State of Utah
SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

Air Quality Board
Randal S. Martin, *Chair*
Cassady Kristensen, *Vice-Chair*
Michelle Bujdoso
Kevin R. Cromar
Erin Mendenhall
John Rasband
Arnold W. Reitze Jr
Kimberly D. Shelley
William C. Stringer
Bryce C. Bird,
Executive Secretary

DAQ-072-21

UTAH AIR QUALITY BOARD MEETING
FINAL AGENDA

Wednesday, November 3, 2021 - 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

Board members may be participating electronically. Interested persons can participate telephonically by dialing 1 307-735-3313 using access code: 871-569-073#, or via the Internet at meeting link: https://meet.google.com/dbm-xtqv-nfq

I. Call-to-Order

II. Date of the Next Air Quality Board Meeting: December 1, 2021

III. Approval of the Minutes for the September 1, 2021, Board Meeting.

IV. Five-Year Reviews:
R307-110. General Requirements: State Implementation Plan;
R307-120. General Requirements: Tax Exemption for Air Pollution Control Equipment;
R307-130. General Penalty Policy;
R307-135. Enforcement Response Policy for Asbestos Hazard Emergency Response Act;
R307-320. Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program;
R307-325. Ozone Nonattainment and Maintenance Areas: General Requirements;
R307-326. Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries;
R307-327. Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage;
R307-328. Gasoline Transfer and Storage;
R307-335. Degreasing;
R307-341. Ozone Nonattainment and Maintenance Areas: Cutback Asphalt; and
R307-343. Wood Furniture Manufacturing Operations.
Presented by Bo Wood.

V. Informational Items.
A. Regional Haze Round 2 Planning Update. Presented by Chelsea Cancino and Glade Sowards.
B. Fugitive Dust Control Plans. Presented by Paul Bushman and Rik Ombach.
C. Air Toxics. Presented by Leonard Wright.

D. Compliance. Presented by Harold Burge and Rik Ombach.
E. Monitoring. Presented by Braden Cluster.
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) 503-5618, TDD (801) 536-4284 or by email at lwyss@utah.gov.

ITEM 3

State of Utah
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UTAH AIR QUALITY BOARD MEETING
September 1, 2021 – 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

DRAFT MINUTES

I. Call-to-Order

Randal Martin called the meeting to order at 1:30 p.m.

Board members present: Randal Martin, Cassady Kristensen (attended electronically), Michelle Bujdoso, Kevin Cromar (attended electronically), Erin Mendenhall (attended electronically), John Rasband (attended electronically), Arnold Reitze (attended electronically), Kimberly Shelley

Excused: William Stringer

Executive Secretary: Bryce Bird

II. Date of the Next Air Quality Board Meeting: November 3, 2021

III. Approval of the Minutes for August 4, 2021, Board Meeting.

- Michelle Bujdoso motioned to approve the minutes. Kimberly Shelley seconded. The Board approved unanimously.

IV. Propose for Final Adoption: Amend R307-840. Lead-Based Paint Program Purpose, Applicability, and Definitions; R307-841. Residential Property and Child-Occupied Facility Renovation; and R307-842. Lead-Based Paint Activities. Presented by Mat Carlile.

Mat Carlile, Environmental Planning Consultant at DAQ, stated that on June 2, 2021, the Board approved for public comment amendments to R307-840, R307-841, and R307-842. These incorporated changes with federal dust-lead hazard standard and dust-lead clearance levels and allowed Utah's lead-based paint program to maintain EPA delegation. These changes are mandated by the EPA and require certified lead firms to implement stricter cleaning practices with the intention to decrease the likelihood of childhood lead exposure. EPA requires states to meet all requirements

imposed by the changes to these two standards no later than two years after the effective date of those changes. Beyond the changes required by the EPA, division staff recognized the need to add language to the rules concerning lead-based paint abatement work practices, on-site worker training, and training course structure. These amendments offer increased guidance, but will not change current practices of the lead-based paint program or regulated community. A public comment period was held from July 1, 2021, to August 3, 2021. A public hearing was not requested and no comments were received during the public comment period. Staff recommends that the Board adopt R307-840, R307-841, and R307-842 as proposed.

In response to the question, do you see a need in the future to consolidate language in the rules to either SI units or English units, staff explained that as a regulatory agency the division works with different entities who use the different units in their industry and so staff does not see a future change to consolidating to one unit.

- John Rasband motioned to propose for final adoption, amended R307-840, Lead-Based Paint Program Purpose, Applicability, and Definitions; R307-841, Residential Property and Child-Occupied Facility Renovation; and R307-842, Lead-Based Paint Activities. Arnold Reitze seconded. The Board approved unanimously.

V. Propose for Public Comment: Repeal R307-121. General Requirements: Clean Air and Efficient Vehicle Tax Credit. Presented by Mat Carlile.

Mat Carlile, Environmental Planning Consultant at DAQ, stated that during the five-year review analysis, staff determined that R307-121 is no longer needed because the state legislature did not renew the sections of the Utah Code that govern and allow the Utah Clean Fuel Tax Credit. Staff recommends the Board propose the repeal of R307-121 for public comment.

In response to the question, what if the state legislature renewed the tax credit, staff responded that the division would act accordingly and create a new rule if authorized by that legislation.

- Michelle Bujdoso motioned that the Board propose the repeal of R307-121, General Requirement, Clean Air and Efficient Vehicle Tax Credit, for public comment. Erin Mendenhall seconded. The Board approved unanimously.

VI. Propose for Public Comment: Amend R307-401-7. Public Notice, R307-401-19. General Approval Order; and R307-415-7i. Public Participation. Presented by Mat Carlile.

Mat Carlile, Environmental Planning Consultant at DAQ, stated these proposed rule amendments change the required newspaper notices for permitting actions to electronic public notices. Under Utah Code, electronic notices are published by the newspapers on the utahlegals.com website, a comprehensive database for all legal notices in Utah. In addition, notices may also be published in physical newspapers. The proposed amendments will require the DAQ to post notices and information on DAQ's website. Specifically, a notice of a permitting action and a draft permit with the administrative record or information on how to access the administrative record. DAQ must post this information for the entire duration of the public comment period. Previously, DAQ had been posting the draft permits and other related information on the DAQ's website as a courtesy to the public. These amendments are authorized by federal regulation and make Utah rules the same as the federal rules for public notices of permitting actions. The DAQ issued advanced notice of proposed rulemaking for these amendments to solicit stakeholder input. The stakeholder comment period ran from June 10 to June 30, 2021. DAQ received one comment. Other stylistic and grammatical

DRAFT

changes are made to these rules to comply with Utah's rule writing manual. Staff recommends that the Board propose amended R307-401-7, R307-401-19, and R307-415-7i for public comment.

In response to the question, are actual paper notices are going to be published much longer, staff responded that it's the intent to eventually go solely electronic. It was added that part of the reason for the change was that when the restrictions due to COVID-19 hit, electronic notices were found to be a more appropriate way to post notices. In addition, the EPA Region 8 switched to an electronic-only notice approach approximately four years ago as a more efficient way to receive and post notices. It was also added that other divisions in the department are moving towards an electronic public notice system as well, and that they will soon follow the Air Quality Board, if these rules are approved.

- Arnold Reitze motioned that the Board propose the amendments of R307-401-7, Public Notice; R307-401-19, General Approval Order; and R307-415-7i, Public Participation, for public comment. Erin Mendenhall seconded. The Board approved unanimously.

VII. Informational Items.

A. Air Toxics. Presented by Leonard Wright.

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

In discussion, staff was asked from a municipal perspective how could the Board work more impactfully to minimize fugitive dust at the local level. Staff suggests a better explanation might be made in a presentation at the next Board meeting to explain the fugitive dust control plan requirements and the online process.

C. Monitoring. Presented by Cristina Jaramillo.

Cristina Jaramillo, Environmental Scientist at DAQ, updated the Board on the particulate and ozone monitoring data. In discussion, staff responded that the division is looking at a regional exceptional events demonstration covering all the areas impacted from the smoke from wild fires since it does impact so many other states. Monitoring staff was also asked if they could include an ozone contour map so that the Board may have an idea where the high concentration are, especially when talking about environmental justice.

D. Other Items to be Brought Before the Board.

E. Board Meeting Follow-up Items.

- Add fugitive dust control plans as an informational agenda item for the next meeting.
- Include a contour map of ozone monitoring information.

Meeting adjourned at 2:04 p.m.

DRAFT

ITEM 4

State of Utah
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DEIDRE HENDERSON
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Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-070-21

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Bo Wood, Rules Coordinator

DATE: October 21, 2021

SUBJECT: Five-Year Reviews: R307-110, R307-120, R307-130, R307-135, R307-320, R307-325, R307-326, R307-327, R307-328, R307-335, R307-341, and R307-343.

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 statutes. As part of this process, we are required to identify any comments received since the last five-year review of each rule. This process is not the time to revisit those comments or to respond to them.

DAQ has completed five-year reviews for the following rules:

R307-110. General Requirements: State Implementation Plan.
R307-120. General Requirements: Tax Exemption for Air Pollution Control Equipment.
R307-130. General Penalty Policy.
R307-135. Enforcement Response Policy for Asbestos Hazard Emergency Response Act.
R307-320. Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program.
R307-325. Ozone Nonattainment and Maintenance Areas: General Requirements.
R307-326. Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries.
R307-327. Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage.
R307-328. Gasoline Transfer and Storage.
R307-335. Degreasing.

R307-341. Ozone Nonattainment and Maintenance Areas: Cutback Asphalt.
R307-343. Wood Furniture Manufacturing Operations.

The results of these reviews are found in the attached Five-Year Notice of Review and Statement of Continuation forms.

Recommendation: Staff recommends that the Board continue these rules by approving the attached forms to be filed with the Division of Administrative Rules.

State of Utah
Administrative Rule Analysis
Revised June 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	**R307-110**	**Filing ID: (Office Use Only)**

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	**Phone:**	**Email:**
Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R307-110. General Requirements: State Implementation Plan.

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Rule R307-110 is authorized by Section 19-2-104. Section 19-2-104 gives the Utah Air Quality Board the power to promulgate rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air pollutants that may be emitted by an air pollutant source." Rule R307-110 is the rule that incorporates Utah's State Implementation Plans into state law, as required by section 110 of the Federal Clean Air Act. State Implementation Plans contain provisions that help abate air pollution, set emission limits, and prevent air pollution for the purpose of attaining federal air quality standards. Therefore, Rule R307-110 has been properly enacted under Section 19-2-104.

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:

Rule R307-110 has been amended 13 times since the last five-year review in 2017. There have been hundreds of comments on how to improve the State Implementation Plans that the rule incorporates by reference. However, there have been no comments opposing the 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:

Rule R307-110 is required by the Federal Clean Air Act. Section 110 of the Clean Air Act requires states to develop State Implementation Plans that demonstrate how the state will meet federal air quality standards. Rule R307-110 is necessary because it incorporates Utah's State Implementation Plans into state law so that the plans can be enforced and Utah can attain federal air quality standards.

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 publication in the *Utah State Bulletin*.

Agency head or designee, and title:	Bryce C. Bird, Director	**Date** (mm/dd/yyyy)**:**	

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.
R307-110. General Requirements: State Implementation Plan.
R307-110-1. Incorporation by Reference.

To meet requirements of the Federal Clean Air Act, the Utah State Implementation Plan (SIP) must be incorporated by reference into these rules. Copies of the SIP are available on the division's website.

R307-110-2. Section I, Legal Authority.

The Utah State Implementation Plan, Section I, Legal Authority, as most recently amended by the Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-3. Section II, Review of New and Modified Air Pollution Sources.

The Utah State Implementation Plan, Section II, Review of New and Modified Air Pollution Sources, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-4. Section III, Source Surveillance.

The Utah State Implementation Plan, Section III, Source Surveillance, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-5. Section IV, Ambient Air Monitoring Program.

The Utah State Implementation Plan, Section IV, Ambient Air Monitoring Program, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-6. Section V, Resources.

The Utah State Implementation Plan, Section V, Resources, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-7. Section VI, Intergovernmental Cooperation.

The Utah State Implementation Plan, Section VI, Intergovernmental Cooperation, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-8. Section VII, Prevention of Air Pollution Emergency Episodes.

The Utah State Implementation Plan, Section VII, Prevention of Air Pollution Emergency Episodes, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-9. Section VIII, Prevention of Significant Deterioration.

The Utah State Implementation Plan, Section VIII, Prevention of Significant Deterioration, as most recently amended by the Utah Air Quality Board on March 8, 2006, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-10. Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter, as most recently amended by the Utah Air Quality Board on December 4, 2019, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-11. Section IX, Control Measures for Area and Point Sources, Part B, Sulfur Dioxide.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part B, Sulfur Dioxide, as most recently amended by the Utah Air Quality Board on January 5, 2005, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-12. Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide, as most recently amended by the Utah Air Quality Board on June 6, 2018, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-13. Section IX, Control Measures for Area and Point Sources, Part D, Ozone.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part D, Ozone, as most recently amended by the Utah Air Quality Board on January 3, 2007, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-14. Section IX, Control Measures for Area and Point Sources, Part E, Nitrogen Dioxide.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part E, Nitrogen Dioxide, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-15. Section IX, Control Measures for Area and Point Sources, Part F, Lead.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part F, Lead, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-16. (Reserved.)

Reserved.

R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits and Operating Practices, as most recently amended by the Utah Air Quality Board on December 2, 2020, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-18. Reserved.

Reserved.

R307-110-19. Section XI, Other Control Measures for Mobile Sources.

The Utah State Implementation Plan, Section XI, Other Control Measures for Mobile Sources, as most recently amended by the Utah Air Quality Board on February 9, 2000, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-20. Section XII, Transportation Conformity Consultation.

The Utah State Implementation Plan, Section XII, Transportation Conformity Consultation, as most recently amended by the Utah Air Quality Board on May 2, 2007, pursuant to 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-21. Section XIII, Analysis of Plan Impact.

The Utah State Implementation Plan, Section XIII, Analysis of Plan Impact, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-22. Section XIV, Comprehensive Emission Inventory.

The Utah State Implementation Plan, Section XIV, Comprehensive Emission Inventory, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-23. Section XV, Utah Code Title 19, Chapter 2, Air Conservation Act.

Section XV of the Utah State Implementation Plan contains Utah Code Title 19, Chapter 2, Air Conservation Act.

R307-110-24. Section XVI, Public Notification.

The Utah State Implementation Plan, Section XVI, Public Notification, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-25. Section XVII, Visibility Protection.

The Utah State Implementation Plan, Section XVII, Visibility Protection, as most recently amended by the Utah Air Quality Board on March 26, 1993, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-26. Section XVIII, Demonstration of GEP Stack Height.

The Utah State Implementation Plan, Section XVIII, Demonstration of GEP Stack Height, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-27. Section XIX, Small Business Assistance Program.

The Utah State Implementation Plan, Section XIX, Small Business Assistance Program, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-28. Regional Haze.

The Utah State Implementation Plan, Section XX, Regional Haze, as most recently amended by the Utah Air Quality Board on June 24, 2019, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-29. Section XXI, Diesel Inspection and Maintenance Program.

The Utah State Implementation Plan, Section XXI, Diesel Inspection and Maintenance Program, as most recently amended by the Utah Air Quality Board on July 12, 1995, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-30. Section XXII, General Conformity.

The Utah State Implementation Plan, Section XXII, General Conformity, as adopted by the Utah Air Quality Board on October 4, 1995, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-31. Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability, as most recently amended by the Utah Air Quality Board on September 4, 2019, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-32. Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County, as most recently amended by the Utah Air Quality Board on March 4, 2020, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-33. Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County, as most recently amended by the Utah Air Quality Board on October 6, 2004, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-34. Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County, as most recently amended by the Utah Air Quality Board on December 5, 2012, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-35. Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County, as most recently amended by the Utah Air Quality Board on March 4, 2020, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-36. Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County, as most recently adopted by the Utah Air Quality Board on September 4, 2019, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-37. Section XXIII, Interstate Transport.

The Utah State Implementation Plan, Section XXIII, Interstate Transport, as most recently adopted by the Utah Air Quality Board on February 7, 2007, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, PM10, PM2.5, ozone
Date of Enactment or Last Substantive Amendment: December 3, 2020
Notice of Continuation: January 27, 2017
Authorizing, and Implemented or Interpreted Law: 19-2-104

State of Utah
Administrative Rule Analysis
Revised June 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	**R307-120**	**Filing ID: (Office Use Only)**

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	**Phone:**	**Email:**
Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R307-120. General Requirements: Tax Exemption for Air Pollution Control Equipment.

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 19-12-305 authorizes the Air Quality Board to make rules related to the procedures for evaluating and applying for certification for tax exempt status for pollution control equipment. Rule R307-120 provides the process for evaluating and applying for certification for tax exempt status for pollution control equipment.

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:

This rule has had no comments or substantive amendments since the last five-year review.

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 articulates and implements a process to receive a tax exemption for specified types of pollution control equipment as required by statute. The absence of critical comments since the last review period suggests that the current rule is acceptable and should be continued.

Agency Authorization Information

To the agency: Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*.

Agency head or designee, and title:	Bryce C. Bird, Director	**Date** (mm/dd/yyyy)**:**	

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.
R307-120. General Requirements: Tax Exemption for Air Pollution Control Equipment.
R307-120-1. Applicability.

This rule shall apply to purchases described in Section 19-12-201.

R307-120-2. Definitions.

The following definitions apply to R307-120:

"Freestanding pollution control property" means freestanding pollution control property as defined in Section 19-12-102.

"Pollution control facility" means pollution control facility as defined in Section 19-12-102.

R307-120-3. Application for Certification.

(1) An application for certification shall be made on the form provided by the director.

(2) The application shall include all information requested thereon and such additional information as is requested by the director. At a minimum, the application shall contain:

(a) a description of the pollution control facility or the freestanding pollution control property;

(b) a description of the property, part, product, or service for a purchase or lease of property, a part, a product or a service for which a person seeks to claim a sales and use tax exemption under Section 19-12-201;

(c) the existing or proposed operation procedure for the pollution control facility or freestanding pollution control property; and

(d) a statement of the purpose served or to be served by the pollution control facility or freestanding pollution control property.

(3) Applications for certification shall include:

(a) a reference to the approval order issued under R307-401-8 that requires the pollution control facility or the freestanding pollution control property; or

(b) a reference to the section of the State Implementation Plan that requires the pollution control facility or the freestanding pollution control property; or

(c) an estimate of emission reductions (in tons per year) resulting from the use of the pollution control facility or the freestanding pollution control property.

(4) The director may require an application to contain additional information that the director finds necessary to determine whether to grant certification under Section 19-12-303.

R307-120-4. Issuance of Certification.

(1) The filing date of the application shall be the date the director receives a complete application with all of the information as described in R307-120-3. Within 120 days of the filing date of the application, the director will:

(a) issue a written certification of the pollution control facility or the freestanding pollution control property; or

(b) provide a written statement of the reason for the denial of certification.

(2) The director shall issue a certification of a pollution control facility or a freestanding pollution control property to the applicant if the director determines that:

(a) the application meets the requirements of Section 19-12-301(3) or 19-12-302(2);

(b) the facility or property that is the subject of the application is a pollution control facility or a freestanding pollution control property.

(c) the person who files the application is a person described in Section 19-12-301(1) or 19-12-302(1); and

(d) the purchases or leases for which the person seeks to claim a sales and use tax exemption are exempt under Section 19-12-201.

(3) The director may issue one certification for one or more pollution control facilities or freestanding pollution control properties that constitute an operational unit.

(4) If the director does not issue or deny a certification within 120 days after the date a person files an application, the director shall issue a certification to the person at the person's request.

R307-120-5. Exemptions from Certification.

The director shall not issue a certification for the following:

(1) a replacement of freestanding pollution control property; or

(2) property, a part, a product, or a service described in Sections 19-12-201(1)(b) through (e) used or performed in a repair or replacement related to:

(a) a pollution control facility; or

(b) a freestanding pollution control property.

(3) a pollution control facility or a freestanding pollution control property that has already received a certification under R307-120-5.

R307-120-6. Appeal and Revocation.

(1) A decision of the director may be reviewed by filing a Request for Agency Action as provided in R305-7.

(2) The director may revoke a certification issued under

Section 19-12-303 if the director makes a determination as contained in Section 19-12-304.

KEY: air pollution, tax exemptions, equipment
Date of Enactment or Last Substantive Amendment: March 5, 2015
Notice of Continuation: January 27, 2017
Authorizing, and Implemented or Interpreted Law: 19-12-101; 19-12-102; 19-12-201; 19-12-202; 19-12-203; 19-12-301; 19-12-302; 19-12-303; 19-12-304; 19-12-305

State of Utah
Administrative Rule Analysis
Revised June 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	**R307-130**	**Filing ID: (Office Use Only)**

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	**Phone:**	**Email:**
Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R307-130. General Penalty Policy.

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule was enacted under Section 19-2-104. Under Section 19-2-104, the Utah Air Quality Board is given the power to promulgate rules to prevent air pollution. Rule R307-130 prevents air pollution by providing penalties for noncompliance with air quality rules, orders, or permits.

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:

This rule has had no written comments or substantive amendments since the last five-year review. The Division has received suggestions for improving the rule that will be considered when the rule is next amended.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is needed to implement a penalty structure for violations, as established by Section 19-2-115. The rule also establishes categories of violations, prescribing penalties that are reasonable and appropriate to the severity of the violation.

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 publication in the *Utah State Bulletin*.

Agency head or designee, and title:	Bryce C. Bird, Director	**Date** (mm/dd/yyyy)**:**	

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.
R307-130. General Penalty Policy.
R307-130-1. Scope.

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

R307-130-2. Categories.

Violations are grouped in four general categories based on the potential for harm and the nature and extent of the violations. Penalty ranges for each category are listed.

(1) Category A. $7,000-10,000 per day:

Violations with high potential for impact on public health and the environment including:

(a) Violation of emission standards and limitations of NESHAP.

(b) Emissions contributing to nonattainment area or PSD increment exceedences.

(c) Emissions resulting in documented public health effects and/or environmental damage.

(2) Category B. $2,000-7,000 per day.

Violations of the Utah Air Conservation Act, applicable State and Federal regulations, and orders to include:

(a) Significant levels of emissions resulting from violations of emission limitations or other regulations which are not within Category A.

(b) Substantial non-compliance with monitoring requirements.

(c) Significant violations of approval orders, compliance orders, and consent agreements not within Category A.

(d) Significant and/or knowing violations of "notice of intent" and other notification requirements, including those of NESHAP.

(e) Violations of reporting requirements of NESHAP.

(3) Category C. Up to $2,000 per day.

Minor violations of the Utah Air Conservation Act, applicable State and Federal Regulations and orders having no significant public health or environmental impact to include:

(a) Reporting violations

(b) Minor violations of monitoring requirements, orders and agreements

(c) Minor violations of emission limitations or other regulatory requirements.

(4) Category D. Up to $299.00.

Violations of specific provisions of R307 which are considered minor to include:

(a) Violation of automobile emission standards and requirements

(b) Violation of wood-burning regulations by private individuals

(c) Open burning violations by private individuals.

R307-130-3. Adjustments.

The amount of the penalty within each category may be adjusted and/or suspended in part based upon the following factors:

(1) Good faith efforts to comply or lack of good faith. Good faith takes into account the openness in dealing with the violations, promptness in correction of problems, and the degree of cooperation with the State to include accessibility to information and the amount of State effort necessary to bring the source into compliance.

(2) Degree of wilfulness and/or negligence. In assessing wilfulness and/or negligence, factors to be considered include how much control the violator had over and the foreseeability of the events constituting the violation, whether the violator made or could have made reasonable efforts to prevent the violation, and whether the violator knew of the legal requirements which were violated.

(3) History of compliance or non-compliance. History of non-compliance includes consideration of previous violations and the resource costs to the State of past and current enforcement actions.

(4) Economic benefit of non-compliance. The amount of economic benefit to the source of non-compliance would be added to any penalty amount determined under this policy.

(5) Inability to pay. An adjustment downward may be made or a delayed payment schedule may be used based on a documented inability of the source to pay.

R307-130-4. Options.

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

KEY: air pollution, penalty
Date of Enactment or Last Substantive Amendment: July 13, 2007
Notice of Continuation: January 27, 2017

Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-2-115

State of Utah
Administrative Rule Analysis
Revised June 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	**R307-135**	**Filing ID: (Office Use Only)**

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	**Phone:**	**Email:**
Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R307-135. Enforcement Response Policy for Asbestos Hazard Emergency Response Act.

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule was enacted by the Utah Air Quality Board under the authority of Subsection 19- 2-104(1)(d). Subsection 19-2-104(1)(d) allows the Utah Air Quality Board to promulgate rules implementing the federal Asbestos Hazard Emergency Response Act in Utah. Subsections 19-2-115(2)(b) and (c) authorize penalties for violations of rules adopted under Section 19-2-104 for implementation of the Toxic Substances Control Act, Subchapter II, Asbestos Hazard Emergency Response. Rule R307-135 sets forth the conditions for issuance of a notice of violation and the penalties to be assessed for non-compliance with the 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:

Though this rule has had no written comments or substantive amendments since the last five-year review, suggestions for improving the rule have been received that will be considered when the rule is next amended.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is needed to implement a penalty structure for violations of the Asbestos Hazard Emergency Response Act. The rule establishes broad categories for violations and incentivizes compliance by communicating to potential violators how specific efforts on their part can increase or decrease the penalties assessed.

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 publication in the *Utah State Bulletin*.

Agency head or designee, and title:	Bryce C. Bird, Director	**Date** (mm/dd/yyyy)**:**	

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.
R307-135. Enforcement Response Policy for Asbestos Hazard Emergency Response Act.
R307-135-1. AHERA Penalty Policy Definitions.

The following additional definitions apply to R307-135:

"AHERA" means the federal Asbestos Hazard Emergency Response Act of 1986 and 40 CFR Part 763, Subpart E, Asbestos-Containing Materials in Schools.

"Local Education Agency" means:

(1) any local education agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381),

(2) the owner of any nonpublic, nonprofit elementary or secondary school building, or

(3) the governing authority of any school operated under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

"Other Person" means any nonprofit school that does not own its own building, or any employee or designated person of a Local Education Agency who violates the AHERA regulations, or any person other than the Local Education Agency who:

(1) inspects the property of Local Education Agencies for asbestos-containing building materials for the purpose of the Local Education Agency's AHERA inspection requirements;

(2) prepares management plans for the purpose of the Local Education Agency's AHERA management plan requirements;

(3) designs or conducts response actions at Local Education Agency properties;

(4) analyzes bulk samples or air samples for the purpose of the compliance of the Local Education Agency with the AHERA requirements; or

(5) contracts with the Local Education Agency to perform any other AHERA-related function.

"Private Nonprofit School" means any nonpublic, nonprofit elementary or secondary school.

R307-135-2. Assessing Penalties Against a Local Education Agency.

(1) A Notice of Noncompliance may be issued to a Local Education Agency for a violation of AHERA. After a Notice of Noncompliance has been issued, the Local Education Agency must submit documentation to the director within 60 days demonstrating that the violations listed in the Notice of Noncompliance have been corrected. Failure to submit complete documentation within 60 days is a violation of this rule.

(2) A Notice of Violation may be issued to a Local Education Agency for:

(a) first-time level 1 or 2 violations as specified in R307-

135-5,

(b) subsequent level 3, 4, 5, or 6 violations as specified in R307-135-5,

(c) failure to inspect and submit a management plan within 60 days of issuance of a Notice of Noncompliance,

(d) not conducting an inspection and/or submitting a plan by the statutory deadline after non-compliance has been verified by an authorized agent of the director.

(3) In accordance with Section 19-2-115, and with Section 207(a) of AHERA, the maximum penalty that may be assessed against a Local Education Agency for any and all violations in a single school building is $5,000 per day. Total penalties for a single school building which exceed $5,000 per day are to be reduced to $5,000 per day.

(4) Violations of AHERA by a Local Education Agency will be considered one-day violations, except that, in cases in which a Local Education Agency violates AHERA regulations after a Notice of Violation has been issued, additional penalties may be assessed on a per-day basis and injunctive relief may be sought.

(5) The director may use discretion in assessing penalties. The base penalty shall be determined by assessing the circumstances and the extent of the violation, as specified in R307-135-5.

(6) In determining adjustments to a base penalty assessed against a Local Education Agency in accordance with R307-135-5, the director may consider the culpability of the violator, including any history of non-compliance; ability to pay the penalty; ability to continue to provide educational services to the community; and the violator's good faith efforts to comply or lack of good faith.

(a) If it can be shown that the Local Education Agency did not know of its AHERA responsibilities, or if the violations are voluntarily disclosed by the Local Education Agency, or if the Local Education Agency did not have control over the violations, the penalty may be reduced by 25%.

(b) If violations are voluntarily disclosed by the Local Education Agency within 30 days of discovery, the penalty will be reduced by an additional 25%.

(c) If it can be shown that the Local Education Agency made reasonable efforts to assure compliance, the Notice of Violation may be eliminated.

(d) If the Local Education Agency has a demonstrated history of violations, the penalty may be increased.

(e) The attitude of the violator may be considered in increasing or decreasing the penalty by 15%.

(7) Civil penalties collected against a Local Education Agency shall be used by that Local Education Agency for the

purposes of complying with AHERA. The director will defer payment of the penalty until the Local Education Agency has completed the requirements in the compliance schedule by the deadline in the schedule. When the compliance schedule expires, the Local Education Agency must present the director with a strict accounting of the cost of compliance in the form of notarized receipts, an independent accounting, or equivalent proof.

(8) If the cost of compliance equals or exceeds the amount of the civil penalty, the Local Education Agency will not be required to pay any money. If the cost of compliance is less than the amount of the penalty, the Local Education Agency shall pay the difference to the Asbestos Trust Fund.

R307-135-3. Assessing Penalties Against Other Persons.

(1) In accordance with Section 19-2-115, the director may assess and collect civil penalties of up to $10,000 per day for each violation from Other Persons who violate the AHERA regulations. The penalties will be issued against the company, if there is one. Generally penalties which exceed $10,000 per day in a single school building are to be reduced to $10,000 per day.

(2) Criminal penalties for willful violations of up to $25,000 may be assessed against Other Persons. All penalties assessed against Other Persons are to be sent to the Division for the State General Fund.

(3) The base penalty shall be determined by assessing the circumstances and the extent of the violation, as specified in R307-135-5.

(4) The director may show discretion in making adjustments to the gravity-based penalty considering factors such as culpability of the Other Person, including a history of such violations; the Other Person's ability to pay; the Other Person's ability to stay in business; and other matters as justice may require, such as voluntary disclosure and attitude of the violator.

(5) The maximum penalty that may be assessed is $10,000, per day, per violation, except that a knowing or willful violation of the regulations may be assessed at $25,000, per day.

(6) If the Other Person continues to violate after a Notice of Violation has been issued, the Notice of Violation may be amended and additional penalties assessed. Injunctive relief, criminal penalties and per-day penalties may also be pursued.

(7) Penalties for a first-time violation may be remitted if the Other Person corrects the violations in all schools in which the Other Person has and may have violated. In some cases of unknowing violations by an Other Person who is not typically involved with asbestos, some or all of the penalty may be remitted if the Other Person takes mandatory AHERA training.

R307-135-4. Penalties Against Private Nonprofit Schools.

(1) The owner of the building that contains a private nonprofit elementary school is considered a Local Education Agency. If the private non-profit school does not own its own building, it is considered an Other Person and will be treated as such.

(2) The school is liable for up to $5,000, per day, per violation of AHERA, and penalties may be returned to the school for the purposes of complying with AHERA. The owner of the private nonprofit school building will be assessed penalties in the same manner as other Local Education Agencies.

R307-135-5. AHERA Enforcement Response Policy Penalties.

(1) Gravity Based Penalty. A base penalty based on the gravity of the violation will be determined by addressing the circumstances and the extent of the violation. Table 1 specifies penalties for Local Education agencies and Table 2 specifies penalties for Other Persons.

(2) Circumstances. The circumstances reflect the probability that harm will result from a particular violation. The probability of harm increases as the potential for environmental harm or asbestos exposure to school children and employees increases. Tables 1 and 2 provide the following levels for measuring circumstances:

(a) Levels 1 and 2 (High): It is probable that the violation will cause harm.

(b) Levels 3 and 4 (Medium): There is a significant chance the violation will cause harm.

(c) Levels 5 and 6 (Low): There is a small chance the violation will result in harm.

(3) The circumstance levels that are to be attached for each provision of AHERA may be found in Appendix A (Local Education Agency violations) and Appendix B (Other Person violations) of EPA's AHERA Enforcement Response Policy.

(4) Extent. The extent reflects the potential harm caused by a violation. Harm is determined by the quantity of asbestos-containing building materials involved in the violation through inspection, removal, enclosure, encapsulation, or repair in violation of the regulation.

(5) For the purposes of this Enforcement Response Policy, the extent levels are specified in Tables 1 and 2 and are as follows:

(a) Major: violations involving more than 3,000 square feet or 1,000 linear feet of ACBM.

(b) Significant: violations involving more than 160 square feet or 260 linear feet but less than or equal to 3,000 square

feet or 1,000 linear feet.

(c) Minor: violations involving less than or equal to 160 square feet or 260 linear feet.

(6) In situations where the quantity of asbestos involved in the AHERA violation cannot be readily determined, the base penalty will generally be calculated using the major extent category.

TABLE 1

BASE PENALTY FOR LOCAL EDUCATION AGENCIES

CIRCUMSTANCES		EXTENT		
(Levels)		A	B	C
		MAJOR	SIGNIFICANT	MINOR
High Range	1	$5,000	$3,400	$1,000
	2	$4,000	$2,400	$ 600
Mid Range	3	$3,000	$2,000	$ 300*
	4	$2,000	$1,200	$ 200*
Low Range	5	$1,000	$ 600	$ 100*
	6	$ 400*	$ 260*	$ 40*

*Issue Notices of Noncompliance for the first citation of violations that fall within these cells if that is the only violation

TABLE 2

BASE PENALTY FOR OTHER PERSONS

CIRCUMSTANCES		EXTENT		
(Levels)		A	B	C
		MAJOR	SIGNIFICANT	MINOR
High Range	1	$10,000	$6,800	$2,000
	2	$ 8,000	$4,800	$1,200
Mid Range	3	$ 6,000	$4,000	$ 600
	4	$ 4,000	$2,800	$ 400
Low Range	5	$ 2,000	$1,200	$ 200
	6	$ 800	$ 520	$ 80

R307-135-6. Injunctive Relief.

(1) In accordance with Sections 19-2-116 and 117, the director may seek injunctive relief:

(a) in cases of imminent and substantial endangerment to human health and environment;

(b) where a Local Education Agency's non-compliance will significantly undermine the intent of the AHERA regulations; and

(c) for violations including, but not limited to:

(i) failure or refusal to make a management plan available to the public without cost or restriction;

(ii) failure or refusal to conduct legally sufficient air monitoring following a response action; or

(iii) the initiation of a response action without accredited personnel; or

(d) to restrain any violation of Title 19, Chapter 2 or R307 or any final order issued by the director when it appears to be necessary for the protection of health or welfare.

R307-135-7. Criminal Penalties.

In accordance with Section 19-2-115, knowing, willful, or continuing violations of AHERA regulation by a Local Education Agency, Local Education Agency employee, or Other Person will be referred to the Office of the Attorney General. Knowing, willful, or continuing violations may result in the issuance of a criminal penalty of $25,000 per day, per violation for such violations.

KEY: air pollution, hazardous pollutant, asbestos, schools
Date of Enactment or Last Substantive Amendment: November 8, 2012
Notice of Continuation: January 27, 2017
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(d); 19-2-115; 19-2-116; 19-2-117

State of Utah
Administrative Rule Analysis
Revised June 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	**R307-320**	**Filing ID: (Office Use Only)**

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	**Phone:**	**Email:**
Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R307-320. Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program.

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Rule R307-320 was enacted under the authority of Subsection 19-2-104(1)(h), which allows the Air Quality Board to promulgate rules that create an employer-based trip reduction program in nonattainment areas.

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:

No comments have been received on this rule since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule should be continued because it helps Utah satisfy its obligations under Section 110 of the Clean Air Act. Section 110 requires states to develop implementation plans that demonstrate how they will comply with National Ambient Air Quality Standards. Rule R307-320 is a control strategy included in Utah's State Implementation Plan to reduce ambient ozone and its precursor emissions. It is also a contingency measure for carbon monoxide.

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 publication in the *Utah State Bulletin*.

Agency head or designee, and title:	Bryce C. Bird, Director	**Date** (mm/dd/yyyy)**:**	

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.
R307-320. Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program.
R307-320-1. Purpose.

The purpose of this program is to reduce the number of measurable vehicle miles driven by employees commuting to and from work by requiring employers with work sites within ozone maintenance areas to implement strategies designed to reduce the employee drive-alone rate. An employer-based trip reduction program is authorized under 19-2-104(1)(h) and (2). It is a state implementation plan control strategy to reduce ambient ozone and is a potential contingency measure for carbon monoxide. An added benefit of the program is reducing the number of cars on increasingly congested roadways.

R307-320-2. Applicability.

(1) R307-320 applies to any federal, state, or local entity, or any other public department, district (including public universities and public school districts), or agency in Davis or Salt Lake County.

(2) If the contingency requirements for carbon monoxide are triggered as outlined in Section IX.C.8.f of the State Implementation Plan, R307-320 applies to any federal, state, or local entity, or any other public department, district (including public universities and public school districts), or agency in Ogden City.

R307-320-3. Definitions.

The following additional definitions apply to R307-320:

"Compressed Work Week" means any work schedule that eliminates at least one commute trip to a work site in each two week period.

"Drive-alone Rate" means the number of single-occupancy vehicles divided by the sum of single-occupancy vehicles, plus employees using mass transit, ridesharing, biking, walking, telecommuting or having credit for a compressed work week. The drive-alone rate calculation must be based on a typical Monday through Friday work week.

Drive-alone Rate = single-occupancy vehicles/(single-occupancy vehicles + mass transit users + rideshare participants + bikers + walkers + telecommuters + credit for compressed work week).

"Employee" means any person including persons employed by public universities or school districts, who works at or reports to a single work site at least three days per week for at least six months of the year.

"Employee Transportation Coordinator" means a person assigned

the responsibility of developing, implementing, monitoring, tracking, and marketing the trip reduction plan for the employer.

"Employer" means federal, state, or local entity, or any other public department, district (including public universities or public school districts), or agency.

"Peak Travel Period" means the period beginning at 6 a.m. and ending at 10 a.m., Mondays through Fridays.

"Ridesharing" means transportation of more than one person for commute purposes in a vehicle.

"Single-occupancy Vehicles" means vehicles traveling to the work site with a driver and no passengers during the peak travel period.

"Target Drive-alone Rate" means a twenty percent reduction in the drive alone rate based on the 1990 census data for modes of travel in each county. The target drive-alone rate schedule is as follows:

TABLE
TARGET DRIVE-ALONE RATE SCHEDULE

	Davis County Drive-Alone Rate	Salt Lake County Drive-Alone Rate
From 1990 Census Data	0.76	0.77
1st year interim target drive-alone rate	0.72	0.73
2nd year interim target drive-alone rate	0.68	0.69
3rd year interim target drive-alone rate	0.67	0.67
4th year interim target drive-alone rate	0.65	0.65
5th year interim target drive-alone rate	0.63	0.64
6th year interim target drive-alone rate	0.61	0.62
Target drive-alone rate	0.61	0.62

"Telecommuting" means working at home or at a satellite work site, provided the employee does not use a single-occupancy vehicle to travel to the satellite work site.

"Trip Reduction Plan" means a set of strategies designed to reduce the drive-alone rate.

"Vehicle" means motorcycles and on-road vehicles powered by a gasoline or diesel internal combustion engine with nine or less seating positions for adults.

"Work Site" means a building and any group of buildings that are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of way.

R307-320-4. Employer Requirements.

(1) Each employer shall assign an employee trip reduction coordinator within 30 days after the effective date of R307-320.

(2) Each employer shall determine the drive-alone rate per work site on an annual basis for a typical Monday through Friday work week during the peak travel period. The drive-alone rate can be determined by one of the following methods in (a), (b) or (c) below.

(a) Information from an annual employee survey.

(i) The employer must use a standardized survey approved by the director. The survey shall ask the travel distance from the employee's home to the work site, what frequency and mode of transportation the employee used to get to work, and how often the employee participates in a telecommuting program or compressed work week schedule.

(ii) The employer shall administer the survey and shall capture, at a minimum, 75% of the employee population arriving at the work site during the peak travel period.

(b) Verifiable information, less than one year old of the submittal due date, from employer records including:

(i) employee work schedules;

(ii) employee participation in telecommuting schedules;

(iii) employee participation of mass transit;

(iv) employee participation in rideshare arrangements; and

(v) employee participation in non-vehicular transit.

(c) Another method of the employer's choosing, with written approval from the director.

(3) Each employer shall design and submit to the director an approvable trip reduction plan for each work site to meet the target drive-alone rate as specified by the target drive-alone rate schedule in R307-320-3.

(a) An employer may combine more than one work site in a trip reduction plan submittal.

(i) The target drive-alone rate for a multi-work site submission shall be a weighted average of the drive-alone rates for the individual work sites.

(ii) The employer may combine a trip reduction plan for any work site within the same county.

(b) The trip reduction plan submittal shall adhere to the following schedule:

(i) Submittal of a trip reduction plan shall be annually on or before the anniversary of the initial due date.

(ii) For employers within ozone maintenance areas:

(A) The trip reduction plan must be submitted for approval within 90 days after the employer has been notified.

(B) If the employer has not been notified, then the trip reduction plan must be submitted no later than 360 days after the effective date of this rule.

(c) Materials and information submitted to the director shall include:

(i) A letter of commitment to fully implement an approved trip reduction plan signed by an authorized employee at the work site.

(ii) The name and signature of the employee transportation coordinator;

(iii) The drive-alone rate for the work site;

(iv) General work site information including name and address of organization; general layout of buildings and parking areas; location of major streets; location of nearby mass transit stops; number of total employees; number of employees arriving at the work site during peak travel periods; current and planned incentives, disincentives, and facilities available encouraging alternatives to single-occupant vehicle commuting; the type of activities conducted at the work site; and the time spent by the employee transportation coordinator in complying with the plan.

(d) A trip reduction plan designed to meet the target drive-alone rate schedule may include but is not limited to employer involvement in the following:

(i) Subsidized bus passes;

(ii) Rideshare matching programs;

(iii) Vanpool leasing programs;

(iv) Telecommuting programs;

(v) Compressed work week schedule programs and flexible work schedule programs;

(vi) Work site parking fee programs;

(vii) Preferential parking for rideshare participants;

(viii) Transportation for business related activities;

(ix) A guaranteed ride home program;

(x) On-site facility improvements;

(xi) Soliciting feedback from employees;

(xii) On-site daycare facilities;

(xiii) Coordination with local transit authorities for improved mass transit service and information on mass transit programs; and

(xiv) Recognition and rewards for employee participation.

(e) An approvable plan shall contain all the information required in R307-320-4. The director will approve or request revision of the trip reduction plan within 60 days of the plan submittal.

(4) Each employer shall implement a trip reduction plan approved by the director.

(5) Each employer shall inform employees of the trip reduction plan and options available to them for participation.

R307-320-5. Recordkeeping.

(1) The employer shall keep records of all documents necessary to prove compliance with and verify implementation of an approved trip reduction plan for at least two years from the plan approval date.

(2) Approved trip reduction plans shall be kept for five years from date of approval.

(3) Employer trip reduction records are subject to review by representatives of the director.

R307-320-6. Violations.

(1) The following are violations of this rule:

(a) failure to submit an approvable employer-based trip reduction plan as specified in R307-320-4;

(b) providing false information;

(c) failure to submit a revised employer-based trip reduction plan when requested by the director;

(d) failure to implement an approved trip reduction plan;

(e) failure to maintain records as specified in R307-320-5;

(f) upon receipt of the second disapproval notice and until a revised plan is submitted and approved, the employer is in violation of this rule.

(2) Failure to achieve the target drive-alone rate is not a violation of this rule.

R307-320-7. Exemptions.

(1) An employer with less than 100 employees at a work site is exempt from the requirements of this rule.

(2) An employer who has met the target drive-alone rate is exempt from requirements stated in R307-320-4(3) and (4). The employer must still submit the drive-alone rate information to the director annually.

(3) Employees using vehicles for commute purposes as part of their job responsibility for emergency response are exempt from the drive-alone rate determination if they do not have the option, because of employer policies, to participate in telecommuting programs, compressed work week schedules, or as a rideshare driver, as approved by the director.

(a) An employer seeking exemption status shall comply with all requirements of the rule until an exemption is granted.

(b) The director shall approve or deny a request for exemption within 90 days of application.

(4) Other exemptions may be granted on a case by case basis and must be approved by the director.

(a) The employer seeking exemption must be able to demonstrate that the trip reduction program causes an adverse impact on the employer's ability to provide services or creates an undue hardship.

(b) The employer may also seek an exemption by providing an alternative to the Trip Reduction Program that shows, at a minimum, for the work site seeking exemption, a reduction in oxides of nitrogen equivalent to that achieved by the Trip Reduction Program when implemented to the target drive-alone rate schedule in the table in R307-320-3. The employer shall provide all substantiating information and calculations.

(c) An employer seeking exemption status shall comply with all requirements of the rule until an exemption is granted.

(d) The director shall approve or deny a request for exemption within 90 days of application.

KEY: air pollution, motor vehicles, trip reduction
Date of Enactment or Last Substantive Amendment: March 9, 2007
Notice of Continuation: January 27, 2017
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(h)

5State of Utah
Administrative Rule Analysis
Revised June 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	**R307-325**	**Filing ID: (Office Use Only)**

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	**Phone:**	**Email:**
Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R307-325. Ozone Nonattainment and Maintenance Areas: General Requirements.

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminants source." Subsection 19-2-101(2) states, "It is the policy of this state and the purpose of this chapter to achieve and maintain levels of air quality which will protect human health and safety." The Air Quality Board promulgated Rule R307- 325 under the authority found in Subsection 19-2-104 in order to fulfill the purpose found in Subsection 19-2-101 and to satisfy the requirements found in Section 110 and Part D of the Clean Air Act.

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:

No comments have been received on this rule since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule should be continued because it is required by the Clean Air Act. Section 110 and Part D of the Clean Air Act require the State of Utah to develop a State Implementation Plan that will allow the state to attain certain federal air quality standards. Without the state plan, EPA would be required to impose a federal implementation plan, and the state could lose some of its ability to make its own policy decisions on how it will comply with federal air quality standards.

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 publication in the *Utah State Bulletin*.

Agency head or designee, and title:	Bryce C. Bird, Director	**Date** (mm/dd/yyyy)**:**	

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.
R307-325. Ozone Nonattainment and Maintenance Areas: General Requirements.
R307-325-1. Purpose.

The purpose of R307-325 is to establish general requirements for control of volatile organic compounds (VOCs) in any nonattainment or maintenance area.

R307-325-2. Applicability.

R307-325 applies to all sources located in any nonattainment or maintenance area for ozone.

R307-325-3. Definition and General Requirement.

No person shall allow or cause volatile organic compounds (VOCs) to be spilled, discarded, stored in open containers, or handled in any other manner that would result in greater evaporation of VOCs than would have if reasonably available control technology (RACT) had been applied.

R307-325-4. Compliance Schedule.

All sources within any newly designated nonattainment area for ozone shall be in compliance with this rule within 180 days of the effective date of designation to nonattainment.

KEY: air pollution, emission controls, ozone, RACT
Date of Enactment or Last Substantive Amendment: March 9, 2007
Notice of Continuation: January 27, 2017
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

State of Utah
Administrative Rule Analysis
Revised June 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	**R307-326**	**Filing ID: (Office Use Only)**

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	**Phone:**	**Email:**
Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R307-326. Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries.

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

The Utah Air Quality Board enacted Rule R307-326 under the authority of Subsection 19- 2-104(1)(a). Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminants source." Rule R307-326 does this by establishing reasonably available control technology for controlling hydrocarbon emissions from petroleum refineries located in ozone nonattainment and maintenance areas.

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:

No written comments have been received on this rule since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule should be continued because the rule is required under the state implementation plan for ozone, incorporated by reference under Section R307-110- 13. The plan is also required by Section 110 of the Clean Air Act. Without the state plan, EPA would be required to impose a Federal Implementation Plan. Therefore, this rule should be continued.

Agency Authorization Information

To the agency: Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*.

Agency head or designee, and title:	Bryce C. Bird, Director	**Date** (mm/dd/yyyy)**:**	

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.
R307-326. Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries.
R307-326-1. Purpose.

The purpose of R307-326 is to establish Reasonably Available Control Technology (RACT), as required by section 182(b)(2)(A) of the Clean Air Act, for the control of hydrocarbon emissions from petroleum refineries that are located in ozone nonattainment and maintenance areas. The rule is based on federal control technique guidance documents.

R307-326-2. Applicability.

R307-326 applies to the owner or operator of any petroleum refinery located in any ozone nonattainment or maintenance area.

R307-326-3. Definitions.

The following additional definitions apply to R307-326.

"Accumulator" means the reservoir of a condensing unit receiving the condensate from the condenser.

"Condenser" means any device that removes condensable vapors by a reduction in the temperature of captured gases.

"Control System" means any number of control devices, including condensers, that are designed and operated to reduce the quantity of VOCs emitted to the atmosphere.

"Hot Well" means the reservoir of a condensing unit receiving the warm condensate consisting primarily of water from the condenser.

"Petroleum Refinery Complex" means any source or installation engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products through distillation of petroleum or through redistillation, cracking, rearrangement, or reforming of unfinished petroleum derivatives.

"Process Drain" means any drain used in a refinery complex on equipment that processes or transfers a VOC or a mixture of VOCs.

"Process Unit Turnaround" means the procedure of shutting a refinery unit down after a run to do necessary maintenance and repair work and putting the unit back in operation.

"Vacuum Producing System" means any reciprocating, rotary, or centrifugal blower or compressor, or any jet ejector or device that takes suction from a pressure below atmospheric and discharges against atmospheric pressure.

R307-326-4. Vacuum Producing Systems.

The emission of noncondensable VOCs from the condensers, hot wells, or accumulators of vacuum producing systems shall be controlled by:

(1) piping the noncondensable vapors to a firebox or incinerator, or

(2) compressing the vapors and adding them to the refinery fuel gas, or

(3) other equally effective means provided the design and effectiveness of such means are documented and submitted to and approved by the director.

R307-326-5. Wastewater (Oil/Water) Systems.

Any wastewater separator handling VOCs shall be equipped with:

(1) covers and seals approved by the Director on all separators and forebays,

(2) lids or seals on all openings in covers, separators, and forebays. Such lids or seals shall be in the closed position at all times except when in actual use.

R307-326-6. Process Unit Turnaround.

The owner or operator of a petroleum refinery shall insure that a minimum of VOCs are emitted to the atmosphere during process unit turnarounds. The owner or operator shall develop and submit to the director for approval a procedure for minimizing VOC emissions during turnarounds. At a minimum the procedure shall provide for:

(1) venting of the process unit or vessel during depressurization and purging to a vapor recovery system, flare or firebox, and

(2) preventing discharge to the atmosphere of emissions of VOCs from a process unit or vessel until its internal pressure is 136 kPa (19.7 psia) or less; or

(3) an equally effective system provided the design and effectiveness of such system are documented and submitted to and approved by the director.

(4) keeping records of the following items:

(a) every date that each process unit or vessel is shut down;

(b) the approximate vessel VOC concentration when the VOCs were first discharged to the atmosphere; and

(c) the approximate total quantity of VOCs emitted to the atmosphere.

(5) maintaining records. The records required in (4) above shall be kept for at least two years and shall be made available for review by the director or the director's representative.

R307-326-7. Catalytic Cracking Units.

Flue gas produced by catalytic cracker catalyst regeneration units shall be vented to a waste heat boiler or a process heater

firebox, or incinerated, or controlled by other methods, provided the design and effectiveness of such methods are documented, submitted to, and approved by the director.

R307-326-8. Safety Pressure Relief Valves.

All safety pressure relief valves handling organic material shall be vented to a flare, firebox, or vapor recovery system, or controlled by the inspection, monitoring, and repair requirements described in R307-326-9.

R307-326-9. Monitoring of Leaks from Petroleum Refinery Equipment.

(1) The owner or operator of a petroleum refinery complex shall develop and conduct a VOC monitoring program and shall follow the recording, reporting, and operating requirements consistent with R307-326-9. The monitoring program shall be submitted 30 days prior to start up of the petroleum refinery complex or as determined necessary by the director.

(2) Any affected component within a petroleum refinery complex found to be leaking shall be repaired and retested as soon as practicable, but not later than fifteen (15) days after the leak is detected. A leaking component is defined as one that has a concentration of VOCs exceeding 10,000 parts per million by volume (ppmv) when tested by a VOC detection instrument at the leak source in the manner described in 40 CFR 60, Appendix A, Reference Method 21, using methane or hexane as the calibration gas. Components not subject to New Source Performance Standards Subpart GGG shall use methane or hexane as calibration gas, provided a relative response factor for each individual instrument is determined for the calibration gas used. Those leaks that cannot be repaired until the unit is shut down for turnaround shall be identified with a tag and recorded as per (6) below and shall be reported as per (7) below. The Director, in coordination with the refinery owner or operator, may require early unit turnaround based on the number and severity of tagged leaks awaiting turnaround.

(3) Monitoring Requirements.

(a) In order to ensure that all existing VOC leaks are identified and that new VOC leaks are located as soon as practicable, the refinery owner or operator shall perform necessary monitoring using visual observations when specified or the method described in 40 CFR 60, Appendix A, Reference Method 21, as follows:

(i) Monitor at least one time per year (annually) all pump seals, valves in liquid service, and process drains;

(ii) Monitor four times per year (quarterly) all compressor seals, valves in gaseous service, and pressure relief valves in

gaseous service;

(iii) Monitor visually 52 times per year (weekly) all pump seals;

(iv) Monitor within 24 hours (with a portable VOC detection device) or repair within 15 days any pump seal from which liquids are observed dripping;

(v) Monitor any relief valve within 24 hours after it has been vented to the atmosphere;

(vi) Monitor immediately after repair any component that was found leaking;

(vii) For all other valves considered "unsafe-to-monitor" or inaccessible during an annual inspection, the owner or operator shall document to the director the number of valves considered "unsafe-to-monitor" or inaccessible, the dangers involved or reasons for inaccessibility, the location of these valves, and the procedures that the owner or operator shall follow to ensure that the valves do not leak. The documentation for each calendar year shall be submitted for approval to the director 15 days after the last day of each calendar year. At a minimum, the inaccessible valves shall be monitored at least once per year (annually).

(b) For the purpose of R307-326, gaseous service for pipeline valves and pressure relief valves is defined as the VOCs being gaseous at conditions that prevail in the components during normal operations. Pipeline valves and pressure relief valves in gaseous service and other components subject to leaks shall be noted or marked so that their location within the refinery complex is obvious to the refinery operator performing the monitoring and to the State of Utah, Division of Air Quality.

(4) Exemptions. The following are exempt from the monitoring requirements of (3) above:

(a) Pressure relief devices that are connected to an operating flare header, firebox, or vapor recovery devices, storage tank valves, and valves that are not externally regulated;

(b) Refinery equipment containing a stream composition less than 10 percent by weight VOCs; and

(c) Refinery equipment containing natural gas supplied by a public utility as defined by the Utah Public Service Commission.

(5) Alternate Monitoring Methods and Requirements.

(a) If at any time after two complete liquid service inspections and five complete gaseous service inspections, the owner or operator of a petroleum refinery can demonstrate that modifications to (3) above are in order, he may apply in writing to the Air Quality Board for a variance from the requirements of (3) above.

(b) This submittal shall include data that have been developed to justify the modification to (3) above. As a minimum, the submittal should contain the following information:

(i) the name and address of the company;

(ii) the name and telephone number of the responsible company representative;

(iii) a description of the proposed alternate monitoring procedures; and

(iv) a description of the proposed alternate operational or equipment controls.

(6) Recording Requirements. Identified leaks shall be noted and affixed with a readily visible and weatherproof tag bearing the identification of the leak and the date the leak was detected. The tag shall remain in place until the leaking component is repaired. The presence of the leak shall also be noted in a log maintained by the operator or owner of the refinery. The log shall contain, at a minimum, the name of the process unit where the component is located, the type of component, the tag number, the date the leak is detected, the date repaired, and the date and instrument reading when the recheck of the component is made. The log should also indicate those leaks that cannot be repaired until turnaround, and summarize the total number of components found leaking. The operator or owner of the refinery complex shall retain the leak detection log for two years after the leak has been repaired and shall make the log available to the director upon request.

(7) Reporting Requirements. The operator or owner of a petroleum refinery complex shall submit a report to the director by the 15th day of January, April, July, and October of each year listing the total number of components inspected, all leaks that have been located during the previous 3 calendar months but not repaired within 15 days, all leaking components awaiting unit turnaround and the total number of components found leaking. In addition, the refinery operator or owner shall submit a signed statement with each report that all monitoring has been performed as stipulated in R307-326-9.

(8) Additional Requirements. Any time a valve, with the exception of safety pressure relief valves, is located at the end of a pipe or line containing VOCs, the end of the line shall be sealed with one of the following: a second valve, a blind flange, a plug or a cap. This sealing device shall only be removed when the line is in use for sampling.

R307-326-10. Alternate Methods of Control.

(1) Any person may apply to the director for approval of an alternate test method, an alternate method of control, an alternate compliance period, an alternate emission limit, or an alternate monitoring schedule. The application must include a demonstration that the proposed alternate produces an equal or greater air quality benefit than that required by R307-326, or

that the alternate test method is equivalent to that required by these rules. The director shall obtain concurrence from EPA when approving an alternate test method, an alternate method of control, an alternate compliance period, an alternate emission limit, or an alternate monitoring schedule.

(2) Manufacturer's operational specifications, records, and testings of any control system shall use the applicable EPA Reference Methods of 40 CFR Part 60, the most recent EPA test methods, or EPA-approved state methods, to determine the efficiency of the control device. In addition, the owner or operator must meet the applicable requirements of record keeping for any control device. A record of all tests, monitoring, and inspections required by R307-326 shall be maintained by the owner or operator for a minimum of 2 years and shall be made available to the director or the director's representative upon request. Any malfunctioning control device shall be repaired within 15 calendar days after it is found by the owner or operator to be malfunctioning, unless otherwise approved by the director.

(3) For purposes of determining compliance with emission limits, VOCs and nitrogen oxides will be measured by the test methods identified in federal regulation or approved by the director. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emissions standard.

R307-326-11. Compliance Schedule.

All sources within any newly designated nonattainment area for ozone shall be in compliance with this rule within 180 days of the effective date of designation to nonattainment.

KEY: air pollution, refinery, gasoline, ozone
Date of Enactment or Last Substantive Amendment: March 9, 2007
Notice of Continuation: January 27, 2017
Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104(1)(a)

State of Utah
Administrative Rule Analysis
Revised June 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	**R307-327**	**Filing ID: (Office Use Only)**

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	**Phone:**	**Email:**
Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R307-327. Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage.

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminants source." Rule R307-327 requires petroleum refineries located within an ozone nonattainment area to have measures in place to reduce emissions of volatile organic compounds from their large liquid storage tanks. Volatile organic compounds are a precursor to ozone formation.

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:

No written comments have been received on this rule since the last five-year review.

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 is required under the state implementation plan for ozone, incorporated by reference under Section R307-110-13. The plan is also required by Section 110 of the Clean Air Act. The rule is necessary for Utah's State Implementation Plan to meet federal ozone standards. Therefore, this rule should be continued.

Agency Authorization Information

To the agency: Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*.

Agency head or designee, and title:	Bryce C. Bird, Director	**Date** (mm/dd/yyyy)**:**	

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.
R307-327. Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage.
R307-327-1. Purpose.

The purpose of R307-327 is to establish Reasonably Available Control Technology (RACT), as required by section 182(2)(A) of the Clean Air Act, for petroleum refineries and petroleum liquid storage facilities that are located in any ozone nonattainment or maintenance area. The rule is based on federal control technique guidance documents.

R307-327-2. Applicability.

R307-327 applies to the owner or operator of any petroleum refinery or petroleum liquid storage facility located in any ozone nonattainment or maintenance area.

R307-327-3. Definitions.

The following additional definitions apply to R307-327:

"Average Monthly Storage Temperature" means the average daily storage temperature measured over a period of one month.

"Waxy, Heavy Pour Crude Oil" means a crude oil with a pour point of 50 degrees F or higher as determined by the American Society for Testing and Materials Standard D97-66, "Test for pourpoint of petroleum oils."

R307-327-4. General Requirements.

(1) Any existing stationary storage tank, reservoir or other container with a capacity greater than 40,000 gallons (150,000 liters) that is used to store volatile petroleum liquids with a true vapor pressure greater than 10.5 kilo pascals (kPa) (1.52 psia) at storage temperature shall be fitted with control equipment that will minimize vapor loss to the atmosphere. Storage tanks, except those erected before January 1, 1979, which are equipped with external floating roofs, shall be fitted with an internal floating roof that shall rest on the surface of the liquid contents and shall be equipped with a closure seal or seals to close the space between the roof edge and the tank wall, or alternative equivalent controls, provided the design and effectiveness of such equipment is documented and submitted to and approved by the director. The owner or operator shall maintain a record of the type and maximum true vapor pressure of stored liquid.

(2) The owner or operator of a petroleum liquid storage tank not subject to (1) above, but containing a petroleum liquid with a true vapor pressure greater than 7.0 kPa (1.0 psia), shall maintain records of the average monthly storage temperature, the type of liquid, throughput quantities, and the maximum true vapor

pressure.

R307-327-5. Installation and Maintenance.

(1) The owner or operator shall ensure that all control equipment on storage vessels is properly installed and maintained.

(a) There shall be no visible holes, tears or other openings in any seal or seal fabric and all openings, except stub drains, shall be equipped with covers, lids, or seals.

(b) All openings in floating roof tanks, except for automatic bleeder vents, rim space vents, and leg sleeves, shall provide a projection below the liquid surface.

(c) The openings shall be equipped with a cover, seal, or lid.

(d) The cover, seal, or lid is to be in a closed position at all times except when the device is in actual use.

(e) Automatic bleeder vents shall be closed at all times except when the roof is floated off or landed on the roof leg supports. Rim vents shall be set to open when the roof is being floated off the leg supports or at the manufacturer's recommended setting.

(f) Any emergency roof drain shall be provided with a slotted membrane fabric cover or equivalent cover that covers at least 90 percent of the area of the opening.

(2) The owner or operator shall conduct routine inspections from the top of the tank for external floating roofs or through roof hatches for internal floating roofs at six month or shorter intervals to insure there are no holes, tears, or other openings in the seal or seal fabric.

(a) The cover must be uniformly floating on or above the liquid and there must be no visible defects in the surface of the cover or petroleum liquid accumulated on the cover.

(b) The seal(s) must be intact and uniformly in place around the circumference of the cover between the cover and tank wall.

(3) A close visible inspection of the primary seal of an external floating roof is to be conducted at least once per year from the roof top unless such inspection requires detaching the secondary seal, which would result in damage to the seal system.

(4) Whenever a tank is emptied and degassed for maintenance, an emergency, or any other similar purpose, a close visible inspection of the cover and seals shall be made.

(5) The director must be notified 7 days prior to the refilling of a tank that has been emptied, degassed for maintenance, an emergency, or any other similar purpose. Any non-compliance with this rule must be corrected before the tank is refilled.

R307-327-6. Retrofits for Floating Roof Tanks.

(1) Except where specifically exempted in (3) below, all existing external floating roof tanks with capacities greater than 950 barrels (40,000 gals) shall be retrofitted with a continuous secondary seal extending from the floating roof to the tank wall (a rim-mounted secondary seal) if:

(a) The tank is a welded tank, the true vapor pressure of the contained liquid is 27.6 kPa (4.0 psia) or greater and the primary seal is one of the following:

(i) A metallic type shoe seal, a liquid-mounted foam seal, a liquid-mounted liquid-filled seal, or

(ii) Any other primary seals that can be demonstrated equivalent to the above primary seals.

(b) The tank is a riveted tank, the true vapor pressure of the contained liquid is 10.5 kPa (1.5 psia) or greater, and the primary seal is as described in (a) above.

(c) The tank is a welded or riveted tank, the true vapor pressure of the contained liquid is 10.5 kPa (1.5 psia) or greater and the primary seal is vapor-mounted. When such primary seal closure device can be demonstrated equivalent to the primary seals described in (a) above, these processes apply.

(2) The owner or operator of a storage tank subject to this rule shall ensure that all the seal closure devices meet the following requirements:

(a) There shall be no visible holes, tears, or other openings in the seals or seal fabric.

(b) The seals must be intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall.

(c) For vapor mounted primary seals, the accumulated area of gaps between the secondary seal and the tank wall shall not exceed 21.2 cm^2 per meter of tank diameter (1.0 in^2 per ft. of tank diameter) and the width of any gap shall not exceed 1.27 cm (1/2 in.). The owner or operator shall measure the secondary seal gap annually and make a record of the measurement.

(3) The following are specifically exempted from the requirements of (1) above:

(a) External floating roof tanks having capacities less than 10,000 barrels (420,000 gals) used to store produced crude oil and condensate prior to custody transfer.

(b) A metallic type shoe seal in a welded tank that has a secondary seal from the top of the shoe seal to the tank wall (a shoe mounted secondary seal).

(c) External floating roof tanks storing waxy, heavy pour crudes.

(d) External floating roof tanks with a closure seal device or other devices installed that will control volatile organic compounds (VOC) emissions with an effectiveness equal to or

greater than the seals required in (1) above. It shall be the responsibility of the owner or operator of the source to demonstrate the effectiveness of the alternative seals or devices to the director. No exemption under (3) shall be granted until the alternative seals or devices are approved by the director.

R307-327-7. Alternate Methods of Control.

(1) Any person may apply to the director for approval of an alternate test method, an alternate method of control, an alternate compliance period, an alternate emission limit, or an alternate monitoring schedule. The application must include a demonstration that the proposed alternate produces an equal or greater air quality benefit than that required by R307-327, or that the alternate test method is equivalent to that required by these rules. The director shall obtain concurrence from EPA when approving an alternate test method, an alternate method of control, an alternate compliance period, an alternate emission limit, or an alternate monitoring schedule.

(2) Manufacturer's operational specifications, records, and testings of any control system shall use the applicable EPA Reference Methods of 40 CFR Part 60, the most recent EPA test methods, or EPA-approved state methods, to determine the efficiency of the control device. In addition, the owner or operator must meet the applicable requirements of record keeping for any control device. A record of all tests, monitoring, and inspections required by R307-327 shall be maintained by the owner or operator for a minimum of 2 years and shall be made available to the director or the director's representative upon request. Any malfunctioning control device shall be repaired within 15 calendar days after it is found by the owner or operator to be malfunctioning, unless otherwise approved by the director.

(3) For purposes of determining compliance with emission limits, VOCs and nitrogen oxides will be measured by the test methods identified in federal regulation or approved by the director. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emissions standard.

R307-327-8. Compliance Schedule.

All sources within any newly designated nonattainment area for ozone shall be in compliance with this rule within 180 days of the effective date of designation to nonattainment.

KEY: air pollution, petroleum, gasoline, ozone
Date of Enactment or Last Substantive Amendment: March 9, 2007
Notice of Continuation: January 27, 2017

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

State of Utah
Administrative Rule Analysis
Revised June 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	**R307-328**	**Filing ID: (Office Use Only)**

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	**Phone:**	**Email:**
Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R307-328. Gasoline Transfer and Storage.

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminants source." Rule R307-328 does this by requiring the use of reasonably available control technology to capture gasoline vapors during the filling of gasoline vehicles and storage tanks in any ozone nonattainment or maintenance area including Utah and Weber Counties.

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:

No written comments have been received on this rule since the last five-year review.

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 is required under the state implementation plan for ozone, incorporated by reference under Section R307-110-13. The plan is also required by Section 110 of the Clean Air Act. Without the state plan, EPA would be required to impose a Federal Implementation Plan. Therefore, this rule should be continued.

Agency Authorization Information

To the agency: Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*.

Agency head or designee, and title:	Bryce C. Bird, Director	**Date** (mm/dd/yyyy)**:**	

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.
R307-328. Gasoline Transfer and Storage.
R307-328-1. Purpose.

The purpose of R307-328 is to establish Reasonably Available Control Technology (RACT) for control of gasoline vapors during the filling of gasoline cargo tank and storage tanks in Utah. The rule is based on federal control technique guidance documents. This requirement is commonly referred to as stage I vapor recovery.

R307-328-2. Applicability.

(1) Gasoline Cargo Tanks. R307-328 applies to the owner or operator of any gasoline cargo tank that loads or unloads gasoline in Utah.

(2) Gasoline Dispensing. R307-328 applies to the owner or operator of any bulk terminal, bulk plant, stationary storage container, or service station located in Utah that dispenses 10,000 gallons or more in any one calendar month.

(3) This rule applies to all gasoline cargo tanks and gasoline dispensing facilities that operate within Utah according to the compliance schedule defined in section 328-9 of this rule.

(4) All references to 40 CFR in R307-328 shall mean the version that is effective as of the date referenced in R307-101-3.

R307-328-3. Definitions.

The following additional definitions apply to R307-328.

"Bottom Filling" means the filling of a tank through an inlet at or near the bottom of the tank designed to have the opening covered by the liquid after the pipe normally used to withdraw liquid can no longer withdraw any liquid.

"Submerged Fill Pipe" means any fill pipe with a discharge opening which is entirely submerged when the liquid level is 6 inches above the bottom of the tank and the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid.

"Gasoline cargo tank" means gasoline cargo tank as defined in 40 CFR 63.421 that is hereby incorporated by reference.

R307-328-4. Loading of Tank Trucks, Trailers, Railroad Tank Cars, and Other Transport Vehicles.

(1) No person shall load or permit the loading of gasoline into any gasoline cargo tank unless the emissions from such vehicle are controlled by use of a vapor collection and control system and submerged or bottom filling. RACT shall be required and in no case shall vapor emissions to the atmosphere exceed 0.640 pounds per 1,000 gallons transferred.

(2) Such vapor collection and control system shall be properly installed and maintained.

(3) The loading device shall not leak.

(4) The loading device shall utilize the dry-break loading design couplings and shall be maintained and operated to allow no more than an average of 15 cc drainage per disconnect for 5 consecutive disconnects.

(5) All loading and vapor lines shall be equipped with fittings which make a vapor tight connection and shall automatically close upon disconnection to prevent release of the organic material.

(6) A gasoline storage and transfer installation that receives inbound loads and dispatches outbound loads ("bulk plant") need not comply with R307-328-4 if it does not have a daily average throughput of more than 3,900 gallons (15,000 or more liters) of gasoline based upon a 30-day rolling average. Such installations shall on-load and off-load gasoline by use of bottom or submerged filling. The emission limitation is based on operating procedures and equipment specifications using Reasonably Available Control Technology as defined in EPA documents EPA 450/2-77-026 October 1977, "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals," and EPA-450/2-77-035 December 1977, "Control of Volatile Organic Emissions from Bulk Gasoline Plants." The design effectiveness of such equipment and the operating procedures must be documented and submitted to and approved by the director.

(7) Hatches of gasoline cargo tanks shall not be opened at any time during loading operations except to avoid emergency situations or during emergency situations. Pressure relief valves on storage tanks and gasoline cargo tanks shall be set to release at the highest possible pressure, in accordance with State or local fire codes and National Fire Prevention Association guidelines. Pressure in the vapor collection system shall not exceed the gasoline cargo tank pressure relief setting.

(8) Each owner or operator of a gasoline storage or dispensing installation shall conduct testing of vapor collection systems used at such installation and shall maintain records of all tests for no less than two years. Testing procedures of vapor collection systems shall be approved by the director and shall be consistent with the procedures described in the EPA document, "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems," EPA-450/2-78-051.

(9) Semi-annual testing shall be conducted and records maintained of such test. The frequency of tests may be altered by the director upon submittal of documentation which would justify a change.

(10) The vapor collection and vapor processing equipment shall be designed and operated to prevent gauge pressure in the gasoline cargo tank from exceeding 18 inches of water and prevent

vacuum from exceeding 6 inches of water. During testing and monitoring, there shall be no reading greater than or equal to 100 percent of the lower explosive limit measured at 1.04 inches around the perimeter of a potential leak source as detected by a combustible gas detector. Potential leak sources include, but are not limited to, piping, seals, hoses, connections, pressure or vacuum vents, and vapor hoods. In addition, no visible liquid leaks are permitted during testing or monitoring.

R307-328-5. Stationary Source Container Loading.

(1) No person shall transfer or permit the transfer of gasoline from any gasoline cargo tank into any stationary storage container with a capacity of 250 gallons or greater unless such container is equipped with a submerged fill pipe that extends to no more than twelve inches from the bottom of the storage tank for fill pipes installed on or before November 9, 2006, and no more than six inches form the bottom of the storage tank for fill pipes installed after November 9, 2006, and at least 90 percent of the gasoline vapor, by weight, displaced during the filling of the stationary storage container is prevented from being released to the atmosphere. This requirement shall not apply to:

(a) the transfer of gasoline into any stationary storage container of less than 550 gallons used primarily for the fueling of implements of husbandry if such container is equipped with a permanent submerged fill pipe;

(b) the transfer of gasoline into any stationary storage container having a capacity of less than 2,000 gallons which was installed prior to January 1, 1979, if such container is equipped with a permanent submerged fill pipe;

(c) the transfer of gasoline to storage tanks equipped with floating roofs or their equivalent which have been approved by the director.

(2) The 90 percent performance standard of the vapor control system shall be based on operating procedures and equipment specifications. The design effectiveness of such equipment and the operating procedure must be documented and submitted to and approved by the director.

(3) Each owner or operator of a gasoline storage tank or the owner or operator of the gasoline cargo tank subject to (1) above shall install vapor control equipment, which includes, but is not limited to:

(a) vapor return lines and connections sufficiently free of restrictions to allow transfer of vapor to the gasoline cargo tank or to the vapor control system, and to achieve the required recovery;

(b) a means of assuring that the vapor return lines are connected to the gasoline cargo tank, or vapor control system, and

storage tank during tank filling;

(c) restrictions in the storage tank vent line designed and operated to prevent:

(i) the release of gasoline vapors to the atmosphere during normal operation; and

(ii) gauge pressure in the gasoline cargo tank from exceeding 18 inches of water and vacuum from exceeding 6 inches of water.

R307-328-6. Gasoline Cargo Tank.

(1) Gasoline cargo tanks must be designed and maintained to be vapor tight during loading and unloading operations as well as during transport, except for normal pressure venting required under United States Department of Transportation Regulations.

(2) The design of the vapor recovery system shall be such that when the gasoline cargo tank is connected to an approved storage tank vapor recovery system or loading terminal, 90% vapor recovery efficiencies are realized. The connectors of the gasoline cargo tanks shall be compatible with the fittings on the fill pipes and vapor vents at the storage containers and gasoline loading terminals where the gasoline cargo tank will service or be serviced. Adapters may be used to achieve compatibility.

(3) No person shall knowingly allow the introduction of gasoline into, dispensing of gasoline from, or transportation of gasoline in a gasoline cargo tank that does not meet the leak tight testing requirements of R307-328-7.

(4) A vapor-laden gasoline cargo tank may be refilled only at installations equipped to recover, process or dispose of vapors. Gasoline cargo tanks that only service locations with storage containers specifically exempted from the requirements of R307-328-5 need not be retrofitted to comply with R307-328-6(1)-(3) above, provided such gasoline cargo tanks are loaded through a submerged fill pipe or equivalent equipment provided the design and effectiveness of such equipment are documented and submitted to and approved by the director.

R307-328-7. Vapor Tightness Testing.

(1) Gasoline cargo tanks and their vapor collection systems shall be tested annually for leakage in accordance with the test methods and vapor tightness standards in 40 CFR 63.425(e) which are hereby incorporated by reference.

(2) Each owner or operator of a gasoline cargo tank shall have documentation in their possession demonstrating that the gasoline cargo tank has passed the annual test in (1) above within the preceding twelve months.

(3) The vapor tightness documentation described in (2), as well as record of any maintenance performed, shall be retained by

the owner or operator of the gasoline cargo tank for a two year period and be available for review by the director or the director's representative.

(4) The owner or operator of a railcar gasoline cargo tank may use the testing, recordkeeping, and reporting requirements in 40 CFR 63.425(i), that is hereby incorporated by reference, as an alternative to the annual testing requirements in (1) through (3) above.

R307-328-8. Alternate Methods of Control.

(1) Any person may apply to the director for approval of an alternate test method, an alternate method of control, an alternate compliance period, an alternate emission limit, or an alternate monitoring schedule. The application must include a demonstration that the proposed alternate produces an equal or greater air quality benefit than that required by R307-328, or that the alternate test method is equivalent to that required by these rules. The director shall obtain concurrence from EPA when approving an alternate test method, an alternate method of control, an alternate compliance period, an alternate emission limit, or an alternate monitoring schedule.

(2) Manufacturer's operational specifications, records, and testings of any control system shall use the applicable EPA Reference Methods of 40 CFR Part 60, the most recent EPA test methods, or EPA-approved state methods, to determine the efficiency of the control device. In addition, the owner or operator must meet the applicable requirements of record keeping for any control device. A record of all tests, monitoring, and inspections required by R307-328 shall be maintained by the owner or operator for a minimum of 2 years and shall be made available to the director or the director's representative upon request. Any malfunctioning control device shall be repaired within 15 calendar days after it is found by the owner or operator to be malfunctioning, unless otherwise approved by the director.

(3) For purposes of determining compliance with emission limits, volatile organic compounds and nitrogen oxides will be measured by the test methods identified in federal regulation or approved by the director. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emissions standard.

R307-328-9. Compliance Schedule.

(1) Effective May 1, 2000, all Facilities located in Davis, Salt Lake, Utah, and Weber Counties shall be in compliance with this rule.

(2) All other facilities located in Utah, shall be in

compliance with this rule according to the following phase-in schedule:

(a) Facilities located in Box Elder, Cache, Tooele and Washington Counties shall be in compliance with this rule by April 30, 2009.

(b) Facilities located in Emery, Iron, Juab, Millard, Sevier, Summit and Uintah Counties shall be in compliance with this rule by April 30, 2010.

(c) All facilities located in Utah shall be in compliance with this rule by April 30, 2011.

(3) If this implementation schedule results in a scheduling and/or financial hardship for an individual facility, that facility may request a six-month extension from the director. A maximum of two six-month extensions may be granted. Regardless of extension requests submitted, all facilities must be in compliance with this rule not later than April 30, 2011.

(4) A request for an extension must be documented and contain valid reasons why a facility will not able to meet the phase-in schedule indicated in (2)(a) or (b) above. A late start on preparation or planning is not a valid reason to grant an extension. The request for extension must also contain a proposed implementation schedule that shows compliance to this rule at the earliest possible date, but no later than April 30, 2011.

(5) The vapor tightness testing standard in R307-328-7(1) shall apply to tests conducted after June 7, 2011. All gasoline cargo tanks shall be tested using the vapor tightness testing standard in R307-328-7(1) by June 7, 2012.

R307-328-10. Authorized Contractors.

(1) All modifications performed on underground storage tanks regulated by Title 19, Chapter 6, Part 4, the Utah Underground Storage Tank Act, to bring them into compliance with R307-328, shall be performed by contractors certified under R311-201.

KEY: air pollution, gasoline transport, ozone
Date of Enactment or Last Substantive Amendment: February 4, 2016
Notice of Continuation: January 27, 2017
Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104(1)(a)

State of Utah
Administrative Rule Analysis
Revised June 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	**R307-335**	**Filing ID: (Office Use Only)**

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
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City, state and zip:	Salt Lake City, Utah, 84116	
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City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	**Phone:**	**Email:**
Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R307-335. Degreasing.

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminants source." Rule R307-335 does this by establishing reasonably available control technology for degreasing and solvent cleaning operations located in ozone and $PM_{2.5}$ nonattainment or maintenance areas.

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:

This rule has been amended one time since the last five-year review. No comments were submitted during that rulemaking. The Division did not receive any other written comments on this rule since the last five-year review.

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 is required under the state implementation plan for ozone and $PM_{2.5}$, incorporated by reference under Section R307-110-13. The plan is required by Section 110 of the Clean Air Act, and without the rule the EPA would have to write a Federal Implementation Plan. Therefore, this rule should be continued.

Agency Authorization Information

To the agency: Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*.

Agency head or designee, and title:	Bryce C. Bird, Director	**Date** (mm/dd/yyyy)**:**	

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.
R307-335. Degreasing.
R307-335-1. Purpose.

The purpose of this rule is to limit volatile organic compound (VOC) emission from degreasing operations.

R307-335-2. Applicability.

R307-335 applies to degreasing operations that use VOCs and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, or Weber counties.

R307-335-3. Definitions.

The following additional definitions apply to R307-335:

"Batch open top vapor degreasing" means the batch process of cleaning and removing grease and soils from metal surfaces by condensing hot solvent vapor on the colder metal parts.

"Cold cleaning" means the batch process of cleaning and removing soils from metal surfaces by spraying, brushing, flushing or immersing while maintaining the solvent below its boiling point.

"Conveyorized degreasing" means the continuous process of cleaning and removing greases and soils from metal surfaces by using either cold or vaporized solvents.

"Freeboard ratio" means the freeboard height (distance between solvent line and top of container) divided by the width of the degreaser.

"Open top vapor degreaser" means the batch process of cleaning and removing soils from metal surfaces by condensing low solvent vapor on the colder metal parts.

R307-335-4. Cold Cleaning Facilities.

No owner or operator shall operate a degreasing or solvent cleaning operation unless conditions in R307-335-4(1) through (7) are met.

(1) A cover shall be installed which shall remain closed except during actual loading, unloading or handling of parts in cleaner. The cover shall be designed so that it can be easily operated with one hand if:

(a) The volatility of the solvent is greater than 2 kPa (15 mm Hg or 0.3 psi) measured at 38 degrees C (100 degrees F),

(b) The solvent is agitated, or

(c) The solvent is heated.

(2) An internal draining rack for cleaned parts shall be installed on which parts shall be drained until all dripping ceases. If the volatility of the solvent is greater than 4.3 kPa (32 mm Hg at 38 degrees C (100 degrees F)), the drainage facility must be internal, so that parts are enclosed under the cover while

draining. The drainage facility may be external for applications where an internal type cannot fit into the cleaning system.

(3) Waste or used solvent shall be stored in covered containers.

(4) Tanks, containers and all associated equipment shall be maintained in good operating condition, and leaks shall be repaired immediately or the degreaser shall be shutdown.

(5) Written procedures for the operation and maintenance of the degreasing or solvent cleaning equipment shall be permanently posted in an accessible and conspicuous location near the equipment.

(6) If the solvent volatility is greater than 4.3 kPa (33 mm Hg or 0.6 psi) measured at 38 degrees C (100 degrees F), or if solvent is heated above 50 degrees C (120 degrees F), then one of the following control devices shall be used:

(a) Freeboard that gives a freeboard ratio greater than 0.7;

(b) Water cover if the solvent is insoluble in and heavier than water); or

(c) Other systems of equivalent control, such as a refrigerated chiller or carbon adsorption.

(7) If used, the solvent spray shall be a solid fluid stream at a pressure that does not cause excessive splashing and may not be a fine, atomized or shower type spray.

R307-335-5. Open Top Vapor Degreasers.

Owners or operators of open top vapor degreasers shall, in addition to meeting the requirements of R307-335-4(3), (4) and (5),

(1) Equip the vapor degreaser with a cover that can be opened and closed without disturbing the vapor zone. The cover shall be closed except when processing work loads through the degreaser;

(2) Install one of the following control devices:

(a) Equipment necessary to sustain:

(i) A freeboard ratio greater than or equal to 0.75, and

(ii) A powered cover if the degreaser opening is greater than 1 square meter (10.8 square feet),

(b) Refrigerated chiller,

(c) Enclosed design (cover or door opens only when the dry part is actually entering or exiting the degreaser),

(d) Carbon adsorption system, with ventilation greater than or equal to 15 cubic meters per minute per square meter (50 cubic feet per minute per square foot) of air/vapor area when cover is open and exhausting less than 25 parts per million of solvent averaged over one complete adsorption cycle;

(3) Minimize solvent carryout by:

(a) Racking parts to allow complete drainage,

(b) Moving parts in and out of the degreaser at less than 3.3 meters per minute (11 feet per minute),

(c) Holding the parts in the vapor zone at least 30 seconds or until condensation ceases,

(d) Tipping out any pool of solvent on the cleaned parts before removal, and

(e) Allowing the parts to dry within the degreaser for at least 15 seconds or until visibly dry.

(4) Spray parts only in or below the vapor level;

(5) Not use ventilation fans near the degreaser opening, nor provide exhaust ventilation exceeding 20 cubic meters per minute per square meter (65 cubic feet per minute per square foot) in degreaser open area, unless necessary to meet state and federal occupational, health, and safety requirements.

(6) Not degrease porous or absorbent materials, such as cloth, leather, wood or rope;

(7) Not allow work loads to occupy more than half of the degreaser's open top area;

(8) Ensure that solvent is not visually detectable in water exiting the water separator;

(9) Install safety switches on the following:

(a) Condenser flow switch and thermostat (shuts off sump heat if condenser coolant is either not circulating or too warm); and

(b) Spray switch (shuts off spray pump if the vapor level drops excessively, i.e., greater than 10 cm (4 inches).

(10) Open top vapor degreasers with an open area smaller than one square meter (10.8 square feet) are exempt from R307-335-5(2)(b) and (d).

R307-335-6. Conveyorized Degreasers.

Owners and operators of conveyorized degreasers shall, in addition to meeting the requirements of R307-335-4(3), (4) and (5) and R307-335-5(5):

(1) Install one of the following control devices for conveyorized degreasers with an air/vapor interface equal to or greater than two square meters (21.5 square feet):

(a) Refrigerated chiller; or

(b) Carbon adsorption system, with ventilation greater than or equal to 15 cubic meters per minute per square meter (50 cubic feet per minute per square foot) of air/vapor area when downtime covers are open, and exhausting less than 25 parts per million of solvent, by volume, averaged over a complete adsorption cycle.

(2) Equip the cleaner with equipment, such as a drying tunnel or rotating (tumbling) basket, sufficient to prevent cleaned parts from carrying out solvent liquid or vapor.

(3) Provide downtime covers for closing off the entrance and

exit during shutdown hours. Ensure that down-time cover is placed over entrances and exits of conveyorized degreasers immediately after the conveyor and exhaust are shut down and is removed just before they are started up.

(4) Minimize carryout emissions by racking parts for best drainage and maintaining the vertical conveyor speed at less than 3.3 meters per minute (11 feet per minute).

(5) Minimize openings: Entrances and exits should silhouette work loads so that the average clearance (between parts and the edge of the degreaser opening) is either less than 10 cm (4 inches) or less than 10% of the width of the opening.

(6) Install safety switches on the following:

(a) Condenser flow switch and thermostat - shuts off sump heat if coolant is either not circulating or too warm;

(b) Spray switch - shuts off spray pump or conveyor if the vapor level drops excessively, i.e., greater than 10 cm or (4 inches); and

(c) Vapor level control thermostat - shuts off sump level if vapor level rises too high.

(7) Ensure that solvent is not visibly detectable in the water exiting the water separator.

R307-335-7. Recordkeeping.

The owner or operator shall maintain, for a minimum of two years, appropriate records to demonstrate compliance with R307-335.

KEY: air pollution, degreasing
Date of Enactment or Last Substantive Amendment: October 29, 2017
Notice of Continuation: January 27, 2017
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

State of Utah
Administrative Rule Analysis
Revised June 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	**R307-341**	**Filing ID: (Office Use Only)**

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
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City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	**Phone:**	**Email:**
Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R307-341. Ozone Nonattainment and Maintenance Areas: Cutback Asphalt.

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminants source." Rule R307-341 does this by establishing reasonably available control technology for the application of asphalt in any ozone nonattainment or maintenance areas.

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:

The Division did not receive any written comments on this rule since the last five-year review.

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 is required under the state implementation plan for ozone, incorporated by reference under Section R307-110-13. The plan is required by Section 110 of the Clean Air Act, and without the rule the EPA would have to write a Federal Implementation Plan. Therefore, this rule should be continued.

Agency Authorization Information

To the agency: Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*.

Agency head or designee, and title:	Bryce C. Bird, Director	**Date** (mm/dd/yyyy)**:**	

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.
R307-341. Ozone Nonattainment and Maintenance Areas: Cutback Asphalt.
R307-341-1. Purpose.

This rule establishes reasonably achievable control technology (RACT) requirements for the use or application of cutback asphalt in ozone nonattainment and maintenance areas.

R307-341-2. Applicability.

R307-341 applies to any person who uses or applies asphalt in any ozone nonattainment or maintenance area.

R307-341-3. Definitions.

The following additional definitions apply to R307-341:

"Asphalt or Asphalt Cement" means the dark brown to black cementitious material, either solid, semisolid or liquid in consistency, of which the main constituents are bitumens that occur naturally or as a residue of petroleum refining.

"Asphalt Concrete" means a waterproof and durable paving material composed of dried aggregate that is evenly coated with hot asphalt cement.

"Cutback Asphalt" means any asphalt that has been liquified by blending with petroleum solvents (diluents) or, in the case of some slow cure asphalts (road oils), which have been produced directly from the distillation of petroleum.

"Emulsified Asphalt" means asphalt emulsions produced by combining asphalt with water that contains an emulsifying agent.

"Patch Mix" means a mixture of an asphalt binder and aggregate in which cutback or emulsified asphalts are used either as sprayed liquid or as a binder.

"Penetrating Prime Coat" means an application of low-viscosity liquid asphalt to an absorbent surface in order to prepare it for paving with asphaltic concrete.

R307-341-4. Limitations on Use of Cutback Asphalt.

No person shall cause, allow, or permit the use or application of cutback asphalt, or emulsified asphalt containing more than 7 percent oil distillate, as determined by ASTM distillation test D-244, except as provided below:

(1) Where the use or application commences on or after October 1 of any year and such use or application is completed by April 30 of the following year;

(2) Where long-life (longer than 1 month) stockpile storage of patch mix is demonstrated to the director to be necessary;

(3) Where the asphalt is to be used solely as a penetrating prime coat;

(4) Where the user can demonstrate that there are no

emissions of volatile organic compounds from the asphalt under conditions of normal use;

(5) Where the use or application is for the paving of parking lots smaller than 300 parking stalls.

R307-341-5. Recordkeeping.

Any person subject to R307-341 shall keep records for at least two years of the types and amounts of cutback or emulsified asphalt used, the amounts of solvents added, and the location where the asphalt is applied. The records shall be made available to the director upon request.

R307-341-6. Compliance Schedule.

All sources within any newly designated nonattainment area for ozone shall be in compliance with this rule within 180 days of the effective date of designation to nonattainment.

KEY: air pollution, emission controls, asphalt, solvent
Date of Enactment or Last Substantive Amendment: January 16, 2007
Notice of Continuation: January 27, 2017
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

State of Utah
Administrative Rule Analysis
Revised June 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	**R307-343**	**Filing ID: (Office Use Only)**

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	**Phone:**	**Email:**
Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R307-343. Wood Furniture Manufacturing Operations.

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminants source." Rule R307-343 does this by requiring that certain wood furniture manufacturers use coatings that are compliant with the Volatile Organic Compound (VOC's) content limits found in Section R307-343-4.

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:

This rule has been amended one time since the last five-year review. No comments were submitted during that rulemaking. The Division did not receive any other written comments on this rule since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Rule R307-343 limits the emissions of VOC's, a precursor to ozone and $PM_{2.5}$, from wood furniture manufacturers in ozone and $PM_{2.5}$ nonattainment and maintenance areas. This rule outlines emissions standards for wood furniture manufacturing operations and should be continued. This rule is part of a proactive strategy to ensure that Salt Lake, Utah, Box Elder, Tooele and Davis counties meet the ozone and $PM_{2.5}$ 24-Hour standards.

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 publication in the *Utah State Bulletin*.

Agency head or designee, and title:	Bryce C. Bird, Director	**Date** (mm/dd/yyyy)**:**	

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.
R307-343. Wood Furniture Manufacturing Operations.
R307-343-1. Purpose.

The purpose of R307-343 is to limit volatile organic compound (VOC) emissions from wood furniture manufacturing operations.

R307-343-2. Applicability.

(1) R307-343 applies to wood furniture manufacturing coating operations located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties.

(2) Before September 1, 2018, R307-343 applies to wood furniture manufacturing operations that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

(3) Effective September 1, 2018, R307-343 shall apply to wood furniture manufacturing operations that use a combined 20 gallons or more of coating products and associated solvents per year.

R307-343-3. Definitions.

The following additional definitions apply to R307-343:

"As applied" means the volatile organic compound and solids content of the finishing material that is actually used for coating the substrate. It includes the contribution of materials used for in-house dilution of the finishing material.

"Control system" means the combination of capture and control devices used to reduce emissions to the atmosphere.

"Conventional Air Spray" means a spray coating method in which the coating is atomized by mixing it with compressed air at an air pressure greater than ten pounds per square inch (gauge) at the point of atomization. Airless, air assisted airless spray technologies, and electrostatic spray technology are not considered conventional air spray.

"Finishing material" means a coating used in the wood furniture industry, including basecoats, stains, washcoats, sealers, and topcoats.

"Finishing Operation" means those activities in which a finishing material is applied to a substrate and is subsequently air-dried, cured in an oven, or cured by radiation.

"Sealer" means a finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. A washcoat used to optimize aesthetics is not a sealer.

"Solids" means the part of the coating that remains after the coating is dried or cured; solids content is determined using data from EPA Method 24.

"Stain" means any color coat having a solids content by weight of no more than 8.0% that is applied in single or multiple

coats directly to the substrate, including nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains, and toners.

"Topcoat" means the last film-building finishing material applied in a finishing system. Non-permanent final finishes are not topcoats.

"Touch-up and Repair" means the application of finishing materials to cover minor finishing imperfections.

"Washcoat" means a transparent special purpose coating having a solids content by weight of 12.0% or less that is applied over initial stains to protect and control color and to stiffen the wood fibers in order to aid sanding.

"Washoff operations" means those operations in which organic solvent is used to remove coating from a substrate.

"Wood furniture" means any product made of wood that is manufactured under any of the following standard industrial classification codes: 2434, 2511, 2512, 2517, 2519, 2521, 2531, 2541, 2599, or 5712. This includes wood products such as rattan or wicker and engineered wood products such as particleboard.

"Wood furniture manufacturing operations" means the finishing, cleaning, and washoff operations associated with the production of wood furniture or wood furniture components.

R307-343-4. VOC Content Limits.

(1) No owner or operator shall apply coatings with a VOC content in excess of the amounts specified in Table 1, unless the owner or operator uses an add-on control device as specified in R307-343-6.

Table 1

WOOD MANUFACTURING COATING LIMITS
(values in pounds VOC per pound of solids, minus water and exempt solvents (compounds not classified as VOC as defined in R307-101-2), as applied)

Coating Category	VOC Content Limit (lb/lb)
Topcoat	0.4
Single component, non-catalyzed sealer	0.9
Single component, non-catalyzed topcoat	0.9
Acid -- cured single and 2 component sealer	1.2

Acid -- cured single and 2 component topcoat	1.0
2 component polyurethane topcoat	1.0
2 component polyurethane sealer	1.0
Cobalt peroxide cured polyester sealer/topcoat	1.0
Formaldehyde free acid catalyzed sealer/topcoat	1.0
Strippable spray booth coatings	0.8

(2) The limits in Table 1 do not apply to canned aerosol coating products used exclusively for touch-up or repair.

R307-343-5. Application Equipment Requirements.

(1) All coatings shall be applied using equipment having a minimum 65% transfer efficiency, except as allowed under R307-343-5(3) and operated according to the equipment manufacturer specifications. Equipment meeting the transfer efficiency requirement includes:

(a) Brush, dip, or roll coating;

(b) Electrostatic application; and

(c) High volume, low pressure (HVLP) spray equipment.

(2) Other coating application methods that achieve transfer efficiency equivalent to HVLP or electrostatic spray application methods may be used.

(3) Conventional air spray methods may be used under the following circumstances:

(a) To apply finishing materials that have no greater than 1.0 pound of VOC per pound of solids, as applied;

(b) For touch-up and repair under the following circumstances:

(i) The touch-up and repair occurs after completion of the finishing operation; or

(ii) The touch-up and repair occurs after the application of stain and before the application of any other type of finishing material, and the materials used for touch-up and repair are applied from a container that has a volume of no more than 2.0 gallons;

(c) When the spray gun is aimed and operated automatically, not manually;

(d) When the emissions from the finishing application station are directed to a control device as specified in R307-343-6;

(e) When the conventional air gun is used to apply no more

than 10% of the total gallons of finishing material used during the calendar year; or

(f) When the conventional air gun is used to apply stain on a part for which it is technically or economically infeasible to use any other spray application technology. The following criteria shall be used, either independently or in combination, to support the affected source's claim of technical or economic infeasibility:

(i) The production speed is too high or the part shape is too complex for one operator to coat the part and the application station is not large enough to accommodate an additional operator; or

(ii) The excessively large vertical spray area of the part makes it difficult to avoid sagging or runs in the stain.

R307-343-6. Add-on Controls Systems Operations.

(1) If an add-on control system is used, the owner or operator shall install and maintain the add-on emission control system in accordance with the manufacturer recommendations and maintain 85% or greater capture and control efficiency. The overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

R307-343-7. Work Practices.

(1) Control techniques and work practices for coatings shall be implemented at all times to reduce VOC emissions. Control techniques and work practices shall include:

(a) Storing all VOC-containing coatings, thinners, and coating-related waste materials in closed containers;

(b) Ensuring that mixing and storage containers used for VOC-containing coatings, thinners, and coating-related waste material are kept closed at all times except when depositing or removing these materials;

(c) Minimizing spills of VOC-containing coatings, thinners,

and coating-related waste materials; and

(d) Conveying VOC-containing coatings, thinners, and coating-related waste materials from one location to another in closed containers or pipes.

(2) The work practices for cleaning materials shall be implemented at all times to reduce VOC emissions. The work practices shall include:

(a) Storing all VOC-containing cleaning materials and used shop towels in closed containers;

(b) Ensuring that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;

(c) Minimizing spills of VOC-containing cleaning materials;

(d) Conveying VOC-containing cleaning materials from one location to another in closed containers or pipes; and

(e) Minimizing VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

(3) Solvent cleaning operations shall be performed using cleaning materials having a VOC composite vapor pressure no greater than 1 mm Hg or less at 20 degrees Celsius, unless an add-on control device is used as specified in R307-343-6.

R307-343-8. Recordkeeping.

(1) The owner or operator shall maintain records of the following:

(a) Records that demonstrate compliance with R307-343. Records must include, but are not limited to, inventory and product data sheets of all coatings and solvents subject to R307-343.

(b) If an add-on control device is used, records of key system parameters necessary to ensure compliance with R307-343-6.

(i) Key system parameters shall include, but are not limited to, temperature, pressure, flow rates, and an inspection schedule.

(ii) Key inspection parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(2) All records shall be maintained for a minimum of 2 years.

(3) Records shall be made available to the director upon request.

KEY: air pollution, wood furniture, coatings
Date of Enactment or Last Substantive Amendment: December 6, 2017

Notice of Continuation: January 27, 2017
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a); 19-2-104(3)(e)

ITEM 5

Regional Haze Round 2 Planning Update

Regional Haze Update

Chelsea Cancino

1 Overview

Regional Haze 101

Regional Haze

- Haze is one of the most basic forms of visibility-decreasing air pollution
  - Decreases visual range

- Caused by particulate matter (PM), NOx, SO2, and Volatile Organic Compounds (VOCs) that scatter light

- These pollutants come primarily from anthropogenic sources
  - On-road mobile sources
  - Industry

Regional Haze Rule (RHR)

- 40 CFR 51.308/309
  - Requires states to create a State Implementation Plan (SIP) addressing RH
- Class I Areas (CIAs) - EPA designated national parks and wilderness areas where visibility is protected
- Overarching goal: Natural visibility by 2064
- Two prongs to achieve Reasonable Progress towards goal
  - Improve the number of most impaired days (MID)
  - No degradation of clearest days

Utah’s National Parks

- Arches
- Canyonlands
- Capitol Reef
- Bryce Canyon
- Zion

2 Regional Haze Progress

in Utah's Class I Areas

Utah's Regional Haze History

1991

Utah participates in the **Grand Canyon Visibility Transport Commission**, a multi-state collaborative regional haze effort that took part in early planning opportunities

2003

Utah adopts RHR requirements and continued plans to address regional haze at our CIAs

2008

Utah adopts revisions to stationary sources and BART requirements for NOx and PM. Utah also analyzed our impacts on out-of-state CIAs

2011

SO2 milestone updated recording reductions in emissions and improvements in visibility for CIAs

2015

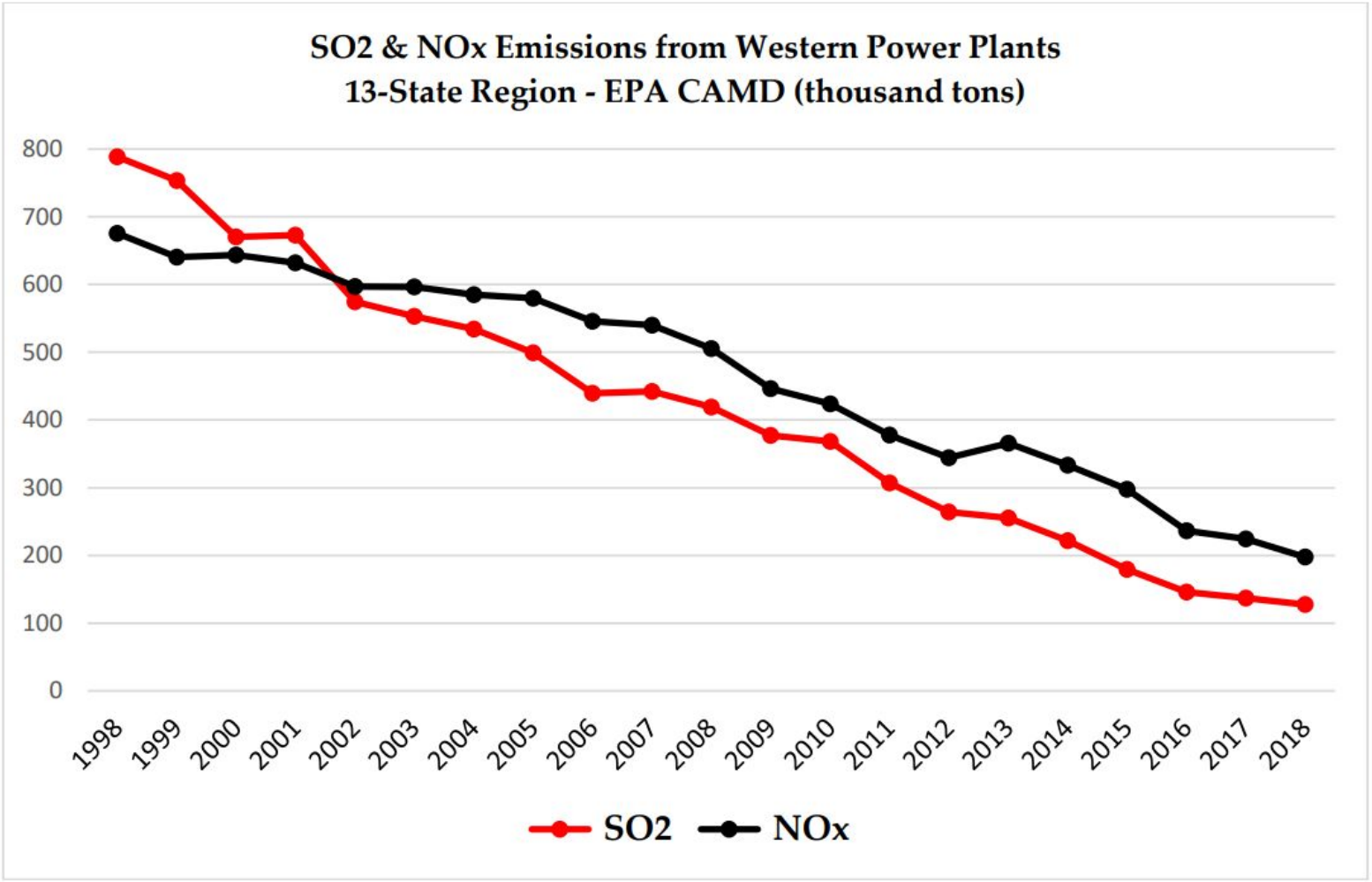
1st Implementation Period: Controls chosen for EGUs affecting CIAs using 5-factor analyses including visibility impact. This SIP was "FIPed" by EPA during the Obama administration

2019

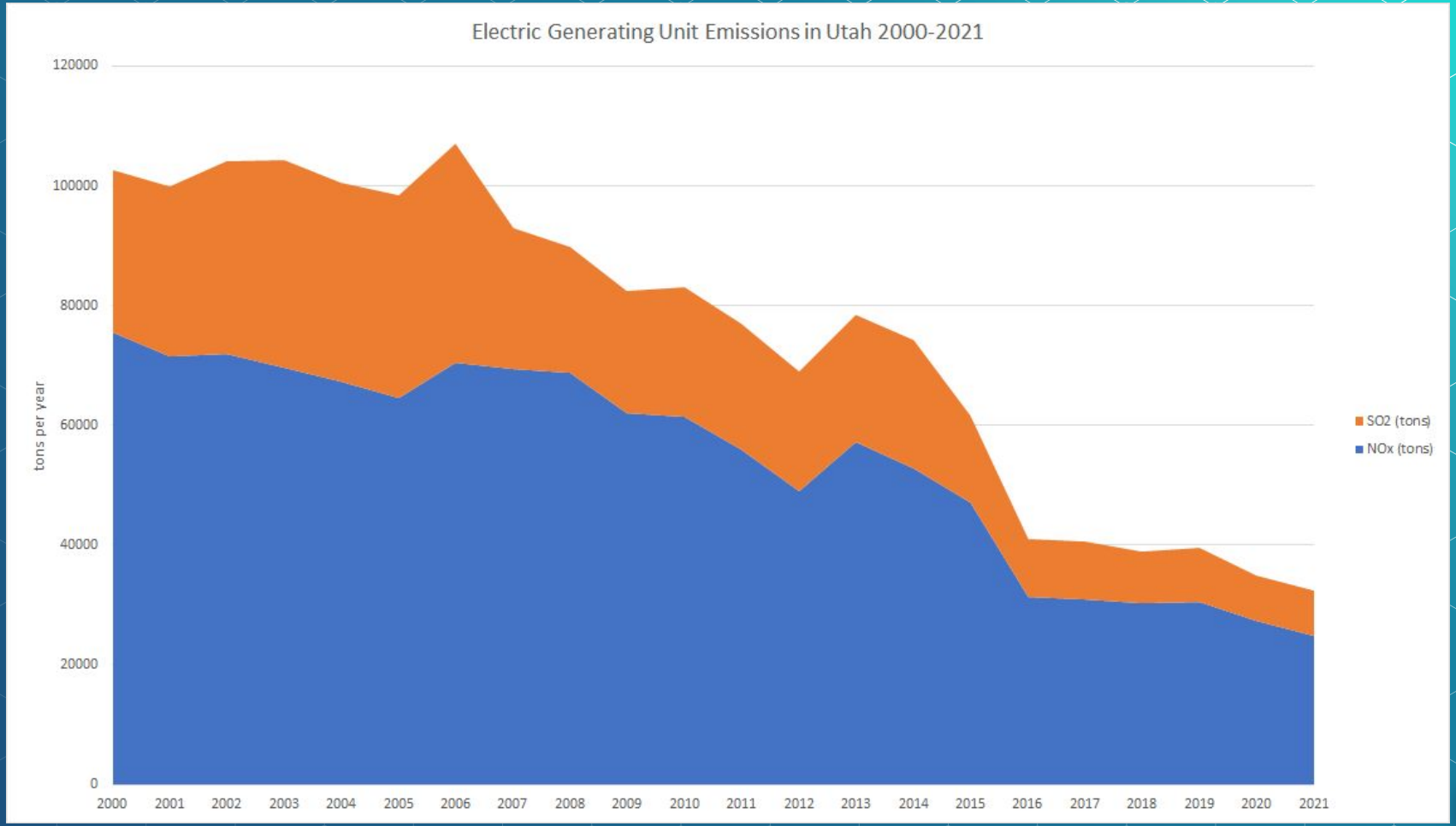
SIP revision defending the 2015 "Better-than-BART" decision, Trump administration removed FIP

2021

2nd Implementation Period: using a 4-factor analysis to determine controls. 2015 SIP has ongoing litigation while the Biden administration re-reviews it



Source: CNEE for WESTAR-WRAP



Source: EPA Clean Air Markets AMPD

3

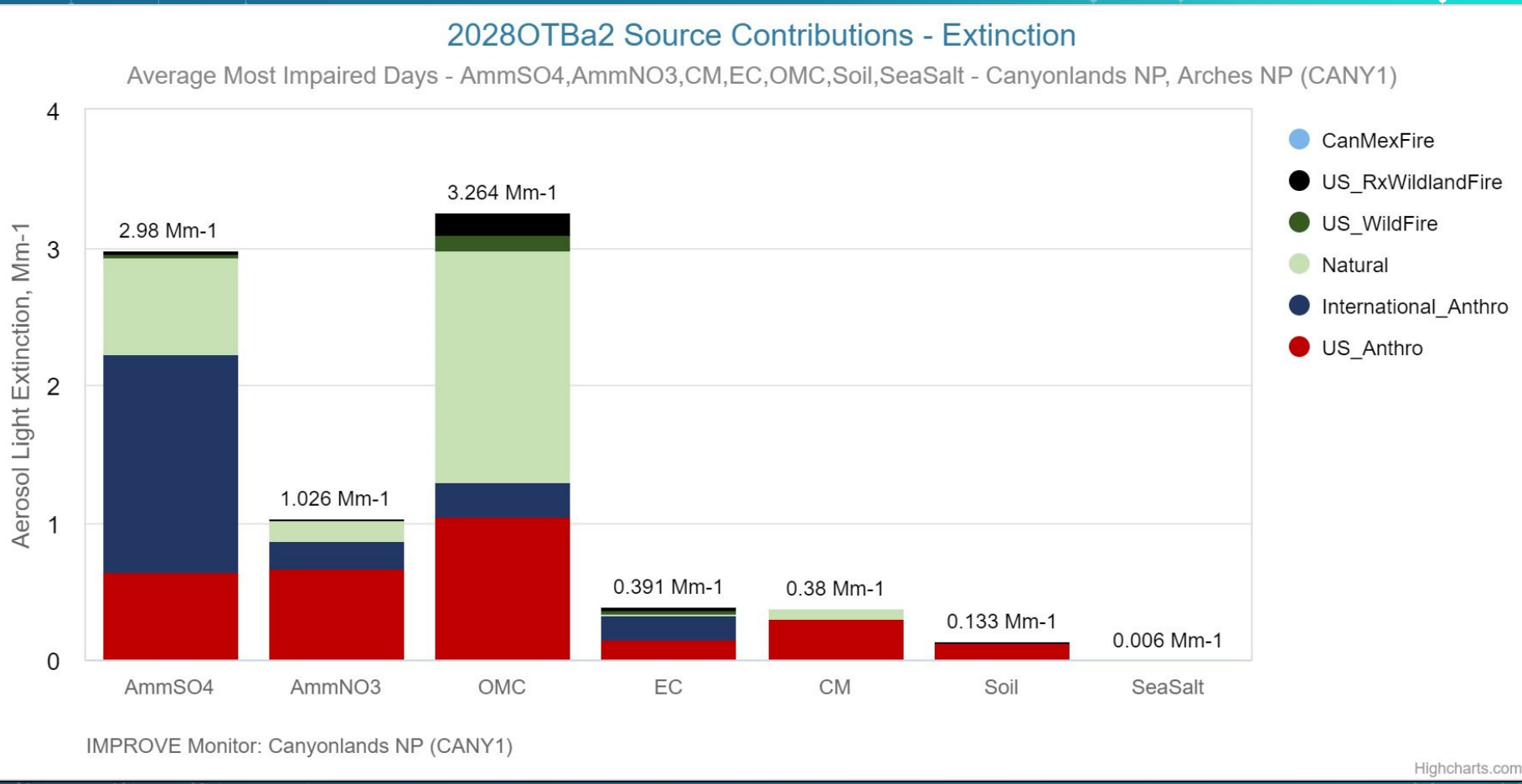
2nd Implementation Period

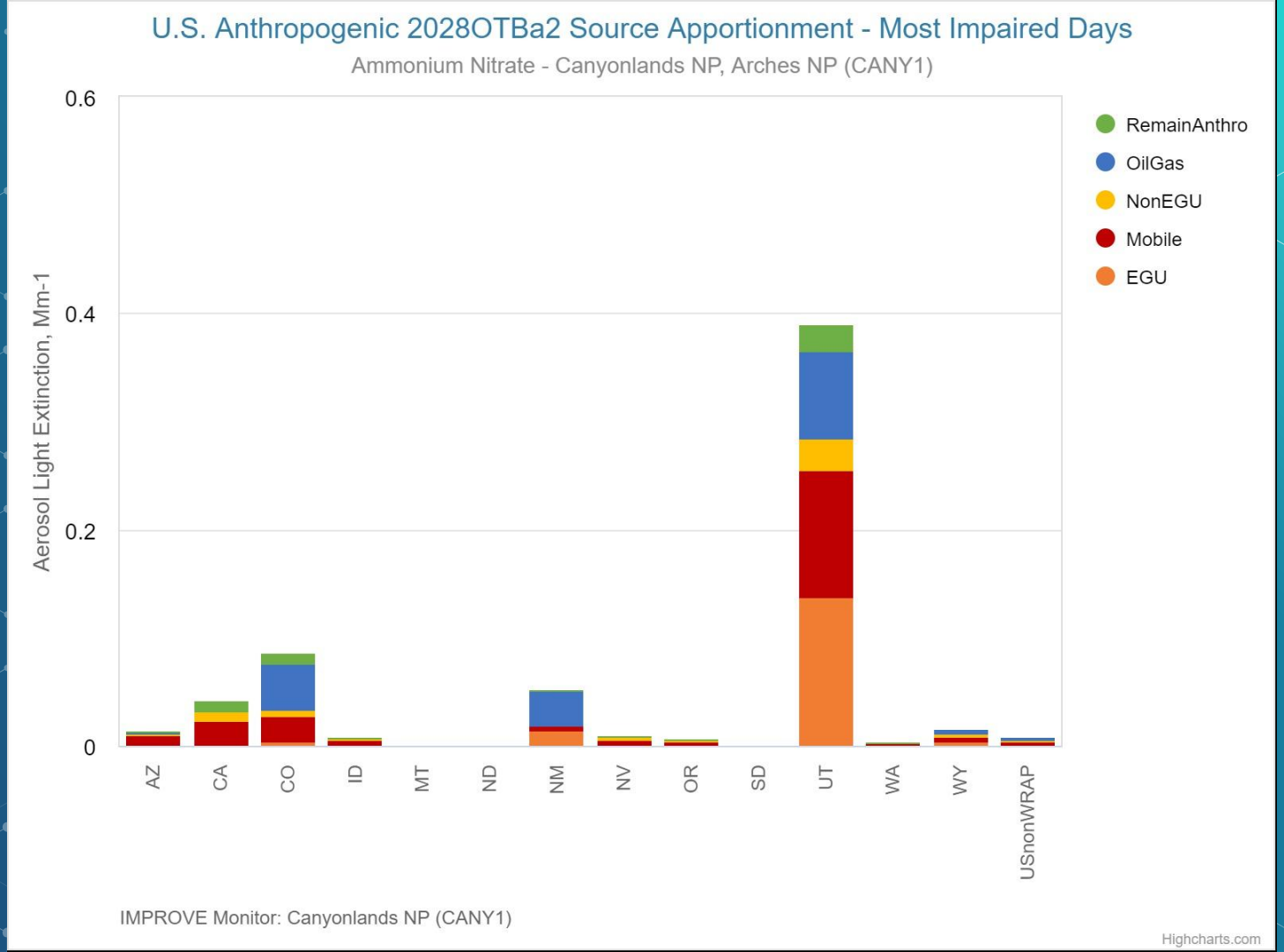
Goals and Focus

Second Implementation Period Goals

- Scope: 2018-2028
- Protect visibility in our Class I Areas
- Implement controls necessary for reasonable progress

Focus: U.S. Anthropogenic sources


2028OTBa2 Source Contributions - Extinction
Average Most Impaired Days - AmmSO4,AmmNO3,CM,EC,OMC,Soil,SeaSalt - Canyonlands NP, Arches NP (CANY1)
Aerosol Light Extinction, Mm-1
4
3
2
1
0
2.98 Mm-1
1.026 Mm-1
3.264 Mm-1
0.391 Mm-1
0.38 Mm-1
0.133 Mm-1
0.006 Mm-1
AmmSO4
AmmNO3
OMC
EC
CM
Soil
SeaSalt
CanMexFire
US_RxWildlandFire
US_WildFire
Natural
International_Anthro
US_Anthro
IMPROVE Monitor: Canyonlands NP (CANY1)
Highcharts.com


U.S. Anthropogenic 2028OTBa2 Source Apportionment - Most Impaired Days
Ammonium Nitrate - Canyonlands NP, Arches NP (CANY1)
Aerosol Light Extinction, Mm-1
0.6
0.4
0.2
0
RemainAnthro
OilGas
NonEGU
Mobile
EGU
AZ
CA
CO
ID
MT
ND
NM
NV
OR
SD
UT
WA
WY
USnonWRAP
IMPROVE Monitor: Canyonlands NP (CANY1)
Highcharts.com

4 Legal Authorities

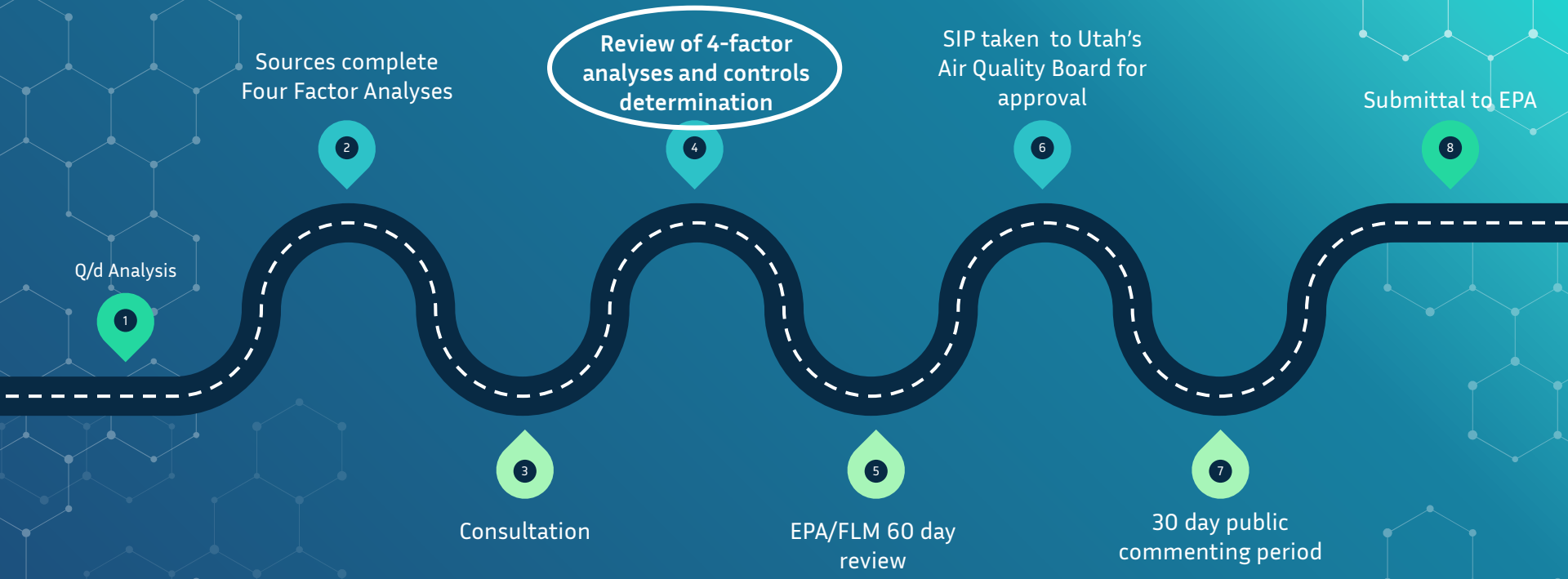
Statute and Regional Haze Rule

Four-Factor Analysis

Legal Authorities

- **Clean Air Act:** The statute requires consideration of the four factors.
- **Regional Haze Rule:** Requires consideration of the same four factors. Silent on the consideration of visibility impact.

Round 2 Roadmap



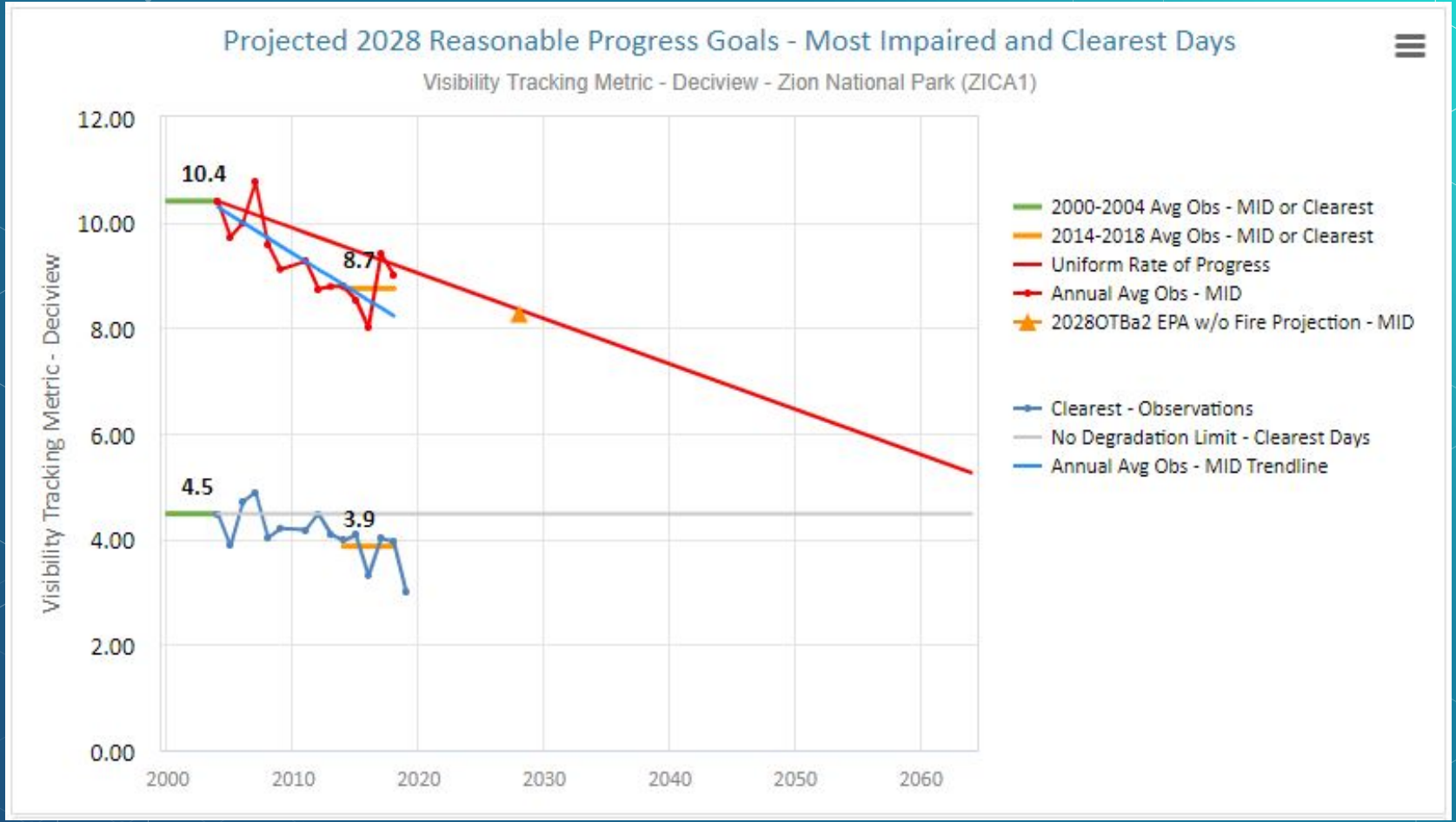
5 Glidepaths

Uniform Rate of Progres and Reasonable Progress Goals

Projected 2028 Reasonable Progress Goals - Most Impaired and Clearest Days
Visibility Tracking Metric - Deciview - Canyonlands National Park,Arches National Park (CANY1)
Visibility Tracking Metric - Deciview
12.00
10.00
8.00
6.00
4.00
2.00
0.00
2000
2010
2020
2030
2040
2050
2060
8.8
6.8
3.7
2.2
2000-2004 Avg Obs - MID
2014-2018 Avg Obs - MID
Uniform Rate of Progress
Annual Avg Obs - MID
2028OTBa2 EPA w/o Fire Projection - MID
Clearest - Observations
No Degradation Limit - Clearest Days
2028OTBa2 EPA w/o Fire Projection - Clearest
Annual Avg Obs - MID Trendline

Projected 2028 Reasonable Progress Goals - Most Impaired and Clearest Days
Visibility Tracking Metric - Deciview - Bryce Canyon National Park (BRCA1)
Visibility Tracking Metric - Deciview
10.00
8.00
6.00
4.00
2.00
0.00
2000
2010
2020
2030
2040
2050
2060
8.4
6.6
2.8
1.5
2000-2004 Avg Obs - MID or Clearest
2014-2018 Avg Obs - MID or Clearest
Uniform Rate of Progress
Annual Avg Obs - MID
2028OTBa2 EPA w/o Fire Projection - MID
Clearest - Observations
No Degradation Limit - Clearest Days
2028OTBa2 EPA w/o Fire Projection - Clearest
Annual Avg Obs - MID Trendline

Projected 2028 Reasonable Progress Goals - Most Impaired and Clearest Days
Visibility Tracking Metric - Deciview - Capitol Reef National Park (CAPI1)
Visibility Tracking Metric - Deciview
12.00
10.00
8.00
6.00
4.00
2.00
0.00
2000
2010
2020
2030
2040
2050
2060
8.8
7.2
4.1
2.4
2000-2004 Avg Obs - MID or Clearest
2014-2018 Avg Obs - MID or Clearest
Uniform Rate of Progress
Annual Avg Obs - MID
2028OTBa2 EPA w/o Fire Projection - MID
Clearest - Observations
No Degradation Limit - Clearest Days
2028OTBa2 EPA w/o Fire Projection - Clearest
Annual Avg Obs - MID Trendline


Projected 2028 Reasonable Progress Goals - Most Impaired and Clearest Days
Visibility Tracking Metric - Deciview - Zion National Park (ZICA1)
Visibility Tracking Metric - Deciview
12.00
10.00
8.00
6.00
4.00
2.00
0.00
2000
2010
2020
2030
2040
2050
2060
10.4
8.7
4.5
3.9
2000-2004 Avg Obs - MID or Clearest
2014-2018 Avg Obs - MID or Clearest
Uniform Rate of Progress
Annual Avg Obs - MID
2028OTBa2 EPA w/o Fire Projection - MID
Clearest - Observations
No Degradation Limit - Clearest Days
Annual Avg Obs - MID Trendline

Glidepath Considerations

- The Uniform Rate of Progress is not a “Safe Harbor”
- 2028OTBa2 projection is based off of recent actual emissions
  - Must maintain recent emissions in order to meet goals

5

Facility Selections

Q/d and WEP AOI Analysis

Q/d Results: Sources Initially Selected to Perform a Four-Factor Analysis

Facility	Combined Q/d	Total Q (TPY)	Distance to Nearest CIA (km)
PacifiCorp- Hunter Power Plant	216.1	16177.9	74.9
PacifiCorp- Huntington Power Plant	105.5	10106.2	95.8
Sunnyside Cogeneration - Sunnyside	15.2	1477.1	97.0
Graymont - Cricket Mountain Plant	9.0	1180.7	130.8
US Magnesium LLC- Rowley Plant	7.4	2124.2	288.7
Ash Grove - Leamington Cement Plant	6.9	930.5	134.0
Intermountain Power Service Corporation- Intermountain Generation Station*	193.6	28945.7	149.5
Kennecott Utah Copper - Mine & Copperton Concentrator*	22.1	5234.5	237.2
CCI Paradox Midstream, LLC: Lisbon Plant*	20.9	747.1	35.8
Kennecott Utah Copper - Power Plant Lab*	11.8	2949.7	250.4

** These facilities were ultimately excluded from four-factor analysis due to closure, modifications, or recent controls related to other programs (e.g., PM2.5 SIP)*

6 Control Costs

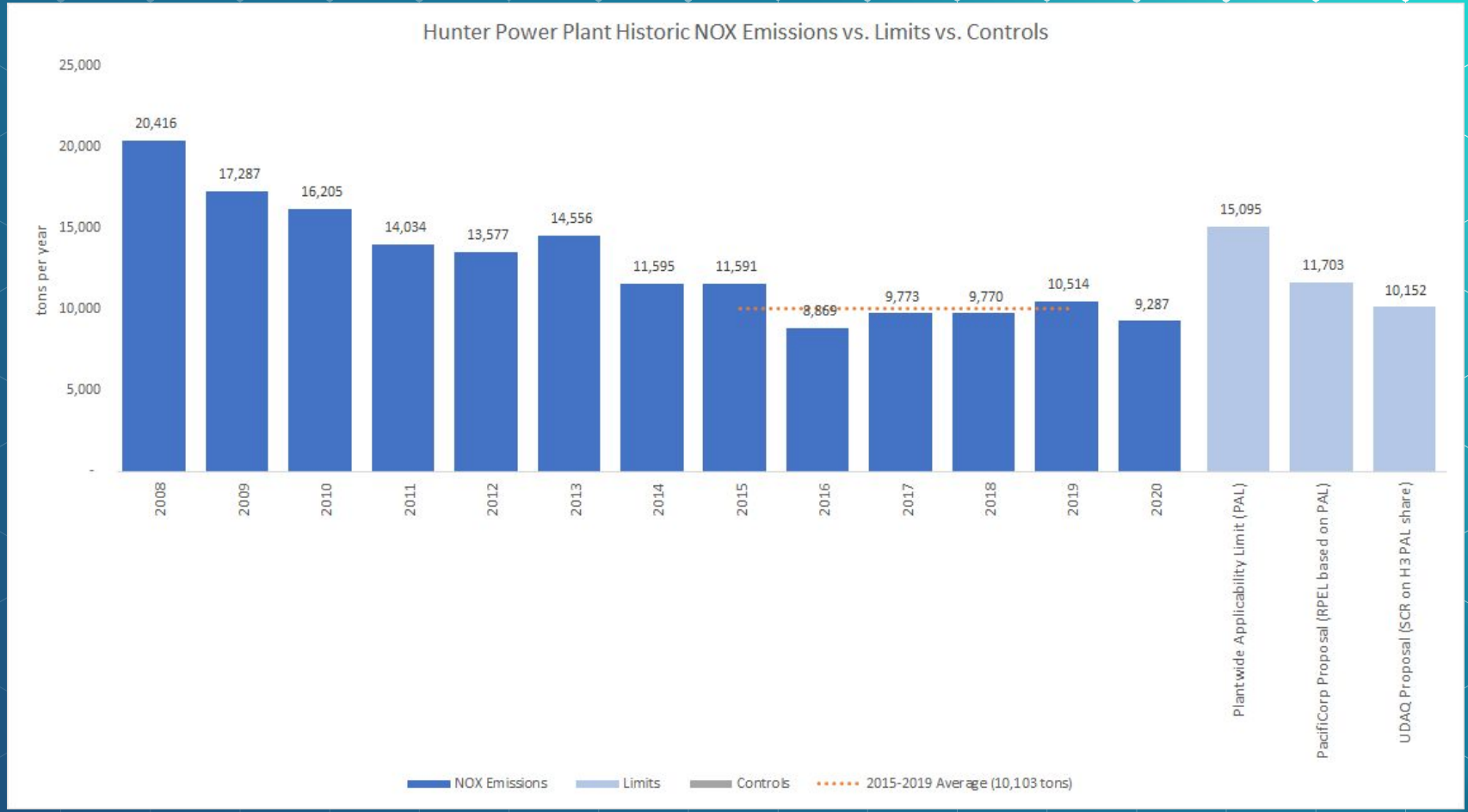
Control Feasibility and Threshold Justification

Control Cost Summary $/ton
SNCR
SCR
20,000
15,000
10,000
5,000
0
6,536
6,533
6,469
6,488
5,417
4,481
6,431
5,979
6,579
6,294
9,268
13,445
10,943
15,608
20,997
12,150
3,977
64,3000
H1
H2
H3
HNT1
HNT2
CFB
K1
K2
K3
K4
K5
Riley
PacifiCorp
Sunnyside
Graymont
US Mag

7

Control Options

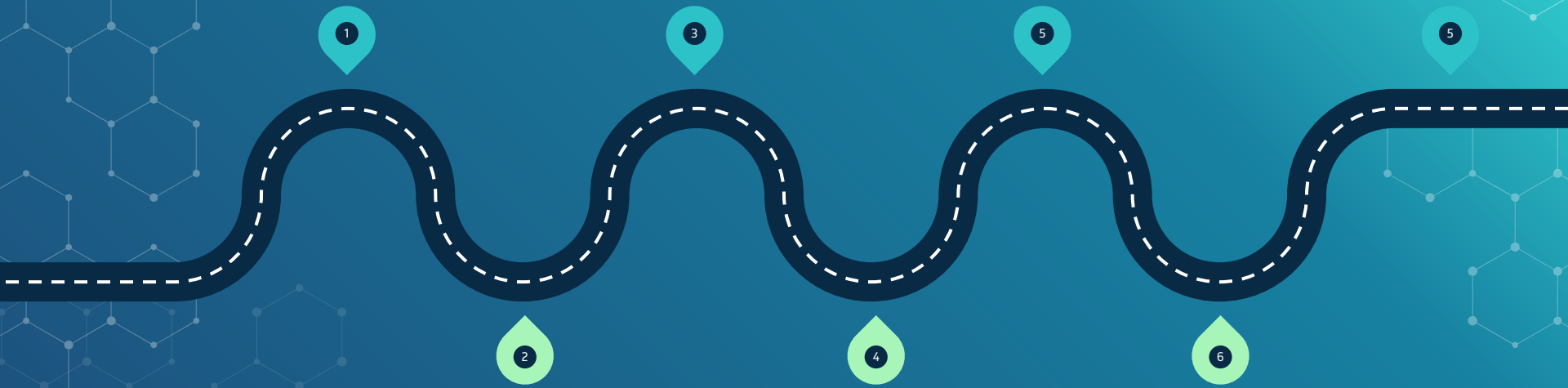
Emissions Limits


Hunter Power Plant Historic NOX Emissions vs. Limits vs. Controls
tons per year
25,000
20,000
15,000
10,000
5,000
-
20,416
17,287
16,205
14,034
13,577
14,556
11,595
11,591
8,869
9,773
9,770
10,514
9,287
15,095
11,703
10,152
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
Plantwide Applicability Limit (PAL)
PacifiCorp Proposal (RPEL based on PAL)
UDAQ Proposal (SCR on H3 PAL share)
NOX Emissions
Limits
Controls
2015-2019 Average (10,103 tons)

UDAQ Approach

- Lower PALs
  - Reflect SCR reductions off of Hunter 3 share of Hunter
  - Similar reductions on Huntington
  - Ensures PacifiCorp maintains recent emission levels

Updated Timeline Estimate



1. **End of November:** Give SIP to EPA/FLMs for 60 day review
2. **End of January:** Address EPA/FLM Comments
3. **March or April:** Take SIP to Air Quality Board for proposal for public comment
4. **1st of April or May:** 30 day public commenting period
5. **End of May or June:** Address Comments
6. **June or July:** Present to board again for final approval

5. **June or July:** Submit to EPA

Thank You!

ANY QUESTIONS?

Fugitive Dust Control Plans

UTAH DEPARTMENT *of*
ENVIRONMENTAL QUALITY
AIR
QUALITY

Fugitive Dust Control Plans

307-309-6. Fugitive Dust Control Plan.

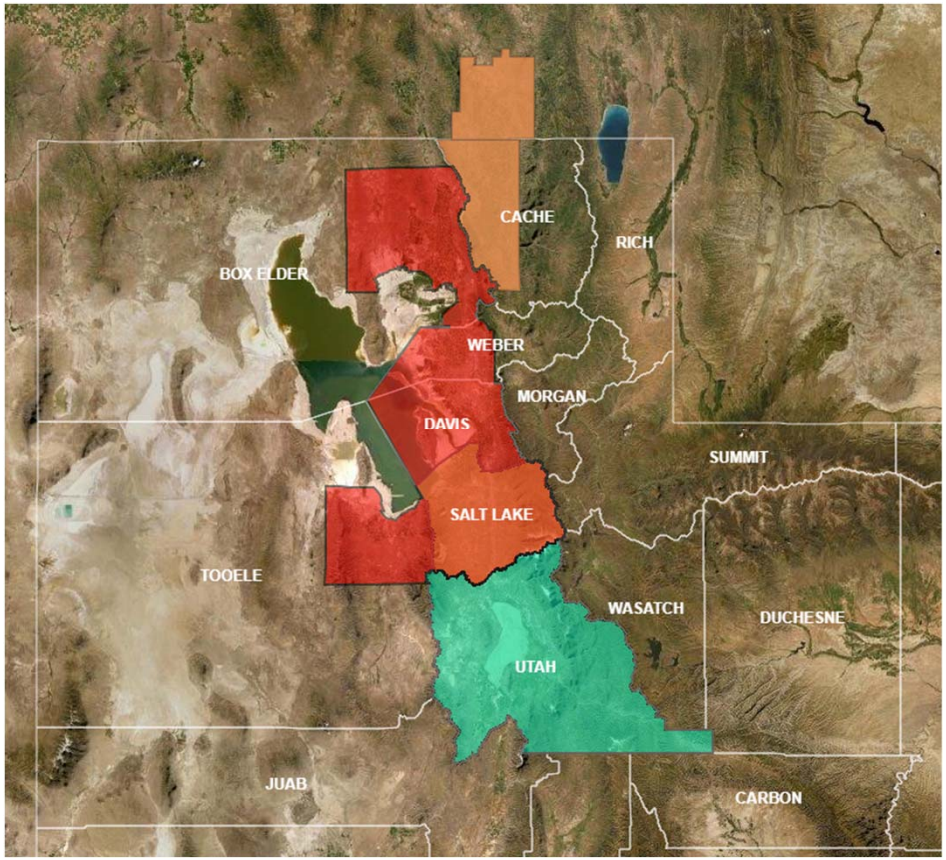
Applicability

A fugitive dust control plan is required for:

- All new or existing sources of fugitive dust that are both:
  - –¼ acre or greater
  - –Located in a PM10 or PM2.5 nonattainment or maintenance plan area

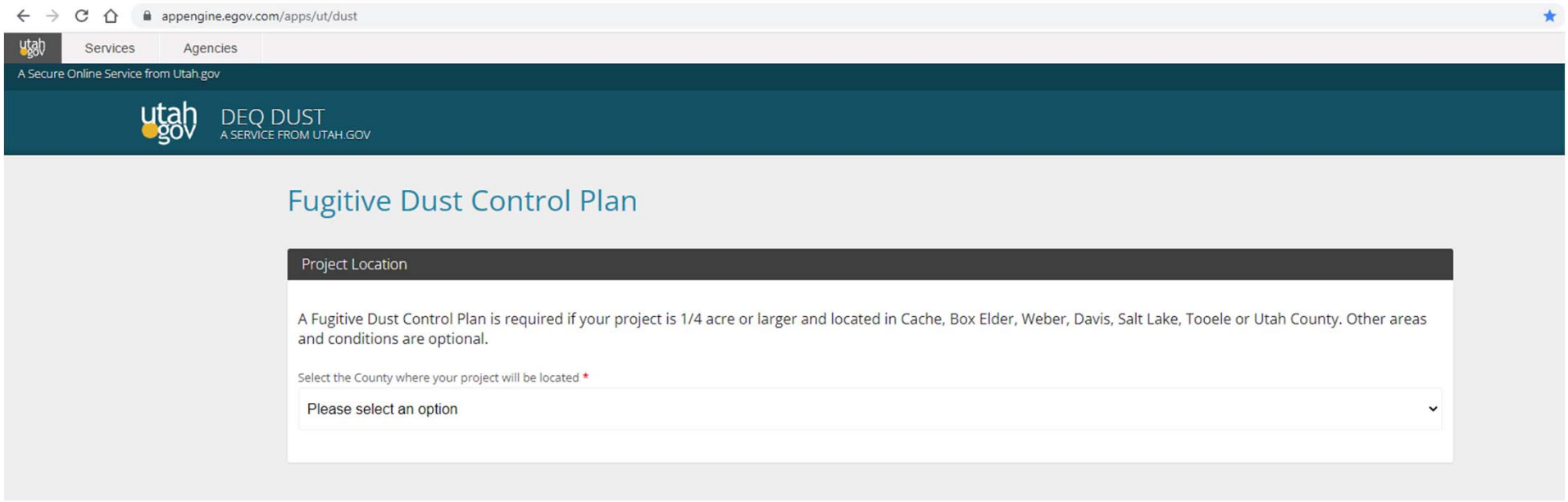
307-309-6. Fugitive Dust Control Plan.

PM10 and PM2.5 nonattainment or maintenance plan areas.



Non-attainment Area Locator Tool:
https://deq.utah.gov/division-air-quality

307-309-6. Fugitive Dust Control Plan.



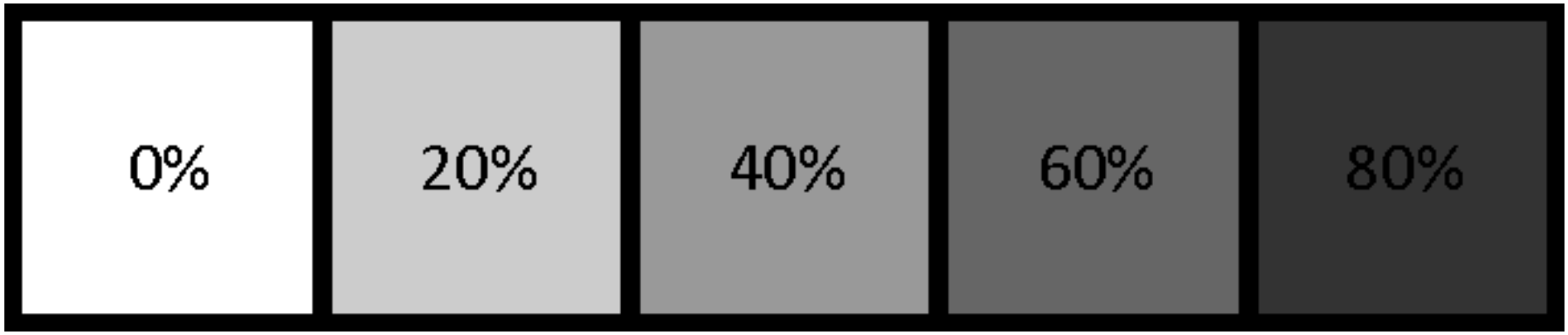
Plans can be filled out for free on the DAQ website at:

https://appengine.egov.com/apps/ut/dust

R307-309-5. General Requirements for Fugitive Dust.

Opacity caused by fugitive dust shall not exceed:

- 10% at the property boundary; and
- 20% on site.



Rule 312: Aggregate Processing Operations for PM2.5 Nonattainment Areas

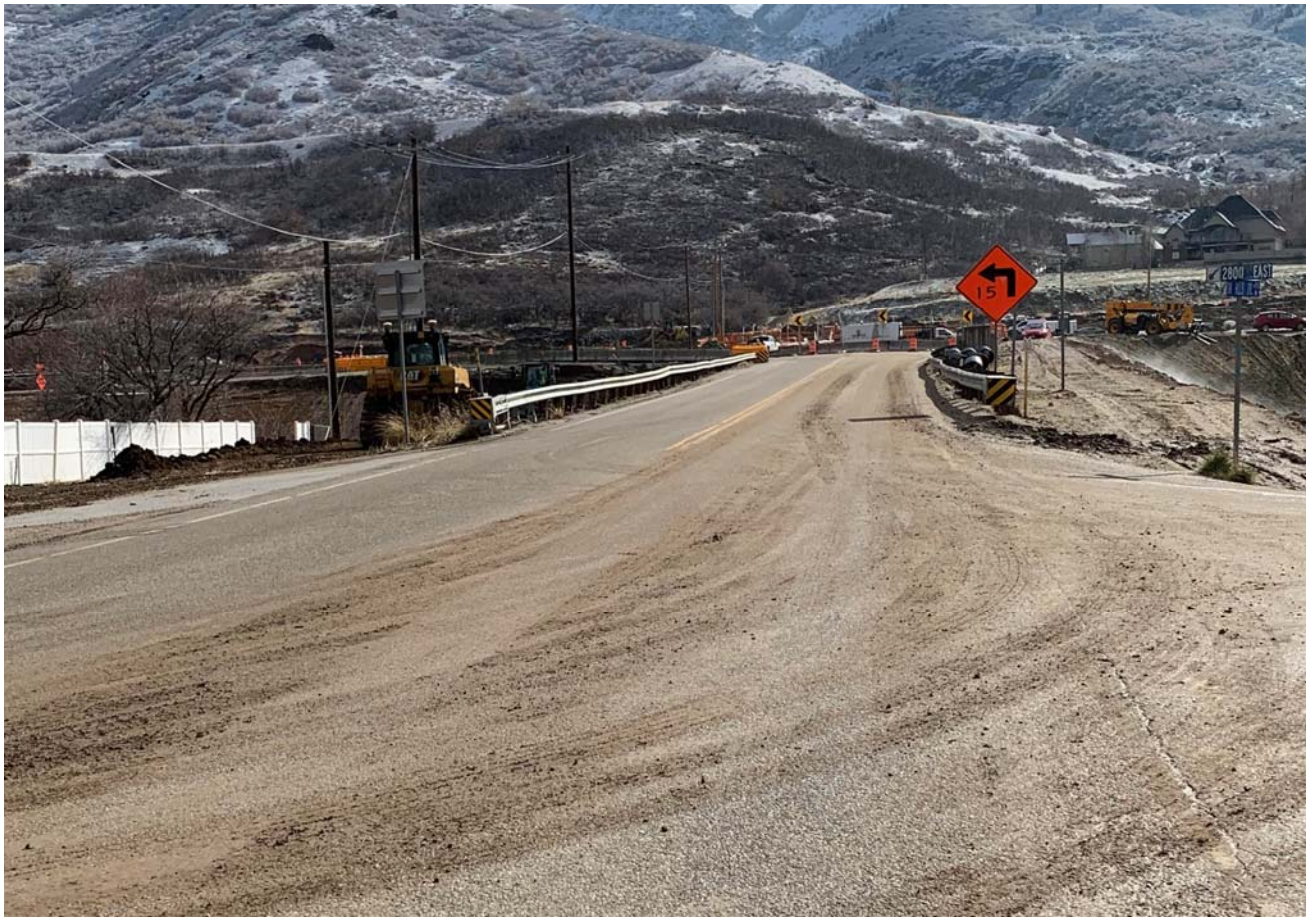
R307-312-5. Visible Emissions

Visible emissions from sources subject to R307-312 shall not exceed:

- 12% - Crushers
- 7% - Screens
- 7% - Conveyor transfer points
- 7% - Concrete batch plants

Track-out

Construction and aggregate mining activities are required to clean mud and dirt tracked out from the work site.



EPA Method 9 Certification

Visible Emission Observers

- Must attend an initial Opacity Training.
  - Classroom lecture
  - Field certification test

- Must renew certifications every six months.

Air Quality Compliance

How does DAQ utilize Fugitive Dust Control Plans?

A fugitive dust control plan is used for:

- Contact info when responding to complaints from the community.
- Education for sources

Note:

The opacity standards apply regardless of what is in the plan.

Common complaints

The majority of complaints received by the DAQ are from construction projects and aggregate pits

Common issues

Dust accumulating overnight or throughout the day on property

There are no state rules for dust accumulations.

Common issues

Sun angle

-Citizens seeing dust with the sun behind it

Common issues

Sun angle

-Citizens seeing dust with the sun behind it

Questions?

Air Toxics

State of Utah
SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQA-410-21

M E M O R A N D U M

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: September 13, 2021

SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – August 2021

Asbestos Demolition/Renovation NESHAP Inspections	20
Asbestos AHERA Inspections	17
Asbestos State Rules Only Inspections	0
Asbestos Notification Forms Accepted	135
Asbestos Telephone Calls	339
Asbestos Individuals Certifications Approved	37
Asbestos Company Certifications/Re-Certifications	0/6
Asbestos Alternate Work Practices Approved	6
Lead-Based Paint (LBP) Inspections	4
LBP Notification Forms Approved	1
LBP Telephone Calls	64
LBP Letters Prepared and Mailed	2
LBP Courses Reviewed/Approved	0
LBP Course Audits	0
LBP Individual Certifications Approved	7

LBP Firm Certifications	8
Notices of Violation Sent	0
Compliance Advisories Sent	4
Warning Letters Sent	1
Settlement Agreements Finalized	0
Penalties Agreed to:	0

State of Utah
SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQA-452-21

M E M O R A N D U M

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: October 13, 2021

SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – September 2021

Asbestos Demolition/Renovation NESHAP Inspections	18
Asbestos AHERA Inspections	17
Asbestos State Rules Only Inspections	1
Asbestos Notification Forms Accepted	113
Asbestos Telephone Calls	328
Asbestos Individuals Certifications Approved	112
Asbestos Company Certifications/Re-Certifications	0/5
Asbestos Alternate Work Practices Approved	1
Lead-Based Paint (LBP) Inspections	0
LBP Notification Forms Approved	1
LBP Telephone Calls	47
LBP Letters Prepared and Mailed	1
LBP Courses Reviewed/Approved	0
LBP Course Audits	2
LBP Individual Certifications Approved	12

LBP Firm Certifications	8
Notices of Violation Sent	0
Compliance Advisories Sent	9
Warning Letters Sent	5
Settlement Agreements Finalized	1
Penalties Agreed to:	
Ogden City Community and Economic Development / Brandon Cooper and Ogden City Office of City Attorney / James Tanner	$1,800.00

Compliance

State of Utah
SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQC-1224-21

M E M O R A N D U M

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: September 14, 2021

SUBJECT: Compliance Activities – August 2021

ACTIVITIES:

Activity	Monthly Total	36-Month Average
Inspections	53	53
On-Site Stack Test & CEM Audits	2	3
Stack Test & RATA Report Reviews	7	30
Emission Report Reviews	28	12
Temporary Relocation Request Reviews	7	7
Fugitive Dust Control Plan Reviews	139	148
Soil Remediation Report Reviews	0	3
Open Burn Permits Issued	0	184
Miscellaneous Inspections[1]	18	21
Complaints Received	11	14
Wood Burning Complaints Received	0	0
Breakdown Reports Received	1	1
Compliance Actions Resulting from a Breakdown	0	0
VOC Inspections	0	0
Warning Letters Issued	0	1
Notices of Violation Issued	0	0
Compliance Advisories Issued	9	5
No Further Action Letters Issued	8	2
Settlement Agreements Reached	6	2
Penalties Assessed	$9,285.00	$26,781.28

[1]Miscellaneous inspections include, e.g., surveillance, complaint, on-site training, dust patrol, smoke patrol, open burning, etc.

SETTLEMENT AGREEMENTS:

Party	Amount
EP Energy	$2,480.00
Ovintiv	$2,480.00
United Soil Science	$449.00
EP Energy	$2,480.00
R. Chapman Construction	$589.00
Kuhni & Sons	$807.00

UNRESOLVED NOTICES OF VIOLATION:

Party	Date Issued
US Magnesium	08/27/2015
US Magnesium	03/02/2018
Citation Oil & Gas (2)	01/08/2020
EP Energy	03/20/2020
Ovintiv Production	07/14/2020
Crescent Point/CH4 Finley	07/24/2020
Utah Valley University	05/21/2021

State of Utah
SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQC-1334-21

M E M O R A N D U M

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: October 21, 2021

SUBJECT: Compliance Activities – September 2021

ACTIVITIES:

Activity	Monthly Total	36-Month Average
Inspections	43	53
On-Site Stack Test & CEM Audits	4	3
Stack Test & RATA Report Reviews	50	30
Emission Report Reviews	3	13
Temporary Relocation Request Reviews	9	7
Fugitive Dust Control Plan Reviews	130	146
Soil Remediation Report Reviews	0	3
Open Burn Permits Issued	0	184
Miscellaneous Inspections[1]	24	21
Complaints Received	10	14
Wood Burning Complaints Received	0	0
Breakdown Reports Received	1	1
Compliance Actions Resulting from a Breakdown	0	0
VOC Inspections	0	0
Warning Letters Issued	1	1
Notices of Violation Issued	0	0
Compliance Advisories Issued	3	5
No Further Action Letters Issued	4	2
Settlement Agreements Reached	3	2
Penalties Assessed	$5,671.00	$26,918.62

[1]Miscellaneous inspections include, e.g., surveillance, complaint, on-site training, dust patrol, smoke patrol, open burning, etc.

SETTLEMENT AGREEMENTS:

Party	Amount
EP Energy	$2,480.00
EP Energy	$2,160.00
Ovintiv	$1,031.00

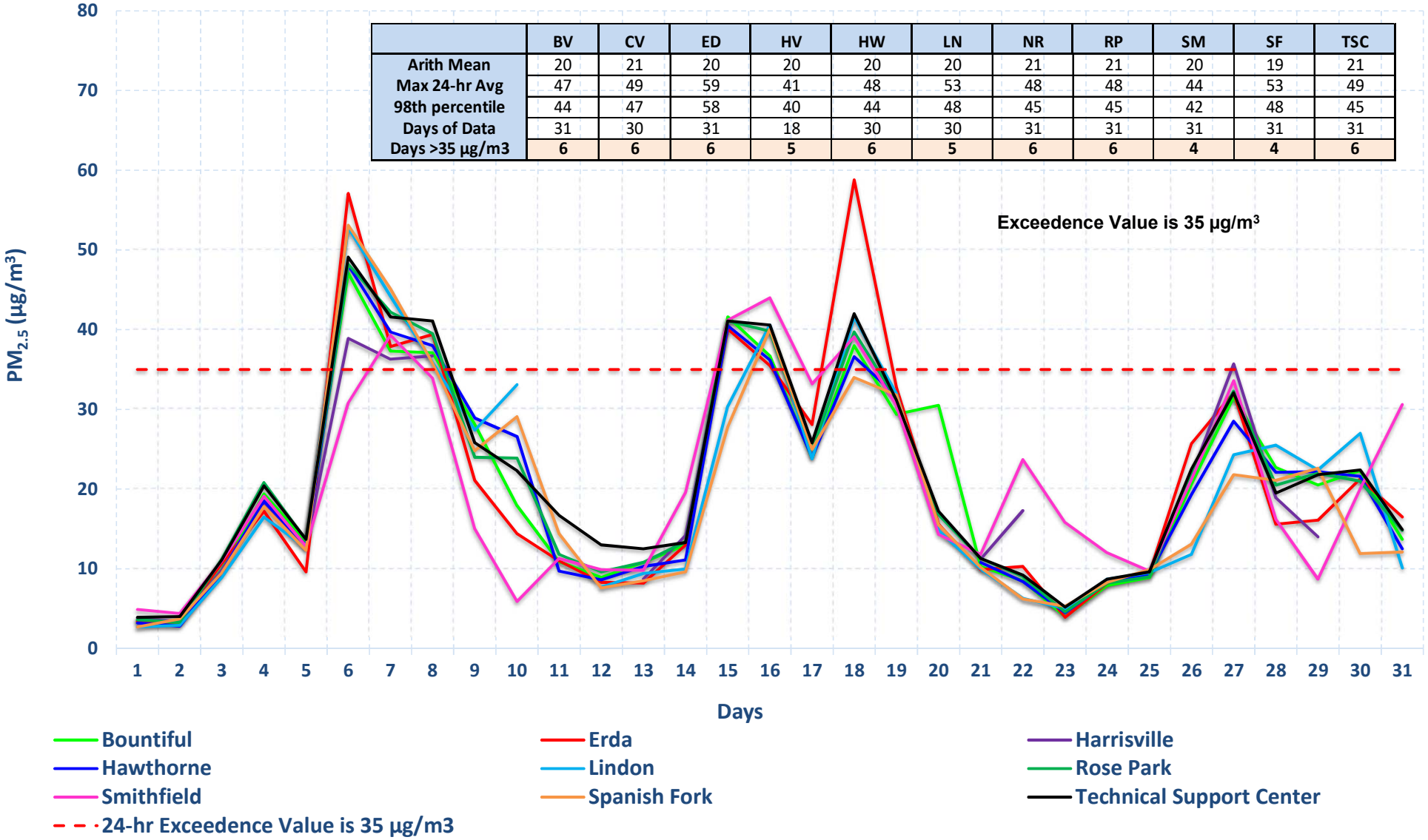
UNRESOLVED NOTICES OF VIOLATION:

Party	Date Issued
US Magnesium	08/27/2015
US Magnesium	03/02/2018
Citation Oil & Gas (2)	01/08/2020
EP Energy	03/20/2020
Ovintiv Production	07/14/2020
Crescent Point/CH4 Finley	07/24/2020
Utah Valley University	05/21/2021

Air Monitoring

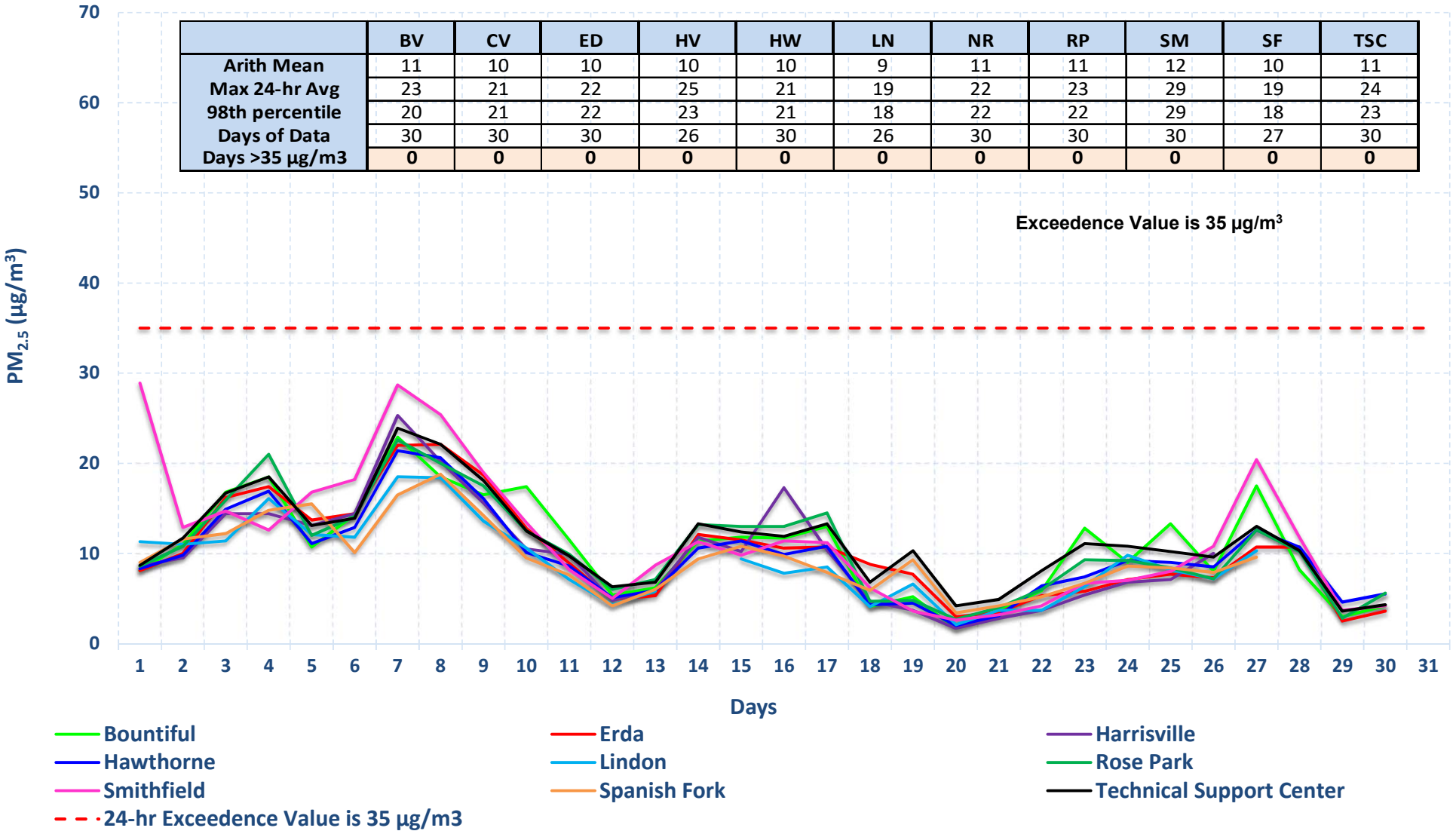
Utah 24-Hr $PM_{2.5}$ Data August 2021

	BV	CV	ED	HV	HW	LN	NR	RP	SM	SF	TSC
Arith Mean	20	21	20	20	20	20	21	21	20	19	21
Max 24-hr Avg	47	49	59	41	48	53	48	48	44	53	49
98th percentile	44	47	58	40	44	48	45	45	42	48	45
Days of Data	31	30	31	18	30	30	31	31	31	31	31
Days >35 µg/m3	6	6	6	5	6	5	6	6	4	4	6



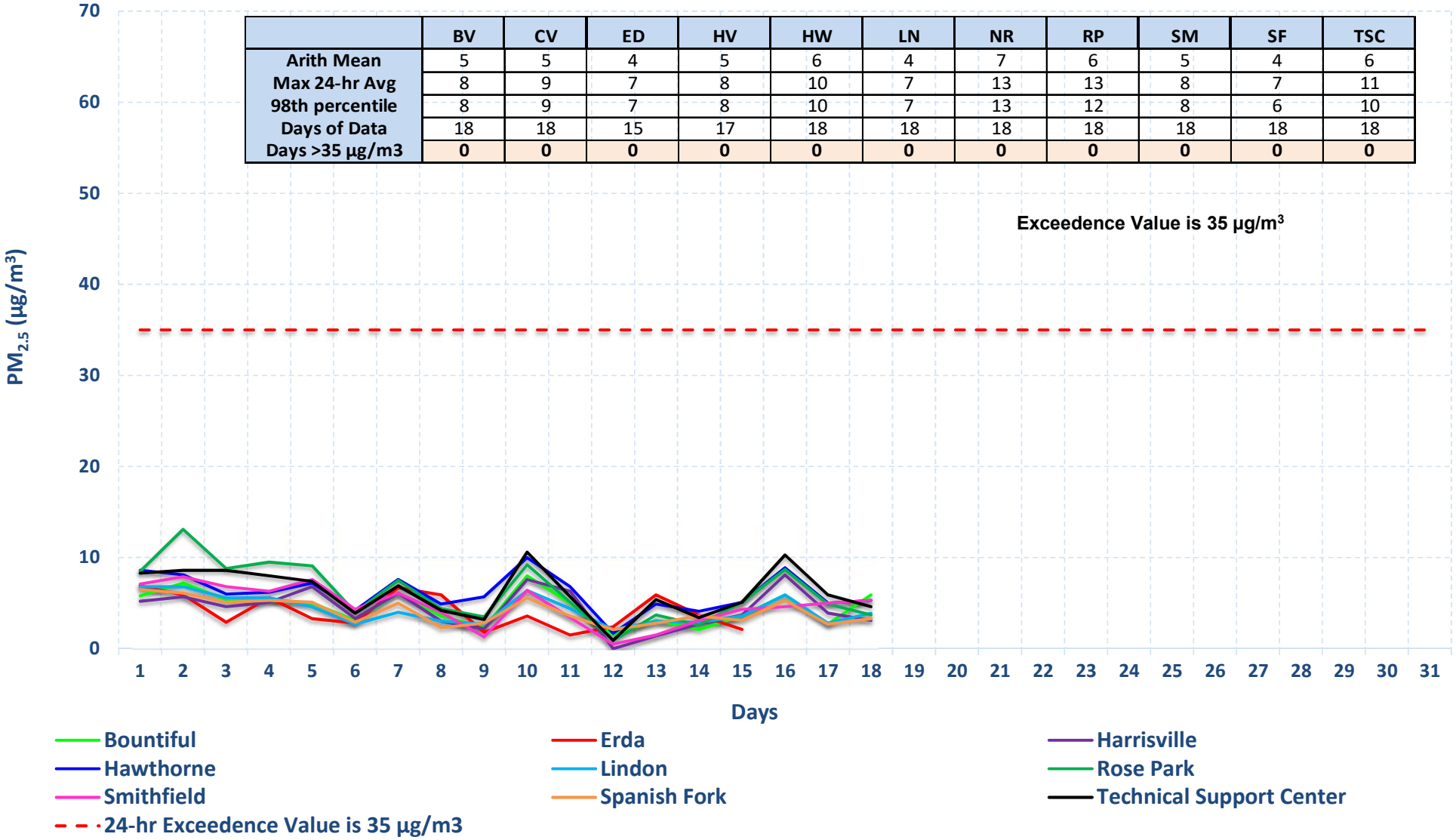
Utah 24-Hr $PM_{2.5}$ Data September 2021

	BV	CV	ED	HV	HW	LN	NR	RP	SM	SF	TSC
Arith Mean	11	10	10	10	10	9	11	11	12	10	11
Max 24-hr Avg	23	21	22	25	21	19	22	23	29	19	24
98th percentile	20	21	22	23	21	18	22	22	29	18	23
Days of Data	30	30	30	26	30	26	30	30	30	27	30
Days >35 µg/m3	0	0	0	0	0	0	0	0	0	0	0



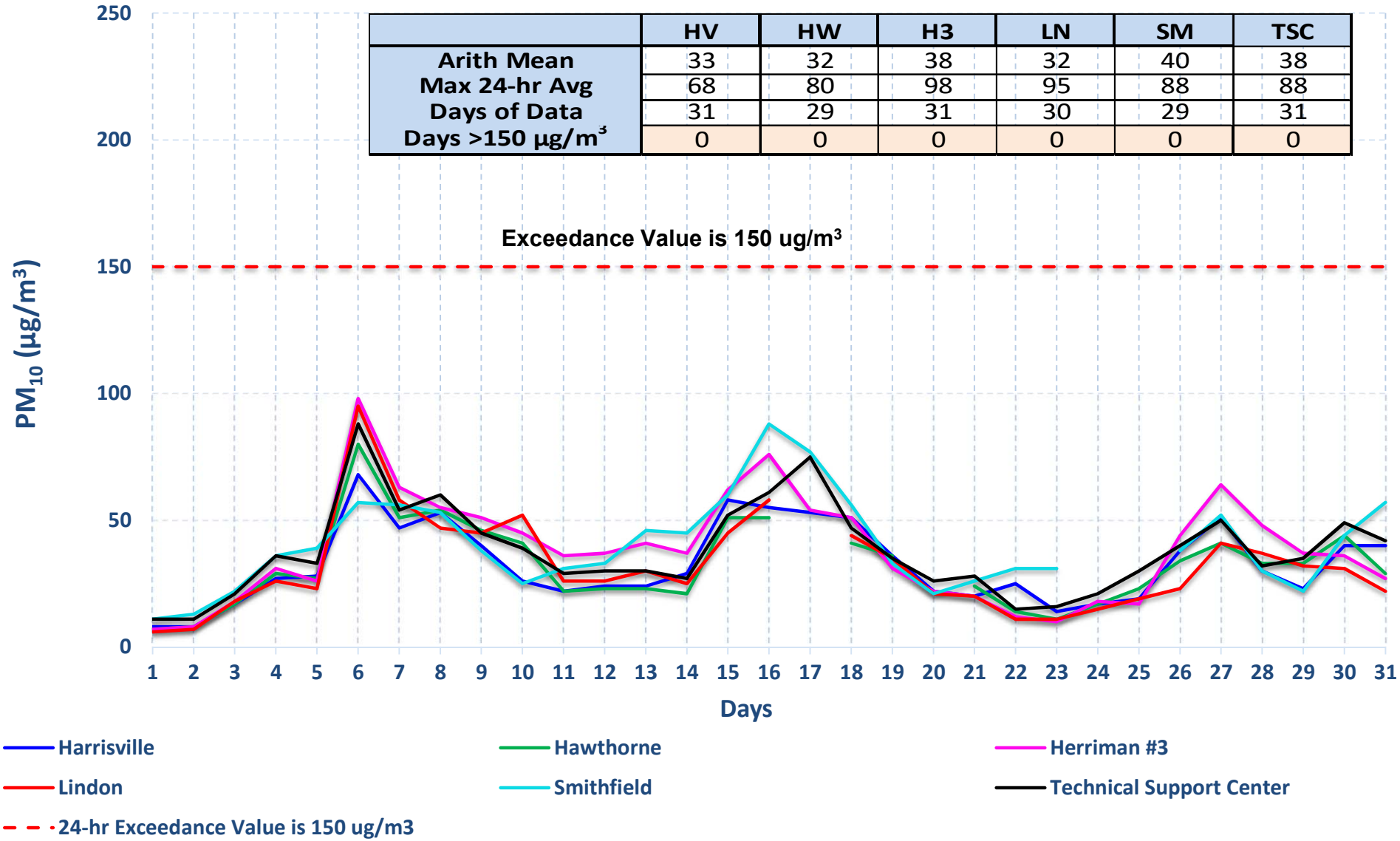
Utah 24-Hr $PM_{2.5}$ Data October 2021

	BV	CV	ED	HV	HW	LN	NR	RP	SM	SF	TSC
Arith Mean	5	5	4	5	6	4	7	6	5	4	6
Max 24-hr Avg	8	9	7	8	10	7	13	13	8	7	11
98th percentile	8	9	7	8	10	7	13	12	8	6	10
Days of Data	18	18	15	17	18	18	18	18	18	18	18
Days >35 µg/m3	0	0	0	0	0	0	0	0	0	0	0



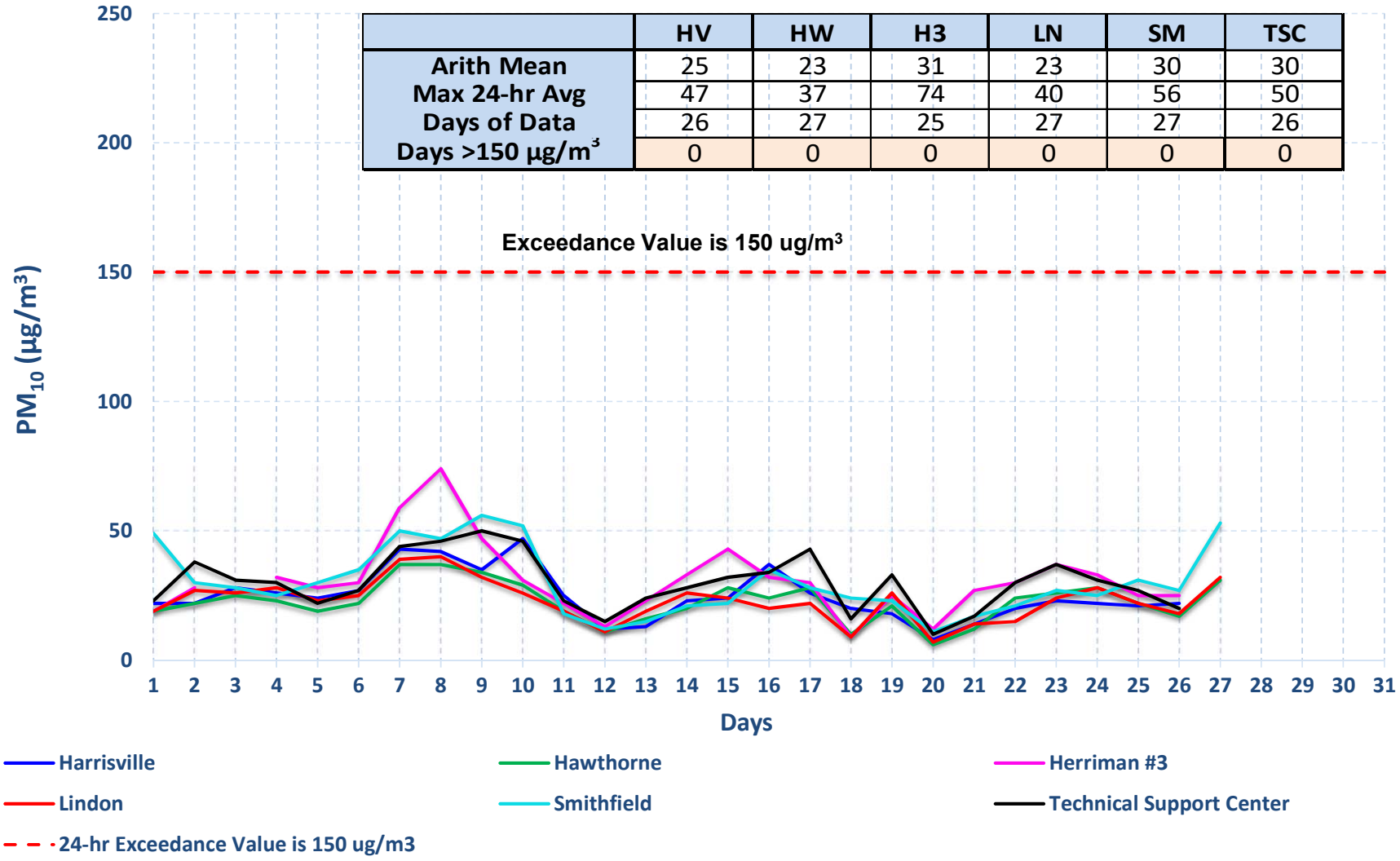
Utah 24-hr PM_{10} Data August 2021

	HV	HW	H3	LN	SM	TSC
Arith Mean	33	32	38	32	40	38
Max 24-hr Avg	68	80	98	95	88	88
Days of Data	31	29	31	30	29	31
Days >150 µg/m³	0	0	0	0	0	0



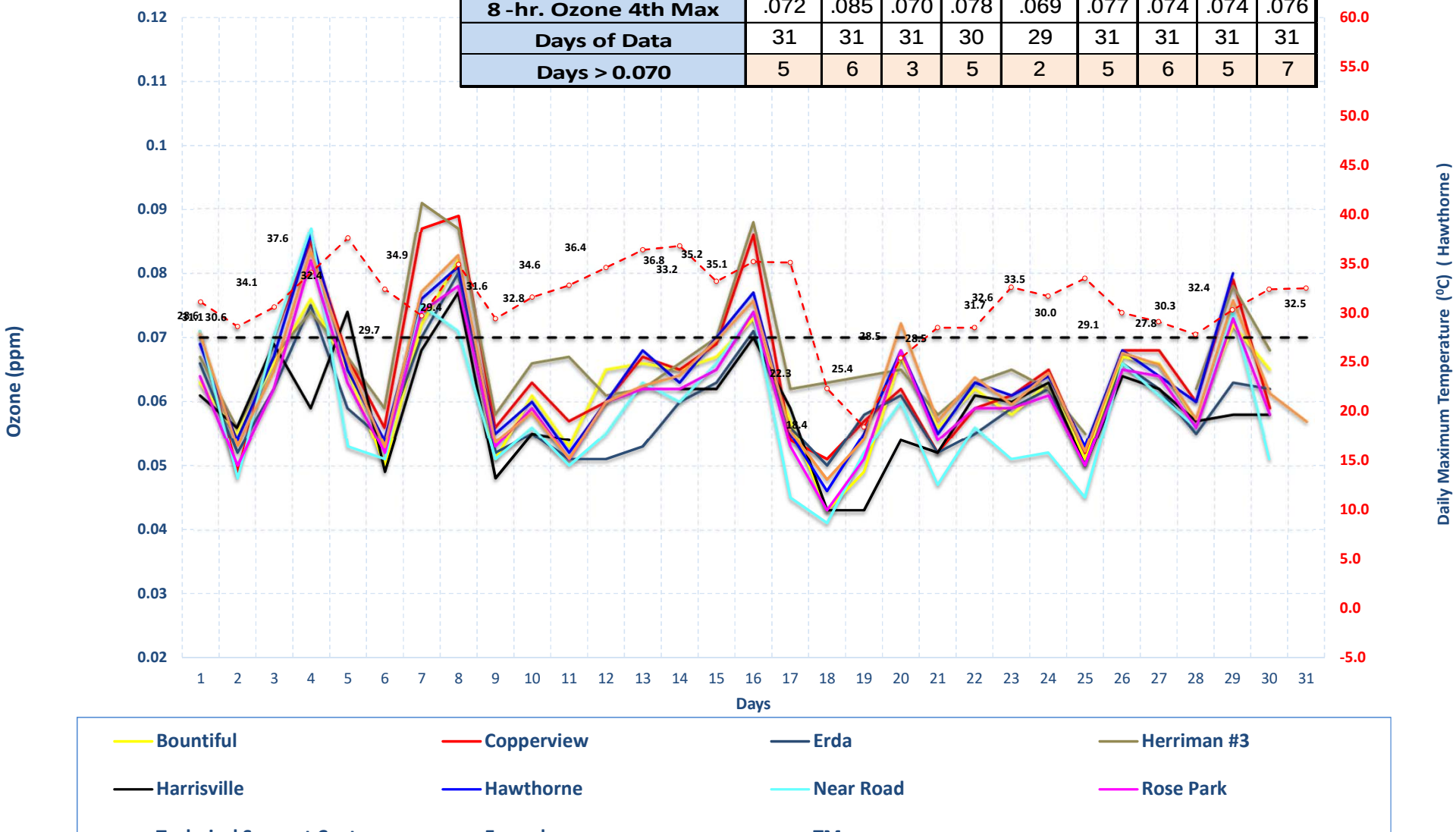
Utah 24-hr PM_{10} Data September 2021

	HV	HW	H3	LN	SM	TSC
Arith Mean	25	23	31	23	30	30
Max 24-hr Avg	47	37	74	40	56	50
Days of Data	26	27	25	27	27	26
Days >150 µg/m³	0	0	0	0	0	0



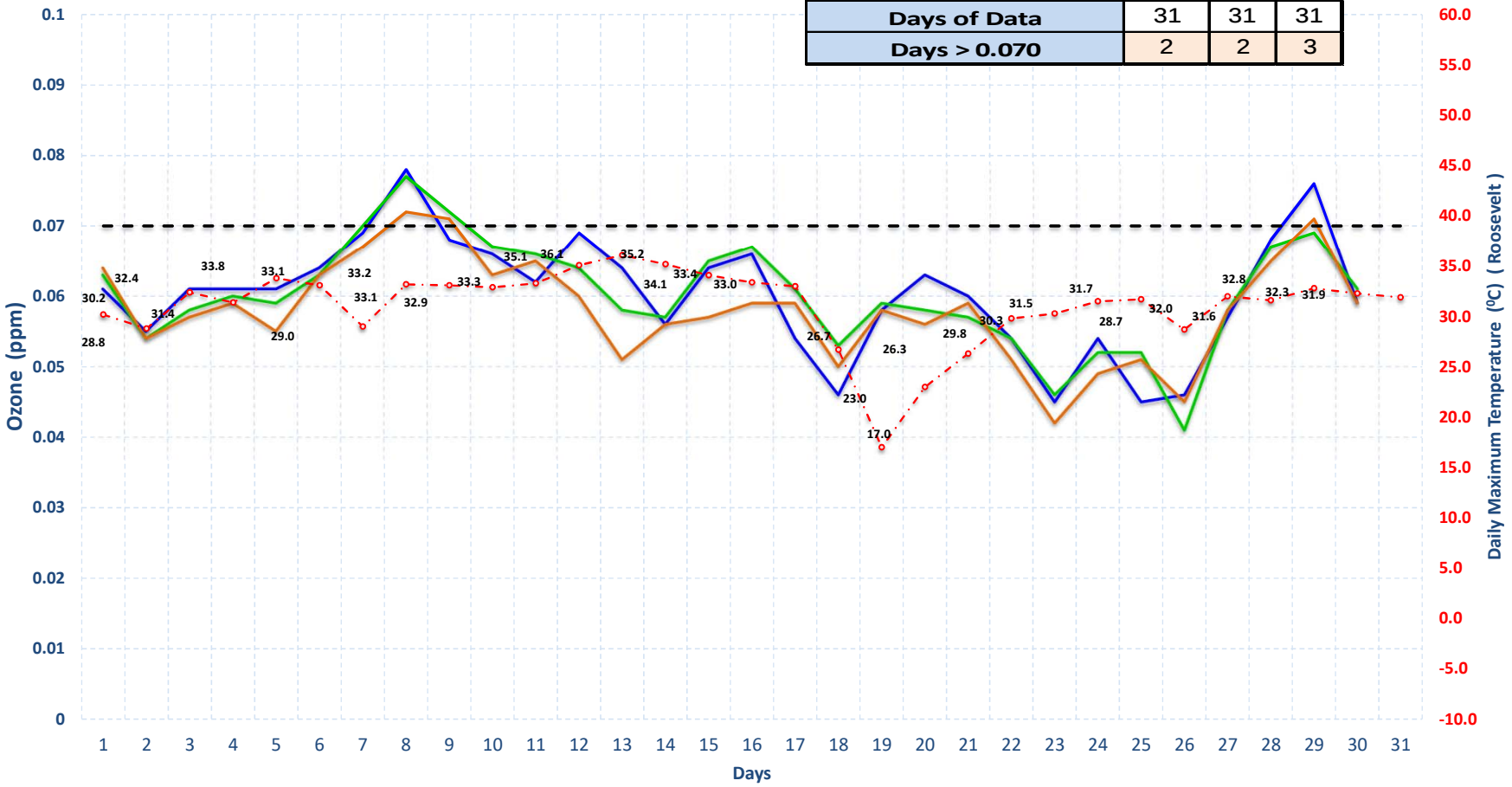
Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2021

	BV	CV	ED	H3	HV	HW	NR	RP	TSC
Arith Mean	.062	.065	.060	.066	.059	.064	.059	.061	.063
8 -hr. Ozone 4th Max	.072	.085	.070	.078	.069	.077	.074	.074	.076
Days of Data	31	31	31	30	29	31	31	31	31
Days > 0.070	5	6	3	5	2	5	6	5	7



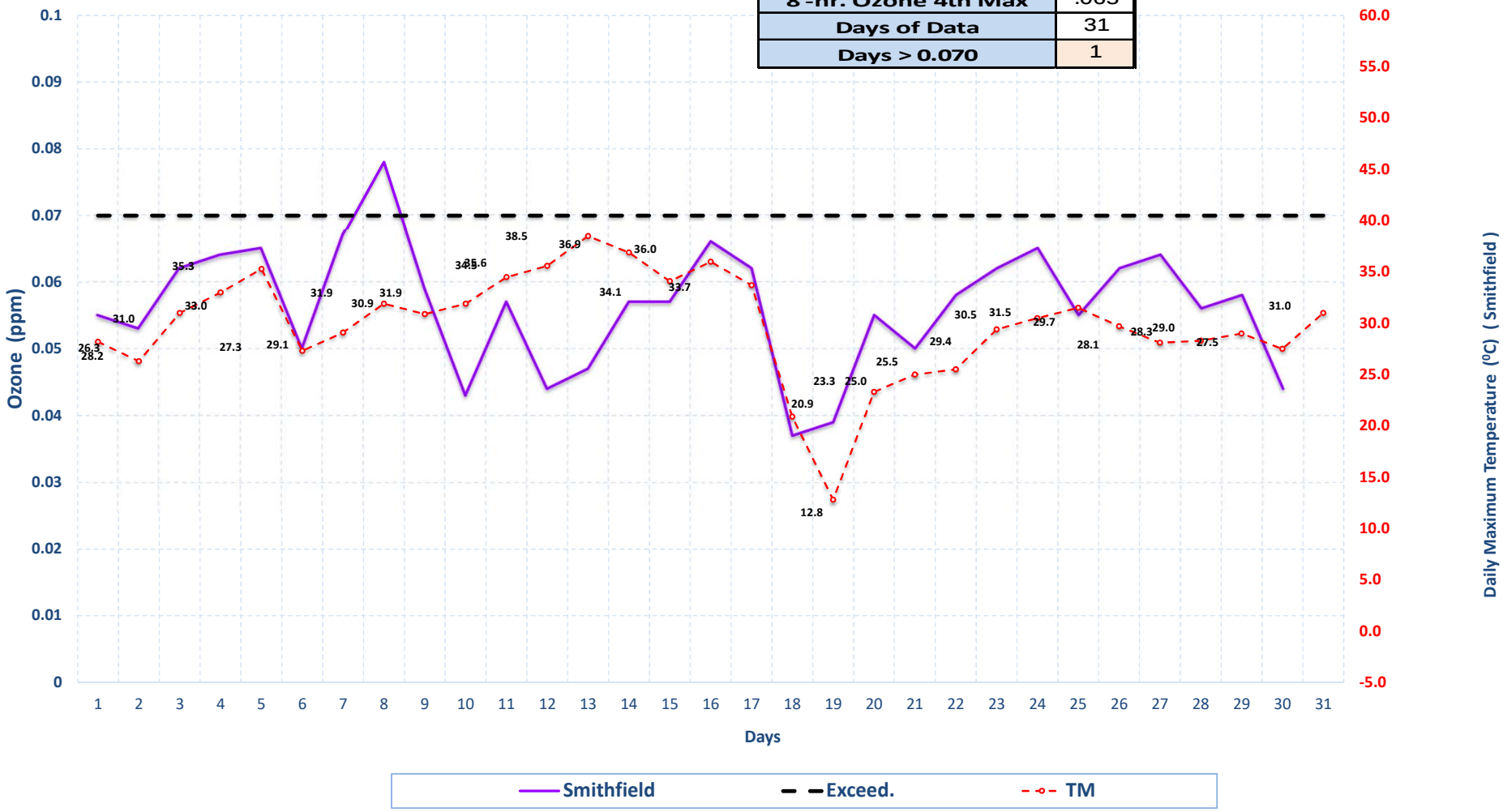
Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2021

	P2	RS	V4
Arith Mean	.060	.060	.058
8 -hr. Ozone 4th Max	.069	.069	.067
Days of Data	31	31	31
Days > 0.070	2	2	3



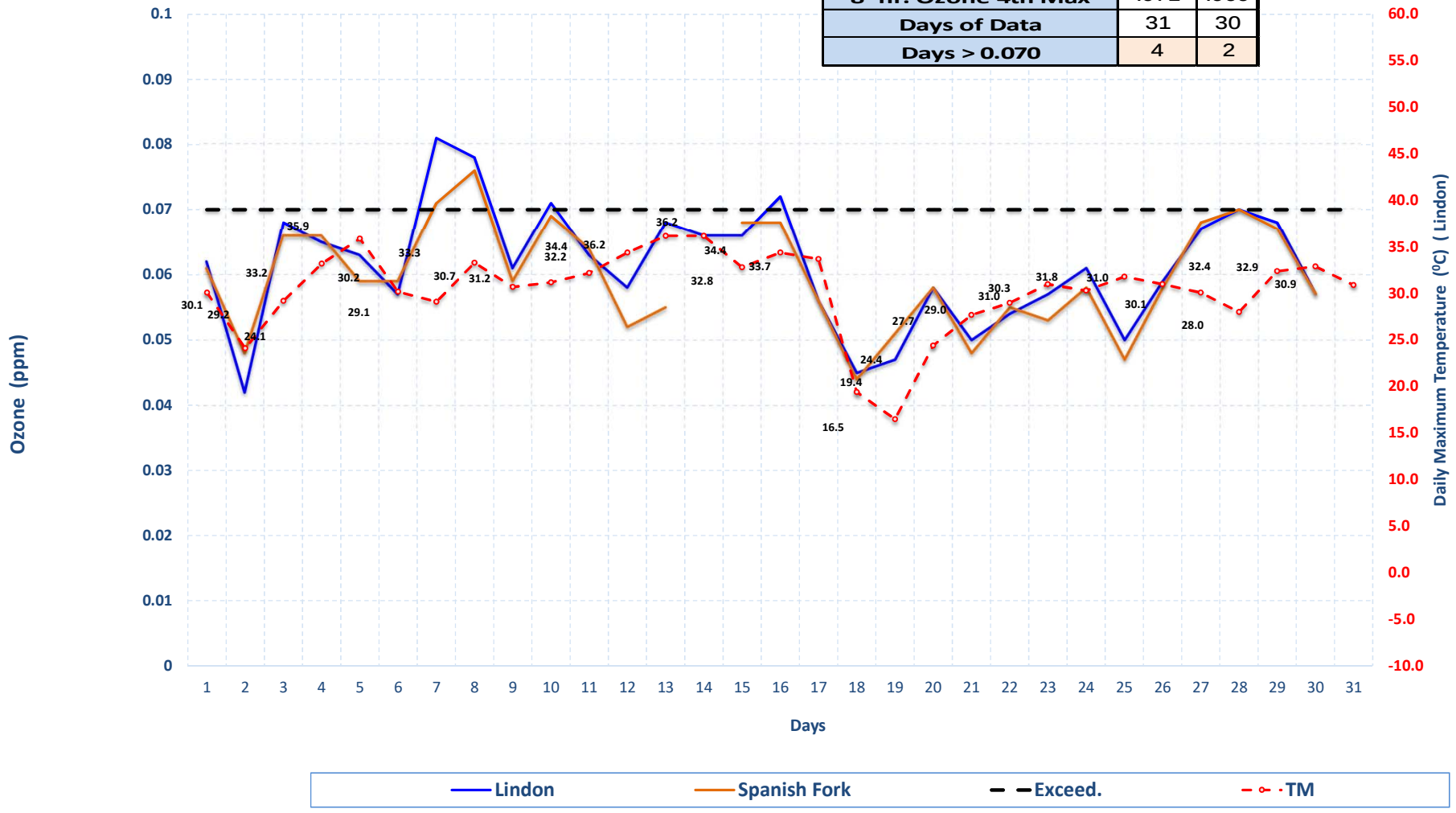
Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2021

	SM
Arith Mean	.056
8 -hr. Ozone 4th Max	.065
Days of Data	31
Days > 0.070	1



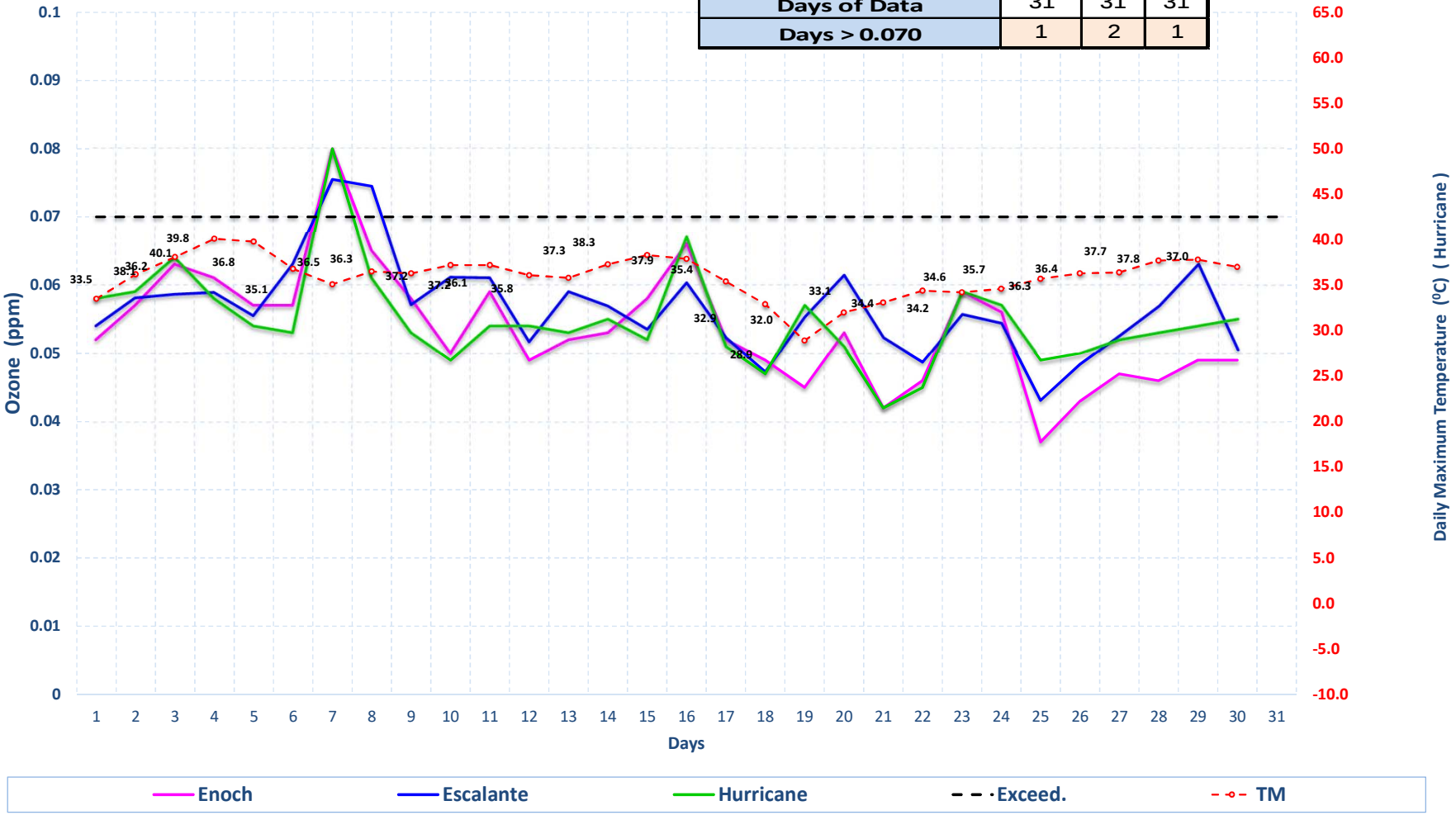
Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2021

	LN	SF
Arith Mean	.061	.060
8 -hr. Ozone 4th Max	.071	.069
Days of Data	31	30
Days > 0.070	4	2



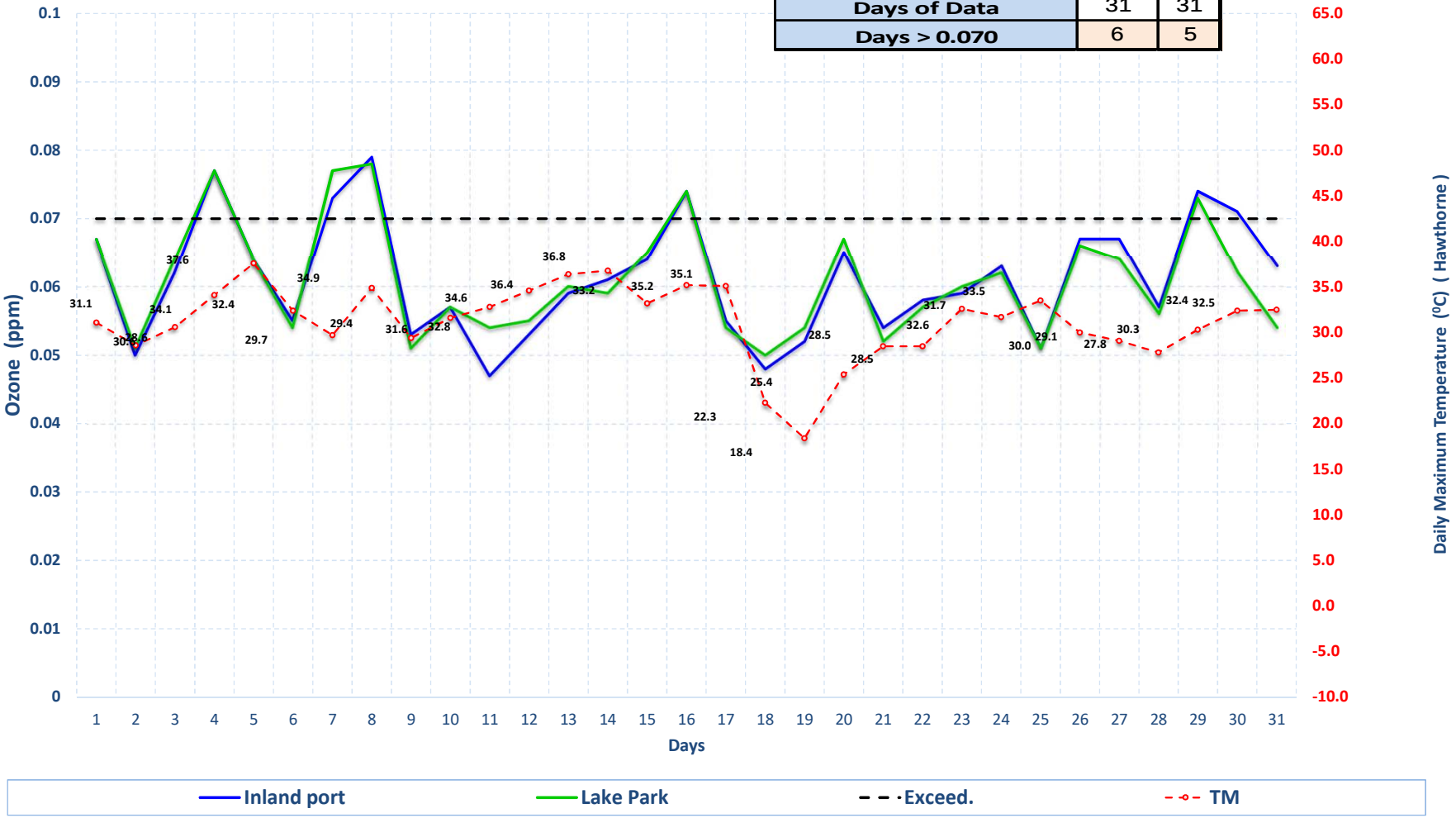
Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2021

	EN	ES	HC
Arith Mean	.054	.057	.055
8 -hr. Ozone 4th Max	.063	.063	.061
Days of Data	31	31	31
Days > 0.070	1	2	1



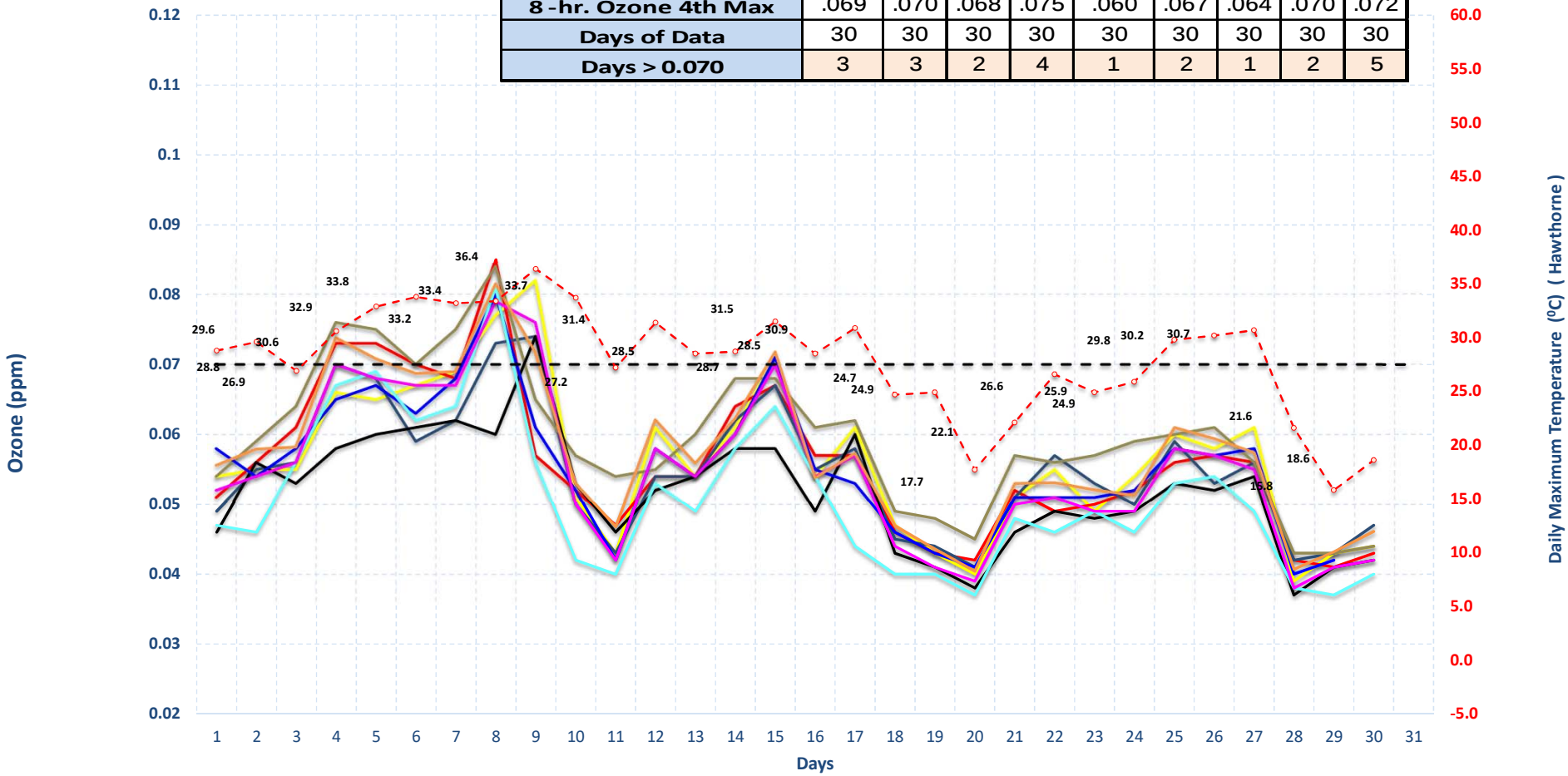
Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2021

	IP	LP
Arith Mean	.061	.061
8 -hr. Ozone 4th Max	.074	.074
Days of Data	31	31
Days > 0.070	6	5



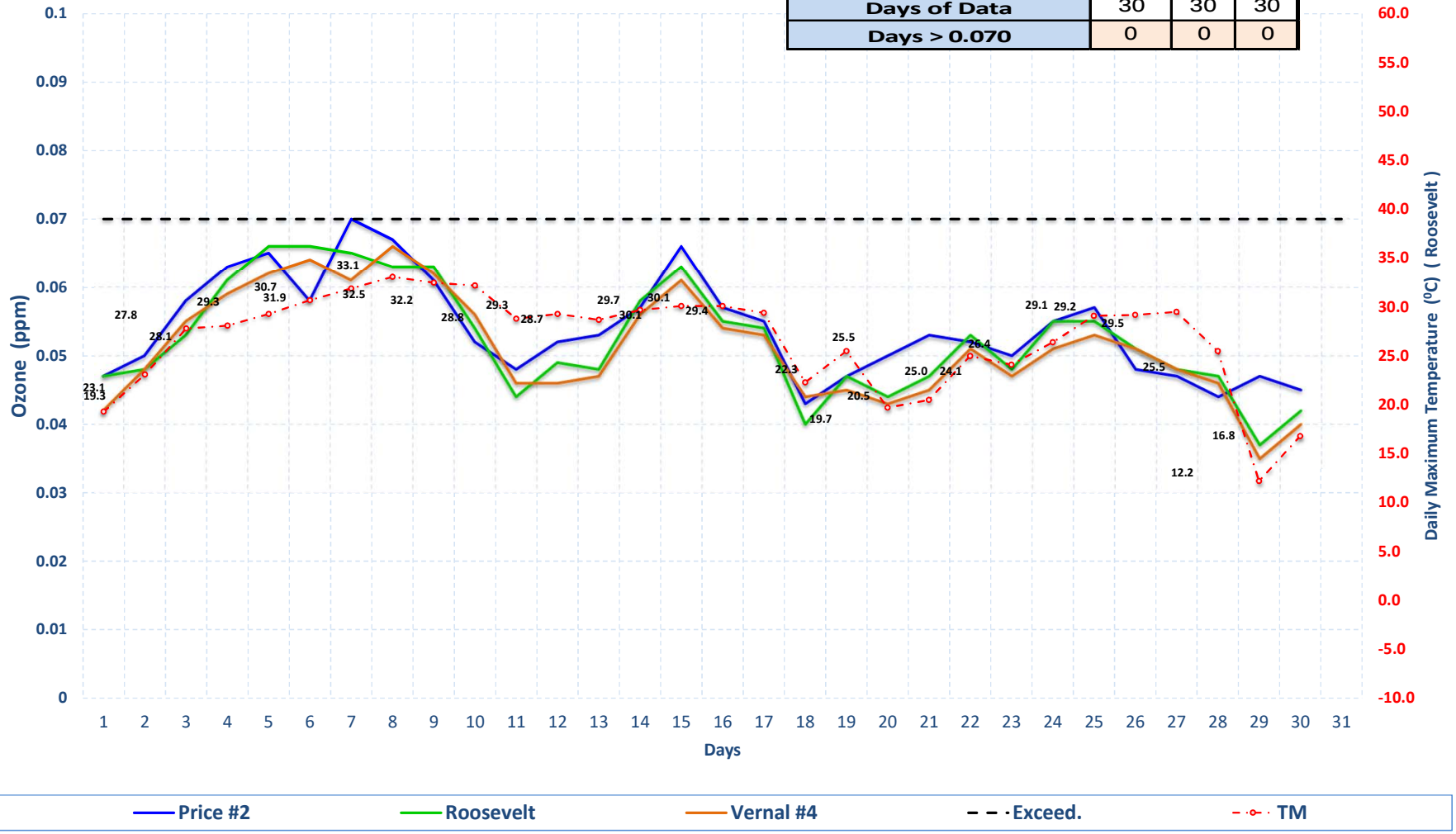
Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2021

	BV	CV	ED	H3	HV	HW	NR	RP	TSC
Arith Mean	.056	.056	.055	.060	.052	.055	.051	.055	.057
8 -hr. Ozone 4th Max	.069	.070	.068	.075	.060	.067	.064	.070	.072
Days of Data	30	30	30	30	30	30	30	30	30
Days > 0.070	3	3	2	4	1	2	1	2	5



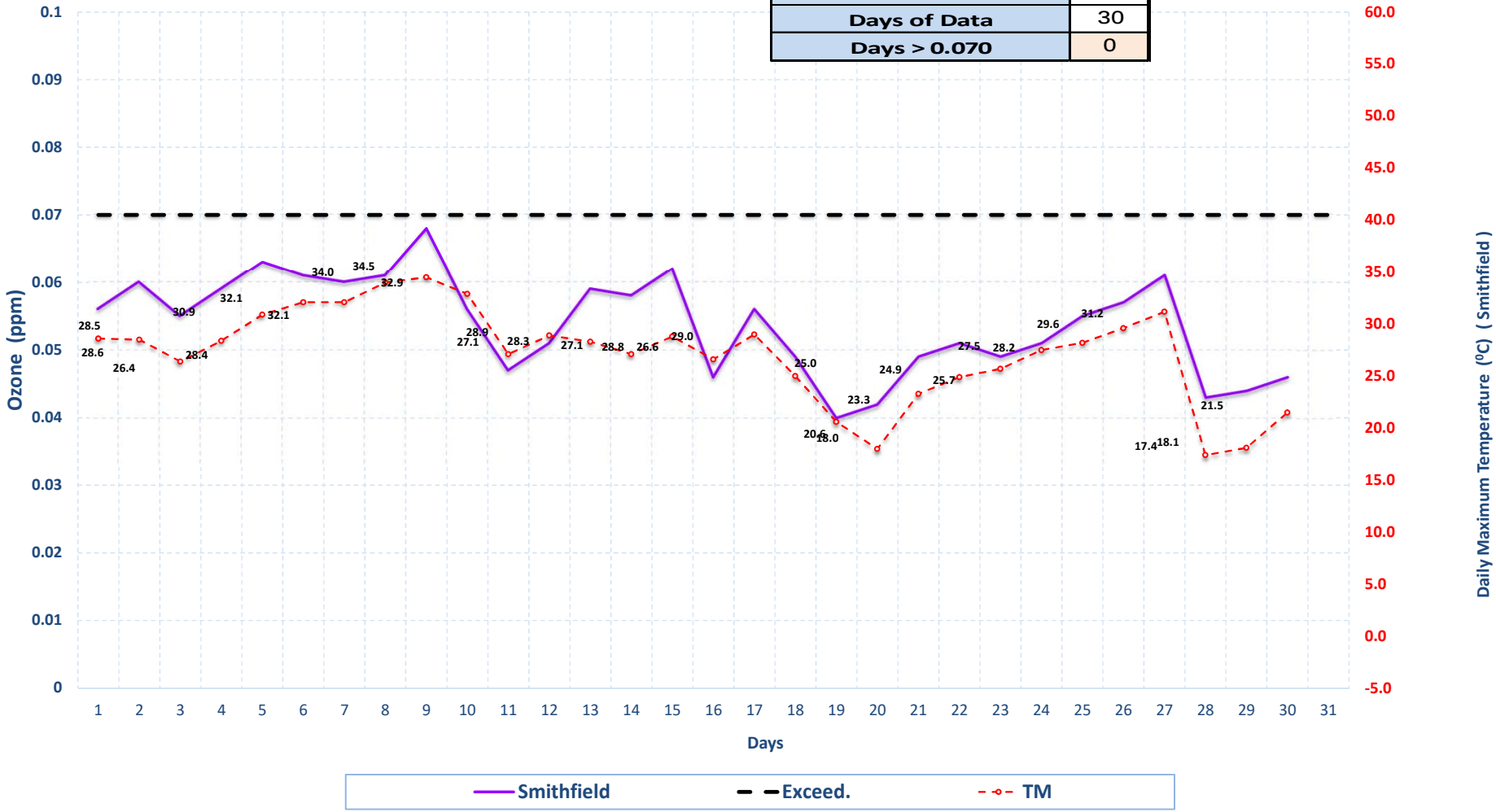
Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2021

	P2	RS	V4
Arith Mean	.054	.052	.051
8 -hr. Ozone 4th Max	.065	.063	.062
Days of Data	30	30	30
Days > 0.070	0	0	0



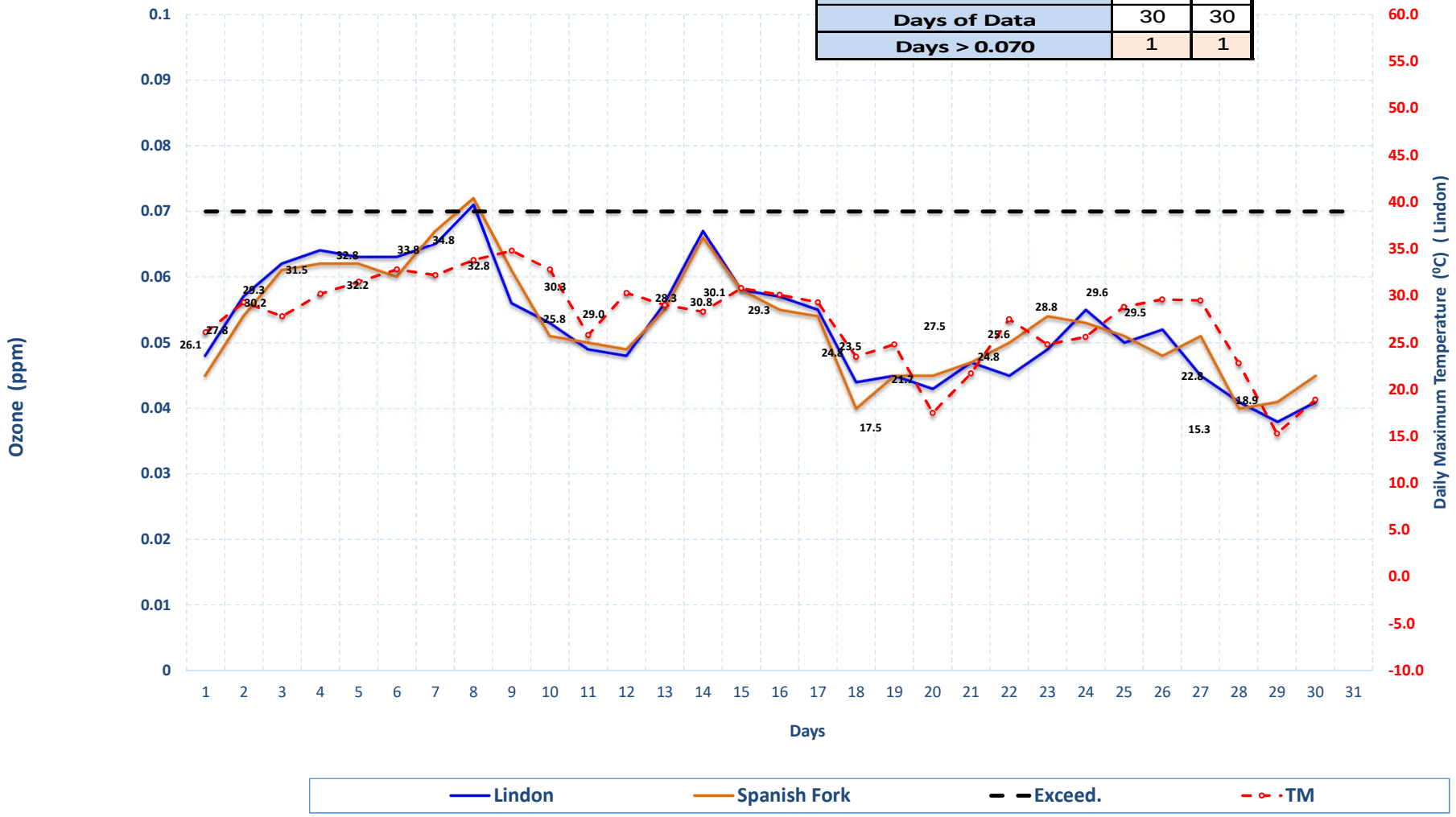
Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2021

	SM
Arith Mean	.054
8 -hr. Ozone 4th Max	.061
Days of Data	30
Days > 0.070	0



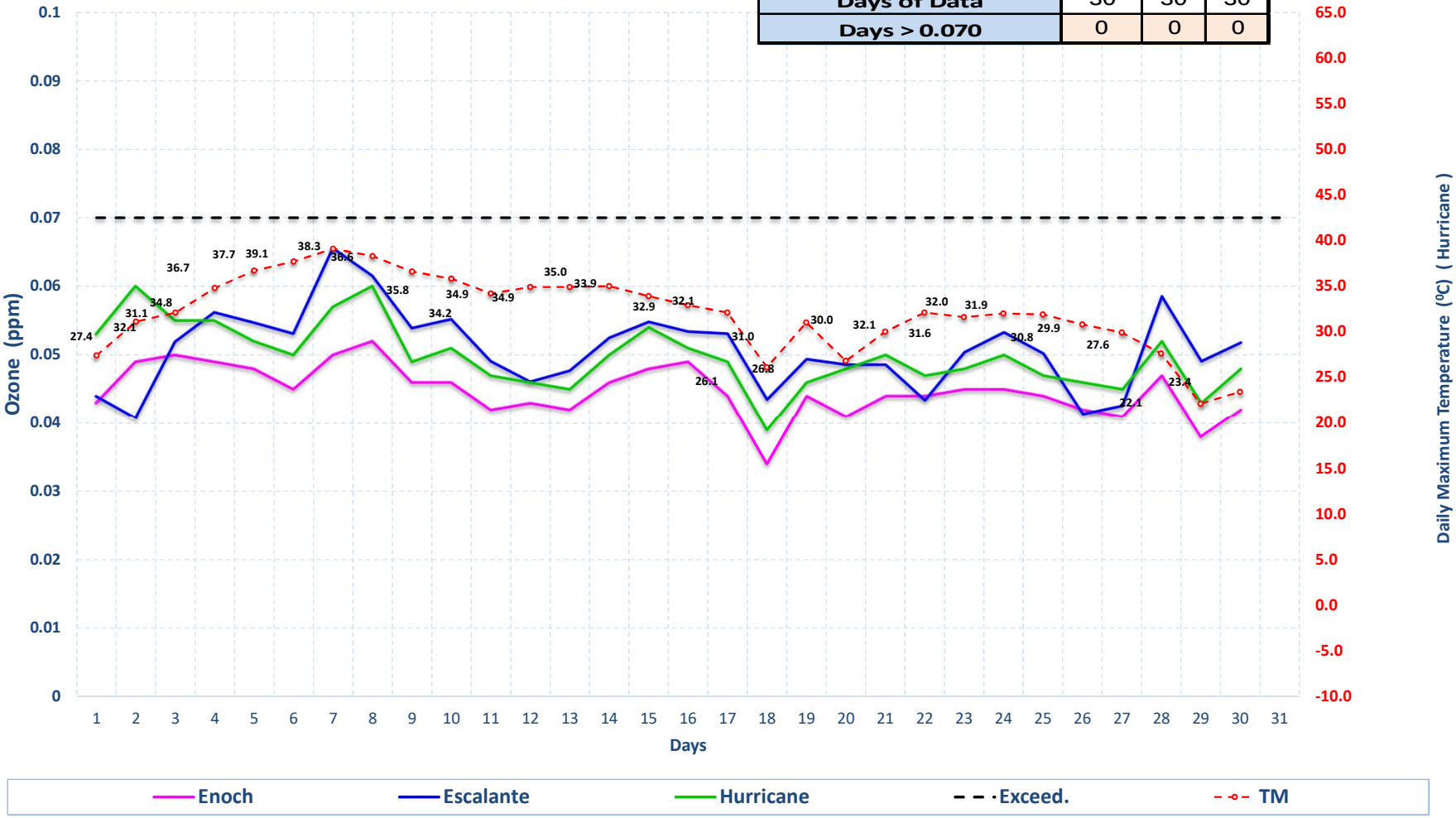
Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2021

	LN	SF
Arith Mean	.053	.053
8 -hr. Ozone 4th Max	.064	.062
Days of Data	30	30
Days > 0.070	1	1



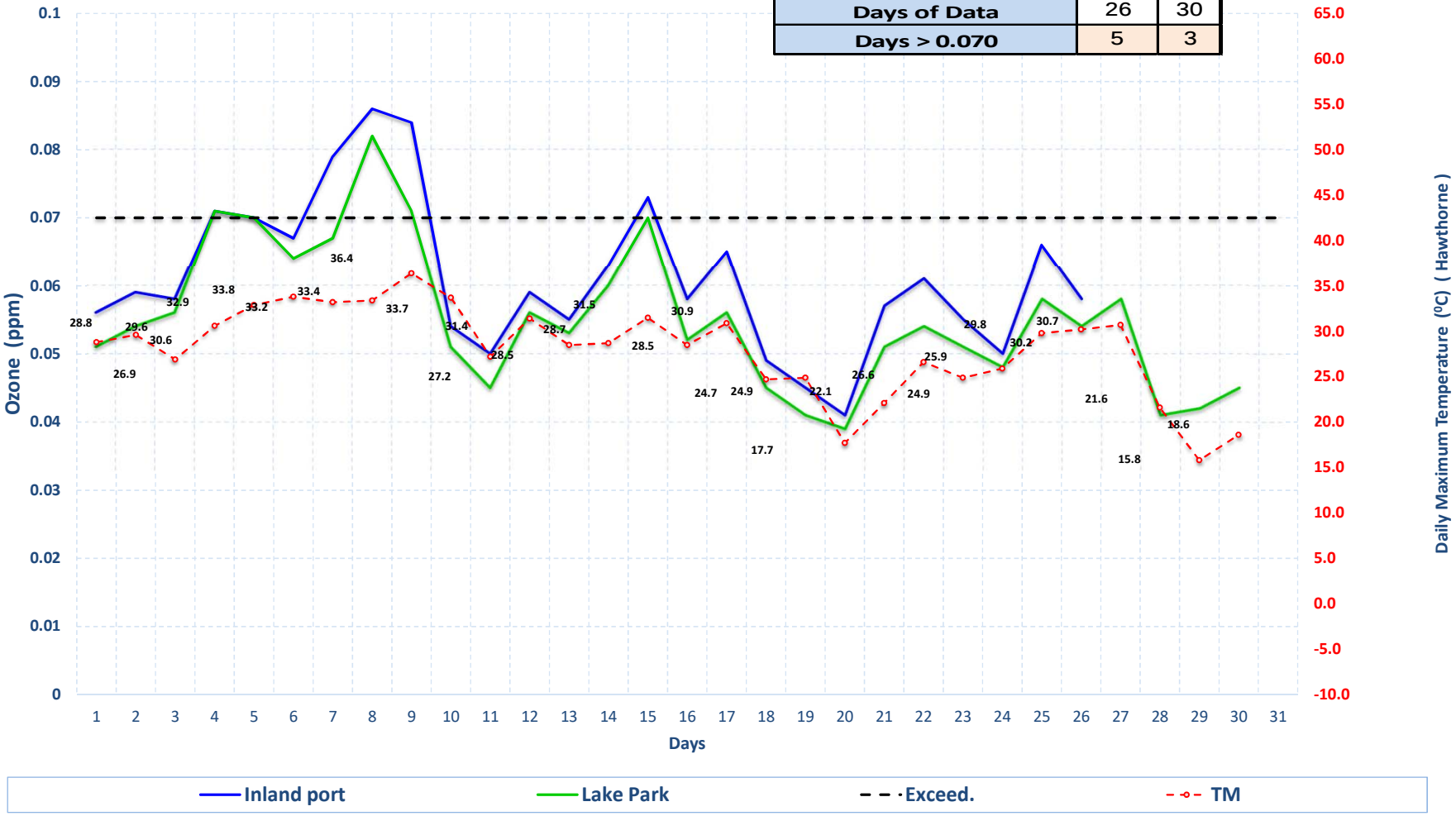
Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2021

	EN	ES	HC
Arith Mean	.045	.051	.050
8 -hr. Ozone 4th Max	.049	.056	.055
Days of Data	30	30	30
Days > 0.070	0	0	0



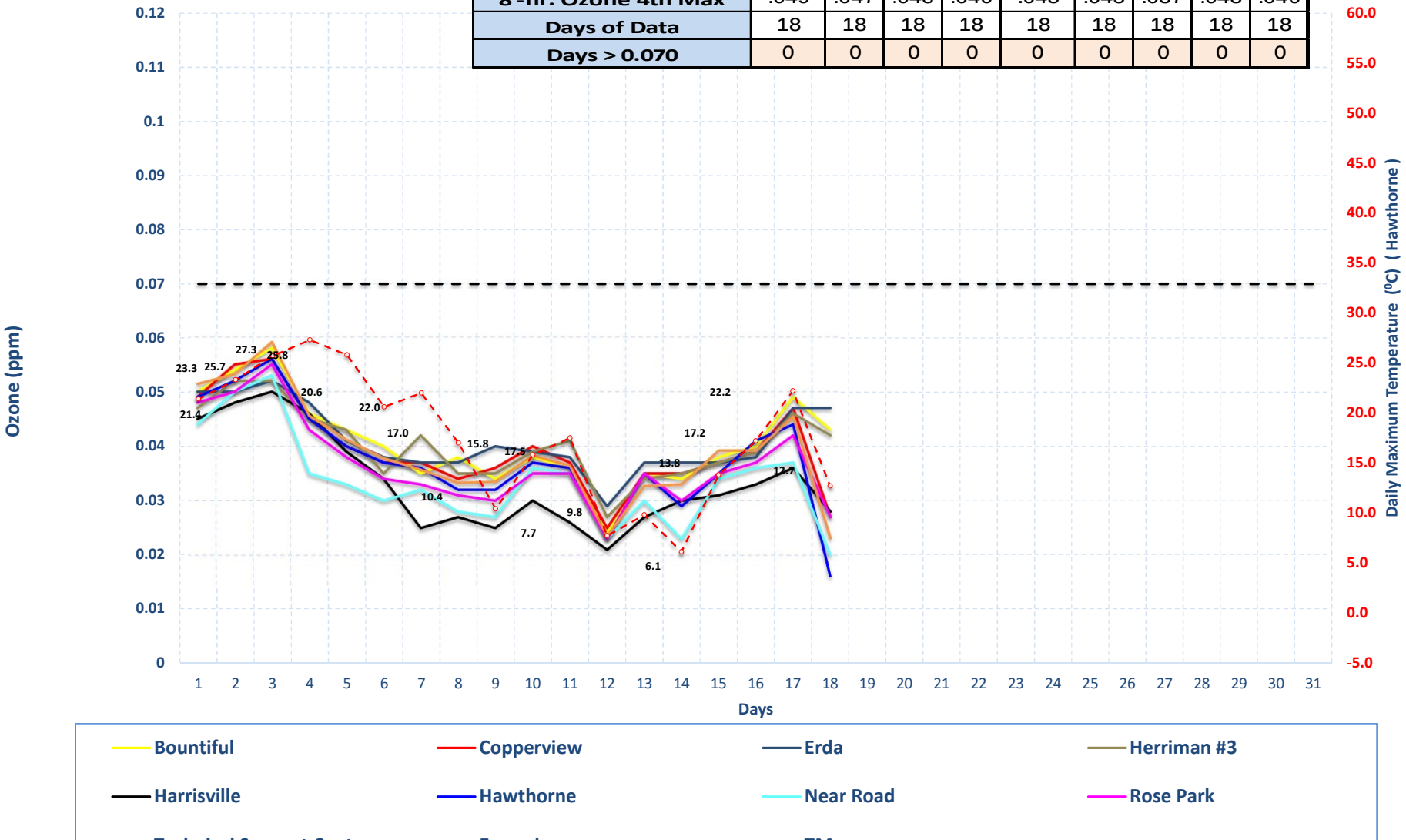
Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2021

	IP	LP
Arith Mean	.061	.055
8 -hr. Ozone 4th Max	.073	.070
Days of Data	26	30
Days > 0.070	5	3



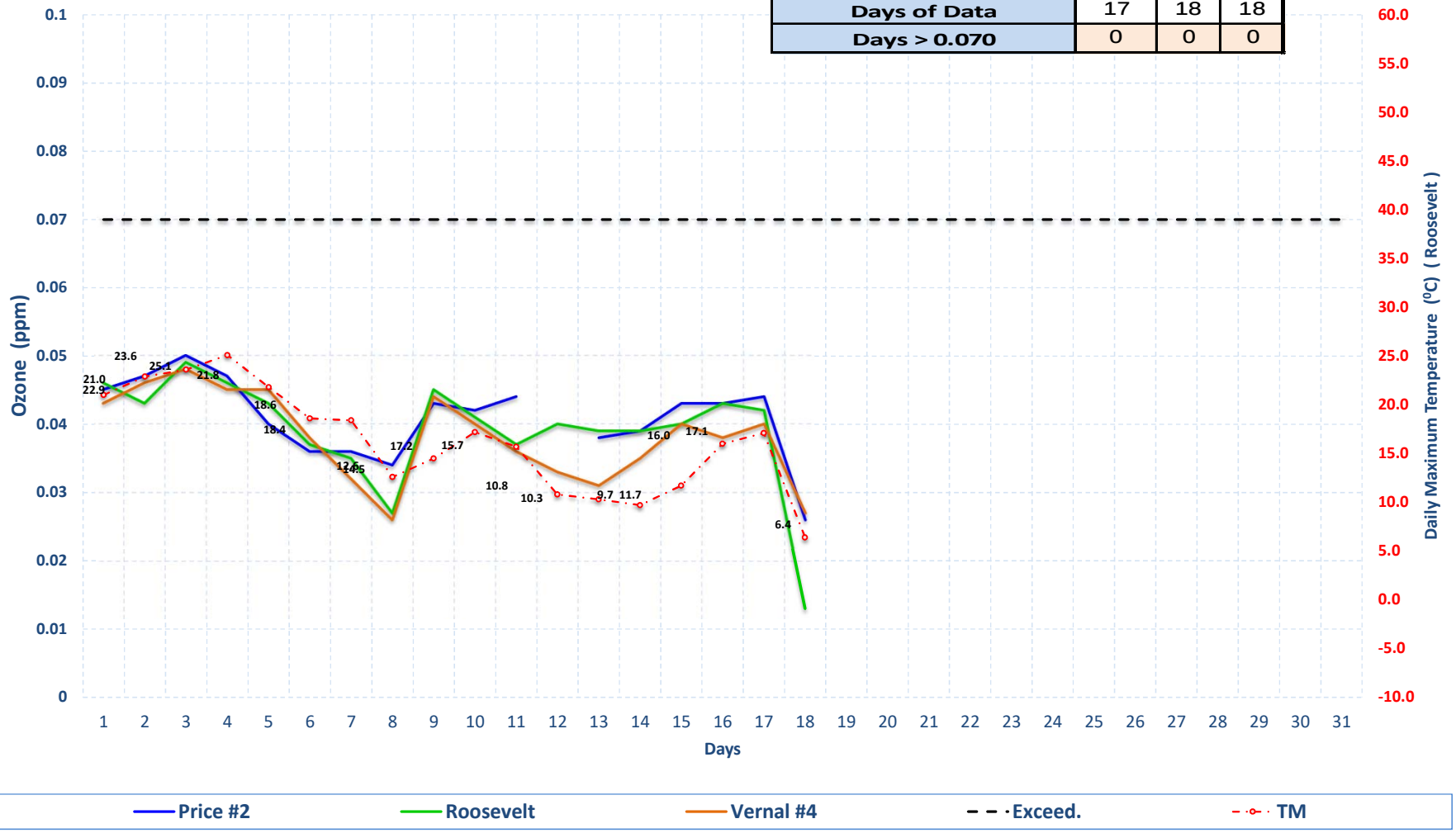
Highest 8-hr Ozone Concentration & Daily Maximum Temperature October 2021

	BV	CV	ED	H3	HV	HW	NR	RP	TSC
Arith Mean	.041	.040	.041	.040	.033	.038	.034	.037	.039
8 -hr. Ozone 4th Max	.049	.047	.048	.046	.045	.045	.037	.043	.046
Days of Data	18	18	18	18	18	18	18	18	18
Days > 0.070	0	0	0	0	0	0	0	0	0



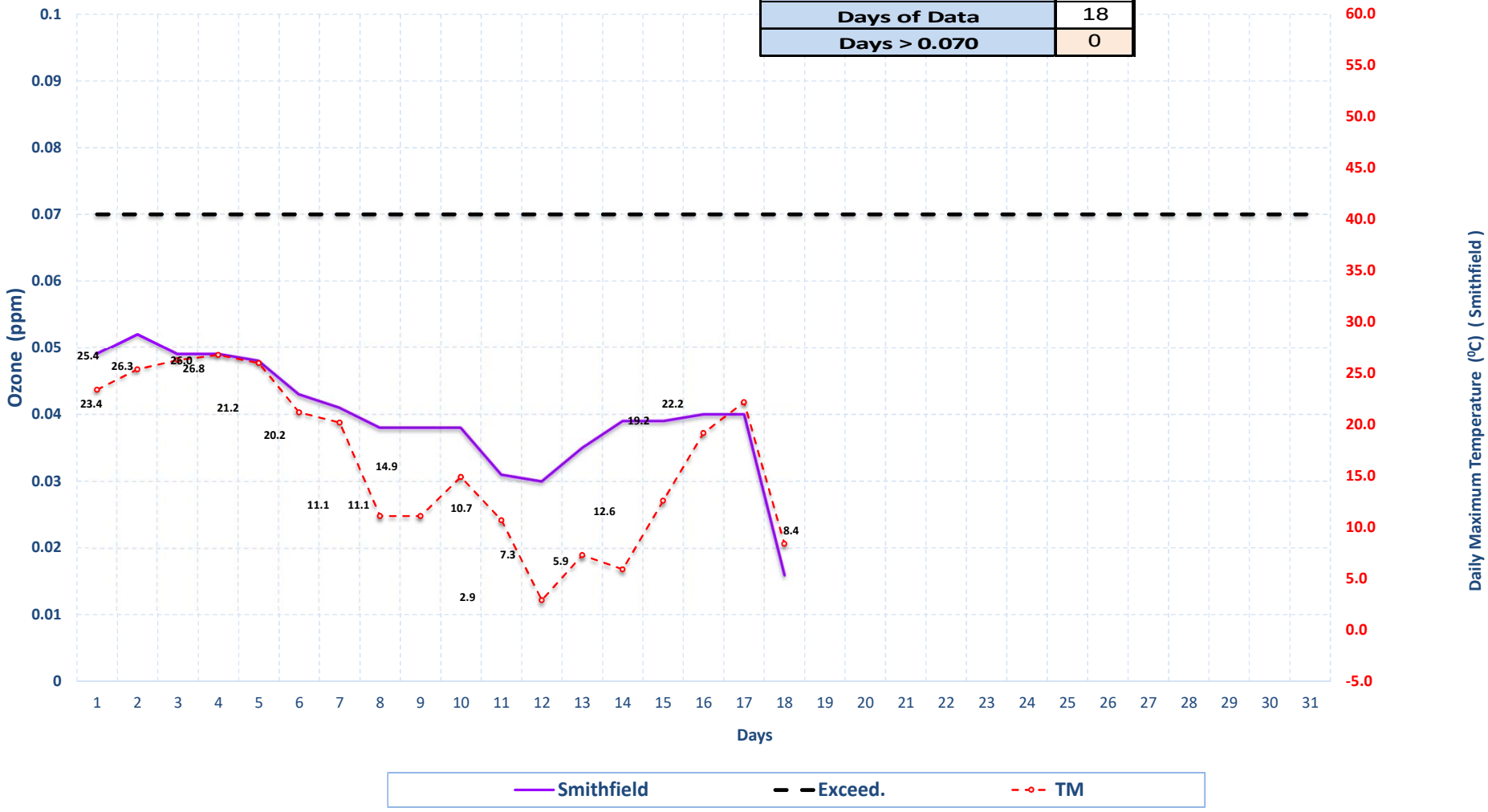
Highest 8-hr Ozone Concentration & Daily Maximum Temperature October 2021

	P2	RS	V4
Arith Mean	.041	.039	.038
8 -hr. Ozone 4th Max	.045	.045	.045
Days of Data	17	18	18
Days > 0.070	0	0	0



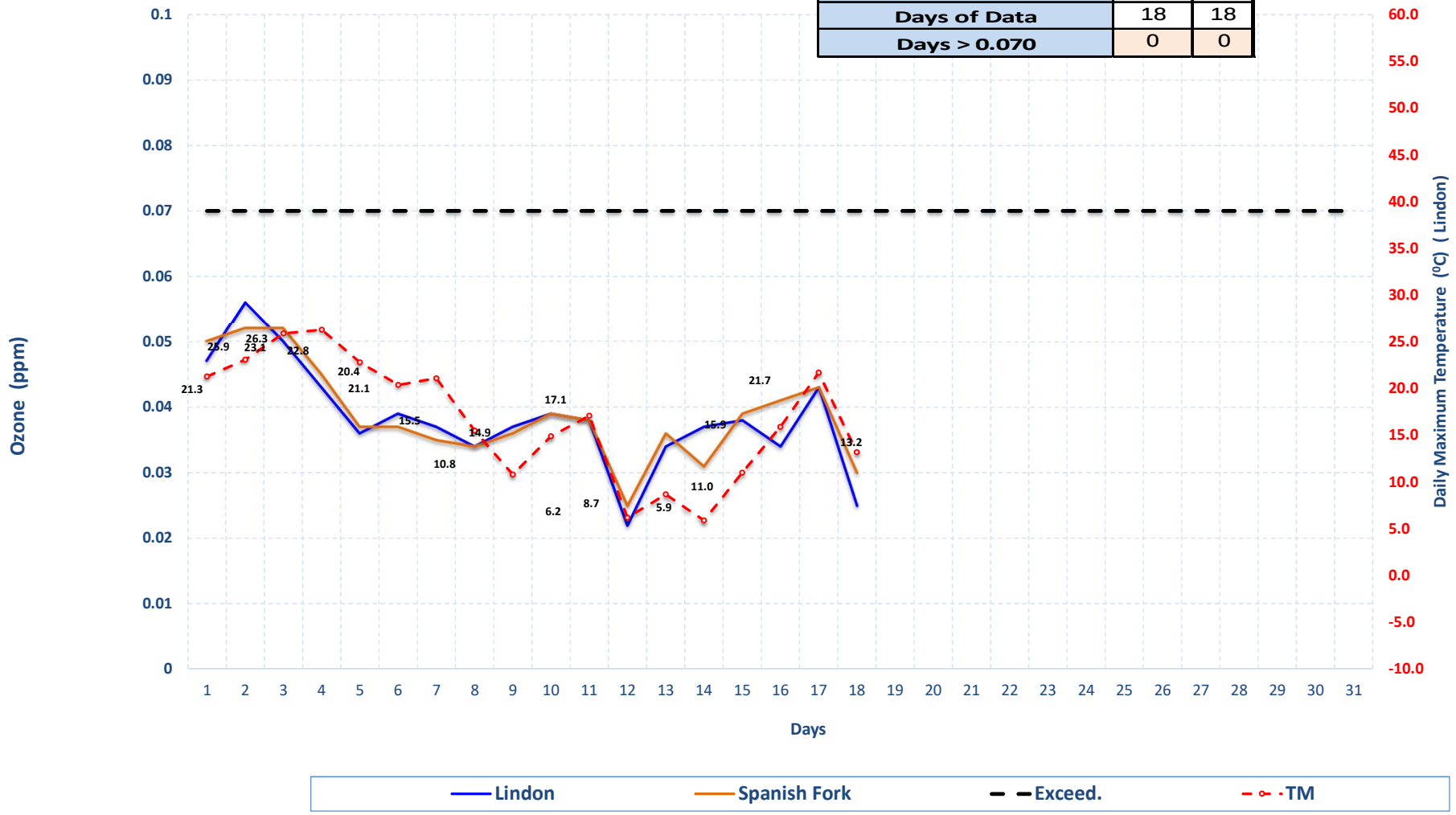
Highest 8-hr Ozone Concentration & Daily Maximum Temperature October 2021

	SM
Arith Mean	.040
8 -hr. Ozone 4th Max	.049
Days of Data	18
Days > 0.070	0



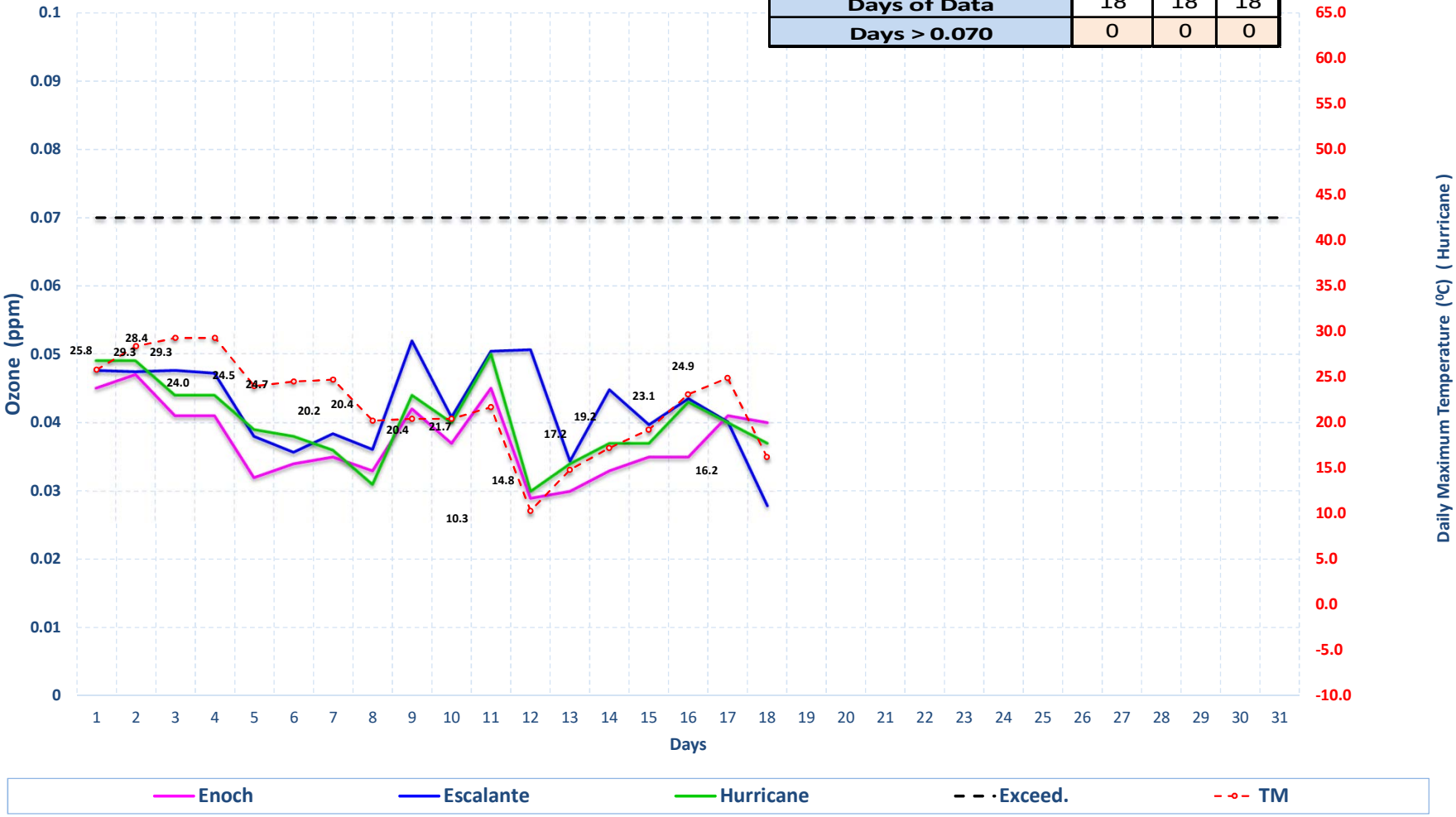
Highest 8-hr Ozone Concentration & Daily Maximum Temperature October 2021

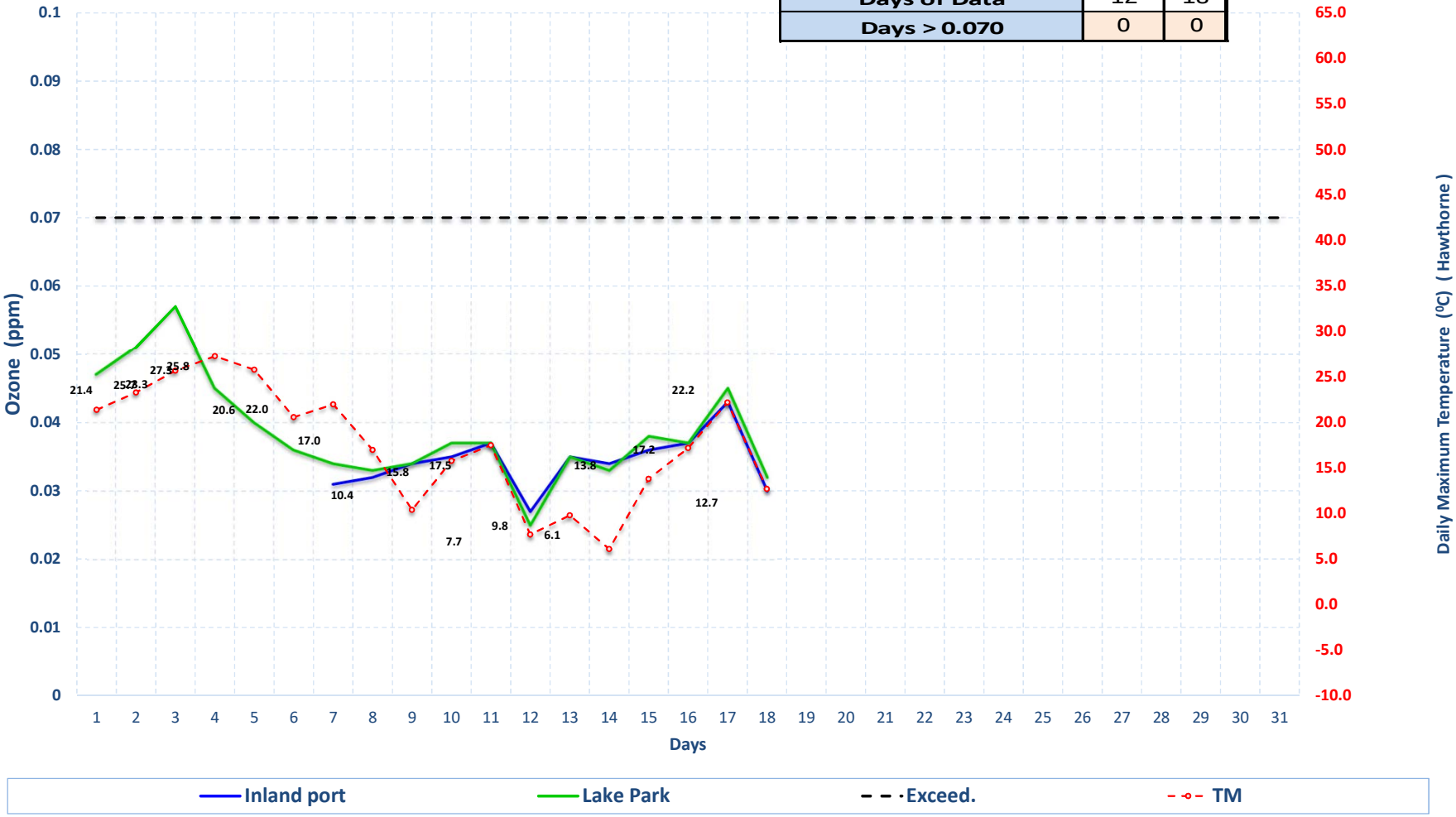
	LN	SF
Arith Mean	.038	.039
8 -hr. Ozone 4th Max	.043	.045
Days of Data	18	18
Days > 0.070	0	0



Highest 8-hr Ozone Concentration & Daily Maximum Temperature October 2021

	EN	ES	HC
Arith Mean	.038	.042	.040
8 -hr. Ozone 4th Max	.042	.048	.044
Days of Data	18	18	18
Days > 0.070	0	0	0



Highest 8-hr Ozone Concentration & Daily Maximum Temperature October 2021

	IP	LP
Arith Mean	.034	.039
8 -hr. Ozone 4th Max	.036	.045
Days of Data	12	18
Days > 0.070	0	0