



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-062-20

UTAH AIR QUALITY BOARD MEETING

FINAL AGENDA

Wednesday, August 5, 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://melissayazhe.my.webex.com/melissayazhe.my/j.php?MTID=m461df6f7b9949de5dbaabc418360b3a1>

Meeting number: 126 694 4686 Password: mJqvPDye633 (65787393 from phones and video systems)

Join by phone: +1-415-655-0001 US Toll Access code: 126 694 4686

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. Annual Election of Chair and Vice-Chair.
- III. Date of the Next Air Quality Board Meeting: September 2, 2020
- IV. Approval of the Minutes for the June 3, 2020, Board Meeting.
- V. Propose for Final Adoption: R307-410. Permits: Emissions Impact Analysis. Modeling of Criteria Pollutant Impacts in Attainment Areas. Presented by Liam Thrailkill and Catherine Wyffels.
- VI. Propose for Public Comment: Amend R307-230. NOx Emission Limits for Natural Gas-Fired Water Heaters. Presented by Liam Thrailkill and Glade Sowards.
- VII. Propose for Public Comment: New Rule R307-240. Prescribed Burning. Presented by Liam Thrailkill and Joel Karmazyn.

VIII. Propose for Approval: Five-Year Review: R307-122. General Requirements: Heavy Duty Vehicle Tax Credit. Presented by Liam Thrailkill.

IX. Informational Items.

- A. Air Toxics. Presented by Leonard Wright.
- B. Compliance. Presented by Harold Burge and Rik Ombach.
- C. Monitoring. Presented by Bo Call.
- D. Other Items to be Brought Before the Board.
- E. Board Meeting Follow-up Items.

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

ITEM 4



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UTAH AIR QUALITY BOARD MEETING Wednesday, June 3, 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 1:34 p.m.

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

Excused: John Rasband

Executive Secretary: Bryce Bird

II. Date of the Next Air Quality Board Meeting: August 5, 2020

III. Approval of the Minutes for May 6, 2020, Board Meeting.

- Randal Martin motioned to approve the minutes. Cassady Kristensen seconded. The Board approved unanimously.

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.

Liam Thrailkill, Rules Coordinator at DAQ, stated that on March 4, 2020, the Board proposed amendments to R307-101-3, R307-210, R307-214, R307-405-2, and R307-410 for public comment. The amendments to R307-101-3, R307-210, and R307-214 reflect the changes to the federal air quality regulations as published in Title 40 Code of Federal Regulations (CFR) that are relevant to the Utah air quality rules. These changes incorporated by reference reflect changes made in the CFR dated July 1, 2019. Each amendment updates the year of the version of the CFR. The amendments to

1 R307-405-2 and R307-410 streamline the process for future rulemaking. The amendments make it so
2 that the rules no longer need to be amended individually to update their CFR incorporation, but will
3 now fall under R307-101-3. The public comment period ran from April 1, 2020, through May 4, 2020.
4 No comments were received and no public hearing was requested. Staff recommends the Board adopt
5 R307-101-3, R307-210, R307-214, R307-405-2, and R307-410 as proposed.
6

- 7 • Randal Martin motioned that the Board approve R307-101-3, R307-210, R307-214, R307-405-2,
8 and R307-410 for final adoption. Kevin Cromar seconded. The Board approved unanimously.
9

10 **V. Propose for Final Adoption: Repeal R307-165. Emission Testing. Reenact R307-165. Stack**
11 **Testing. Presented by Liam Thrailkill and Sarah Foran.**
12

13 Liam Thrailkill, Rules Coordinator at DAQ, stated that on March 4, 2020, the Board proposed for
14 public comment the repeal of R307-165, Emission Testing, and the reenactment of R307-165, Stack
15 Testing. Staff is now proposing the repeal and reenactment of R307-165, which outlines the
16 requirements for notifying, conducting, and reporting stack tests, for final adoption. Staff determined
17 that the existing rule, which is being proposed to be repealed, lacks the requirement for stack testing
18 results to be submitted to DAQ. To align with federal requirements, the rule was opened for this
19 reason. Upon further review, staff determined the rule should be updated to align with current stack
20 testing practices, correct rule formatting, and general clarity. Based on the multitude of changes, the
21 decision was made to propose a repeal and reenactment of the rule. The public comment period ran
22 from April 1, 2020, through May 4, 2020, and no public hearing was requested. Comments received
23 are attached to the memorandum to the Board.
24

25 One particular change made based on comments received was that subsection R307-165-1(2) was
26 shortened to clarify rule applicability. The change does not modify the intent, but clarifies and ensures
27 readability of the rule. Due to this change, staff will be filing a change in proposed rule with the Office
28 of Administrative Rules. The change in proposed rule will be posted in the July 1, 2020, Utah State
29 Bulletin, and the rule will become effective no less than 30 days thereafter. Staff believes that the
30 proposed R307-165, Stack Testing, will clarify rule applicability and ensure alignment with Part H and
31 federal requirements. Staff recommends that the Board adopt the repeal of existing R307-165,
32 Emission Testing, and the reenactment of R307-165, Stack Testing, as amended.
33

- 34 • Arnold Reitze motioned that the Board adopt the repeal of R307-165, Emission Testing, and the
35 reenact R307-165, Stack Testing. Randal Martin seconded. The Board approved unanimously.
36

37 **VI. Propose for Public Comment: R307-150. Emission Inventories. Presented by Liam Thrailkill,**
38 **Catherine Williams, Sheila Vance, and Cate Youatt.**
39

40 Liam Thrailkill, Rules Coordinator at DAQ, stated that staff is proposing changes to R307-150 to
41 increase the transparency and accuracy of the emissions inventory data, and to improve the reporting
42 process for point source facilities and DAQ staff. The amendments to the rule would require all
43 sources to submit a detailed emissions inventory, which will improve the reporting experience for the
44 user, the quality control process for staff, and the point source data quality for state implementations
45 plans (SIPs). Cate Youatt, Environmental Scientist at DAQ, was introduced and gave a brief
46 demonstration of the state and local emission inventory system (SLEIS).
47

48 Mr. Thrailkill continued and stated that as part of the requirements for an ozone nonattainment area, all
49 sources with emissions of either oxides of nitrogen (NO_x) or volatile organic compounds (VOC)
50 greater than 25 tons per year are required to provide the DAQ with an annual statement describing the
51 emission source and the actual amount of NO_x and VOC emissions from those sources. The majority of

1 sources with the emissions at this level are already participating in the reporting of their emissions
2 triennially. Therefore, most sources will be familiar with the process and the impact of having to report
3 annually should be minimal. The fiscal costs that may be incurred will not be seen until fiscal year
4 2022, as the triennial statements are to be submitted in fiscal year 2021. With having to report annually
5 rather than triennially, there are anticipated costs to sources as a result of this amendment. Staff is
6 expecting sources to have to dedicate extra time to complete these statements each year, with some
7 opting to contract work. Further details may be found in the rule analysis form in the Board packet.
8 Staff recommends the Board propose amended R307-150 for public comment
9

10 Randy Martin asks staff to clarify where the conversion factors on page 6 of 7, lines 8 through 15 of
11 the rule, were derived from because you have a mass per volume and then suddenly mass per year.
12 Staff responded that since this was not a section that was being amended, those lines were not
13 reviewed. This request will be moved to a meeting follow-up item for staff response.
14

15 On page 6 of 7, line 35 is there a definition somewhere of the ozone emission statement? Staff
16 responded that the language comes directly from the Code of Federal Regulations and Clean Air Act.
17 Staff will review for clarification during the public comment period.
18

- 19 • Kevin Cromar motioned that the Board propose amended R307-150 for public comment. Arnold
20 Reitze seconded. The Board approved unanimously.
21

22 **VII. Propose for Public Comment: R307-101-2. General Requirements: Definitions. Presented by** 23 **Liam Thrailkill and Becky Close.** 24

25 Liam Thrailkill, Rules Coordinator at DAQ, stated that DAQ is proposing amendments to R307-101-2
26 to add a definition of the PM_{2.5} maintenance areas. DAQ has submitted all Clean Air Act (CAA)
27 requirements to the EPA for the 2006 24-hour PM_{2.5} nonattainment areas to be redesignated to
28 attainment. The addition of this amendment will allow for the rules approved as part of the SIP to
29 apply throughout the maintenance period. Defining the maintenance areas in R307-101 means that all
30 R307 references to PM_{2.5} maintenance areas will apply to the new maintenance areas, which prevents
31 backsliding under CAA Section 110(L). Staff recommends the Board propose amended R307-101-2
32 for public comment.
33

- 34 • Arnold Reitze motioned that the Board propose R307-101-2, General Requirements: Definitions,
35 for public comment. Randal Martin seconded. The Board approved unanimously.
36

37 **VIII. Propose for Public Comment: R307-401. Permits: New and Modified Sources, R307-415-9.** 38 **Permits: Operating Permits Requirements: Fees for Operating Permits, and R307-801. Utah** 39 **Asbestos Rule: Purpose and Authority. Presented by Liam Thrailkill, Alan Humphreys, and** 40 **David Beatty.** 41

42 Liam Thrailkill, Rules Coordinator at DAQ, stated that during the 2020 general legislative session,
43 Senate Bill 88 (S.B. 88), Environmental Quality Revisions, was passed. This bill cleaned up
44 statutory language within the Department of Environmental Quality (Department), including
45 certain sections of the Utah Code specific to air quality. The amendments to R307-401 and
46 R307-415-9 incorporate these changes into the air quality rules. The amendments to
47 R307-801-1 corrects references to the Utah Code as modified by S.B. 88.
48

49 S.B. 88 also aligned the process of establishing the operating permit fees with the current process
50 employed by the Department and the Legislature. Under the current process, the Department develops
51 a draft fee schedule annually, holds a public hearing, and then submits it to the Legislature for their

1 approval as part of the Department's annual appropriations request. The Legislature may then increase,
2 decrease, or reject the fee schedule. The fee schedule becomes effective once the Legislature approves
3 it and the Governor signs the bill containing the schedule of fees.
4

5 The proposed changes to R307-401 include the requirement that a source that must have a permit
6 cannot operate without first having acquired such a permit. Another change, is that a source is required
7 to pay the applicable new source review permitting fee as part of the permit application, and the permit
8 application is not complete and the permit is not issued without the payment of the fee. The remainder
9 of the amendments in R307-401 are to clean up the language to match the statute.
10

11 In R307-415-9, a general amendment found throughout the section of the rule allows for multiple and
12 varying annual fees. The previous language in the statute allowed for a single uniform annual fee based
13 on the number of tons emitted. Additionally, there are multiple amendments throughout this section to
14 align the rule with the state statute and clean up outdated language. Staff recommends the Board
15 propose amended R307-401, R307-415-9, and R307-801-1 for public comment.
16

- 17 • Arnold Reitze motioned that the Board approve R307-401, Permits: New and Modified Sources,
18 R307-415-9, Permits: Operating Permits Requirements: Fees for Operating Permits, and
19 R307-801, Utah Asbestos Rule: Purpose and Authority for public comment. Cassady Kristensen
20 seconded. The Board approved unanimously.
21

22 Mr. Cromar would like clarification on the next informational item regarding R307-422. At the last
23 Board meeting, the Board acted to postpone consideration of the proposal on R307-422. At today's
24 meeting the rule is listed as an informational item which feels contrary to what the Board voted on. So,
25 despite the agenda format as an informational, is the Board able to take action today, if it chooses. In
26 response, it was clarified that since it has been noticed as an informational item, the Board could not
27 take action at this meeting. Staff indicates that the informational presentation will explain why R307-
28 422 is not up for action by the Board today.
29

30 **VI. Informational Items.**

31 **A. R307-422. Permits: Emission Offset Requirements in PM_{2.5} Maintenance Areas Update.** 32 **Presented by Becky Close.** 33

34 Becky Close, Environmental Scientist at DAQ, stated that on May 6, 2020, the Board motioned to
35 bring new rule R307-422 back to the June Board meeting for further consideration to propose for
36 public comment. R307-422 would continue major point source emission offsetting during the
37 PM_{2.5} maintenance period. For several reasons, DAQ is respectfully requesting to postpone the
38 proposal of the rule until the appropriate time to ensure that stakeholder questions are answered.
39 Some stakeholders did not have a chance to comment on the two advanced notices of proposed
40 rulemaking that were offered. Additional time would also allow the DAQ to research information
41 pertaining to emission reduction credits and develop a more in-depth fiscal analysis of the new rule
42 to capture regulatory burden. Finally, some Board members were uncomfortable with the timing of
43 the new rule as sources were dealing with the ramifications of COVID-19. Taking more time will
44 allow staff to appropriately respond to the Board's concerns and also assess comments made by the
45 Utah Petroleum Association in its letter to the Board.
46
47

48 Staff was asked to explain the timeframe that the Division is trying to address with this
49 rulemaking. Currently, offsetting is required as long as the area is designated as nonattainment for
50 PM_{2.5}. It is expected that EPA will be publishing its final approval of Utah's attainment by
51 attainment date and find that Utah has attained the standard. Once Utah is redesignated to

1 attainment status, the current offsetting rule disappears. In staff's opinion, offsetting would be
2 necessary in order to continue to demonstrate attainment for the next two maintenance periods.
3 DAQ would like to have this rule approved by end of this calendar year, which would mean a
4 proposal of this rule would need to be proposed at the September meeting and then a final adoption
5 proposal at the December meeting.
6

7 Is it correct that in statute, DAQ needs to present supporting information on the necessity of this
8 rule, the fiscal impact, and that it conforms to the Governor's Executive Order? Staff responded
9 that information sent to the Board for a rulemaking includes a memorandum which explains the
10 purpose of the rule and a rule analysis which includes some fiscal information and a summary of
11 changes that gets submitted to the Office of Administrative Rules. DAQ ties the rulemaking to the
12 statutory requirements and the authority of the Board to make rules. If during the public comment
13 period, anything that is identified as lacking, DAQ has the obligation to address during the public
14 comment period, and ultimately, it's the final adoption by the Board where DAQ has to assure that
15 all the requirements are met. Staff was asked that when this rule is ready to come before the Board
16 that a separate document be sent that presents the written findings supporting the necessity of the
17 rule and if possible the fiscal impacts.
18

19 **B. Recent Progress in Air Quality Modeling. Presented by Chris Pennell.**
20

21 Chris Pennell, Technical Analysis Section Manager at DAQ, gave an overview of what DAQ is
22 doing to improve the air quality modeling, specifically for the two ozone nonattainment areas
23 along the Northern Wasatch Front and Uinta Basin. DAQ is using state-of-the-art weather
24 modeling, spatial surrogate improvements, and using new information such as flash gas emissions
25 from oil wells. Modeling is a big component of planning for SIPs. Better modeling also means
26 better regulations because we will be able to quantify the effects of the rules and regulations.
27

28 **C. Air Toxics. Presented by Leonard Wright.**
29

30 **D. Compliance. Presented by Harold Burge and Rik Ombach.**
31

32 **E. Monitoring. Presented by Bo Call.**
33

34 Bo Call, Air Monitoring Section Manager at DAQ, updated the Board on monitoring data.
35

36 **F. Other Items to be Brought Before the Board.**
37

38 Kevin Cromar states that Utah receives about \$12 million a year to address pollution from mobile
39 sources. Mr. Cromar presented an idea to have an incentive program where DAQ staff could make
40 a proposal of cost-effective ideas to the congestion mitigation air quality program, and if the idea is
41 accepted, staff would receive an incentive award. The biggest limitation of the proposals received
42 currently, is the quality of the project ideas received. An incentive might be a way to generate
43 quality cost-effective ideas. Mr. Bird stated there would be concern of staff receiving outside
44 dollars as incentive. In addition, the Department already has a strong incentive program. It was
45 asked if Mr. Cromar could do a brief write up explaining his idea and how the Board might help
46 with this idea.
47

48 Chair, Erin Mendenhall, asked staff for an update on Board and staff conversations around
49 concerning fines for violators in the penalty policy. Jay Morris, Compliance Branch Manager at
50 DAQ, explained that in regards to the conversation about if whether a repeat violator could be
51 moved into a higher category of the penalty policy, after review of the penalty policy it was

1 determined that we cannot. There is specific language in the policy that adjustments can be made
2 to violations within a category up or down, but that it cannot be adjusted outside of the category.
3 Staff's recommendation is to not adjust the penalty policy for this purpose.
4

5 Another idea in conversation was about including calculations of how a fine amount was reached.
6 Mr. Morris explained that the penalty policy is a guidance for the Director to negotiate a penalty
7 and so the Division does not issue a number upfront because the Division does not want to
8 jeopardize its ability to successfully negotiate penalties.
9

10 Mr. Morris also addressed questions about clarifying daily penalties. He explained that under
11 statute, DAQ can calculate penalties per day, per violation, up to \$10,000. The majority of
12 violations are for minor sources which could add up quickly and so DAQ's approach is to present
13 the source with a fair and honest penalty upfront so that a source can accept or can meet with staff
14 in a negotiation process. DAQ has found that its current process avoids a long drawn out legal
15 process and it also brings sources back into compliance much quicker. Staff is working on a rule
16 change to R307-102-3 to add a daily penalties section which is currently out for stakeholder
17 comments. In addition, DAQ is waiting for a ruling in a current court case where a judge will make
18 a decision about per day per violations. Once a ruling is made, DAQ will make a decision on how
19 to move forward at the Division level.
20

21 It was also clarified that it is not the EPA that allows the higher maximum penalty, but that it is
22 done by state statute by the Utah Legislature. There have been requests to increase this maximum
23 amount of \$10,000 to be in line with EPA's amount, but those requests never made it out of the
24 Legislative rules committee. What can be done at the Division level, is what DAQ is doing in
25 R307-102-3 which is currently out for stakeholder comments. The Board can also change how
26 violations are classified in the A, B, C, or D categories.
27

28 **G. Board Meeting Follow-up Items.**

- 29
- 30 • Agenda Item 6, page 6 of 7, lines 8 through 15, Randy Martin asks for an explanation from staff of
- 31 how the conversion was derived as listed in the rule.
- 32 • Mitra Kashanchi asks that staff address the necessity and financial impact of R307-422, in a way
- 33 that is separate from the information submitted in the Board packets so that it does not get nestled
- 34 in the information where it might get overlooked.
35

36 Meeting adjourned at 3:19 p.m.

ITEM 5



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DAQ-059-20

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Catherine Wyffels, Environmental Engineer

DATE: July 21, 2020

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

On May 6, 2020, the Utah Air Quality Board proposed for public comment a revision to R307-410-4, Permits: Emissions Impact Analysis, Modeling of Criteria Pollutant Impacts in Attainment Areas. The proposed revision updated Table 1 by adding a 10 tons per year PM_{2.5} modeling threshold for attainment areas. The proposed modeling threshold of 10 tons per year, which will apply to both major and minor sources in attainment areas, is the PM_{2.5} significant emission rate for direct emissions of primary PM_{2.5} established by EPA in 40 CFR 51.166(b)(23).

The public comment period ran from June 1, 2020, through July 2, 2020. No comments were received and no public hearing was requested.

Recommendation: Staff recommends that the Board adopt R307-410-4, Permits: Emissions Impact Analysis, Modeling of Criteria Pollutant Impacts in Attainment Areas, as proposed.

1 R307. Environmental Quality, Air Quality.**2 R307-410. Permits: Emissions Impact Analysis.****3 R307-410-4. Modeling of Criteria Pollutant Impacts in Attainment
4 Areas.**

5 Prior to receiving an approval order under R307-401, a new
6 source in an attainment area with a total controlled emission rate
7 per pollutant greater than or equal to amounts specified in Table
8 1, or a modification to an existing source located in an
9 attainment area which increases the total controlled emission rate
10 per pollutant of the source in an amount greater than or equal to
11 those specified in Table 1, shall conduct air quality modeling, as
12 identified in Section R307-410-3, to estimate the impact of the
13 new or modified source on air quality unless previously performed
14 air quality modeling for the source indicates that the addition of
15 the proposed emissions increase would not violate a National
16 Ambient Air Quality Standard, as determined by the director.

TABLE 1

POLLUTANT	EMISSIONS
sulfur dioxide	40 tons per year
oxides of nitrogen	40 tons per year
PM10 - fugitive emissions and fugitive dust	5 tons per year
PM10 - non-fugitive emissions	15 tons per yea
PM2.5 - combined non-fugitive emissions, fugitive dust, and fugitive emissions	10 tons per year
carbon monoxide	100 tons per year
lead	0.6 tons per year

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

35 **Date of Enactment or Last Substantive Amendment:** November 25,
36 2019

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

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

ITEM 6



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DAQ-056-20

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Glade Sowards, Environmental Scientist

DATE: July 16, 2020

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-230. NO_x Emission Limits for Natural Gas-Fired Water Heaters.

The Division of Air Quality (DAQ) staff are proposing an amendment to R307-230, NO_x Emission Limits for Natural Gas-Fired Water Heaters, to maintain the efficacy of the rule and to assist affected parties in finding compliant water heater models.

During the 2017 General Session, the Utah State Legislature established NO_x emissions limits for natural gas-fired water heaters as part of the State Construction and Fire Codes Act (Utah Code Title 15A-6-102). Water heaters that meet these emissions limits are commonly referred to as “ultra-low NO_x” models, and certification of compliance is administered by the South Coast Air Quality Management District (SCAQMD) in California. On August 2, 2017, the Utah Air Quality Board incorporated these emissions limits by reference in R307-230, giving the rule an effective date of August 3, 2017.

During the 2020 General Session, the Legislature amended the State Construction and Fire Codes Act with House Bill 374 to establish an exemption to the ultra-low NO_x emissions limits for certain water heaters with a heat input of less than or equal to 75,000 BTU per hour – a heat input range typical of residential water heaters. Specifically, the amendment allows a person to sell or install a natural gas-fired water heater with an emission rate greater than the limits established in 15A-6-102(2)(a) if there is not available for purchase in the United States a water heater that has a heat input of equal BTUs per hour as the unit being replaced that meets the ultra-low NO_x emissions limits.

To ensure that the efficacy of the NO_x emission limits established in 15A-6-102 is not undermined by this exemption and to assist sellers and installers of water heaters in determining whether ultra-low NO_x models are available for a given BTU rating, DAQ staff are proposing to amend R307-230 to require written approval from the Division Director on a form provided by the Division. This form would request the heat input rating of the water heater being replaced, and DAQ staff would use this information to compare to the SCAQMD List of Certified Units to identify whether an ultra-low NO_x model is available for a given heat rating. If a certified ultra-low NO_x water heater is found to be unavailable for the BTU rating of the unit being replaced, the exemption would then be approved. The SCAQMD List of Certified Units is attached to this Board memo.

Recommendation: Staff recommends that the Board propose amended R307-230 for public comment.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
RULE 1121 – CONTROL OF NITROGEN OXIDES FROM RESIDENTIAL TYPE NATURAL GAS-FIRED WATER HEATERS
LIST OF CERTIFIED UNITS PURSUANT TO RULE 1121

Note: The SOUTH COAST AQMD does not endorse or warranty any specific product or manufacturer

AMERICAN STANDARD WATER HEATERS
(Certified @ 10 ng/J NO_x)

AMERICAN STANDARD	Capacity (Gallons)	Input (BTU/Hr)
G-30L-1-3-6 G-30L-1-3-12 G-30L-2-3-6 G-30L-2-3-12	30	35,000
G-40L-1-3-6 G-40L-1-3-12 G-40L-2-3-6 G-40L-2-3-12	40	37,000
G-50L-1-3-6 G-50L-1-3-12 G-50L-2-3-6 G-50L-2-3-12	50	40,000
G-30T-1-3-6 G-30T-1-3-12 G-30T-2-3-6 G-30T-2-3-12	30	35,000
G-40T-1-3-6 G-40T-1-3-12 G-40T-2-3-6 G-40T-2-3-12	40	40,000
G-50T-1-3-6 G-50T-1-3-12 G-50T-2-3-6 G-50T-2-3-12	50	40,000
G-50T-1-4-6 G-50T-1-4-12 G-50T-2-4-6 G-50T-2-4-12	50	48,000

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
RULE 1121 – CONTROL OF NITROGEN OXIDES FROM RESIDENTIAL TYPE NATURAL GAS-FIRED WATER HEATERS
LIST OF CERTIFIED UNITS PURSUANT TO RULE 1121
Note: The SOUTH COAST AQMD does not endorse or warranty any specific product or manufacturer

A.O. SMITH (AMERICAN WATER HEATER COMPANY)
(Certified @ 10 ng/J NOx)

These models may have any combination of suffixes, O, X, M, H, or C

American Water Heater	U.S. Craftmaster	Reliance	A.O. Smith	State	Penfield	Sears	Capacity (Gallons)	Input (BTU/Hr)
UG(1,3,5,6,8,9,10,12)(1,2)30T303N GU(B)(6,9,12)(1,2)30T30	UG(1,2)(A,E,F,H,J)3030T3N NU30T(1,3,6,9,12)(1,2)-303 UNG(1,2)(A thru Z)3030T(B)	6 30UORT	GCHN-30	GS6 30UORT (G)		153.330200 153.556300	30	30,000
GU(1thru50)1 30T30 JU30-30	NA	6 30 UNORT	GUC30	GS6 30 ORUT			30	33,000
UG(1,3,5,6,8,9,10,12)(1,2)40T403N GU(6,9,12)2 40T40 GU(1 thru 50)1 40T40 GU(1 thru 50)2 40S40 JUS40-40 JU40-40	UG(1,2)(A,E,F,H,J)4040T3N NU40T(1,3,6,9,12)(1,2)-403 UNG2(A thru Z)4040T UNG2(A thru Z)40405	6 40UBRT 6 40UOCT 9 40UKRT (6,9) 40U(B,K)CT (6,9)40UN(B,K)RT (6,9)40UN(A,B,K)CT 6 40 UNBCS (6,9,12)40UN(A,B,K)CT	GCHN-40 GNR-40 GUR 40 GUC40 GURL 40 HUR40 HURL40 G(1 thru 50)-US4040NV	GS6 40UBRT (G) GS6 40UOCT (G) GS6 40 BCUT GS6 40 BRUT GS6 40 BCUS GW8 40 BCUT GW8 40 BCUS		153.330642 153.330942 153.331242 153.330660 153.330960 153.331280 153.330220 153.330250 153.330280 153.556400 153.559400 153.552400	40	40,000
UG(1,3,5,6,8,9,10,12)(1,2)50T403N GU(6,9,12)2 50T40 GUF(1 thru 50)2 40T40	UG(1,2)(A,E,F,H,J)5040T3N NU50T(1,3,6,9,12)(1,2)-403 UNG2(A thru Z)5040T	6 50UBRT 6 50UOCT 9 50UKRT (6,9) 50U(B,K)CT (6,9,12) 40 UNBFT*	GCHN-50 GNR-50 (G,X)UF 40 G(1 thru 50)- UFDT4040NV	GS6 50UBRT (G) GS6 50UOCT (G) GS(6,9,12) 40 BFT*		153.330652 153.330952 153.331252 153.330970 153.331290 153.330230 153.330270 153.330290 153.556500 153.59500 153.552500 153.556410	40	40,000
JU50-40 GU(1 thru 50)1 50T40 GUF(1 thru 50)2 50T40		(6,9,12) 50 UN (B,K)CT (6,9,12)50UN(A,B,K)CT (6,9)50UN(B,K)RT (6,9,12) 50 UNBFT*	GUR 50 GUC50 HUR50 (G,X)UF 50 G(1 thru 50)- UFDT5040NV	GS6 50 BCUT GS6 50 BRUT GW8 50 BCUT GS(6,9,12) 50 BFT*		153.556510	50	40,000

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
RULE 1121 – CONTROL OF NITROGEN OXIDES FROM RESIDENTIAL TYPE NATURAL GAS-FIRED WATER HEATERS
LIST OF CERTIFIED UNITS PURSUANT TO RULE 1121
Note: The SOUTH COAST AQMD does not endorse or warranty any specific product or manufacturer

A.O. SMITH (AMERICAN WATER HEATER COMPANY)
(Certified @ 10 ng/J NO_x)

These models may have any combination of suffixes, O, X, M, H, or C

American Water Heater	U.S. Craftmaster	Reliance	A.O. Smith	State	Penfield	Sears	Capacity (Gallons)	Input (BTU/Hr)
MFG(1,6,9)(1,2)30T303NOV (Mobile Home)*	MFG(1,2)(A,F,H)3030T3NOV	6 30YJMT 100 6 30YJMTD 100	AFMV 30 100	GS6 30YOMAT 100 SCI 30YOMAT 100		153.333870 153.333880	30	30,000
MFG(1,6,9)(1,2)40T403NOV (Mobile Home)*	MFG(1,2)(A,F,H)4040T3NOV	6 40YJMT 100 6 40YJMTD 100	AFMV 40 100	GS6 40YOMAT 100 SCI 40YOMAT 100		153.333970 153.33980	40	40,000
NGM 30-35.5 (Mobile Home)*		6 30GOMT*	FMV 30*	GS6 30YOMT SCI 30YOMT	6 30YOMT	153.336340	30	35,500
NGM 40-35.5 (Mobile Home)*		6 40GOMT	FMV 40	GS6 40YOMT SCI 40YOMT	6 40YOMT	153.336444	40	35,500

*MFG - & NGM - series are Mobile Home Water Heaters certified @ 40 ng/J or 55 ppm NO_x

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A.O. SMITH (AMERICAN WATER HEATER COMPANY)
(Certified @ 10 ng/J NO_x)

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American Water Heater	U.S. Craftmaster	Reliance	A.O. Smith	State	Lochinvar	Capacity (Gallons)	Input (BTU/Hr)
UG(1,3,5,6,8,9,10,12)(1,2)30T303N			G(1 thru 50)(N)-UT3030NV		UTN3030(B)	30	30,000
UG(1,3,5,6,8,9,10,12)(1,2)40T403N GU(1 THRU 50)(1,2)40T40			G(1 thru 50)(N)-UT4040NV		UTN4040 UTN4040-8	40	40,000
UG(1,3,5,6,8,9,10,12)(1,2)50T403N			G(1 thru 50)(N)-UT5040NV		UTN5040 UTN5040-8	40	40,000
UPVG(6,9,12)240T42NV	UPVG2(F,H,J)4042TNV	(6,8,10,12)40UBVIT	GPNH-40	GS(6,X)40UBVIT	UPN0404ES	40	42,000
DVUG(6,9,12)240S36NV		6 40 UBDS L	GDNL 40L 100 G(1 thru 50)(N)- UDVS4036NV	GS6 40 UBDS L	UVN040 40ST	40	36,000
DVUG(6,9,12)250T38NV		6 50 UBDT L	GDNT 50L 100 G(1 thru 50)(N)- UDVT5038NV	GS6 50 UBDT L	UVN050 40ST	50	38,000
UPVG(6,9,12)250T42NV	UPVG2(F,H,J)5042TNV	(6,8,10,12)50UBVIT	GPNH-50	GS(6,X)50UBVIT	UPN0504ES	50	42,000
UG(6,9,12)250T504NV UG(6,9,12)250T504N GU(6,9,12)2 50T50 GU(1 thru 50)2 50T50(L)	UG2(F,H,J)5050T4NV		GCNT-50 (G,H,X)URT 50L G(1 thru 50)(N)-UT5050NV	GS6 50URRT GS6 50 RCUT GW8 50 RCUT(L)	UTN05050 UTN5050-8	50	50,000

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(Certified @ 10 ng/J NO_x)

American Water Heater	AO Smith	American	US Craftmaster	Lochinvar	Kenmore/ Sears	Input (BTU/hr)
JU40-40	G(1 thru 50)(N)-UT4040NVR	GU(1 thru 50)(1,2) 40T40R	UNG1(A Thru Z)4040TR	UTN04040R UTN04040-8R(T)	153.556401 153.559401 153.552401	40,000
JU50-40	G(1 thru 50)(N)-UT5040NVR	GU(1 thru 50)(1,2) 50T40R	UNG1(A Thru Z)5040TR	UTN05040R UTN05040-8R(T)	153.556501 153.559501 153.552501	40,000
JU30-30	G(1 thru 50)-UT3030NVR			UTN03030R UTN03030-8R(T)		30,000

AMERICAN WATER HEATER COMPANY
(Certified @ 10 ng/J NO_x)

American Water Heater	Whirlpool	Lochinvar	Capacity (Gallons)	Input (BTU/Hr)
UG(1,3,5,6,8,9,10,12)(1,2)30T303N GU(B)(1 thru 50)(1,2)30T30	30T(3,6,9,10,12)-30UNG		30	30,000
UG(1,3,5,6,8,9,10,12)(1,2)40T403N	40T(3,6,9,10,12)-40UNG		40	40,000
UG(1,3,5,6,8,9,10,12)(1,2)50T403N GU(1 thru 50)(1,2) 50T40 GUF(1 thru 50)2 40T40	50T(3,6,9,10,12)-40UNG 40T(1 thru 50)-40UDNG		40	40,000
GU(1 thru 50)2 50T50(L) GUF(1 thru 50)2 50T40	50T(3,6,9,10,12)-50UNG 50T(1 thru 50)-40UDNG		50	50,000
JU40-40	40S(1 thru 50) 40UNG		40	40,000
JUS40-40		USN04040-8	40	40,000

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BRADFORD WHITE
(Certified @ 10 ng/J NOx)

BRADFORD WHITE	BRADFORD WHITE SOLAR	VELUX SOLAR	Capacity (Gallons)	Input (BTU/Hr)
URG130T6N			30	27,000
U1-30S6FRN			30	30,000
U1-30T6FRN, URG1D30T6N			30	32,000
U4-30T6FRN, URG230T6N			30	32,000
URG140T6N			40	34,000
URG150T6N			50	34,000
U1-40T6FRN, URG1D40T6N			40	40,000
U1-403T6FRN			40	40,000
U4-40T6FRN, URG240T6N			40	40,000
U1-403S6FRN, URG1D40S6N			40	40,000
U1-XR-403S6FRN			40	40,000
U4-403S6FRN, URG240S6N			40	40,000
U1-5036FRN, URG1D50T6N			50	40,000
U4-5036FRN, URG250T6N	SDW4U5036FRN		50	40,000
U1-50L6FRN, URG250L6N			48	40,000
U1-404T6FRN			40	50,000
U1-504S6FRN, URG250S6N			50	50,000
U1-60T6FRN			60	40,000
U4-60T6FRN			60	40,000
U2-XR504T6FRN, URG250H6N, ULG250H553N			48	55,000
U2-XR65T6FRN	SDW2U65T6FRN	TFF 060 2205US	65	55,000
U1TW40S6FRN, URG1PV40S6N			40	40,000
U2TW65T6FRN			65	60,000
U1TW50S6FRN, URG1PV50S6N			50	40,000
U1TW60T6FRN			60	42,000
U2TW50T6FRN, URG2PV50H6N, ULG2PV50H563N			48	60,000
U4TW40T6FRN, URG2PV40T6N			40	40,000
U4TW50T6FRN, URG2PV50T6N			50	40,000
U4TW60T6FRN			60	40,000

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
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BRADFORD WHITE
(Certified @ 10 ng/J NO_x)

BRADFORD WHITE Base Model	BRADFORD WHITE New Models	Capacity (Gallons)	Comments	Input (BTU/Hr)
UDS140S6FRN	URG2DV40S6N	40	DV	38,000
UDS150S6FRN	URG2DV50S6N	50	DV	38,000
UDH150T6FRN	URG2DV50H6N	48	DV	45,000
UDH165T6FRN		65	DV	45,000
UDH175S6FRN		75	DV	50,000
UDH50T45FR3N	ULG2DV50H453N	48	DV	45,000
UDH65T45FR3N		65	DV	45,000
UDH75T50FR3N		75	DV	50,000
UPDX140S6FRN	URG2PDV40S6N	40	PDV	40,000
UPDX150S6FRN	URG2PDV50S6N	50	PDV	40,000
UPDX250T6FRN	URG2PDV50H6N	48	PDV	50,000
UPDX265T6FRN		65	PDV	55,000
UPDX275T6FRN		75	PDV	55,000
UPDX50S50FR3N	ULG2PDV50H503N	48	PDV	50,000
UPDX65S55FR3N		65	PDV	55,000
UPDX75S55FR3N		75	PDV	55,000

DV—Direct Vent, PDV—Power Direct Vent

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DONGYONG HOT WATER SYSTEMS, INC. (DYHOT)
(Certified @ 15 ppm NO_x)

DYHOT	HTP	Westinghouse	Input (BTU/Hr)
DH40-75T	RGH40-75F	WGRGH40NG75F	74,999

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
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RHEEM SALES COMPANY
(Certified @ 10 ng/J NOx)

Rheem	Rheem Professional	Ruud	Ruud Professional	Richmond	GE	Hot Point	Gallons	INPUT (Btu/hr)
22X50FN 22V50FN 22V50FNVE XG48T06EN40U0 22V50FNE2 PROG48-40URH58 24V50FN 24V50FNEV 24X50FN PROG48-40U RH60 PRO+G48-40U RH60 XG48T06EN40U1 XG48T09EN40U0 XG48T12EN40U0	RHG PRO50FN	P2-50FN M2-50FN	RUG PRO50FN M4-50FN PROG48-40U RU60 PRO+G48-40U RU60	6G50-40FN 12G50-40FN 9G50-40FN 12G50-40FN3 6G50-40FN3 9G50-40FN3	GG48T06AXK00 SG48T12AXK00 PG48T09AXK00	---	50	40,000
22V40FN 22V40FNVE XG38T06EN38U0 22X40FN 22V40FNE2 PROG38-38URH60 24V40FN 24V40FNEV 24X40FN PROG38-38U RH62 PRO+G38-38U RH62 XG38T06EN38U1 XG38T09EN38U0 XG38T12EN38U0 SCG38T03UN38U1	RHG PRO40FN	P2-40FN M2-40FN	RUG PRO40FN M4-40FN PROG38-38U RU62 PRO+G38-38U RU62	6G40-40FN 12G40-40FN 9G40-40FN 12G40-38FN3 6G40-38FN3 9G40-38FN3	HG38T01AXK00 GG38T06AXK00 SG38T12AXK00 PG38T09AXK00	---	40	38,000
22V30FN 22V30FNVE XG28T06EN30U0 22X30FN PROG28-30URH62 24V30FN 24V30FNEV 24X30FN XG28T06EN30U1	RHG PRO30FN	P2-30FN M2-30FN	RUG PRO30FN M4-30FN PROG28-30U RU63 PRO+G28-30U RU63	6G30-30FN 12G30-30FN3 6G30-30FN3 9G30-30FN3	GG28T06AXK00 HG28T01AXK00 PG28T09AXD SG28T12AXD	---	30	30,000

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XG28T09EN30U0 XG28T12EN30U0								
22V40SFN 22V40SFNVE XG38S06EN36U0 22X40SFN PROG38S-36URH60 24V40SFN 24V40SFNEV 24X40SFN PROG38S-36U RH62 PRO+G38S-36U RH62 XG38S06EN36U1 XG38S09EN36U0 XG38S12EN36U0	22V40S PROFN	P-240SFN M2-40SFN	P2-40S PROFN M4-50FN PROG38S-36U RU62 PRO+G38S-36U RU62	6G40S-36FN 9G40S-36FN 12G40S-36FN3 6G40S-36FN3 9G40S-36FN3	GG38S06AXK00 PG38S09ASK00	HG38S01AXK00	38	36,000
22VR40FN 22VR40FNVE XG40T06HN38U0 XG40T09HN38U0 XG40T12HN38U0 22XR40FN PROG40-38URH62	RHG PRO40FN	P2R-40FN M2R-40FN	RUG PRO40FN	6G40V-38FN 12G40V-38FN	GG40T06TXK00 SG40T12TXK00	---	40	38,000
22V40FDVX* 22I40FDVX* PROG40- 36NRH59MHDVX* 24V40FDVX* 24I40FDVX* PROG40- 36NRH62MHDVX*				MV40FDVX			40	36,000
22V50FDVX* 22I50FDVX* PROG50- 36NRH59MHDVX* 24V50FDVX* 24I50FDVX* PROG50- 36NRH60MHDVX*				MV50FDVX			50	36,000

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22VR50FN 22VR50FNVE XG50T06HN36U0 XG50T09HN36U0 XG50T12HN36U0 22XR50FN PROG50-36URH62 PRO+G50-36URH62	RHG PRO50FN	P2R-50FN M2R-50FN	RUG PRO50FN PRO+G50-36URH62	6G50V-36FN 12G50V-36FN	GG50T06TXK00 SG50T12TXK00	---	50	36,000
42V60FN 42V60FNVE XG60T06EN45U0 PRO+G60-45URH56 44V55FN 44V55FNEV 44X55FN PROG55-45U RH59 PRO+G55-45U RH59 XG55T06EN45U0 XG55T09EN45U0 XG55T12EN45U0	RHG PRO60FN	PH2-60FN	RUG PRO60FN M4-55N PROG55-45U RU59 PRO+G55-45U RU59	12G55-45FN 6G55-45FN 9G55-45FN	SG60T12YXS10	---	55	45,000
42VP40FN PROG40-36URH67PV	---	PVP40FN	---	6G40PV-36FN	---	---	40	36,000
42VP50FN PROG50-38URH67PV	---	PVP50FN	---	6G50PV-38FN	---	---	50	38,000
22V30FT* 22I30FT* PROG30-32NRH61MH* PROG30-26NRH61MHH*				6V30FT*	GG30T06MSK01*		30	32,000
22V40FT* 22I40FT* PROG40-34NRH59MH* PROG40-34NRH59MHH*				6V40FT*	GG40T06MSK01*		40	34,000
22V50FT* 22I50FT* PROG40-38NRH58MH* PROG40-38NRH58MHH*				6V50FT*	GG50T06MSK01*		50	38,000

* Mobile Home Water Heaters certified @ 40 ng/J or 55 ppm NOx

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RHEEM SALES COMPANY

(Certified @ 10 ng/J NO_x)

Rheem	Richmond	Rudd	INPUT (BTU/hr)
44V50SFNEV PROG50S-40U RH60 EC1 XG50S06EN40U0	12G50S-40FN4 9G50S-40FN4 6G50S-40FN4	PROG50S-40U RU60 EC1	40,000
44V55FNEV PRO+G55-45U RU59 EC1	6G55-45FN4 12G55-45FN4	PRO+G55-45U RU59 EC1	45,000
44V40SFNEV PROG39S-38U RH62 EC1 XG39S06EN38U0 44X40SFN1	9G40S-38FN4 6G40S-38FN4	PROG39S-38U RU62 EC1 M4-40SFN1	38,000
44VP50FN PRO+G50-38U RH67 PV1 XG50T06PN38U0	6G50PV-38FN4	PROPG50-38U RU67 PV1	38,000
23V40NE3 PRO+G40-38U RH67 PD PROPG40-38U RH67 PD XG40T12DU38U1 XG40T12DU38U1W	6G40-38E2FN4 9G40-38E2FN4 12G40-38E2FN4	PRO+G40-38U RU67 PD PROUG40-38U RU67 PD	38,000
23V50NE3 PRO+G50-38U RH67 PD PROPG50-38U RH67 PD XG50T12DU38U1 XG50T12DU38U1W	6G50-38E2FN4 9G50-38E2FN4 12G50-38E2FN4	PRO+G50-38U RU67 PD PROUG50-38U RU67 PD	38,000
44VP40FN PROG40-36U RH67 PV1 XG40T06PN36U0	6G40PV-36FN4	PROPG40-36U RU67 PV1	36,000
24DV50FNEV PROG50-36U RH60 DV EC1 XG50T06DN36U0	6GDV50FN4	PROG50-36U RU60 DV EC1	36,000

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STONE MOUNTAIN TECHNOLOGIES, INC. (SMTI)
(Certified @ 10 ng/J NO_x)

SMTI	Input (BTU/hr)
EX2370	6,300

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Manufacturers Contact Information

Manufacturer	Contact Name	Phone No.	E-mail
American Standard Water Heaters	Mr. James E. Bridegum	800-900-9063 ext 4	Bridegum@att.net
A. O. Smith Water Products Company	Mr. Gary Delph	423-434-1540	gdelph@hotmail.com
Bradford White Corp.	Mr. D. J. (DJ) Nethercot	269-795-3364	DNethercot@bradfordwhite.com
DongYong Hot Water Systems (DYHOT)	Mr. Antony Hung	886-4-268-22226	Antony.hung@dyhot.com.tw
Rheem Water Heating	Mr. Alan Cape	334-260-1554	Alan.Cape@rheem.com
Stone Mountain Technologies (SMTI)	Mr. Michael Garrabrant	423-435-7400	mgarrabrant@stonemnttechnologies.com

For questions regarding Rule 1121 compliance, please contact:

Area Sources (909) 396-2390

areasources@aqmd.gov

For questions regarding Rule 1121 certification, please contact:

Susan Tsai (909) 396-2529 stsai@aqmd.gov

R307. Environmental Quality, Air Quality.**R307-230. NO_x Emission Limits for Natural Gas-Fired Water Heaters.****R307-230-1. Purpose.**

The purpose of R307-230 is to reduce emissions of nitrogen oxides (NO_x) from natural gas-fired water heaters.

R307-230-2. Applicability.

R307-230 applies to the sale or installation of natural gas-fired water heaters on or after July 1, 2018.

R307-230-3. Emission Limits and Requirements.

(1) The State Construction and Fire Codes Act, Subsection 15A-6-102, Enacted by Chapter 236, 2020[17] General Session, is hereby incorporated by reference.

(2) Manufacturers shall use South Coast Air Quality Management District Method 100.1 to comply with the NO_x emission limits.

(3) Persons seeking to sell or install a natural gas-fired water heater with an emission rate greater than the limits established under Subsection 15A-6-102(2)(a) as allowed under Subsection 15A-6-102(6) must first obtain written approval using a form provided by the Division from the Director appointed under 19-2-107 verifying that a water heater model does not exist that has an input of equal BTUs per hour as the water heater being replaced that meets the limits established under Subsection 15A-6-102(2)(a).

KEY: water heaters, natural gas, NO_x, air quality

Date of Enactment or Last Substantive Amendment: August 3, 2017

Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104; 19-2-107.7

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.):	R307-230	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:
NOx Emission Limits for Natural Gas-Fired Water Heaters
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 Utah State Legislature passed House Bill 374 which amended the State construction and Fire Codes Act, which caused the Division to amend R307-230 to align the rule with state code, maintain the efficacy of the rule, and to assist affected parties in finding compliant water heater models.
4. Summary of the new rule or change:
The amendment incorporates the updated language in state code. Additionally, the amendment requires written approval from the Division Director on a form provided by the Division. The form would request the heat input rating of the water heater being replaced, and DAQ staff would use the information to compare to the South Coast Air Quality Management District (SCAQMD) List of Certified Units to identify whether an ultra-low NOx model is available for a given heat rating. If a certified ultra-low NOx water heater is found to be unavailable for the BTU rating of the unit being replaced, the exemption would then be approved.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There will be very minimal to no cost for the state budget as a result of this rule amendment. The minimal costs would be in setting up the online application and receiving the applications, both of which will fall into the duties of currently employed staff.
B) Local governments:
There will be no costs or savings to local governments as this rule amendment is not applicable to them.
C) Small businesses ("small business" means a business employing 1-49 persons):
Anticipated costs or savings to small businesses may come from filling out an application, although the anticipated application will be short and easily accessible, so there will be no major commitments from small businesses to complete this process.

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

Anticipated costs or savings to non-small businesses may come from filling out an application, although the anticipated application will be short and easily accessible, so there will be no major commitments from small businesses to complete this process.

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**):

Anticipated costs or savings to persons other than small businesses, non-small businesses, state, or local government entities may come from filling out an application, although the anticipated application will be short and easily accessible, so there will be no major commitments from small businesses to complete this process.

F) Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons as the rule amendment simply incorporates state statute and adds the provision of filling out an application for the exemption, of which the application will be easily accessible and short.

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 amendment to R307-230 incorporates state statute as amended by House Bill 0374 in the 2020 General Session and adds a provision for an application to be sent to the Director of the Division of Air Quality, neither of which are anticipated to have fiscal impacts on businesses.

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):

19-2-101	19-2-104	19-2-107.7

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)	15A-6-102 Nitrogen Oxide emission limits for natural gas-fired water heaters
Publisher	Utah State Code
Date Issued	
Issue, or version	07/01/2020

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):		10/01/2020
B) A public hearing (optional) will be held:		
On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):

10. This rule change MAY become effective on (mm/dd/yyyy): 11/05/2020

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):	07/14/2020
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R307. Environmental Quality, Air Quality.

R307-230. NO_x Emission Limits for Natural Gas-Fired Water Heaters.

R307-230-1. Purpose.

The purpose of R307-230 is to reduce emissions of nitrogen oxides (NO_x) from natural gas-fired water heaters.

R307-230-2. Applicability.

R307-230 applies to the sale or installation of natural gas-fired water heaters on or after July 1, 2018.

R307-230-3. Emission Limits and Requirements.

(1) The State Construction and Fire Codes Act, Subsection 15A-6-102, Enacted by Chapter 236, 2020[47] General Session, is hereby incorporated by reference.

(2) Manufacturers shall use South Coast Air Quality Management District Method 100.1 to comply with the NO_x emission limits.

(3) Persons seeking to sell or install a natural gas-fired water heater with an emission rate greater than the limits established under Subsection 15A-6-102(2)(a) as allowed under Subsection 15A-6-102(6) must first obtain written approval using a form provided by the Division from the Director appointed under 19-2-107 verifying that a water heater model does not exist that has an input of equal BTUs per hour as the water heater being replaced that meets the limits established under Subsection 15A-6-102(2)(a).

KEY: water heaters, natural gas, NO_x, air quality

Date of Enactment or Last Substantive Amendment: August 3, 2017

Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104; 19-2-107.7

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-058-20

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Joel Karmazyn, Environmental Scientist

DATE: July 21, 2020

SUBJECT: PROPOSE FOR PUBLIC COMMENT: New Rule R307-240. Prescribed Burning.

The Division of Air Quality staff are proposing new rule R307-240, Prescribed Burning, to align the air quality rules with the state statute as amended by House Bill 92 (H.B. 92) in the 2020 General Legislative Session.

During the 2020 General Legislative Session, the Legislature passed H.B. 92, Fire Amendments. The bill requires the Director of the Division of Air Quality to, under certain conditions, approve prescribed burns that do not meet the clearing index requirement set forth in R307-204, Emission Standards. H.B. 92 states that the Director shall approve a prescribed burn in wildland and non-wildland areas when a land manager submits documentation specified in Section 19-2a-105.

R307-240 incorporates 19-2a-105 by reference and reiterates the need for Director approval prior to conducting prescribed burning or pile burning when the United States National Weather Service clearing index in the area of the burn is less than 500.

Attached to this memo is a copy of H.B. 92 which outlines the conditions.

Recommendation: Staff recommends that the Board propose new rule R307-240 for public comment.

R307. Environmental Quality, Air Quality.**R307-240. Prescribed Burning.****R307-240-1. Purpose.**

The purpose of Rule R307-240 is to permit prescribed burning and pile burning under the conditions outlined in the May 12, 2020 version of Subsections 19-2a-105(3) through 19-2a-105(5), which is hereby incorporated by reference.

R307-240-2. Applicability.

Rule R307-240 applies to land managers who conduct prescribed burns and pile burns in wildland and non-wildland areas.

R307-240-3. Definitions.

The definitions in the May 12, 2020 version of Utah Code 19-2a-105 apply to Rule R307-240.

R307-240-4. Special Condition Burn Permit.

(1) Land managers who request a burn permit when the clearing index is below 500 shall submit to the Director an application that demonstrates that the conditions in Subsections 19-2a-105(3) through 19-2a-105(5) are met.

(2) Land managers shall not conduct prescribed burning or pile burning when the clearing index is below 500 until the Director approves the application required in Subsection R307-240-3(1).

KEY: , air quality, prescribed burning

Date of Enactment or Last Substantive Amendment:

Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104; 19-2a-105

State of Utah
Administrative Rule Analysis
Revised May 2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New <input checked="" type="checkbox"/> X___; Amendment ___; Repeal ___; Repeal and Reenact ___		
Title No. - Rule No. - Section No.		
Utah Admin. Code Ref (R no.):	R307-240	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:
Prescribed Burning.
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 new rule comes in response to House Bill 92 being passed and enacted during the 2020 General Session. R307-240 incorporates 19-2a-105 into the air quality rules.
4. Summary of the new rule or change:
The new rule incorporates by reference Section 19-2a-105 and reiterates the need for Director approval of an application before allowing prescribed burning or pile burning when the clearing index is below 500.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There is anticipated to be very minimal or no cost to the state budget as a result of this new rule. The minimal costs would be in setting up and creating the application along with staff time directed at receiving and considering the applications. The duties will be assigned to existing staff and will be placed into current duties, resulting in no additional hires.
B) Local governments:
There will be no costs or savings to local governments as this rule amendment is not applicable to them.
C) Small businesses ("small business" means a business employing 1-49 persons):
Small businesses are not expected to incur any costs from this new rule as the application is not anticipated to be strenuous or time consuming and should not require any additional hires to complete. Additionally, the rule is incorporating by reference existing state statute, so no new provisions are being imposed.

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

Non-small businesses are not expected to incur any costs from this new rule as the application is not anticipated to be strenuous or time consuming and should not require any additional hires to complete. Additionally, the rule is incorporating by reference existing state statute, so no new provisions are being imposed.

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**):

Anticipated costs to persons other than small businesses, non-small businesses, state, or local government entities is expected to be negligible as the only possibility comes from filling out an application, which will not be strenuous.

F) Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons as the rule amendment simply incorporates state statute and reiterates the need to fill out an application and receive approval from the Director before conducting a prescribed burn or pile fire burn when the clearing index is below 500.

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:

New rule R307-240 incorporates state statute as amended by House Bill 92 in the 2020 General Session and reiterates the need for approval from the Director to be granted an exemption to conduct a prescribed burn or pile fire burn when the clearing index is below 500. This new rule is not anticipated to have any fiscal impact on businesses.

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):**

19-2-101	19-2-104	19-2a-105

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)	19-2a-105. Prescribed fires, pile burns, and nonfull suppression events.
Publisher	Utah State Code
Date Issued	
Issue, or version	07/01/2020

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): 10/01/2020

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

On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):

10. This rule change MAY become effective on (mm/dd/yyyy): 11/05/2020

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):	07/15/2020
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R307. Environmental Quality, Air Quality.

R307-240. Prescribed Burning.

R307-240-1. Purpose.

The purpose of Rule R307-240 is to permit prescribed burning and pile burning under the conditions outlined in the May 12, 2020 version of Subsections 19-2a-105(3) through 19-2a-105(5), which is hereby incorporated by reference.

R307-240-2. Applicability.

Rule R307-240 applies to land managers who conduct prescribed burns and pile burns in wildland and non-wildland areas.

R307-240-3. Definitions.

The definitions in the May 12, 2020 version of Utah Code 19-2a-105 apply to Rule R307-240.

R307-240-4. Special Condition Burn Permit.

(1) Land managers who request a burn permit when the clearing index is below 500 shall submit to the Director an application that demonstrates that the conditions in Subsections 19-2a-105(3) through 19-2a-105(5) are met.

(2) Land managers shall not conduct prescribed burning or pile burning when the clearing index is below 500 until the Director approves the application required in Subsection R307-240-3(1).

KEY: , air quality, prescribed burning

Date of Enactment or Last Substantive Amendment:

Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104; 19-2a-105

FIRE AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill addresses fires.

Highlighted Provisions:

This bill:

- defines terms;
- addresses the process of approval for certain fire events; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

RENUMBERS AND AMENDS:

19-2a-105, (Renumbered from 19-2-107.6, as enacted by Laws of Utah 2019, Chapter 51)

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

Section 1. Section **19-2a-105**, which is renumbered from Section 19-2-107.6 is renumbered and amended to read:

~~[19-2-107.6].~~ **19-2a-105. Prescribed fires, pile burns, and nonfull suppression events.**

(1) As used in this section:

(a) "Board" means the Air Quality Board.

~~[(a)]~~ (b) "Burn plan" means the plan required for each fire application ignited by a land manager.

~~[(b)]~~ (c) "Burn window" means the period of time during which the prescribed fire is scheduled for ignition.

(d) "Director" means the director of the division.

(e) "Division" means the Division of Air Quality created in Section [19-1-105](#).

(f) "Exceptional event" means one or more prescribed burning or pile burning events and the resulting emissions that affect air quality in such a way that there exists a clear causal relationship between the specific event and the monitored exceedance or violation.

~~[(c)]~~ (g) "Land manager" means a person who administers, directs, oversees, or controls the use of public land, including the application of fire to the land.

~~[(d)]~~ (h) "Large prescribed fire" means a fire that a land manager ignites to meet a specific objective, including a resource benefit that covers 20 acres or more per burn.

~~[(e)]~~ (i) "Large prescribed pile fire" means a fire that a land manager ignites to meet a specific objective, including a resource benefit, that exceeds 30,000 cubic feet per day.

~~[(f)]~~ (j) "Nonfull suppression event" means a naturally ignited wildland fire for which a land manager secures less than full suppression to accomplish a specific prestated resource management objective in a predefined geographic area.

(k) "Pile burning" means a fire or fires that a land manager ignites for fuel mitigation designed to reduce the risk of catastrophic fire, improve ecological health, and prevent dangerous wildfires by burning piled or scattered leaves, pine needles, downed trees, natural woody debris, thick vegetation, or similar organic material left behind after logging or other forest treatments.

(l) "Prescribed burning" means the planned and controlled burning of plant material in order to minimize the risk of catastrophic wildfire or to meet specific land management objectives.

~~[(g)]~~ (m) "Wildland" means an area in which development is essentially nonexistent

other than the existence of a pipeline, power line, road, railroad, or other transportation or conveyance facility or one or more structures that are widely scattered.

(2) (a) The division may not permit a land manager to conduct a large prescribed fire or large prescribed pile fire if the land manager does not comply with the rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) In the rules made by the board under this Subsection (2), the board shall require the land manager to:

(i) describe the use of a state, county, or municipal resource in the large prescribed fire or large prescribed pile fire;

(ii) provide the division the burn plan for a large prescribed fire or large prescribed pile fire by no later than one week before the day of the burn window; and

(iii) notify the division of a nonfull suppression event once a fire becomes a nonfull suppression event.

(3) The director shall approve a prescribed burning or pile burning in wildland areas and the prescribed burning or pile burning may be conducted under the following conditions:

(a) the United States National Weather Service clearing index in the area of the burn is 500 or greater;

(b) the United States National Weather Service clearing index in the area of the burn is less than 500, and to maximize the opportunities for prescribed burning or pile burning the director approves a prescribed burning or pile burning after the land manager demonstrates to the director that the planned prescribed burning or pile burning will:

(i) not cause an exceedance of a national ambient air quality standard outside the wildland area;

(ii) minimize the long range transport of smoke; and

(iii) protect visibility in mandatory federal class 1 areas; or

(c) the United States National Weather Service clearing index in the burn area is less than 500 and the prescribed burning or pile burning may cause an exceedance of a national ambient air quality standard outside the wildland area if the land manager demonstrates to the

86 director that the prescribed burning or pile burning fuel conditions are optimal to:

87 (i) protect safety of the public and fire staff;

88 (ii) minimize the risk of catastrophic fire;

89 (iii) achieve necessary watershed and ecological conditions; and

90 (iv) establish, restore, or maintain a sustainable and resilient wildland ecosystem or to
91 preserve endangered or threatened species through a program of prescribed burning or pile
92 burning.

93 (4) The director shall approve a prescribed burning or pile burning to reduce hazardous
94 fuels for public safety in areas not defined as wildland and the prescribed burning or pile
95 burning may be conducted under the following conditions:

96 (a) the United States National Weather Service clearing index in the area of the burn is
97 500 or greater; or

98 (b) the United States National Weather Service clearing index in the area of the burn is
99 less than 500, and to maximize the opportunities for prescribed burning or pile burning the
100 director approves a prescribed burning or pile burning after the land manager:

101 (i) provides a demonstration that includes an assessment of the impact to local
102 receptors;

103 (ii) implements measures to notify residents; and

104 (iii) minimizes residents exposure to smoke.

105 (5) The director shall approve a prescribed burning or pile burning for resource
106 management purposes in areas not defined as wildland and the prescribed burning or pile
107 burning may be conducted under the following conditions:

108 (a) the United States National Weather Service clearing index in the area of the burn is
109 500 or greater; or

110 (b) the United States National Weather Service clearing index in the area of the burn is
111 less than 500, and to maximize the opportunities for prescribed burning or pile burning the
112 director approves a prescribed burning or pile burning after the land manager demonstrates that
113 the planned prescribed burning or pile burning will:

- 114 (i) not cause an exceedance of a national ambient air quality standard;
115 (ii) minimize the long range transport of smoke; and
116 (iii) protect visibility in mandatory federal class 1 areas.
117 (6) The division shall make the necessary filings with the United States Environmental
118 Protection Agency if a prescribed burning or pile burning approved by the director results in an
119 exceptional event.

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-060-20

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Liam Thrailkill, Rules Coordinator

DATE: July 21, 2020

SUBJECT: Five-Year Review: R307-122. General Requirements: Heavy Duty Vehicle Tax Credit.

Utah Code Title 63G-3-305 requires each agency to review and justify each of its rules within five years of a rule's original effective date or within five years of the filing of the last five-year review. This review process is not a time to revise or amend the rules, but only to verify that the rule is still necessary and allowed under state and federal statute. As part of this process, we are required to identify any comments received during and since the last five-year review of each rule. This process is not the time to revisit those comments or to respond to them.

DAQ has completed a five-year review for R307-122, General Requirements: Heavy Duty Vehicle Tax Credit. The result of this review is found in the attached Five-Year Notice of Review and Statement of Continuation forms.

Recommendation: Staff recommends that the Board continue R307-122 by approving the attached form to be filed with the Office of Administrative Rules of Administrative Rules.

State of Utah
Administrative Rule Analysis
Revised December 2019

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	R307-122	Filing No. (Office Use Only)

Agency Information

1. Department:	Department of 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 catchline:
General Requirements: Heavy Duty Vehicle Tax Credit.
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
R307-122 establishes procedures to provide proof of a qualified purchase, in accordance with 59-7-618(6)(a) or 59-10-1033(6)(a), to the director for a qualified heavy-duty vehicle for which an income tax credit is allowed under Sections 59-7-618 or 59-10-1033. As of July 20, 2020, the aforementioned subsections no longer exist in Utah Code. However, this rule is still necessary for those who are completing their 2020 taxes, those who may amend their previous taxes, and for those who may apply in the future for when they were previously eligible. 19-2-104 states the "board may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act," which allows for the Board to have the authority to create and continue this rule.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The rule should be continued because it can still be used for this current tax year, for those who may amend previous tax years, and for those who were previously qualified and may apply if there are credits still available. Additionally, staff would like to continue this rule with the chance that the Legislature may enact a similar statute in which this rule could apply, saving the Division from having to draft a new rule.

Agency Authorization Information

To the agency: Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.			
Agency head or designee, and title:	Bryce Bird	Date (mm/dd/yyyy):	07/20/2020
Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or nonsubstantive change.			

R307. Environmental Quality, Air Quality.

R307-122. General Requirements: Heavy Duty Vehicle Tax Credit.

R307-122-1. Authorization and Purpose.

(1) This rule is authorized by Sections 59-7-618 and 59-10-1033. These statutes establish criteria and definitions used to determine eligibility for an income tax credit.

(2) R307-122 establishes procedures to provide proof of a qualified purchase, in accordance with 59-7-618(6)(a) or 59-10-1033(6)(a), to the director for a qualified heavy duty vehicle for which an income tax credit is allowed under Sections 59-7-618 or 59-10-1033.

R307-122-2. Definitions.

The following additional definitions apply to R307-122.

"Heavy duty vehicle" means heavy duty vehicle as defined in Subsection 59-7-618(1)(c) and 59-10-1033(1)(c).

"Original equipment manufacturer (OEM) vehicle" means original equipment manufacturer (OEM) as defined in Subsection 19-1-402(8).

"Qualified heavy duty vehicle" means qualified heavy duty vehicle as defined in 59-7-618(1)(e) and 59-10-1033(1)(e).

"Qualified purchase" means qualified purchase as defined in 59-7-618(1)(f) and 59-10-1033(1)(f).

"Qualified taxpayer" means qualified taxpayer as defined in 59-7-618(1)(g) and 59-10-1033(1)(g).

R307-122-3. Reservation of a Qualified Heavy Duty Vehicle Tax Credit.

(1) A qualified taxpayer shall reserve a qualified heavy duty vehicle tax credit before submitting proof of qualified purchase to obtain approval from the division for the heavy duty vehicle tax credit. A qualified taxpayer shall apply to reserve the tax credit on forms provided by the division, which will include the following:

(a) the name of the qualified taxpayer and the qualified taxpayers registered name with the United States Department of Transportation (USDOT),

(b) the last four digits of the qualified taxpayer's social security number(SSN) or employer identification number (EIN),

(c) the qualified taxpayer's address, and

(d) the qualified taxpayer's USDOT number.

(2) The tax credit shall be reserved for the qualified taxpayer for up to 180 calendar days from the division's approval of the request to reserve the credit.

(3) If the qualified taxpayer does not meet all of the requirements of R307-122-4 before 181 calendar days after the division's approval of the request to reserve the tax credit, the tax credit will no longer be reserved for the qualified taxpayer.

R307-122-4. Proof of Qualified Purchase for a Qualified Heavy Duty Vehicle.

To demonstrate that a heavy duty vehicle is eligible for the tax credit, proof of qualified purchase shall be made in accordance with 59-7-605(6)(a) or 59-10-1009(6)(a), by submitting the following documents to the director:

(1)(a) a copy of the motor vehicle's window sticker, which includes its Vehicle Identification Number (VIN), or equivalent manufacturer's documentation showing that the heavy duty vehicle:

(i) is an OEM natural gas vehicle;

(ii) has a 100% electric drivetrain; or

(iii) has a hydrogen-electric drivetrain; or

(b) a signed statement by either an Automotive Service Excellence (ASE)-certified technician or Canadian Standards Association (CSA) America CNG Fuel System Inspector that includes the VIN, the technician's ASE or CSA America certification number, and states that the heavy duty vehicle:

(i) is an OEM natural gas vehicle;

(ii) has a 100% electric drivetrain; or

(iii) has a hydrogen-electric drivetrain;

(2) an original or copy of the purchase order, customer invoice, or receipt that includes the name of the qualified taxpayer seeking the credit, the name of the seller of the heavy duty vehicle, the VIN, purchase date, and price of the heavy duty vehicle;

(3) a copy of the current Utah vehicle registration in the name of the qualified taxpayer seeking the credit; and

(4) the certification required under Subsection 59-7-618(2)(b) and 59-10-1033(2)(b).

KEY: air pollution, alternative fuels, tax credits, heavy duty vehicles

Date of Enactment or Last Substantive Amendment: August 3, 2017

Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-1-402; 59-7-618; 59-10-1033

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-280-20

MEMORANDUM

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: June 6, 2020

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

Asbestos Demolition/Renovation NESHAP Inspections	5
Asbestos AHERA Inspections	12
Asbestos State Rules Only Inspections	1
Asbestos Notification Forms Accepted	160
Asbestos Telephone Calls	369
Asbestos Individuals Certifications Approved	69
Asbestos Company Certifications/Re-Certifications	3/4
Asbestos Alternate Work Practices Approved/Disapproved	7/0
Lead-Based Paint (LBP) Inspections	0
LBP Notification Forms Approved	2
LBP Telephone Calls	43
LBP Letters Prepared and Mailed	1
LBP Courses Reviewed/Approved	0
LBP Course Audits	0
LBP Individual Certifications Approved	15
LBP Firm Certifications	7

Notices of Violation Sent	0
Compliance Advisories Sent	6
Warning Letters Sent	2
Settlement Agreements Finalized	0
Penalties Agreed to:	



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-339-20

MEMORANDUM

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: July 10, 2020

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

Asbestos Demolition/Renovation NESHAP Inspections	23
Asbestos AHERA Inspections	24
Asbestos State Rules Only Inspections	2
Asbestos Notification Forms Accepted	210
Asbestos Telephone Calls	389
Asbestos Individuals Certifications Approved	71
Asbestos Company Certifications/Re-Certifications	1/3
Asbestos Alternate Work Practices Approved/Disapproved	3/0
Lead-Based Paint (LBP) Inspections	3
LBP Notification Forms Approved	3
LBP Telephone Calls	60
LBP Letters Prepared and Mailed	0
LBP Courses Reviewed/Approved	0
LBP Course Audits	0
LBP Individual Certifications Approved	10
LBP Firm Certifications	5

Notices of Violation Sent	0
Compliance Advisories Sent	6
Warning Letters Sent	6
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-885-20

MEMORANDUM

TO: Jay Morris, Compliance Branch Manager
FROM: Rik Ombach, Minor Source Compliance Manager
DATE: June 15, 2020
SUBJECT: Compliance Activities – May 2020

Annual Inspections Conducted:

Major.....	9
Synthetic Minor	2
Minor	38
On-Site Stack Test Audits Conducted:	2
Stack Test Report Reviews:	38
On-Site CEM Audits Conducted:	0
Emission Reports Reviewed:	3
Temporary Relocation Requests Reviewed & Approved:	11
Fugitive Dust Control Plans Reviewed & Accepted:.....	88
Burn Permits Issued:	57
Soil Remediation Report Reviews:	2
¹ Miscellaneous Inspections Conducted:.....	18
Complaints Received:	11

Breakdown Reports Received:.....	0
Compliance Actions Resulting from a Breakdown:	0
Warning Letters Issued:	2
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	02/10/2020
US Magnesium	01/08/2019
US Magnesium	03/02/2018
US Magnesium	08/27/2015
Compliance Advisories Issued:.....	0
No Further Action Letters Issued.....	0
Settlement Agreements Reached:	3
US Synthetics.....	\$359
Geneva Rock Products	\$4,150
University of Utah	\$19,800

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



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQC-999-20

MEMORANDUM

TO: Jay Morris, Compliance Branch Manager

FROM: Harold Burge, Major Source Compliance Manager

DATE: July 15, 2020

SUBJECT: Compliance Activities – June 2020

Annual Inspections Conducted:

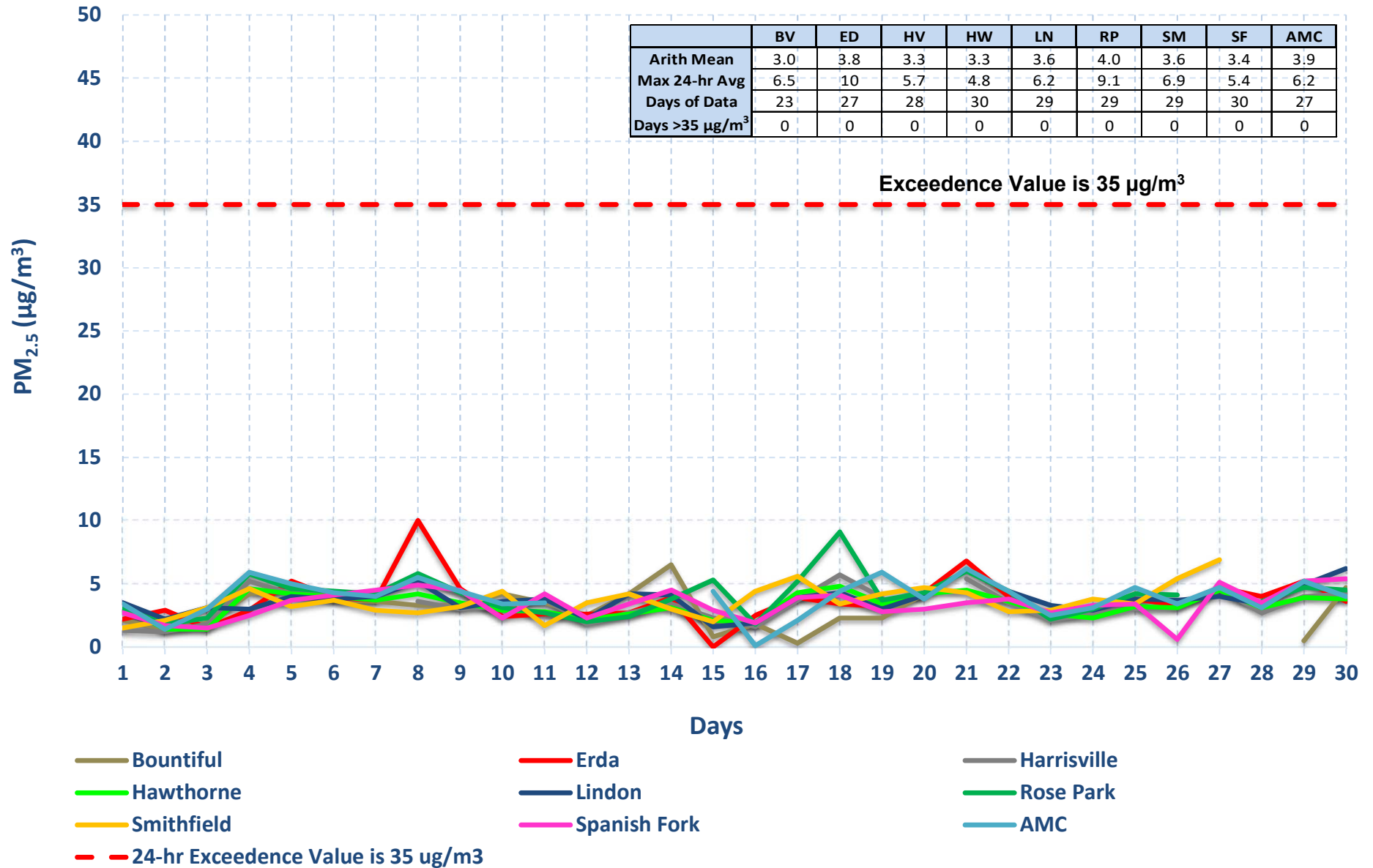
Major.....	10
Synthetic Minor	1
Minor	54
On-Site Stack Test Audits Conducted:	1
Stack Test Report Reviews:	40
On-Site CEM Audits Conducted:	0
Emission Reports Reviewed:	4
Temporary Relocation Requests Reviewed & Approved:	12
Fugitive Dust Control Plans Reviewed & Accepted:.....	127
Burn Permits Issued:	0
Soil Remediation Report Reviews:	2
¹ Miscellaneous Inspections Conducted:.....	29
Complaints Received:	10
Breakdown Reports Received:.....	1

Compliance Actions Resulting from a Breakdown:	0
Warning Letters Issued:	2
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	02/10/2020
US Magnesium	01/08/2019
US Magnesium	03/02/2018
US Magnesium	08/27/2015
EP Energy	01/01/2020
Ovintiv Production.....	07/15/2020
Compliance Advisories Issued:.....	5
No Further Action Letters Issued.....	0
Settlement Agreements Reached:	0

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

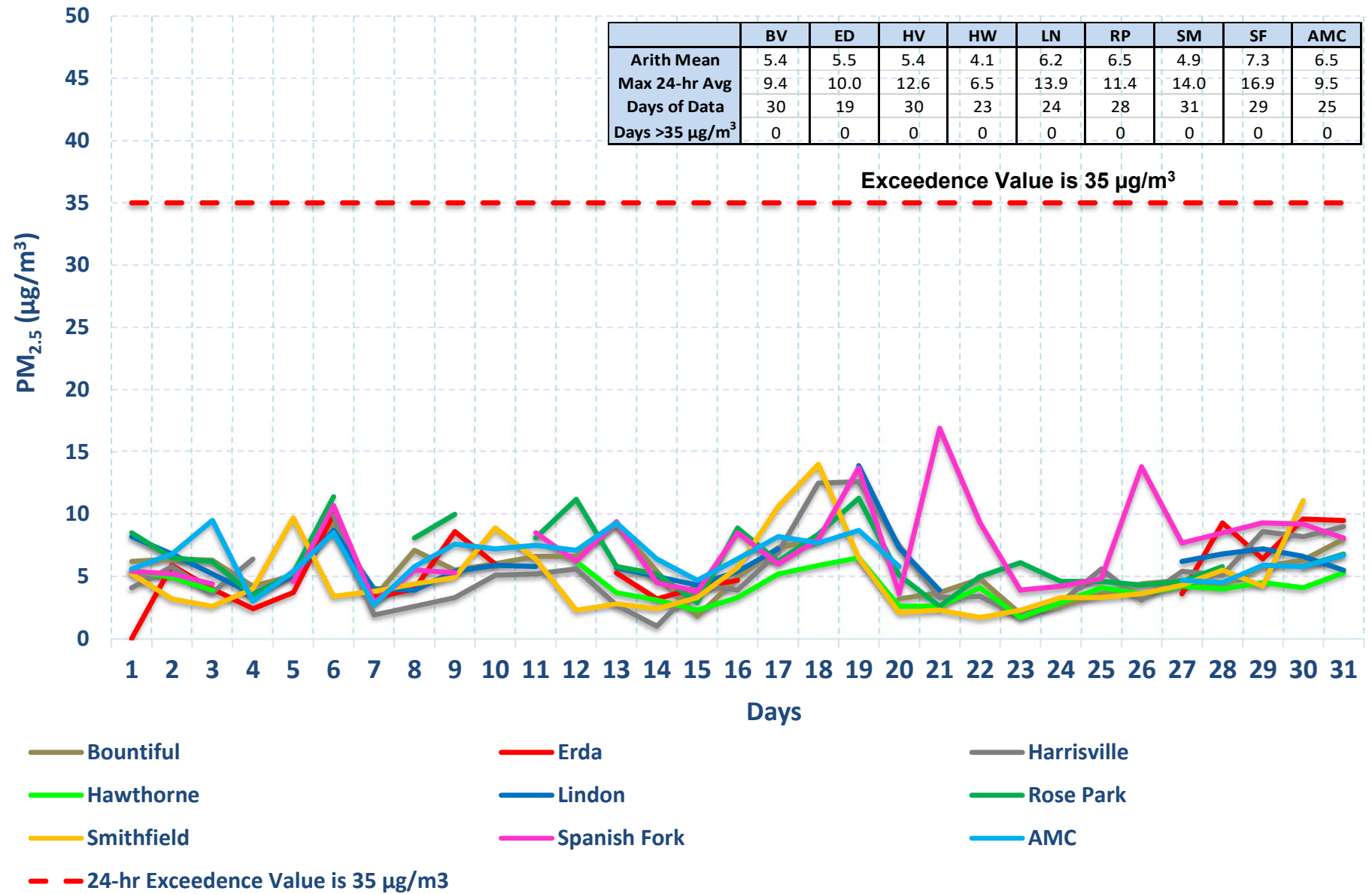
Air Monitoring

Utah 24-Hr PM_{2.5} Data April 2020



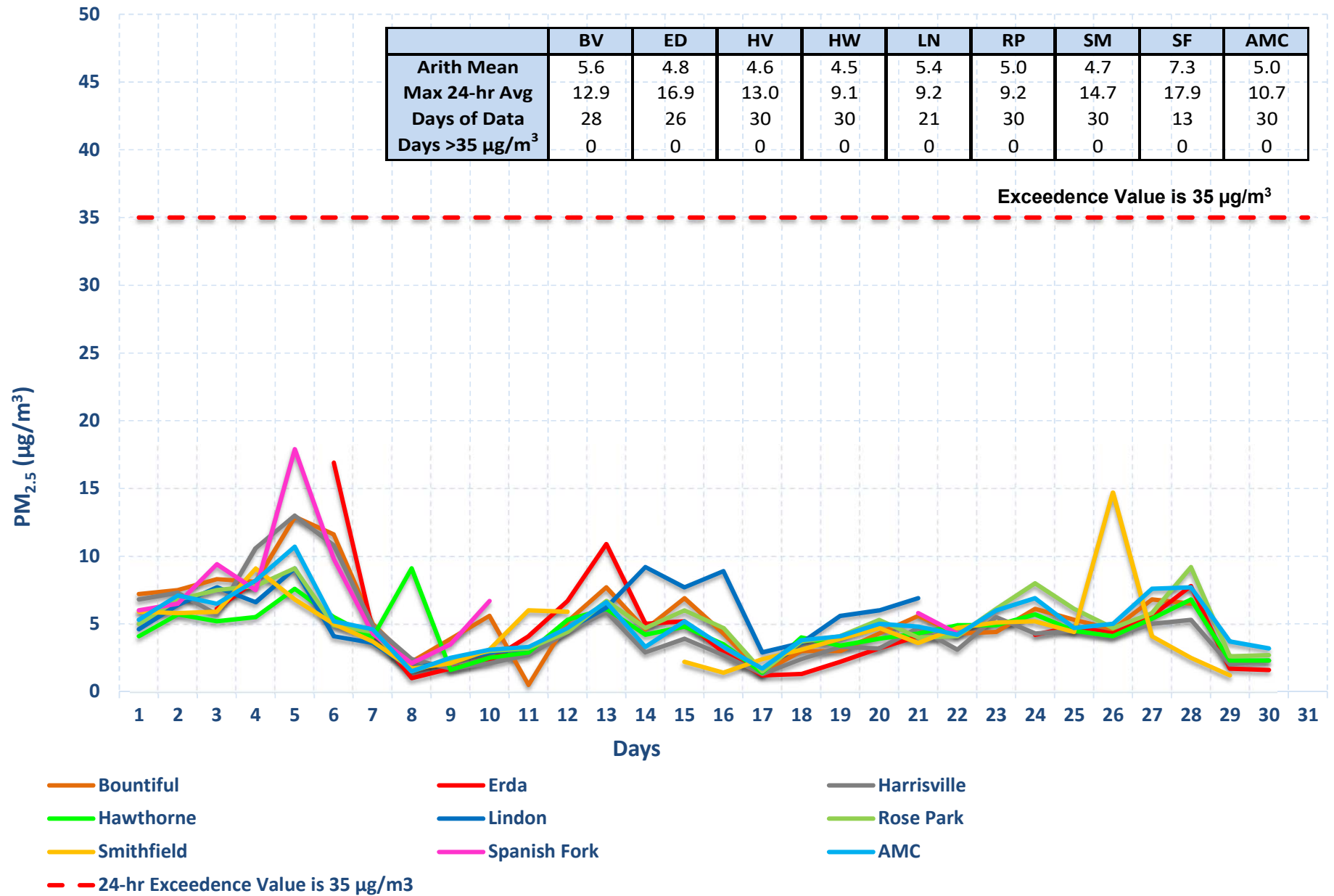
Utah 24-Hr PM_{2.5} Data May 2020

	BV	ED	HV	HW	LN	RP	SM	SF	AMC
Arith Mean	5.4	5.5	5.4	4.1	6.2	6.5	4.9	7.3	6.5
Max 24-hr Avg	9.4	10.0	12.6	6.5	13.9	11.4	14.0	16.9	9.5
Days of Data	30	19	30	23	24	28	31	29	25
Days >35 µg/m ³	0	0	0	0	0	0	0	0	0

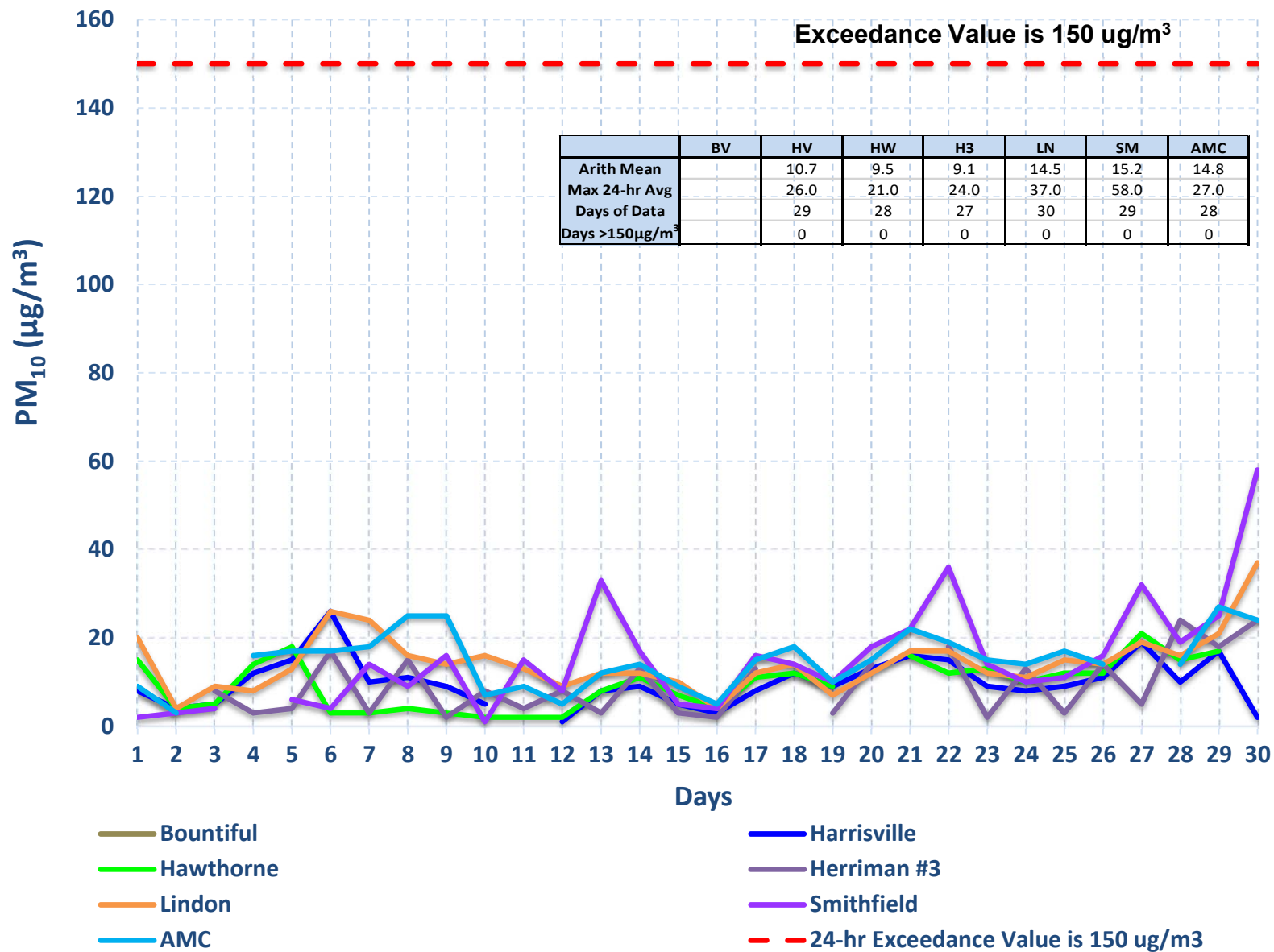


Utah 24-Hr PM_{2.5} Data June 2020

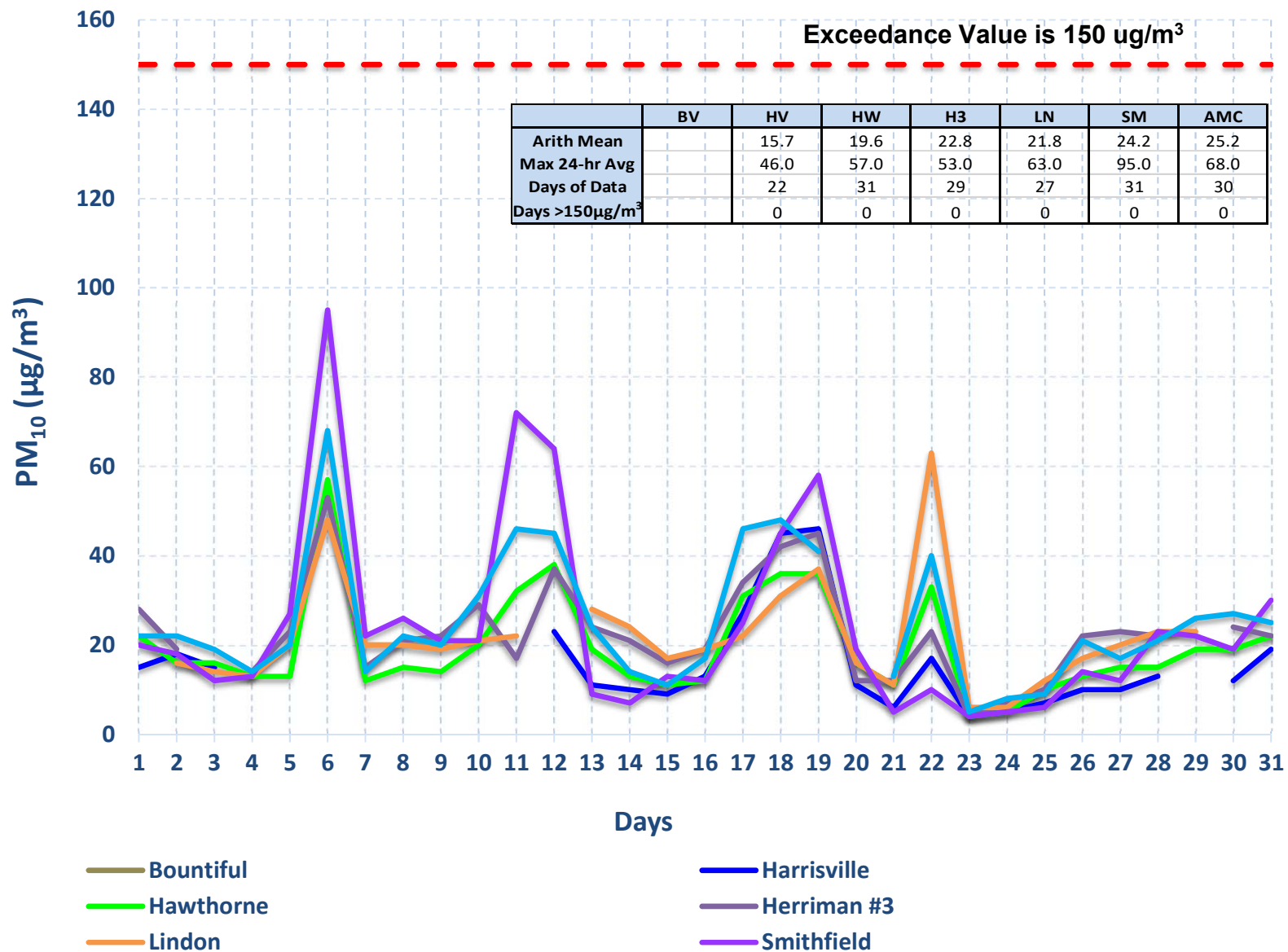
	BV	ED	HV	HW	LN	RP	SM	SF	AMC
Arith Mean	5.6	4.8	4.6	4.5	5.4	5.0	4.7	7.3	5.0
Max 24-hr Avg	12.9	16.9	13.0	9.1	9.2	9.2	14.7	17.9	10.7
Days of Data	28	26	30	30	21	30	30	13	30
Days >35 µg/m ³	0	0	0	0	0	0	0	0	0



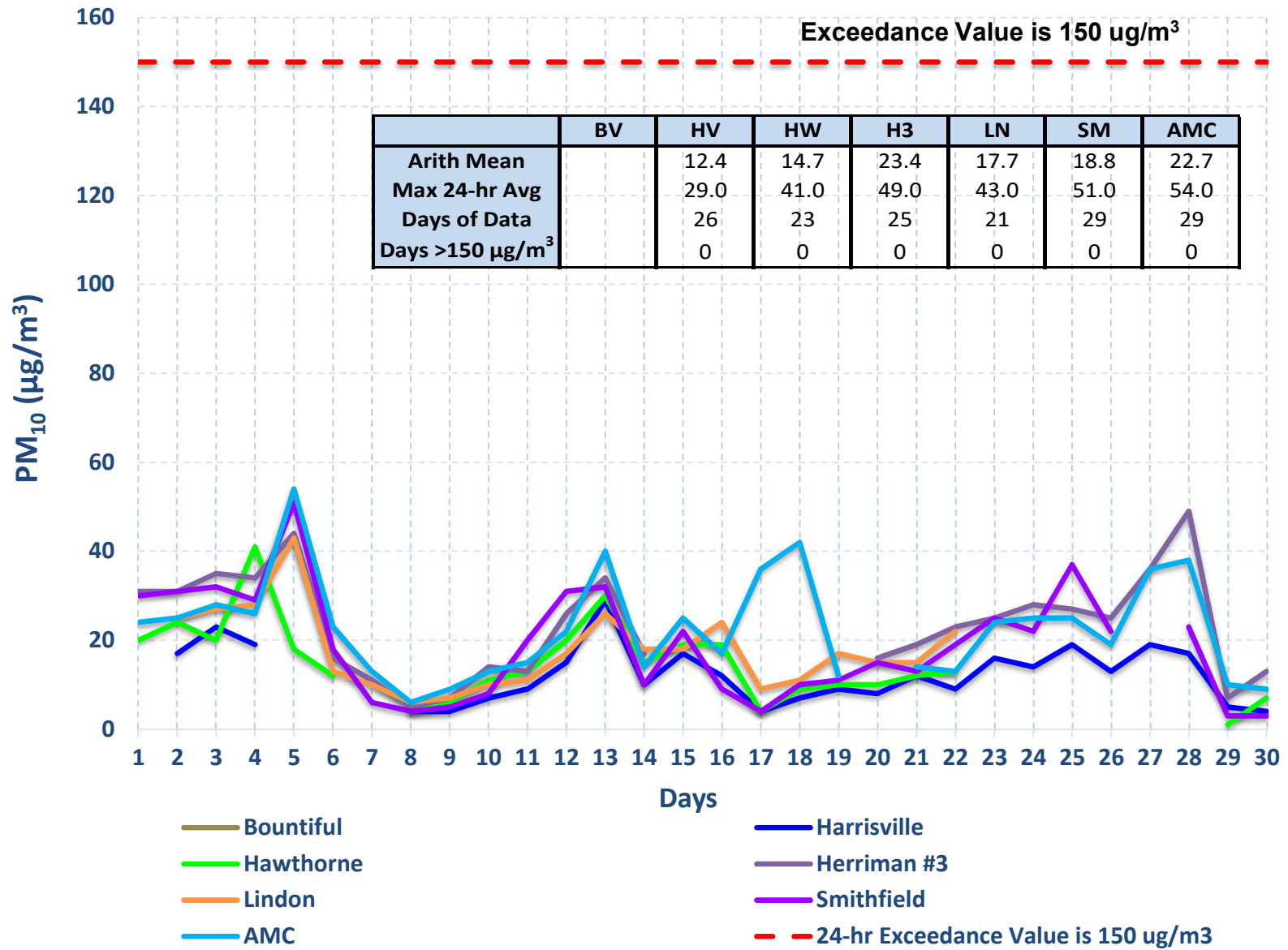
Utah 24-hr PM₁₀ Data APRIL 2020



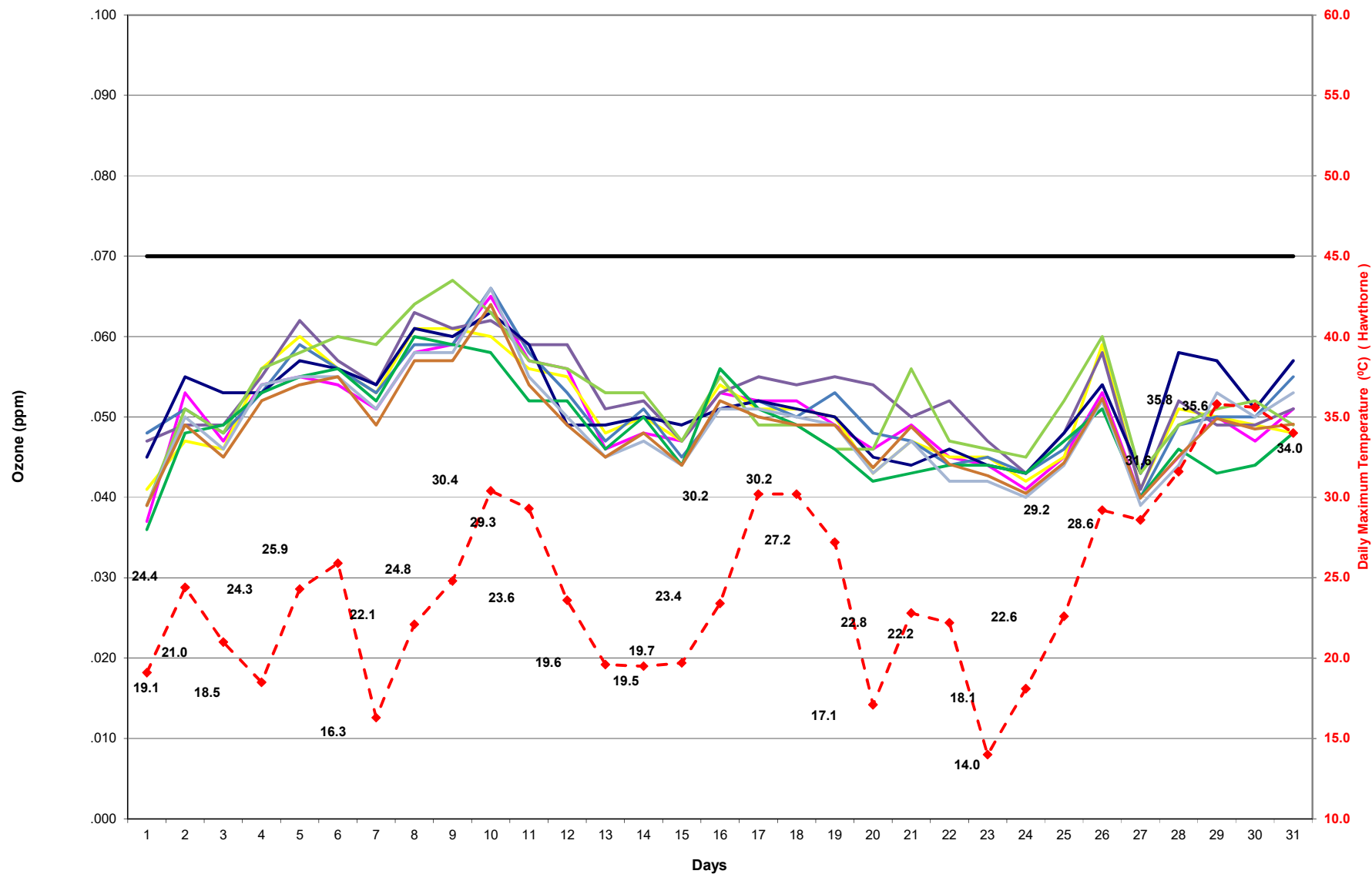
Utah 24-hr PM₁₀ Data MAY 2020



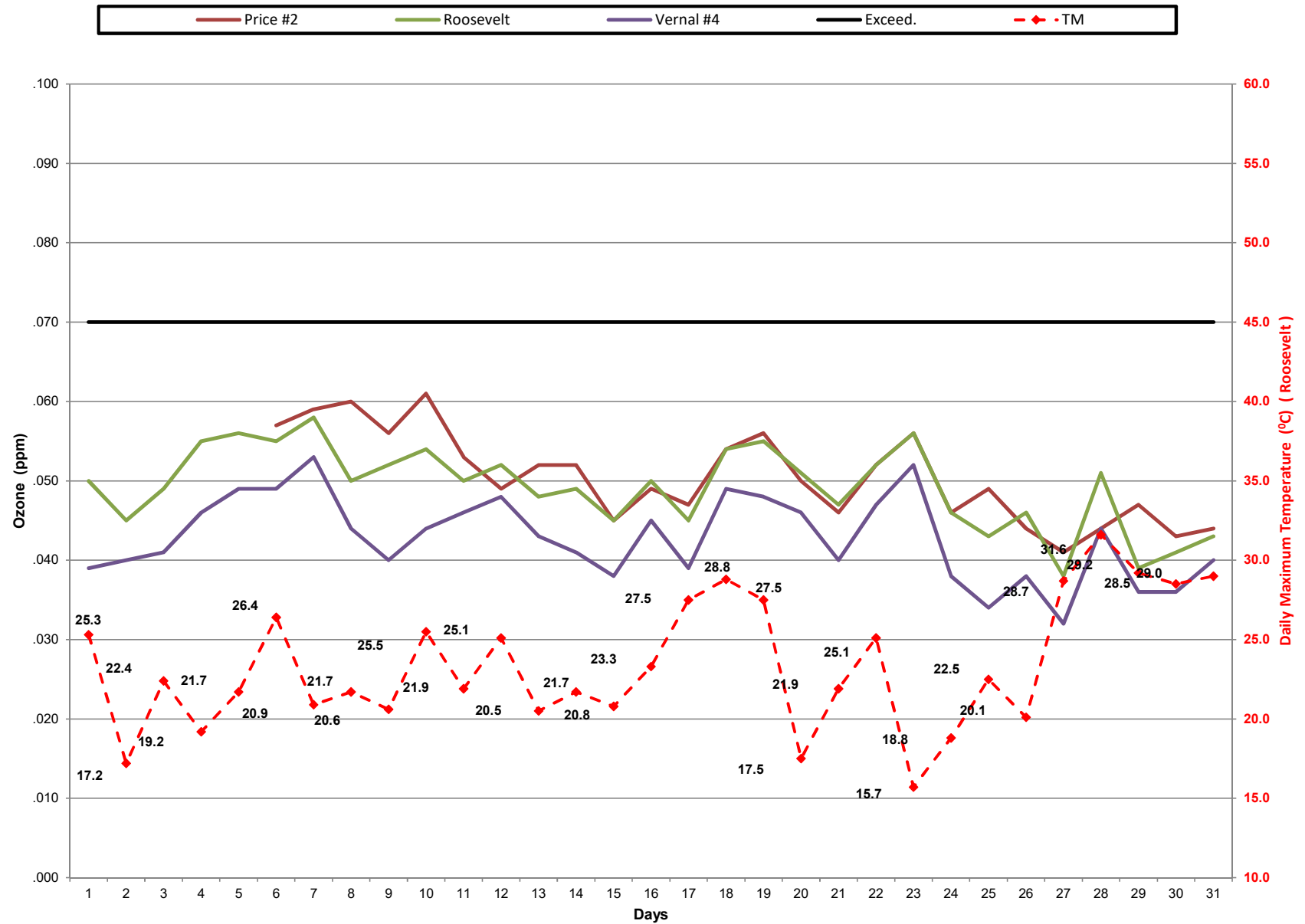
Utah 24-hr PM₁₀ Data JUNE 2020



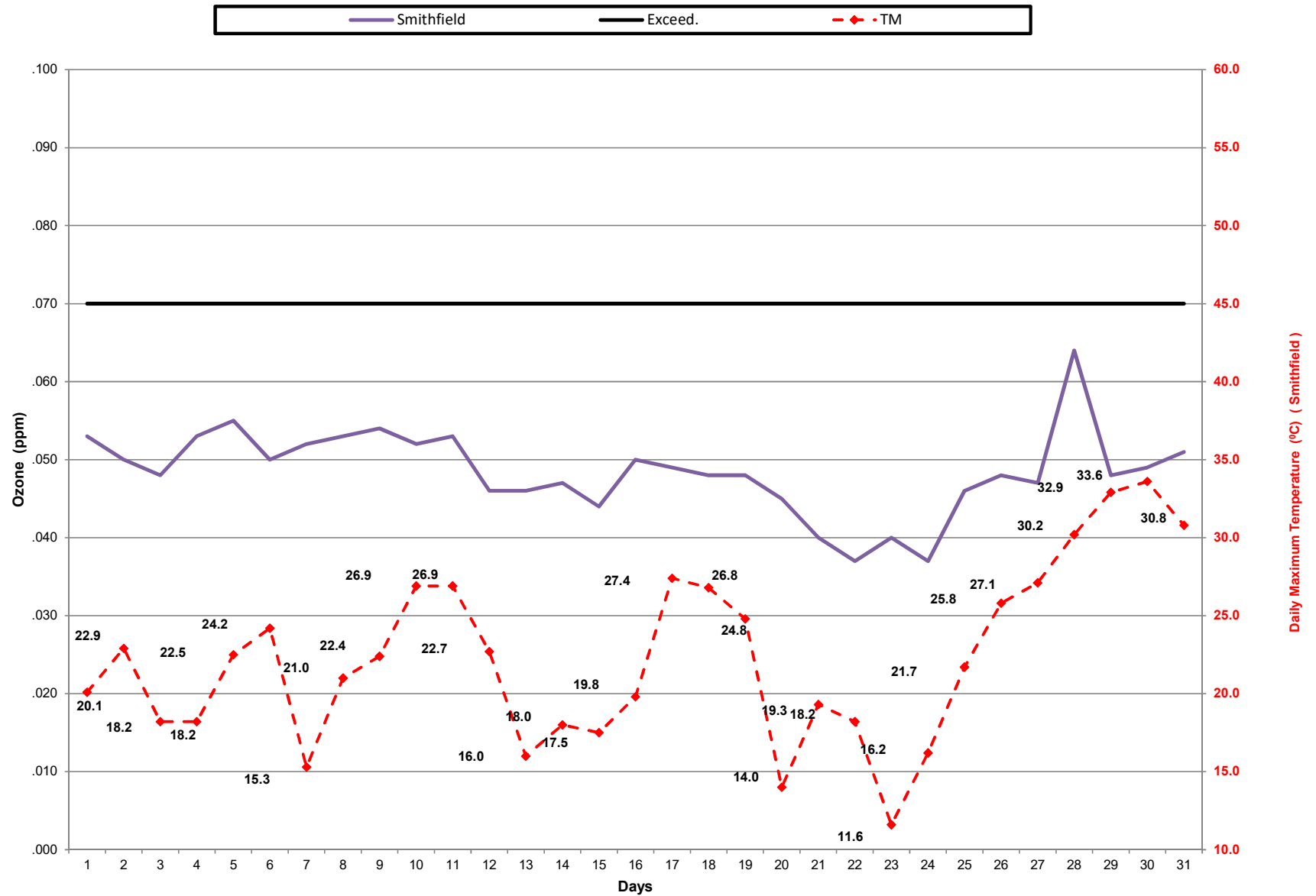
— Bountiful
 — Copperview
 — Erda
 — Herriman #3
 — Harrisville
 — Hawthorne
— Near Road
— Rose Park
— AMC
— Exceed.
— ↔ • TM



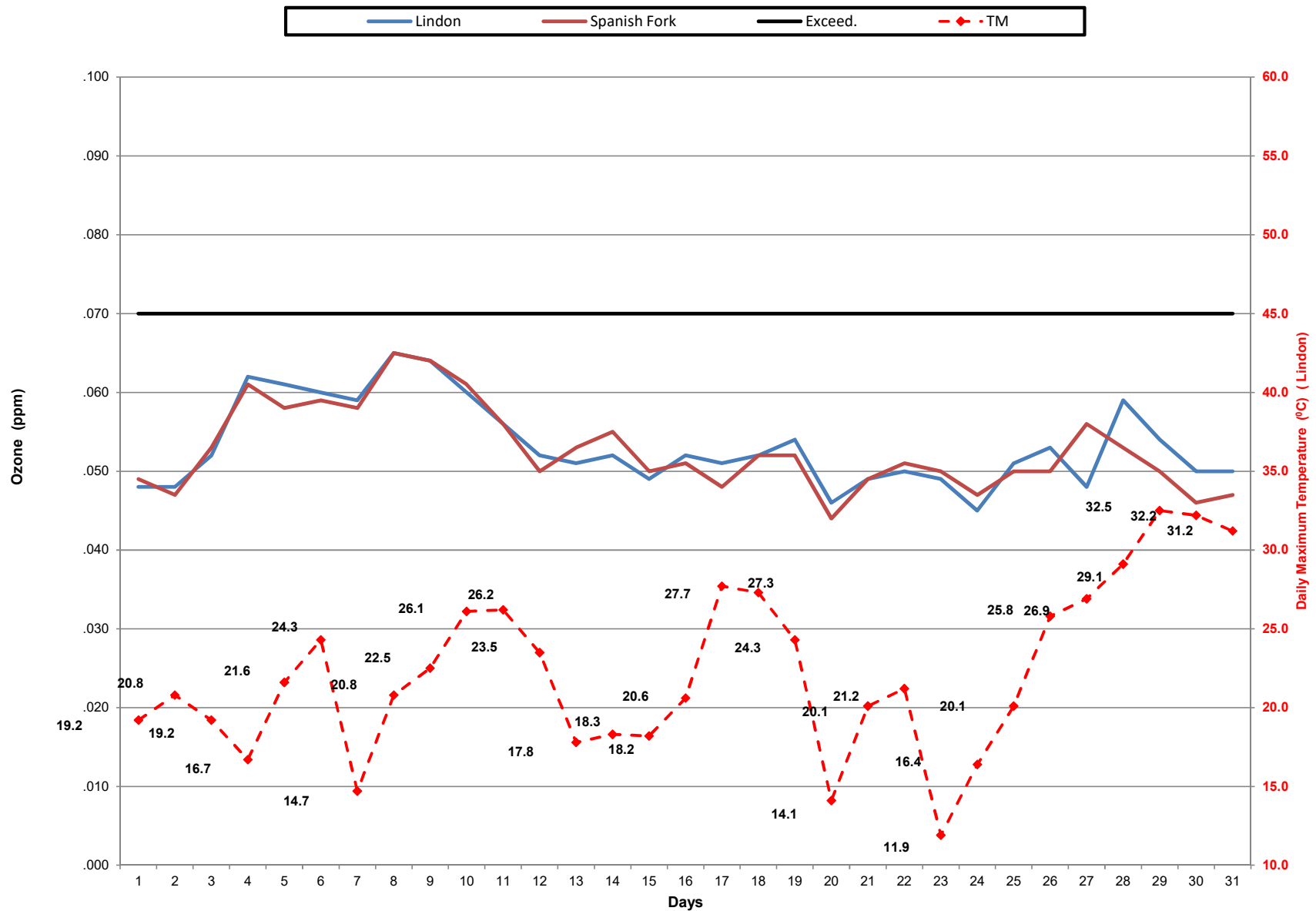
Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2020



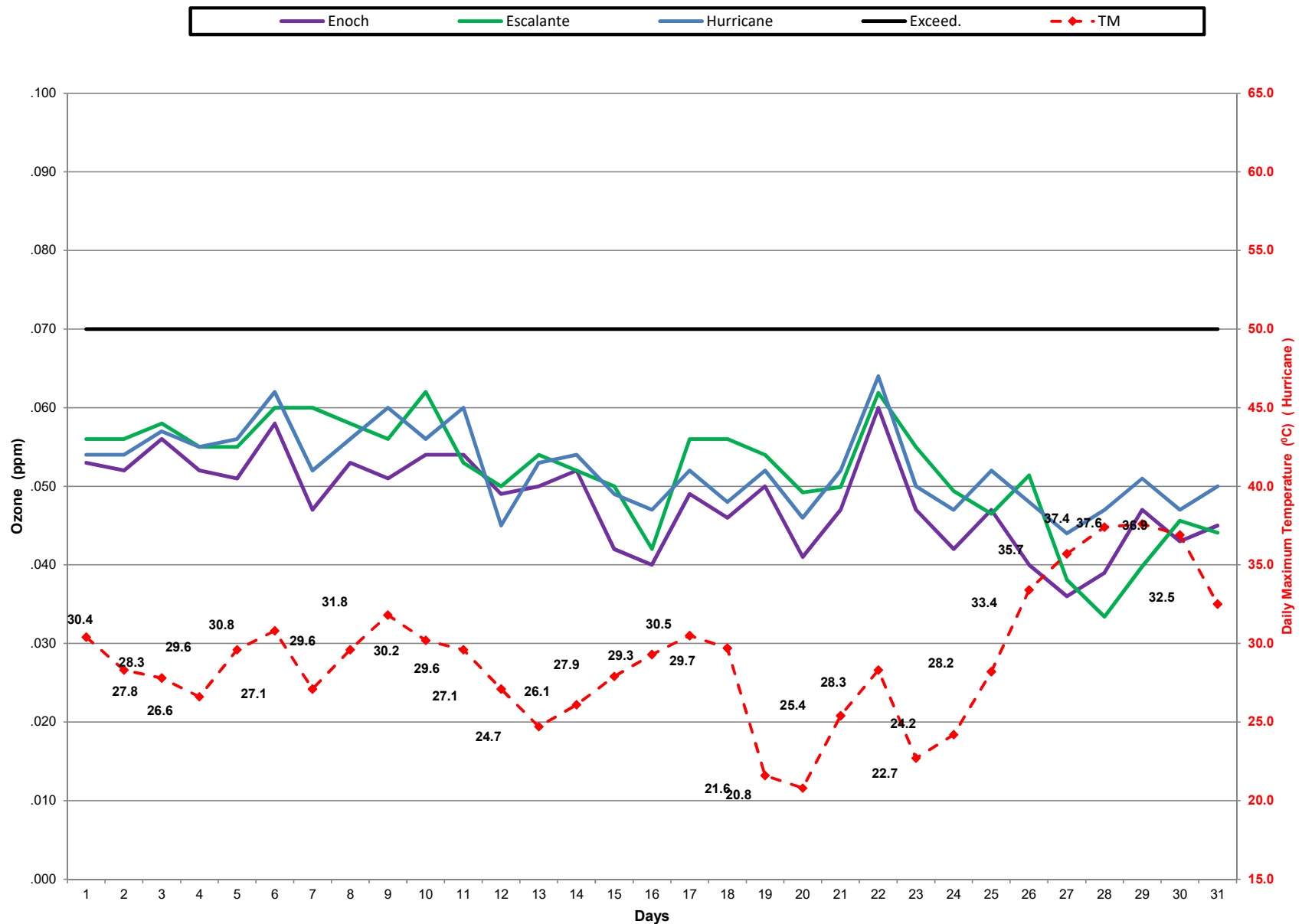
Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2020



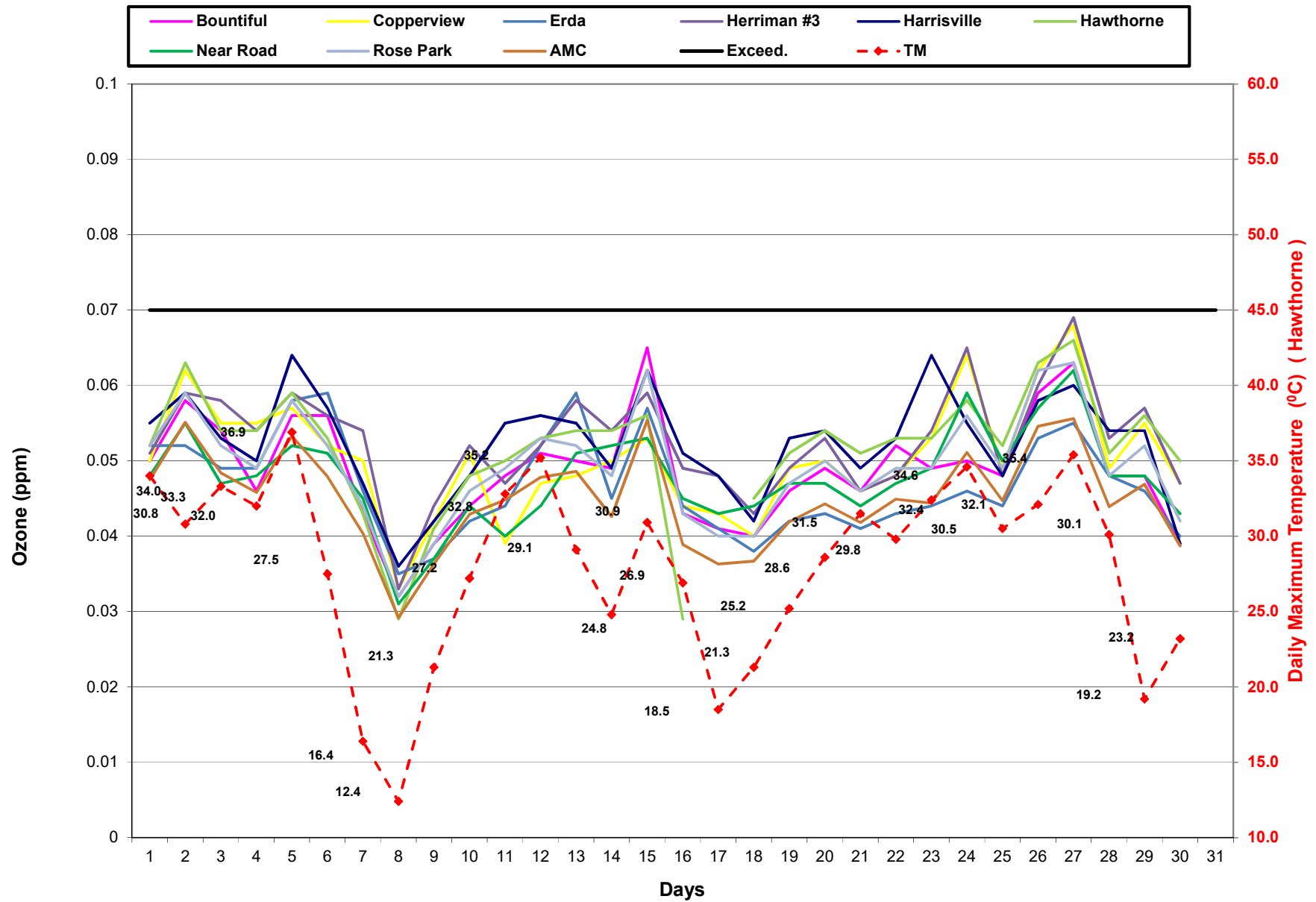
Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2020



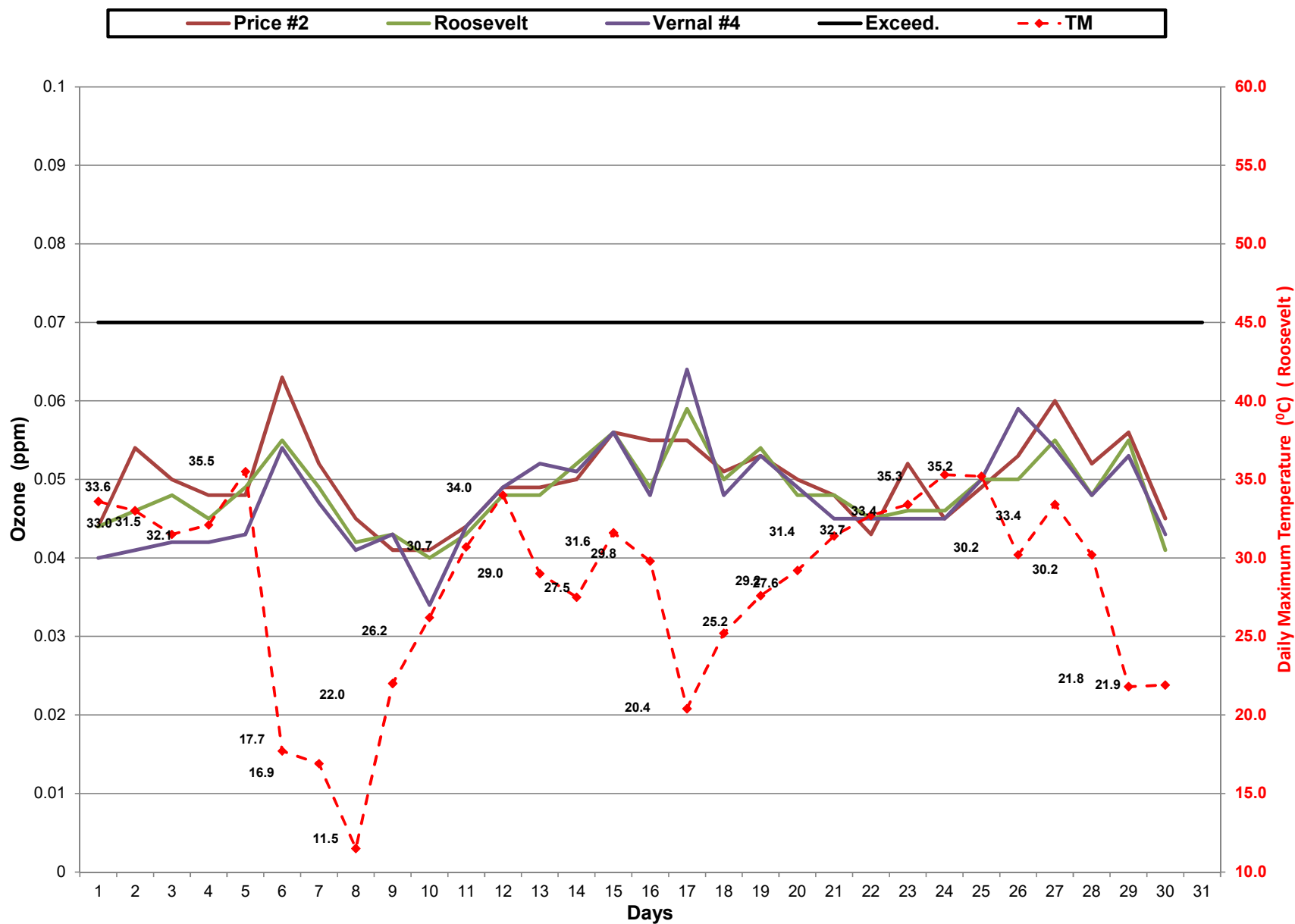
Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2020



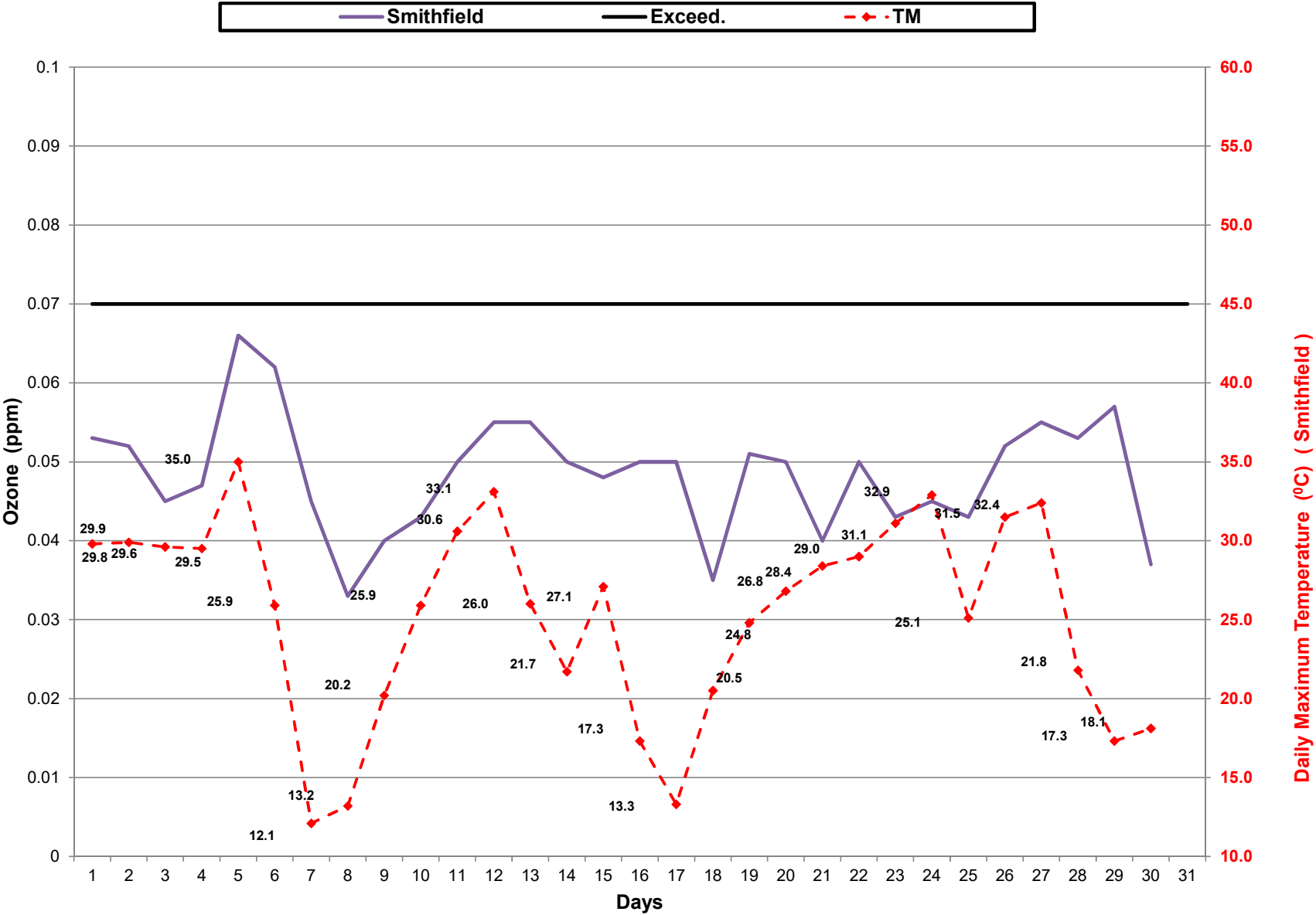
Highest 8-hr Ozone Concentration & Daily Maximum Temperature June 2020



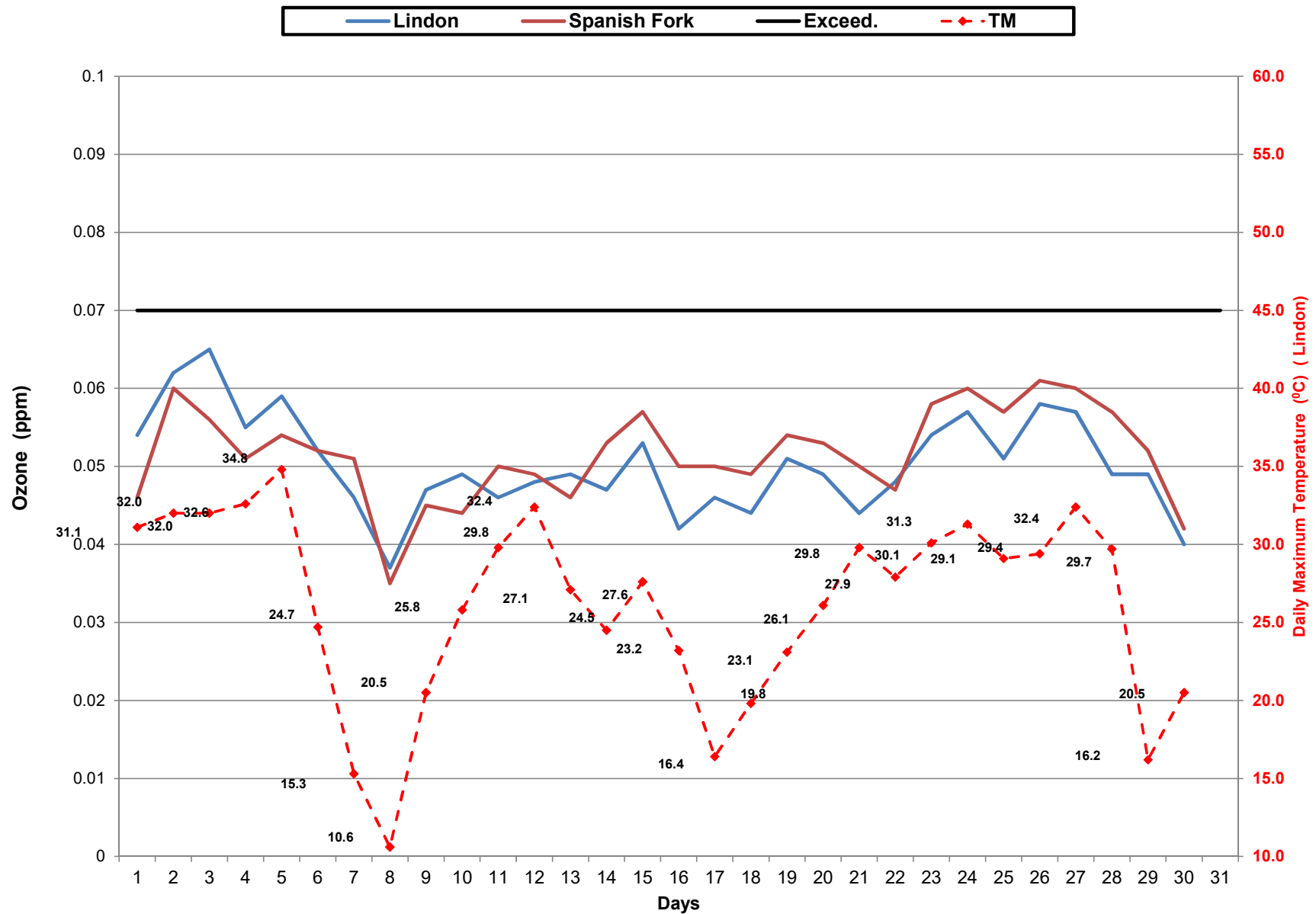
Highest 8-hr Ozone Concentration & Daily Maximum Temperature June 2020



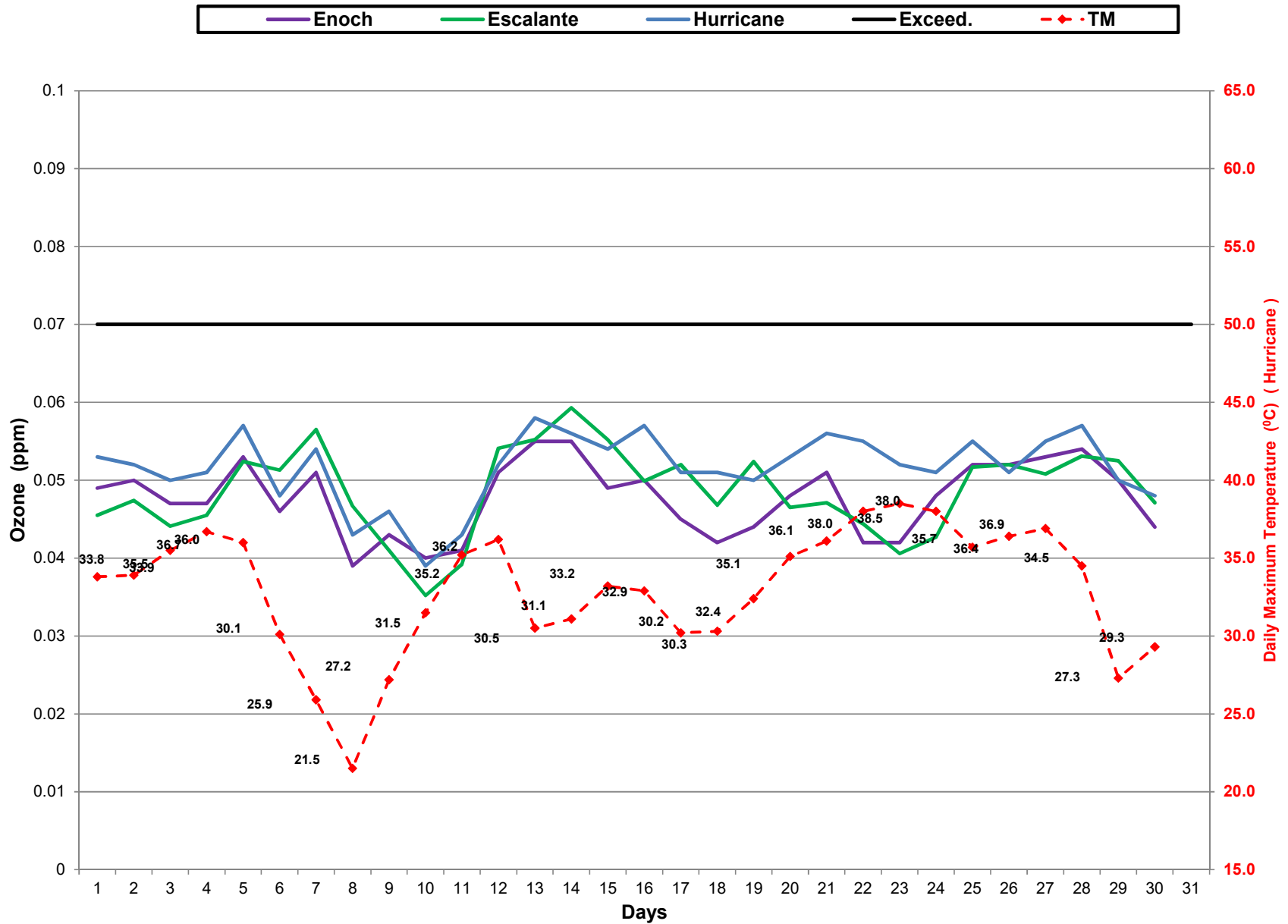
Highest 8-hr Ozone Concentration & Daily Maximum Temperature June 2020



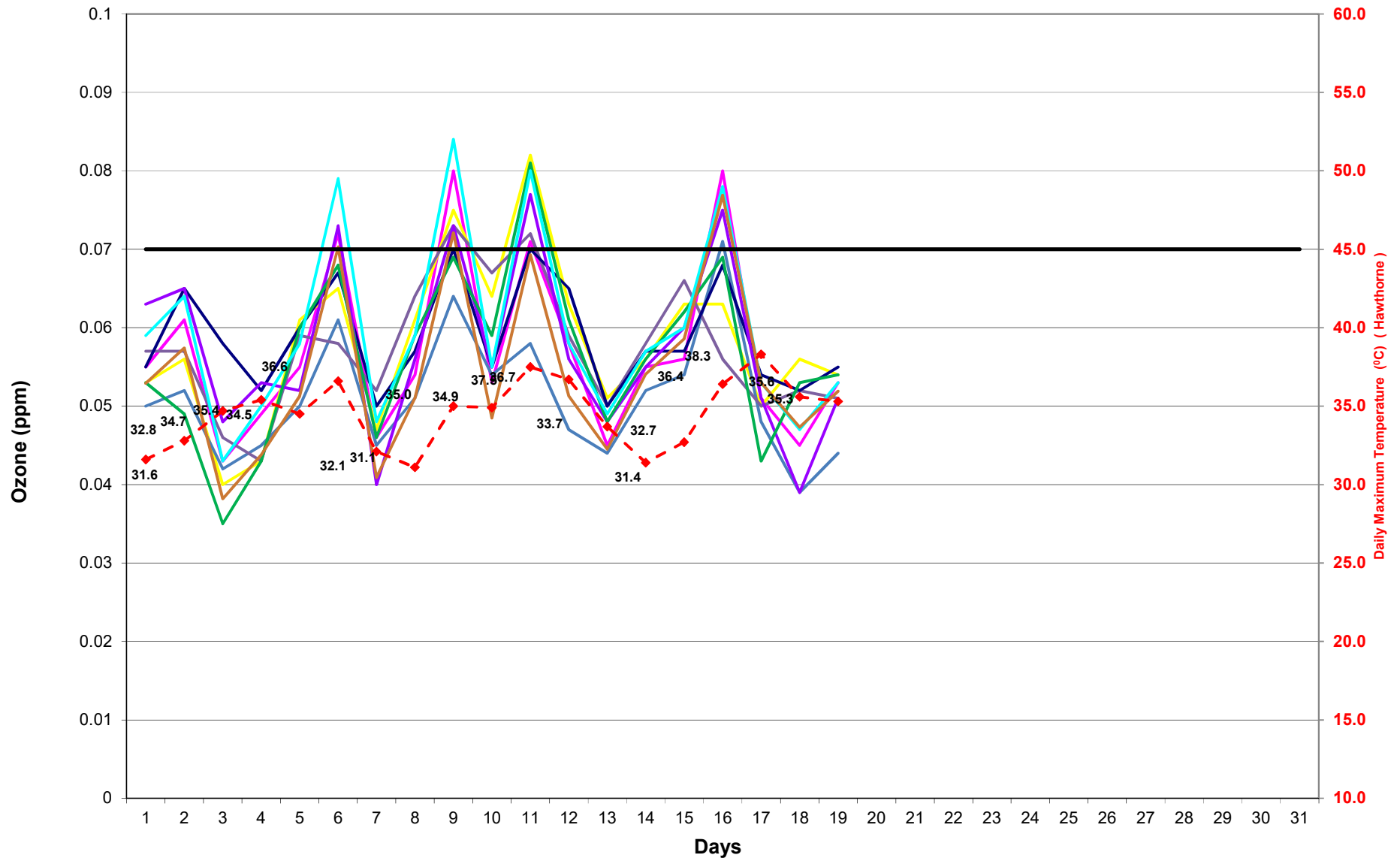
Highest 8-hr Ozone Concentration & Daily Maximum Temperature June 2020



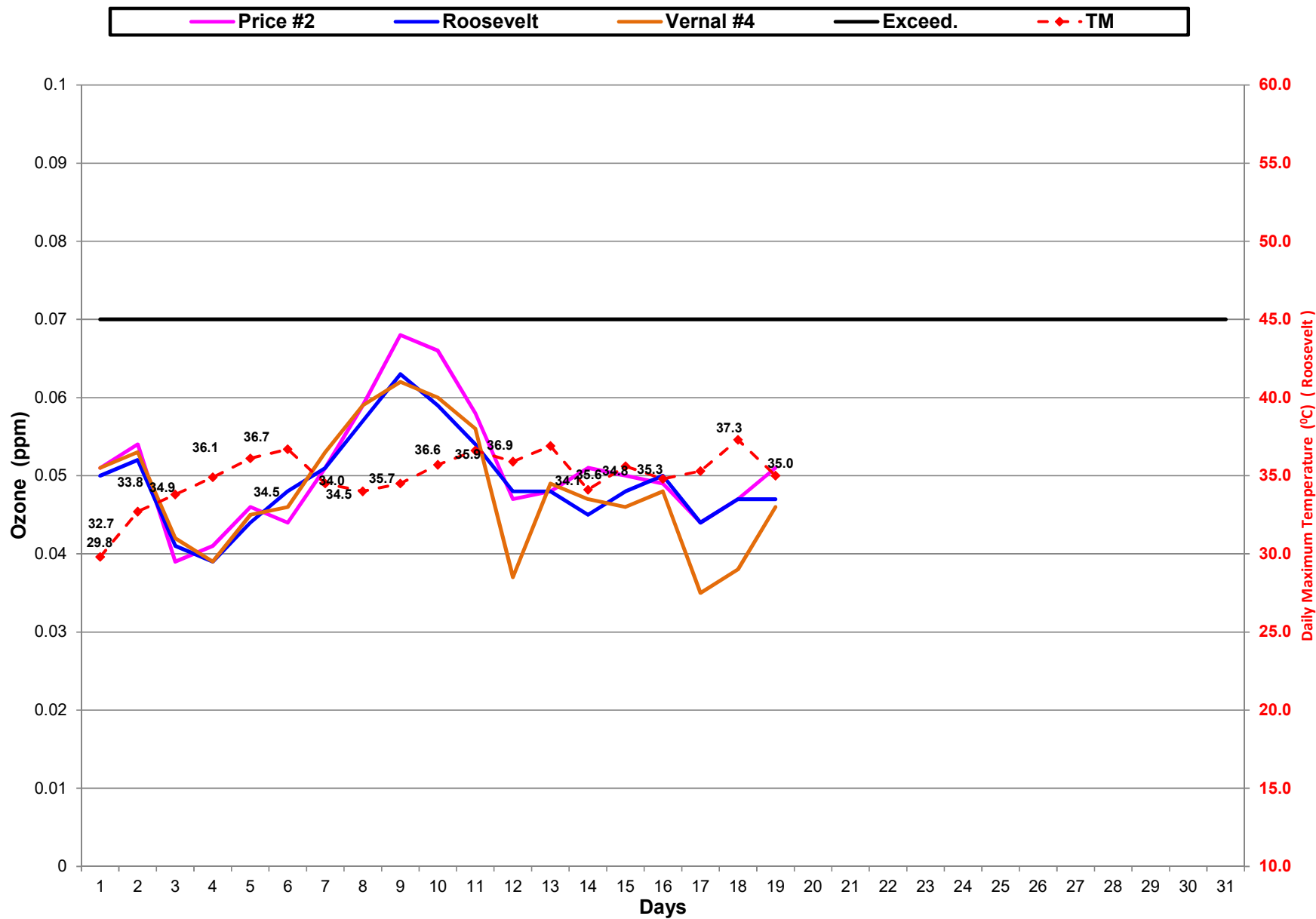
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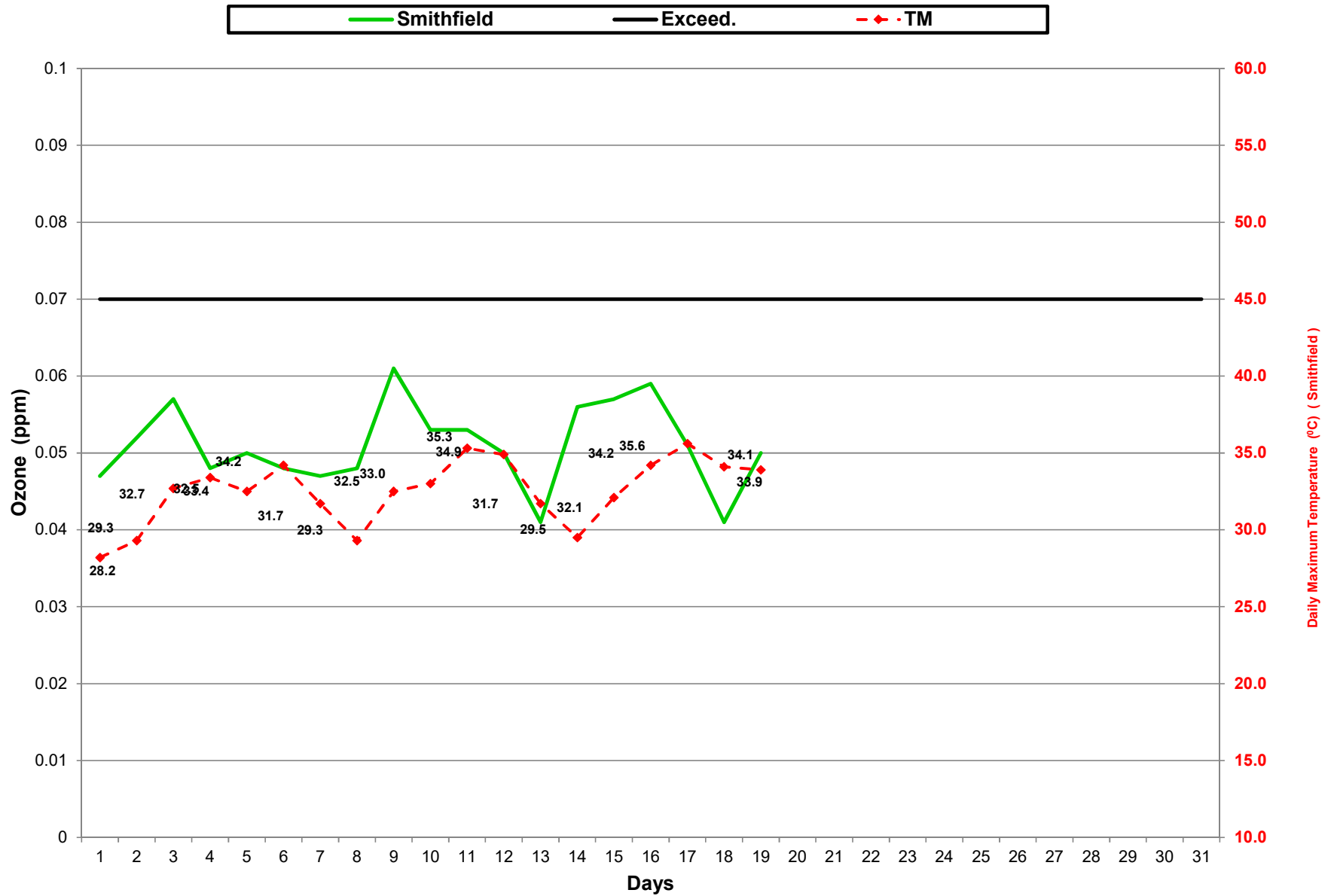
— Bountiful
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- ♦ - TM



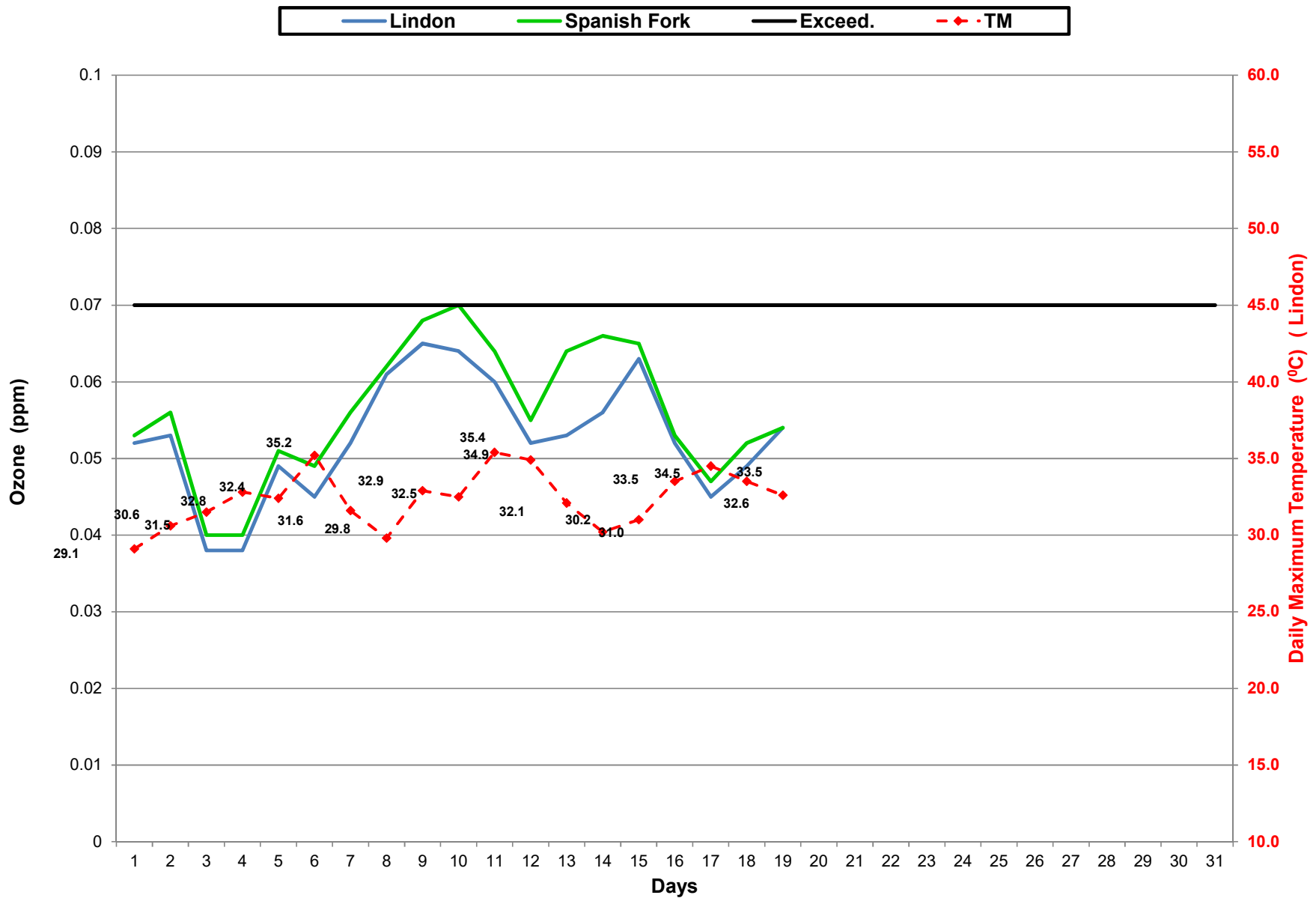
Highest 8-hr Ozone Concentration & Daily Maximum Temperature July 2020



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



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



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

