

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Catherine Wyffels, Environmental Engineer

DATE: September 2, 2020

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amendment to Utah State Implementation Plan Section IX. Part H: Emission Limits and Operating Practices, and R307-110-17, Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits.

The Division of Air Quality (DAQ) is proposing to amend Section IX, Part H of the State Implementation Plan (SIP). This amendment is necessary for Environmental Protection Agency (EPA) approval of required SIP elements in order to redesignate the Salt Lake City, UT nonattainment area, to attainment status.

On February 15, 2019, DAQ submitted to EPA the Air Quality Board-approved PM_{2.5} Serious Area SIP, including Part A and Part H. EPA is in the process of reviewing the Technical Support Documentation (TSD) and emission limits in Section IX, Part H of the PM_{2.5} SIP. In order for EPA to redesignate an area from nonattainment to attainment status, the area must have a fully approved attainment SIP. Therefore, approval of the control measures in Part H is a necessary step for full approval of the PM_{2.5} Serious Area SIP.

As part of this review process, EPA reviewed the Best Available Control Technology (BACT) analyses in the TSD and the emission limits in Part H derived from these BACT analyses. EPA has indicated that it concurs with UDAQ's BACT analyses and Part H limits, with the exception of the startup, shutdown, malfunction (SSM) limits for Kennecott's Power Plant. These conditions apply to Units 4 and 5 and are intended to limit emissions from startup events. EPA found that these provisions were not sufficiently supported in the TSD and are not approvable based on the technical information included in the TSD.

In addition, there are some uncertainties related to EPA's SSM policy. SSM exemptions in SIPs is an issue that has been litigated since 2008, when a D.C. court decision found that SSM exemptions are unlawful in federal regulations. Most recently, the Sierra Club sued EPA for including SSM exemptions in the North Carolina SIP. This most recent lawsuit will be heard in the D.C. circuit and could have nationwide ramifications on SSM policies. The court is waiting for EPA to finish its reconsideration of the SSM policy before ruling on the lawsuits.

Given the uncertainty with EPA's nationwide SSM policy and the lack of supporting documentation in the TSD, EPA has stated that the SSM provisions for the Power Plant in Part H are not approvable.

Since Kennecott's Power Plant has been shut down and the units subject to these 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. Kennecott has reviewed the proposed changes and agrees with the removal of the SSM provisions from Part H.

R307-110-17 is the rule that incorporates Part H into the air quality rules. This rule needs to be amended to update the incorporation date to reflect the changes made in Part H.

Staff Recommendation: Staff recommends that the Board propose SIP Subsection IX. Part H: Emission Limits and Operating Practices, and R307-110-17 for public comment.