

AIR QUALITY BOARD

**Meeting
November 7, 2018**



Department of Environmental Quality
Division of Air Quality

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AIR QUALITY

**Utah
Department of Environmental Quality
Division of Air Quality**

**Utah Air Quality Board Meeting
195 North 1950 West, SLC – Room 1015
November 7, 2018 – 1:30 p.m.**

Please Print

NAME	AFFILIATION
Megan Erons	Hill AFB
Er.k Dettenmaier	H.II AFB
Jessica Reimer	HEAL Utah
Boyd Roberts	Dugway
Kathy Vandame	Breathe Utah
SILVIAN HARDY	MA
CORBIN ANDERSON	SLCO HEALTH DEPT.
Mila Squires	UAMPS
Brian Mensinger	Trinity
CHELSEA DAVIS	Holland & Hart
Emily Tabak	Holland & Hart
Debbie Sigman	debbie@breatheutah.org



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

Air Quality Board
Erin Mendenhall *Chair*
Cassady Kristensen, *Vice-Chair*
Kevin R. Cromar
Mitra Basiri Kashanchi
Randal S. Martin
Alan Matheson
Arnold W. Reitze Jr.
Michael Smith
William C. Stringer
Bryce C. Bird,
Executive Secretary

DAQ-077-18

UTAH AIR QUALITY BOARD MEETING

FINAL AGENDA

Wednesday, November 7, 2018 - 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

- I. Call-to-Order
- II. Date of the Next Air Quality Board Meeting: December 5, 2018
- III. Approval of the Minutes for October 3, 2018, Board Meeting.
- IV. Propose for Public Comment: Amend R307-101-2. Definitions. Presented by Thomas Gunter.
- V. Propose for Continuation: Five-Year Review of R307-101. General Requirements; R307-150. Emission Inventories; R307-405. Permits: Prevention of Significant Deterioration of Air Quality (PSD); and R307-840. Lead-Based Paint Accreditation, Certification and Work Practice Standards. Presented by Thomas Gunter.
- VI. Informational Items.
 - A. Air Toxics. Presented by Robert Ford.
 - B. Compliance. Presented by Jay Morris and Harold Burge.
 - C. Monitoring. Presented by Bo Call.
 - D. Other Items to be Brought Before the Board.
 - E. Board Meeting Follow-up Items.

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Larene Wyss, Office of Human Resources at (801) 536-4281, TDD (801) 536-4284 or by email at lwys@utah.gov.

ITEM 3



State of Utah

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Executive Secretary

UTAH AIR QUALITY BOARD MEETING

October 3, 2018 – 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116
DRAFT MINUTES

I. Call-to-Order

Erin Mendenhall called the meeting to order at 1:32 p.m.

To establish quorum of the Board, Scott Baird of the Department of Environmental Quality was introduced as the Acting Executive Director pending Alan Matheson's arrival.

Board members present: Erin Mendenhall, Kevin Cromar, Randal Martin, Alan Matheson, Arnold Reitze, and Scott Baird

Excused: Cassady Kristensen, Mitra Kashanchi, Michael Smith, and William Stringer

Executive Secretary: Bryce Bird

II. Date of the Next Air Quality Board Meeting: November 7, 2018

III. Approval of the Minutes for September 5, 2018, Board Meeting.

Mr. Cromar would like to have the wording "it is the opinion of" added to Jeanette King's public comment summary to make it less confusing. Mr. Reitze submitted a few grammatical errors for correction.

- Kevin Cromar motioned to approve the minutes as amended. Randal Martin seconded. The Board approved unanimously.

IV. Propose with Department Fee Schedule: Operating Permit Program Fee for Fiscal Year 2020. Presented by David Beatty.

David Beatty, Operating Permits Section Manager at DAQ, stated that each year DAQ establishes an emissions fee that is used solely to fund the Operating Permit Program. For fiscal year 2020, DAQ is proposing a fee \$82.75 per ton, which is a \$3.89 increase from fiscal year 2019. The increase is due to higher salaries and benefits as part of the legislative approved wage increases, and also a reduction in chargeable tonnage of 1,700 tons over last year. Staff recommends that the Board submit as part of the Department's fee package, \$82.75 per ton of emissions for fiscal year 2020 operating permit fee.

In response to the question if any unused funds have ever been returned to a source as a fee reduction, Mr. Beatty responded that yes, a few years ago \$50,000 was subtracted from a source's emissions fee for the following year. Also, in looking into the future, if we keep getting air pollution reduction, a different mechanism may be needed for calculating fees. This issue is occurring all over the entire country. In the next three to four years, DAQ is going to begin looking at other types of fees systems to replace the current system.

- Arnold Reitze motioned that the Board propose Operating Permit Program fee for fiscal year 2020 with the Department fee schedule. Randal Martin seconded. The Board approved unanimously.

V. Propose for Public Comment: Revisions to Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits. Presented by Bill Reiss.

Bill Reiss, Environmental Engineer at DAQ, updated that Part H was proposed for comment in June 2018, and comments were collected through August 15, 2018. The recommended revisions were in support of a serious area PM_{2.5} state implementation plan (SIP) for the Salt Lake City nonattainment area, and as such, underlying each of the source-specific sections in H.12 is the best available control technology (BACT) review for that source.

Part H is not ready for final adoption at this time for two reasons. First, four of the listed sources, Hexcel, Rio Tinto Kennecott, Compass Minerals, and ATK Launch Systems, Inc. Promontory, provided DAQ information that will alter the underlying BACT review. This affects the provisions in Part H for these sources in a substantive way, and requires that we go back out to public comment to notice those changes. Secondly, one of the comments DAQ received from the Utah Petroleum Association (UPA) took issue with the administrative separation of Part H from the remainder of the SIP, which appears as Part A. Part A as you know was only released for comment last month along with the comment from the UPA at the Board's direction.

Mr. Reiss continued with a brief explanation of what happened at the September Board meeting. The PM_{2.5} implementation rule which directs us in putting the SIP together allows that a state may elect to submit one or more precursor demonstrations for a specific nonattainment area. One type of precursor demonstration that can be made is specific to major stationary sources and will show that emissions of a particular precursor from all existing major stationary sources located in the nonattainment area do not contribute significantly to PM_{2.5} levels that exceed the national ambient air quality standards (NAAQS). If this is demonstrated, then based on the facts and circumstances of the area, EPA may approve the demonstration. If EPA does approve the demonstration, the state would not be required to control emissions of the relevant precursor, or precursors, from existing major stationary sources in the attainment plan.

The UPA retained a contractor to use the model and perform such major stationary source precursor demonstrations for each of the four PM_{2.5} plan precursors, SO_x, NO_x, VOC, and ammonia. In that analysis, it concluded that Utah would not be required to control emissions at existing major stationary sources for any of those precursors. UPA's comment essentially says that Part H, as proposed in June 2018, includes controls on these precursor emissions at existing major stationary sources which may be inappropriate given that Part A could include a major stationary source precursor demonstration as part of the attainment modeling.

The Board wanted it noted that their vote in September 2018 was not a vote on whether a precursor demonstration should be included, but that the documents they received would also be available to the public during the comment period for Part A. It was also noted that voting to bring UPA's comments into the work that DAQ was putting out for public comment was unusual and set a precedent.

Mr. Reiss continued, that the revised BACT reviews for the 4 sources previously mentioned have resulted in additional amendments to Part H that are significant enough to require that it be repropose for public comment. During this period, DAQ would solicit comments that concern only those revisions made since the initial proposal in June. This means that the rule would simply stay open a bit longer in its entirety. DAQ anticipates coming back to the Board in January 2019, at which point the Board may consider adopting all of the revisions, both the initial revisions as well as these additional amendments that are being proposed today. In the interim period, DAQ will be collecting comments on Part A of the SIP, including any comments on the one comment from the UPA explained today.

In regards to the UPA analysis, since it is the EPA that would need to approve any such analysis before Utah would be exempted from reviewing BACT or from specifying the provisions to ensure BACT for any of the precursors, DAQ will conduct its own analysis in consultation with the EPA regional office. At this time, DAQ would like to submit several reservations it has regarding the inclusion of such analysis in the SIP for the Salt Lake City nonattainment area. First, ambient PM_{2.5} in this air shed during the episodes when we exceed the 24-hour NAAQS is composed largely of secondary particulate matter. This is discussed in Part A of the SIP where it may be seen that this area has a history of successfully lowering the concentrations of fine particulate through the mitigation of precursor emissions. Second, also discussed in Part A is the performance of the CAMx model and its seeming stiffness in translating expected emission controls on precursor emissions into reduction in PM_{2.5} concentrations.

As the Board reviews the information, staff would ask that the Board consider the appropriateness of including, in the SIP for the Salt Lake City nonattainment area, a categorical exemption from emission controls affecting every one of these precursors. Staff recommends that the Board propose for public comment the amended SIP Subsection IX, Part H, Emission Limits and Operating Practices as further amended in Subparts 1, 2, 11, and 12. In other words, the Board is being asked to propose for public comment the most recent amendment to Part H. Staff also confirms, that today would be an appropriate time to address changes requested by the Board.

In discussion it was asked about what is the best way to handle situations such as the inclusion of UPA's model analysis last month. Staff responded that the rulemaking rules are silent on how such a situation should be handled. So staff would typically follow the normal rulemaking process of receiving public comment, summarize comments with staff responses, and then submit a package for the Board's review. It is also recommended that any questions the Board may have on a rule package, be address with staff before Board meetings so that staff can respond fully and information can be gathered prior to being asked at the podium during a Board meeting.

For clarification, staff was asked if it was correct to say that the precursor demonstrations submitted by the UPA seem to be directly opposed to a serious designation and that we need not demonstrate the precursor impact in order to have BACT requirements on those stationary sources. Mr. Reiss responded that Part H and all the reviews that sit behind Part H have evaluated BACT on not only direct PM_{2.5} but each of these precursors as well. Additionally, DAQ cannot know at the time when this work begins whether or not EPA will ultimately approve a precursor demonstration even if we optionally include it in our package and make that petition to EPA. BACT as DAQ has presented it, encompasses the whole broad spectrum of PM_{2.5} and PM_{2.5} plan precursors.

Board member, Kevin Cromar, raised the following six issues, which are located in Attachment A, Utah State Implementation Plan, Emission Limits and Operating Practices, Section IX, Part H, of the Board packet:

Issue one. On page 26 of 104 for the Kennecott Utah Copper (KUC): Power Plant and Tailings Impoundment. Was there full consideration of year-round natural gas use as BACT for Unit #4? And could the Board make the motion today that only natural gas be used year-round and to include that as BACT for this source. Jon Black, Major New Source Review Section Manager at DAQ, answered yes to both questions. DAQ has evaluated natural gas usage on a year-round basis for this source. Part of what is going out for comment today is going to be a discussion that deals with SO₂. So this is one of the items that will be reevaluated as part of a BACT supplement during the extended comment period.

Issue two. On page 5 of 104 for general requirements regarding hydrocarbon flaring. In other parts of Part H there is a lower limit of 300,000 scfd for part of the year, if BACT for part of the year is 300,000 scfd, wouldn't that potentially also be BACT for the whole year and not just part of the year? John Jenks, Environmental Engineer at DAQ, responded that the source in question, Big West Oil, does not have the ability to install a flare gas recovery system. The other three refineries do have them and are actually controlled better than the generic requirement in H.11. The reason DAQ does not just set Big West Oil at 300,000 scfd is that H.11 is a generic requirement that all refineries would need to meet. So if a new refinery were to hypothetically come in, it would all have to meet that 500,000 scfd which is set as a floor.

Issue three. In a number of instances throughout H.2, H.4, and H.12 there is a different limit for four months of the year, November through February. If the limits for those four months of the year are considered technologically and economically feasible, and doing the BACT analysis, why wouldn't those same limits be technologically and economically feasible during the other parts of the year? Mr. Reiss responded that as DAQ works with sources, certain operations might lend themselves to more flare gas. For example, in the past, sulfur recovery units were required to tamp down SO₂ emissions, particularly important during the winter. These units require maintenance from time to time and when you pull them off-line, sulfur emissions go up. So DAQ would make an allowance during the summer months for these sources to schedule such work off-season so as to not exacerbate PM₁₀ concentrations or PM_{2.5} concentrations.

Alan Matheson enters the meeting.

Issue four. On page 80 of 104 for the Kennecott Utah Copper (KUC): Mine, specifically the mileage limit on haul trucks. A modernization of their conveyor system would essentially require more trucks to pull the ore up as opposed to what was previously transferred on a conveyer. Was there any consideration that this mileage limit would be stratified in some way by tier level of these haul trucks? Mr. Black responded that essentially this mileage was put back in the Part H limitations which probably came from a review done many years ago which evaluated the strategy of tier level trucks at the time. In doing a BACT analysis and looking at what the potential to emit emissions are, you are looking at the type of truck and the amount of material that is hauled. By giving KUC a mileage limitation it allows them to make a selection of a particular truck. Essentially, a mileage limitation is helping us establish not only a potential to emit, but also allows KUC to have flexibility in that movement of material. The analysis that came up with 30,000 miles was based on a combination of Tier 1 and Tier 2. A trolley assist type technology as a BACT option was not looked at as part of the analysis.

Issue five. The rolling 24-hour limit and EPA's comments on the issue. Would there be any reason we would not want to set a rolling 24-hour limit as opposed to midnight to midnight? Mr. Black responded that staff took EPA's comments under advisement and has made a few alterations to emissions limitations by changing types of pounds per hour per million btu and where applicable have made alterations as far as a pound per 24-hour period. This is based on the way the data is collected or the way sampling is done.

Issue six. Frequency of stack tests. For public assurance, is there a reason DAQ would not want to move to an annual stack test as opposed to once every three years? Mr. Black responded that DAQ did evaluate that option and has made changes to most of the operations to an annual stack test which was about 90% of the sources, but that it is also possible to require it of all of the sources.

- Kevin Cromar motions that the Board amend H.2.h.i.d for Kennecott Utah Copper Unit #4, to remove H.2.h.i.E where it talks about the eight months of the year, and to amend H.2.h.i.D to specify that natural gas is used twelve months of the year and not just four months of the year. Kevin Cromar motions that all three year stack tests are move to one year stack tests. Kevin Cromar motions that for the instances of the differences in seasonal limits for H.2.a.vi.A (page 10); H.2.j.iii (page 33); H.4.c.i.A, H.4.c.ii.A, and H.4.c.iii.A (pages 45 and 46); H.4.f.ii.A (page 49); H.12.a.i and H.12.a.ii (page 56); and H.12.l.iii.A and H.12.l.iii.B (page 90), that the Board send out to public comment that just the more stringent one is held throughout the year and not the allowance during the eight months of the year. Arnold Reitze seconded. The Board approved unanimously.
- Randy Martin motions that the Board propose the amended SIP Section IX, Part H, Emission Limits and Operating Practices, specifically amendments to Subparts H.1, 2, 11, and 12, including Kevin Cromar's amendments for public comment. Kevin Cromar seconded. The Board approved unanimously.

VI. Propose for Public Comment: Change in Proposed Rule R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits. Presented by Thomas Gunter.

Thomas Gunter, Rules Coordinator at DAQ, stated that the amendments to Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits, will have to be incorporated into the Utah Air Quality Rules. R307-110-17 is the rule that incorporates the new amendments to Part H into the rules. If the Board adopts the amendments proposed to Part H, these amendments will become part of Utah's SIP when the rule is finalized. Staff recommends that the Board propose R307-110-17 for an additional public comment period to keep in on the same rulemaking calendar as Part H.

Staff was asked to explain the total fiscal costs of \$95 million plus listed in Appendix 1, and also that if the UPA's modeling were approved and those control measures were not required, it would be a \$96 million savings to the larger businesses. Mr. Gunter responded that generally yes, it would be a savings to the larger businesses if UPA's modeling were approved. He also explained that the total fiscal costs amount is calculated by taking the projected costs to the large businesses of the controls in Part H and monetizing the costs in this rule.

The discrepancy between the total fiscal costs and net fiscal benefits listed in Appendix 1 was an oversight and corrections will be made before the public comment period. Staff added that the changes to annual stack testing and other changes made with the amendments to Part H today will need to be incorporated in the final numbers on Appendix 1 as well. These corrections are part of the administrative process to the rule which staff will make. The action before the Board on this agenda item is to incorporate Part H into the state rules.

- Kevin Cromar motioned that the Board approve change in proposed R307-110-17, Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits, for public comment. Arnold Reitze seconded. The Board approved unanimously.

VII. Propose for Public Comment: Five-Year Review: R307-361. Architectural Coatings. Presented by Thomas Gunter.

Thomas Gunter, Rules Coordinator at DAQ, made the correction that this item should be listed as a proposal for approval. Utah Code 63G-3-305 requires each agency to review and justify each of its rules within five years of a rule's original effective date or within five years of the filing of the last five-year review. This review process is not a time to revise or amend the rules, but only to verify that the rule is still necessary and allowed under state and federal law. As part of this process, DAQ is required to identify any comments received since the last five-year review of each rule. This process is not the time to revisit those comments or to respond to them. Staff has reviewed R307-361, Architectural Coatings, and has determined that it should be continued. Staff recommends that the Board continue R307-361 by approving the attached form to be filed with the Office of Administrative Rules.

- Arnold Reitze motioned that the Board approve the five-year review of R307-361, Architectural Coatings. Kevin Cromar seconded. The Board approved unanimously.

VIII. Staff Response to Petition for a Rule Change: Utah Petroleum Association Petition for a Rule Change. Presented by Thomas Gunter.

Thomas Gunter, Rules Coordinator at DAQ, stated that this item addresses a petition for a rule change submitted by the Utah Petroleum Association (UPA) and received by the Division of Air Quality on August 15, 2018. The requirements for a petition for a rule change are listed in R15-2-4. R15-2-4(e) and it states that a petition shall, "State the approximate wording of the requested rule change." In the petition submitted by UPA, they quote the exact language of the rule, and then follow it up with eight bullet points listing outlining measures they believe a best available control measures (BACM) analysis of residential wood combustion would identify. Staff does not believe that these bullet points constitute an approximate wording of a requested rule and therefore fails to fulfill the requirement stated in R15-2-4(e). Staff recommends that the Board deny the petition, instructing staff to notify the petitioner, in writing, of the reasons for denial.

Staff explained further that it is their interpretation that UPA's request is formatted using general wording of the rule itself but does not include wording that could be presented to the public for comment. If the Board denies the petition, staff would recommend a path moving forward of a stakeholder process with the UPA, and other entities that might be involved with such a rule, working to develop rules from UPA's listed bullet points.

In discussion, there was comment about a definitive statement in UPA's petition where it states, "(f) Describe the reason for the rule change: RWC contributes significantly to the SLC NAA's PM2.5 concentration." If something is somewhat suspect in its science, how can a rule be made on BACM analysis on this, to which staff responded that a stakeholder process and working with staff would be a great place to address this issue.

- Kevin Cromar motioned that the Board deny the petition and instructs staff to notify the petitioner in writing to reasons for the denial. Randal Martin seconded. The Board approved unanimously.

IX. Informational Items.

Public comment from Jessica Reimer, Policy Associate at HEAL Utah, was introduced. Ms. Reimer stated that she wanted to address the Board and to bring up concerns for the record, about the process that occurred at the September 2018 Board meeting about including the adoption of the UPA's modeling in the SIP package out for public comment. It is her understanding that the inclusion of the UPA modeling was outside of the normal process of having stakeholders engage as a public entity or just as a member of the public. It is her opinion that the public comment process is established for a reason, to level up the playing field for stakeholders to have input into decisions that are made at the regulatory level. Ms. Reimer states that she has no problem with the modeling itself, but the way in which it was presented seemed to be out of the ordinary; and that if she and HEAL Utah, as stakeholders engaged in the SIP process, had known that the way the UPA presented their modeling was an option, then potentially they would have considered engaging in a different way and considered its own different strategy.

In closing, Ms. Reimer presents three questions she and HEAL Utah could ask for in this process. They could ask for an extended public comment period, but she states that she recognizes that DAQ is up against a tight window with the SIP. They could ask for the exclusion of the UPA modeling, but that it appears there has been discussion about this and it seems to be resolved that the DAQ will be doing its own modeling to determine the validity of the UPA modeling. Ms. Reimer does ask that if after DAQ's validation process of the UPA modeling results in any changes to the SIP into Subpart H, that she and HEAL Utah have a guarantee that that will go out for public comment to make sure that the public can provide input on something that is potentially going to change the important document that is ultimately regulating air quality in the nonattainment areas.

A. Air Toxics. Presented by Robert Ford.

B. Compliance. Presented by Jay Morris and Harold Burge.

C. Monitoring. Presented by Bo Call.

Bo Call, Air Monitoring Section Manager at DAQ, updated the Board on the graphs. The ozone season has basically ended. There were a couple of days of continued fire and smoke events, and from a regulatory standpoint we will not know until the end of the year how those events affected our compliance with the national PM_{2.5} standard or what our 90th percentile values will be.

D. Other Items to be Brought Before the Board.

Whitney Oswald, Technical Analysis Section Manager at DAQ, gave an update on the \$500,000 of ongoing funding received this year from the Legislature for the Science for Solutions, or research funding. DAQ has been developing a more formal process of how funding will be distributed which Ms. Oswald then briefly described in a the five-step process. Along with this process, DAQ is hosting the first annual roundtable conference with researchers to get input on the goals and priorities list which will be finalized and included in DAQ's formal request for proposal available November 1, 2018. Research proposals are due to DAQ on January 4, 2019, for DAQ's internal committee review process, recipients will be awarded March 15, 2019, and the earliest date for funds to be disbursed is July 1, 2019.

Mark Berger, Air Quality Policy Section Manager at DAQ, gave an update on available incentive programs. DAQ received targeted air shed grants of about \$3 million per nonattainment area for a wood stove exchange program. The official launch date is October 15, 2018. Homeowners in each

of the three nonattainment areas will have three options. They can bring a wood stove to a recycler for a \$250 bounty; they can upgrade a non-EPA certified wood stove to an EPA certified stove at a \$500 incentive; or they can upgrade a wood stove to a propane or natural gas stove in the range of \$2,800 to \$3,800 depending on their income level.

Mr. Berger continued that this summer, Rocky Mountain Power approached DAQ about doing a snow blower exchange event in October from money they had left over from Utah's Sustainable Transportation & Energy Plan which needed to be spent by the end of the year. In partnership with Rocky Mountain Power, UCAIR, and DAQ there will be 400 battery-powered snow blowers available to those individuals randomly picked from an online registration process already underway. If an individual brings in a functioning gas snow blower to scrap, they can purchase a new battery-powered snow blower at \$69, or they can still participate and buy one at a discounted price of \$169.

Finally, the Volkswagen mitigation plan for government entities has been finalized and the application period is now open from October 1, 2018, until November 30, 2018. Eligible equipment are vehicle or engine replacements of Class 4-8 local freight trucks, school buses, shuttle buses, and/or transit buses, engine model years 1992-2006, and electric vehicle chargers.

E. Board Meeting Follow-up Items.

- The Board requests to have added to an agenda item added of a presentation on the fine structure that was discussed at the September Board meeting.
- The Board requests a presentation or discussion on the development of the Inland Port, particularly for new development, and as it relates to the Salt Lake nonattainment area.
- The Board inquired if it was possible to hold some Board meetings in other parts of the state to bring in another group of public stakeholders. Staff agreed and will plan for Spring 2019 to accommodate the request.

Meeting adjourned at 2:56 p.m.

ITEM 4



State of Utah

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DIVISION OF AIR QUALITY
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DAQ-075-18

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Alan Humpherys, Minor New Source Review Section Manager

DATE: October 26, 2018

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-101-2. Definitions.

In 2014, the Utah Legislature passed House Bill 31 (H.B. 31) during their General Session. H.B. 31 removed the definition of “Facility” from Utah Code 19-2-102. This same definition of “Facility” was included in R307-101-2 to match the definition in the statute. Because the Legislature removed this definition from the statute, the same definition should be removed from R307-101-2.

The dictionary defines “facility” as “*something that is built, installed, or established to serve a particular purpose.*” The definition of “facility” in R307-101-2 is as follows:

“Facility” means machinery, equipment, structures of any part or accessories thereof, installed or acquired for the primary purpose of controlling or disposing of air pollution. It does not include an air conditioner, fan or other similar device for the comfort of personnel.

R307-101-2 identifies the primary purpose of a facility to be the control or disposal or air pollution. DAQ conducted a review of the use of “facility” in all the rules in R307 where the term is used 269 times (See Attachment A: Summarization of the use of “Facility” in R307). With the exception of the definition of “facility” in R307-101-2, each use of the word facility did not imply or specifically require something that included the control or disposal of air pollution.

Recommendation: Staff recommends that the Board propose amended rule R307-101-2 for public comment.

Summarization of the use of "Facility" in R307

Rule R307-	Rule Title	Times Used	Changed Needed	Explanation
101	General Requirements (Definition of "Facility")	1	Yes	2014 House Bill 31 removed the definition of "facility" from the statute. Therefore, the definition of "facility" should be removed from R307-101.
101	General Requirements (other uses of "Facility")	7	No	Term is used in the federal definition of "clean coal technology," "Electric utility steam generating unit," "Secondary emissions," "Stationary source," and "Building, structure, facility, or installation." Term is also used to mean a location or plant. The use matches the dictionary definition, not the definition specified in R307-101; therefore, the defined term in R307-101 does not apply to these other uses.
120	General Requirements: Tax Exemption for Air Pollution Control Equipment	15	No	"Pollution control facility" is defined in the rule. Other uses match the statute (19-12-303). The defined term in R307-101 does not apply.
150	Emission Inventories	1	No	Used in the term "well production facility." The defined term in R307-101 does not apply.
170	Rule R307-170. Continuous Emission Monitoring Program.	1	No	The term is referring to a fossil fuel fired steam generator greater than 1000 million BTU per hour heat input. The defined term in R307-101 does not apply.
201	Emission Standards: General Emission Standards.	2	No	The term is used to mean a emission unit or source. The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
204	Emission Standards: Smoke Management.	1	No	Included in the definition of "Wildland" (transportation or conveyance facilities). The defined term in R307-101 does not apply.
208	Outdoor Wood Boilers.	1	No	The term is "day care facility." The defined term in R307-101 does not apply.
214	National Emission Standards for Hazardous Air Pollutants.	9	No	Facility is specifically copied from federal regulations. The defined term in R307-101 does not apply.
220	Emission Standards: Plan for Designated Facilities.	2	No	Included in title of rule. References four source categories or "facilities" as used in the rule. The four categories are: Municipal Solid Waste Landfills, Hospital, Medical, Infectious Waste Incinerators, Small Municipal Waste Combustion Units, and Coal-Fired Electric Generating Units. These are sources; therefore, the defined term in R307-101 does not apply.

Summarization of the use of "Facility" in R307

Rule R307-	Rule Title	Times Used	Changed Needed	Explanation
222	Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste.	1	No	The specific meaning of "facility" in R307-222 is a incinerator for hospital, medical, or infectious waste. The defined term in R307-101 does not apply.
223	Emission Standards: Existing Small Municipal Waste Combustion Units.	1	No	The specific meaning of "facility" in R307-223 is a small municipal waste combustion units that combust less than 11 tons per day. The defined term in R307-101 does not apply.
224	Mercury Emission Standards: Coal-Fired Electric Generating Units.	1	No	Term is "Designated Facilities Plan" as used in rule R307-220. The defined term in R307-101 does not apply.
250	Western Backstop Sulfur Dioxide Trading Program.	3	No	The term is used to mean a location, plant, or source. The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
305	Nonattainment and Maintenance Areas for PM10: Emission Standards.	2	No	The term is used to mean a emission unit or source. The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
312	Aggregate Processing Operations for PM2.5 Nonattainment Areas.	2	No	The term is used to describe a "concrete batch plant" and a "hot mix asphalt plant." The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
320	Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program.	3	No	The term is used for "general work site," "on-site facility improvements," and "on-site day care facilities." The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
327	Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage.	2	No	The term is used for "liquid storage facility." The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
328	Gasoline Transfer and Storage.	10	No	Term is used as a gasoline dispensing facility. The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
335	Degreasing.	3	No	Term is used as a cold cleaning facility and a drainage facility. The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.

Summarization of the use of "Facility" in R307

Rule R307-	Rule Title	Times Used	Changed Needed	Explanation
342	Adhesives and Sealants.	3	No	Term is used as an fiberglass boat manufacturing facility, a reinforced plastic composite manufacturing facility, and source-wide or site wide. The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
350	Miscellaneous Metal Parts and Products Coatings.	1	No	The term is used to mean a location or plant where VOC containing coatings are applied to metal parts and products. The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
351	Graphic Arts.	1	No	The term is used to mean a location or plant where packaging and publication rotogravure; packaging and publication flexographic, and specialty printing operations occur. The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
354	Automotive Refinishing Coatings.	1	No	The term is used in the definition of "automotive refinishing" and refers to a plant or location. The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
355	Control of Emissions from Aerospace Manufacture and Rework Facilities.	7	No	Used in rule as "Aerospace manufacture and rework facility" and "General aviation rework facility." The defined term in R307-101 does not apply.
357	Consumer Products.	2	No	Term is used as an industrial facility and an institutional facility. The use matches the dictionary definition, not the definition in R307-101; therefore, the defined term in R307-101 does not apply.
401	Permit: New and Modified Sources.	4	No	Part of a defined term or included in the federal definition. The defined term in R307-101 does not apply.
415	Permits: Operating Permit Requirements.	12	No	Used in a federal rule, or federally approved language as part of the Title V program. The defined term in R307-101 does not apply.
501	Oil and Gas Industry: General Provisions.	3	No	Used in the term "well production facility." The defined term in R307-101 does not apply.
502	Oil and Gas Industry: Pneumatic Controllers.	3	No	Used as "pneumatic controller affected facility," which is defined in NSPS Subpart OOOO. The defined term in R307-101 does not apply.

Summarization of the use of "Facility" in R307

Rule R307-	Rule Title	Times Used	Changed Needed	Explanation
505	Oil and Gas Industry: Registration Requirements	2	No	Used in the term "well production facility." The requirement is for a source to register, not a facility. The defined term in R307-101 does not apply.
801	Utah Asbestos Rule.	82	No	Used in rule as "regulated facility," "residential facility," "AHERA facility," or "NESHAP facility." The defined term in R307-101 does not apply.
840	Lead-Based Paint Program Purpose, Applicability, and Definitions.	18	No	Used in rule as "Child-Occupied Facility." The defined term in R307-101 does not apply.
841	Residential Property and Child-Occupied Facility Renovation.	29	No	Used in rule as "Child-Occupied Facility." The defined term in R307-101 does not apply.
842	Lead-Based Paint Activities.	33	No	Used in rule as "Child-Occupied Facility." The defined term in R307-101 does not apply.

1 **R307. Environmental Quality, Air Quality.**

2 **R307-101. General Requirements.**

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4 **R307-101-2. Definitions.**

5 Except where specified in individual rules, definitions in R307-
6 101-2 are applicable to all rules adopted by the Air Quality Board.

7 "Actual Emissions" means the actual rate of emissions of a
8 pollutant from an emissions unit determined as follows:

9 (1) In general, actual emissions as of a particular date shall
10 equal the average rate, in tons per year, at which the unit actually
11 emitted the pollutant during a two-year period which precedes the
12 particular date and which is representative of normal source operations.
13 The director shall allow the use of a different time period upon a
14 determination that it is more representative of normal source operation.
15 Actual emissions shall be calculated using the unit's actual operating
16 hours, production rates, and types of materials processed, stored, or
17 combusted during the selected time period.

18 (2) The director may presume that source-specific allowable
19 emissions for the unit are equivalent to the actual emissions of the
20 unit.

21 (3) For any emission unit, other than an electric utility steam
22 generating unit specified in (4), which has not begun normal operations
23 on the particular date, actual emissions shall equal the potential to
24 emit of the unit on that date.

25 (4) For an electric utility steam generating unit (other than a
26 new unit or the replacement of an existing unit) actual emissions of the
27 unit following the physical or operational change shall equal the
28 representative actual annual emissions of the unit, provided the source
29 owner or operator maintains and submits to the director, on an annual
30 basis for a period of 5 years from the date the unit resumes regular
31 operation, information demonstrating that the physical or operational
32 change did not result in an emissions increase. A longer period, not to
33 exceed 10 years, may be required by the director if the director
34 determines such a period to be more representative of normal source
35 post-change operations.

36 "Acute Hazardous Air Pollutant" means any noncarcinogenic
37 hazardous air pollutant for which a threshold limit value - ceiling
38 (TLV-C) has been adopted by the American Conference of Governmental
39 Industrial Hygienists (ACGIH) in its "Threshold Limit Values for
40 Chemical Substances and Physical Agents and Biological Exposure Indices,
41 (2009)."

42 "Air pollutant" means a substance that qualifies as an air
43 pollutant as defined in 42 U.S.C. Sec. 7602.

44 "Air Pollutant Source" means private and public sources of
45 emissions of air pollutants.

46 "Air Pollution" means the presence of an air pollutant in the
47 ambient air in such quantities and duration and under conditions and
48 circumstances, that are injurious to human health or welfare, animal or
49 plant life, or property, or would unreasonably interfere with the

1 enjoyment of life or use of property as determined by the standards,
2 rules and regulations adopted by the Air Quality Board (Section 19-2-
3 104).

4 "Allowable Emissions" means the emission rate of a source
5 calculated using the maximum rated capacity of the source (unless the
6 source is subject to enforceable limits which restrict the operating
7 rate, or hours of operation, or both) and the emission limitation
8 established pursuant to R307-401-8.

9 "Ambient Air" means that portion of the atmosphere, external to
10 buildings, to which the general public has access. (Section 19-2-
11 102(4)).

12 "Appropriate Authority" means the governing body of any city, town
13 or county.

14 "Atmosphere" means the air that envelops or surrounds the earth
15 and includes all space outside of buildings, stacks or exterior ducts.

16 "Authorized Local Authority" means a city, county, city-county or
17 district health department; a city, county or combination fire
18 department; or other local agency duly designated by appropriate
19 authority, with approval of the state Department of Health; and other
20 lawfully adopted ordinances, codes or regulations not in conflict
21 therewith.

22 "Board" means Air Quality Board. See Section 19-2-102(8)(a).

23 "Breakdown" means any malfunction or procedural error, to include
24 but not limited to any malfunction or procedural error during start-up
25 and shutdown, which will result in the inoperability or sudden loss of
26 performance of the control equipment or process equipment causing
27 emissions in excess of those allowed by approval order or Title R307.

28 "BTU" means British Thermal Unit, the quantity of heat necessary
29 to raise the temperature of one pound of water one degree Fahrenheit.

30 "Calibration Drift" means the change in the instrument meter
31 readout over a stated period of time of normal continuous operation when
32 the VOC concentration at the time of measurement is the same known
33 upscale value.

34 "Carbon Adsorption System" means a device containing adsorbent
35 material (e.g., activated carbon, aluminum, silica gel), an inlet and
36 outlet for exhaust gases, and a system for the proper disposal or reuse
37 of all VOC adsorbed.

38 "Carcinogenic Hazardous Air Pollutant" means any hazardous air
39 pollutant that is classified as a known human carcinogen (A1) or
40 suspected human carcinogen (A2) by the American Conference of
41 Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit
42 Values for Chemical Substances and Physical Agents and Biological
43 Exposure Indices, (2009)."

44 "Chargeable Pollutant" means any regulated air pollutant except
45 the following:

46 (1) Carbon monoxide;

47 (2) Any pollutant that is a regulated air pollutant solely
48 because it is a Class I or II substance subject to a standard
49 promulgated or established by Title VI of the Act, Stratospheric Ozone

1 Protection;

2 (3) Any pollutant that is a regulated air pollutant solely
3 because it is subject to a standard or regulation under Section 112(r)
4 of the Act, Prevention of Accidental Releases.

5 "Chronic Hazardous Air Pollutant" means any noncarcinogenic
6 hazardous air pollutant for which a threshold limit value - time
7 weighted average (TLV-TWA) having no threshold limit value - ceiling
8 (TLV-C) has been adopted by the American Conference of Governmental
9 Industrial Hygienists (ACGIH) in its "Threshold Limit Values for
10 Chemical Substances and Physical Agents and Biological Exposure Indices,
11 (2009)."

12 "Clean Air Act" means federal Clean Air Act as found in 42 U.S.C.
13 Chapter 85.

14 "Clean Coal Technology" means any technology, including
15 technologies applied at the precombustion, combustion, or post
16 combustion stage, at a new or existing facility which will achieve
17 significant reductions in air emissions of sulfur dioxide or oxides of
18 nitrogen associated with the utilization of coal in the generation of
19 electricity, or process steam which was not in widespread use as of
20 November 15, 1990.

21 "Clean Coal Technology Demonstration Project" means a project
22 using funds appropriated under the heading "Department of Energy-Clean
23 Coal Technology," up to a total amount of \$2,500,000,000 for commercial
24 demonstration of clean coal technology, or similar projects funded
25 through appropriations for the Environmental Protection Agency. The
26 Federal contribution for a qualifying project shall be at least 20
27 percent of the total cost of the demonstration project.

28 "Clearing Index" means an indicator of the predicted rate of
29 clearance of ground level pollutants from a given area. This number is
30 provided by the National Weather Service.

31 "Coating" means a material that can be applied to a substrate and
32 which cures to form a continuous solid film for protective, decorative,
33 or functional purposes. Such materials include, but are not limited to,
34 paints, varnishes, sealants, adhesives, caulks, maskants, inks, and
35 temporary protective coatings.

36 "Commence" as applied to construction of a major source or major
37 modification means that the owner or operator has all necessary pre-
38 construction approvals or permits and either has:

39 (1) Begun, or caused to begin, a continuous program of actual on-
40 site construction of the source, to be completed within a reasonable
41 time; or

42 (2) Entered into binding agreements or contractual obligations,
43 which cannot be canceled or modified without substantial loss to the
44 owner or operator, to undertake a program of actual construction of the
45 source to be completed within a reasonable time.

46 "Composite vapor pressure" means the sum of the partial pressures
47 of the compounds defined as VOCs.

48 "Condensable PM2.5" means material that is vapor phase at stack
49 conditions, but which condenses and/or reacts upon cooling and dilution

1 in the ambient air to form solid or liquid particulate matter
2 immediately after discharge from the stack.

3 "Compliance Schedule" means a schedule of events, by date, which
4 will result in compliance with these regulations.

5 "Construction" means any physical change or change in the method
6 of operation including fabrication, erection, installation, demolition,
7 or modification of a source which would result in a change in actual
8 emissions.

9 "Control Apparatus" means any device which prevents or controls
10 the emission of any air pollutant directly or indirectly into the
11 outdoor atmosphere.

12 "Department" means Utah State Department of Environmental Quality.
13 See Section 19-1-103(1).

14 "Director" means the Director of the Division of Air Quality. See
15 Section 19-1-103(1).

16 "Division" means the Division of Air Quality.

17 "Electric Utility Steam Generating Unit" means any steam electric
18 generating unit that is constructed for the purpose of supplying more
19 than one-third of its potential electric output capacity and more than
20 25 MW electrical output to any utility power distribution system for
21 sale. Any steam supplied to a steam distribution system for the purpose
22 of providing steam to a steam-electric generator that would produce
23 electrical energy for sale is also considered in determining the
24 electrical energy output capacity of the affected facility.

25 "Emission" means the act of discharge into the atmosphere of an
26 air pollutant or an effluent which contains or may contain an air
27 pollutant; or the effluent so discharged into the atmosphere.

28 "Emissions Information" means, with reference to any source
29 operation, equipment or control apparatus:

30 (1) Information necessary to determine the identity, amount,
31 frequency, concentration, or other characteristics related to air
32 quality of any air pollutant which has been emitted by the source
33 operation, equipment, or control apparatus;

34 (2) Information necessary to determine the identity, amount,
35 frequency, concentration, or other characteristics (to the extent
36 related to air quality) of any air pollutant which, under an applicable
37 standard or limitation, the source operation was authorized to emit
38 (including, to the extent necessary for such purposes, a description of
39 the manner or rate of operation of the source operation), or any
40 combination of the foregoing; and

41 (3) A general description of the location and/or nature of the
42 source operation to the extent necessary to identify the source
43 operation and to distinguish it from other source operations (including,
44 to the extent necessary for such purposes, a description of the device,
45 installation, or operation constituting the source operation).

46 "Emission Limitation" means a requirement established by the
47 Board, the director or the Administrator, EPA, which limits the
48 quantity, rate or concentration of emission of air pollutants on a
49 continuous emission reduction including any requirement relating to the

1 operation or maintenance of a source to assure continuous emission
2 reduction (Section 302(k)).

3 "Emissions Unit" means any part of a stationary source which emits
4 or would have the potential to emit any pollutant subject to regulation
5 under the Clean Air Act.

6 "Enforceable" means all limitations and conditions which are
7 enforceable by the Administrator, including those requirements developed
8 pursuant to 40 CFR Parts 60 and 61, requirements within the State
9 Implementation Plan and R307, any permit requirements established
10 pursuant to 40 CFR 52.21 or R307-401.

11 "EPA" means Environmental Protection Agency.

12 "EPA Method 9" means 40 CFR Part 60, Appendix A, Method 9, "Visual
13 Determination of Opacity of Emissions from Stationary Sources," and
14 Alternate 1, "Determination of the opacity of emissions from stationary
15 sources remotely by LIDAR."

16 "Executive Director" means the Executive Director of the Utah
17 Department of Environmental Quality. See Section 19-1-103(2).

18 "Existing Installation" means an installation, construction of
19 which began prior to the effective date of any regulation having
20 application to it.

21 [~~"Facility" means machinery, equipment, structures of any part or
22 accessories thereof, installed or acquired for the primary purpose of
23 controlling or disposing of air pollution. It does not include an air
24 conditioner, fan or other similar device for the comfort of personnel.~~]

25 "Filterable PM2.5" means particles with an aerodynamic diameter
26 equal to or less than 2.5 micrometers that are directly emitted by a
27 source as a solid or liquid at stack or release conditions and can be
28 captured on the filter of a stack test train.

29 "Fireplace" means all devices both masonry or factory built units
30 (free standing fireplaces) with a hearth, fire chamber or similarly
31 prepared device connected to a chimney which provides the operator with
32 little control of combustion air, leaving its fire chamber fully or at
33 least partially open to the room. Fireplaces include those devices with
34 circulating systems, heat exchangers, or draft reducing doors with a net
35 thermal efficiency of no greater than twenty percent and are used for
36 aesthetic purposes.

37 "Fugitive Dust" means particulate, composed of soil and/or
38 industrial particulates such as ash, coal, minerals, etc., which becomes
39 airborne because of wind or mechanical disturbance of surfaces. Natural
40 sources of dust and fugitive emissions are not fugitive dust within the
41 meaning of this definition.

42 "Fugitive Emissions" means emissions from an installation or
43 facility which are neither passed through an air cleaning device nor
44 vented through a stack or could not reasonably pass through a stack,
45 chimney, vent, or other functionally equivalent opening.

46 "Garbage" means all putrescible animal and vegetable matter
47 resulting from the handling, preparation, cooking and consumption of
48 food, including wastes attendant thereto.

49 "Gasoline" means any petroleum distillate, used as a fuel for

1 internal combustion engines, having a Reid vapor pressure of 4 pounds or
2 greater.

3 "Hazardous Air Pollutant (HAP)" means any pollutant listed by the
4 EPA as a hazardous air pollutant in conformance with Section 112(b) of
5 the Clean Air Act. A list of these pollutants is available at the
6 Division of Air Quality.

7 "Household Waste" means any solid or liquid material normally
8 generated by the family in a residence in the course of ordinary day-to-
9 day living, including but not limited to garbage, paper products, rags,
10 leaves and garden trash.

11 "Incinerator" means a combustion apparatus designed for high
12 temperature operation in which solid, semisolid, liquid, or gaseous
13 combustible wastes are ignited and burned efficiently and from which the
14 solid and gaseous residues contain little or no combustible material.

15 "Installation" means a discrete process with identifiable
16 emissions which may be part of a larger industrial plant. Pollution
17 equipment shall not be considered a separate installation or
18 installations.

19 "LPG" means liquified petroleum gas such as propane or butane.

20 "Maintenance Area" means an area that is subject to the provisions
21 of a maintenance plan that is included in the Utah state implementation
22 plan, and that has been redesignated by EPA from nonattainment to
23 attainment of any National Ambient Air Quality Standard.

24 (a) The following areas are considered maintenance areas for
25 ozone:

- 26 (i) Salt Lake County, effective August 18, 1997; and
- 27 (ii) Davis County, effective August 18, 1997.

28 (b) The following areas are considered maintenance areas for
29 carbon monoxide:

- 30 (i) Salt Lake City, effective March 22, 1999;
- 31 (ii) Ogden City, effective May 8, 2001; and
- 32 (iii) Provo City, effective January 3, 2006.

33 (c) The following areas are considered maintenance areas for
34 PM10:

- 35 (i) Salt Lake County, effective on the date that EPA approves the
36 maintenance plan that was adopted by the Board on December 2, 2015; and
- 37 (ii) Utah County, effective on the date that EPA approves the
38 maintenance plan that was adopted by the Board on December 2, 2015; and
- 39 (iii) Ogden City, effective on the date that EPA approves the
40 maintenance plan that was adopted by the Board on December 2, 2015.

41 (d) The following area is considered a maintenance area for
42 sulfur dioxide: all of Salt Lake County and the eastern portion of
43 Tooele County above 5600 feet, effective on the date that EPA approves
44 the maintenance plan that was adopted by the Board on January 5, 2005.

45 "Major Modification" means any physical change in or change in the
46 method of operation of a major source that would result in a significant
47 net emissions increase of any pollutant. A net emissions increase that
48 is significant for volatile organic compounds shall be considered
49 significant for ozone. Within Salt Lake and Davis Counties or any

1 nonattainment area for ozone, a net emissions increase that is
2 significant for nitrogen oxides shall be considered significant for
3 ozone. Within areas of nonattainment for PM10, a significant net
4 emission increase for any PM10 precursor is also a significant net
5 emission increase for PM10. A physical change or change in the method
6 of operation shall not include:

7 (1) routine maintenance, repair and replacement;

8 (2) use of an alternative fuel or raw material by reason of an
9 order under section 2(a) and (b) of the Energy Supply and Environmental
10 Coordination Act of 1974, or by reason of a natural gas curtailment plan
11 pursuant to the Federal Power Act;

12 (3) use of an alternative fuel by reason of an order or rule
13 under section 125 of the federal Clean Air Act;

14 (4) use of an alternative fuel at a steam generating unit to the
15 extent that the fuel is generated from municipal solid waste;

16 (5) use of an alternative fuel or raw material by a source:

17 (a) which the source was capable of accommodating before January
18 6, 1975, unless such change would be prohibited under any enforceable
19 permit condition; or

20 (b) which the source is otherwise approved to use;

21 (6) an increase in the hours of operation or in the production
22 rate unless such change would be prohibited under any enforceable permit
23 condition;

24 (7) any change in ownership at a source

25 (8) the addition, replacement or use of a pollution control
26 project at an existing electric utility steam generating unit, unless
27 the director determines that such addition, replacement, or use renders
28 the unit less environmentally beneficial, or except:

29 (a) when the director has reason to believe that the pollution
30 control project would result in a significant net increase in
31 representative actual annual emissions of any criteria pollutant over
32 levels used for that source in the most recent air quality impact
33 analysis in the area conducted for the purpose of Title I of the Clean
34 Air Act, if any, and

35 (b) the director determines that the increase will cause or
36 contribute to a violation of any national ambient air quality standard
37 or PSD increment, or visibility limitation.

38 (9) the installation, operation, cessation, or removal of a
39 temporary clean coal technology demonstration project, provided that the
40 project complies with:

41 (a) the Utah State Implementation Plan; and

42 (b) other requirements necessary to attain and maintain the
43 national ambient air quality standards during the project and after it
44 is terminated.

45 "Major Source" means, to the extent provided by the federal Clean
46 Air Act as applicable to R307:

47 (1) any stationary source of air pollutants which emits, or has
48 the potential to emit, one hundred tons per year or more of any
49 pollutant subject to regulation under the Clean Air Act; or

1 (a) any source located in a nonattainment area for carbon
2 monoxide which emits, or has the potential to emit, carbon monoxide in
3 the amounts outlined in Section 187 of the federal Clean Air Act with
4 respect to the severity of the nonattainment area as outlined in Section
5 187 of the federal Clean Air Act; or

6 (b) any source located in Salt Lake or Davis Counties or in a
7 nonattainment area for ozone which emits, or has the potential to emit,
8 VOC or nitrogen oxides in the amounts outlined in Section 182 of the
9 federal Clean Air Act with respect to the severity of the nonattainment
10 area as outlined in Section 182 of the federal Clean Air Act; or

11 (c) any source located in a nonattainment area for PM10 which
12 emits, or has the potential to emit, PM10 or any PM10 precursor in the
13 amounts outlined in Section 189 of the federal Clean Air Act with
14 respect to the severity of the nonattainment area as outlined in Section
15 189 of the federal Clean Air Act.

16 (2) any physical change that would occur at a source not
17 qualifying under subpart 1 as a major source, if the change would
18 constitute a major source by itself;

19 (3) the fugitive emissions and fugitive dust of a stationary
20 source shall not be included in determining for any of the purposes of
21 these R307 rules whether it is a major stationary source, unless the
22 source belongs to one of the following categories of stationary sources:

- 23 (a) Coal cleaning plants (with thermal dryers);
- 24 (b) Kraft pulp mills;
- 25 (c) Portland cement plants;
- 26 (d) Primary zinc smelters;
- 27 (e) Iron and steel mills;
- 28 (f) Primary aluminum or reduction plants;
- 29 (g) Primary copper smelters;
- 30 (h) Municipal incinerators capable of charging more than 250 tons
31 of refuse per day;
- 32 (i) Hydrofluoric, sulfuric, or nitric acid plants;
- 33 (j) Petroleum refineries;
- 34 (k) Lime plants;
- 35 (l) Phosphate rock processing plants;
- 36 (m) Coke oven batteries;
- 37 (n) Sulfur recovery plants;
- 38 (o) Carbon black plants (furnace process);
- 39 (p) Primary lead smelters;
- 40 (q) Fuel conversion plants;
- 41 (r) Sintering plants;
- 42 (s) Secondary metal production plants;
- 43 (t) Chemical process plants;
- 44 (u) Fossil-fuel boilers (or combination thereof) totaling more
45 than 250 million British Thermal Units per hour heat input;
- 46 (v) Petroleum storage and transfer units with a total storage
47 capacity exceeding 300,000 barrels;
- 48 (w) Taconite ore processing plants;
- 49 (x) Glass fiber processing plants;

1 (y) Charcoal production plants;

2 (z) Fossil fuel-fired steam electric plants of more than 250
3 million British Thermal Units per hour heat input;

4 (aa) Any other stationary source category which, as of August 7,
5 1980, is being regulated under section 111 or 112 of the federal Clean
6 Air Act.

7 "Modification" means any planned change in a source which results
8 in a potential increase of emission.

9 "National Ambient Air Quality Standards (NAAQS)" means the
10 allowable concentrations of air pollutants in the ambient air specified
11 by the Federal Government (Title 40, Code of Federal Regulations, Part
12 50).

13 "Net Emissions Increase" means the amount by which the sum of the
14 following exceeds zero:

15 (1) any increase in actual emissions from a particular physical
16 change or change in method of operation at a source; and

17 (2) any other increases and decreases in actual emissions at the
18 source that are contemporaneous with the particular change and are
19 otherwise creditable. For purposes of determining a "net emissions
20 increase":

21 (a) An increase or decrease in actual emissions is
22 contemporaneous with the increase from the particular change only if it
23 occurs between the date five years before construction on the particular
24 change commences; and the date that the increase from the particular
25 change occurs.

26 (b) An increase or decrease in actual emissions is creditable
27 only if it has not been relied on in issuing a prior approval for the
28 source which approval is in effect when the increase in actual emissions
29 for the particular change occurs.

30 (c) An increase or decrease in actual emission of sulfur dioxide,
31 nitrogen oxides or particulate matter which occurs before an applicable
32 minor source baseline date is creditable only if it is required to be
33 considered in calculating the amount of maximum allowable increases
34 remaining available. With respect to particulate matter, only PM10
35 emissions will be used to evaluate this increase or decrease.

36 (d) An increase in actual emissions is creditable only to the
37 extent that the new level of actual emissions exceeds the old level.

38 (e) A decrease in actual emissions is creditable only to the
39 extent that:

40 (i) The old level of actual emissions or the old level of
41 allowable emissions, whichever is lower, exceeds the new level of actual
42 emissions;

43 (ii) It is enforceable at and after the time that actual
44 construction on the particular change begins; and

45 (iii) It has approximately the same qualitative significance for
46 public health and welfare as that attributed to the increase from the
47 particular change.

48 (iv) It has not been relied on in issuing any permit under R307-
49 401 nor has it been relied on in demonstrating attainment or reasonable

1 further progress.

2 (f) An increase that results from a physical change at a source
3 occurs when the emissions unit on which construction occurred becomes
4 operational and begins to emit a particular pollutant. Any replacement
5 unit that requires shakedown becomes operational only after a reasonable
6 shakedown period, not to exceed 180 days.

7 "New Installation" means an installation, construction of which
8 began after the effective date of any regulation having application to
9 it.

10 "Nonattainment Area" means an area designated by the Environmental
11 Protection Agency as nonattainment under Section 107, Clean Air Act for
12 any National Ambient Air Quality Standard. The designations for Utah are
13 listed in 40 CFR 81.345.

14 "Offset" means an amount of emission reduction, by a source,
15 greater than the emission limitation imposed on such source by these
16 regulations and/or the State Implementation Plan.

17 "Opacity" means the capacity to obstruct the transmission of
18 light, expressed as percent.

19 "Open Burning" means any burning of combustible materials
20 resulting in emission of products of combustion into ambient air without
21 passage through a chimney or stack.

22 "Owner or Operator" means any person who owns, leases, controls,
23 operates or supervises a facility, an emission source, or air pollution
24 control equipment.

25 "PSD" Area means an area designated as attainment or
26 unclassifiable under section 107(d)(1)(D) or (E) of the federal Clean
27 Air Act.

28 "PM2.5" means particulate matter with an aerodynamic diameter less
29 than or equal to a nominal 2.5 micrometers as measured by an EPA
30 reference or equivalent method.

31 "PM2.5 Precursor" means any chemical compound or substance which,
32 after it has been emitted into the atmosphere, undergoes chemical or
33 physical changes that convert it into particulate matter, specifically
34 PM2.5.

35 (1) Specifically, Sulfur dioxide, Nitrogen oxides, Volatile
36 organic compounds and Ammonia are precursors to PM2.5 in any PM2.5
37 nonattainment area, except where the Administrator of the EPA has
38 approved a demonstration satisfying 40 CFR 51.1006(a)(3) which has, for
39 a particular PM2.5 nonattainment area, determined otherwise.

40 (2) The following subparagraphs denote specific nonattainment
41 areas (as defined in the July 1, 2017 version of 40 CFR 81.345), within
42 which certain pollutants identified in paragraph (1) are exempted from
43 the definition of PM2.5 precursor for the purposes of 40 CFR 51.165

44 (a) In the Logan UT-ID PM2.5 nonattainment area - Ammonia is
45 exempted.

46 "PM10" means particulate matter with an aerodynamic diameter less
47 than or equal to a nominal 10 micrometers as measured by an EPA
48 reference or equivalent method.

49 "PM10 Precursor" means any chemical compound or substance which,

1 after it has been emitted into the atmosphere, undergoes chemical or
2 physical changes that convert it into particulate matter, specifically
3 PM10.

4 "Part 70 Source" means any source subject to the permitting
5 requirements of R307-415.

6 "Person" means an individual, trust, firm, estate, company,
7 corporation, partnership, association, state, state or federal agency or
8 entity, municipality, commission, or political subdivision of a state.
9 (Subsection 19-2-103(4)).

10 "Pollution Control Project" means any activity or project at an
11 existing electric utility steam generating unit for purposes of reducing
12 emissions from such unit. Such activities or projects are limited to:

13 (1) The installation of conventional or innovative pollution
14 control technology, including but not limited to advanced flue gas
15 desulfurization, sorbent injection for sulfur dioxide and nitrogen
16 oxides controls and electrostatic precipitators;

17 (2) An activity or project to accommodate switching to a fuel
18 which is less polluting than the fuel used prior to the activity or
19 project, including, but not limited to natural gas or coal reburning, or
20 the cofiring of natural gas and other fuels for the purpose of
21 controlling emissions;

22 (3) A permanent clean coal technology demonstration project
23 conducted under Title II, sec. 101(d) of the Further Continuing
24 Appropriations Act of 1985 (sec. 5903(d) of title 42 of the United
25 States Code), or subsequent appropriations, up to a total amount of
26 \$2,500,000,000 for commercial demonstration of clean coal technology, or
27 similar projects funded through appropriations for the Environmental
28 Protection Agency; or

29 (4) A permanent clean coal technology demonstration project that
30 constitutes a repowering project.

31 "Potential to Emit" means the maximum capacity of a source to emit
32 a pollutant under its physical and operational design. Any physical or
33 operational limitation on the capacity of the source to emit a pollutant
34 including air pollution control equipment and restrictions on hours of
35 operation or on the type or amount of material combusted, stored, or
36 processed shall be treated as part of its design if the limitation or
37 the effect it would have on emissions is enforceable. Secondary
38 emissions do not count in determining the potential to emit of a
39 stationary source.

40 "Primary PM2.5" means the sum of filterable PM2.5 and condensable
41 PM2.5.

42 "Process Level" means the operation of a source, specific to the
43 kind or type of fuel, input material, or mode of operation.

44 "Process Rate" means the quantity per unit of time of any raw
45 material or process intermediate consumed, or product generated, through
46 the use of any equipment, source operation, or control apparatus. For a
47 stationary internal combustion unit or any other fuel burning equipment,
48 this term may be expressed as the quantity of fuel burned per unit of
49 time.

1 "Reactivation of a Very Clean Coal-Fired Electric Utility Steam
2 Generating Unit" means any physical change or change in the method of
3 operation associated with the commencement of commercial operations by a
4 coal-fired utility unit after a period of discontinued operation where
5 the unit:

6 (1) Has not been in operation for the two-year period prior to
7 the enactment of the Clean Air Act Amendments of 1990, and the emissions
8 from such unit continue to be carried in the emission inventory at the
9 time of enactment;

10 (2) Was equipped prior to shutdown with a continuous system of
11 emissions control that achieves a removal efficiency for sulfur dioxide
12 of no less than 85 percent and a removal efficiency for particulates of
13 no less than 98 percent;

14 (3) Is equipped with low-NOx burners prior to the time of
15 commencement of operations following reactivation; and

16 (4) Is otherwise in compliance with the requirements of the Clean
17 Air Act.

18 "Reasonable Further Progress" means annual incremental reductions
19 in emission of an air pollutant which are sufficient to provide for
20 attainment of the NAAQS by the date identified in the State
21 Implementation Plan.

22 "Refuse" means solid wastes, such as garbage and trash.

23 "Regulated air pollutant" means any of the following:

24 (a) Nitrogen oxides or any volatile organic compound;

25 (b) Any pollutant for which a national ambient air quality
26 standard has been promulgated;

27 (c) Any pollutant that is subject to any standard promulgated
28 under Section 111 of the Act, Standards of Performance for New
29 Stationary Sources;

30 (d) Any Class I or II substance subject to a standard promulgated
31 under or established by Title VI of the Act, Stratospheric Ozone
32 Protection;

33 (e) Any pollutant subject to a standard promulgated under Section
34 112, Hazardous Air Pollutants, or other requirements established under
35 Section 112 of the Act, including Sections 112(g), (j), and (r) of the
36 Act, including any of the following:

37 (i) Any pollutant subject to requirements under Section 112(j) of
38 the Act, Equivalent Emission Limitation by Permit. If the Administrator
39 fails to promulgate a standard by the date established pursuant to
40 Section 112(e) of the Act, any pollutant for which a subject source
41 would be major shall be considered to be regulated on the date 18 months
42 after the applicable date established pursuant to Section 112(e) of the
43 Act;

44 (ii) Any pollutant for which the requirements of Section
45 112(g)(2) of the Act (Construction, Reconstruction and Modification)
46 have been met, but only with respect to the individual source subject to
47 Section 112(g)(2) requirement.

48 "Repowering" means replacement of an existing coal-fired boiler
49 with one of the following clean coal technologies: atmospheric or

1 pressurized fluidized bed combustion, integrated gasification combined
2 cycle, magnetohydrodynamics, direct and indirect coal-fired turbines,
3 integrated gasification fuel cells, or as determined by the
4 Administrator, in consultation with the Secretary of Energy, a
5 derivative of one or more of these technologies, and any other
6 technology capable of controlling multiple combustion emissions
7 simultaneously with improved boiler or generation efficiency and with
8 significantly greater waste reduction relative to the performance of
9 technology in widespread commercial use as of November 15, 1990.

10 (1) Repowering shall also include any oil and/or gas-fired unit
11 which has been awarded clean coal technology demonstration funding as of
12 January 1, 1991, by the Department of Energy.

13 (2) The director shall give expedited consideration to permit
14 applications for any source that satisfies the requirements of this
15 definition and is granted an extension under section 409 of the Clean
16 Air Act.

17 "Representative Actual Annual Emissions" means the average rate,
18 in tons per year, at which the source is projected to emit a pollutant
19 for the two-year period after a physical change or change in the method
20 of operation of unit, (or a different consecutive two-year period within
21 10 years after that change, where the director determines that such
22 period is more representative of source operations), considering the
23 effect any such change will have on increasing or decreasing the hourly
24 emissions rate and on projected capacity utilization. In projecting
25 future emissions the director shall:

26 (1) Consider all relevant information, including but not limited
27 to, historical operational data, the company's own representations,
28 filings with the State of Federal regulatory authorities, and compliance
29 plans under title IV of the Clean Air Act; and

30 (2) Exclude, in calculating any increase in emissions that
31 results from the particular physical change or change in the method of
32 operation at an electric utility steam generating unit, that portion of
33 the unit's emissions following the change that could have been
34 accommodated during the representative baseline period and is
35 attributable to an increase in projected capacity utilization at the
36 unit that is unrelated to the particular change, including any increased
37 utilization due to the rate of electricity demand growth for the utility
38 system as a whole.

39 "Residence" means a dwelling in which people live, including all
40 ancillary buildings.

41 "Residential Solid Fuel Burning" device means any residential
42 burning device except a fireplace connected to a chimney that burns
43 solid fuel and is capable of, and intended for use as a space heater,
44 domestic water heater, or indoor cooking appliance, and has an air-to-
45 fuel ratio less than 35-to-1 as determined by the test procedures
46 prescribed in 40 CFR 60.534. It must also have a useable firebox volume
47 of less than 6.10 cubic meters or 20 cubic feet, a minimum burn rate
48 less than 5 kilograms per hour or 11 pounds per hour as determined by
49 test procedures prescribed in 40 CFR 60.534, and weigh less than 800

1 kilograms or 362.9 pounds. Appliances that are described as
2 prefabricated fireplaces and are designed to accommodate doors or other
3 accessories that would create the air starved operating conditions of a
4 residential solid fuel burning device shall be considered as such.
5 Fireplaces are not included in this definition for solid fuel burning
6 devices.

7 "Road" means any public or private road.

8 "Salvage Operation" means any business, trade or industry engaged
9 in whole or in part in salvaging or reclaiming any product or material,
10 including but not limited to metals, chemicals, shipping containers or
11 drums.

12 "Secondary Emissions" means emissions which would occur as a
13 result of the construction or operation of a major source or major
14 modification, but do not come from the major source or major
15 modification itself.

16 Secondary emissions must be specific, well defined, quantifiable,
17 and impact the same general area as the source or modification which
18 causes the secondary emissions. Secondary emissions include emissions
19 from any off-site support facility which would not be constructed or
20 increase its emissions except as a result of the construction or
21 operation of the major source or major modification. Secondary
22 emissions do not include any emissions which come directly from a mobile
23 source such as emissions from the tailpipe of a motor vehicle, from a
24 train, or from a vessel.

25 Fugitive emissions and fugitive dust from the source or
26 modification are not considered secondary emissions.

27 "Secondary PM2.5" means particles that form or grow in mass
28 through chemical reactions in the ambient air well after dilution and
29 condensation have occurred. Secondary PM2.5 is usually formed at some
30 distance downwind from the source.

31 "Significant" means:

32 (1) In reference to a net emissions increase or the potential of
33 a source to emit any of the following pollutants, a rate of emissions
34 that would equal or exceed any of the following rates:

35 Carbon monoxide: 100 ton per year (tpy);

36 Nitrogen oxides: 40 tpy;

37 Sulfur dioxide: 40 tpy;

38 PM10: 15 tpy;

39 PM2.5: 10 tpy;

40 Particulate matter: 25 tpy;

41 Ozone: 40 tpy of volatile organic compounds;

42 Lead: 0.6 tpy.

43 "Solid Fuel" means wood, coal, and other similar organic material
44 or combination of these materials.

45 "Solvent" means organic materials which are liquid at standard
46 conditions (Standard Temperature and Pressure) and which are used as
47 dissolvers, viscosity reducers, or cleaning agents.

48 "Source" means any structure, building, facility, or installation
49 which emits or may emit any air pollutant subject to regulation under

1 the Clean Air Act and which is located on one or more continuous or
2 adjacent properties and which is under the control of the same person or
3 persons under common control. A building, structure, facility, or
4 installation means all of the pollutant-emitting activities which belong
5 to the same industrial grouping. Pollutant-emitting activities shall be
6 considered as part of the same industrial grouping if they belong to the
7 same "Major Group" (i.e. which have the same two-digit code) as
8 described in the Standard Industrial Classification Manual, 1972, as
9 amended by the 1977 Supplement (US Government Printing Office stock
10 numbers 4101-0065 and 003-005-00176-0, respectively).

11 "Stack" means any point in a source designed to emit solids,
12 liquids, or gases into the air, including a pipe or duct but not
13 including flares.

14 "Standards of Performance for New Stationary Sources" means the
15 Federally established requirements for performance and record keeping
16 (Title 40 Code of Federal Regulations, Part 60).

17 "State" means Utah State.

18 "Temporary" means not more than 180 calendar days.

19 "Temporary Clean Coal Technology Demonstration Project" means a
20 clean coal technology demonstration project that is operated for a
21 period of 5 years or less, and which complies with the Utah State
22 Implementation Plan and other requirements necessary to attain and
23 maintain the national ambient air quality standards during the project
24 and after it is terminated.

25 "Threshold Limit Value - Ceiling (TLV-C)" means the airborne
26 concentration of a substance which may not be exceeded, as adopted by
27 the American Conference of Governmental Industrial Hygienists in its
28 "Threshold Limit Values for Chemical Substances and Physical Agents and
29 Biological Exposure Indices, (2009)."

30 "Threshold Limit Value - Time Weighted Average (TLV-TWA)" means
31 the time-weighted airborne concentration of a substance adopted by the
32 American Conference of Governmental Industrial Hygienists in its
33 "Threshold Limit Values for Chemical Substances and Physical Agents and
34 Biological Exposure Indices, (2009)."

35 "Total Suspended Particulate (TSP)" means minute separate
36 particles of matter, collected by high volume sampler.

37 "Toxic Screening Level" means an ambient concentration of an air
38 pollutant equal to a threshold limit value - ceiling (TLV- C) or
39 threshold limit value -time weighted average (TLV-TWA) divided by a
40 safety factor.

41 "Trash" means solids not considered to be highly flammable or
42 explosive including, but not limited to clothing, rags, leather,
43 plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings
44 and other similar materials.

45 "VOC content" means the weight of VOC per volume of material and
46 is calculated by the following equation in gram/liter (or alternately in
47 pound/gallon, or pound/pound):

$$48 \text{ Grams of VOC per Liter of Material} = W_s - W_w - W_{es} / V_m$$

49 Where:

1 Ws = weight of volatile organic compounds

2 Ww = weight of water

3 Wes = weight of exempt compounds

4 Vm = volume of material

5 "Volatile Organic Compound (VOC)" means VOC as defined in 40 CFR
6 51.100(s), effective as of the date referenced in R307-101-3, is hereby
7 adopted and incorporated by reference.

8 "Waste" means all solid, liquid or gaseous material, including,
9 but not limited to, garbage, trash, household refuse, construction or
10 demolition debris, or other refuse including that resulting from the
11 prosecution of any business, trade or industry.

12 "Zero Drift" means the change in the instrument meter readout over
13 a stated period of time of normal continuous operation when the VOC
14 concentration at the time of measurement is zero.

15 ---

16 **KEY: air pollution, definitions**

17 **Date of Enactment or Last Substantive Amendment: [~~August 2~~], 201[8]9**

18 **Notice of Continuation: May 8, 2014**

19 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)**

ITEM 5



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-074-18

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Thomas Gunter, Environmental Planning Consultant

DATE: October 26, 2018

SUBJECT: Five-Year Review: R307-101. General Requirements; R307-150. Emission Inventories; R307-405. Permits: Major Sources in Attainment or Unclassified Areas (PSD); and R307-840. Lead-Based Paint Program Purpose, Applicability, and Definitions.

Utah Code 63G-3-305 requires each agency to review and justify each of its rules within five years of a rule's original effective date or within five years of the filing of the last five-year review. This review process is not a time to revise or amend the rules, but only to verify that the rule is still necessary and allowed under state and federal law. As part of this process, we are required to identify any comments received since the last five-year review of each rule. This process is not the time to revisit those comments or to respond to them.

DAQ has completed a five-year review of R307-101, General Requirements; R307-150, Emission Inventories; R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD); and R307-840, Lead-Based Paint Program Purpose, Applicability, and Definitions.

The result of these reviews is found in the attached Five-Year Notice of Review and Statement of Continuation forms.

Recommendation: Staff recommends that the Board continue these rules, by approving the attached forms to be filed with the Office of Administrative Rules.

1 **R307. Environmental Quality, Air Quality.**

2 **R307-101. General Requirements.**

3 **R307-101-1. Foreword.**

4 Chapter 19-2 and the rules adopted by the Air Quality Board
5 constitute the basis for control of air pollution sources in the state.
6 These rules apply and will be enforced throughout the state, and are
7 recommended for adoption in local jurisdictions where environmental
8 specialists are available to cooperate in implementing rule
9 requirements.

10 National Ambient Air Quality Standards (NAAQS), National
11 Standards of Performance for New Stationary Sources (NSPS), National
12 Prevention of Significant Deterioration of Air Quality (PSD)
13 standards, and the National Emission Standards for Hazardous Air
14 Pollutants (NESHAPS) apply throughout the nation and are legally
15 enforceable in Utah.

16
17 **R307-101-2. Definitions.**

18 Except where specified in individual rules, definitions in
19 R307-101-2 are applicable to all rules adopted by the Air Quality
20 Board.

21 "Actual Emissions" means the actual rate of emissions of a
22 pollutant from an emissions unit determined as follows:

23 (1) In general, actual emissions as of a particular date shall
24 equal the average rate, in tons per year, at which the unit actually
25 emitted the pollutant during a two-year period which precedes the
26 particular date and which is representative of normal source
27 operations. The director shall allow the use of a different time
28 period upon a determination that it is more representative of normal
29 source operation. Actual emissions shall be calculated using the
30 unit's actual operating hours, production rates, and types of
31 materials processed, stored, or combusted during the selected time
32 period.

33 (2) The director may presume that source-specific allowable
34 emissions for the unit are equivalent to the actual emissions of the
35 unit.

36 (3) For any emission unit, other than an electric utility steam
37 generating unit specified in (4), which has not begun normal operations
38 on the particular date, actual emissions shall equal the potential to
39 emit of the unit on that date.

40 (4) For an electric utility steam generating unit (other than
41 a new unit or the replacement of an existing unit) actual emissions
42 of the unit following the physical or operational change shall equal
43 the representative actual annual emissions of the unit, provided the
44 source owner or operator maintains and submits to the director, on an
45 annual basis for a period of 5 years from the date the unit resumes

1 regular operation, information demonstrating that the physical or
2 operational change did not result in an emissions increase. A longer
3 period, not to exceed 10 years, may be required by the director if the
4 director determines such a period to be more representative of normal
5 source post-change operations.

6 "Acute Hazardous Air Pollutant" means any noncarcinogenic
7 hazardous air pollutant for which a threshold limit value - ceiling
8 (TLV-C) has been adopted by the American Conference of Governmental
9 Industrial Hygienists (ACGIH) in its "Threshold Limit Values for
10 Chemical Substances and Physical Agents and Biological Exposure
11 Indices, (2009)."

12 "Air pollutant" means a substance that qualifies as an air
13 pollutant as defined in 42 U.S.C. Sec. 7602.

14 "Air Pollutant Source" means private and public sources of
15 emissions of air pollutants.

16 "Air Pollution" means the presence of an air pollutant in the
17 ambient air in such quantities and duration and under conditions and
18 circumstances, that are injurious to human health or welfare, animal
19 or plant life, or property, or would unreasonably interfere with the
20 enjoyment of life or use of property as determined by the standards,
21 rules and regulations adopted by the Air Quality Board (Section
22 19-2-104).

23 "Allowable Emissions" means the emission rate of a source
24 calculated using the maximum rated capacity of the source (unless the
25 source is subject to enforceable limits which restrict the operating
26 rate, or hours of operation, or both) and the emission limitation
27 established pursuant to R307-401-8.

28 "Ambient Air" means that portion of the atmosphere, external to
29 buildings, to which the general public has access. (Section
30 19-2-102(4)).

31 "Appropriate Authority" means the governing body of any city,
32 town or county.

33 "Atmosphere" means the air that envelops or surrounds the earth
34 and includes all space outside of buildings, stacks or exterior ducts.

35 "Authorized Local Authority" means a city, county, city-county
36 or district health department; a city, county or combination fire
37 department; or other local agency duly designated by appropriate
38 authority, with approval of the state Department of Health; and other
39 lawfully adopted ordinances, codes or regulations not in conflict
40 therewith.

41 "Board" means Air Quality Board. See Section 19-2-102(8)(a).

42 "Breakdown" means any malfunction or procedural error, to include
43 but not limited to any malfunction or procedural error during start-up
44 and shutdown, which will result in the inoperability or sudden loss
45 of performance of the control equipment or process equipment causing

1 emissions in excess of those allowed by approval order or Title R307.

2 "BTU" means British Thermal Unit, the quantity of heat necessary
3 to raise the temperature of one pound of water one degree Fahrenheit.

4 "Calibration Drift" means the change in the instrument meter
5 readout over a stated period of time of normal continuous operation
6 when the VOC concentration at the time of measurement is the same known
7 upscale value.

8 "Carbon Adsorption System" means a device containing adsorbent
9 material (e.g., activated carbon, aluminum, silica gel), an inlet and
10 outlet for exhaust gases, and a system for the proper disposal or reuse
11 of all VOC adsorbed.

12 "Carcinogenic Hazardous Air Pollutant" means any hazardous air
13 pollutant that is classified as a known human carcinogen (A1) or
14 suspected human carcinogen (A2) by the American Conference of
15 Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit
16 Values for Chemical Substances and Physical Agents and Biological
17 Exposure Indices, (2009)."

18 "Chargeable Pollutant" means any regulated air pollutant except
19 the following:

20 (1) Carbon monoxide;

21 (2) Any pollutant that is a regulated air pollutant solely
22 because it is a Class I or II substance subject to a standard
23 promulgated or established by Title VI of the Act, Stratospheric Ozone
24 Protection;

25 (3) Any pollutant that is a regulated air pollutant solely
26 because it is subject to a standard or regulation under Section 112(r)
27 of the Act, Prevention of Accidental Releases.

28 "Chronic Hazardous Air Pollutant" means any noncarcinogenic
29 hazardous air pollutant for which a threshold limit value - time
30 weighted average (TLV-TWA) having no threshold limit value - ceiling
31 (TLV-C) has been adopted by the American Conference of Governmental
32 Industrial Hygienists (ACGIH) in its "Threshold Limit Values for
33 Chemical Substances and Physical Agents and Biological Exposure
34 Indices, (2009)."

35 "Clean Air Act" means federal Clean Air Act as found in 42 U.S.C.
36 Chapter 85.

37 "Clean Coal Technology" means any technology, including
38 technologies applied at the precombustion, combustion, or post
39 combustion stage, at a new or existing facility which will achieve
40 significant reductions in air emissions of sulfur dioxide or oxides
41 of nitrogen associated with the utilization of coal in the generation
42 of electricity, or process steam which was not in widespread use as
43 of November 15, 1990.

44 "Clean Coal Technology Demonstration Project" means a project
45 using funds appropriated under the heading "Department of Energy-Clean

1 Coal Technology," up to a total amount of \$2,500,000,000 for commercial
2 demonstration of clean coal technology, or similar projects funded
3 through appropriations for the Environmental Protection Agency. The
4 Federal contribution for a qualifying project shall be at least 20
5 percent of the total cost of the demonstration project.

6 "Clearing Index" means an indicator of the predicted rate of
7 clearance of ground level pollutants from a given area. This number
8 is provided by the National Weather Service.

9 "Coating" means a material that can be applied to a substrate and
10 which cures to form a continuous solid film for protective, decorative,
11 or functional purposes. Such materials include, but are not limited
12 to, paints, varnishes, sealants, adhesives, caulks, maskants, inks,
13 and temporary protective coatings.

14 "Commence" as applied to construction of a major source or major
15 modification means that the owner or operator has all necessary
16 pre-construction approvals or permits and either has:

17 (1) Begun, or caused to begin, a continuous program of actual
18 on-site construction of the source, to be completed within a reasonable
19 time; or

20 (2) Entered into binding agreements or contractual obligations,
21 which cannot be canceled or modified without substantial loss to the
22 owner or operator, to undertake a program of actual construction of
23 the source to be completed within a reasonable time.

24 "Composite vapor pressure" means the sum of the partial pressures
25 of the compounds defined as VOCs.

26 "Condensable PM2.5" means material that is vapor phase at stack
27 conditions, but which condenses and/or reacts upon cooling and
28 dilution in the ambient air to form solid or liquid particulate matter
29 immediately after discharge from the stack.

30 "Compliance Schedule" means a schedule of events, by date, which
31 will result in compliance with these regulations.

32 "Construction" means any physical change or change in the method
33 of operation including fabrication, erection, installation,
34 demolition, or modification of a source which would result in a change
35 in actual emissions.

36 "Control Apparatus" means any device which prevents or controls
37 the emission of any air pollutant directly or indirectly into the
38 outdoor atmosphere.

39 "Department" means Utah State Department of Environmental
40 Quality. See Section 19-1-103(1).

41 "Director" means the Director of the Division of Air Quality.
42 See Section 19-1-103(1).

43 "Division" means the Division of Air Quality.

44 "Electric Utility Steam Generating Unit" means any steam electric
45 generating unit that is constructed for the purpose of supplying more

1 than one-third of its potential electric output capacity and more than
2 25 MW electrical output to any utility power distribution system for
3 sale. Any steam supplied to a steam distribution system for the
4 purpose of providing steam to a steam-electric generator that would
5 produce electrical energy for sale is also considered in determining
6 the electrical energy output capacity of the affected facility.

7 "Emission" means the act of discharge into the atmosphere of an
8 air pollutant or an effluent which contains or may contain an air
9 pollutant; or the effluent so discharged into the atmosphere.

10 "Emissions Information" means, with reference to any source
11 operation, equipment or control apparatus:

12 (1) Information necessary to determine the identity, amount,
13 frequency, concentration, or other characteristics related to air
14 quality of any air pollutant which has been emitted by the source
15 operation, equipment, or control apparatus;

16 (2) Information necessary to determine the identity, amount,
17 frequency, concentration, or other characteristics (to the extent
18 related to air quality) of any air pollutant which, under an applicable
19 standard or limitation, the source operation was authorized to emit
20 (including, to the extent necessary for such purposes, a description
21 of the manner or rate of operation of the source operation), or any
22 combination of the foregoing; and

23 (3) A general description of the location and/or nature of the
24 source operation to the extent necessary to identify the source
25 operation and to distinguish it from other source operations
26 (including, to the extent necessary for such purposes, a description
27 of the device, installation, or operation constituting the source
28 operation).

29 "Emission Limitation" means a requirement established by the
30 Board, the director or the Administrator, EPA, which limits the
31 quantity, rate or concentration of emission of air pollutants on a
32 continuous emission reduction including any requirement relating to
33 the operation or maintenance of a source to assure continuous emission
34 reduction (Section 302(k)).

35 "Emissions Unit" means any part of a stationary source which emits
36 or would have the potential to emit any pollutant subject to regulation
37 under the Clean Air Act.

38 "Enforceable" means all limitations and conditions which are
39 enforceable by the Administrator, including those requirements
40 developed pursuant to 40 CFR Parts 60 and 61, requirements within the
41 State Implementation Plan and R307, any permit requirements
42 established pursuant to 40 CFR 52.21 or R307-401.

43 "EPA" means Environmental Protection Agency.

44 "EPA Method 9" means 40 CFR Part 60, Appendix A, Method 9, "Visual
45 Determination of Opacity of Emissions from Stationary Sources," and

1 Alternate 1, "Determination of the opacity of emissions from
2 stationary sources remotely by LIDAR."

3 "Executive Director" means the Executive Director of the Utah
4 Department of Environmental Quality. See Section 19-1-103(2).

5 "Existing Installation" means an installation, construction of
6 which began prior to the effective date of any regulation having
7 application to it.

8 "Facility" means machinery, equipment, structures of any part or
9 accessories thereof, installed or acquired for the primary purpose of
10 controlling or disposing of air pollution. It does not include an air
11 conditioner, fan or other similar device for the comfort of personnel.

12 "Filterable PM2.5" means particles with an aerodynamic diameter
13 equal to or less than 2.5 micrometers that are directly emitted by a
14 source as a solid or liquid at stack or release conditions and can be
15 captured on the filter of a stack test train.

16 "Fireplace" means all devices both masonry or factory built units
17 (free standing fireplaces) with a hearth, fire chamber or similarly
18 prepared device connected to a chimney which provides the operator with
19 little control of combustion air, leaving its fire chamber fully or
20 at least partially open to the room. Fireplaces include those devices
21 with circulating systems, heat exchangers, or draft reducing doors
22 with a net thermal efficiency of no greater than twenty percent and
23 are used for aesthetic purposes.

24 "Fugitive Dust" means particulate, composed of soil and/or
25 industrial particulates such as ash, coal, minerals, etc., which
26 becomes airborne because of wind or mechanical disturbance of
27 surfaces. Natural sources of dust and fugitive emissions are not
28 fugitive dust within the meaning of this definition.

29 "Fugitive Emissions" means emissions from an installation or
30 facility which are neither passed through an air cleaning device nor
31 vented through a stack or could not reasonably pass through a stack,
32 chimney, vent, or other functionally equivalent opening.

33 "Garbage" means all putrescible animal and vegetable matter
34 resulting from the handling, preparation, cooking and consumption of
35 food, including wastes attendant thereto.

36 "Gasoline" means any petroleum distillate, used as a fuel for
37 internal combustion engines, having a Reid vapor pressure of 4 pounds
38 or greater.

39 "Hazardous Air Pollutant (HAP)" means any pollutant listed by the
40 EPA as a hazardous air pollutant in conformance with Section 112(b)
41 of the Clean Air Act. A list of these pollutants is available at the
42 Division of Air Quality.

43 "Household Waste" means any solid or liquid material normally
44 generated by the family in a residence in the course of ordinary
45 day-to-day living, including but not limited to garbage, paper

1 products, rags, leaves and garden trash.

2 "Incinerator" means a combustion apparatus designed for high
3 temperature operation in which solid, semisolid, liquid, or gaseous
4 combustible wastes are ignited and burned efficiently and from which
5 the solid and gaseous residues contain little or no combustible
6 material.

7 "Installation" means a discrete process with identifiable
8 emissions which may be part of a larger industrial plant. Pollution
9 equipment shall not be considered a separate installation or
10 installations.

11 "LPG" means liquified petroleum gas such as propane or butane.

12 "Maintenance Area" means an area that is subject to the provisions
13 of a maintenance plan that is included in the Utah state implementation
14 plan, and that has been redesignated by EPA from nonattainment to
15 attainment of any National Ambient Air Quality Standard.

16 (a) The following areas are considered maintenance areas for
17 ozone:

18 (i) Salt Lake County, effective August 18, 1997; and

19 (ii) Davis County, effective August 18, 1997.

20 (b) The following areas are considered maintenance areas for
21 carbon monoxide:

22 (i) Salt Lake City, effective March 22, 1999;

23 (ii) Ogden City, effective May 8, 2001; and

24 (iii) Provo City, effective January 3, 2006.

25 (c) The following areas are considered maintenance areas for
26 PM10:

27 (i) Salt Lake County, effective on the date that EPA approves
28 the maintenance plan that was adopted by the Board on December 2, 2015;
29 and

30 (ii) Utah County, effective on the date that EPA approves the
31 maintenance plan that was adopted by the Board on December 2, 2015;
32 and

33 (iii) Ogden City, effective on the date that EPA approves the
34 maintenance plan that was adopted by the Board on December 2, 2015.

35 (d) The following area is considered a maintenance area for
36 sulfur dioxide: all of Salt Lake County and the eastern portion of
37 Tooele County above 5600 feet, effective on the date that EPA approves
38 the maintenance plan that was adopted by the Board on January 5, 2005.

39 "Major Modification" means any physical change in or change in
40 the method of operation of a major source that would result in a
41 significant net emissions increase of any pollutant. A net emissions
42 increase that is significant for volatile organic compounds shall be
43 considered significant for ozone. Within Salt Lake and Davis Counties
44 or any nonattainment area for ozone, a net emissions increase that is
45 significant for nitrogen oxides shall be considered significant for

1 ozone. Within areas of nonattainment for PM10, a significant net
2 emission increase for any PM10 precursor is also a significant net
3 emission increase for PM10. A physical change or change in the method
4 of operation shall not include:

5 (1) routine maintenance, repair and replacement;

6 (2) use of an alternative fuel or raw material by reason of an
7 order under section 2(a) and (b) of the Energy Supply and Environmental
8 Coordination Act of 1974, or by reason of a natural gas curtailment
9 plan pursuant to the Federal Power Act;

10 (3) use of an alternative fuel by reason of an order or rule under
11 section 125 of the federal Clean Air Act;

12 (4) use of an alternative fuel at a steam generating unit to the
13 extent that the fuel is generated from municipal solid waste;

14 (5) use of an alternative fuel or raw material by a source:

15 (a) which the source was capable of accommodating before January
16 6, 1975, unless such change would be prohibited under any enforceable
17 permit condition; or

18 (b) which the source is otherwise approved to use;

19 (6) an increase in the hours of operation or in the production
20 rate unless such change would be prohibited under any enforceable
21 permit condition;

22 (7) any change in ownership at a source

23 (8) the addition, replacement or use of a pollution control
24 project at an existing electric utility steam generating unit, unless
25 the director determines that such addition, replacement, or use
26 renders the unit less environmentally beneficial, or except:

27 (a) when the director has reason to believe that the pollution
28 control project would result in a significant net increase in
29 representative actual annual emissions of any criteria pollutant over
30 levels used for that source in the most recent air quality impact
31 analysis in the area conducted for the purpose of Title I of the Clean
32 Air Act, if any, and

33 (b) the director determines that the increase will cause or
34 contribute to a violation of any national ambient air quality standard
35 or PSD increment, or visibility limitation.

36 (9) the installation, operation, cessation, or removal of a
37 temporary clean coal technology demonstration project, provided that
38 the project complies with:

39 (a) the Utah State Implementation Plan; and

40 (b) other requirements necessary to attain and maintain the
41 national ambient air quality standards during the project and after
42 it is terminated.

43 "Major Source" means, to the extent provided by the federal Clean
44 Air Act as applicable to R307:

45 (1) any stationary source of air pollutants which emits, or has

1 the potential to emit, one hundred tons per year or more of any
2 pollutant subject to regulation under the Clean Air Act; or

3 (a) any source located in a nonattainment area for carbon
4 monoxide which emits, or has the potential to emit, carbon monoxide
5 in the amounts outlined in Section 187 of the federal Clean Air Act
6 with respect to the severity of the nonattainment area as outlined in
7 Section 187 of the federal Clean Air Act; or

8 (b) any source located in Salt Lake or Davis Counties or in a
9 nonattainment area for ozone which emits, or has the potential to emit,
10 VOC or nitrogen oxides in the amounts outlined in Section 182 of the
11 federal Clean Air Act with respect to the severity of the nonattainment
12 area as outlined in Section 182 of the federal Clean Air Act; or

13 (c) any source located in a nonattainment area for PM10 which
14 emits, or has the potential to emit, PM10 or any PM10 precursor in the
15 amounts outlined in Section 189 of the federal Clean Air Act with
16 respect to the severity of the nonattainment area as outlined in
17 Section 189 of the federal Clean Air Act.

18 (2) any physical change that would occur at a source not
19 qualifying under subpart 1 as a major source, if the change would
20 constitute a major source by itself;

21 (3) the fugitive emissions and fugitive dust of a stationary
22 source shall not be included in determining for any of the purposes
23 of these R307 rules whether it is a major stationary source, unless
24 the source belongs to one of the following categories of stationary
25 sources:

- 26 (a) Coal cleaning plants (with thermal dryers);
- 27 (b) Kraft pulp mills;
- 28 (c) Portland cement plants;
- 29 (d) Primary zinc smelters;
- 30 (e) Iron and steel mills;
- 31 (f) Primary aluminum or reduction plants;
- 32 (g) Primary copper smelters;
- 33 (h) Municipal incinerators capable of charging more than 250
34 tons of refuse per day;
- 35 (i) Hydrofluoric, sulfuric, or nitric acid plants;
- 36 (j) Petroleum refineries;
- 37 (k) Lime plants;
- 38 (l) Phosphate rock processing plants;
- 39 (m) Coke oven batteries;
- 40 (n) Sulfur recovery plants;
- 41 (o) Carbon black plants (furnace process);
- 42 (p) Primary lead smelters;
- 43 (q) Fuel conversion plants;
- 44 (r) Sintering plants;
- 45 (s) Secondary metal production plants;

1 (t) Chemical process plants;

2 (u) Fossil-fuel boilers (or combination thereof) totaling more
3 than 250 million British Thermal Units per hour heat input;

4 (v) Petroleum storage and transfer units with a total storage
5 capacity exceeding 300,000 barrels;

6 (w) Taconite ore processing plants;

7 (x) Glass fiber processing plants;

8 (y) Charcoal production plants;

9 (z) Fossil fuel-fired steam electric plants of more than 250
10 million British Thermal Units per hour heat input;

11 (aa) Any other stationary source category which, as of August
12 7, 1980, is being regulated under section 111 or 112 of the federal
13 Clean Air Act.

14 "Modification" means any planned change in a source which results
15 in a potential increase of emission.

16 "National Ambient Air Quality Standards (NAAQS)" means the
17 allowable concentrations of air pollutants in the ambient air
18 specified by the Federal Government (Title 40, Code of Federal
19 Regulations, Part 50).

20 "Net Emissions Increase" means the amount by which the sum of the
21 following exceeds zero:

22 (1) any increase in actual emissions from a particular physical
23 change or change in method of operation at a source; and

24 (2) any other increases and decreases in actual emissions at the
25 source that are contemporaneous with the particular change and are
26 otherwise creditable. For purposes of determining a "net emissions
27 increase":

28 (a) An increase or decrease in actual emissions is
29 contemporaneous with the increase from the particular change only if
30 it occurs between the date five years before construction on the
31 particular change commences; and the date that the increase from the
32 particular change occurs.

33 (b) An increase or decrease in actual emissions is creditable
34 only if it has not been relied on in issuing a prior approval for the
35 source which approval is in effect when the increase in actual
36 emissions for the particular change occurs.

37 (c) An increase or decrease in actual emission of sulfur
38 dioxide, nitrogen oxides or particulate matter which occurs before an
39 applicable minor source baseline date is creditable only if it is
40 required to be considered in calculating the amount of maximum
41 allowable increases remaining available. With respect to particulate
42 matter, only PM10 emissions will be used to evaluate this increase or
43 decrease.

44 (d) An increase in actual emissions is creditable only to the
45 extent that the new level of actual emissions exceeds the old level.

1 (e) A decrease in actual emissions is creditable only to the
2 extent that:

3 (i) The old level of actual emissions or the old level of
4 allowable emissions, whichever is lower, exceeds the new level of
5 actual emissions;

6 (ii) It is enforceable at and after the time that actual
7 construction on the particular change begins; and

8 (iii) It has approximately the same qualitative significance
9 for public health and welfare as that attributed to the increase from
10 the particular change.

11 (iv) It has not been relied on in issuing any permit under
12 R307-401 nor has it been relied on in demonstrating attainment or
13 reasonable further progress.

14 (f) An increase that results from a physical change at a source
15 occurs when the emissions unit on which construction occurred becomes
16 operational and begins to emit a particular pollutant. Any
17 replacement unit that requires shakedown becomes operational only
18 after a reasonable shakedown period, not to exceed 180 days.

19 "New Installation" means an installation, construction of which
20 began after the effective date of any regulation having application
21 to it.

22 "Nonattainment Area" means an area designated by the
23 Environmental Protection Agency as nonattainment under Section 107,
24 Clean Air Act for any National Ambient Air Quality Standard. The
25 designations for Utah are listed in 40 CFR 81.345.

26 "Offset" means an amount of emission reduction, by a source,
27 greater than the emission limitation imposed on such source by these
28 regulations and/or the State Implementation Plan.

29 "Opacity" means the capacity to obstruct the transmission of
30 light, expressed as percent.

31 "Open Burning" means any burning of combustible materials
32 resulting in emission of products of combustion into ambient air
33 without passage through a chimney or stack.

34 "Owner or Operator" means any person who owns, leases, controls,
35 operates or supervises a facility, an emission source, or air pollution
36 control equipment.

37 "PSD" Area means an area designated as attainment or
38 unclassifiable under section 107(d)(1)(D) or (E) of the federal Clean
39 Air Act.

40 "PM2.5" means particulate matter with an aerodynamic diameter
41 less than or equal to a nominal 2.5 micrometers as measured by an EPA
42 reference or equivalent method.

43 "PM2.5 Precursor" means any chemical compound or substance which,
44 after it has been emitted into the atmosphere, undergoes chemical or
45 physical changes that convert it into particulate matter, specifically

1 PM2.5.

2 (1) Specifically, Sulfur dioxide, Nitrogen oxides, Volatile
3 organic compounds and Ammonia are precursors to PM2.5 in any PM2.5
4 nonattainment area, except where the Administrator of the EPA has
5 approved a demonstration satisfying 40 CFR 51.1006(a)(3) which has,
6 for a particular PM2.5 nonattainment area, determined otherwise.

7 (2) The following subparagraphs denote specific nonattainment
8 areas (as defined in the July 1, 2017 version of 40 CFR 81.345), within
9 which certain pollutants identified in paragraph (1) are exempted from
10 the definition of PM2.5 precursor for the purposes of 40 CFR 51.165

11 (a) In the Logan UT-ID PM2.5 nonattainment area - Ammonia is
12 exempted.

13 "PM10" means particulate matter with an aerodynamic diameter less
14 than or equal to a nominal 10 micrometers as measured by an EPA
15 reference or equivalent method.

16 "PM10 Precursor" means any chemical compound or substance which,
17 after it has been emitted into the atmosphere, undergoes chemical or
18 physical changes that convert it into particulate matter, specifically
19 PM10.

20 "Part 70 Source" means any source subject to the permitting
21 requirements of R307-415.

22 "Person" means an individual, trust, firm, estate, company,
23 corporation, partnership, association, state, state or federal agency
24 or entity, municipality, commission, or political subdivision of a
25 state. (Subsection 19-2-103(4)).

26 "Pollution Control Project" means any activity or project at an
27 existing electric utility steam generating unit for purposes of
28 reducing emissions from such unit. Such activities or projects are
29 limited to:

30 (1) The installation of conventional or innovative pollution
31 control technology, including but not limited to advanced flue gas
32 desulfurization, sorbent injection for sulfur dioxide and nitrogen
33 oxides controls and electrostatic precipitators;

34 (2) An activity or project to accommodate switching to a fuel
35 which is less polluting than the fuel used prior to the activity or
36 project, including, but not limited to natural gas or coal reburning,
37 or the cofiring of natural gas and other fuels for the purpose of
38 controlling emissions;

39 (3) A permanent clean coal technology demonstration project
40 conducted under Title II, sec. 101(d) of the Further Continuing
41 Appropriations Act of 1985 (sec. 5903(d) of title 42 of the United
42 States Code), or subsequent appropriations, up to a total amount of
43 \$2,500,000,000 for commercial demonstration of clean coal technology,
44 or similar projects funded through appropriations for the
45 Environmental Protection Agency; or

1 (4) A permanent clean coal technology demonstration project
2 that constitutes a repowering project.

3 "Potential to Emit" means the maximum capacity of a source to emit
4 a pollutant under its physical and operational design. Any physical
5 or operational limitation on the capacity of the source to emit a
6 pollutant including air pollution control equipment and restrictions
7 on hours of operation or on the type or amount of material combusted,
8 stored, or processed shall be treated as part of its design if the
9 limitation or the effect it would have on emissions is enforceable.
10 Secondary emissions do not count in determining the potential to emit
11 of a stationary source.

12 "Primary PM2.5" means the sum of filterable PM2.5 and condensable
13 PM2.5.

14 "Process Level" means the operation of a source, specific to the
15 kind or type of fuel, input material, or mode of operation.

16 "Process Rate" means the quantity per unit of time of any raw
17 material or process intermediate consumed, or product generated,
18 through the use of any equipment, source operation, or control
19 apparatus. For a stationary internal combustion unit or any other
20 fuel burning equipment, this term may be expressed as the quantity of
21 fuel burned per unit of time.

22 "Reactivation of a Very Clean Coal-Fired Electric Utility Steam
23 Generating Unit" means any physical change or change in the method of
24 operation associated with the commencement of commercial operations
25 by a coal-fired utility unit after a period of discontinued operation
26 where the unit:

27 (1) Has not been in operation for the two-year period prior to
28 the enactment of the Clean Air Act Amendments of 1990, and the emissions
29 from such unit continue to be carried in the emission inventory at the
30 time of enactment;

31 (2) Was equipped prior to shutdown with a continuous system of
32 emissions control that achieves a removal efficiency for sulfur
33 dioxide of no less than 85 percent and a removal efficiency for
34 particulates of no less than 98 percent;

35 (3) Is equipped with low-NOx burners prior to the time of
36 commencement of operations following reactivation; and

37 (4) Is otherwise in compliance with the requirements of the
38 Clean Air Act.

39 "Reasonable Further Progress" means annual incremental
40 reductions in emission of an air pollutant which are sufficient to
41 provide for attainment of the NAAQS by the date identified in the State
42 Implementation Plan.

43 "Refuse" means solid wastes, such as garbage and trash.

44 "Regulated air pollutant" means any of the following:

45 (a) Nitrogen oxides or any volatile organic compound;

1 (b) Any pollutant for which a national ambient air quality
2 standard has been promulgated;

3 (c) Any pollutant that is subject to any standard promulgated
4 under Section 111 of the Act, Standards of Performance for New
5 Stationary Sources;

6 (d) Any Class I or II substance subject to a standard promulgated
7 under or established by Title VI of the Act, Stratospheric Ozone
8 Protection;

9 (e) Any pollutant subject to a standard promulgated under
10 Section 112, Hazardous Air Pollutants, or other requirements
11 established under Section 112 of the Act, including Sections 112(g),
12 (j), and (r) of the Act, including any of the following:

13 (i) Any pollutant subject to requirements under Section 112(j)
14 of the Act, Equivalent Emission Limitation by Permit. If the
15 Administrator fails to promulgate a standard by the date established
16 pursuant to Section 112(e) of the Act, any pollutant for which a subject
17 source would be major shall be considered to be regulated on the date
18 18 months after the applicable date established pursuant to Section
19 112(e) of the Act;

20 (ii) Any pollutant for which the requirements of Section
21 112(g)(2) of the Act (Construction, Reconstruction and Modification)
22 have been met, but only with respect to the individual source subject
23 to Section 112(g)(2) requirement.

24 "Repowering" means replacement of an existing coal-fired boiler
25 with one of the following clean coal technologies: atmospheric or
26 pressurized fluidized bed combustion, integrated gasification
27 combined cycle, magnetohydrodynamics, direct and indirect coal-fired
28 turbines, integrated gasification fuel cells, or as determined by the
29 Administrator, in consultation with the Secretary of Energy, a
30 derivative of one or more of these technologies, and any other
31 technology capable of controlling multiple combustion emissions
32 simultaneously with improved boiler or generation efficiency and with
33 significantly greater waste reduction relative to the performance of
34 technology in widespread commercial use as of November 15, 1990.

35 (1) Repowering shall also include any oil and/or gas-fired unit
36 which has been awarded clean coal technology demonstration funding as
37 of January 1, 1991, by the Department of Energy.

38 (2) The director shall give expedited consideration to permit
39 applications for any source that satisfies the requirements of this
40 definition and is granted an extension under section 409 of the Clean
41 Air Act.

42 "Representative Actual Annual Emissions" means the average rate,
43 in tons per year, at which the source is projected to emit a pollutant
44 for the two-year period after a physical change or change in the method
45 of operation of unit, (or a different consecutive two-year period

1 within 10 years after that change, where the director determines that
2 such period is more representative of source operations), considering
3 the effect any such change will have on increasing or decreasing the
4 hourly emissions rate and on projected capacity utilization. In
5 projecting future emissions the director shall:

6 (1) Consider all relevant information, including but not
7 limited to, historical operational data, the company's own
8 representations, filings with the State of Federal regulatory
9 authorities, and compliance plans under title IV of the Clean Air Act;
10 and

11 (2) Exclude, in calculating any increase in emissions that
12 results from the particular physical change or change in the method
13 of operation at an electric utility steam generating unit, that portion
14 of the unit's emissions following the change that could have been
15 accommodated during the representative baseline period and is
16 attributable to an increase in projected capacity utilization at the
17 unit that is unrelated to the particular change, including any
18 increased utilization due to the rate of electricity demand growth for
19 the utility system as a whole.

20 "Residence" means a dwelling in which people live, including all
21 ancillary buildings.

22 "Residential Solid Fuel Burning" device means any residential
23 burning device except a fireplace connected to a chimney that burns
24 solid fuel and is capable of, and intended for use as a space heater,
25 domestic water heater, or indoor cooking appliance, and has an
26 air-to-fuel ratio less than 35-to-1 as determined by the test
27 procedures prescribed in 40 CFR 60.534. It must also have a useable
28 firebox volume of less than 6.10 cubic meters or 20 cubic feet, a
29 minimum burn rate less than 5 kilograms per hour or 11 pounds per hour
30 as determined by test procedures prescribed in 40 CFR 60.534, and weigh
31 less than 800 kilograms or 362.9 pounds. Appliances that are
32 described as prefabricated fireplaces and are designed to accommodate
33 doors or other accessories that would create the air starved operating
34 conditions of a residential solid fuel burning device shall be
35 considered as such. Fireplaces are not included in this definition
36 for solid fuel burning devices.

37 "Road" means any public or private road.

38 "Salvage Operation" means any business, trade or industry engaged
39 in whole or in part in salvaging or reclaiming any product or material,
40 including but not limited to metals, chemicals, shipping containers
41 or drums.

42 "Secondary Emissions" means emissions which would occur as a
43 result of the construction or operation of a major source or major
44 modification, but do not come from the major source or major
45 modification itself.

1 Secondary emissions must be specific, well defined,
2 quantifiable, and impact the same general area as the source or
3 modification which causes the secondary emissions. Secondary
4 emissions include emissions from any off-site support facility which
5 would not be constructed or increase its emissions except as a result
6 of the construction or operation of the major source or major
7 modification. Secondary emissions do not include any emissions which
8 come directly from a mobile source such as emissions from the tailpipe
9 of a motor vehicle, from a train, or from a vessel.

10 Fugitive emissions and fugitive dust from the source or
11 modification are not considered secondary emissions.

12 "Secondary PM2.5" means particles that form or grow in mass
13 through chemical reactions in the ambient air well after dilution and
14 condensation have occurred. Secondary PM2.5 is usually formed at some
15 distance downwind from the source.

16 "Significant" means:

17 (1) In reference to a net emissions increase or the potential
18 of a source to emit any of the following pollutants, a rate of emissions
19 that would equal or exceed any of the following rates:

20 Carbon monoxide: 100 ton per year (tpy);

21 Nitrogen oxides: 40 tpy;

22 Sulfur dioxide: 40 tpy;

23 PM10: 15 tpy;

24 PM2.5: 10 tpy;

25 Particulate matter: 25 tpy;

26 Ozone: 40 tpy of volatile organic compounds;

27 Lead: 0.6 tpy.

28 "Solid Fuel" means wood, coal, and other similar organic material
29 or combination of these materials.

30 "Solvent" means organic materials which are liquid at standard
31 conditions (Standard Temperature and Pressure) and which are used as
32 dissolvers, viscosity reducers, or cleaning agents.

33 "Source" means any structure, building, facility, or
34 installation which emits or may emit any air pollutant subject to
35 regulation under the Clean Air Act and which is located on one or more
36 continuous or adjacent properties and which is under the control of
37 the same person or persons under common control. A building,
38 structure, facility, or installation means all of the
39 pollutant-emitting activities which belong to the same industrial
40 grouping. Pollutant-emitting activities shall be considered as part
41 of the same industrial grouping if they belong to the same "Major Group"
42 (i.e. which have the same two-digit code) as described in the Standard
43 Industrial Classification Manual, 1972, as amended by the 1977
44 Supplement (US Government Printing Office stock numbers 4101-0065 and
45 003-005-00176-0, respectively).

1 "Stack" means any point in a source designed to emit solids,
2 liquids, or gases into the air, including a pipe or duct but not
3 including flares.

4 "Standards of Performance for New Stationary Sources" means the
5 Federally established requirements for performance and record keeping
6 (Title 40 Code of Federal Regulations, Part 60).

7 "State" means Utah State.

8 "Temporary" means not more than 180 calendar days.

9 "Temporary Clean Coal Technology Demonstration Project" means a
10 clean coal technology demonstration project that is operated for a
11 period of 5 years or less, and which complies with the Utah State
12 Implementation Plan and other requirements necessary to attain and
13 maintain the national ambient air quality standards during the project
14 and after it is terminated.

15 "Threshold Limit Value - Ceiling (TLV-C)" means the airborne
16 concentration of a substance which may not be exceeded, as adopted by
17 the American Conference of Governmental Industrial Hygienists in its
18 "Threshold Limit Values for Chemical Substances and Physical Agents
19 and Biological Exposure Indices, (2009)."

20 "Threshold Limit Value - Time Weighted Average (TLV-TWA)" means
21 the time-weighted airborne concentration of a substance adopted by the
22 American Conference of Governmental Industrial Hygienists in its
23 "Threshold Limit Values for Chemical Substances and Physical Agents
24 and Biological Exposure Indices, (2009)."

25 "Total Suspended Particulate (TSP)" means minute separate
26 particles of matter, collected by high volume sampler.

27 "Toxic Screening Level" means an ambient concentration of an air
28 pollutant equal to a threshold limit value - ceiling (TLV- C) or
29 threshold limit value -time weighted average (TLV-TWA) divided by a
30 safety factor.

31 "Trash" means solids not considered to be highly flammable or
32 explosive including, but not limited to clothing, rags, leather,
33 plastic, rubber, floor coverings, excelsior, tree leaves, yard
34 trimmings and other similar materials.

35 "VOC content" means the weight of VOC per volume of material and
36 is calculated by the following equation in gram/liter (or alternately
37 in pound/gallon, or pound/pound):

$$38 \text{ Grams of VOC per Liter of Material} = \frac{W_s - W_w - W_{es}}{V_m}$$

39 Where:

40 W_s = weight of volatile organic compounds

41 W_w = weight of water

42 W_{es} = weight of exempt compounds

43 V_m = volume of material

44 "Volatile Organic Compound (VOC)" means VOC as defined in 40 CFR
45 51.100(s), effective as of the date referenced in R307-101-3, is hereby

1 adopted and incorporated by reference.

2 "Waste" means all solid, liquid or gaseous material, including,
3 but not limited to, garbage, trash, household refuse, construction or
4 demolition debris, or other refuse including that resulting from the
5 prosecution of any business, trade or industry.

6 "Zero Drift" means the change in the instrument meter readout over
7 a stated period of time of normal continuous operation when the VOC
8 concentration at the time of measurement is zero.

9

10 **R307-101-3. Version of Code of Federal Regulations Incorporated by**
11 **Reference.**

12 Except as specifically identified in an individual rule, the
13 version of the Code of Federal Regulations (CFR) incorporated
14 throughout R307 is dated July 1, 2017.

15

16 **KEY: air pollution, definitions**

17 **Date of Enactment or Last Substantive Amendment: August 2, 2018**

18 **Notice of Continuation: [~~May-8~~], 201[4]8**

19 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)**

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Information

DAR file no: Date filed:
 State Admin Rule Filing Key: 160753
 Utah Admin. Code ref. (R no.): R307-101

Agency Information

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Rule Title

2. Title of rule or section (catchline):
 General Requirements

Rule Provisions

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:
 Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules "...regarding the control, abatement, and prevention of air pollution from all sources..." Rule R307-101 includes definitions used throughout all the rules contained in R307 that are written under Section 19-2-104. Without these definitions, the remaining rules would be unenforceable.

Content Summary

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:
 R307-101 was amended nine times since the last five year review: Five of those amendments were annual updates incorporating the rule into the CFR (DAR 33493, DAR 39352, DAR 40423, DAR 41355, and DAR 42433). DAR 39994 updated the rules reference to the new PM10 Maintenance Plan. DAR 39751 updated the rule to reflect changes to definitions made in H.B. 229. DAR 41814 and DAR 42676 were amendments to definitions. DAR 42676 received one comment and it was addressed in the final adoption. No other comments were received since the last five-year review.

Justification Information

5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:

Section R307-101-2 includes all the definitions that apply throughout all the rules contained in R307. Without them, the remaining rules would be unenforceable, so this rule should be continued. Section R307-101-3 incorporates by reference the most current version of the Code of Federal Regulations cited in many of the Air Quality Rules. In addition, R307-101 is also a component of Utah's State Implementation Plan, which has been federally approved.

Indexing Information

6. 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, definitions

File Information

7. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

Agency Authorization

Agency head or designee, and title: Bryce Bird
Director

Date (mm/dd/yyyy):

1 **R307. Environmental Quality, Air Quality.**

2 **R307-150. Emission Inventories.**

3 **R307-150-1. Purpose and General Requirements.**

4 (1) The purpose of R307-150 is:

5 (a) to establish by rule the time frame, pollutants, and
6 information that sources must include in inventory submittals; and

7 (b) to establish consistent reporting requirements for
8 stationary sources in Utah to determine whether sulfur dioxide
9 emissions remain below the sulfur dioxide milestones established in
10 the State Implementation Plan for Regional Haze, section XX.E.1.a,
11 incorporated by reference in R307-110-28.

12 (2) The requirements of R307-150 replace any annual inventory
13 reporting requirements in approval orders or operating permits issued
14 prior to December 4, 2003.

15 (3) Emission inventories shall be submitted on or before ninety
16 days following the effective date of this rule and thereafter on or
17 before April 15 of each year following the calendar year for which an
18 inventory is required. The inventory shall be submitted in a format
19 specified by the Division of Air Quality following consultation with
20 each source.

21 (4) The executive secretary may require at any time a full or
22 partial year inventory upon reasonable notice to affected sources when
23 it is determined that the inventory is necessary to develop a state
24 implementation plan, to assess whether there is a threat to public
25 health or safety or the environment, or to determine whether the source
26 is in compliance with R307.

27 (5) Recordkeeping Requirements.

28 (a) Each owner or operator of a stationary source subject to this
29 rule shall maintain a copy of the emission inventory submitted to the
30 Division of Air Quality and records indicating how the information
31 submitted in the inventory was determined, including any calculations,
32 data, measurements, and estimates used. The records under R307-150-4
33 shall be kept for ten years. Other records shall be kept for a period
34 of at least five years from the due date of each inventory.

35 (b) The owner or operator of the stationary source shall make
36 these records available for inspection by any representative of the
37 Division of Air Quality during normal business hours.

38

39 **R307-150-2. Definitions.**

40 The following additional definitions apply to R307-150.

41 "Acute pollutant" means any noncarcinogenic air pollutant for
42 which a threshold limit value - ceiling (TLV-C) has been adopted by
43 the American Conference of Governmental Industrial Hygienists in its
44 "Threshold Limit Values for Chemical Substances and Physical Agents
45 and Biological Exposure Indices," 2003 edition.

1 "Carcinogenic pollutant" means any air pollutant that is
2 classified as a known human carcinogen (A1) or suspected human
3 carcinogen (A2) by the American Conference of Governmental Industrial
4 Hygienists in its "Threshold Limit Values for Chemical Substances and
5 Physical Agents and Biological Exposure Indices," 2003 edition.

6 "Chronic Pollutant" means any noncarcinogenic air pollutant for
7 which a threshold limit value - time weighted average (TLV-TWA) having
8 no threshold limit value - ceiling (TLV-C) has been adopted by the
9 American Conference of Governmental Industrial Hygienists in its
10 "Threshold Limit Values for Chemical Substances and Physical Agents
11 and Biological Exposure Indices," 2003 edition.

12 "Dioxins" and "Furans" mean total tetra- through octachlorinated
13 dibenzo-p-dioxins and dibenzofurans.

14 "Emissions unit" means emissions unit as defined in R307-415-3.

15 "Large Major Source" means a major source that emits or has the
16 potential to emit 2500 tons or more per year of oxides of sulfur, oxides
17 of nitrogen, or carbon monoxide, or that emits or has the potential
18 to emit 250 tons or more per year of PM₁₀, PM_{2.5}, volatile organic
19 compounds, or ammonia.

20 "Lead" means elemental lead and the portion of its compounds
21 measured as elemental lead.

22 "Major Source" means major source as defined in R307-415-3.

23 24 **R307-150-3. Applicability.**

25 (1) R307-150-4 applies to all stationary sources with actual
26 emissions of 100 tons or more per year of sulfur dioxide in calendar
27 year 2000 or any subsequent year unless exempted in (a) below. Sources
28 subject to R307-150-4 may be subject to other sections of R307-150.

29 (a) A stationary source that meets the requirements of
30 R307-150-3(1) that has permanently ceased operation is exempt from the
31 requirements of R307-150-4 for all years during which the source did
32 not operate at any time during the year.

33 (b) Except as provided in R307-150-3(1)(a), any source that
34 meets the criteria of R307-150-3(1) and that emits less than 100 tons
35 per year of sulfur dioxide in any subsequent year shall remain subject
36 to the requirements of R307-150-4 until 2018 or until the first control
37 period under the Western Backstop Sulfur Dioxide Trading Program as
38 established in R307-250-12(1)(a), whichever is earlier.

39 (2) R307-150-5 applies to large major sources.

40 (3) R307-150-6 applies to:

41 (a) each major source that is not a large major source;

42 (b) each source with the potential to emit 5 tons or more per
43 year of lead; and

44 (c) each source not included in R307-150-3(2),
45 R307-150-3(3)(a), or R307-150-3(3)(b) that is located in Davis, Salt

1 Lake, Utah, or Weber Counties and that has the potential to emit 25
2 tons or more per year of any combination of oxides of nitrogen, oxides
3 of sulfur and PM₁₀, or the potential to emit 10 tons or more per year
4 of volatile organic compounds.

5 (4) R307-150-7 applies to Part 70 sources not included in
6 R307-150-3(2) or R307-150-3(3).

7 (5) R307-150-9 applies to sources with Standard Industrial
8 Classification codes in the major group 13 that have uncontrolled
9 actual emissions greater than one ton per year for a single pollutant
10 of PM₁₀, PM_{2.5}, oxides of nitrogen, oxides of sulfur, carbon monoxide
11 or volatile organic compounds. These sources include, but are not
12 limited to, industries involved in oil and natural gas exploration,
13 production, and transmission operations; well production facilities;
14 natural gas compressor stations; and natural gas processing plants and
15 commercial oil and gas disposal wells, and ponds.

16 (a) Sources that require inventory submittals under
17 R307-150-3(1) through R307-150-3(4) are excluded from the
18 requirements of R307-150-9.

19
20 **R307-150-4. Sulfur Dioxide Milestone Inventory Requirements.**

21 (1) Annual Sulfur Dioxide Emission Report.

22 (a) Sources identified in R307-150-3(1) shall submit an annual
23 inventory of sulfur dioxide emissions beginning with calendar year
24 2003 for all emissions units including fugitive emissions.

25 (b) The inventory shall include the rate and period of
26 emissions, excess or breakdown emissions, startup and shut down
27 emissions, the specific emissions unit that is the source of the air
28 pollution, type and efficiency of the air pollution control equipment,
29 percent of sulfur content in fuel and how the percent is calculated,
30 and other information necessary to quantify operation and emissions
31 and to evaluate pollution control efficiency. The emissions of a
32 pollutant shall be calculated using the source's actual operating
33 hours, production rates, and types of materials processed, stored, or
34 combusted during the inventoried time period.

35 (2) Each source subject to R307-150-4 that is also subject to
36 40 CFR Part 75 reporting requirements shall submit a summary report
37 of annual sulfur dioxide emissions that were reported to the
38 Environmental Protection Agency under 40 CFR Part 75 in lieu of the
39 reporting requirements in (1) above.

40 (3) Changes in Emission Measurement Techniques. Each source
41 subject to R307-150-4 that uses a different emission monitoring or
42 calculation method than was used to report their sulfur dioxide
43 emissions in 2006 under R307-150 or 40 CFR Part 75 shall adjust their
44 reported emissions to be comparable to the emission monitoring or
45 calculation method that was used in 2006. The calculations that are

1 used to make this adjustment shall be included with the annual emission
2 report.

3
4 **R307-150-5. Sources Identified in R307-150-3(2), Large Major Source**
5 **Inventory Requirements.**

6 (1) Each large major source shall submit an emission inventory
7 annually beginning with calendar year 2002. The inventory shall
8 include PM₁₀, PM_{2.5}, oxides of sulfur, oxides of nitrogen, carbon
9 monoxide, volatile organic compounds, and ammonia for all emissions
10 units including fugitive emissions.

11 (2) For every third year beginning with 2005, the inventory
12 shall also include all other chargeable pollutants and hazardous air
13 pollutants not exempted in R307-150-8.

14 (3) For each pollutant specified in (1) or (2) above, the
15 inventory shall include the rate and period of emissions, excess or
16 breakdown emissions, startup and shut down emissions, the specific
17 emissions unit that is the source of the air pollution, composition
18 of air pollutant, type and efficiency of the air pollution control
19 equipment, and other information necessary to quantify operation and
20 emissions and to evaluate pollution control efficiency. The
21 emissions of a pollutant shall be calculated using the source's actual
22 operating hours, production rates, and types of materials processed,
23 stored, or combusted during the inventoried time period.

24
25 **R307-150-6. Sources Identified in R307-150-3(3).**

26 (1) Each source identified in R307-150-3(3) shall submit an
27 inventory every third year beginning with calendar year 2002 for all
28 emissions units including fugitive emissions.

29 (a) The inventory shall include PM₁₀, PM_{2.5}, oxides of sulfur,
30 oxides of nitrogen, carbon monoxide, volatile organic compounds,
31 ammonia, other chargeable pollutants, and hazardous air pollutants not
32 exempted in R307-150-8.

33 (b) For each pollutant, the inventory shall include the rate and
34 period of emissions, excess or breakdown emissions, startup and shut
35 down emissions, the specific emissions unit which is the source of the
36 air pollution, composition of air pollutant, type and efficiency of
37 the air pollution control equipment, and other information necessary
38 to quantify operation and emissions and to evaluate pollution control
39 efficiency. The emissions of a pollutant shall be calculated using
40 the source's actual operating hours, production rates, and types of
41 materials processed, stored, or combusted during the inventoried time
42 period.

43 (2) Sources identified in R307-150-3(3) shall submit an
44 inventory for each year after 2002 in which the total amount of PM₁₀,
45 oxides of sulfur, oxides of nitrogen, carbon monoxide, or volatile

1 organic compounds increases or decreases by 40 tons or more per year
 2 from the most recently submitted inventory. For each pollutant, the
 3 inventory shall meet the requirements of R307-150-6(1)(a) and (b).
 4

5 **R307-150-7. Sources Identified in R307-150-3(4), Other Part 70**
 6 **Sources.**

7 (1) Sources identified in R307-150-3(4) shall submit the
 8 following emissions inventory every third year beginning with calendar
 9 year 2002 for all emission units including fugitive emissions.

10 (2) Sources identified in R307-150-3(4) shall submit an
 11 inventory for each year after 2002 in which the total amount of PM10,
 12 oxides of sulfur, oxides of nitrogen, carbon monoxide, or volatile
 13 organic compounds increases or decreases by 40 tons or more per year
 14 from the most recently submitted inventory.

15 (3) The emission inventory shall include individual pollutant
 16 totals of all chargeable pollutants not exempted in R307-150-8.
 17

18 **R307-150-8. Exempted Hazardous Air Pollutants.**

19 (1) The following air pollutants are exempt from this rule if
 20 they are emitted in an amount less than that listed in Table 1.
 21

22 TABLE 1

24 POLLUTANT	Pounds/year
25 Arsenic	0.21
26 Benzene	33.90
27 Beryllium	0.04
28 Ethylene oxide	38.23
29 Formaldehyde	5.83

30
 31 (2) Hazardous air pollutants, except for dioxins or furans, are
 32 exempt from being reported if they are emitted in an amount less than
 33 the smaller of the following:

34 (a) 500 pounds per year; or

35 (b) for acute pollutants, the applicable TLV-C expressed in
 36 milligrams per cubic meter and multiplied by 15.81 to obtain the
 37 pounds-per-year threshold; or

38 (c) for chronic pollutants, the applicable TLV-TWA expressed in
 39 milligrams per cubic meter and multiplied by 21.22 to obtain the
 40 pounds-per-year threshold; or

41 (d) for carcinogenic pollutants, the applicable TLV-C or
 42 TLV-TWA expressed in milligrams per cubic meter and multiplied by 7.07
 43 to obtain the pounds-per-year threshold.
 44

45 **R307-150-9. Crude Oil and Natural Gas Source Category.**

1 (1) Sources identified in R307-150-3(5) shall submit an
2 inventory every third year beginning with the 2017 calendar year for
3 all emission units.

4 (a) The inventory shall include the total emissions for PM₁₀,
5 PM_{2.5}, oxides of sulfur, oxides of nitrogen, carbon monoxide and
6 volatile organic compounds for each emission unit at the source. The
7 emissions of a pollutant shall be calculated using the emission unit's
8 actual operating hours, product rates, and types of materials
9 processed, stored, or combusted during the inventoried time period.

10 (b) The inventory shall include the type and efficiency of air
11 pollution control equipment.

12 (c) The inventory shall be submitted in an electronic format
13 determined by the Director specific to this source category.

14
15 **KEY: air pollution, reports, inventories**

16 **Date of Enactment or Last Substantive Amendment: March 5, 2018**

17 **Notice of Continuation: [~~January 28~~], 201[4]8**

18 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(c)**

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Information

DAR file no: Date filed:
 State Admin Rule Filing Key: 160755
 Utah Admin. Code ref. (R no.): R307-150

Agency Information

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(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):
 Emission Inventories

Rule Provisions

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:
 Subsection 19-2-104(1)(c) allows the Air Quality Board to make rules "...requiring persons engaged in operations which result in air pollution to ...file periodic reports containing information relating to the rate, period of emission, and composition of the air contaminant..." Rule R307-150 implements that statute by specifying the sources that must submit information, the information that must be submitted, and the due date for submissions. Rule R307-150 meets the requirements of the federal Consolidated Emissions Reporting Rule, 40 CFR 51.30(e) (67 FR 39602).

Content Summary

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:
 R307-150 has been amended two times since its last 5-year review in 2014. DAR 39749 changed any use of the term "contaminant" to "pollutant." DAR 42107 implemented the permit-by-rule. DAR 42107 received four comments that were addressed during the adoption of the rule. No other comments have been received for this rule since the the last review.

Justification Information

5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:
 The State of Utah is required under the federal Consolidated Emissions Reporting Rule (CERR), 40 CFR 51.30(e), to submit inventories of emissions from a variety of sources to the federal Environmental Protection Agency on a schedule specified in the federal rule. Rule R307-150 specifies the kinds of sources that must submit inventory

information to the state in order for the state to meet its responsibilities under the CERR. In addition, the inventory information is required in order to determine the fees paid by sources subject to 40 CFR Part 70 and Rule R307-415, the Operating Permit Program, and for determining where emission reductions can be achieved if needed for Utah to remain in attainment of the federal health standards for air quality. Therefore, the rule should be continued.

Indexing Information

6. 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, reports, inventories

File Information

7. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

Agency Authorization

Agency head or designee, and title: Bryce Bird
Director

Date (mm/dd/yyyy):

1 **R307. Environmental Quality, Air Quality.**

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

4 **R307-405-1. Purpose.**

5 This rule implements the federal Prevention of Significant
6 Deterioration (PSD) permitting program for major sources and major
7 modifications in attainment areas and maintenance areas as required
8 by 40 CFR 51.166. This rule does not include the routine maintenance,
9 repair and replacement provisions that were vacated by the DC Circuit
10 Court of Appeals on March 17, 2006. This rule supplements, but does
11 not replace, the permitting requirements of R307-401.

12
13 **R307-405-2. Applicability.**

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

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

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

21
22 **R307-405-3. Definitions.**

23 (1) Except as provided in (2) and (9) below, the definitions
24 contained in 40 CFR 52.21(b) are hereby incorporated by reference.

25 (2)(a) In the definition of "baseline area" in 40 CFR
26 52.21(b)(15)(ii)(b) insert the words "or R307-405" after "Is subject
27 to 40 CFR 52.21".

28 (b) "Reviewing Authority" means the director.

29 (c)(i) The term "Administrator" shall be changed to "director"
30 throughout R307-405, except as provided in (ii).

31 (ii) The term "Administrator" shall be changed to "EPA
32 Administrator" in the following incorporated sections:

- 33 (A) 40 CFR 52.21(b)(17),
34 (B) 40 CFR 52.21(b)(37)(i),
35 (C) 40 CFR 52.21(b)(43),
36 (D) 40 CFR 52.21(b)(48)(ii)(c),
37 (E) 40 CFR 52.21(b)(50)(i),
38 (F) 40 CFR 52.21(l)(2),
39 (G) 40 CFR 52.21(p)(2), and
40 (H) 40 CFR 51.166(q)(2)(iv).

41 (d) The following definitions or portions of definitions that
42 apply to the equipment repair and replacement provisions are not
43 incorporated because these provisions were vacated by the DC Circuit
44 Court of Appeals on March 17, 2006:

45 (i) in the definition major modification in 40 CFR 52.21(b)(2),

1 the second sentence in subparagraph (iii)(a),

2 (ii) the definition of "process unit" in 40 CFR 52.21(b)(55),

3 (iii) the definition of "functionally equivalent component" in
4 40 CFR 52.21(b)(56),

5 (iv) the definition of "fixed capital cost" in 40 CFR 52.21
6 (b)(57), and

7 (v) the definition of "total capital investment" in 40 CFR
8 52.21(b)(58).

9 (e) In the definition of "Regulated NSR pollutant" in 40 CFR
10 52.21(b)(50), subparagraph (iv) shall be changed to read, "Any
11 pollutant that otherwise is subject to regulation under the Act." A
12 new subparagraph (v) shall be added that reads, "The term regulated
13 NSR pollutant shall not include any or all hazardous air pollutants
14 either listed in section 112 of the federal Clean Air Act, or added
15 to the list pursuant to section 112(b)(2) of the federal Clean Air Act,
16 and which have not been delisted pursuant to section 112(b)(3) of the
17 federal Clean Air Act, unless the listed hazardous air pollutant is
18 also regulated as a constituent or precursor of a general pollutant
19 listed under section 108 of the federal Clean Air Act."

20 (3) "Air Quality Related Values," as used in analyses under 40
21 CFR 52.21 (p) that is incorporated by reference in R307-405-17, means
22 those special attributes of a Class I area, assigned by a federal land
23 manager, that are adversely affected by air quality.

24 (4) "Heat input" means heat input as defined in 40 CFR 52.01(g),
25 that is hereby incorporated by reference.

26 (5) "Title V permit" means any permit or group of permits
27 covering a Part 70 source that is issued, renewed, amended, or revised
28 pursuant to R307-415.

29 (6) "Title V Operating Permit Program" means R307-415.

30 (7) The definition of "Good Engineering Practice (GEP) Stack
31 Height" as defined in R307-410 shall apply in this rule.

32 (8) The definition of "Dispersion Technique" as defined in
33 R307-410 shall apply in this rule.

34 (9) "Subject to regulation" means, for any air pollutant, that
35 the pollutant is subject to either a provision in the federal Clean
36 Air Act, or a nationally-applicable regulation codified by the
37 Administrator in subchapter C of 40 CFR Chapter I, that requires actual
38 control of the quantity of emissions of that pollutant, and that such
39 a control requirement has taken effect and is operative to control,
40 limit or restrict the quantity of emissions of that pollutant released
41 from the regulated activity. Except that:

42 (a) "Greenhouse gases (GHGs)," the air pollutant defined in 40
43 CFR 86.1818-12(a) (Federal Register, Vol. 75, Page 25686) as the
44 aggregate group of six greenhouse gases: carbon dioxide, nitrous
45 oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur

1 hexafluoride, shall not be subject to regulation except as provided
2 in paragraph (d) of this section.

3 (b) For purposes of paragraphs (c) through (d) of this section,
4 the term "tons per year (tpy) CO₂ equivalent emissions (CO₂e)" shall
5 represent an amount of GHGs emitted, and shall be computed as follows:

6 (i) Multiplying the mass amount of emissions (tpy), for each of
7 the six greenhouse gases in the pollutant GHGs, by the gas's associated
8 global warming potential published at Table A-1 to subpart A of 40 CFR
9 Part 98 - Global Warming Potentials, that is hereby incorporated by
10 reference (Federal Register, Vol. 74, Pages 56395-96).

11 (ii) Sum the resultant value from paragraph (b)(i) of this
12 section for each gas to compute a tpy CO₂e.

13 (c) The term "emissions increase" as used in paragraph (d) of
14 this section shall mean that both a significant emissions increase (as
15 calculated using the procedures in 40 CFR 52.21 (a)(2)(iv) that is
16 incorporated by reference in R307-405-2) and a significant net
17 emissions increase (as defined in paragraphs 40 CFR 52.21(b)(3) and
18 (b)(23) that is incorporated by reference in R307-405-3) occur. For
19 the pollutant GHGs, an emissions increase shall be based on tpy CO₂e,
20 and shall be calculated assuming the pollutant GHGs is a regulated NSR
21 pollutant, and "significant" is defined as 75,000 tpy CO₂e instead
22 of applying the value in paragraph 40 CFR 52.21(b)(23)(ii).

23 (d) Beginning January 2, 2011, the pollutant GHGs is subject to
24 regulation if:

25 (i) The stationary source is a new major stationary source for
26 a regulated NSR pollutant that is not GHGs, and also will emit or will
27 have the potential to emit 75,000 tpy CO₂e or more; or

28 (ii) The stationary source is an existing major stationary
29 source for a regulated NSR pollutant that is not GHGs, and also will
30 have an emissions increase of a regulated NSR pollutant, and an
31 emissions increase of 75,000 tpy CO₂e or more.
32

33 **R307-405-4. Area Designations.**

34 (1) Pursuant to section 162(a) of the federal Clean Air Act, the
35 following areas are designated as mandatory Class I areas:

- 36 (a) Arches National Park,
- 37 (b) Bryce Canyon National Park,
- 38 (c) Canyonlands National Park,
- 39 (d) Capitol Reef National Park, and
- 40 (e) Zion National Park.

41 (2) Pursuant to section 162(b) of the federal Clean Air Act, all
42 other areas in Utah are designated as Class II unless designated as
43 nonattainment areas.

- 44 (3) No areas in Utah are designated as Class III.
- 45

1 **R307-405-5. Area Redesignation.**

2 Any person may petition the Board to change the classification
3 of an area designated under R307-405-4, except for mandatory Class I
4 areas designated under R307-405-4(1).

5 (1) The petition shall contain a discussion of the reasons for
6 the proposed redesignation, including a satisfactory description and
7 analysis of the health, environmental, economic and social and energy
8 effects of the proposed redesignation.

9 (2) The petition shall contain a demonstration that the proposed
10 redesignation meets the criteria outlined in Section VIII of the State
11 Implementation Plan and 40 CFR 51.166(e) and (g), that is hereby
12 incorporated by reference.

13
14 **R307-405-6. Ambient Air Increments.**

15 The provisions of 40 CFR 52.21(c) are hereby incorporated by
16 reference.

17
18 **R307-405-7. Ambient Air Ceilings.**

19 The provisions of 40 CFR 52.21(d) are hereby incorporated by
20 reference.

21
22 **R307-405-8. Exclusions from Increment Consumption.**

23 (1) The following concentrations shall be excluded in
24 determining compliance with a maximum allowable increase:

25 (a) concentrations attributable to the increase in emissions
26 from stationary sources which have converted from the use of petroleum
27 products, natural gas, or both by reason of an order in effect under
28 section 2(a) and (b) of the Energy Supply and Environmental
29 Coordination Act of 1974 (or any superseding legislation) over the
30 emissions from such sources before the effective date of such an order;

31 (b) concentrations attributable to the increase in emissions
32 from sources which have converted from using natural gas by reason of
33 a natural gas curtailment plan in effect pursuant to the Federal Power
34 Act over the emissions from such sources before the effective date of
35 such plan;

36 (c) concentrations of particulate matter attributable to the
37 increase in emissions from construction or other temporary
38 emission-related activities of new or modified sources;

39 (d) the increase in concentrations attributable to new sources
40 outside the United States over the concentrations attributable to
41 existing sources which are included in the baseline concentration; and

42 (e) concentrations attributable to the temporary increase in
43 emissions of sulfur dioxide, particulate matter, or nitrogen dioxides
44 from stationary sources which are affected by plan revisions approved
45 by the EPA Administrator as meeting the criteria specified in 40 CFR

1 51.166(f)(4). The temporary increase shall not exceed 2 years in
2 duration unless a longer time is approved by the EPA Administrator.
3 This exclusion is not renewable.

4 (2) No exclusion of concentration under (1)(a) or (b) above
5 shall apply more than five years after the effective date of the order
6 to which paragraph (1)(a) refers or the plan to which paragraph (1)(b)
7 refers, whichever is applicable. If both such order and plan are
8 applicable, no such exclusion shall apply more than five years after
9 the later of such effective dates.

10 (3) No exclusion under (1)(e) shall apply to an emission
11 increase from a stationary source which would:

12 (a) impact a Class I area or an area where an applicable
13 increment is known to be violated; or

14 (b) cause or contribute to a violation of the national ambient
15 air quality standards.

16
17 **R307-405-9. Stack Heights.**

18 The provisions of 40 CFR 52.21(h) are hereby incorporated by
19 reference.

20
21 **R307-405-10. Exemptions.**

22 (1) The provisions of 40 CFR 52.21(i)(1)(vi) through (viii) are
23 hereby incorporated by reference.

24 (2) The provisions of 40 CFR 52.21(i)(2) through (5) are hereby
25 incorporated by reference.

26
27 **R307-405-11. Control Technology Review.**

28 The provisions of 40 CFR 52.21(j) are hereby incorporated by
29 reference.

30
31 **R307-405-12. Source Impact Analysis.**

32 The provisions of 40 CFR 52.21(k) are hereby incorporated by
33 reference.

34
35 **R307-405-13. Air Quality Models.**

36 The provisions of 40 CFR 52.21(l) are hereby incorporated by
37 reference.

38
39 **R307-405-14. Air Quality Analysis.**

40 (1) The provisions of 40 CFR 52.21(m)(1)(i) through (iv), (vi),
41 and (viii) are hereby incorporated by reference.

42 (2) The provisions of 40 CFR 52.21(m)(2) and (3) are hereby
43 incorporated by reference.

44
45 **R307-405-15. Source Information.**

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

3
4 **R307-405-16. Additional Impact Analysis.**

5 The provisions of 40 CFR 52.21(o) are hereby incorporated by
6 reference.

7
8 **R307-405-17. Sources Impacting Federal Class I Areas: Additional
9 Requirements.**

10 (1) The provisions of 40 CFR 52.21(p) are hereby incorporated
11 by reference.

12 (2) The director will transmit to the EPA Administrator a copy
13 of each permit application relating to a major stationary source or
14 major modification and provide notice to the EPA Administrator of every
15 action related to the consideration of such permit.

16
17 **R307-405-18. Public Participation.**

18 (1) Except as provided in (2), the provisions of 40 CFR
19 51.166(q)(1) and (2) are hereby incorporated by reference.

20 (2) The phrase "within a specified time period" in 40 CFR
21 51.166(q)(1) shall be replaced with the phrase "within 30 days of
22 receipt of the PSD permit application".

23
24 **R307-405-19. Source Obligation.**

25 The provisions of 40 CFR 52.21(r) are hereby incorporated by
26 reference.

27
28 **R307-405-20. Innovative Control Technology.**

29 (1) Except as provided in (2), the provisions of 40 CFR 52.21(v)
30 are hereby incorporated by reference.

31 (2)(a) The reference to "40 CFR 124.10" in 40 CFR 52.21(v)(1)
32 shall be changed to "R307-405-18".

33 (b) 40 CFR 52.21(v)(2) shall be changed to read "The director
34 shall, with the consent of the governors of other affected states,
35 determine that the source or modification may employ a system of
36 innovative control technology, if:".

37
38 **R307-405-21. Actuals PALs.**

39 (1) Except as provided in (2), the provisions of 40 CFR 52.21(aa)
40 are hereby incorporated by reference.

41 (2) (a) The reference to "51.165(a)(3)(ii) of this chapter" in
42 40 CFR 52.21(aa)(4)(ii) shall be changed to "R307-403".

43 (b) The reference to "51.165(a)(3)(ii) of this chapter" in 40
44 CFR 52.21(aa)(8)(ii)(2) shall be changed to "R307-403".

45 (c) The references to "70.6(a)(3)(iii)(B) of this chapter" in

1 40 CFR 52.21(aa)(14)(ii) shall be changed to "R307-415-6a(3)(c)(ii)".
2 (d) The date of "March 3, 2003" in 40 CFR 52.21(aa)(15)(i) and
3 (ii) shall be changed to "June 16, 2006".
4

5 **R307-405-22. Banking of Emission Offset Credit in PSD Areas.**

6 Banking of emission offset credits in PSD areas will be permitted.
7 To preserve banked emission reductions the director must identify them
8 in either the Utah SIP or an order. The director will provide a registry
9 to identify the person, private entity, or government authority that
10 has the right to use or allocate the banked emission reduction and to
11 record any transfer of or lien on these rights.
12

13 **KEY: air pollution, PSD, Class I area, greenhouse gases**
14 **Date of Enactment or Last Substantive Amendment: February 4, 2016**
15 **Notice of Continuation: [~~January 28~~], 201[4]8**
16 **Authorizing, and Implemented or Interpreted Law: 19-2-104**

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Information

DAR file no:	Date filed:
State Admin Rule Filing Key: 160756	
Utah Admin. Code ref. (R no.): R307-405	

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:
Thomas Gunter	801-536-4419		thomasgunter@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 (PSD)

Rule Provisions

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:
Section 19-2-108 states that "Notice shall be given to the director by any person planning to construct a new installation which will or might reasonably be expected to be a source or indirect source of air pollution or to make modifications to an existing installation which will or might reasonably be expected to increase the amount of or change the character or effect of air contaminants discharged..." Rule R307-405 implements the federal Prevention of Significant Deterioration (PSD) permitting program for major sources and major modifications in attainment areas and maintenance areas as required by 40 CFR 51.166. Subsection 19-2-104(3)(q) states that the Air Quality Board may meet the requirements of federal laws. Rule R307-405 is also required by Section VIII, Prevention of Significant Deterioration of the State Implementation Plan. This plan is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51.166.

Content Summary

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:
R307-405 was amended one time since the last five-year review: DAR No. 39846 amended the rule to align with federal regulations that withdrew five Title V sources that were identified as greenhouse gas sources. No comments were received for these amendments, and no other comments have been received since the last five-year review.

Justification Information

5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:

Rule R307-405 is required by Section 19-2-108. Rule R307-405 is also required by Section VIII, Prevention of Significant Deterioration of the State Implementation Plan, which is incorporated by reference under R307-110. This plan is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51.166. Without this plan, EPA would be required to impose a federal implementation plan.

Indexing Information

6. 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, greenhouse gas, PSD

File Information

7. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

Agency Authorization

Agency head or designee, and title: Bryce Bird
Director

Date (mm/dd/yyyy):

1 **R307. Environmental Quality, Air Quality.**

2 **R307-840. Lead-Based Paint Program Purpose, Applicability, and**
3 **Definitions.**

4 **R307-840-1. Purpose and Applicability.**

5 (1) Rule R307-840, R307-841, and R307-842 establish procedures
6 and requirements for the accreditation of training programs for
7 lead-based paint activities and renovations, procedures and
8 requirements for the certification of individuals and firms engaged
9 in lead-based paint activities and renovations, and work practice
10 standards for performing such activities. These rules also require
11 that, except as outlined in R307-840-1(2), all lead-based paint
12 activities and renovations, as defined in these rules, must be
13 performed by certified individuals and firms.

14 (2) R307-840, R307-841, and R307-842 apply to all individuals
15 and firms who are engaged in lead-based paint activities and
16 renovations as defined in R307-840-2, except persons who perform these
17 activities within residential dwellings that they own, unless the
18 residential dwelling is occupied by a person or persons other than the
19 owner or the owner's immediate family while these activities are being
20 performed, or a child residing in the building has been identified as
21 having an elevated blood lead level.

22 (3) R307-840, R307-841, and R307-842 identify lead-based paint
23 hazards. The standards for lead-based paint hazards apply to target
24 housing and child-occupied facilities.

25 (4) R307-840, R307-841, and R307-842 do not require the owner
26 of the property or properties subject to these rules to evaluate the
27 property or properties for the presence of lead-based paint hazards
28 or take any action to control these conditions if one or more of them
29 is identified.

30 (5) While R307-840, R307-841, and R307-842 establish specific
31 requirements for performing lead-based paint activities and
32 renovations should they be undertaken, these rules do not require that
33 the owner or occupant undertake any particular lead-based paint
34 activity or renovation.

35 (6) Individuals or firms wishing to deviate from the
36 certification, notification, work practice, or other requirements of
37 R307-840, R307-841, and/or R307-842 may do so only after requesting
38 and obtaining written approval from the director.

39
40 **R307-840-2. Definitions.**

41 The following definitions apply to R307-840, R307-841, and
42 R307-842, in addition to the definitions found in R307-101-2.

43 "Abatement" means any measure or set of measures designed to
44 permanently eliminate lead-based paint hazards. Abatement includes,

1 but is not limited to:

2 (1) The removal of paint and dust, the permanent enclosure or
3 encapsulation of lead-based paint, the replacement of painted surfaces
4 or fixtures, or the removal or permanent covering of soil, when
5 lead-based paint hazards are present in such paint, dust, or soil; and

6 (2) All preparation, cleanup, disposal, and post-abatement
7 clearance testing activities associated with such measures.

8 (3) Specifically, abatement includes, but is not limited to:

9 (a) Projects for which there is a written contract or other
10 documentation, which provides that an individual or firm will be
11 conducting activities in or to a residential dwelling or
12 child-occupied facility that:

13 (i) Shall result in the permanent elimination of lead-based
14 paint hazards; or

15 (ii) Are designed to permanently eliminate lead-based paint
16 hazards and are described in paragraphs (1) and (2) of this definition.

17 (b) Projects resulting in the permanent elimination of
18 lead-based paint hazards, conducted by firms or individuals certified
19 in accordance with R307-842-2, unless such projects are covered by
20 paragraph (4) of this definition;

21 (c) Projects resulting in the permanent elimination of
22 lead-based paint hazards, conducted by firms or individuals who,
23 through their company name or promotional literature, represent,
24 advertise, or hold themselves out to be in the business of performing
25 lead-based paint activities as identified and defined by this section,
26 unless such projects are covered by paragraph (4) of this definition;
27 or

28 (d) Projects resulting in the permanent elimination of
29 lead-based paint hazards that are conducted in response to State of
30 Utah or local abatement orders.

31 (4) Abatement does not include renovation, remodeling,
32 landscaping or other activities, when such activities are not designed
33 to permanently eliminate lead-based paint hazards, but, instead, are
34 designed to repair, restore, or remodel a given structure or dwelling,
35 even though these activities may incidentally result in a reduction
36 or elimination of lead-based paint hazards. Furthermore, abatement
37 does not include interim controls, operations and maintenance
38 activities, or other measures and activities designed to temporarily,
39 but not permanently, reduce lead-based paint hazards.

40 "Accredited Training Program" means a training program that has
41 been accredited by the director pursuant to R307-842-1 to provide
42 training for individuals engaged in lead-based paint activities.

43 "Adequate Quality Control" means a plan or design which ensures
44 the authenticity, integrity, and accuracy of samples, including dust,

1 soil, and paint chip or paint film samples. Adequate quality control
2 also includes provisions for representative sampling.

3 "Arithmetic Mean" means the algebraic sum of data values divided
4 by the number of data values (e.g., the sum of the concentration of
5 lead in several soil samples divided by the number of samples).

6 "Business Day" means Monday through Friday with the exception of
7 federal and State of Utah holidays.

8 "Certificate of Mailing" means Certificate of Mailing as defined
9 by the United States Postal Service.

10 "Certified Abatement Worker" means an individual who has been
11 trained by an accredited training program and certified by the director
12 pursuant to R307-842-2 to perform abatements.

13 "Certified Dust Sampling Technician" means an individual who has
14 been trained by an accredited training program and certified by the
15 director pursuant to R307-841-8(1) and R307-842-2 to collect dust
16 samples.

17 "Certified Firm" means a company, partnership, corporation, sole
18 proprietorship or individual doing business, association, or other
19 business entity; a federal, state, tribal, or local government agency;
20 or a nonprofit organization that performs lead-based paint activities,
21 renovations, or dust sampling to which the director has issued a
22 certificate of approval pursuant to R307-842-2(5).

23 "Certified Inspector" means an individual who has been trained
24 by an accredited training program and certified by the director
25 pursuant to R307-842-2 to conduct inspections. A certified inspector
26 also samples for the presence of lead in dust and soil for the purposes
27 of abatement clearance testing.

28 "Certified Project Designer" means an individual who has been
29 trained by an accredited training program and certified by the director
30 pursuant to R307-842-2 to prepare abatement project designs, occupant
31 protection plans, and abatement reports.

32 "Certified Renovator" means an individual who has been trained
33 by an accredited training program and certified by the director
34 pursuant to R307-841-8(1) and R307-842-2 to conduct renovations.

35 "Certified Risk Assessor" means an individual who has been
36 trained by an accredited training program and certified by the director
37 pursuant to R307-842-2 to conduct risk assessments. A risk assessor
38 also samples for the presence of lead in dust and soil for the purposes
39 of abatement clearance testing.

40 "Certified Supervisor" means an individual who has been trained
41 by an accredited training program and certified by the director
42 pursuant to R307-842-2 to supervise and conduct abatements, and to
43 prepare occupant protection plans and abatement reports.

44 "Chewable Surface" means an interior or exterior surface painted

1 with lead-based paint that a young child can mouth or chew. A chewable
2 surface is the same as an "accessible surface" as defined in 42 U.S.C.
3 4851b(2). Hard metal substrates and other materials that can not be
4 dented by the bite of a young child are not considered chewable.

5 "Child-Occupied Facility" means a building, or portion of a
6 building, constructed prior to 1978, visited regularly by the same
7 child, under 6 years of age, on at least two different days within any
8 week (Sunday through Saturday period), provided that each day's visit
9 lasts at least 3 hours and the combined weekly visits last at least
10 6 hours, and the combined annual visits last at least 60 hours.
11 Child-occupied facilities may include, but are not limited to, day care
12 centers, preschools and kindergarten classrooms. Child-occupied
13 facilities may be located in target housing or in public or commercial
14 buildings. With respect to common areas in public or commercial
15 buildings that contain child-occupied facilities, the child-occupied
16 facility encompasses only those common areas that are routinely used
17 by children under age 6, such as restrooms and cafeterias. Common
18 areas that children under age 6 only pass through, such as hallways,
19 stairways, and garages are not included. In addition, with respect
20 to exteriors of public or commercial buildings that contain
21 child-occupied facilities, the child-occupied facility encompasses
22 only the exterior sides of the building that are immediately adjacent
23 to the child-occupied facility or the common areas routinely used by
24 children under age 6.

25 "Cleaning Verification Card" means a card developed and
26 distributed, or otherwise approved, by EPA for the purpose of
27 determining, through comparison of wet and dry disposable cleaning
28 cloths with the card, whether post-renovation cleaning has been
29 properly completed.

30 "Clearance Levels" are values that indicate the maximum amount
31 of lead permitted in dust on a surface following completion of an
32 abatement activity.

33 "Common Area" means a portion of a building that is generally
34 accessible to all occupants. Such an area may include, but is not
35 limited to, hallways, stairways, laundry and recreational rooms,
36 playgrounds, community centers, garages, and boundary fences.

37 "Common Area Group" means a group of common areas that are similar
38 in design, construction, and function. Common area groups include,
39 but are not limited to hallways, stairways, and laundry rooms.

40 "Component or Building Component" means specific design or
41 structural elements or fixtures of a building or residential dwelling
42 that are distinguished from each other by form, function, and location.
43 These include, but are not limited to, interior components such as
44 ceilings, crown molding, walls, chair rails, doors, door trim, floors,

1 fireplaces, radiators and other heating units, shelves, shelf
2 supports, stair treads, stair risers, stair stringers, newel posts,
3 railing caps, balustrades, windows and trim (including sashes, window
4 heads, jambs, sills or stools and troughs), built in cabinets, columns,
5 beams, bathroom vanities, counter tops, and air conditioners, and
6 exterior components such as painted roofing, chimneys, flashing,
7 gutters and downspouts, ceilings, soffits, fascias, rake boards,
8 cornerboards, bulkheads, doors and door trim, fences, floors, joists,
9 lattice work, railings and railing caps, siding, handrails, stair
10 risers and treads, stair stringers, columns, balustrades, window sills
11 or stools and troughs, casings, sashes and wells, and air conditioners.

12 "Concentration" means the relative content of a specific
13 substance contained within a larger mass, such as the amount of lead
14 (in micrograms per gram or parts per million by weight) in a sample
15 of dust or soil.

16 "Containment" means a process to protect workers and the
17 environment by controlling exposures to the lead-contaminated dust and
18 debris created during an abatement.

19 "Course Agenda" means an outline of the key topics to be covered
20 during a training course, including the time allotted to teach each
21 topic.

22 "Course Test" means an evaluation of the overall effectiveness
23 of the training which shall test the trainees' knowledge and retention
24 of the topics covered during the course.

25 "Course Test Blue Print" means written documentation identifying
26 the proportion of course test questions devoted to each major topic
27 in the course curriculum.

28 "Deteriorated Paint" means any interior or exterior paint or
29 other coating that is flaking, peeling, chipping, chalking, or
30 cracking, or any other paint or coating located on an interior or
31 exterior surface or fixture that is otherwise damaged or separated from
32 the substrate.

33 "Discipline" means one of the specific types or categories of
34 lead-based paint activities identified in this rule for which
35 individuals may receive training from accredited programs and become
36 certified by the director. Disciplines include Abatement Worker,
37 Dust Sampling Technician, Inspector, Project Designer, Renovator,
38 Risk Assessor, and Supervisor.

39 "Distinct Painting History" means the application history, as
40 indicated by its visual appearance or a record of application, over
41 time, of paint or other surface coatings to a component or room.

42 "Documented Methodologies" are methods or protocols used to
43 sample for the presence of lead in paint, dust, and soil.

44 "Dripline" means the area within 3 feet surrounding the perimeter

1 of the building.

2 "Dry Disposable Cleaning Cloth" means a commercially available
3 dry, electrostatically charged, white disposable cloth designed to be
4 used for cleaning hard surfaces such as uncarpeted floors or counter
5 tops.

6 "Dust-lead hazard" means surface dust in a residential dwelling
7 or child-occupied facility that contains a mass-per-area
8 concentration of lead equal to or exceeding 40 ug/ft² on floors or 250
9 ug/ft² on interior window sills based on wipe samples.

10 "Elevated Blood Lead Level (EBL)" means an excessive absorption
11 of lead that is a confirmed concentration of lead in whole blood of
12 20 micrograms of lead per deciliter of whole blood (ug/dl) for a single
13 venous test or of 15-19 ug/dl in two consecutive tests taken 3 to 4
14 months apart.

15 "Emergency Renovation Operations" means renovation activities,
16 such as operations necessitated by non-routine failures of equipment,
17 that were not planned but result from a sudden, unexpected event that,
18 if not immediately attended to, presents a safety or public health
19 hazard, or threatens equipment and/or property with significant
20 damage.

21 "Encapsulant" means a substance that forms a barrier between
22 lead-based paint and the environment using a liquid-applied coating
23 (with or without reinforcement materials) or an adhesively bonded
24 covering material.

25 "Encapsulation" means the application of an encapsulant.

26 "Enclosure" means the use of rigid, durable construction
27 materials that are mechanically fastened to the substrate in order to
28 act as a barrier between lead-based paint and the environment.

29 "EPA" means the United States Environmental Protection Agency.

30 "Friction Surface" means an interior or exterior surface that is
31 subject to abrasion or friction, including, but not limited to, certain
32 window, floor, and stair surfaces.

33 "Guest Instructor" means an individual designated by the training
34 program manager or principal instructor to provide instruction
35 specific to the lecture, hands-on activities, or work practice
36 components of a course.

37 "Hands-On Skills Assessment" means an evaluation which tests the
38 trainees' ability to satisfactorily perform the work practices and
39 procedures identified in R307-842-1(4), as well as any other skill
40 taught in a training course.

41 "Hazardous Waste" means any waste as defined in 40 CFR 261.3.

42 "HEPA Vacuum" means a vacuum cleaner which has been designed with
43 a high-efficiency particulate air (HEPA) filter as the last filtration
44 stage. A HEPA filter is a filter that is capable of capturing

1 particulates of 0.3 microns with 99.97% efficiency. The vacuum
2 cleaner must be designed so that all the air drawn into the machine
3 is expelled through the HEPA filter with none of the air leaking past
4 it. HEPA vacuums must be operated and maintained in accordance with
5 the manufacturer's instructions.

6 "Housing for the Elderly" means retirement communities or similar
7 types of housing reserved for households composed of one or more
8 persons 62 years of age or more at the time of initial occupancy.

9 "HUD" means the United States Department of Housing and Urban
10 Development.

11 "Impact Surface" means an interior or exterior surface that is
12 subject to damage by repeated sudden force such as certain parts of
13 door frames.

14 "Inspection" means a surface-by-surface investigation to
15 determine the presence of lead-based paint and the provision of a
16 report explaining the results of the investigation.

17 "Interim Certification" means the status of an individual who has
18 successfully completed the appropriate training course in a discipline
19 from an accredited training program, as defined by this section, but
20 has not yet received formal certification in that discipline from the
21 director pursuant to R307-842-2. Interim certification expires 6
22 months after the completion of the training course, and is equivalent
23 to a certificate for the 6-month period.

24 "Interim Controls" means a set of measures designed to
25 temporarily reduce human exposure or likely exposure to lead-based
26 paint hazards, including specialized cleaning, repairs, maintenance,
27 painting, temporary containment, ongoing monitoring of lead-based
28 paint hazards or potential hazards, and the establishment and
29 operation of management and resident education programs.

30 "Interior Window Sill" means the portion of the horizontal window
31 ledge that protrudes into the interior of the room.

32 "Lead-Based Paint" means paint or other surface coatings that
33 contain lead equal to or in excess of 1.0 milligrams per square
34 centimeter or more than 0.5% by weight.

35 "Lead-Based Paint Activities" means, in the case of target
36 housing and child-occupied facilities, inspection, risk assessment,
37 and abatement.

38 "Lead-Based Paint Activities Courses" means initial and
39 refresher training courses (worker, supervisor, inspector, risk
40 assessor, project designer) provided by accredited training programs.

41 "Lead-Based Paint Hazard" means, for the purposes of lead-based
42 paint activities, any condition that causes exposure to lead from
43 lead-contaminated dust, lead-contaminated soil, or lead-contaminated
44 paint that is deteriorated or present in accessible surfaces, friction

1 surfaces, or impact surfaces that would result in adverse human health
2 effects as identified by the Administrator of the EPA pursuant to TSCA
3 Section 403, and for the purposes of renovation, means hazardous
4 lead-based paint, dust-lead hazard, or soil-lead hazard as identified
5 in R307-840-2.

6 "Lead-Hazard Screen" means a limited risk assessment activity
7 that involves limited paint and dust sampling as described in
8 R307-842-3(3).

9 "Living Area" means any area of a residential dwelling used by
10 one or more children age 6 and under, including, but not limited to,
11 living rooms, kitchen areas, dens, play rooms, and children's
12 bedrooms.

13 "Loading" means the quantity of a specific substance present per
14 unit of surface area, such as the amount of lead in micrograms contained
15 in the dust collected from a certain surface area divided by the surface
16 area in square feet or square meters.

17 "Local Government" means a county, city, town, borough, parish,
18 district, association, or other public body (including an agency
19 comprised of two or more of the foregoing entities) created under state
20 law.

21 "Mid-Yard" means an area of a residential yard approximately
22 midway between the dripline of a residential building and the nearest
23 property boundary or between the driplines of a residential building
24 and another building on the same property.

25 "Minor Repair and Maintenance Activities" are activities,
26 including minor heating, ventilation, or air conditioning work,
27 electrical work, and plumbing, that disrupt 6 square feet or less of
28 painted surface per room for interior activities or 20 square feet or
29 less of painted surface for exterior activities where none of the work
30 practices prohibited or restricted by R307-841-5(1)(c) are used and
31 where the work does not involve window replacement or demolition of
32 painted surface areas. When removing painted components, or portions
33 of painted components, the entire surface area removed is the amount
34 of painted surface disturbed. Jobs, other than emergency renovations,
35 performed in the same room within the same 30 days must be considered
36 the same job for the purpose of determining whether the job is a minor
37 repair and maintenance activity.

38 "Multi-Family Dwelling" means a structure that contains more than
39 one separate residential dwelling unit which is used or occupied, or
40 intended to be used or occupied, in whole or in part, as the home or
41 residence of one or more persons.

42 "Multi-Family Housing" means a housing property consisting of
43 more than four dwelling units.

44 "Nonprofit" means an entity which has demonstrated to any branch

1 of the federal government or to a state, municipal, tribal or
2 territorial government, that no part of its net earnings inure to the
3 benefit of any private shareholder or individual.

4 "Owner" means any entity that has legal title to target housing,
5 including but not limited to individuals, partnerships, corporations,
6 trusts, government agencies, housing agencies, Indian tribes, and
7 nonprofit organizations, except where a mortgagee holds legal title
8 to property serving as collateral for a mortgage loan, in which case
9 the owner would be the mortgagor.

10 "Paint In Poor Condition" means more than 10 square feet of
11 deteriorated paint on exterior components with large surface areas,
12 or more than 2 square feet of deteriorated paint on interior components
13 with large surface areas (e.g., walls, ceilings, floors, doors), or
14 more than 10% of the total surface area of the component is deteriorated
15 on interior or exterior components with small surface areas (window
16 sills, baseboards, soffits, trim).

17 "Paint-lead hazard" means any of the following:

18 (a) Any lead-based paint on a friction surface that is subject
19 to abrasion and where the lead dust levels on the nearest horizontal
20 surface underneath the friction surface (e.g., the window sill or
21 floor) are equal to or greater than the dust-lead hazard levels
22 identified in the definition of "Dust-lead hazard".

23 (b) Any damaged or otherwise deteriorated lead-based paint on
24 an impact surface that is caused by impact from a related building
25 component (such as a door knob that knocks into a wall or a door that
26 knocks against its door frame).

27 (c) Any chewable lead-based painted surface on which there is
28 evidence of teeth marks.

29 (d) Any other deteriorated lead-based paint in any residential
30 building or child-occupied facility or on the exterior of any
31 residential building or child-occupied facility.

32 "Painted surface" means a component surface covered in whole or
33 in part with paint or other surface coatings.

34 "Pamphlet" means the EPA pamphlet titled "Renovate Right:
35 Important Lead Hazard Information for Families, Child Care Providers
36 and Schools" developed under Section 406(a) of TSCA for use in
37 complying with section 406(b) of TSCA. This includes reproductions
38 of the pamphlet when copied in full and without revision or deletion
39 of material from the pamphlet (except for the addition or revision of
40 state or local sources of information).

41 "Permanently Covered Soil" means soil which has been separated
42 from human contact by the placement of a barrier consisting of solid,
43 relatively impermeable materials, such as pavement or concrete.
44 Grass, mulch, and other landscaping materials are not considered

1 permanent covering.

2 "Person" means any natural or judicial person including any
3 individual, corporation, partnership, or association, any Indian
4 tribe, state, or political subdivision thereof, any interstate body,
5 and any department, agency, or instrumentality of the federal
6 government.

7 "Play Area" means an area of frequent soil contact by children
8 of less than 6 years of age as indicated by, but not limited to, such
9 factors including the presence of play equipment (e.g., sandboxes,
10 swing sets, and sliding boards), toys, or other children's
11 possessions, observations of play patterns, or information provided
12 by parents, residents, care givers, or property owners.

13 "Principal Instructor" means the individual who has the primary
14 responsibility for organizing and teaching a particular course.

15 "Recognized Laboratory" means an environmental laboratory
16 recognized by EPA pursuant to TSCA Section 405(b) as being capable of
17 performing an analysis for lead compounds in paint, soil, and dust.

18 "Recognized Test Kit" means a commercially available kit
19 recognized by EPA under 40 CFR 745.88 as being capable of allowing a
20 user to determine the presence of lead at levels equal to or in excess
21 of 1.0 milligrams per square centimeter, or more than 0.5% lead by
22 weight, in a paint chip, paint powder, or painted surface.

23 "Reduction" means measures designed to reduce or eliminate human
24 exposure to lead-based paint hazards through methods including interim
25 controls and abatement.

26 "Renovation" means the modification of an existing structure, or
27 portion thereof, that results in the disturbance of painted surfaces,
28 unless that activity is performed as part of an abatement as defined
29 by R307-840-2. The term renovation includes, but is not limited to,
30 the removal, modification, or repair of painted surfaces or painted
31 components (e.g., modification of painted doors, surface restoration,
32 window repair, surface preparation activity (such as sanding,
33 scraping, or other such activities that may generate paint dust)), the
34 removal of building components (e.g., walls, ceilings, plumbing,
35 windows), weatherization projects (e.g., cutting holes in painted
36 surfaces to install blown-in insulation or to gain access to attics,
37 planing thresholds to install weather-stripping), and interim
38 controls that disturb painted surfaces. A renovation performed for
39 the purpose of converting a building, or part of a building, into target
40 housing or a child-occupied facility is a renovation under this rule.
41 The term renovation does not include minor repair and maintenance
42 activities.

43 "Renovator" means an individual who either performs or directs
44 workers who perform renovations.

1 "Residential Building" means a building containing one or more
2 residential dwellings.

3 "Residential Dwelling" means (1) a detached single family
4 dwelling unit, including attached structures such as porches and
5 stoops; or (2) a single family dwelling unit in a structure that
6 contains more than one separate residential dwelling unit, which is
7 used or occupied, or intended to be used or occupied, in whole or in
8 part, as the home or residence of one or more persons.

9 "Risk Assessment" means (1) an on-site investigation to determine
10 the existence, nature, severity, and location of lead-based paint
11 hazards, and (2) the provision of a report by the individual or firm
12 conducting the risk assessment, explaining the results of the
13 investigation and options for reducing lead-based paint hazards.

14 "Room" means a separate part of the inside of a building, such
15 as a bedroom, living room, dining room, kitchen, bathroom, laundry
16 room, or utility room. To be considered a separate room, the room must
17 be separated from adjoining rooms by built-in walls or archways that
18 extend at least 6 inches from an intersecting wall. Half walls or
19 bookcases count as room separators if built-in. Movable or
20 collapsible partitions or partitions consisting solely of shelves or
21 cabinets are not considered built-in walls. A screened in porch that
22 is used as a living area is a room.

23 "Soil Sample" means a sample collected in a representative
24 location using ASTM E1727, "Standard Practice for Field Collection of
25 Soil Samples for Lead Determination by Atomic Spectrometry
26 Techniques," or equivalent method.

27 "Soil-lead hazard" means bare soil on residential real property
28 or on the property of a child-occupied facility that contains total
29 lead equal to or exceeding 400 parts per million (ug/g) in a play area
30 or average 1,200 parts per million of bare soil in the rest of the yard
31 based on soil samples.

32 "Start Date" means the first day of any lead-based paint
33 activities training course or lead-based paint abatement activity.

34 "Start Date Provided to the director" means the start date
35 included in the original notification or the most recent start date
36 provided to the director in an updated notification.

37 "State" means any state of the United States, the District of
38 Columbia, the Commonwealth of Puerto Rico, the United States Virgin
39 Islands, Guam, the Canal Zone, American Samoa, the Northern Mariana
40 Islands, or any other territory or possession of the United States.

41 "Target housing" means any housing constructed prior to 1978,
42 except housing for the elderly or persons with disabilities (unless
43 any one or more children age 6 years or under resides or is expected
44 to reside in such housing for the elderly or persons with disabilities)

1 or any 0-bedroom dwelling.

2 "Training curriculum" means an established set of course topics
3 for instruction in an accredited training program for a particular
4 discipline designed to provide specialized knowledge and skills.

5 "Training Hour" means at least 50 minutes of actual learning,
6 including, but not limited to, time devoted to lecture, learning
7 activities, small group activities, demonstrations, evaluations, and
8 hands-on experience.

9 "TSCA" means the Toxic Substances Control Act, 15 U.S.C. 2601.

10 "Training Manager" means the individual responsible for
11 administering a training program and monitoring the performance of
12 principal instructors and guest instructors.

13 "Training Provider" means any organization or entity accredited
14 under R307-842-1 to offer lead-based paint activities, renovator, or
15 dust sampling technician courses.

16 "Vertical containment" means a vertical barrier consisting of
17 plastic sheeting or other impermeable material over scaffolding or a
18 rigid frame, or an equivalent system of containing the work area.
19 Vertical containment is required for some exterior renovations but it
20 may be used on any renovation.

21 "Visual Inspection for Clearance Testing" means the visual
22 examination of a residential dwelling or a child-occupied facility
23 following abatement to determine whether or not the abatement has been
24 successfully completed.

25 "Visual Inspection for Risk Assessment" means the visual
26 examination of a residential dwelling or a child-occupied facility to
27 determine the existence of deteriorated lead-based paint or other
28 potential sources of lead-based paint hazards.

29 "Weighted Arithmetic Mean" means the arithmetic mean of sample
30 results weighted by the number of subsamples in each sample. Its
31 purpose is to give influence to a sample relative to the surface area
32 it represents. A single surface sample is comprised of a single
33 subsample. A composite sample may contain from two to four subsamples
34 of the same area as each other and of each single surface sample in
35 the composite. The weighted arithmetic mean is obtained by summing,
36 for all samples, the product of the sample's result multiplied by the
37 number of subsamples in the sample, and dividing the sum by the total
38 number of subsamples contained in all samples. For example, the
39 weighted arithmetic mean of a single surface sample containing 60
40 ug/ft^2 , a composite sample (3 subsamples) containing 100 ug/ft^2 , and
41 a composite sample (4 subsamples) containing 110 ug/ft^2 is 100 ug/ft^2 .
42 This result is based on the equation $(60+(3*100)+(4*110))/(1+3+4)$.

43 "Wet Disposable Cleaning Cloth" means a commercially available,
44 pre-moistened white disposable cloth designed to be used for cleaning

1 hard surfaces such as uncarpeted floors or counter tops.

2 "Wet Mopping System" means a device with the following
3 characteristics: A long handle, a mop head designed to be used with
4 disposable absorbent cleaning pads, a reservoir for cleaning solution,
5 and a built-in mechanism for distributing or spraying the cleaning
6 solution onto a floor, or a method of equivalent efficacy.

7 "Window Trough" means, for a typical double-hung window, the
8 portion of the exterior window sill between the interior window sill
9 (or stool) and the frame of the storm window. If there is no storm
10 window, the window trough is the area that receives both the upper and
11 lower window sashes when they are both lowered. The window trough is
12 sometimes referred to as the window "well."

13 "Wipe Sample" means a sample collected by wiping a representative
14 surface of known area, as determined by ASTM E1728, "Standard Practice
15 for Field Collection of Settled Dust Samples Using Wipe Sampling
16 Methods for Lead Determination by Atomic Spectrometry Techniques", or
17 equivalent method, with an acceptable wipe material as defined in ASTM
18 E1792, "Standard Specification for Wipe Sampling Materials for Lead
19 in Surface Dust."

20 "Work Area" means the area that the certified renovator
21 establishes to contain the dust and debris generated by a renovation.

22 "0-Bedroom Dwelling" means any residential dwelling in which the
23 living area is not separated from the sleeping area. The term includes
24 efficiencies, studio apartments, dormitory housing, military
25 barracks, and rentals of individual rooms in residential dwellings.

26

27 **KEY: definitions, paint, lead-based paint**

28 **Date of Enactment or Last Substantive Amendment: May 3, 2012**

29 **Notice of Continuation: [~~March 6~~], 201[4]8**

30 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(i)**

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Information

DAR file no:		Date filed:	
State Admin Rule Filing Key:	160757		
Utah Admin. Code ref. (R no.):	R307-840		

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:
Thomas Gunter	801-536-4419		thomasgunter@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):
Lead-Based Paint Program Purpose, Applicability, and Definitions

Rule Provisions

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:
Rule R307-840 is one of three Air Quality rules that implements Subsection 19-2-104(1)(i) which authorizes the Air Quality Board to make rules to "implement the lead-based paint requirements for training, certification, and performance of 15 U.S.C. 2601 et seq., Toxic Substances Control Act, Subchapter IV--Lead Exposure Reduction, Sections 402 and 404."

Content Summary

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:
Rule R307-840 has not been amended since the last five-year review. No comments have been received since the last five-year review.

Justification Information

5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:
Without Rule R307-840, Utah would not have authority to implement the federal requirements; implementation would be carried out by the Environmental Protection Agency. Therefore, this rule should be continued.

Indexing Information

6. 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")):
definitions, paint, lead-based paint

File Information

7. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

Agency Authorization

Agency head or designee, and title: Bryce Bird
Director

Date (mm/dd/yyyy):

ITEM 6

Air Toxics



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQA-913-18

MEMORANDUM

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: October 4, 2018

SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – September 2018

Asbestos Demolition/Renovation NESHAP Inspections	20
Asbestos AHERA Inspections	20
Asbestos State Rules Only Inspections	2
Asbestos Notification Forms Accepted	176
Asbestos Telephone Calls	392
Asbestos Individuals Certifications Approved/Disapproved	48/0
Asbestos Company Certifications/Re-Certifications	3/8
Asbestos Alternate Work Practices Approved/Disapproved	7/0
Lead-Based Paint (LBP) Inspections	17
LBP Notification Forms Accepted	1
LBP Telephone Calls	101
LBP Letters Prepared and Mailed	11
LBP Courses Reviewed/Approved	0/0
LBP Course Audits	1
LBP Individual Certifications Approved/Disapproved	20/0
LBP Firm Certifications Approved/Disapproved	10/0

Notices of Violation Sent	0
Compliance Advisories Sent	16
Warning Letters Sent	5
Settlement Agreements Finalized	3
Penalties Agreed to:	
Bryan Moyal	\$ 3,750.00
Preservation Painting, Inc.	\$ 1,875.00
Andrew O'Farrell	<u>\$ 5,312.50</u>
Total	\$ 10,937.50

Compliance



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQC-2231-18

MEMORANDUM

TO: Air Quality Board
FROM: Bryce C. Bird, Executive Secretary
DATE: October 15, 2018
SUBJECT: Compliance Activities – September 2018

Annual Inspections Conducted:

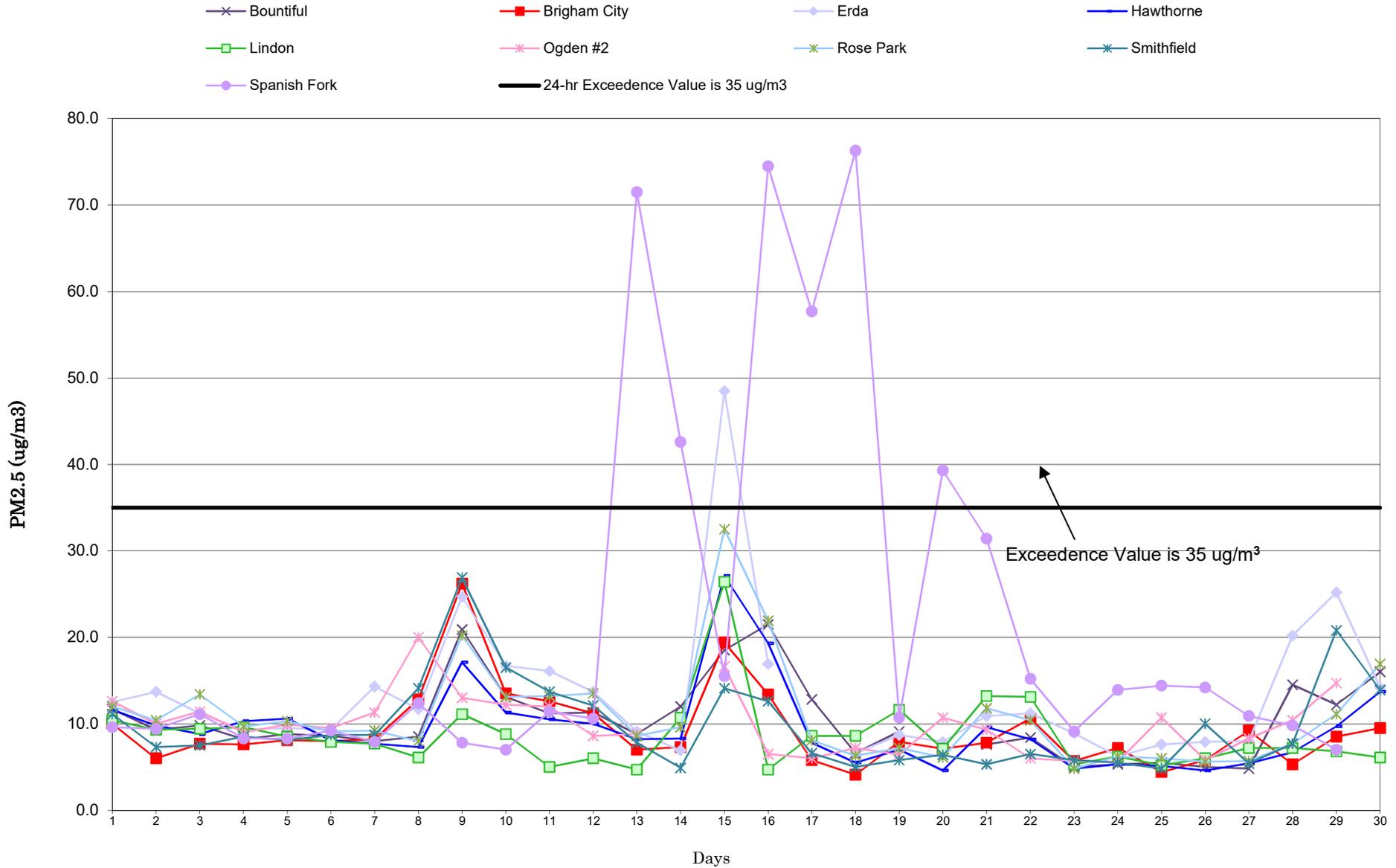
Major	10
Synthetic Minor	5
Minor	47
On-Site Stack Test Audits Conducted:	6
Stack Test Report Reviews:	6
On-Site CEM Audits Conducted:	0
Emission Reports Reviewed:	11
Temporary Relocation Requests Reviewed & Approved:	8
Fugitive Dust Control Plans Reviewed & Accepted:.....	167
Soil Remediation Report Reviews:	11
¹ Miscellaneous Inspections Conducted:.....	22
Complaints Received:	34
Breakdown Reports Received:.....	0

Compliance Actions Resulting From a Breakdown.....	0
Warning Letters Issued:	3
Notices of Violation Issued:.....	0
Compliance Advisories Issued:.....	4
No Further Action Letters Issued.....	3
Settlement Agreements Reached:	2
Hawley Rock Products	\$1,600.00
Tower Sand and Gravel.....	\$6,929.00

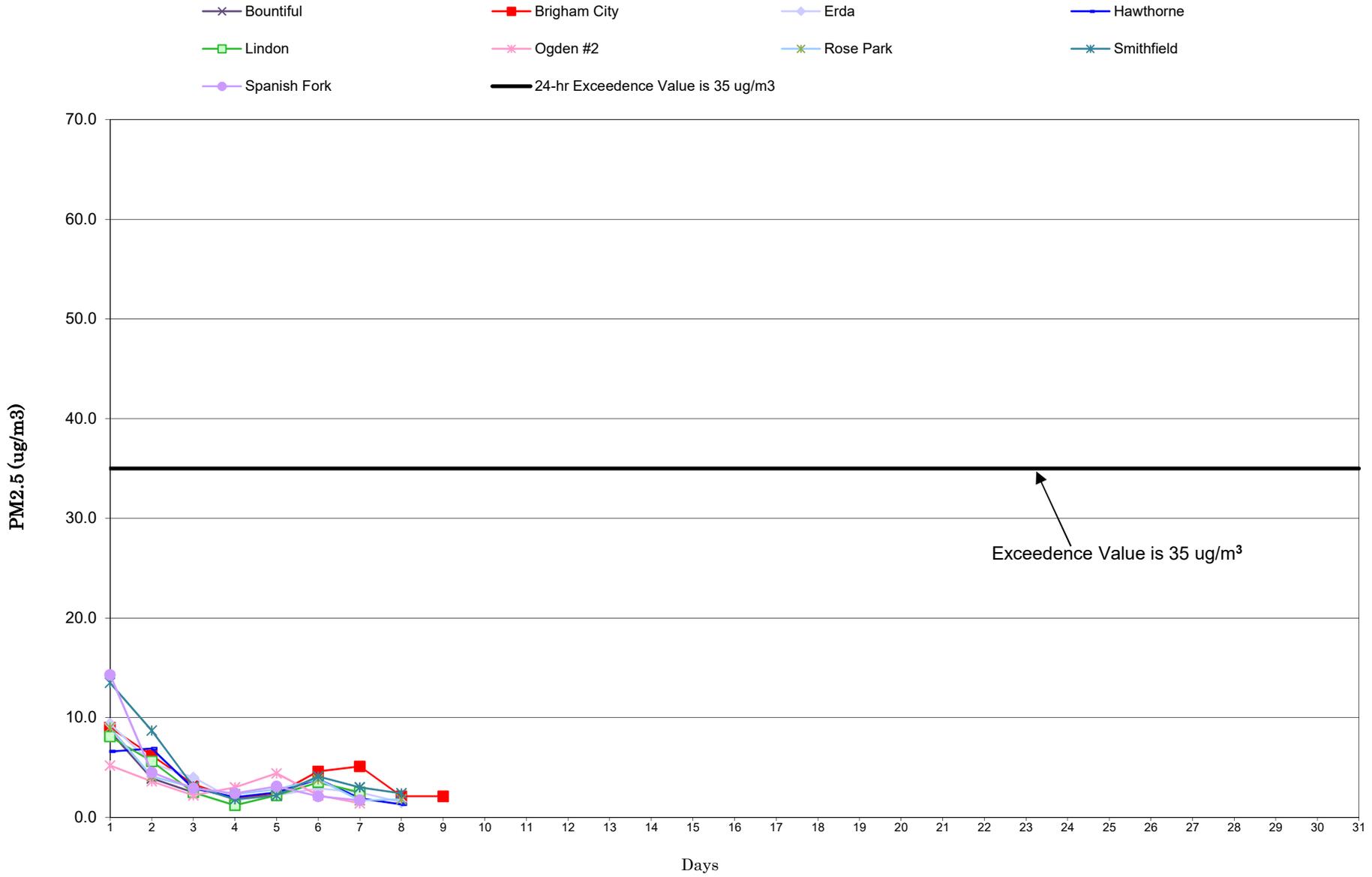
¹Miscellaneous inspections include, e.g., surveillance, level I inspections, VOC inspections, complaints, on-site training, dust patrol, smoke patrol, open burning, etc.

Air Monitoring

Utah 24-Hr PM2.5 Data September 2018

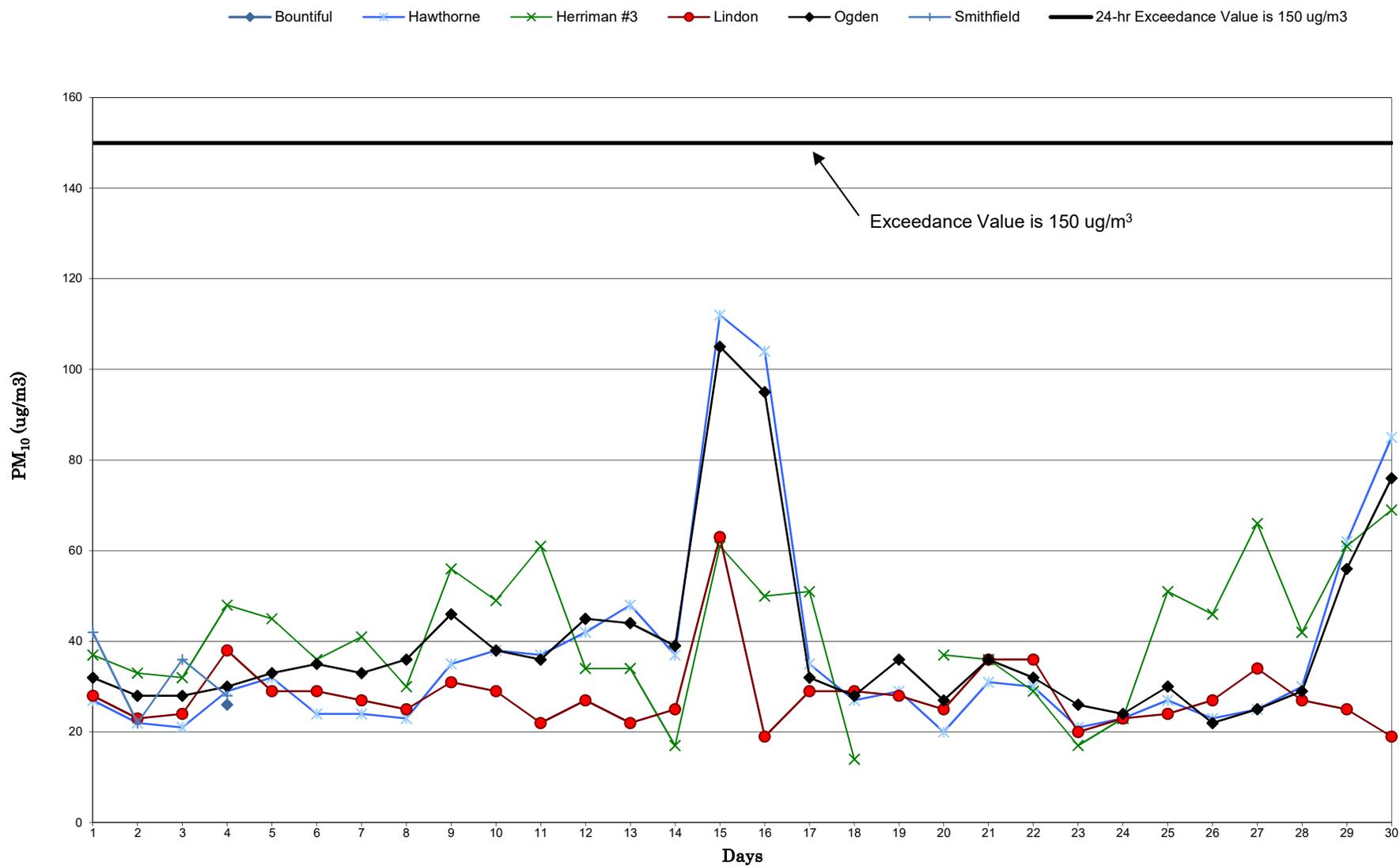


Utah 24-Hr PM2.5 Data October 2018

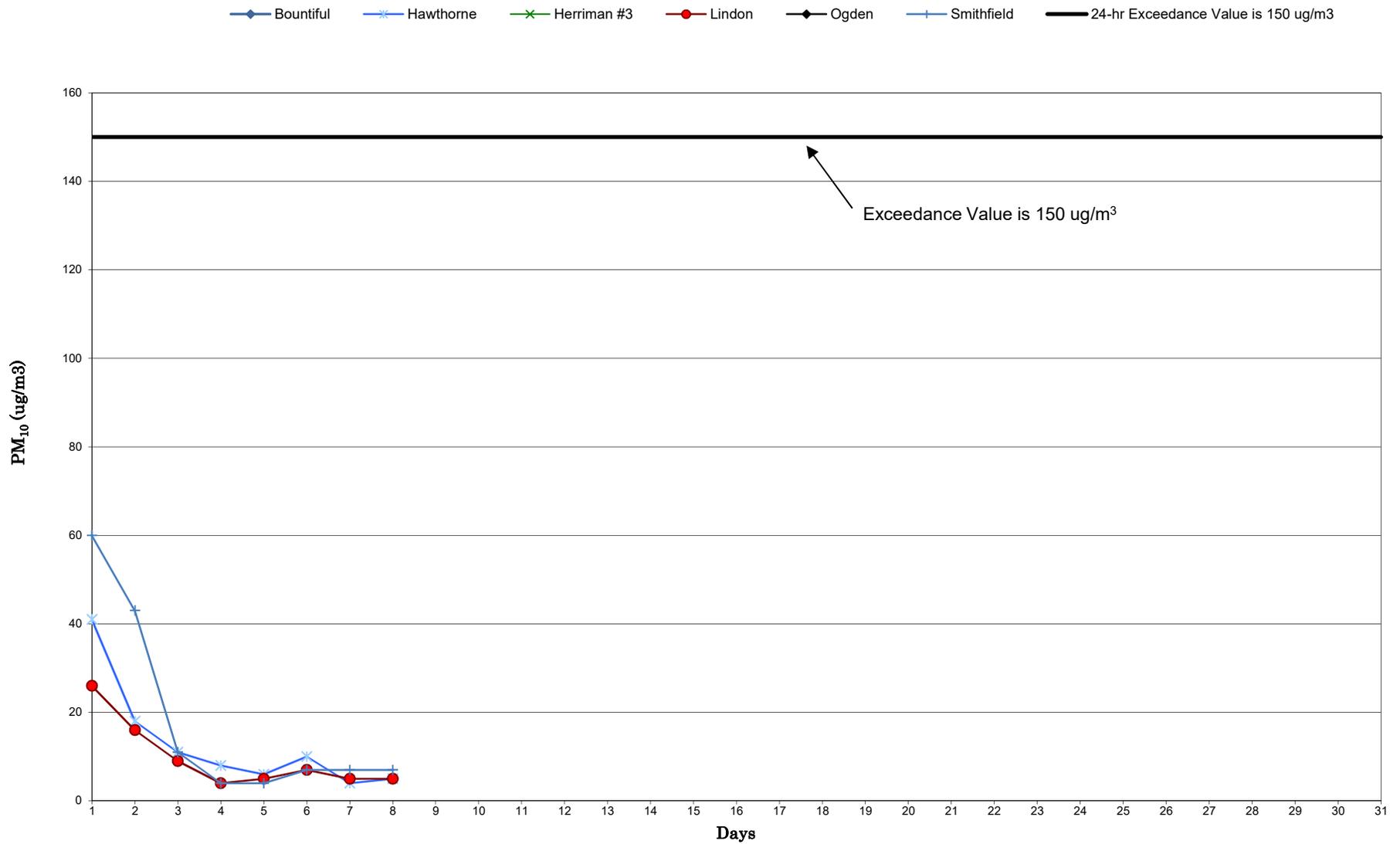


Exceedence Value is 35 ug/m³

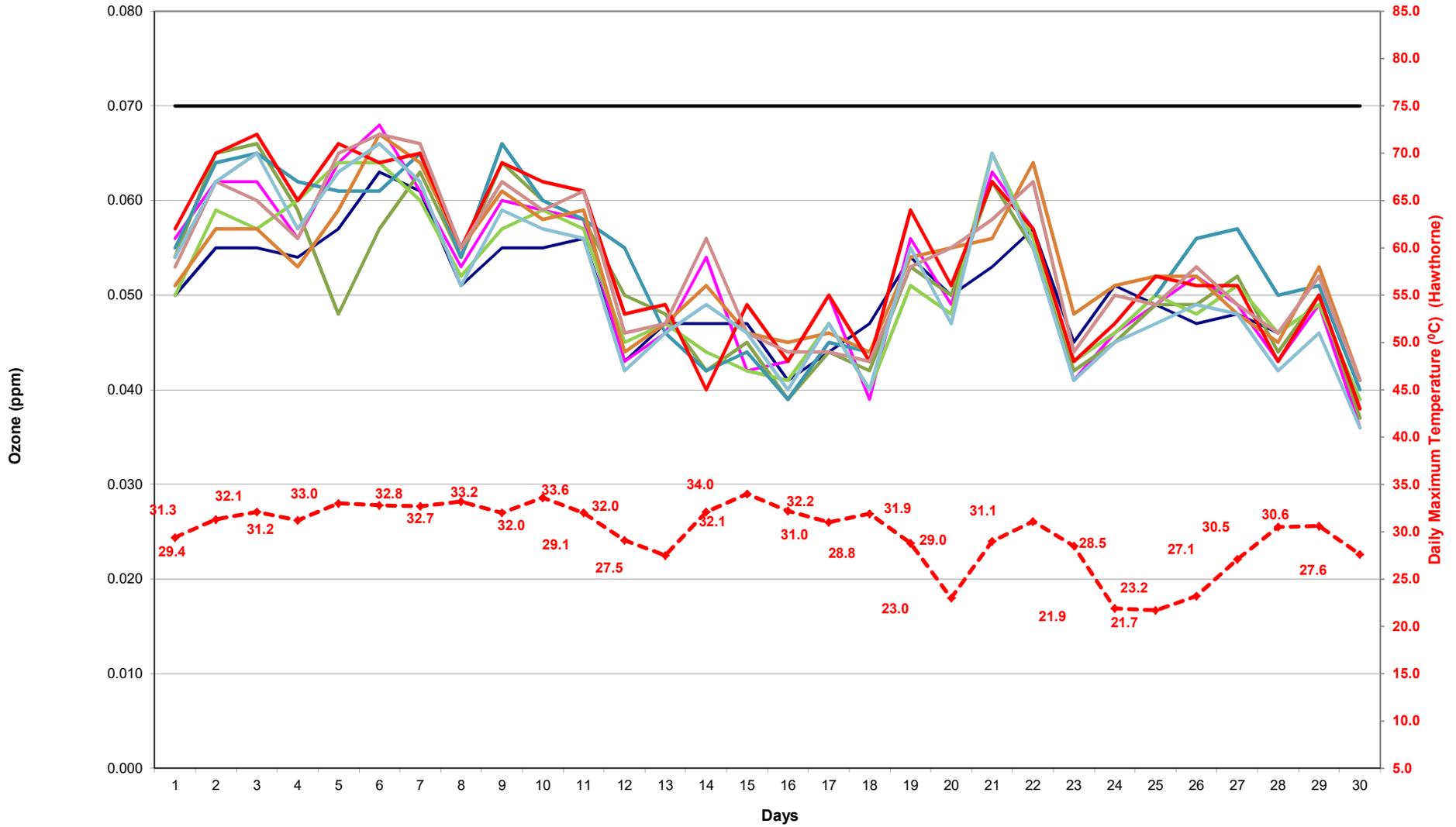
Utah 24-hr PM₁₀ Data September 2018



Utah 24-hr PM₁₀ Data October 2018

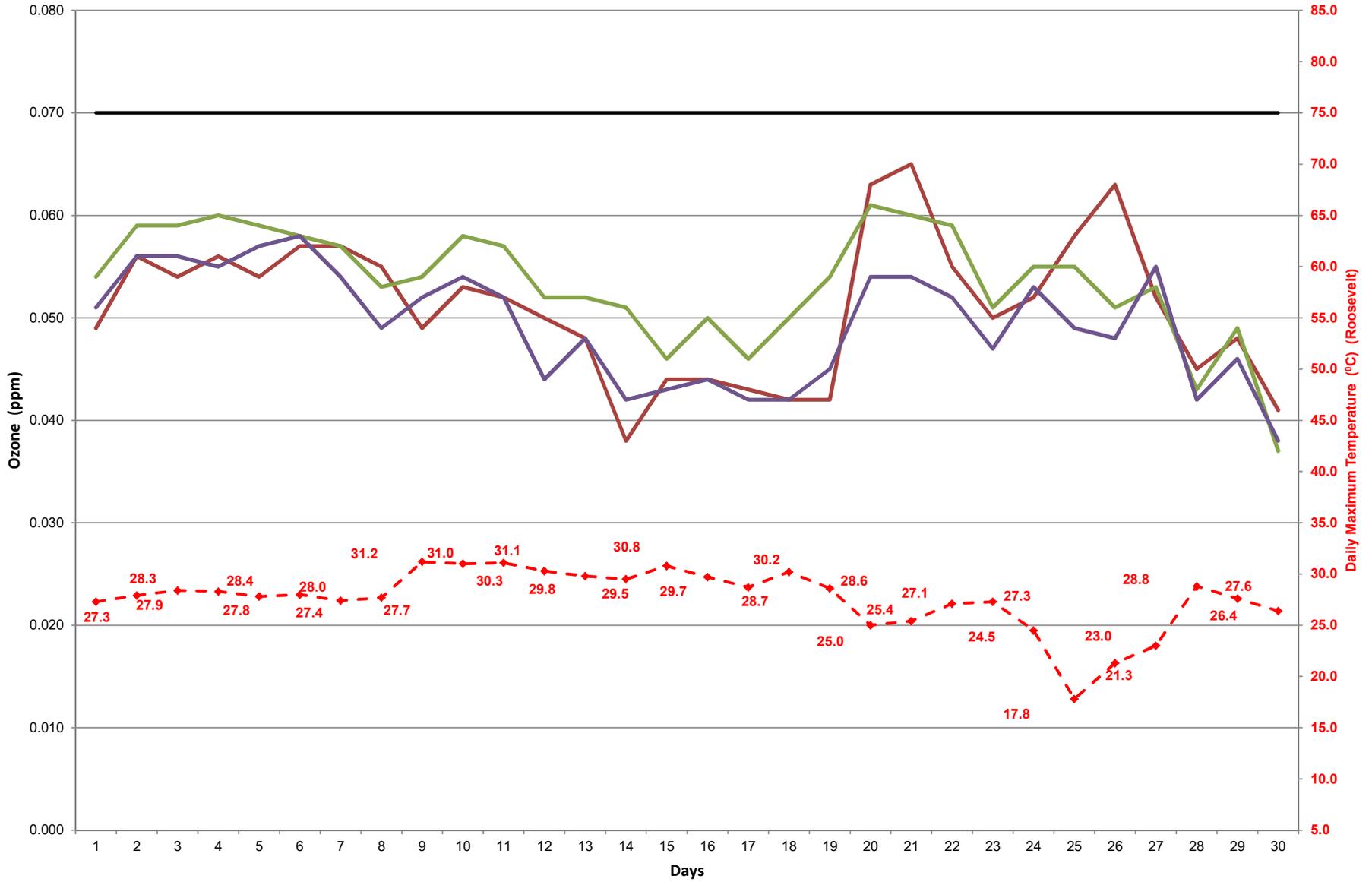


Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2018



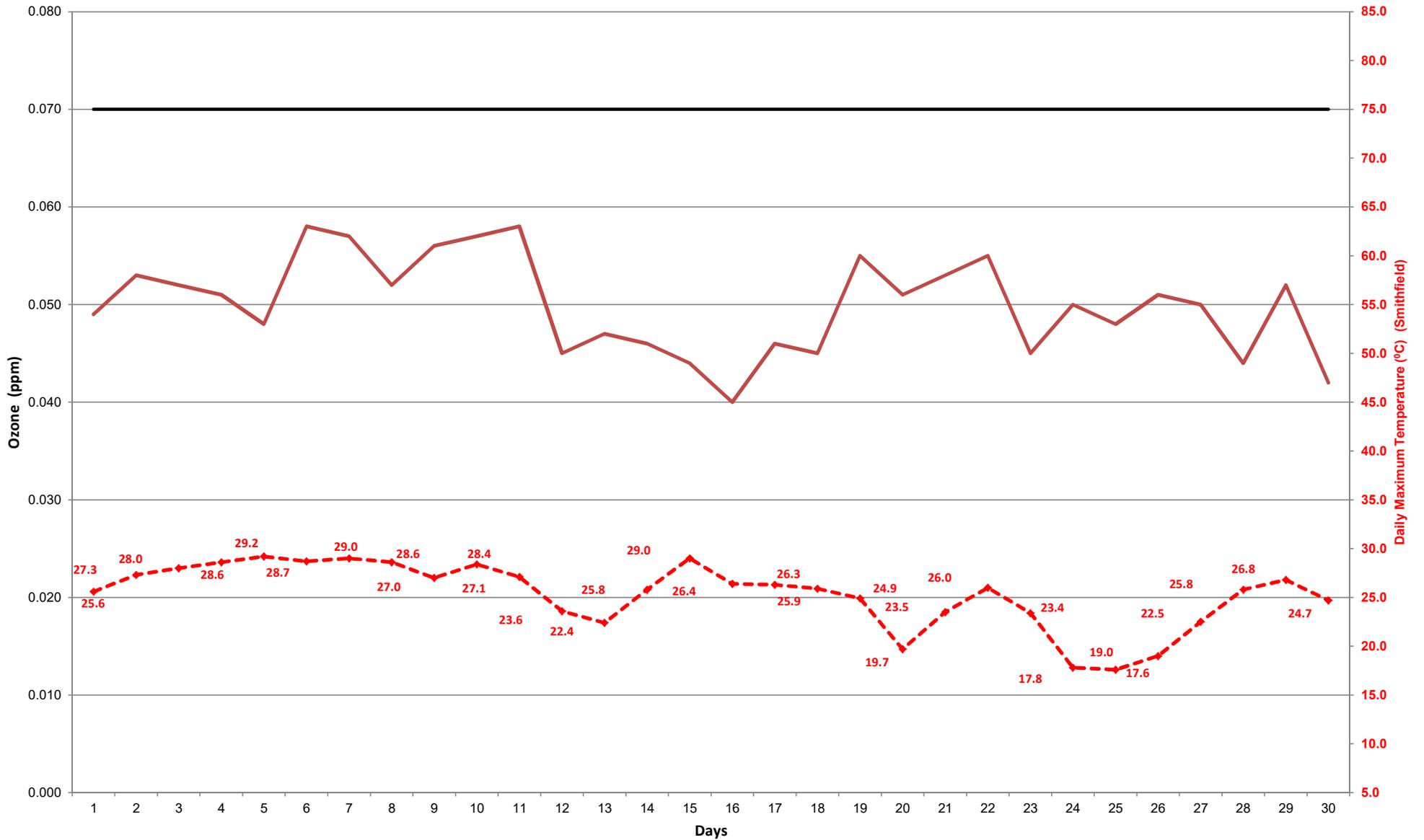
Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2018

—◆— Price #2
 — Roosevelt
 — Vernal #4
 — Exceed.
 - -◆- - TM

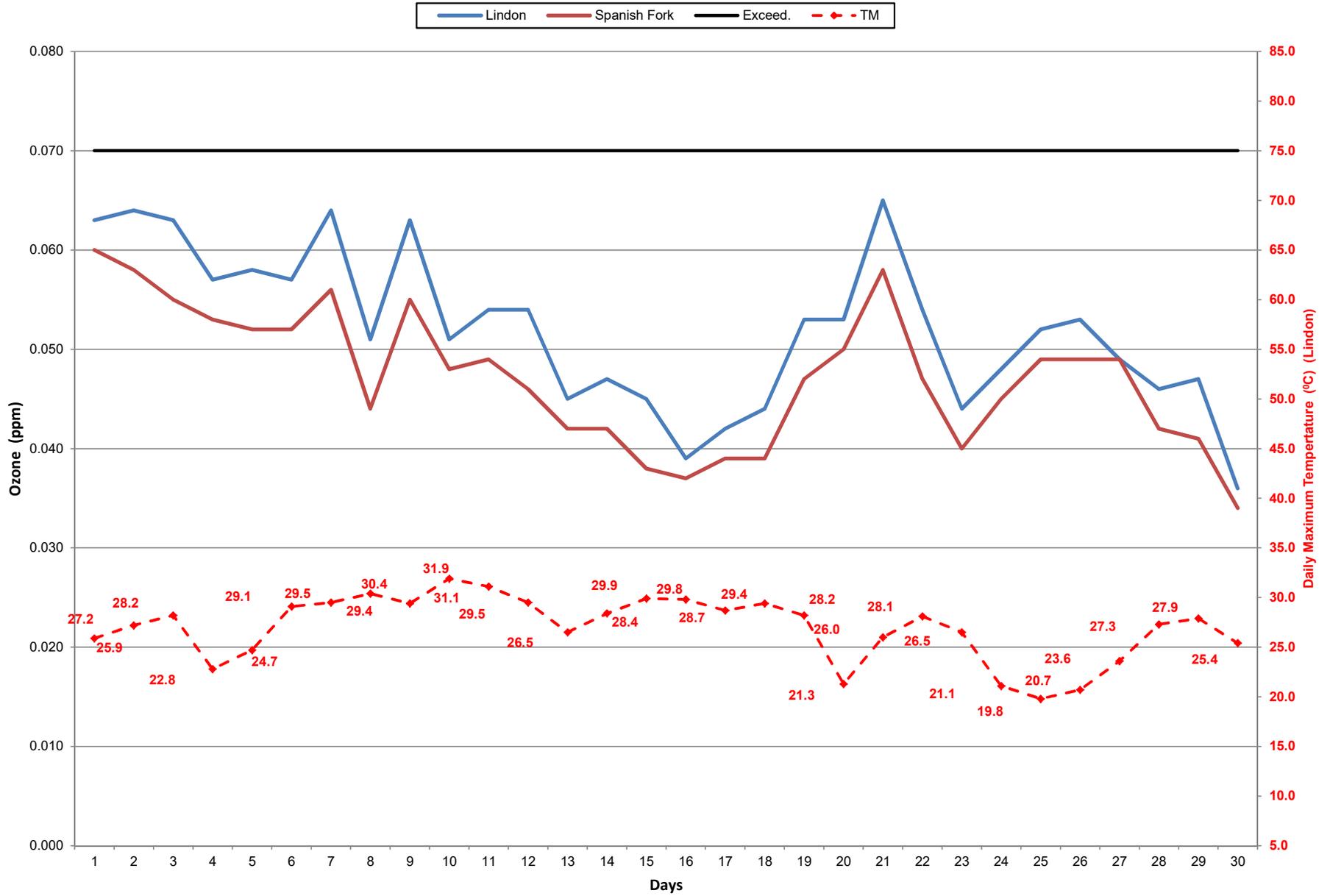


Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2018

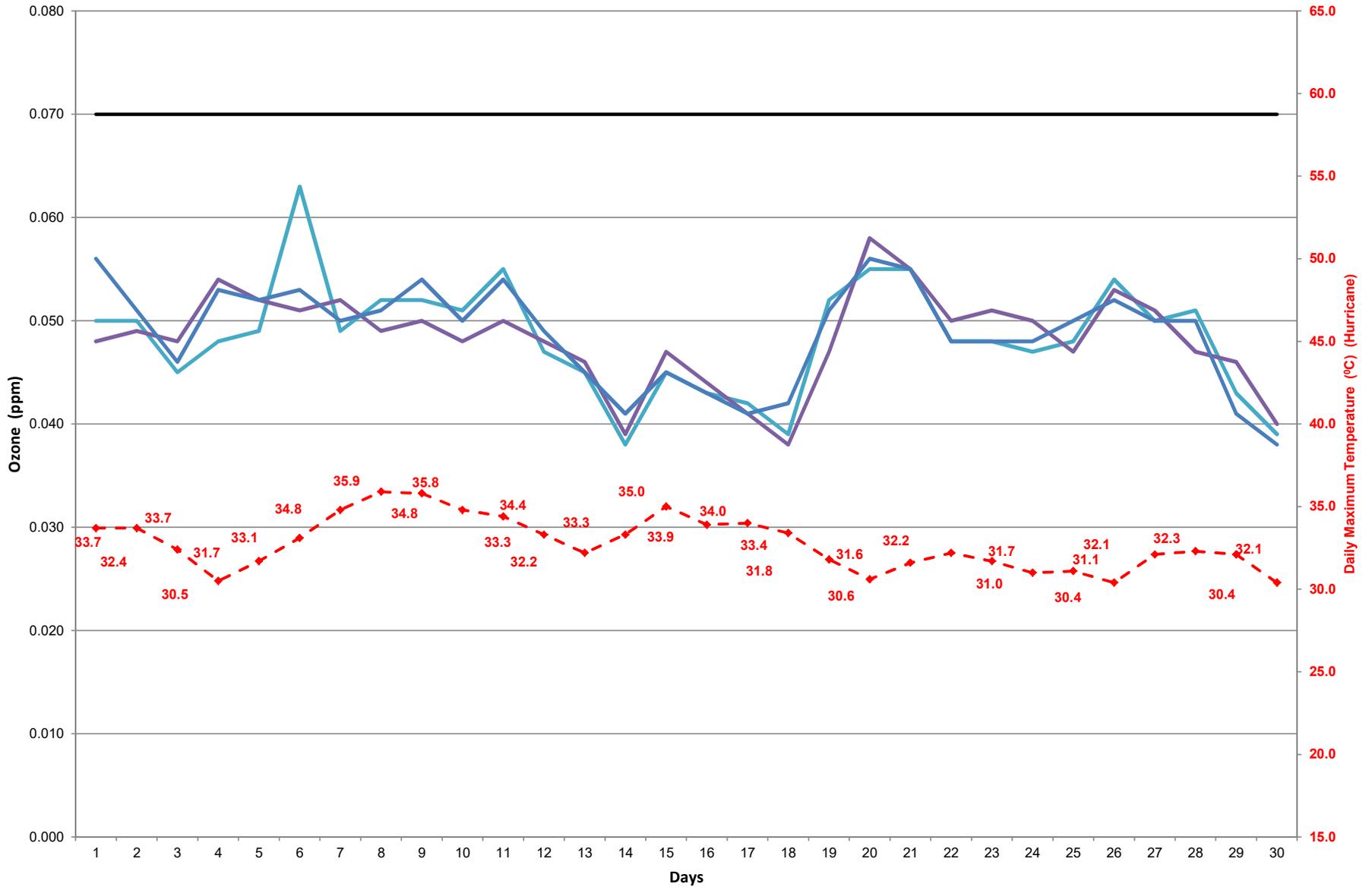
Smithfield Exceed. TM



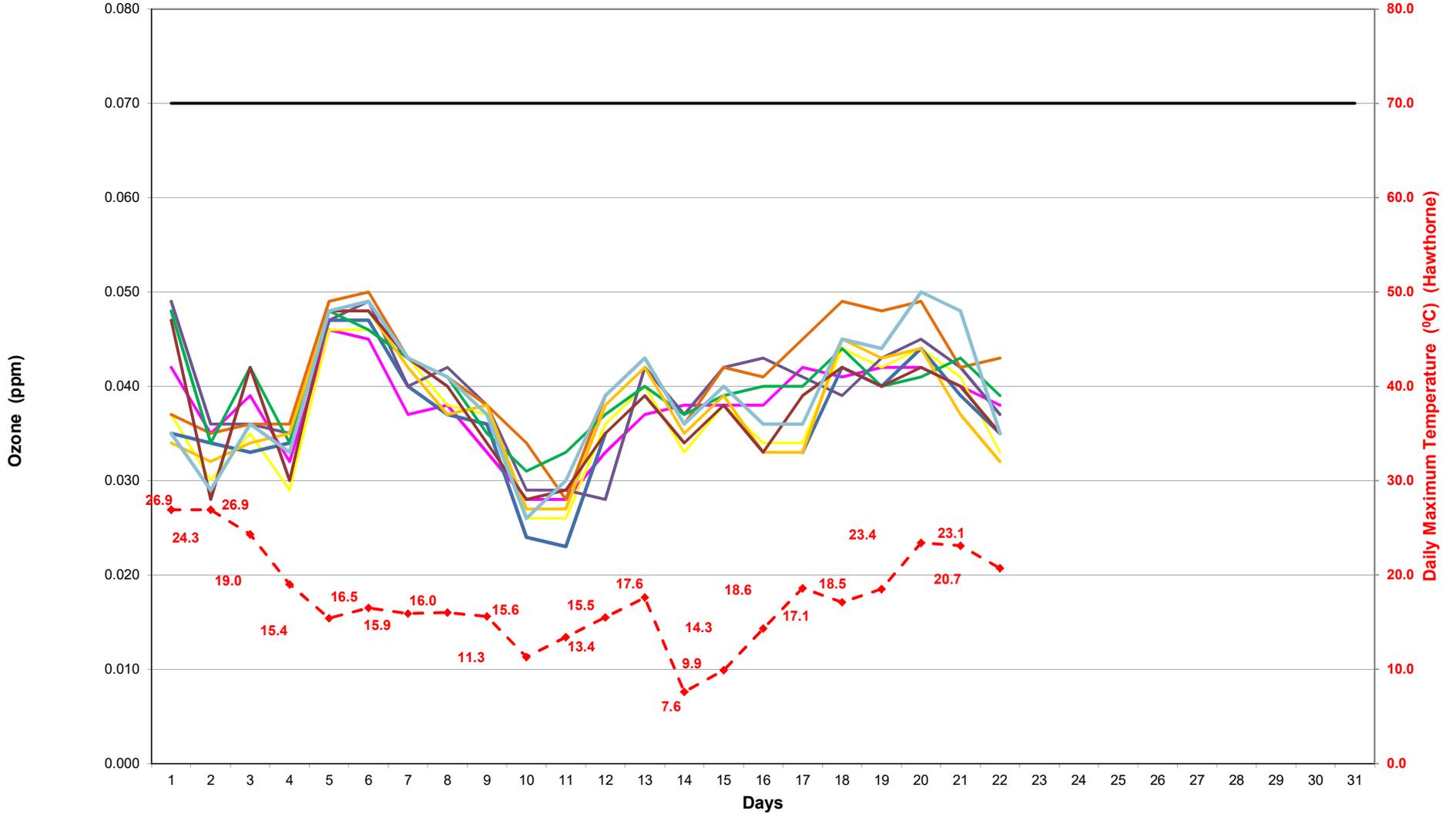
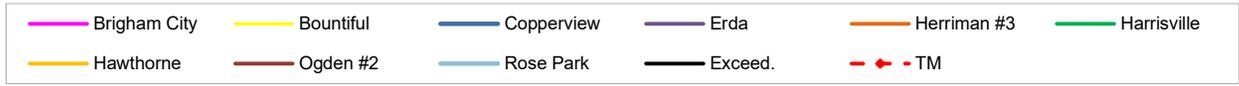
Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2018



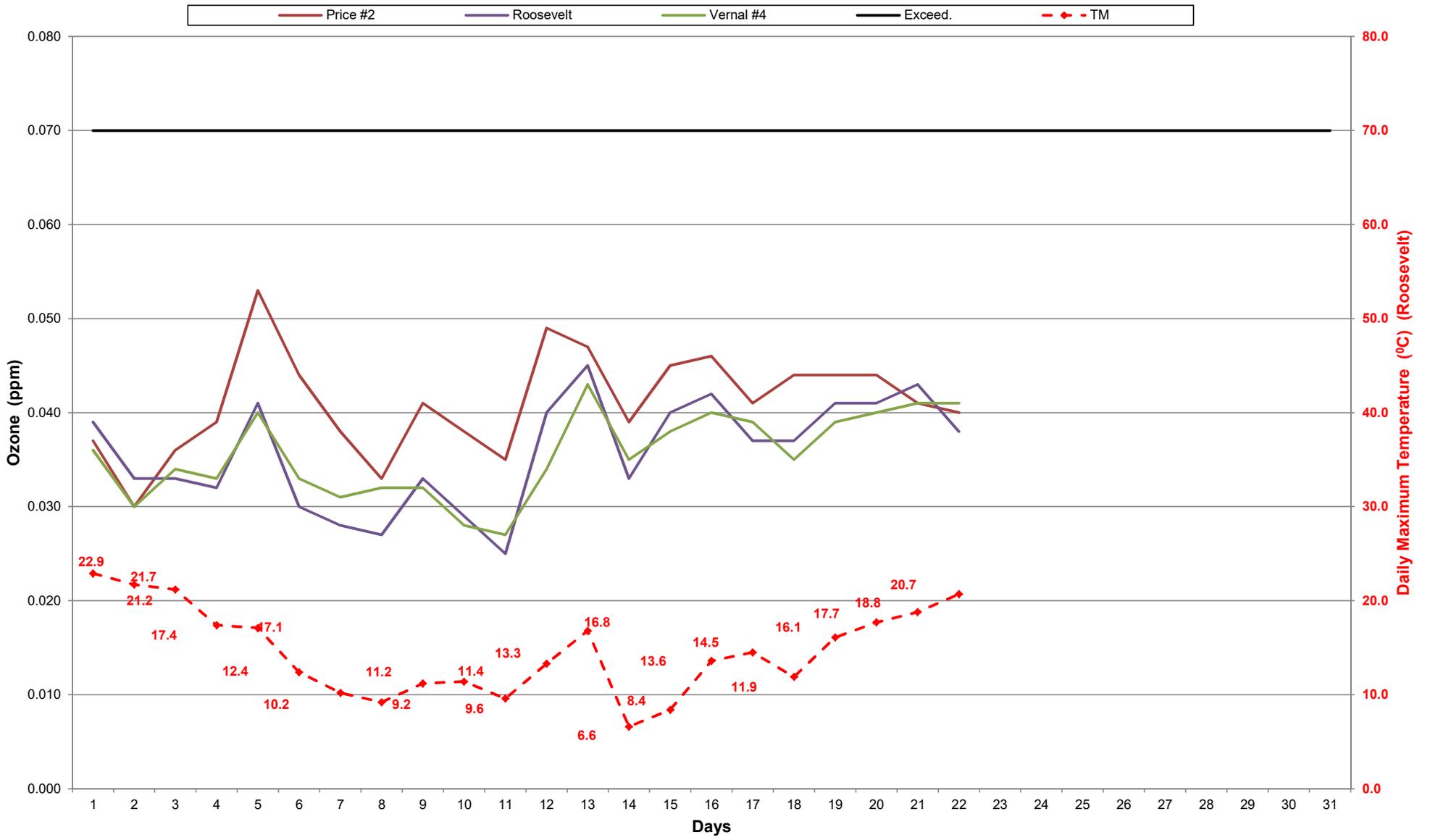
Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2018



Highest 8-hr Ozone Concentration & Daily Maximum Temperature October 2018

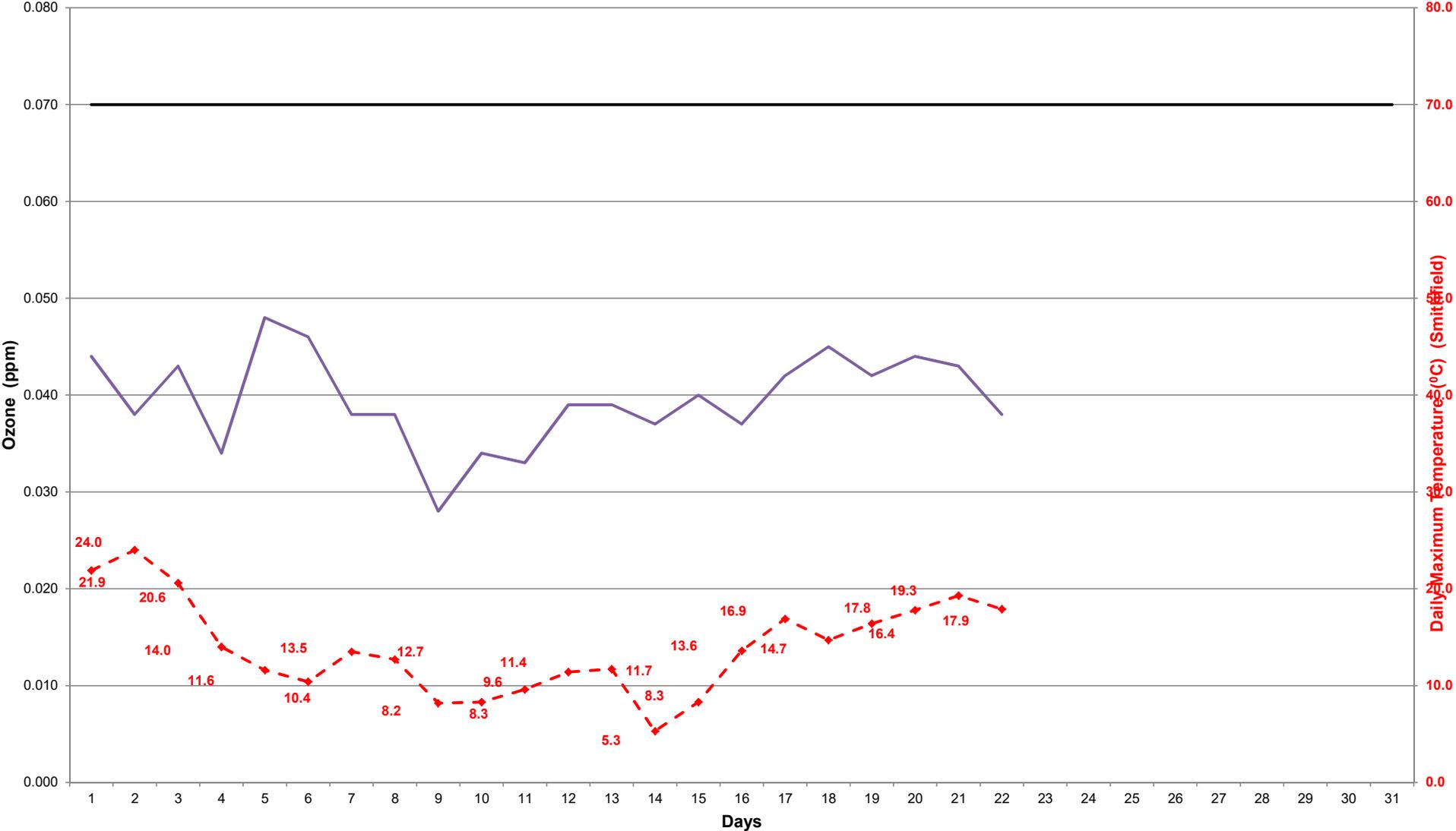


Highest 8-hr Ozone Concentration & Daily Maximum Temperature October 2018



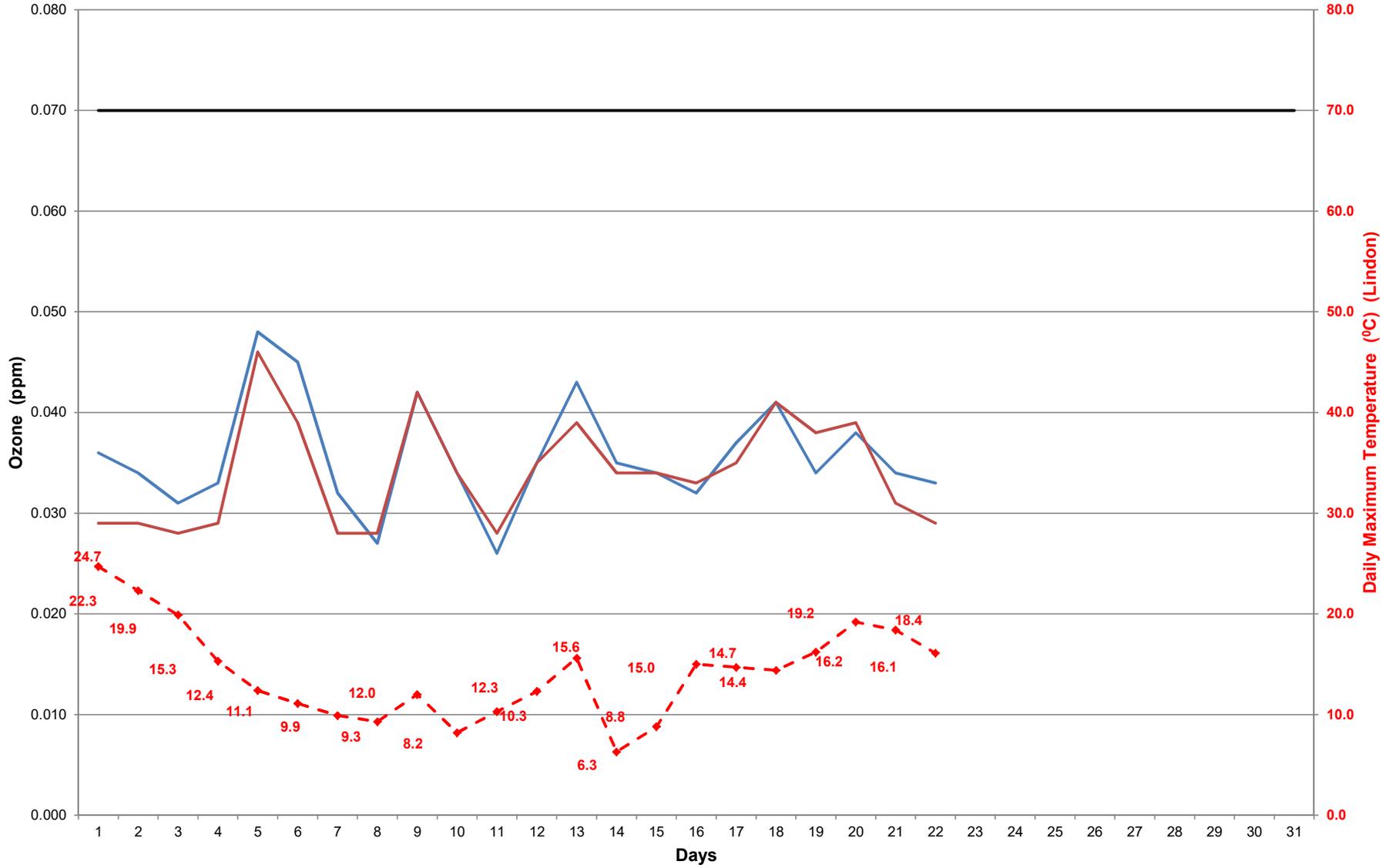
Highest 8-hr Ozone Concentration & Daily Maximum Temperature October 2018

Smithfield Exceed. TM



Highest 8-hr Ozone Concentration & Daily Maximum Temperature October 2018

— Lindon — Spanish Fork — Exceed. — ◆ — TM



Highest 8-hr Ozone Concentration & Daily Maximum Temperature October 2018

