

State of Utah
Administrative Rule Analysis
 Revised June 2021

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.):	R307-415-7i	Filing ID (Office Use Only)
Changed to Admin. Code Ref. (R no.):	R	

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:
Mat Carlile	385-306-3565	mcarlile@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:	R307-415-7i. Public Participation	
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):	The Division of Air Quality (DAQ) is amending this rule section to replace newspaper notice of permitting actions with an electronic notice under Section 45-1-101 of the Utah Code. The rule amendments also add a requirement to publish permit notices and related documentation on the Division's website, therefore users will no longer have to contact the Division to obtain hard copies. The changes allow the DAQ to reach more people, increase transparency, and provide greater public access to information. DAQ estimates that the State will save approximately \$11,475 per year.	
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):	<ol style="list-style-type: none"> 1. Replaces the requirement that the Director must give notice of initial permit issuance, significant modifications, reopenings for cause, and renewals of Title V permits in a newspaper of general circulation with an electronic notice requirement under Section 45-1-101 of the Utah Code. 2. Adds language to the rule that the notice of the comment period and permitting action will be published electronically under Section 45-1-101 of the Utah Code and on the Division's website. 3. Adds a requirement that a draft permit and related documentation will be published on the Division's website for the duration of the public comment period 	

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:		
A) State budget:	There are no additional costs expected for the state budget as no new monetary requirements are being implemented. DAQ does expect to save approximately \$ 11,475 annually by switching to electronic notices.	
B) Local governments:	There are no anticipated costs or savings to local governments because this rulemaking does not apply to them.	
C) Small businesses ("small business" means a business employing 1-49 persons):	Small businesses that publish legal ads will see a decrease in revenue of approximately \$3,125 per year because of this rulemaking. DAQ identified 18 small businesses that have published legal ads for the DAQ over the past three years, for which	

the DAQ paid a total of \$11,440. It is estimated that the DAQ will pay \$2,060 for future legal ads, resulting in a cumulative loss to businesses of approximately \$9,380 for the next three years.

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

Non-small businesses that publish legal ads will see a decrease in revenue of approximately \$8,350 per year because of this rulemaking. DAQ identified 9 non-small businesses that have published legal ads for the DAQ over the past three years, for which the DAQ paid a total of \$28,400. It is estimated that the DAQ will pay \$3,340 for future legal ads, resulting in a cumulative loss to businesses of approximately \$25,060 for the next three years.

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 or savings to persons because this rulemaking does not apply to them.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

No additional costs are anticipated because no new requirements are being implemented.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

DAQ expects that some businesses will see a slight decrease in revenue because of this rulemaking. The rule amendments to Section R307-415-7i are expected to have fiscal impacts on businesses because the Division will not require advertisement space to run legal ads in published newspapers. Instead, those ads will be published electronically on the utahlegals.com website with an optional notice in the physical newspaper pointing the reader to the website for the full text of the permitting notice.

Kimberly D. Shelley, Executive Director of the Utah Department of Environmental Quality

6. A) 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	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$3,125	\$3,125	\$3,125
Non-Small Businesses	\$8,350	\$8,350	\$8,350
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$11,475	\$11,475	\$11,475
Fiscal Benefits			
State Government	\$11,475	\$11,475	\$11,475
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$11,475	\$11,475	\$11,475
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:

The Executive Director for the Utah Department of Environmental Quality, Kimberly D. Shelley, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 19-2-109.1	Section 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)	
Publisher	
Date Issued	
Issue, or version	

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; <i>if none, leave blank</i>):	
	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. See Section 63G-3-302 and Rule R15-1 for more information.)		
A) Comments will be accepted until (mm/dd/yyyy):	11/02/2021	
B) A public hearing (optional) will be held:		
On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
11/02/2021	10:00 AM MDT	Google Meet https://meet.google.com/zvn-ketw-ftd Or dial: (US) +1 513-828-0269 PIN: 107 613 936#

10. This rule change MAY become effective on (mm/dd/yyyy):	11/09/2021
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

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 <i>Utah State Bulletin</i> and delaying the first possible effective date.			
Agency head or designee, and title:	Bryce C. Bird, Director of the Utah Division of Air Quality	Date (mm/dd/yyyy):	08/14/2021

R307. Environmental Quality, Air Quality.

R307-415. Permits: Operating Permit Requirements.

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R307-415-7i. Public Participation.

The director shall provide for public notice, comment and an opportunity for a hearing on initial permit issuance, significant modifications, reopenings for cause, and renewals, including the following procedures:

(1) The director shall give notice [Notice shall be given: by publication in a newspaper of general circulation in the area where the source is located;] by publishing a legal notice on the public legal notice website under Subsection 42-1-101(2) and by posting the notice and the draft permit on the Division's website for the duration of the public comment period. The director shall give notice to persons on a mailing list developed by the director, including those who request in writing to be on the list, [;] and by other means if necessary to assure adequate notice to the affected public.

(2) The notice shall identify:

- (a) the Part 70 source;
- (b) the name and address of the permittee;
- (c) the name and address of the director;
- (d) the activity or activities involved in the permit action;

(e) the emissions change involved in any permit modification;
(f) the name, address, and telephone number of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan or compliance and monitoring certification, and all other materials available to the director that are relevant to the permit decision;

(g) a brief description of the comment procedures; and

(h) the time and place of any hearing that may be held, including a statement of procedures to request a hearing, unless a hearing has already been scheduled.

(3) The director shall provide such notice and opportunity for participation by affected States as is provided for by Section R307-415-8.

(4)[~~Timing.~~] The director shall provide at least 30 days for public comment and shall give notice of any public hearing at least 30 days in advance of the hearing.

(5) The director shall keep a record of the commenters and also of the issues raised during the public participation process, and such records shall be available to the public and to EPA.

KEY: air pollution, greenhouse gases, operating permit, emission fees

Date of Enactment or Last Substantive Amendment: September 3, 2020

Notice of Continuation: May 15, 2017

Authorizing, and Implemented or Interpreted Law: 19-2-109.1; 19-2-104