is at least 100 degrees Fahrenheit.
- (3) Testing. The owner or operator shall test each load of used oil received or generated as directed by the director to ensure it meets these requirements. Testing may be performed by the owner [4]or operator or documented by test reports from the used fuel oil vendor. The flash point shall be measured using the appropriate ASTM method as required by the director. Records for used oil consumption and test reports are to be kept for all periods when fuel-burning equipment is in operation. The records shall be kept on site and made available to the director or the director's representative upon request. Records must be kept for a three-year period.

R307-401-15. Air Strippers and Soil Venting Projects.

- (1) The owner or operator of an air stripper or soil venting system that is used to remediate contaminated groundwater or soil is exempt from the notice of intent and approval order requirements of Sections R307-401-5 through R307-401-8 if the following conditions are met:
- (a) the estimated total air emissions of volatile organic compounds from a given project are less than the de minimis emissions listed in Subsection R307-401-9(1)(a), and
 - (b) the level of any one hazardous air pollutant or any combination of hazardous air pollutants is below the levels listed in Subsection R307-410-5(1)(c)(i)(C).

(2) The owner or operator shall submit documentation that the project meets the exemption requirements in Subsection R307-401-15(1) to the director prior to beginning the remediation project.

(3) After beginning the soil remediation project, the owner or operator shall submit emissions information to the director to verify that the emission rates of the volatile organic compounds and hazardous air pollutants in Subsection R307-401-15(1) are not exceeded.

(a) Emissions estimates of volatile organic compounds shall be based on test data obtained in accordance with the test method in the EPA document SW-846, Test #8260c or 8261a, or the most recent EPA revision of either test method if approved by the director.

(b) Emissions estimates of hazardous air pollutants shall be based on test data obtained in accordance with the test method in EPA document SW-846, Test #8021B or the most recent EPA revision of the test method if approved by the director.

(c) Results of the test and calculated annual quantity of emissions of volatile organic compounds and hazardous air pollutants shall be submitted to the director within one month of sampling.

(d) The test samples shall be drawn on intervals of no less than twenty-eight days and no more than thirty-one days (i.e., monthly) for the first quarter, quarterly for the first year, and semi-annually thereafter or as determined necessary by the director.

(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 venting project exempted under Section 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. De minimis Emissions From Soil Aeration Projects.

An owner or operator of a soil remediation project is not subject to the notice of intent and approval order requirements of Sections R307-401-5 through R307-401-8 when soil aeration or land farming is used to conduct a soil remediation, if the owner or operator submits the following information to the director prior to beginning the remediation project:

(1) documentation that the estimated total air emissions of volatile organic compounds, using an appropriate sampling method, from the project are less than the de minimis emissions listed in Subsection R307-401-9(1)(a);

(2) documentation that the levels of any one hazardous air pollutant or any combination of hazardous air pollutants are less than the levels in Subsection R307-410-5(1)(d); and

(3) the location of the remediation and where the remediated material originated.

R307-401-17. Temporary Relocation.

The owner or operator of a stationary source previously approved under Rule R307-401 may temporarily relocate and operate the stationary source at any site for up to 180 working days in any calendar year not to exceed 365 consecutive days, starting from the initial relocation date. The director will evaluate the expected emissions impact at the site and compliance with applicable Title R307 rules as the basis for determining if approval for temporary relocation may be granted. Records of the working days at each site, consecutive days at each site, and actual production rate shall be submitted to the director at the end of each 180 calendar days. These records shall also be kept on site by the owner or operator for the entire project, and be made available for review to the director as requested. Section R307-401-7, Public Notice, does not apply to temporary relocations under Section R307-401-17.

R307-401-18. Eighteen Month Review.

Approval orders issued by the director in accordance with the provisions of Rule R307-401 will be reviewed eighteen months after the date of issuance to determine the status of construction, installation, modification, relocation or establishment. If a continuous program of construction, installation, modification, relocation or establishment is not proceeding, the director may revoke the approval order.

R307-401-19. General Approval Order.

(1) The director may issue a general approval order that would establish conditions for similar new or modified sources of the same type or for specific types of equipment. The general approval order may apply throughout the state or in a specific area.

(a) A major source or major modification as defined in Rules R307-403, R307-405, or R307-420 for each respective area is not eligible for coverage under a general approval order.

(b) A source that is subject to the requirements of Section R307-403-5 is not eligible for coverage under a general approval order.

(c) A source that is subject to the requirements of Section R307-410-4 is not eligible for coverage under a general approval order unless a demonstration that meets the requirements of Section R307-410-4 was conducted.

(d) A source that is subject to the requirements of Subsection R307-410-5(1)(c)(ii) is not eligible for coverage under a general approval order unless a demonstration that meets the requirements of Subsection R307-410-5(1)(c)(ii) was conducted.

(e) A source that is subject to the requirements of Subsection R307-410-5(1)(c)(iii) is not eligible for coverage under a general approval order.

(2) A general approval order shall meet all applicable requirements of Section R307-401-8.

(3) The public notice requirements in Section R307-401-7 shall apply to a general approval order except that the director will advertise the notice of intent in a newspaper of statewide circulation.

(4) Application.

(a) After a general approval order has been issued, the owner or operator of a proposed new or modified source may apply to be covered under the conditions of the general approval order.

(b) The owner or operator shall submit the application on forms provided by the director in lieu of the notice of intent requirements in Section R307-401-5 for all equipment covered by the general approval order.

(c) The owner or operator may request that an existing, individual approval order for the source be revoked, and that it be covered by the general approval order.

(d) The owner or operator that has applied to be covered by a general approval order shall not initiate construction, modification, or relocation until the application has been approved by the director.

(5) Approval.

(a) The director will review the application and approve or deny the request based on criteria specified in the general approval order for that type of source. If approved, the director will issue an authorization to the applicant to operate under the general approval order.

(b) The public notice requirements in Section R307-401-7 do not apply to the approval of an application to be covered under the general approval order.

(c) The director will maintain a record of all stationary sources that are covered by a specific general approval order and this record will be available for public review.

(6) Exclusions and Revocation.

(a) The director may require any source that has applied for or is authorized by a general approval order to submit a notice of intent and obtain an individual approval order under Section R307-401-8. Cases where an individual approval order will be required include, but are not limited to, the following:

(i) the director determines that the source does not meet the criteria specified in the general approval order;

(ii) the director determines that the application for the general approval order did not contain all necessary information to evaluate applicability under the general approval order;

(iii) modifications were made to the source that were not authorized by the general approval order or an individual approval order;

(iv) the director determines the source may cause a violation of a national ambient air quality standard; or

(v) the director determines that one is required based on the compliance history and current compliance status of the source or applicant.

(b)(i) Any source authorized by a general approval order may request to be excluded from the coverage of the general approval order by submitting a notice of intent under Section R307-401-5 and receiving an individual approval order under Section R307-401-8.

(ii) When the director issues an individual approval order to a source subject to a general approval order, the applicability of the general approval order to the individual source is revoked on the effective date of the individual approval order.

(7) Modification of General Approval Order. The director may modify, replace, or discontinue the general approval order.

(a) Administrative corrections may be made to the existing version of the general approval order. These corrections are to correct typographical errors or similar minor administrative changes.

(b) All other modifications or the discontinuation of a general approval order shall not apply to any source authorized under previous versions of the general approval order unless the owner or operator submits an application to be covered under the new version of the general approval order. Modifications under Subsection R307-401-19(7)(b) shall meet the public notice requirements in Subsection R307-401-19(3).

(c) A general approval order shall be reviewed at least every three years. The review of the general approval order shall follow the public notice requirements of Subsection R307-401-19(3).

(8) Modifications at a source covered by a general approval order. A source may make modifications only as authorized by the approved general approval order. Modifications outside the scope authorized by the approved general approval order shall require a new application for either an individual approval order under Section R307-401-8 or a general approval order under Section R307-401-19.

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

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

2 **R307-415. Permits: Operating Permit Requirements.**

3 **R307-415-9. Fees for Operating Permits.**

4 (1) Definitions. The following definition applies only to
5 Subsection R307-415-9: "Allowable emissions" are emissions based
6 on the potential to emit stated by the director in an approval order,
7 the State Implementation Plan or an operating permit.

8 (2) Applicability. As authorized by Section
9 ~~[19-2-109.1]~~19-1-201, all Part 70 sources must pay ~~[an]~~ annual fees ~~[,]~~
10 to support the operating permit program. ~~[based on annual emissions of~~
11 ~~all chargeable pollutants.]~~

12 ~~[(a) Any Title IV affected source that has been designated as~~
13 ~~a "Phase I Unit" in a substitution plan approved by the Administrator~~
14 ~~under 40 CFR Section 72.41 shall be exempted from the requirement to~~
15 ~~pay an emission fee from January 1, 1995 to December 31, 1999.]~~

16 (3) Calculation of Annual Emission Fee for a Part 70 Source.

17 (a) The emission fee shall be calculated for all chargeable
18 pollutants emitted from a Part 70 source, even if only one unit or one
19 chargeable pollutant triggers the applicability of Rule R307-415 to
20 the source.

21 (i) Fugitive emissions and fugitive dust shall be counted when
22 determining the emission fee for a Part 70 source.

23 (ii) An emission fee shall not be charged for emissions of any
24 amount of a chargeable pollutant if the emissions are already accounted
25 for within the emissions of another chargeable pollutant.

26 (iii) An emission fee shall not be charged for emissions of any
27 one chargeable pollutant from any one Part 70 source in excess of 4,000
28 tons per year.

29 (iv) Emissions resulting directly from an internal combustion
30 engine for transportation purposes or from a non-road vehicle shall
31 not be counted when calculating chargeable emissions for a Part 70
32 source.

33 (b) The emission fee portion of the total fee for an existing
34 source prior to the issuance of an operating permit, shall be based
35 on the most recent emission inventory available unless a Part 70 source
36 elected, prior to July 1, 1992, to base the fee for one or more
37 pollutants on allowable emissions established in an approval order or
38 the State Implementation Plan.

39 (c) The emission fee portion of the total fee after the issuance
40 or renewal of an operating permit shall be based on the most recent
41 emission inventory available unless a Part 70 source elects, prior to
42 the issuance or renewal of the permit, to base the fee for one or more
43 chargeable pollutants on allowable emissions for the entire term of
44 the permit.

45 (d) When a new Part 70 source begins operating, it shall pay

1 ~~[an]~~the emission fee portion of the total fee for that fiscal year,
2 prorated from the date the source begins operating plus any additional
3 Part 70 fees. The emission fee portion of the total fee for a new Part
4 70 source shall be based on allowable emissions until that source has
5 been in operation for a full calendar year, and has submitted an
6 inventory of actual emissions. If a new Part 70 source is not billed
7 in the first billing cycle of its operation, the emission fee plus any
8 additional fees shall be calculated using the emissions that would have
9 been used had the source been billed at that time. This fee shall be
10 in addition to any subsequent emission fees.

11 (e) When a Part 70 source is no longer subject to Part 70, the
12 emission fee portion of the total fee shall be prorated to the date
13 that the source ceased to be subject to Part 70. If the Part 70 source
14 has already paid an emission fee that is greater than the prorated fee,
15 the balance of the emission fee will be refunded. No other Part 70 fees
16 shall be refunded.

17 (i) If that Part 70 source again becomes subject to the emission
18 fee requirements, it shall pay an emission fee for that fiscal year
19 prorated from the date the source again became subject to the emission
20 fee requirements plus any additional fees typically charged for Part
21 70 sources for that year. The fee shall be based on the emission
22 inventory during the last full year of operation. The emission fee
23 shall continue to be based on actual emissions reported for the last
24 full calendar year of operation until that source has been in operation
25 for a full calendar year and has submitted an updated inventory of
26 actual emissions.

27 (ii) If a Part 70 source has chosen to base the emission fee on
28 allowable emissions, then the prorated fee shall be calculated using
29 allowable emissions.

30 (f) Modifications. The method for calculating the emission fee
31 for a source shall not be affected by modifications at that source,
32 unless the source demonstrates to the director that another method for
33 calculating chargeable emissions is more representative of operations
34 after the modification has been made.

35 (g) The director may presume that potential emissions of any
36 chargeable pollutant for the source are equivalent to the actual
37 emissions for the source if recent inventory data are not available.

38 (4) Collection of Fees.

39 (a) The ~~[emission]~~Part 70 fees ~~[is]~~are due on October 1 of each
40 calendar year or 45 days after the source has received notice of the
41 amount of the fee, whichever is later.

42 (b) The director may require any owner or operator of the source
43 ~~[person]~~who fails to pay the annual ~~[emission]~~fees by the due date
44 to pay interest on the fee and a penalty under Subsection
45 19-2-109.1(4)(7)(a) or revoke the operating permit under Subsection

1 19-2-109.1(4)(b).

2 (c) An owner or operator ~~[person]~~ may contest ~~[an emission]~~ a
3 Part 70 fee assessment, or associated penalty, under
4 19-2-109.1(5) ~~[(8)]~~.

5 (d) To reinstate the permit revoked under Subsection
6 19-2-109.1(4)(b), an owner or operator shall pay the outstanding fees,
7 a penalty of not more than 50% of outstanding fees, and interests on
8 the outstanding fees computed at 12% annually.

9

10 **KEY: air pollution, greenhouse gases, operating permit, emission**
11 **fees**

12 **Date of Enactment or Last Substantive Amendment: February 4, 2016**

13 **Notice of Continuation: May 15, 2017**

14 **Authorizing, and Implemented or Interpreted Law: 19-2-109.1;**
15 **19-2-104**

State of Utah
Administrative Rule Analysis
Revised May 2020

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.):	R307-415-9	Filing No. (Office Use Only)
Changed to Admin. Code Ref. (R no.):	R	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:	Fourth Floor	
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:
Fees for Operating Permits
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?):
Due to Senate Bill 88 being passed by the Utah State Legislature in 2020, amendments were needed in R307-415-9 to bring the rule in line with Utah Code.
4. Summary of the new rule or change:
<p>A general amendment throughout the subsections of R307-415-9 allows for additional fees to an annual emissions. The previous statute language only allowed a uniform annual fee based on tons emitted. Examples of the fees that may be allowed by these language changes could include annual fees, varying fees for different source sizes and types, administrative fees, etc. All fees are proposed annually with the Department of Environmental Quality's fee package that has a public comment period and public hearing each Fall, and then goes to the Legislature for approval during the annual legislative session. Additionally, there were multiple amendments throughout R307-415-9 to align with the state statute and clean up outdated language.</p> <p>A public hearing is set for Monday, August 3, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Friday, July 31, 2020, at 5:00PM MT. The final status of the public hearing will be posted on Friday, July 31, after 5:00PM MT. The status of the public hearing may be checked at the following website location under the corresponding rule.</p> <p>https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment</p>

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There are no direct fiscal impacts to the state budget as a result of this rulemaking. The only fiscal impacts will come from the additional fees to an annual emissions fee that are now allowed as a result of this rulemaking. However, those fees are proposed from the Department of Environmental Quality's fee package which is sent to the Legislature for approval. Therefore, there are no fiscal impacts resulting from these amendments.

B) Local governments:

Local governments are not impacted from this rulemaking and therefore experience no fiscal impacts.

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

There are no direct fiscal impacts to small businesses as a result of this rulemaking. The only fiscal impacts will come from the additional fees to an annual emissions fee that are now allowed as a result of this rulemaking. However, those fees are proposed from the Department of Environmental Quality's fee package which is sent to the Legislature for approval. Therefore, there are no fiscal impacts resulting from these amendments.

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

There are no direct fiscal impacts to non-small businesses as a result of this rulemaking. The only fiscal impacts will come from the additional fees to an annual emissions fee that are now allowed as a result of this rulemaking. However, those fees are proposed from the Department of Environmental Quality's fee package which is sent to the Legislature for approval. Therefore, there are no fiscal impacts resulting from these amendments.

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 rule amendments to R307-415-9 do not apply to persons other than small businesses, non-small businesses, state, or local government entities and therefore have no fiscal impacts on them.

F) Compliance costs for affected persons:

There are no additional compliance costs for affected persons as a result of this rulemaking.

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	FY2021	FY2022	FY2023
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 of this fiscal analysis.

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

This rulemaking, as required by Senate Bill 88 in the 2020 Utah Legislative Session, has no fiscal impact on businesses. The only changes may come in the future from the allowance of additional fees to an annual emissions fee, but those fees are enacted by the Legislature as proposed by the Department of Environmental Quality in the fee package sent each general session.

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): 08/03/2020**B) A public hearing (optional) will be held:**

On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
08/03/2020	11:00AM MST	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): 09/03/2020

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):	05/18/2020
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R307. Environmental Quality, Air Quality.

R307-415. Permits: Operating Permit Requirements.

R307-415-9. Fees for Operating Permits.

(1) Definitions. The following definition applies only to Subsection R307-415-9: "Allowable emissions" are emissions based on the potential to emit stated by the director in an approval order, the State Implementation Plan or an operating permit.

(2) Applicability. As authorized by Section ~~[19-2-109.1]~~19-1-201, all Part 70 sources must pay ~~[an]~~ annual fees~~[.]~~ to support the operating permit program.~~[based on annual emissions of all chargeable pollutants.]~~

~~[(a) Any Title IV affected source that has been designated as a "Phase I Unit" in a substitution plan approved by the Administrator under 40 CFR Section 72.41 shall be exempted from the requirement to pay an emission fee from January 1, 1995 to December 31, 1999.]~~

(3) Calculation of Annual Emission Fee for a Part 70 Source.

(a) The emission fee shall be calculated for all chargeable pollutants emitted from a Part 70 source, even if only one unit or one chargeable pollutant triggers the applicability of Rule R307-415 to the source.

(i) Fugitive emissions and fugitive dust shall be counted when determining the emission fee for a Part 70 source.

(ii) An emission fee shall not be charged for emissions of any amount of a chargeable pollutant if the emissions are already accounted for within the emissions of another chargeable pollutant.

(iii) An emission fee shall not be charged for emissions of any one chargeable pollutant from any one Part 70 source in excess of 4,000 tons per year.

(iv) Emissions resulting directly from an internal combustion engine for transportation purposes or from a non-road vehicle shall not be counted when calculating chargeable emissions for a Part 70 source.

(b) The emission fee portion of the total fee for an existing source prior to the issuance of an operating permit, shall be based on the most recent emission inventory available unless a Part 70 source elected, prior to July 1, 1992, to base the fee for one or more pollutants on allowable emissions established in an approval order or the State Implementation Plan.

(c) The emission fee portion of the total fee after the issuance or renewal of an operating permit shall be based on the most recent emission inventory available unless a Part 70 source elects, prior to the issuance or renewal of the permit, to base the fee for one or more chargeable pollutants on allowable emissions for the entire term of the permit.

(d) When a new Part 70 source begins operating, it shall pay ~~[an]~~the emission fee portion of the total fee for that fiscal year, prorated from the date the source begins operating plus any additional Part 70 fees. The emission fee portion of the total fee for a new Part 70 source shall be based on allowable emissions until that source has been in operation for a full calendar year, and has submitted an inventory of actual emissions. If a new Part 70 source is not billed in the first billing cycle of its operation, the emission fee plus any additional fees shall be calculated using the emissions that would have been used had the source been billed at that time. This fee shall be in addition to any subsequent emission fees.

(e) When a Part 70 source is no longer subject to Part 70, the emission fee portion of the total fee shall be prorated to the date that the source ceased to be subject to Part 70. If the Part 70 source has already paid an emission fee that is greater than the prorated fee, the balance of the emission fee will be refunded. No other Part 70 fees shall be refunded.

(i) If that Part 70 source again becomes subject to the emission fee requirements, it shall pay an emission fee for that fiscal year prorated from the date the source again became subject to the emission fee requirements plus any additional fees typically charged for Part 70 sources for that year. The fee shall be based on the emission inventory during the last full year of operation. The emission fee shall continue to be based on actual emissions reported for the last full calendar year of operation until that source has been in operation for a full calendar year and has submitted an updated inventory of actual emissions.

(ii) If a Part 70 source has chosen to base the emission fee on allowable emissions, then the prorated fee shall be calculated using allowable emissions.

(f) Modifications. The method for calculating the emission fee for a source shall not be affected by modifications at that source, unless the source demonstrates to the director that another method for calculating chargeable emissions is more representative of operations after the modification has been made.

(g) The director may presume that potential emissions of any chargeable pollutant for the source are equivalent to the actual emissions for the source if recent inventory data are not available.

(4) Collection of Fees.

(a) The ~~[emission]~~Part 70 fees ~~[is]~~are due on October 1 of each calendar year or 45 days after the source has received notice of the amount of the fee, whichever is later.

(b) The director may require any owner or operator of the source ~~[person]~~who fails to pay the annual ~~[emission]~~fees by the due date to pay interest on the fee and a penalty under Subsection 19-2-109.1(4)(7)(a) or revoke the operating permit under Subsection 19-2-109.1(4)(b).

(c) An owner or operator ~~[person]~~ may contest ~~[an emission]~~ a Part 70 fee assessment, or associated penalty, under 19-2-109.1(5)(8).

(d) To reinstate the permit revoked under Subsection 19-2-109.1(4)(b), an owner or operator shall pay the outstanding fees, a penalty of not more than 50% of outstanding fees, and interests on the outstanding fees computed at 12% annually.

KEY: air pollution, greenhouse gases, operating permit, emission fees

Date of Enactment or Last Substantive Amendment: February 4, 2016

Notice of Continuation: May 15, 2017

Authorizing, and Implemented or Interpreted Law: 19-2-109.1; 19-2-104

R307. Environmental Quality, Air Quality.**R307-801. Utah Asbestos Rule.****R307-801-1. Purpose and Authority.**

This rule establishes procedures and requirements for asbestos abatement or renovation projects and training programs, procedures and requirements for the certification of persons and companies engaged in asbestos abatement or renovation projects, and work practice standards for performing such projects. This rule is promulgated under the authority of Utah Code Subsections ~~[Annotated]~~ 19-2-104(1)(d), (3)(a)(iii), (3)(b)(iv)(A), (B), and (C), (3)(b)(v), (6)(a), and (6)(b). Penalties are authorized by Utah Code Section ~~[Annotated]~~ 19-2-115. Fees are authorized by Utah Code Section ~~[Annotated]~~ 19-1-201 (6) ~~[-(2)]~~ (i).

KEY: air pollution, asbestos, asbestos hazard emergency response, schools

Date of Enactment or Last Substantive Amendment: May 5, 2016

Notice of Continuation: March 8, 2018

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(d); 19-2-104(3)(r) through (t); 40 CFR Part 61, Subpart M; 40 CFR Part 763, Subpart E

State of Utah
Administrative Rule Analysis
Revised May 2020

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.):	R307-801-1	Filing No. (Office Use Only)
Changed to Admin. Code Ref. (R no.):	R	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:	Fourth Floor	
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:
Purpose and Authority
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?):
Due to Senate Bill 88 being passed by the Utah State Legislature in 2020, amendments were needed in R307-801-1 to bring the rule in line with Utah Code.
4. Summary of the new rule or change:
The amendments to R307-801-1 merely update the reference to the Utah Code as amended by Senate Bill 88. A public hearing is set for Monday, August 3, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Friday, July 31, 2020, at 5:00PM MT. The final status of the public hearing will be posted on Friday, July 31, 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-notice-archive/air-quality-rule-plan-changes-open-public-comment

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There are no anticipated costs or savings to the state budget because the amendments merely update the reference to the Utah Code as amended by Senate Bill 88.
B) Local governments:
There are no anticipated costs or savings to local governments because the amendments merely update the reference to the Utah Code as amended by Senate Bill 88.

C) Small businesses ("small business" means a business employing 1-49 persons):			
There are no anticipated costs or savings to small businesses because the amendments merely update the reference to the Utah Code as amended by Senate Bill 88.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
There are no anticipated costs or savings to non-small businesses because the amendments merely update the reference to the Utah Code as amended by Senate Bill 88.			
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 are no anticipated costs or savings to persons other than small businesses, non-small businesses, state, or local government entities as the amendments merely update the reference to the Utah Code as amended by Senate Bill 88.			
F) Compliance costs for affected persons:			
There are no compliance costs for affected persons as a result of this rulemaking, as the amendments merely update the reference to the Utah Code as amended by Senate Bill 88.			
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	FY2021	FY2022	FY2023
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 of this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
The amendments to R307-801-1 merely update the references to the Utah Code as amended in Senate Bill 88 of the 2020 Utah Legislative Session and therefore have no fiscal impact on businesses.			
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(1)(d)	19-2-104(3)(r) through (t)	40 CFR Part 61. Subpart M
40 CFR Part 763. Subpart E		

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):		08/03/2020
B) A public hearing (optional) will be held:		
On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
08/03/2020	11:00AM MST	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): 09/03/2020

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):	05/18/2020
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R307. Environmental Quality, Air Quality.

R307-801. Utah Asbestos Rule.

R307-801-1. Purpose and Authority.

This rule establishes procedures and requirements for asbestos abatement or renovation projects and training programs, procedures and requirements for the certification of persons and companies engaged in asbestos abatement or renovation projects, and work practice standards for performing such projects. This rule is promulgated under the authority of Utah Code Subsections ~~[Annotated]~~ 19-2-104(1)(d), (3)(a)(iii), (3)(b)(iv)(A), (B), and (C), (3)(b)(v), (6)(a), and (6)(b). Penalties are authorized by Utah Code Section ~~[Annotated]~~ 19-2-115. Fees are authorized by Utah Code Section ~~[Annotated]~~ 19-1-201 ~~(6)~~~~(2)~~(i).

KEY: air pollution, asbestos, asbestos hazard emergency response, schools

Date of Enactment or Last Substantive Amendment: May 5, 2016

Notice of Continuation: March 8, 2018

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(d); 19-2-104(3)(r) through (t); 40 CFR Part 61, Subpart M; 40 CFR Part 763, Subpart E

ITEM 9

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-233-20

MEMORANDUM

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: May 11, 2020

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

Asbestos Demolition/Renovation NESHAP Inspections	4
Asbestos AHERA Inspections	4
Asbestos State Rules Only Inspections	4
Asbestos Notification Forms Accepted	155
Asbestos Telephone Calls	361
Asbestos Individuals Certifications Approved	56
Asbestos Company Certifications/Re-Certifications	4/8
Asbestos Alternate Work Practices Approved/Disapproved	1/0
Lead-Based Paint (LBP) Inspections	1
LBP Notification Forms Approved	1
LBP Telephone Calls	51
LBP Letters Prepared and Mailed	3
LBP Courses Reviewed/Approved	0
LBP Course Audits	0
LBP Individual Certifications Approved	33

LBP Firm Certifications	11
Notices of Violation Sent	0
Compliance Advisories Sent	8
Warning Letters Sent	2
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-673-20

MEMORANDUM

TO: Jay Morris, Compliance Branch Manager

FROM: Harold Burge, Major Source Compliance Manager

DATE: May 13, 2020

SUBJECT: Compliance Activities – April 2020

Annual Inspections Conducted:

Major.....	8
Synthetic Minor	2
Minor	37

On-Site Stack Test Audits Conducted: 0

Stack Test Report Reviews: 48

On-Site CEM Audits Conducted: 0

Emission Reports Reviewed: 8

Temporary Relocation Requests Reviewed & Approved: 0

Fugitive Dust Control Plans Reviewed & Accepted:..... 61

Burn Permits Issued: 127

Soil Remediation Report Reviews: 2

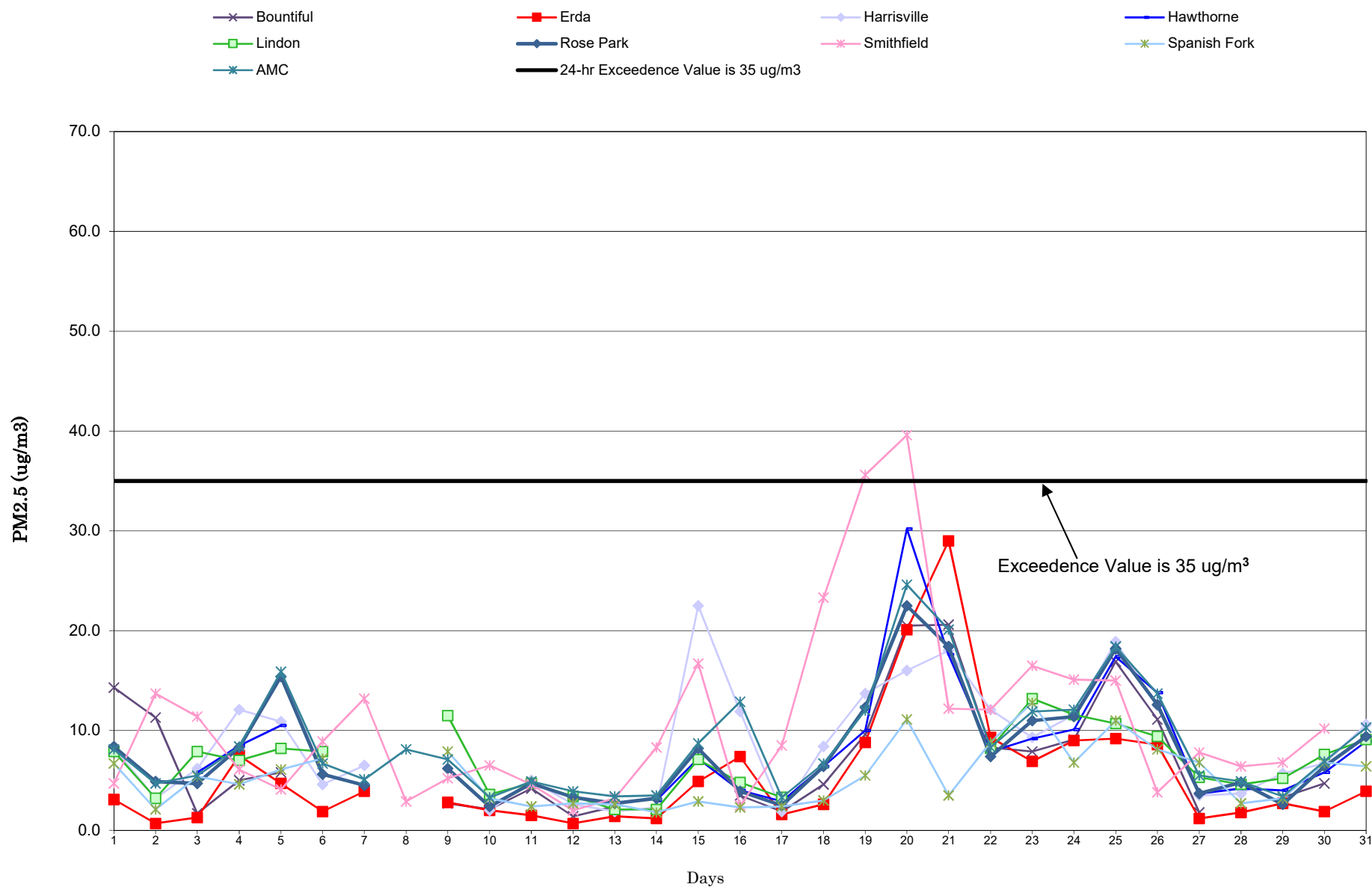
¹Miscellaneous Inspections Conducted:..... 13

Complaints Received:	1
Breakdown Reports Received:	1
Compliance Actions Resulting from a Breakdown:	0
Warning Letters Issued:	0
Notices of Violation Issued:	0
Unresolved Notices of Violation	
Altech Recovery	11/25/2019
Citation Oil and Gas (2)	01/08/2020
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:	9
No Further Action Letters Issued	3
Settlement Agreements Reached:	4
Brenntag Pacific	\$583
SME Industries	\$583
SLCC	\$359
CH-4 Finley Operating	\$2951

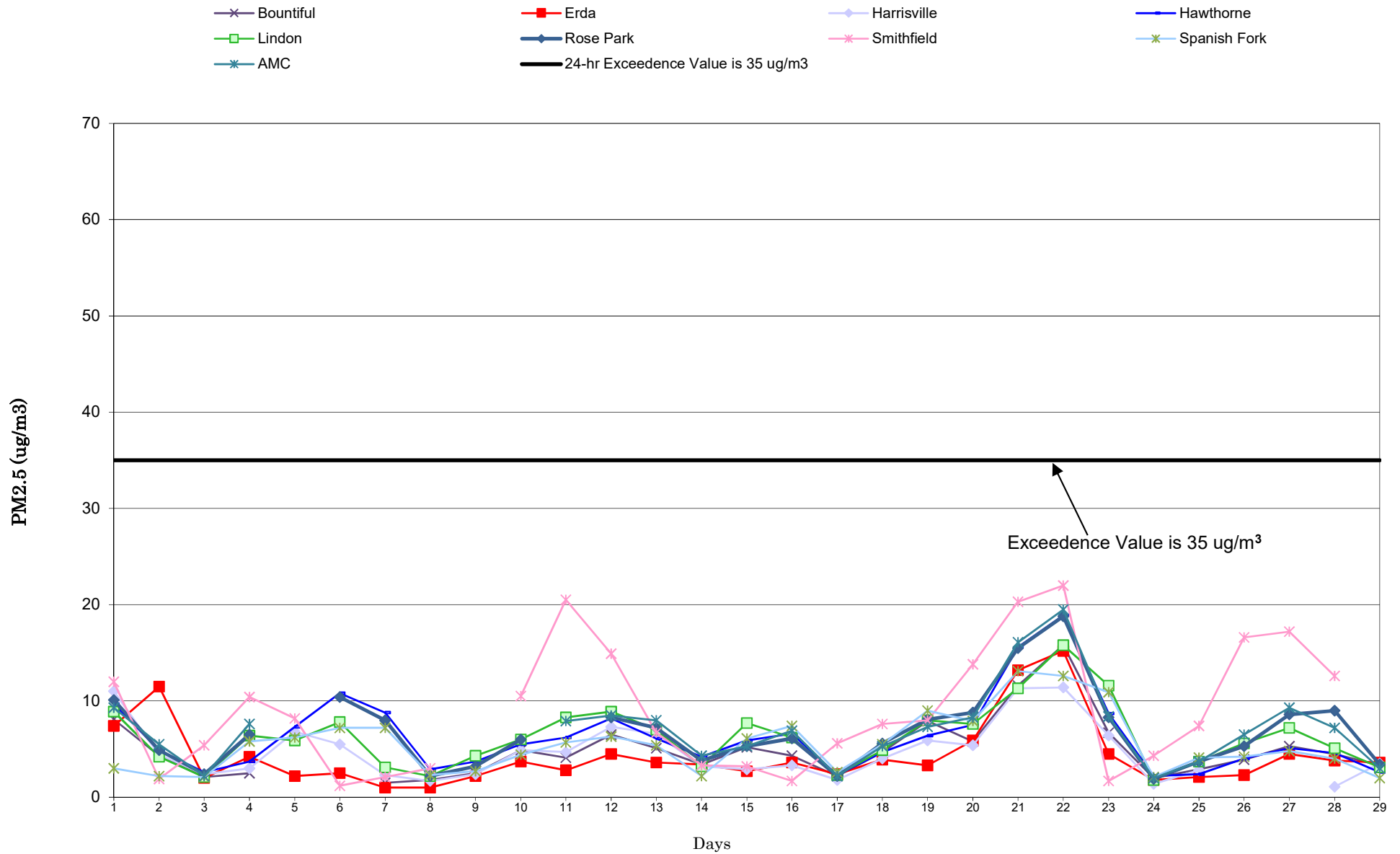
¹Miscellaneous inspections include, e.g., surveillance, level I inspections, VOC inspections, complaints, on-site training, dust patrol, smoke patrol, open burning, etc.

Air Monitoring

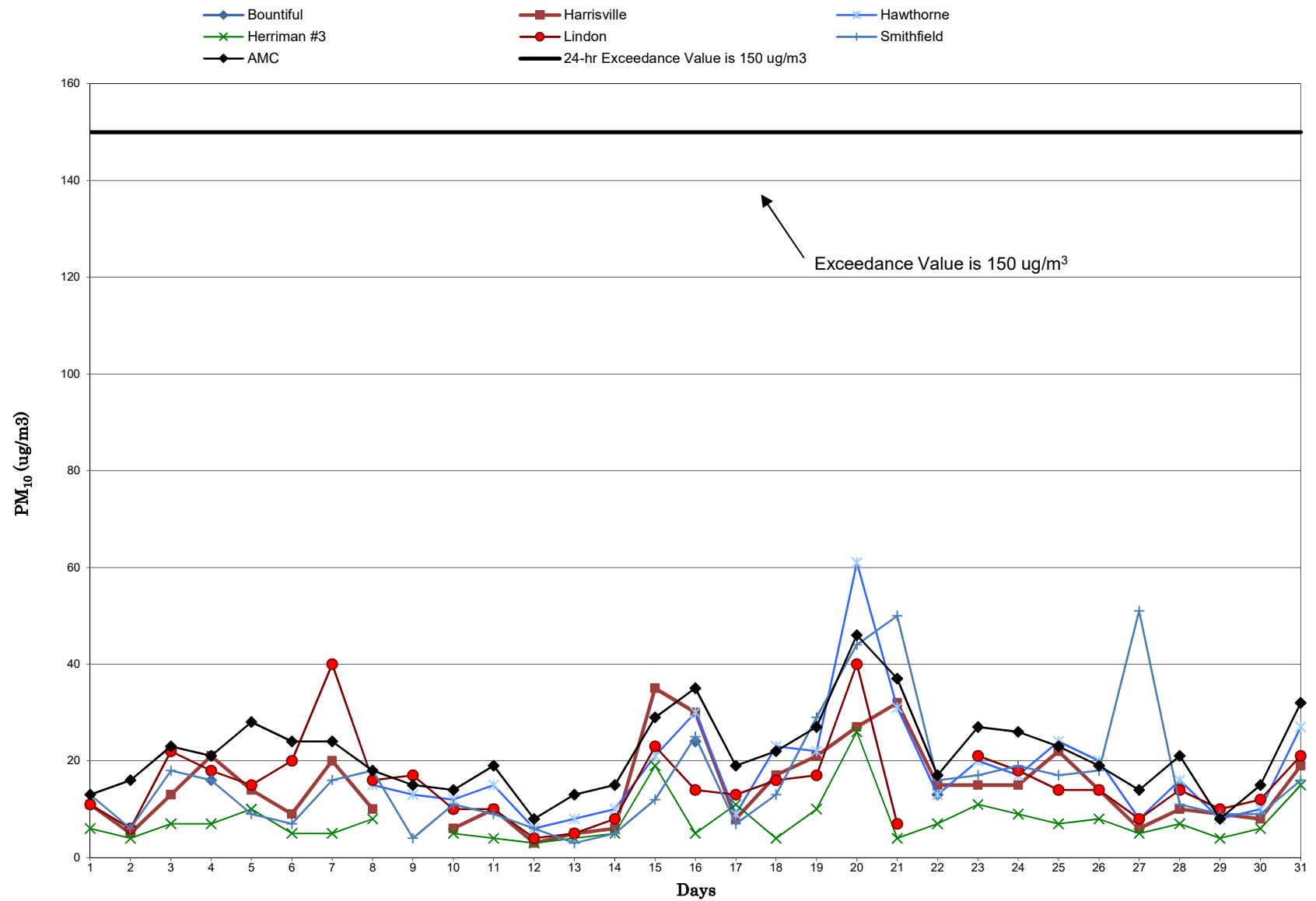
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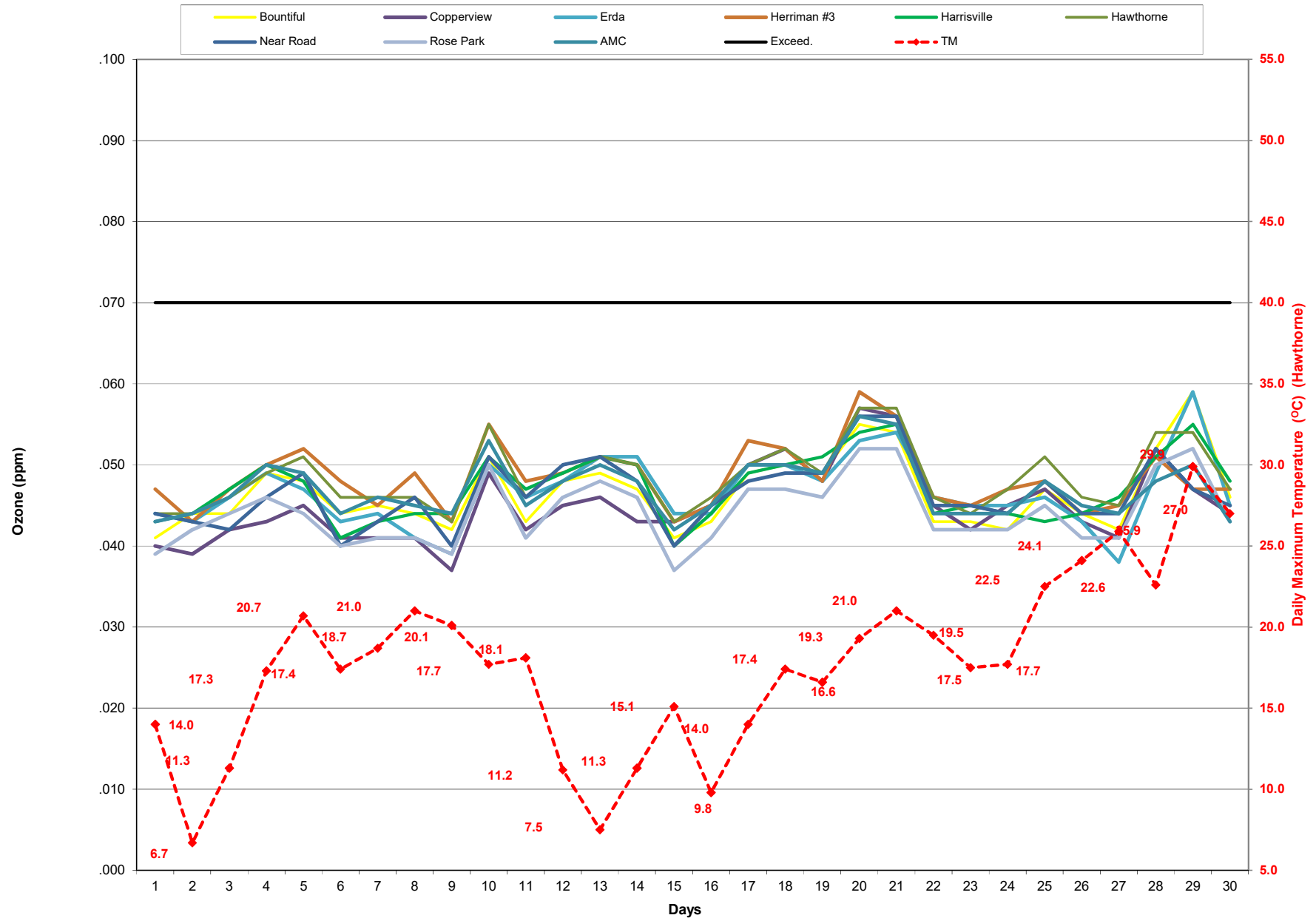
Utah 24-Hr PM2.5 Data February 2020



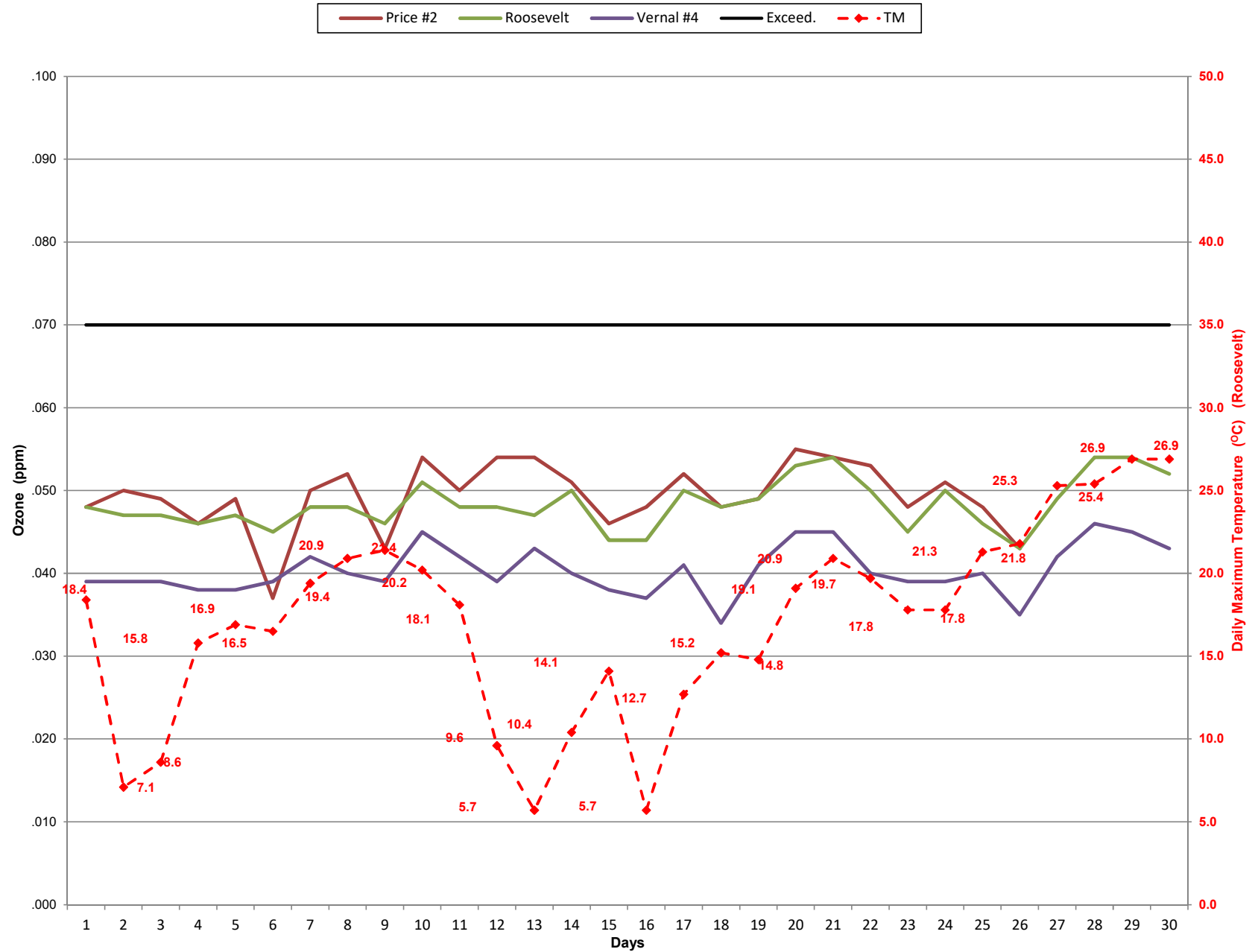
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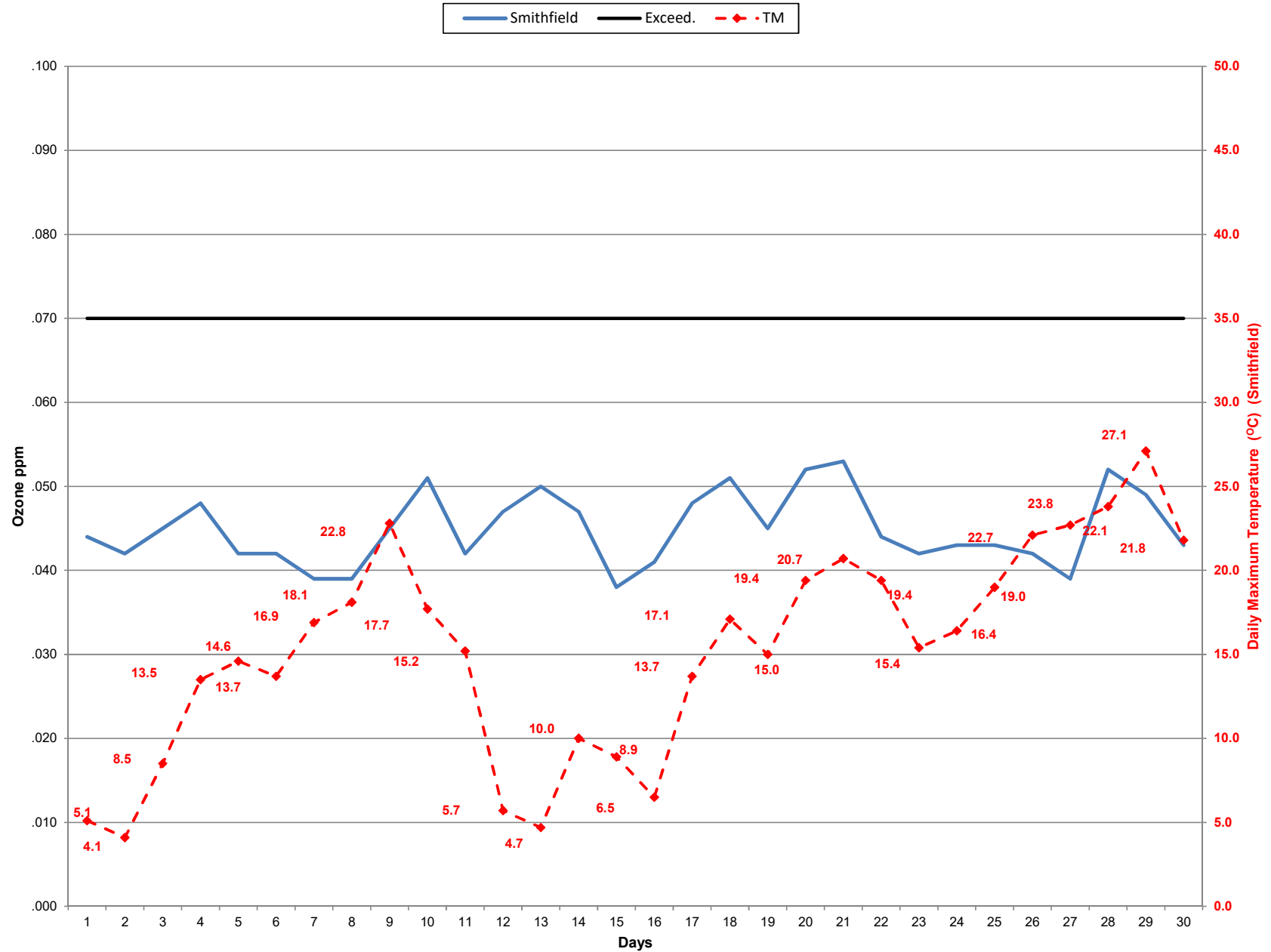
Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2020



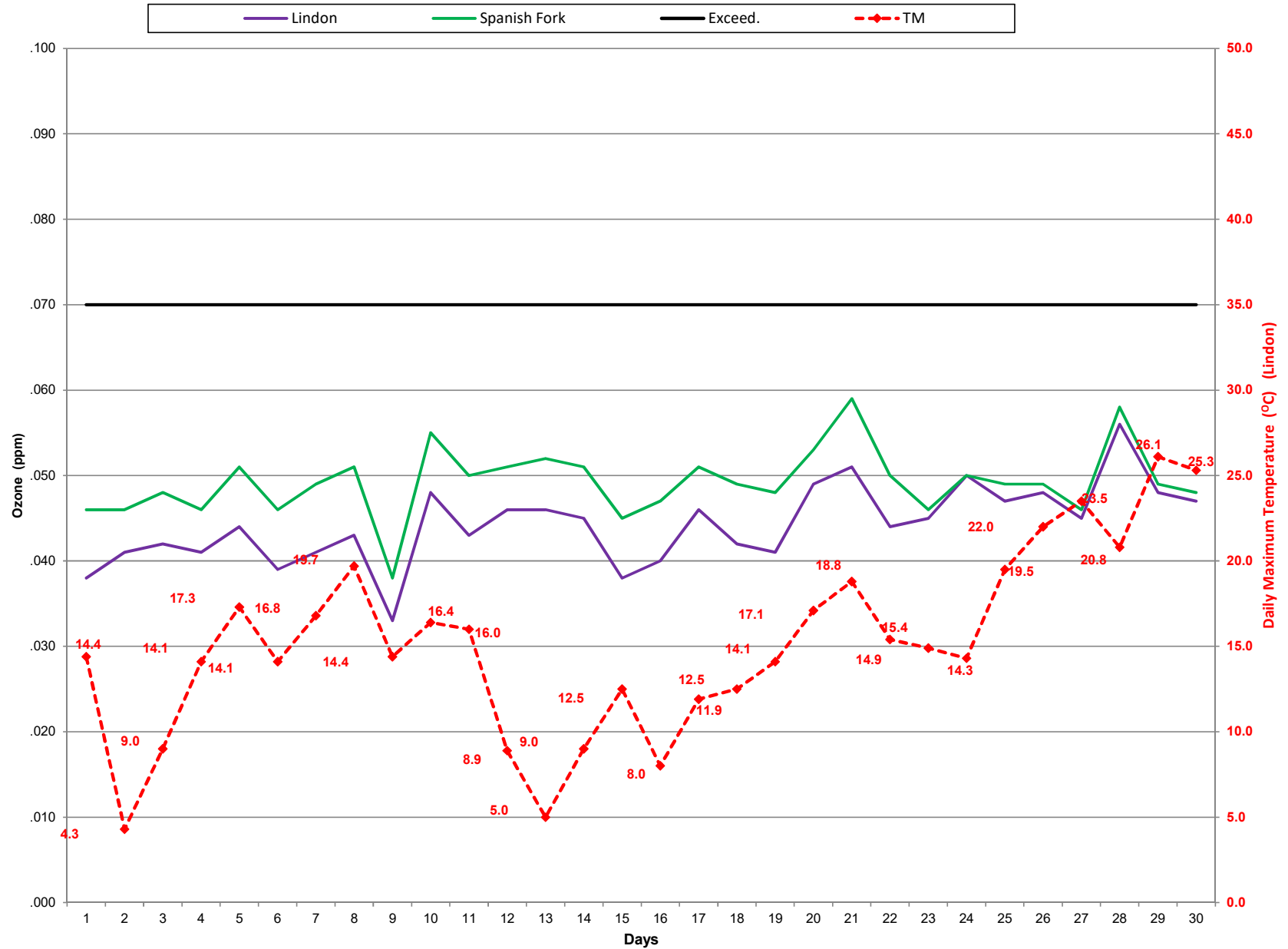
Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2020



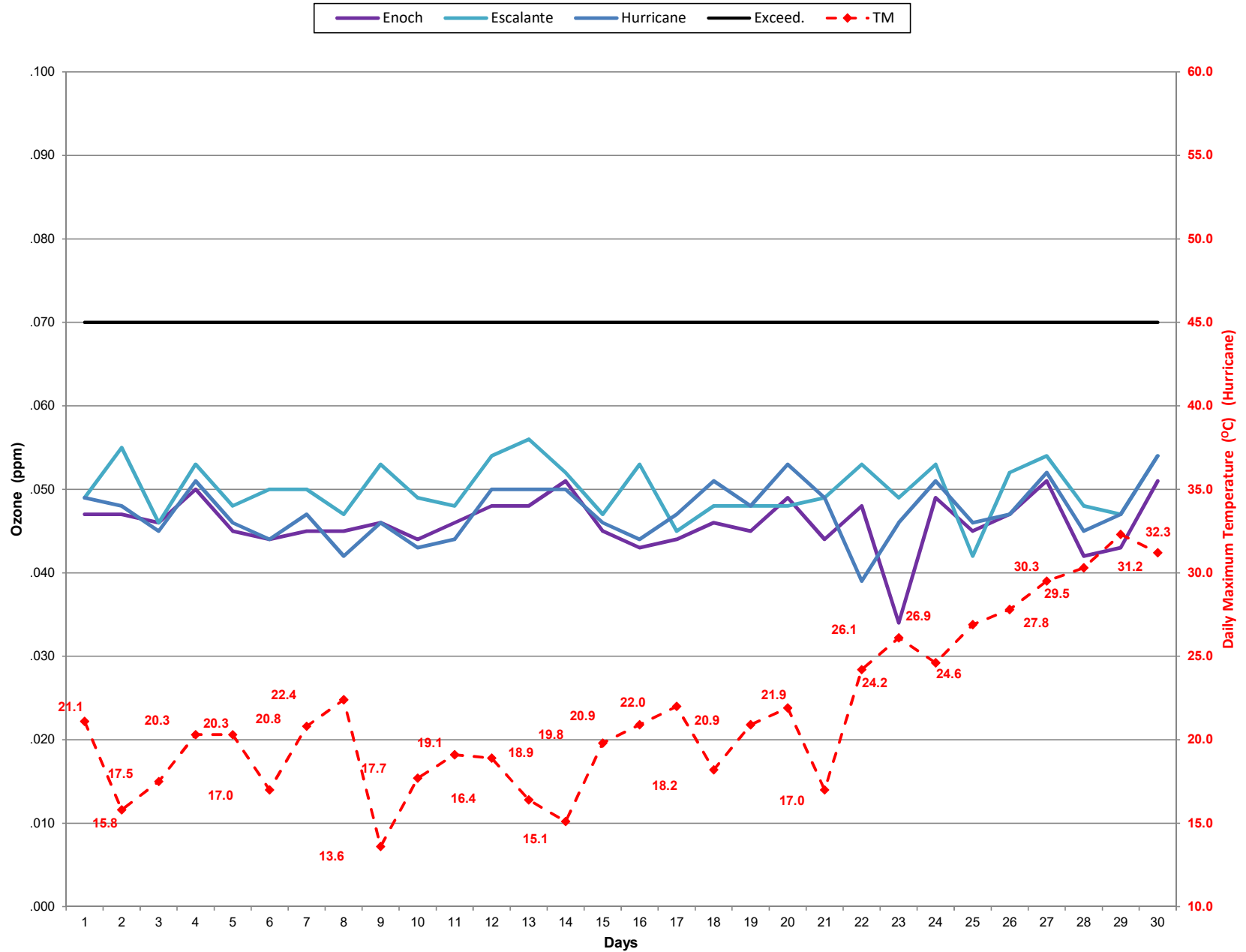
Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2020



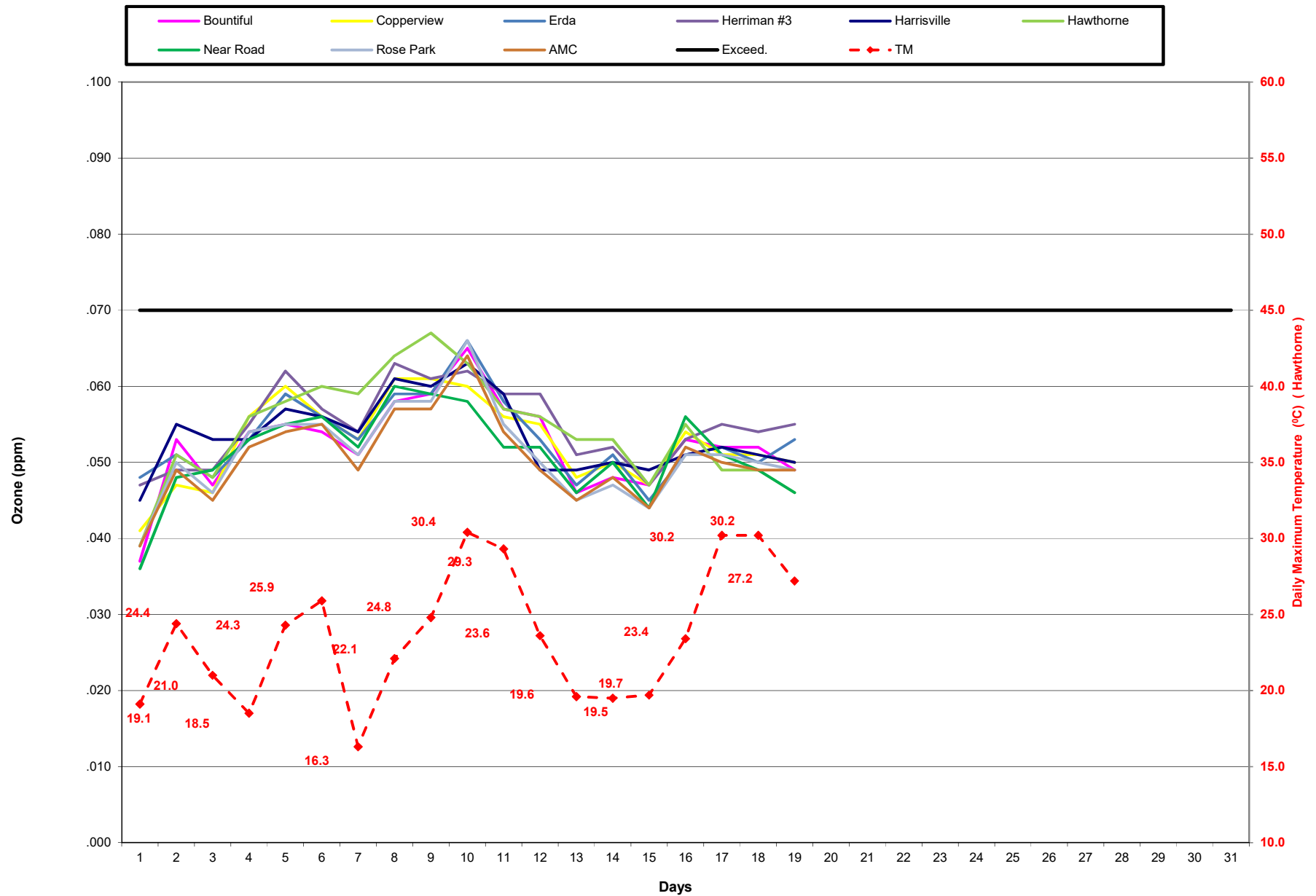
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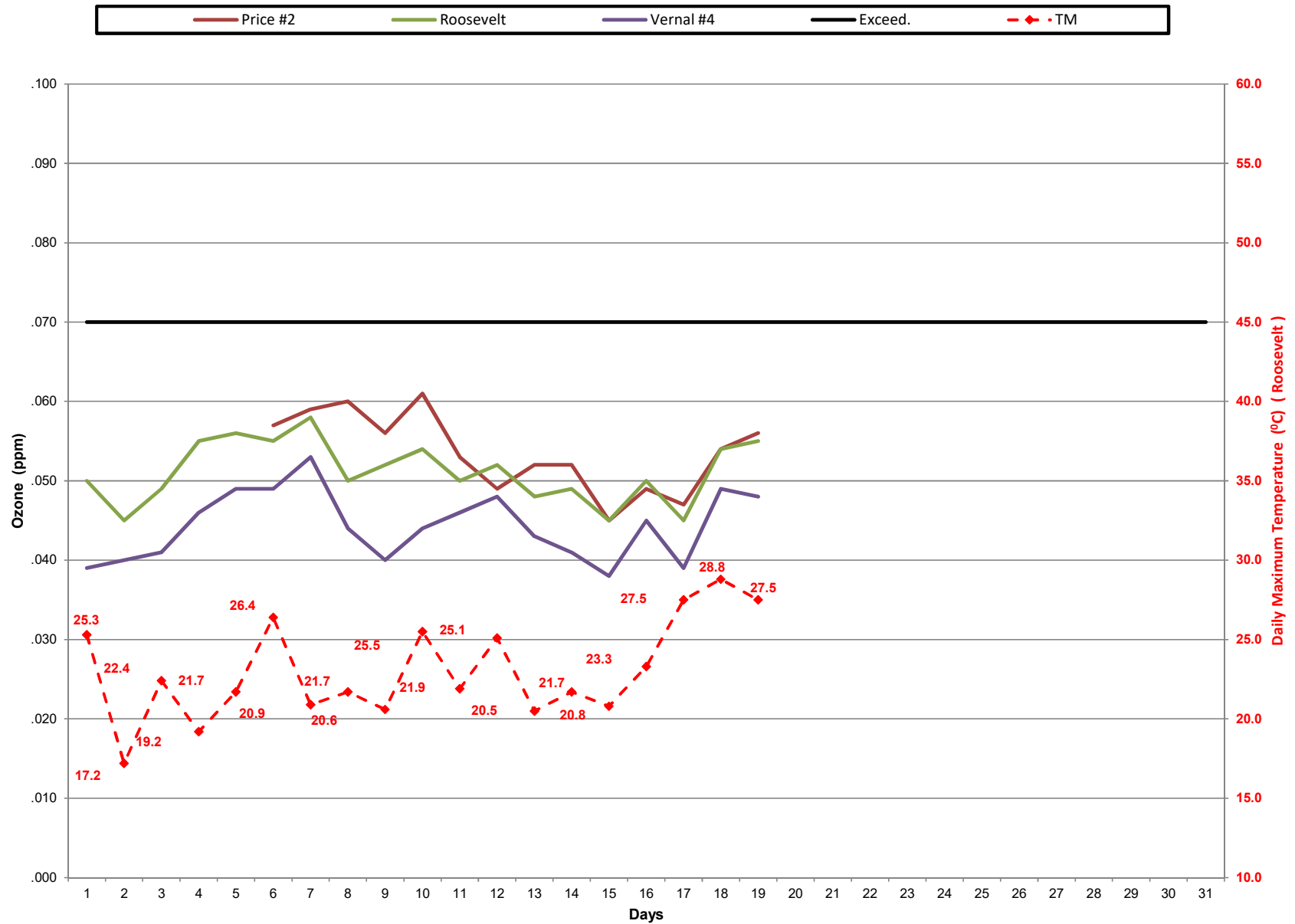
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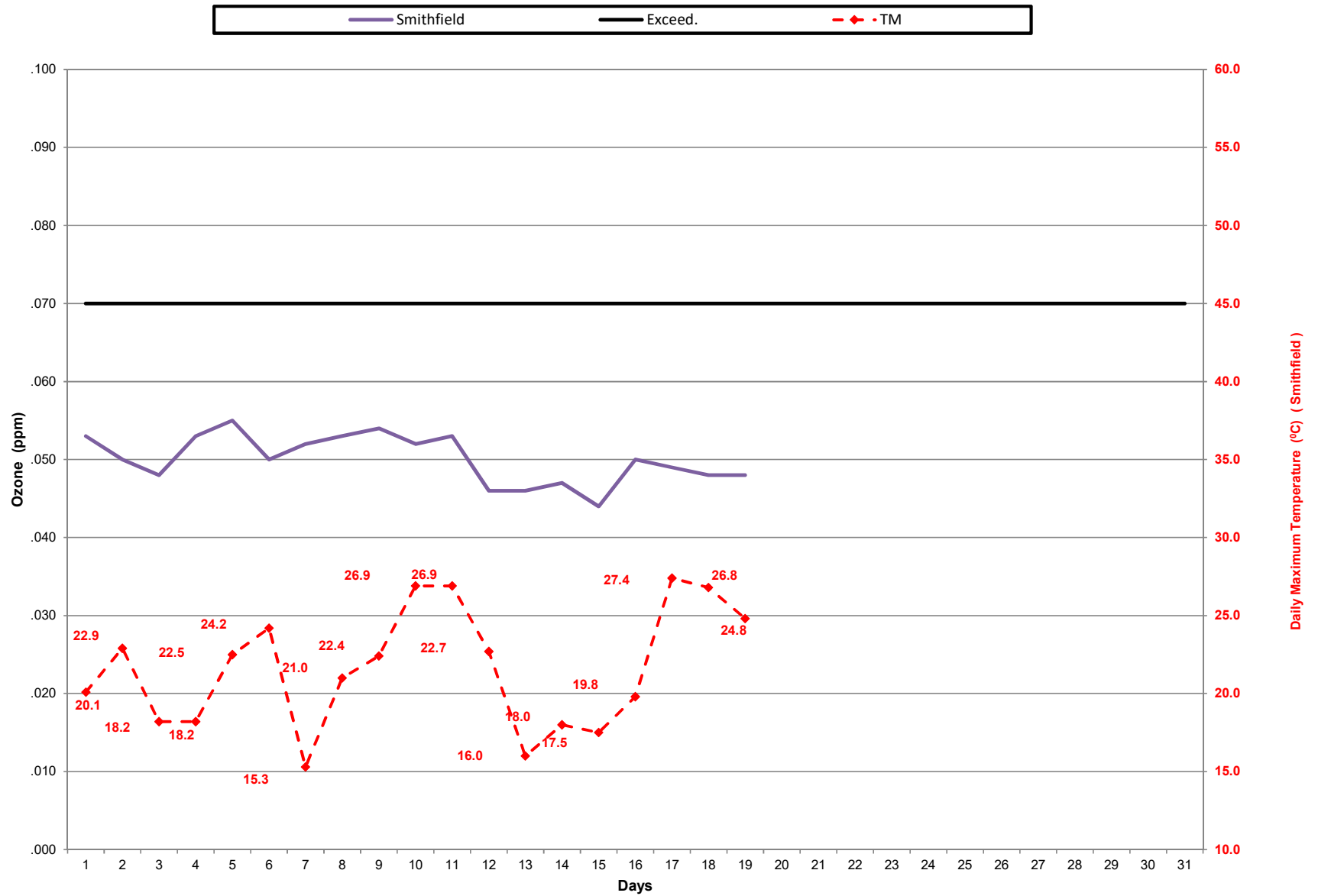
Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2020



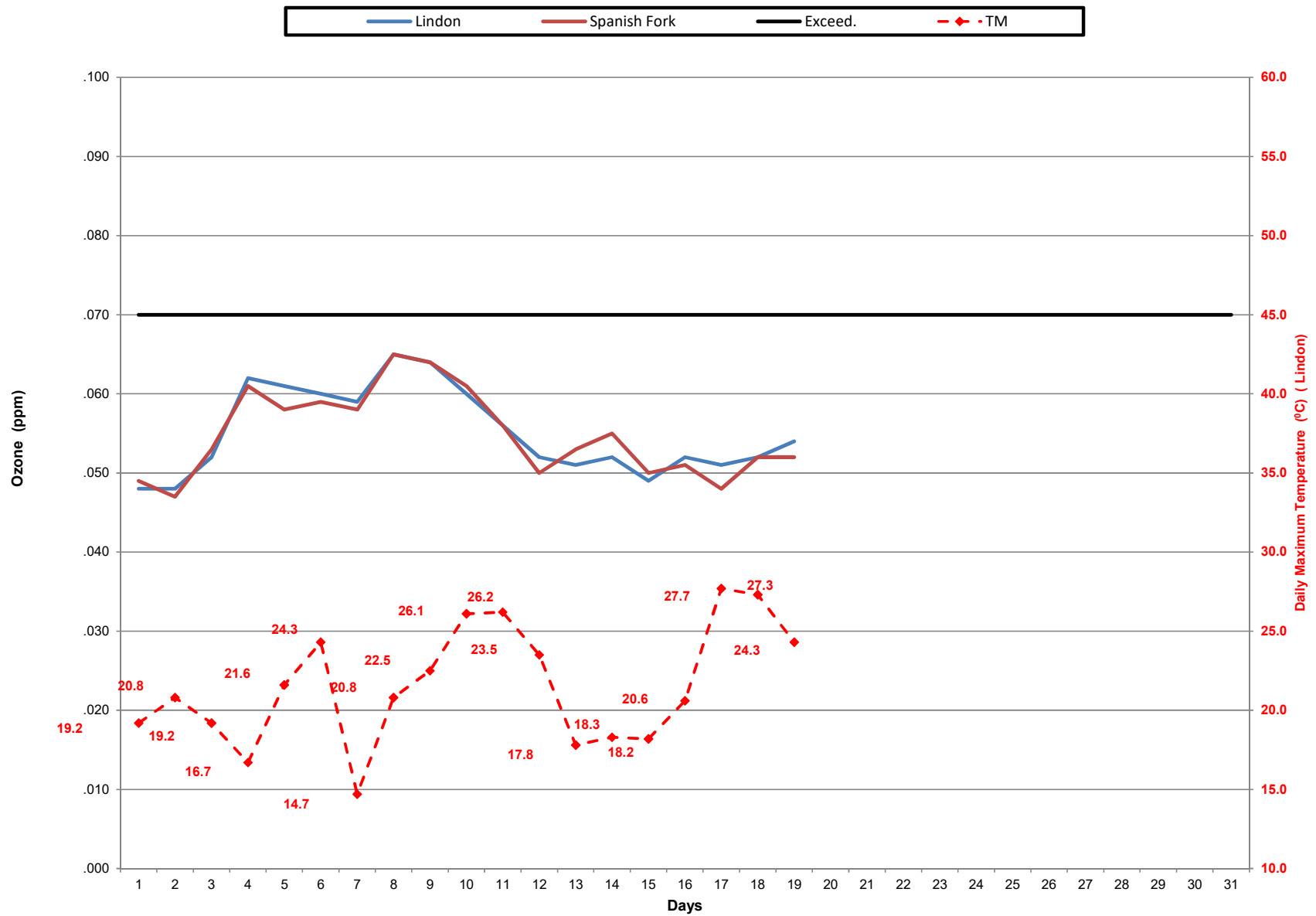
Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2020



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

