

State of Utah
Administrative Rule Analysis
 Revised November 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.):	R307-401-14	Filing ID (Office Use Only)
Changed to Admin. Code Ref. (R no.):	R	

Agency Information

1. Department:	Department of Environmental Quality	
Agency:	Division of Air Quality	
Room no.:		
Building:	MASOB	
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, Utah 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 or section catchline:	R307-401-14. Used Oil Fuel Burned for Energy Recovery.
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):	The current rule allows an exemption from the requirement to obtain an approval order for boilers with a heat input design of less than 1 million BTUs per hour. The EPA standard for these units is "not more than 0.5 million BTUs per hour" and this change aligns state requirements with the EPA standard. The current rule also contains specific contamination levels and testing requirements that are duplicative of rules enforced by Waste Management and Radiation Control. This change removes this language and requires compliance with WMRC rules directly.
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 If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):	<p>This rule change simplifies and clarifies the rule by replacing language specifying contaminant levels and testing requirements with a requirement to comply with Rule 315-15. Standards for the Management of Used Oil. It also reduces the exemption threshold for requiring an approval order to units with designed to produce 0.5 million BTUs per hour or less.</p> <p>A public hearing is set for, June 30, 2022. Further details may be found below. The hearing will be canceled should no request for one be made by Wednesday, June 29, 2022, at 10:00 AM MST. The final status of the public hearing will be posted on Wednesday, June 29, 2022, after 10:00 AM MST. The status of the public hearing may be checked at the following website location under the corresponding rule.</p> <p>https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment</p>

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A) State budget:	This rule is not expected to have a fiscal impact on state government. The changes to contaminant levels and testing requirements are already enforced through Rule 315-15 by DEQ. All commercially available used oil boilers already meet the proposed design standard of .5 million BTU per hour or less and existing permits can be adjusted at no cost to the state.
B) Local governments:	
	This rule will have no fiscal impact on local governments because it does not apply to them.

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

This rule is not expected to have a fiscal impact on small businesses because it clarifies and simplifies requirements that are already enforced in other rules and the largest boilers available for purchase in the United States already conform to the EPA standard.

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

This rule is not expected to have a fiscal impact on non-small businesses because it clarifies and simplifies requirements that are already enforced in other rules and the largest boilers available for purchase in the United States already conform to the EPA standard.

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**):

This rule is not expected to have a fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because it 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?):

The compliance costs for this rule are expected to be zero because used-oil boilers available for purchase already meet the proposed standard and the testing requirements are already required and enforced through Rule 315-15.

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):

After a thorough analysis and engagement with impacted parties, the Division of Air Quality has determined that this proposed rule amendment will not result in a fiscal impact to businesses, because used-oil boilers available for purchase already meet the proposed standard and the testing requirements are already required and enforced through Rule 315-15.

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	\$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

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Kim 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:

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; *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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until (mm/dd/yyyy):		06/30/2022
B) A public hearing (optional) will be held:		
On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
06/30/2022	1:00 PM	Video call link: https://meet.google.com/zoa-gzxy-kyp Or dial: (US) +1 385-404-0876 PIN: 714 284 241#

10. This rule change MAY become effective on (mm/dd/yyyy):	08/04/2022
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	Date (mm/dd/yyyy):	05/04/2022

R307. Environmental Quality, Air Quality.

R307-401. Permit: New and Modified Sources.

R307-401-14. Used Oil Fuel Burned for Energy Recovery.

(1) Definitions.

["Boiler" means boiler as defined in R315-1-1(b).]

"Used Oil" is defined as any oil that has been refined from crude oil, used, and, as a result of such use contaminated by physical or chemical impurities.

(2) An emission unit that burns used oil, as defined in Section R315-15-1, for energy recovery is exempt from the requirement to obtain an approval order in Sections R307-401-5 through R307-401-8 if the owner or operator complies with Section R315-15-6 and the heat input design of the emission unit is not more than 0.5 MMBtu/hr. [Boilers burning used oil for energy recovery are exempt from the requirement to obtain an approval order in Sections R307-401-5 through R307-401-8 if the

following requirements are met:

- ~~_____ (a) the heat input design is less than one million BTU/hr;~~
- ~~_____ (b) contamination levels of all used oil to be burned do not exceed any of the following values:~~
 - ~~_____ (i) arsenic – 5 ppm by weight,~~
 - ~~_____ (ii) cadmium – 2 ppm by weight,~~
 - ~~_____ (iii) chromium – 10 ppm by weight,~~
 - ~~_____ (iv) lead – 100 ppm by weight,~~
 - ~~_____ (v) total halogens – 1,000 ppm by weight,~~
 - ~~_____ (vi) Sulfur – 0.50% by weight; and~~
- ~~_____ (c) the flash point of all used oil to be burned is at least 100 degrees Fahrenheit.~~
- ~~_____ (3) Testing. The owner or operator shall test each load of used oil received or generated as directed by the director to ensure it meets these requirements. Testing may be performed by the owner or operator or documented by test reports from the used fuel oil vendor. The flash point shall be measured using the appropriate ASTM method as required by the director. Records for used oil consumption and test reports are to be kept for all periods when fuel-burning equipment is in operation. The records shall be kept on site and made available to the director or the director's representative upon request. Records must be kept for a three-year period.]~~

KEY: air pollution, permits, approval orders, greenhouse gases

Date of Last Change: 2021

Notice of Continuation: May 15, 2017

Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(b)(iii); 19-2-108