

State of Utah
Administrative Rule Analysis
Revised May 2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New ___; Amendment __X__; Repeal ___; Repeal and Reenact ___		
Title No. - Rule No. - Section No.		
Utah Admin. Code Ref (R no.):	R307-110-17	Filing No. (Office Use Only)
Changed to Admin. Code Ref. (R no.):	R	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:	Fourth Floor	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state, zip:	Salt Lake City, UT 84116-4820	
Contact person(s):		
Name:	Phone:	Email:
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
Section IX, Control Measure for Area and Point Sources, Part H, Emission Limits.
3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):
The rule amendment is to incorporate changes being made to Part H of the Utah State Implementation Plan (SIP). Since Kennecott's Power Plant has been shut down and the units subject to related provisions are no longer in operation, UDAQ is proposing to remove these provisions from Part H to ensure that these limits do not delay EPA approval of the PM _{2.5} Serious Area SIP and redesignation to attainment. A public hearing is set for Wednesday, November 4, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Tuesday, November 3, 2020, at 10AM MT. The final status of the public hearing will be posted on Tuesday, November, after 10:00AM MT. The status of the public hearing may be checked at the following website location under the corresponding rule. https://deg.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment Interested Persons can participate electronically, via the internet: https://meetingsamer15.webex.com/meetingsamer15/j.php?MTID=m357b639a97d449b240dc3856771885 Meeting Number: 126 260 8137 Meeting password: g5cWszbBg36 (45297922 from phones and video systems) Join by Phone: 1-408-418-9288
4. Summary of the new rule or change:
The rule amendment will update the date of incorporation of Part H to include the most recent changes.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There are no anticipated costs or savings to the state budget as this amendment places no new requirements on the state or staff.

B) Local governments:

There are no anticipated costs or savings to local governments because this rule amendment is not applicable to them.

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

There are no anticipated costs or savings to small businesses as this rule amendment simply updates the incorporation by reference date for the Part H amendments which are not applicable to small businesses.

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

There is no anticipated costs or savings to non-small businesses as this rule amendment simply updates the incorporation by reference date for the Part H amendments which are not applicable to non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There are no anticipated costs to persons other than small businesses, non-small businesses, state, or local government entities as this amendment is not applicable to them.

F) Compliance costs for affected persons:

There are no new compliance costs as a result of this rule amendment.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

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

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

This rule amendment will have no fiscal impacts on businesses as the rule amendment itself is simply an update to the date of incorporation by reference and the amendments to the SIP are not applicable to businesses as a whole.

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

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

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

19-2-104		

Incorporations by Reference Information

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

8. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

First Incorporation	
Official Title of Materials Incorporated (from title page)	Utah State Implementation Plan Emission Limits and Operating Practices. Section IX, Part H.
Publisher	Utah Division of Air Quality
Date Issued	
Issue, or version	December 2, 2020

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

Second Incorporation	
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

Public Notice Information

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

A) Comments will be accepted until (mm/dd/yyyy):	11/04/2020	
B) A public hearing (optional) will be held:		
On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
11/04/2020	10:00AM	Held online. See Section 2 above for details

10. This rule change MAY become effective on (mm/dd/yyyy): 12/03/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

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

Agency head or designee, and title:	Bryce Bird	Date (mm/dd/yyyy):	08/18/2020
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R307. Environmental Quality, Air Quality.

R307-110. General Requirements: State Implementation Plan.

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[4], 2020[19], 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 5, 2019

Notice of Continuation: January 27, 2017

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