



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Interim Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-070-19

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Mark Berger, Air Quality Policy Section Manager

DATE: July 23, 2019

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-405-2. Permits: Major Sources in Attainment or Unclassified Areas (PSD). Applicability; and R307-410. Permits. Emissions Impact Analysis.

The Division of Air Quality has been working closely with the EPA to develop and eventually submit approvable infrastructure state implementation plans (ISIPs) for both the 2008 and 2015 ozone standards. As DAQ worked with EPA, they noted a deficiency in its rules that would prevent EPA from approving the ISIP submittals. 40 CFR Part 51, Appendix W, Guidelines on Air Quality Models was revised by the EPA on January 17, 2017. The notice, 82 FR 5182, stated that the EPA expected the revisions to be integrated into state regulatory processes by January 17, 2018.

These proposed rule changes update the parts of 40 CFR incorporated by reference in the rules to the July 1, 2018, versions. These changes will align the state regulatory process with the changes EPA made on January 17, 2017. EPA's January 17, 2017 action:

- Finalized enhancements to the scientific formulation of the preferred near-field (up to 50km from an emission source) dispersion model, AERMOD, to address technical concerns expressed by the stakeholder community and improve model performance in its regulatory applications.
- Streamlined resources necessary to conduct regulatory modeling with AERMOD by incorporating model algorithms from the Buoyant Line and Point Source (BLP) model and updating methods that address nitrogen dioxide chemistry.
- Replaced the model known as CALINE3 with AERMOD for refined mobile source applications, including fine particle pollution (PM_{2.5}, PM₁₀), and carbon monoxide (CO) hot-spot analyses. The

transition period for the use of AERMOD for these refined modeling applications was extended to three years and the use of CAL3QHC for CO screening analyses was retained.

- Provided more flexibility and improved the meteorological inputs used for regulatory modeling. The EPA finalized an allowance to use projected meteorological data in AERMOD where there is no representative National Weather Service NWS station and it is prohibitive or not feasible to collect adequately representative site-specific data.
- Updated modeling techniques to address the secondary chemical formation of fine particle and ozone pollution from direct, single source emissions of sulfur dioxide, oxides of nitrogen for fine particle formation, and volatile organic compounds and oxides of nitrogen for ozone formation. These compounds can react in the atmosphere to form fine particle and ozone pollution.
- In conjunction with the final Guideline, issued guidance on single-source modeling, “Guidance on the Use of Models for Assessing the Impacts of Emissions from Single Sources on the Secondarily Formed Pollutants: Ozone and PM_{2.5}.”
- For long-range (beyond 50km from an emissions source) air quality assessments, removed CALPUFF as a preferred model and considering it as a screening technique, along with other Lagrangian models, to be used in consultation with the appropriate reviewing authority.

Should these rules go through the regular administrative process, staff will bring them back to the Board after a 30-day public comment period in November for final adoption, which will allow the Governor to submit them in concert with the ozone ISIPs for EPA approval.

Recommendation: Staff recommends that the Board propose for public comment R307-405-2 and R307-410 as amended.

NOTICE OF
PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Office of Administrative Rules.

Rule Information

DAR file no: _____ Date filed: _____
 State Admin Rule Filing Key: 161374
 Utah Admin. Code ref. (R no.): R307-405-2

Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Air Quality
 Room no.: Fourth Floor
 Building:
 Street address 1: 195 N 1950 W
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84116-3085
 Mailing address 1: PO BOX 144820
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84114-4820

Contact person(s):

| Name: | Phone: | Fax: | E-mail: | Remove: |
|-------------|--------------|--------------|------------------|---------|
| Mark Berger | 801-536-4000 | 801-536-0085 | mberger@utah.gov | |

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Title

2. Title of rule or section (catchline):
 Permits: Major Sources in Attainment or Unclassified Areas. Applicability.

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:

The federal Prevention of Significant Deterioration (PSD) permitting program in 40 CFR 52.21 is incorporated by reference in R307-405. The version of the CFR that is incorporated in R307-405 is specified in R307-405-2. This rule change updates the version of 40 CFR 52.21 that is incorporated in R307-405 from the July 1, 2011 version to the July 1, 2018 version.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

No Yes

Rule Summary

6. Summary of the rule or change:

The version of CFR that is incorporated by reference throughout the rule is updated from the July 1, 2011 version to the July 1, 2018 version.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No Yes

No cost or savings are anticipated with this rule change. No new requirements were created with this rule change as it simply updates State rule to match the already existing federal requirements.

B) Local government:

Affected: No Yes

No cost or savings are anticipated with this rule change. No new requirements were created with this rule change as it simply updates State rule to match the already existing federal requirements.

C) Small businesses:

Affected: No Yes

("small business" means a business employing fewer than 50 persons)

No cost or savings are anticipated with this rule change. No new requirements were created with this rule change as it simply updates State rule to match the already existing federal requirements.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No Yes

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

No cost or savings are anticipated with this rule change. No new requirements were created with this rule change as it simply updates State rule to match the already existing federal requirements.

Compliance Cost Information

8. Compliance costs for affected persons:

Because this rule updates the State rule to match already-existing federal requirements, there are no expected compliance costs for affected persons.

Department Head Comments

- 9. A) Comments by the department head on the fiscal impact the rule may have on businesses:
After conducting a thorough analysis, it was determined that this rule amendment will have no fiscal impact to businesses as the rule is being updated to match already-existing federal requirements.
- B) Name and title of department head commenting on the fiscal impacts:
L. Scott Baird

Citation Information

- 10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.
State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :
19-2-104

Incorporated Materials

- 11. This rule adds, updates, or removes the following title of materials incorporated by reference (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

| |
|---|
| <p>Official Title of Materials Incorporated (from title page)40 CFR 52.21 PublisherOffice of the Federal Registrar Date Issued (mm/dd/yyyy)07/01/2018 Issue, or version (including partial dates) ISBN Number ISSN Number Cost of Incorporated Reference Adds, updates, removesUpdates</p> |
|---|

Comments

- 12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)
- A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 10/01/2019
- B) A public hearing (optional) will be held:
 On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 11/07/2019

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
air pollution, Class I area, PSD, greenhouse gases

File Information

15. Attach an RTF document containing the text of this rule change (filename):
No document is associated with this filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and Bryce Bird
title: Director

Date (mm/dd/yyyy): 07/17/2019

Appendix 1: Regulatory Impact Summary Table*

| Fiscal Costs | FY 2020 | FY 2021 | FY 2022 |
|-------------------------------|------------|------------|------------|
| State Government | \$0 | \$0 | \$0 |
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Person | \$0 | \$0 | \$0 |
| Total Fiscal Costs: | \$0 | \$0 | \$0 |
| | | | |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits: | \$0 | \$0 | \$0 |
| | | | |
| Net Fiscal Benefits: | \$0 | \$0 | \$0 |

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

No non-small businesses are expected to be impacted by this

rulemaking because the rule is being updated to match already-existing federal requirements.

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

R307. Environmental Quality, Air Quality.

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

R307-405-2. Applicability.

(1) All references to 40 CFR in R307-405 shall mean the version that is in effect on July 1, ~~[2011]~~2018.

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

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

KEY: air pollution, PSD, Class I area, greenhouse gases

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

Notice of Continuation: November 13, 2018

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

NOTICE OF
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Rule Information

DAR file no: _____ Date filed: _____
 State Admin Rule Filing Key: 161401
 Utah Admin. Code ref. (R no.): R307-410

Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Air Quality
 Room no.: Fourth Floor
 Building:
 Street address 1: 195 N 1950 W
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84116-3085
 Mailing address 1: PO BOX 144820
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84114-4820

Contact person(s):

| Name: | Phone: | Fax: | E-mail: | Remove: |
|-------------|--------------|--------------|------------------|---------|
| Mark Berger | 801-536-4000 | 801-536-0085 | mberger@utah.gov | |

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Title

2. Title of rule or section (catchline):
 Permits: Emissions Impact Analysis.

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:

These changes are being made to align the rule with the requirements in the July 1, 2018 version of 40 CFR Part 51, Appendix W.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

No Yes

Rule Summary

6. Summary of the rule or change:

R307-410-3 is amended to updated the version of 40 CFR Part 51, Appendix W incorporated by reference from the July 1, 2005 version to the July 1, 2018 version. R307-410-5(1)(c)(i)(B) is amended to update the definition of "ambient air" in 40 CFR 51.1(e) from the July 1, 2005 version to the July 1, 2018 version. The definition in the 2018 version of the CFR, however, is unchanged from the 2005 version.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No Yes

There are no anticipated costs or savings to the State budget as these amendments update the rule with already-existing federal requirements.

B) Local government:

Affected: No Yes

There are no anticipated costs or savings to local government as these amendments update the rule with already-existing federal requirements.

C) Small businesses:

Affected: No Yes

("small business" means a business employing fewer than 50 persons)

There are no anticipated costs or savings to small businesses as these amendments update the rule with already-existing federal requirements.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No Yes

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities as these amendments update the rule with already-existing federal requirements.

Compliance Cost Information

8. Compliance costs for affected persons:

There are no anticipated compliance costs as these amendments update the rule with already-existing federal requirements.

Department Head Comments

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

After a thorough evaluation of potential fiscal impacts of this rule, it was determined that there are no anticipated fiscal impacts on businesses from this proposed amendments as they simply update the rule to align with already-existing federal requirements.

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

L. Scott Baird

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

19-2-104

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by reference (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

| | |
|--|---------------------------------|
| Official Title of Materials Incorporated (from title page) | 40 CFR 51, Appendix W |
| Publisher | Office of the Federal Registrar |
| Date Issued (mm/dd/yyyy) | |
| Issue, or version (including partial dates) | July 1, 2018 |
| ISBN Number | |
| ISSN Number | |
| Cost of Incorporated Reference | |
| Adds, updates, removes | Updates |

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 10/01/2019

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

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

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air pollution, modeling, hazardous air pollutant, stack height

File Information

15. Attach an RTF document containing the text of this rule change (filename):

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To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and Bryce Bird
title: Director

Date (mm/dd/yyyy): 07/17/2019

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| Total Fiscal Costs: | \$0 | \$0 | \$0 |
| | | | |
| Fiscal Benefits | | | |
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Appendix 2: Regulatory Impact to Non-Small Businesses

No non-small businesses are expected to be impacted by this

rulemaking because it is simply updating the rule to already-existing federal requirements.

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

**R307. Environmental Quality, Air Quality.
R307-410. Permits: Emissions Impact Analysis.
R307-410-1. Purpose.**

This rule establishes the procedures and requirements for evaluating the emissions impact of new or modified sources that require an approval order under R307-401 to ensure that the source will not interfere with the attainment or maintenance of any NAAQS. The rule also establishes the procedures and requirements for evaluating the emissions impact of hazardous air pollutants. The rule also establishes the procedures for establishing an emission rate based on the good engineering practice stack height as required by 40 CFR 51.118.

R307-410-2. Definitions.

(1) The following additional definitions apply to R307-410.

"Vertically Restricted Emissions Release" means the release of an air pollutant through a stack or opening whose flow is directed in a downward or horizontal direction due to the alignment of the opening or a physical obstruction placed beyond the opening, or at a height which is less than 1.3 times the height of an adjacent building or structure, as measured from ground level.

"Vertically Unrestricted Emissions Release" means the release of an air pollutant through a stack or opening whose flow is directed upward without any physical obstruction placed beyond the opening, and at a height which is at least 1.3 times the height of an adjacent building or structure, as measured from ground level.

(2) Except as provided in (3) below, the definitions of "stack", "stack in existence", "dispersion technique", "good engineering practice (GEP) stack height", "nearby", "excessive concentration", and "intermittent control system (ICS)" in 40 CFR 51.100(ff) through (kk) and (nn) are hereby incorporated by reference.

(3)(a) The terms "reviewing authority" and "authority administering the State implementation plan" shall mean the director.

(b) The reference to "40 CFR parts 51 and 52" in 40 CFR

51.100(ii)(2)(i) shall be changed to "R307-401, R307-403 and R307-405".

(c) The phrase "For sources subject to the prevention of significant deterioration program (40 CFR 51.166 and 52.21)" in 40 CFR 51.100(kk)(1) shall be replaced with the phrase "For sources subject to R307-401, R307-403, or R307-405".

R307-410-3. Use of Dispersion Models.

All estimates of ambient concentrations derived in meeting the requirements of R307 shall be based on appropriate air quality models, data bases, and other requirements specified in 40 CFR Part 51, Appendix W, (Guideline on Air Quality Models), effective July 1, [2005]2018, which is hereby incorporated by reference. Where an air quality model specified in the Guideline on Air Quality Models or other EPA approved guidance documents is inappropriate, the director may authorize the modification of the model or substitution of another model. In meeting the requirements of federal law, any modification or substitution will be made only with the written approval of the Administrator, EPA.

R307-410-4. Modeling of Criteria Pollutant Impacts in Attainment Areas.

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

TABLE 1

| POLLUTANT | EMISSIONS |
|---|-------------------|
| sulfur dioxide | 40 tons per year |
| oxides of nitrogen | 40 tons per year |
| PM10 - fugitive emissions and fugitive dust | 5 tons per year |
| PM10 - non-fugitive emissions or non-fugitive dust | 15 tons per year |
| carbon monoxide | 100 tons per year |
| lead | 0.6 tons per year |

R307-410-5. Documentation of Ambient Air Impacts for Hazardous Air Pollutants.

(1) Prior to receiving an approval order under R307-401, a source shall provide documentation of increases in emissions of hazardous air pollutants as required under (c) below for all installations not exempt under (a) below.

(a) Exempted Installations.

(i) The requirements of R307-410-5 do not apply to installations which are subject to or are scheduled to be subject to an emission standard promulgated under 42 U.S.C. 7412 at the time a notice of intent is submitted, except as defined in (ii) below. This exemption does not affect requirements otherwise applicable to the source, including requirements under R307-401.

(ii) The director may, upon making a written determination that the delay in the implementation of an emission standard under R307-214-2, that incorporates 40 CFR Part 63, might reasonably be expected to pose an unacceptable risk to public health, require, on a case-by-case basis, notice of intent documentation of emissions consistent with (c) below.

(A) The director will notify the source in writing of the

preliminary decision to require some or all of the documentation as listed in (c) below.

(B) The source may respond in writing within thirty days of receipt of the notice, or such longer period as the director approves.

(C) In making a final determination, the director will document objective bases for the determination, which may include public information and studies, documented public comment, the applicant's written response, the physical and chemical properties of emissions, and ambient monitoring data.

(b) Lead Compounds Exemption. The requirements of R307-410-5 do not apply to emissions of lead compounds. Lead compounds shall be evaluated pursuant to requirements of R307-410-4.

(c) Submittal Requirements.

(i) Each applicant's notice of intent shall include:

(A) the estimated maximum pounds per hour emission rate increase from each affected installation,

(B) the type of release, whether the release flow is vertically restricted or unrestricted, the maximum release duration in minutes per hour, the release height measured from the ground, the height of any adjacent building or structure, the shortest distance between the release point and any area defined as "ambient air" under 40 CFR 50.1(e), effective July 1, ~~2005~~2018, which is hereby incorporated by reference for each installation for which the source proposes an emissions increase,

(C) the emission threshold value, calculated to be the applicable threshold limit value - time weighted average (TLV-TWA) or the threshold limit value - ceiling (TLV-C) multiplied by the appropriate emission threshold factor listed in Table 2, except in the case of arsenic, benzene, beryllium, and ethylene oxide which shall be calculated using chronic emission threshold factors, and formaldehyde, which shall be calculated using an acute emission threshold factor. For acute hazardous air pollutant releases having a duration period less than one hour, this maximum pounds per hour emission rate shall be consistent with an identical operating process having a continuous release for a one-hour period.

TABLE 2
EMISSION THRESHOLD FACTORS FOR HAZARDOUS AIR POLLUTANTS
(cubic meter pounds per milligram hour)

VERTICALLY-RESTRICTED AND FUGITIVE EMISSION RELEASE POINTS

| DISTANCE TO PROPERTY BOUNDARY | ACUTE | CHRONIC | CARCINOGENIC |
|----------------------------------|-------|---------|--------------|
| 20 Meters or less | 0.038 | 0.051 | 0.017 |
| 21 - 50 Meters | 0.051 | 0.066 | 0.022 |
| 51 - 100 Meters | 0.092 | 0.123 | 0.041 |
| Beyond 100 Meters | 0.180 | 0.269 | 0.090 |

VERTICALLY-UNRESTRICTED EMISSION RELEASE POINTS

| DISTANCE TO PROPERTY BOUNDARY | ACUTE | CHRONIC | CARCINOGENIC |
|----------------------------------|-------|---------|--------------|
| 50 Meters or less | 0.154 | 0.198 | 0.066 |
| 51 - 100 Meters | 0.224 | 0.244 | 0.081 |
| Beyond 100 Meters | 0.310 | 0.368 | 0.123 |

(ii) A source with a proposed maximum pounds per hour emissions increase equal to or greater than the emissions threshold value shall include documentation of a comparison of the estimated ambient concentration of the proposed emissions with the applicable toxic screening level specified in (d) below.

(iii) A source with an estimated ambient concentration

equal to or greater than the toxic screening level shall provide additional documentation regarding the impact of the proposed emissions. The director may require such documentation to include, but not be limited to:

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

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

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

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

(E) the environmental fate and persistency.

(d) Toxic Screening Levels and Averaging Periods.

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

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

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

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

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

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

R307-410-6. Stack Heights and Dispersion Techniques.

(1) The degree of emission limitation required of any source for control of any air pollutant to include determinations made under R307-401, R307-403 and R307-405, must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique except as provided in (2) below. This does not restrict, in any manner, the actual stack height of any source.

(2) The provisions in R307-410-6 shall not apply to:

(a) stack heights in existence, or dispersion techniques implemented on or before December 31, 1970, except where pollutants are being emitted from such stacks or using such dispersion techniques by sources which were constructed or reconstructed, or for which major modifications were carried out after December 31, 1970; or

(b) coal-fired steam electric generating units subject to the provisions of Section 118 of the Clean Air Act, which commenced operation before July 1, 1957, and whose stacks were constructed under a construction contract awarded before February 8, 1974.

(3) The director may require the source owner or operator to provide a demonstration that the source stack height meets good engineering practice as required by R307-410-6. The director shall notify the public of the availability of the demonstration as part of the public notice process required by R307-401-7, Public Notice.

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

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

Notice of Continuation: May 15, 2017

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

