



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

Air Quality Board
Randal S. Martin, *Chair*
Cassady Kristensen, *Vice-Chair*
Michelle Bujdoso
Kevin R. Cromar
Erin Mendenhall
John Rasband
Arnold W. Reitze Jr
Kimberly D. Shelley
Gregory Todd
Bryce C. Bird,
Executive Secretary

DAQ-041-22

UTAH AIR QUALITY BOARD MEETING TENTATIVE AGENDA

Wednesday, May 4, 2022 - 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

Board members may be participating electronically. Interested persons can participate telephonically by dialing 1-216-930-9147 using access code: 325-386-715#, or via the Internet at meeting link:
<https://meet.google.com/kjt-uhzi-yri>

- I. Call-to-Order
- II. Date of the Next Air Quality Board Meeting: June 1, 2022
- III. Approval of the Minutes for the April 6, 2022, Board Meeting.
- IV. Five-Year Reviews:
 - R307-105. General Requirements: Emergency Controls.
 - R307-401. Permit: New and Modified Sources.
 - R307-403. Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas.
 - R307-406. Visibility.
 - R307-410. Permits: Emissions Impact Analysis.
 - R307-414. Permits: Fees for Approval Orders.
 - R307-415. Permits: Operating Permit Requirements.
 - R307-417. Permits: Acid Rain Sources.
 - R307-420. Permits: Ozone Offset Requirements in Davis and Salt Lake Counties.
 - R307-421. Permits: PM10 Offset Requirements in Salt Lake County and Utah County.
 - R307-424. Permits: Mercury Requirements for Electric Generating Units.Presented by Bo Wood.
- V. Propose for Public Comment: Amend R307-401-14. Used Oil Fuel Burned for Energy Recovery.
Presented by Bo Wood.

VI. Informational Items.

- A. Monitoring Ethylene Oxide Near Sterilization Facilities. Presented by Dr. Nancy Daher.
- B. Air Toxics. Presented by Leonard Wright.
- C. Compliance. Presented by Harold Burge and Rik Ombach.
- D. Monitoring. Presented by Shauna Ward.
- E. Other Items to be Brought Before the Board.
- F. 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 lwyss@utah.gov.

ITEM 3



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UTAH AIR QUALITY BOARD MEETING

April 6, 2022 – 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

DRAFT MINUTES

I. Call-to-Order

Randal Martin called the meeting to order at 1:44 p.m.

Board members present: Randal Martin, Michelle Bujdoso, Kevin Cromar, Arnold Reitze, Gregory Todd, Cassady Kristensen (attended electronically), John Rasband (attended electronically)

Excused: Erin Mendenhall, Kimberly Shelley

Executive Secretary: Bryce Bird

II. Date of the Next Air Quality Board Meeting: May 4, 2022

III. Approval of the Minutes for the February 2, 2022, Board Meeting.

Mr. Martin made a correction on page 3 line 1, changing “prepared” to “compared.”

- Arnold Reitze motioned to approve the minutes as modified. Michelle Bujdoso seconded. The Board approved unanimously.

IV. Propose for Public Comment: Amend R307-506. Oil and Gas Industry: Storage Vessel; R307-508. Oil and Gas Industry: VOC Control Devices; R307-509. Oil and Gas Industry: Leak Detection and Repair Requirements; and R307-511. Oil and Gas Industry: Associated Gas Flaring. Presented by Sheila Vance.

Sheila Vance, Environmental Scientist at DAQ, stated that in January 2018, the Board promulgated new rules for oil and gas well sites that established a streamlined process for minor oil and gas source permitting, referred to as permit-by-rule (PBR). The PBR system provides benefits by reducing permitting costs, eliminates several administrative steps, reduces permit engineering time, and ensures consistency of operational requirements.

1
2 Since the implementation of the PBR system, DAQ has conducted several research projects and
3 performed hundreds of site visits and inspections. This has led to new information that prompted the
4 need to update several of the oil and gas rules. The impacted rules are associated with oil and gas
5 storage vessels, volatile organic compound (VOC) control devices, leak detection and repair (LDAR),
6 and associated gas flaring. In addition, staff is reviewing these rules in terms of the Uinta Basin (UB)
7 nonattainment area (NAA) and potential anticipation of a moderate state implementation plan (SIP).
8

9 The first major change is to storage vessel control requirements, if a storage vessel emits 4 tons per
10 year (tpy) of VOCs. The current throughput value for oil storage vessels is 8,000 barrels over a 12-
11 month rolling average. Based upon the Uinta Basin Composition Study (UBCS) data set, DAQ is
12 proposing to reduce the value of 8,000 barrels over a 12-month rolling average to 3,200 barrels. The
13 UBCS data indicates that emissions from the tanks were underestimated. Based upon 2021 production
14 values, DAQ estimates that lowering the throughput value may impact about 161 oil well sites with
15 tanks, about 2.4% of the oil production in the UB, and reduce VOC emissions by approximately 1,100
16 tpy.
17

18 The second change is that prior to the PBR system, the majority of oil and gas sources in the UB were
19 not permitted, or utilized the small source exemption for having de minimis amounts of emissions.
20 Some sources did have an approval order and these facilities were exempted from the rules even
21 though their emission were above 4 tpy. The exemptions included tank emission controls, LDAR, and
22 flaring of associated gas. These proposed amendments remove the approval order exemption for
23 approximately 94 facilities, and reduce annual VOC emissions by about 313 tpy. This change will
24 promote equitable requirements and ease of compliance for oil and gas wells under state jurisdiction.
25

26 The third change is to emergency tanks. There are times that for safety reasons, a facility needs to
27 utilize a tank for unexpected overfills or other unexpected downstream operational upsets. These
28 emergency tanks are not always controlled, and can lead to significant VOC emissions in a short
29 period of time. Currently, the rules state that emergency tanks need to be emptied within 15 days. Due
30 to the significant possible VOC emissions, DAQ is proposing to amend the timeframe to 48 hours.
31 Since the tanks are used in an emergency situation it should be an operational priority to remove the
32 material as quickly as possible.
33

34 The fourth most impacted change is LDAR requirements. The 2017 oil and gas emission inventory
35 attributes that approximately 30% of VOC emissions from state jurisdiction are due to tank control
36 failures and fugitive emissions. LDAR inspections aid in the discovery of large control failures and
37 leaks. To encourage focused LDAR inspections prior to the January - March winter ozone season in
38 the Uinta Basin, the DAQ is proposing to require one of the semiannual inspections to occur between
39 September and December. DAQ acknowledges that this impacts current LDAR schedules for owners
40 and operators, especially those with large numbers of facilities, and that there are competing
41 requirements under federal law. When proposing and evaluating this rule, the DAQ looked at the
42 number of facilities with controls that would be required to perform LDAR within this four month
43 period and estimates that about 780 facilities would be required to do semiannual LDAR. Having four
44 months to complete an already required inspection appeared reasonable, but DAQ will certainly
45 consider comments to better understand cost and impact to operators during the public comment
46 period.
47

48 Staff provided advanced notice of proposed changes in December of 2021 to a variety of stakeholders.
49 DAQ received helpful comments and made changes to the draft proposed rules. One of the largest
50 comment received was concerned with the proposed implementation date of January 1, 2023, for
51 compliance with the rules for the storage vessel controls. Commenters discussed that supply chain

1 issues and labor shortages may make the implementation date hard, if not impossible, to meet. DAQ
2 has proposed that date as it's important to reduce VOC emissions as a precursor pollutant to the
3 formation of ozone in the winter months. In addition, there is the current nonattainment status of the
4 UB which we did not attain by August of 2021. However, the EPA has not made a formal attainment
5 decision yet. In the meantime, the DAQ has submitted two one-year extensions that would move the
6 attainment date to August of 2023, if approved by EPA.

7
8 The DAQ is making efforts to reduce emissions in the 2023 year prior to the potential bump up to
9 moderate, which would be an August 2024 attainment date. The UB continues to have incidents of
10 high ozone levels and continuing to maintain the standard is important. Creating consistency in rules
11 and reasonable technological requirements to maintain the current ozone standard will allow future
12 economic growth in the UB and also continue good air quality. Staff recommends that the Board
13 propose for public comment R307-506, Oil and Gas Industry: Storage Vessel; R307-508, Oil and Gas
14 Industry: VOC Control Devices; R307-509, Oil and Gas Industry: Leak Detection and Repair
15 Requirements; and R307-511, Oil and Gas Industry: Associated Gas Flaring, as amended.

16
17 Mr. Reitze asked if DAQ considered EPA's proposed new oil and gas federal regulations when
18 developing these rules? Ms. Vance responded that the main focus was based on the VOC composition
19 study. Seeing the underestimated emissions values, staff felt that the four ton limit for control on tanks
20 needed to be addressed and so, these rules were not reviewed in lieu of the proposed federal OOOO
21 rules.

22
23 Mr. Todd asked if other tests had been done since those in February of 2019? Ms. Vance replied that
24 no, not since the 70 samples were taken for the composition study. Mr. Todd also asked that when it
25 talks about vessels, is that referring to production tanks? Ms. Vance replied, yes.

26
27 Ms. Bujdoso commented that at the April 2021 Board meeting when the UBCS was presented, there
28 was concern about the quality of the samples, how the samples were taken, and how the data would be
29 used. Staff response at the April 2021 meeting was that if the composition study was going to be used
30 in enforcement or rulemaking that it will go through the public comment process. With these proposed
31 rules it appears that DAQ is basing the lower threshold on the composition study without adjusting any
32 of the potential issues raised in 2021. Mr. Bird responded that statement is correct, that if the UBCS
33 was going to be used in a rulemaking that it would go out to public comment. The public comment
34 refers to the rulemaking, but that the contents of the UBCS could be part of the public comment that
35 comes during this rulemaking.

36
37 Ms. Bujdoso asked if these rules apply only to state regulated producers in the Basin, and that
38 operators on federal and tribal lands would not be subject to the lower threshold proposed in the rules?
39 Ms. Vance responded that is correct, it will apply to producers with sources under state jurisdiction.

40
41 Ms. Bujdoso stated that the regional haze rule talks about 20% reduction of VOC and NO_x coming
42 from state applicable sources. Of that percentage, 3% of the production potentially cannot comply with
43 the January 1, 2023, final rule due date. So, what would be the recourse for those sources that are not
44 able to meet the due date and they are greater than the 3,200 barrels per year? Ms. Vance responded
45 that if these rules are proposed and finalized, around July this year, that would give producers about
46 five months to do a site-specific sample to show DAQ that they are below the 4 tpy in terms of their
47 emissions. Or they would have to be below the 3,200 barrels per year threshold. In regards the question
48 of having an approved protocol for sampling, Ms. Vance responded that there has never been an
49 approved protocol for sampling. Permitted sites have come to the DAQ throughout the years with
50 samples, in which the DAQ has taken those individually and then followed with discussion and
51 negotiation with the source. Just as was done before these rules were in place.

1
2 Ms. Bujdoso asked if we will really see the 20% reduction in the level of emissions if producers
3 instead end up moving to other areas where they don't have to meet the controls. She adds that a
4 technical feasible implementation date, one that could be achieved to allow time to procure and install
5 control equipment, would be beneficial from a VOC and NO_x reductions standpoint. Ms. Vance
6 responded that when DAQ was developing these rules, the focus was on its obligation as a state agency
7 in a nonattainment area and how emissions could be controlled, how to approach a moderate SIP, if
8 needed, and to address the underestimating of emissions from some sources. During public comment,
9 staff will review any data received. Information about procurement of goods, equipment installation, or
10 circumstances with the supply chain are all ~~that indicates procurement and such~~ things that can be and
11 taken ~~those~~ into consideration.

12
13 Ms. Bujdoso was asked if she had a suggested date that would be more appropriate, than the January 1,
14 2023, date. Ms. Bujdoso responded that could be answered in the public comment process. The UB
15 operators provided initial information on procurement and installation and estimates a range of 8-12
16 weeks for procurement alone, followed by design and install. She added, that when it comes to the
17 Northern Wasatch Front ozone implementation dates for potential controls, these rules are only going
18 to apply to a small area. Then you have the other sources in that small area that would comply under a
19 federal implementation plan (FIP) and the OOOO. From a fiscal standpoint and under current
20 economic conditions there should be an adjustment to the time period.

21
22 Mr. Todd asked how many new wells have been drilled since 2019. Ms. Vance responded that based
23 on the Utah Division of Oil, Gas and Mining data in 2020 and 2021, about 110 wells have either been
24 drilled or reworked. She also noted, that new wells automatically come under certain rules and have to
25 be controlled for a year.

26
27 Ms. Bujdoso asked that if the FIP issued in 2019 incorporated the 8,000 barrel per year limit. Ms.
28 Vance confirmed that was correct. Mr. Bird added that the FIP was a proposal in 2019 and that it is
29 currently at the federal Office of Management and Budget (OMB) for final approval. The first final
30 iteration will be published once the OMB gives its approval.

31
32 Mr. Todd asked what is meant by an emergency tank? Ms. Vance explained that it's a vessel that's
33 there in case of emergency overflow. It is her understanding that it can also be an open pit. Mr. Bird
34 added that this would be during the drilling process. So, when it's a producing well and they can't
35 empty it for some reason, and they couldn't get out to the well, then they could bring out an emergency
36 tank to store the product until they could get back and then recover it.

37
38 Ms. Bujdoso asked if the recommendation for proposal for public comment for this agenda item should
39 be revised to include the UBCS. Mr. Bird answered no, because the UBCS is not rulemaking. It is just
40 one more piece of information that DAQ used in developing the rule, and just like production
41 information, availability of parts, or lead times it would be treated the same.

42
43 Mr. Martin asked if the UBCS has been condensed into a report for publication, or has it been sent out
44 for peer review. Ms. Vance responded that the study was created in combination with the DAQ, the
45 EPA, and the Ute Tribe. So, peer reviewed within the regulatory agencies and then presented to
46 stakeholders and made available for review and comment on the DEQ website.

47
48 Mr. Todd asked that if the Board approves this for public comment, can there be adjustments after that
49 public comment. Mr. Bird explained that with the public comment process, the Board is the final
50 judge. The DAQ will present the comments and staff response to comments to the Board where the
51 Board decides whether staff response is enough or whether adjustments need to be made.

1
2 Mr. Martin asked how DAQ responds to the Utah Petroleum Association’s (UPA) letter questioning
3 how DAQ derived at the amount of 3,200 barrels per year. Ms. Vance stated that the DAQ plans to
4 respond to their letter during the public comment period.

- 5
6 • Kevin Cromar motioned that the Board propose for public comment, amend R307-506, R307-508,
7 R307-509, and R307-511. Arnold Reitze seconded. The Board approved unanimously.

8
9 **V. Propose for Public Comment: Utah State Implementation Plan. Section XX.A: Regional Haze**
10 **Second Implementation Period; Utah State Implementation Plan. Emission Limits and**
11 **Operating Practices: Section IX, Part H.21 and Part H.23; R307-110-17. Section IX, Control**
12 **Measures for Area and Point Sources, Part H, Emission Limits; and R307-110-28. Regional**
13 **Haze. Presented by Chelsea Cancino.**

14
15 Chelsea Cancino, Environmental Scientist at DAQ, gave an overview of regional haze and the regional
16 haze rule which addresses Class I areas, the national parks and wilderness areas designated for
17 visibility protection by the EPA. She continued with Utah’s regional haze history beginning in 1991 to
18 the current second implementation period. The focus on the second implementation period, from 2018
19 to 2028, is anthropogenic sources affecting visibility in our national parks.

20
21 The four-factor analysis as outlined by EPA is a method used to determine the feasibility of control
22 measures necessary to make reasonable progress. The factors include the cost of compliance, time
23 necessary for compliance, energy and non-air environmental impacts, and remaining useful life. The
24 EPA has also emphasized that in this second round the we must focus on cost feasibility and cannot
25 use visibility to deem a control unnecessary.

26
27 DAQ used glidepaths to track reasonable progress towards the overarching goal of natural visibility by
28 2064. A recent EPA clarification memorandum has warned that the uniform rate of progress is not a
29 safe harbor, and that we must still focus on control cost feasibility despite any visibility impacts. In
30 addition, the 2028 projections are based on recent actual emissions, and to avoid backsliding we must
31 maintain recent emissions rates in order to meet our reasonable progress goals.

32
33 The 2019 EPA guidance suggested multiple ways to select sources for four-factor analyses. The
34 Western Regional Air Partnership (WRAP) conducted an emission over distance (Q/d) analysis for the
35 state to find which sources had the most potential impact on our Class I areas. We required any facility
36 with a combined Q/d of six or greater to conduct a four-factor analysis. This includes PacifiCorp’s
37 Hunter and Huntington, Sunnyside Cogeneration, Graymont, U.S. Magnesium, and Ash Grove. Some
38 facilities were excluded due to closure, modification, or recent controls related to other programs.

39
40 Ms. Cancino continued with a brief comparison of other state’s control cost thresholds. She noted that
41 many states have not outlined a specific threshold in their SIPs and that states are not required by EPA
42 to state a control cost threshold in their regional haze SIP. Utah is choosing not to outline a specific
43 cost threshold in order to avoid bias in control cost calculations among sources. She then described the
44 reasonable progress determinations at PacifiCorp Hunter and Huntington, Intermountain Generation
45 Station (IGS), and U.S. Magnesium, and stated that the determinations will be enforced through the
46 Part H addition. PacifiCorp’s permitted SO₂ limits are made enforceable in the SIP. The IGS units #1
47 and #2 shall close and cease operations by December 31, 2027, and U.S. Magnesium must install a flue
48 gas recirculation (FGR) system on the Riley boiler no later than January 1, 2018. Once the control is
49 installed on the Riley boiler, they will have an emissions limit of 22.6 tpy.
50

1 Comments from the National Park Service (NPS) suggested that DAQ favor physical controls over
2 emissions limits; that DAQ identify and justify a control cost threshold; that DAQ tighten emissions
3 limits for CCI Paradox and Graymont to avoid backsliding; suggest DAQ adopt statewide oil and gas
4 rules; and request additional information and emissions testing for U.S. Magnesium and CCI Paradox.
5

6 Comments from the U.S. Forest Service recognize that emission reductions have resulted in
7 improvements in visibility; agree that the determinations for this planning period will result in
8 visibility improvements better than the URP through 2028; and requests that the DAQ consider using
9 their prescribed fire emissions projections that they developed for our glidepath.
10

11 In closing, after the SIP was given to the federal land managers (FLM) for their mandatory 60-day
12 review, and the DAQ has received the FLMs feedback, the SIP is now being proposed for public
13 comment. Upon approval by the Board, the SIP will have a 30-day public commenting period before it
14 comes back to the Board for final approval, and after that, final submittal to EPA in July. Ms. Cancino
15 noted that the regional haze documents have been available on DAQ's website since April 1, 2022,
16 making the materials available for preparation of comments for 60 days. Staff recommends that the
17 Board propose for public comment, State Implementation Plan, Section XX.A: Regional Haze Second
18 Implementation Period; Section IX, Part H, Emission Limits; and R307-110 Sections 17 and 28,
19 General Requirements: State Implementation Plan.
20

21 In discussion, staff noted several suggestions from the Board to several figures and graphs in the draft
22 SIP and will make necessary changes.
23

24 Mr. Reitze stated that on the glidepath, wildfire emissions is not included. So, while in theory you are
25 improving visibility, but in the real world you are not because wildfires are accelerating, especially
26 with climate change. Glade Sowards, Environmental Scientist at DAQ, responded that in this round of
27 regional haze, the DAQ looked at the most impaired days, which is talking about anthropogenic
28 impairment. The idea is to try to better align with what states can control and with long term goals. So,
29 looking at most anthropogenically impaired days is supposed to address that, and that in this round of
30 regional haze we are talking about prescribed fire adjustment. Mr. Bird. added that it was the EPA's
31 implementation rule that made the decision to exclude wildfires.
32

33 Mr. Cromar commented that we are still waiting on information from a couple of sources. What is the
34 Board supposed to do when it's time to make a final decision, they finally receive the requested
35 information, and based on that information they find that controls need to be added? Will there need to
36 be another comment period, or what is the sequence of events that need to happen? Staff responded
37 that they have been in communication with Sunnyside Cogeneration (Sunnyside) and they plan to
38 provide the additional information during the public comment period. In the case of U.S. Magnesium,
39 they have been issued an information Order in which the DAQ has yet to get a response back. In
40 regards to the process if a change needs to be made to a rule, it would depend if the change was
41 nonsubstantive versus substantive. In the scenario Mr. Cromar suggests that additional controls be
42 required, that would likely result in a re-proposal.
43

44 Mr. Cromar stated that he believes that a change in what controls were required is a major change. For
45 example, if we are waiting for more information from Sunnyside on whether dry sorbent technology is
46 technically feasible, should the Board be soliciting public comment now on whether this control is
47 appropriate so that there is no delay in having to send it out for public comment again. After brief
48 discussion, Mr. Sowards responded that in addition to DAQ's requests for additional information and
49 Order, that a public comment request could motivate Sunnyside and U.S. Magnesium to provide the
50 information as requested.
51

1 Mr. Reitze commented that Utah is one of the few western states that does not specify what is
2 reasonable or unreasonable in the way of costs for the four-factor study. Case law ten years ago, about
3 \$5,000 per ton is what was acceptable. If we use industries 7% adjustment, that is roughly \$10,000
4 today. Using these amounts, it would seem that some of the technologies that DAQ rejected would not
5 be too expensive. This is our once in a decade opportunity to impose more stringent requirements, and
6 that based on his understanding of this proposal, we are blowing this opportunity. Ms. Cancino
7 responded that the \$5,000 for the first implementation period was based on an analysis that did include
8 visibility as a factor. This round the DAQ consulted with multiple states about their control cost
9 thresholds. She found that the states had a lot of different methods for figuring out where their
10 thresholds would be and that there was a lot of disagreement about the \$5,000 as well. Mr. Sowards
11 then gave some examples for some of the facilities. The Intermountain Generation Station (IGS) is
12 slated to cease operation of the coal fired boilers in 2025 and to bring on a natural gas plant that not
13 only has a SCR but is much smaller and very well controlled in terms of NO_x and SO_x. With regard to
14 Hunter and Huntington power plants, the 2021 clean air markets data was recently released and the
15 2021 values for both plants are actually in excess of what DAQ is proposing. Currently, the entire
16 country's grid and utility industry is going through a massive transformation with the advent of the
17 cheap solar, wind, and natural gas. The DAQ is cognizant of the fact that companies want to be able to
18 follow load with these facilities and to have them available in times of either seasonal demand or for
19 needle peaks on high demand days. So, balancing those factors is why the DAQ erred in that direction.
20

21 Mr. Reitze responded that in 2008 California said that they were going to phase out coal and they made
22 it official in 2013. Now, in regards to Intermountain Power Service Corporation (IPSC), they have
23 higher NO_x limits than Hunter and Huntington combined and we are giving them five more years and
24 not requiring any emission reduction. In addition, at Hunter and Huntington, we are still not requiring
25 the controls that we discussed in the last SIP round. So, again, the net effect is that we don't get the
26 reductions and it is not the best use of our mechanisms for control.
27

28 Ms. Kristensen asked what was the justification of the dollar per ton cost effectiveness used in setting
29 the mass-based limits at Hunter and Huntington. Mr. Sowards responded that in the analysis in the SIP
30 that he was trying to illustrate the relationship between utilization and cost effectiveness. So, if
31 utilization decreases you are going to have fewer tons reduced, but at the same time really large fixed
32 costs. In the analysis he informally looked at around a \$5,000 per ton level.
33

34 Mr. Cromar commented that we currently have the numbers from most of the sources to where we
35 have talked about the controls either being cost effective or not cost effective, but that there is really
36 nothing in terms of a reasoning or methodology as to why that determination was made. From the
37 perspective of making sure that we have something that EPA can approve, he believes that we need
38 some sort of value, and not a bright line which would handcuff us to a number, but that a range would
39 be more appropriate. He suggests that a range of \$5,000 to \$7,500 be considered, based on what we
40 have done in the past in Utah. Ms. Cancino responded that in terms of SIP approvability, she does not
41 feel that having a control cost threshold would be the crux of that issue. She also looked at previous
42 EPA final actions, whether they were FIPs or SIPs, and there was just no consistency in the numbers.
43 Another important thing to consider with some of the facilities in terms of EGUs, is that maybe
44 something gets determined cost effective at a certain threshold and later there is subsequent revisions
45 to SIPs or FIPs or other revised actions by EPA. Finally, DAQ looked at an overall strategy that looked
46 at the emissions levels that were protective and then a glidepath and emissions rate that would either
47 limit production or encourage additional controls if those production levels had to be increased.
48

49 Ms. Bujdoso asked how did DAQ determine that it was just NO_x and SO₂ that would be looked at for
50 controlling and that the particulate matter (PM), VOC, ammonia, and ammonia compounds would not
51 be significant contributors to visibility. Ms. Cancino responded that it was partially because for this

1 second round, those were the primary pollutants that they controlled for. In addition, that we are
2 relying on the emissions reductions results of the PM SIP process and with best available control
3 technology (BACT) to help with controlling those compounds in question. Also, we are relying a lot
4 on the technical resources of WRAP.
5

6 Ms. Bujdoso asked for staff's commentary about the international contributions which are significant,
7 as shown in the 2028 off the books figures, and on where they think it is coming from. In particular,
8 trying to understand what that huge contribution is to the Class I areas. It does not look like there are
9 any projected increases made to international contributions. Mr. Sowards explained that DAQ, as part
10 of WRAP, worked on that, and when it was appropriate they had industry representatives involved in
11 that process as well. The Center for New Energy and Economy in Colorado was involved when it came
12 to EGU's. It is correct that if you saw the previous glidepath, the big adjustment wasn't the prescribed
13 fire adjustment, it was that international component. Which is why the Forest Service came up with
14 their own further adjustment for prescribed fire. Because wildfires are becoming catastrophic, the
15 Forest Service wants more headroom to be able to get ahead of that with forest management. So, DAQ
16 is being conservative by not adjusting the glidepath upward, and as stated in the SIP the DAQ is
17 reserving the right of that adjustment in the future.
18

19 Mr. Todd asked if DAQ ever considered the jet stream when it came to international contribution. Mr.
20 Sowards responded that the WRAP does the photochemical modeling to apportion out where the
21 different impacts are coming from. Mr. Bird added that this SIP only deals within the state borders, and
22 so that is what we are controlling and projecting. It was also announced that the good neighbor FIP
23 was just published in the Federal Register and the technical documentation for that includes the 2016
24 D2 air modeling. The tables in that documentation go into great detail about international
25 contributions.
26

27 Mr. Cromar stated that in PacifiCorp's initial four-factor analysis, they mentioned that they could do
28 additional scrubbing to remove more SO₂ at Hunter and Huntington. Specifically, that they thought
29 they could get it down from 0.12 to 0.03 pounds of SO₂ per million BTU of heat input. Was there a
30 reason that DAQ moved away from looking at having them do additional scrubbing for SO₂ emissions?
31 Mr. Sowards replied that DAQ did not accept PacifiCorp's proposal in the SIP and went with its own
32 limit. He continued that they did not feel comfortable with the cost effectiveness numbers and so they
33 reached out to PacifiCorp and asked for additional information. However, the 2019 guidance says that
34 if you are at, or below the 0.2 pounds per MMBTU limit, that it is unlikely that an analysis of control
35 measure for a source already equipped with scrubbers would conclude that more stringent controls are
36 necessary to make further progress.
37

38 Mr. Cromar liked the analysis that was done on page 129 of the SIP that was based off of unknown
39 scenarios, but commented that he feels that the analysis could be taken a step further. Instead of just
40 looking at a few bench mark levels, you can actually do this for every potential scenario. Also, instead
41 of stopping at cost effectiveness/cost per ton, you can calculate it all the way through to what the actual
42 emissions would be. In other words, instead of having the 2028 best guess, we can actually just use
43 what the maximum would be for any scenario. Mr. Sowards responded that historically, what you do is
44 look at recent actuals or some averaging periods. Also, the utilities industry is going through a real
45 transformation right now and that we are seeing a lot of back and forth over what future utilization is
46 going to look like. Mr. Sowards gave a brief explanation of how he worked his analysis. He ended by
47 stating that because of the absence of knowing how things are going to be operated and knowing that
48 there are big changes going on, that is why they went back to the 2028 on the books projections,
49 because they know what that models out to be. He would need to see more details of Mr. Cromar's
50 examples to provide a better response.
51

1 Mr. Cromar stated that it would be smart to consider public comments to ask whether mass-based
2 limits are the best way to go. The problem with mass-based limits is that once the source decides on
3 their control technologies that they want to use to meet that limit, then they are constrained on how
4 much energy they can actually produce. Once they decide what they are going to use, they are capped
5 on how much energy they can produce, ~~and~~ Ssince these sources are in the business of producing
6 energy, not in the business of controlling pollution, he thinks that giving them as much flexibility as
7 possible on the energy they can generate has real value.

8
9 Mr. Cromar motioned that the Board adopt, not a firm threshold, but that the Board adopt in the draft
10 SIP a range of \$5,000 to \$7,500 for what it deems to be cost effective for controls.

11
12 In discussion, Mr. Reitze stated that he believes that the range should be \$5,000 to \$10,000, to which
13 Mr. Cromar stated that he was basing the range on what we have done in Utah. It would get
14 complicated by looking at other states.

15
16 Mr. Cromar was asked to restate the motion, and motioned that the Board adopt the draft SIP language
17 that gives the rationale for what is deemed cost effective or not cost effective based off of a range of
18 \$5,000 to \$7,500. He explained, if it's below \$5,000 unless there's technical feasibility issues, it would
19 be deemed cost effective; if above \$7,500 unless there's extenuating circumstances, it would not be
20 cost effective; anything in between would have to have a case-by-case review.

21
22 Ms. Bujdoso asked Mr. Bird if this is something the Board should be proposing. Mr. Bird replied that
23 at this point changes can be made by the Board to the technical information or for things the Board
24 wants information on. It is not saying that we will be locked into this. It's just that we will be taking
25 comment on this as well.

26
27 Ms. Kristensen stated that she understands that there is a determination on cost effectiveness and the
28 reason why that should probably be defined, if there is a determination based on it. In her experience
29 the cost effectiveness is pollutant by pollutant based in the technical modeling analysis. She asks, is the
30 motion then on whether the cost effectiveness should be defined or whether it should be defined in the
31 range?

32
33 Mr. Cromar responded that this phase of regional haze is almost exclusively focused on cost
34 effectiveness, and that all he is suggesting is that we add in the rationale. In many cases, it doesn't
35 change any of the determinations, but it will provide a rationale that is sorely needed.

36
37 Mr. Reitze seconds Mr. Cromar's motion at the range of \$5,000 to \$7,500 per ton.

38
39 Mr. Bird commented that staff will need to figure out how to adjust the SIP as it goes out to comment,
40 if this motion is approved. Does Mr. Cromar have a paragraph or line number that he can give staff as
41 a reference? Mr. Cromar responded that an adjustment to the responses to the National Park Service 2.
42 and 3. on page 152 of the SIP and then make adjustments throughout the text later.

43
44 Mr. Cromar was asked to restate the motion, and motioned that the Board adjust the draft SIP to
45 indicate that the Board is determining cost effectiveness based on a range of \$5,000 to \$7,500. To
46 clarify his motion, he explained that the threshold would be a range of \$5,000 to \$7,500 and other
47 factors would be taken into account to make a final determination if it was cost effective. He is not
48 suggesting that we have a bright line.

49

1 Ms. Bujdoso commented that she is concerned about establishing a threshold. It could be something
2 that we could take comment on but to propose to modify by saying what the cost effective threshold
3 should be is concerning.

4
5 Mr. Rasband commented that the purpose of public comment is to have these things raised in public
6 comment. The public comment process is to be able to receive comments, make adjustments, and to
7 respond to those public comments in a way that applies to the law as well as makes it so that we can
8 get the SIP approved.

9
10 Mr. Martin stated that he will ask for individual Board member's vote, and asks that Mr. Cromar state
11 his motion again.

12
13 Mr. Cromar makes the motion that the Board amend the draft SIP to use a range of \$5,000 to \$7,500
14 for determining what is cost effective as a starting point, which was previously seconded by Mr.
15 Reitze.

- 16
17 ● Kevin Cromar motioned that the Board amend the draft SIP to use a range of \$5,000 to \$7,500 for
18 determining what is cost effective as a starting point. Arnold Reitze seconded. The motion fails
19 with four opposed (M. Bujdoso, G. Todd, C. Kristensen, J. Rasband) and three in favor (K.
20 Cromar, R. Martin, A. Reitze).
21
22 ● Kevin Cromar motioned that the Board specifically solicit for public comment the need for a cost
23 threshold. Michelle Bujdoso seconded. The Board approved unanimously.
24
25 ● Kevin Cromar motioned that the Board specifically solicit for public comment whether a mass-
26 based limit or a rate-based limit would be more appropriate for NO_x emissions at Hunter and
27 Huntington. Arnold Reitze seconded. The Board approved unanimously.
28

29 Mr. Cromar motioned that the Board specifically solicit for public comment whether Intermountain
30 Generation Station should have a firm closure date between January 1, 2026, and December 31, 2027.
31 Soliciting comment on what is appropriate in that two year range.
32

33 Ms. Bujdoso asked why are we asking for public comment. Is this something that the Board could
34 request that DAQ discuss with the utility and report back? Is this the most efficient process? Mr.
35 Cromar answered that public comment means everyone, the utility, the DAQ. The reason for the
36 motion is because of our timeline and if we need to make any changes at the final date this will cover
37 our bases.
38

39 Mr. Sowards added that he did reach out to the company about additional SO₂ scrubbing and they fully
40 anticipate that they are going to meet their 2025 deadline.
41

42 Mr. Bird commented that the motion is helpful so that if DAQ does make any adjustments in the final
43 SIP, it's not just based on a staff change.
44

- 45 ● Kevin Cromar motioned that the Board specifically solicit for public comment whether
46 Intermountain Generation Station should have a firm closure date between January 1, 2026, and
47 December 31, 2027. Greg Todd seconded. The Board approved unanimously.
48

49 Mr. Cromar stated that it's likely that we'll get more information that dry sorbent might have some
50 issues of why we cannot require it, but we should keep our options open. He motioned that the Board

1 solicit public comment on whether dry sorbent technology is both technology feasible and cost
2 effective at Sunnyside at an appropriate date.

- 3
4 ● Kevin Cromar motioned that the Board solicit public comment on whether dry sorbent technology
5 is both technology feasible and cost effective at Sunnyside at an appropriate date. Arnold Reitze
6 seconded. The Board approved unanimously.
7

8 Mr. Cromar motioned that the Board solicit public comment on whether other controls explored in the
9 draft SIP are both technically feasible and cost appropriate at U.S. Magnesium at an appropriate date.

10
11 Ms. Bujdoso asked if DAQ could elaborate on the discussions with U.S. Magnesium and where they
12 are at with them now. Mr. Sowards responded that when responding to DAQ’s review of their four-
13 factor analysis, U.S. Magnesium informed staff that their contractor was no longer with them and that
14 they could not provide the requested information. The source had also revised their estimates of cost
15 effectiveness which basically said that FGR was not cost effective. The source recanted the original
16 four-factor analysis and they did not provide appropriate responses which led to the issuance of the
17 information Order.
18

19 Mr. Todd asked what’s the difference of asking for a response through the public comment and the
20 information Order. Mr. Martin replied that this gives the DAQ more options.

- 21
22 ● Kevin Cromar motioned that the Board solicit public comment on whether other controls explored
23 in the draft SIP are both technically feasible and cost appropriate at U.S. Magnesium at an
24 appropriate date. Arnold Reitze seconded. The Board approved unanimously.
25
26 ● Michelle Bujdoso motion that the Board propose for public comment , Utah State Implementation
27 Plan, Section XX.A: Regional Haze Second Implementation Period; Utah State Implementation
28 Plan, Emission Limits and Operating Practices: Section IX, Part H.21 and Part H.23; R307-110-
29 17, Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits; and R307-
30 110-28, Regional Haze, including the amendments. Greg Todd seconded. The motion carries with
31 six in favor (M. Bujdoso, K. Cromar, R. Martin, G. Todd, C. Kristensen, J. Rasband) and one
32 opposed (A. Reitze).
33

34 **VI. Informational Items.**

35
36 **A. Air Toxics. Presented by Leonard Wright.**

37
38 **B. Compliance. Presented by Harold Burge and Rik Ombach.**

39
40 **C. Monitoring. Presented by Braden Cluster.**

41
42 Mr. Martin asked if there were any exceedances in January/February in the Uinta Basin. Mr. Bird
43 replied that there was one day at Roosevelt.
44

45 **D. Other Items to be Brought Before the Board.**

46
47 **E. Board Meeting Follow-up Items.**
48
49

ITEM 4



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-039-22

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Bo Wood, Rules Coordinator

DATE: April 20, 2022

SUBJECT: Five-Year Reviews: R307-105, R307-401, R307-403, R307-406, R307-410, R307-414, R307-415, R307-417, R307-420, R307-421, and R307-424.

Utah Code Title 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 statutes. 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.

The Division of Air Quality has completed five-year reviews for the following rules:

R307-105. General Requirements: Emergency Controls.
R307-401. Permit: New and Modified Sources.
R307-403. Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas.
R307-406. Visibility.
R307-410. Permits: Emissions Impact Analysis.
R307-414. Permits: Fees for Approval Orders.
R307-415. Permits: Operating Permit Requirements.
R307-417. Permits: Acid Rain Sources.
R307-420. Permits: Ozone Offset Requirements in Davis and Salt Lake Counties.
R307-421. Permits: PM10 Offset Requirements in Salt Lake County and Utah County.
R307-424. Permits: Mercury Requirements for Electric Generating Units.

The results of these reviews are 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 Division of Administrative Rules.

State of Utah
Administrative Rule Analysis
 Revised November 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	R307-105	Filing ID: (Office Use Only)
Effective Date:	Office Use Only	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	Phone:	Email:
Dr. Bo Wood	385-499-3416	rwood@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:
General Requirements: Emergency Controls
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 19-2-112 allows the executive director of the Department of Environmental Quality, with the concurrence of the Governor, to declare an air pollution emergency and order reductions in emissions of air pollutants. R307-105 establishes the levels of air pollutants that create an emergency as well as other factors used in determining that an emergency exists.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
R307-105 satisfies federal regulations implementing the Clean Air Act that prevent ambient pollutant concentrations from reaching certain levels that cause significant harm to human health and the environment. These requirements are found in 40 C.F.R. 51.151.

Agency Authorization Information

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 publication in the *Utah State Bulletin*.

Agency head or designee, and title:	Bryce C. Bird, Director	Date (mm/dd/yyyy):	05/04/2022
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Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or nonsubstantive change.

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

2 **R307-105. General Requirements: Emergency Controls.**

3 **R307-105-1. Air Pollution Emergency Episodes.**

4 (1) Determination of an episode and its extent or stage shall be made by the director taking into consideration the
5 levels of pollutant concentrations contained at 40 CFR Section 51.151 and 40 CFR Section 51, Appendix L, and
6 summarized in the table below:

7
8 TABLE

9
10 AIR POLLUTION EPISODE CRITERIA

11 (values in micrograms/cubic meter unless stated otherwise)

12
13 NEVER TO BE

14 POLLUTANT ALERT WARNING EMERGENCY EXCEEDED

15
16 SULFUR DIOXIDE 800 1,600 2,100 2,620

17 24-hour average (0.3 ppm) (0.6 ppm) (0.8 ppm) (1.0 ppm)

18
19 PM10 350 420 500 600

20 24-hour average

21
22 CARBON MONOXIDE

23 8-hour average 17,000 34,000 46,000 57,500

24 (15 ppm) (30 ppm) (40 ppm) (50 ppm)

25 4-hour average 86,300

26 (75 ppm)

27 1-hour average 144,000

28 (125 ppm)

29
30 OZONE

31 1-hour average 400 800 1,000

32 (0.2 ppm) (0.4 ppm) (0.5 ppm)

33 2-hour average 1,200

34 (0.6 ppm)

35
36 NITROGEN DIOXIDE 1130 2,260 3,000 3,750

37 1-hour average (0.6 ppm) (1.2 ppm) (1.6 ppm) (2.0 ppm)

38
39 NITROGEN DIOXIDE 282 565 750 938

40 24-hour average (0.15 ppm) (0.3 ppm) (0.4 ppm) (0.5 ppm)

41 An air pollution alert, air pollution warning, or air pollution emergency will be declared when any one of the above
42 pollutants reaches the specified levels at any monitoring site.

43 In addition to the levels listed for the above pollutants, meteorological conditions are such that pollutant
44 concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase, or in the case
45 of ozone, the situation is likely to reoccur within the next 24-hours unless control actions are taken.

46 ALERT The Alert level is that concentration at which first stage control action is to begin.

47 WARNING The warning level indicates that air quality is continuing to degrade and that additional control actions
48 are necessary.

49 EMERGENCY The emergency level indicates that air quality is continuing to degrade toward a level of significant
50 harm to the health of persons and that the most stringent control actions are necessary.

1 (2) The director shall also take into consideration, to determine an episode and its extent, rate of change of
2 concentration, meteorological forecasts, and the geographical area of the episode, including a consideration of point
3 and area sources of emission, where applicable.
4

5 **R307-105-2. Emergency Actions.**

6 (1) If an episode is determined to exist, the Executive Director, with concurrence of the Governor shall:

7 (a) Make public announcements pertaining to the existence, extent and area of the episode.

8 (b) Require corrective measures as necessary to prevent a further deterioration of air quality.

9 (2) Episode termination shall be announced by the Executive Director, with concurrence of the Governor, once
10 monitored pollutant concentration data and meteorological forecasts determine the crisis is over.
11

12 **KEY: air pollution, emergency powers, governor*, air pollution**

13 **Date of Enactment or Last Substantive Amendment: September 15, 1998**

14 **Notice of Continuation: May 15, 2017**

15 **Authorizing, and Implemented or Interpreted Law: 19-2-112**

State of Utah
Administrative Rule Analysis
 Revised November 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	R307-401	Filing ID: (Office Use Only)
Effective Date:	Office Use Only	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	Phone:	Email:
Dr. Bo Wood	385-499-3416	rwood@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:
Permit: New and Modified Sources
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 19-2-108 requires a person to give notice to the director if the person is planning to "construct a new installation which will or might reasonably be expected to increase the amount of or change the character or effect of air pollutants discharged..." Rule R307-401 sets forth the requirements that the owner or operator of a source of air pollution must address in giving notice to the executive secretary under Section 19-2-108. The Board is able to adopt rules that implement Section 19-2-108 because Section 19-2-104 gives the Board the power to control, abate, and prevent air pollution from all sources. A notice requirement and its implementation is a necessary part of controlling, abating, and preventing air pollution. R307-401 is also required by Section II, Review of New and Modified Air Pollution Sources, of the State Implementation Plan (SIP). This SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 C.F.R. 51.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
R307-401 is required by Section 19-2-108 and is also required by Section II, Review of New and Modified Air Pollution Sources, of the State Implementation Plan (SIP), which is incorporated by reference under R307-110. This SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51 subpart I. Without the SIP, EPA would be required to impose a federal implementation plan.

Agency Authorization Information

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 publication in the <i>Utah State Bulletin</i> .		
Agency head or designee, and title:	Bryce C. Bird, Director	Date (mm/dd/yyyy):
		05/04/2022
Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or nonsubstantive change.		

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

2 **R307-401. Permit: New and Modified Sources.**

3 **R307-401-1. Purpose.**

4 This rule establishes the application and permitting requirements for new
5 installations and modifications to existing installations throughout the
6 State of Utah. Additional permitting requirements apply to larger
7 installations or installations located in nonattainment or maintenance
8 areas. These additional requirements can be found in Rules R307-403, R307-
9 405, R307-406, R307-420, and R307-421. Modeling requirements in Rule R307-
10 410 may also apply. Each of the permitting rules establishes independent
11 requirements, and the owner or operator must comply with all of the
12 requirements that apply to the installation. Exemptions under R307-401 do
13 not affect applicability of the other permitting rules.

14 **R307-401-2. Definitions.**

15 "Actual emissions" (a) means the actual rate of emissions of an air
16 pollutant from an emissions unit, as determined in accordance with
17 Subsections R307-401-2(b) through R307-401-2(d).

18 (b) In general, actual emissions as of a particular date shall equal the
19 average rate, in tons per year, at which the unit actually emitted the air
20 pollutant during a consecutive 24-month period which precedes the
21 particular date and which is representative of normal source operation.
22 The director shall allow the use of a different time period upon a
23 determination that it is more representative of normal source operation.
24 Actual emissions shall be calculated using the unit's actual operating
25 hours, production rates, and types of materials processed, stored, or
26 combusted during the selected time period.

27 (c) The director may presume that source-specific allowable emissions for
28 the unit are equivalent to the actual emissions of the unit.

29 (d) For any emissions unit that has not begun normal operations on the
30 particular date, actual emissions shall equal the potential to emit of the
31 unit on that date.

32 "Best available control technology" means an emissions limitation
33 (including a visible emissions standard) based on the maximum degree of
34 reduction for each air pollutant which would be emitted from any proposed
35 stationary source or modification which the director, on a case-by-case
36 basis, taking into account energy, environmental, and economic impacts and
37 other costs, determines is achievable for such source or modification
38 through application of production processes or available methods, systems,
39 and techniques, including fuel cleaning or treatment or innovative fuel
40 combustion techniques for control of such pollutant. In no event shall
41 application of best available control technology result in emissions of
42 any pollutant which would exceed the emissions allowed by any applicable
43 standard under 40 CFR parts 60 and 61. If the director determines that
44 technological or economic limitations on the application of measurement
45 methodology to a particular emissions unit would make the imposition of an
46 emissions standard infeasible, a design, equipment, work practice,
47 operational standard or combination thereof, may be prescribed instead to
48 satisfy the requirement for the application of best available control
49 technology. Such standard shall, to the degree possible, set forth the
50 emissions reduction achievable by implementation of such design,
51 equipment, work practice or operation, and shall provide for compliance by
52 means which achieve equivalent results.

1 Air Strippers" are systems designed to pump groundwater to the surface for
2 treatment, usually by aeration.

3 "Building, structure, facility, or installation" means all of the
4 pollutant-emitting activities which belong to the same industrial
5 grouping, are located on one or more contiguous or adjacent properties,
6 and are under the control of the same person (or persons under common
7 control) except the activities of any vessel. Pollutant-emitting
8 activities shall be considered as part of the same industrial grouping if
9 they belong to the same Major Group (i.e., which have the same two-digit
10 code) as described in the Standard Industrial Classification Manual, 1972,
11 as amended by the 1977 Supplement (U.S. Government Printing Office stock
12 numbers 4101-0066 and 003-005-00176-0, respectively).

13 "Construction" means any physical change or change in the method of
14 operation (including fabrication, erection, installation, demolition, or
15 modification of an emissions unit) that would result in a change in
16 emissions.

17 "Emissions unit" means any part of a stationary source that emits or would
18 have the potential to emit any air pollutant.

19 "Fugitive emissions" means those emissions which could not reasonably pass
20 through a stack, chimney, vent, or other functionally equivalent opening.

21 "Indirect source" means a building, structure, facility, or installation
22 which attracts or may attract mobile source activity that results in
23 emissions of a pollutant for which there is a national standard.

24 "Potential to emit" means the maximum capacity of a stationary source to
25 emit an air pollutant under its physical and operational design. Any
26 physical or operational limitation on the capacity of the source to emit a
27 pollutant, including air pollution control equipment and restrictions on
28 hours of operation or on the type or amount of material combusted, stored,
29 or processed, shall be treated as part of its design if the limitation or
30 the effect it would have on emissions is enforceable. Secondary emissions
31 do not count in determining the potential to emit of a stationary source.

32 "Secondary emissions" means emissions which occur as a result of the
33 construction or operation of a major stationary source or major
34 modification, but do not come from the major stationary source or major
35 modification itself. Secondary emissions include emissions from any
36 offsite support facility which would not be constructed or increase its
37 emissions except as a result of the construction or operation of the major
38 stationary source or major modification. Secondary emissions do not
39 include any emissions which come directly from a mobile source, such as
40 emissions from the tailpipe of a motor vehicle, from a train, or from a
41 vessel.

42 "Soil Aeration" is an ex-situ treatment process where excavated soil from
43 a remediation project is spread in a thin layer to encourage
44 biodegradation of soil contamination. Biodegradation may be stimulated
45 through aeration or the addition of minerals, nutrients, and/or moisture.

46 "Soil Vapor Extraction", or SVE, is a system designed to extract vapor
47 phase contaminants from the subsurface. SVE systems are often combined
48 with other technologies, such as air sparging or vacuum-enhanced recovery
49 systems.

50 "Stationary source" means any building, structure, facility, or
51 installation which emits or may emit an air pollutant.

1 "Vapor Mitigation System", or VMS, is a sub-slab system whose primary
2 purpose is mitigating vapor intrusion into an occupied, or occupiable,
3 structure and is not intended or designed for the remediation of
4 contaminated soil or groundwater. This definition includes both active and
5 passive systems. Passive systems consist of a vapor barrier either below
6 or above the slab of a structure and a venting system installed under a
7 structure to divert vapor from beneath the structure to the sides or
8 roofline of a structure. Active systems are similar to passive systems but
9 incorporate a blower or fan to actively extract air from beneath the
10 structure.

11 **R307-401-3. Applicability.**

12 (1) Rule R307-401 applies to any person planning to:

13 (a) construct a new installation that will or might reasonably be expected
14 to be a source or an indirect source of air pollution;

15 (b) make modifications to or relocate an existing installation that will
16 or might reasonably be expected to increase the amount of or change the
17 character or effect of air pollutants discharged, so that the installation
18 may be expected to be a source or indirect source of air pollution; or

19 (c) install an air cleaning device or other equipment intended to control
20 emission of air pollutants.

21 (2) Rules R307-403, R307-405 and R307-406 may establish additional
22 permitting requirements for new or modified sources.

23 (a) Exemptions contained in Rule R307-401 do not affect applicability or
24 other requirements under Rules R307-403, R307-405 or R307-406.

25 (b) Exemptions contained in Rules R307-403, R307-405 or R307-406 do not
26 affect applicability or other requirements under Rule R307-401, unless
27 specifically authorized in this rule.

28 **R307-401-4. General Requirements.**

29 The general requirements in Subsections R307-401-4(1) through R307-401-
30 4(4) apply to all new and modified installations, including installations
31 that are exempt from the requirement to obtain an approval order.

32 (1) Any control apparatus installed on an installation shall be adequately
33 and properly maintained.

34 (2) If the director determines that an exempted installation is not
35 meeting an approval order or State Implementation Plan limitation, is
36 creating an adverse impact to the environment, or would be injurious to
37 human health or welfare, the director may require the owner or operator to
38 submit a notice of intent and obtain an approval order in accordance with
39 Sections R307-401-5 through R307-401-8. The director will complete an
40 appropriate analysis and evaluation in consultation with the owner or
41 operator before determining that an approval order is required.

42 (3) Low Oxides of Nitrogen Burner Technology.

43 (a) Except as provided in Subsection R307-401-4(3)(b), whenever existing
44 fuel combustion burners are replaced, the owner or operator shall install
45 low oxides of nitrogen burners or equivalent oxides of nitrogen controls,
46 as determined by the director, unless such equipment is not physically
47 practical or cost effective. The owner or operator shall submit a
48 demonstration that the equipment is not physically practical or cost
49 effective to the director for review and approval prior to beginning
50 construction.

51 (b) The provisions of (a) above do not apply to non-commercial,
52 residential buildings.

1 (4) A person shall not operate a source of air pollution that is required
2 to have a permit under Rule R307-401 unless the person has obtained a
3 permit for the source under the procedures of Rule R307-401.

4 **R307-401-5. Notice of Intent.**

5 (1) Except as provided in Sections R307-401-9 through R307-401-17, any
6 person subject to Rule R307-401 shall submit a notice of intent to the
7 director and receive an approval order precedent to the construction,
8 modification, installation, establishment, or relocation of an air
9 pollutant source or indirect source. The notice of intent shall be in a
10 format specified by the director.

11 (2) The notice of intent shall include the following information:

12 (a) A description of the nature of the processes involved; the nature,
13 procedures for handling and quantities of raw materials; the type and
14 quantity of fuels employed; and the nature and quantity of finished
15 product.

16 (b) The expected composition and physical characteristics of effluent
17 stream both before and after treatment by any control apparatus, including
18 emission rates, volume, temperature, air pollutant types, and
19 concentration of air pollutants.

20 (c) The size, type, and performance characteristics of any control
21 apparatus.

22 (d) An analysis of best available control technology for the proposed
23 source or modification. When determining best available control technology
24 for a new or modified source in an ozone nonattainment or maintenance area
25 that will emit volatile organic compounds or nitrogen oxides, the owner or
26 operator of the source shall consider EPA Control Technique Guidance (CTG)
27 documents and Alternative Control Technique documents that are applicable
28 to the source. Best available control technology shall be at least as
29 stringent as any published CTG that is applicable to the source.

30 (e) The location and elevation of the emission point and other factors
31 relating to dispersion and diffusion of the air pollutant in relation to
32 nearby structures and window openings, and other information necessary to
33 appraise the possible effects of the effluent.

34 (f) The location of planned sampling points and the tests of the completed
35 installation to be made by the owner or operator when necessary to
36 ascertain compliance.

37 (g) The typical operating schedule.

38 (h) A schedule for construction.

39 (i) Any plans, specifications and related information that are in final
40 form at the time of submission of notice of intent.

41 (j) Any additional information required by:

42 (i) Rule R307-403, Permits: New and Modified Sources in Nonattainment
43 Areas and Maintenance Areas;

44 (ii) Rule R307-405, Permits: Major Sources in Attainment or Unclassified
45 Areas (PSD);

46 (iii) Rule R307-406, Visibility;

47 (iv) Rule R307-410, Permits: Emissions Impact Analysis;

48 (v) Rule R307-420, Permits: Ozone Offset Requirements in Davis and Salt
49 Lake Counties; or

50 (vi) Rule R307-421, Permits: PM10 Offset Requirements in Salt Lake County
51 and Utah County.

1 (k) Any other information necessary to determine if the proposed
2 construction, modification, installation, or establishment will be in
3 accord with Title R307.

4 (l) The payment of a new source review fee established under Subsection
5 19-1-201(6)(i).

6 (3) Notwithstanding the exemptions in Sections R307-401-9 through R307-
7 401-16, any person that is subject to Rules R307-403, R307-405, or R307-
8 406 shall submit a notice of intent to the director and receive an
9 approval order precedent to the construction, modification, installation,
10 establishment, or relocation of an air pollutant source or indirect
11 source.

12 **R307-401-6. Review Period.**

13 (1) Completeness Determination. Within 30 days after receipt of a notice
14 of intent, or any additional information necessary to the review, the
15 director will advise the applicant of any deficiency in the notice of
16 intent or the information submitted.

17 (2) Within 90 days after the receipt of a complete application including
18 all the information described in Section R307-401-5, the director will

19 (a) issue an approval order for the proposed construction, installation,
20 modification, relocation, or establishment pursuant to the requirements of
21 Section R307-401-8, or

22 (b) issue an order prohibiting the proposed construction, installation,
23 modification, relocation or establishment if it is determined that any
24 part of the proposal will not be in the accord with the requirements of
25 Title R307.

26 (3) The review period under Subsection R307-401-6(2) may be extended by up
27 to three 30-day extensions if more time is needed to review the proposal.

28 **R307-401-7. Public Notice.**

29 (1) Issuing the Notice. Prior to issuing an approval or disapproval order
30 of the proposed construction, installation, modification, relocation or
31 establishment, the director shall:

32 (a) publish a legal notice of the intent to approve or disapprove on the
33 public legal notice website under Subsection 45-1-101(2);

34 (b) notify the public of the intent to approve or disapprove on the
35 Division's website; and

36 (c) post the draft permit and administrative record for the draft permit,
37 or information on how to access the administrative record for the draft
38 permit, on the Division's website for the duration of the public comment
39 period.

40 (2) Opportunity for Review and Comment.

41 (a) At least one location will be provided where the information submitted
42 by the owner or operator, the director's analysis of the notice of intent
43 proposal, and the proposed approval order conditions will be available for
44 public inspection.

45 (b) Public Comment.

46 (i) A 30-day public comment period will be established.

47 (ii) A request to extend the length of the comment period, up to 30 days,
48 may be submitted to the director within 15 days of the date the legal
49 notice in Subsection R307-401-7(1)(a) is published.

50 (iii) Public Hearing. A request for a hearing on the proposed approval or
51 disapproval order may be submitted to the director within 15 days of the
52 date the legal notice in Subsection R307-401-7(1)(a) is published.

1 (iv) The hearing will be held in the area of the proposed construction,
2 installation, modification, relocation or establishment.

3 (v) The public comment and hearing procedure shall not be required when an
4 order is issued to extend the time required by the director to review
5 plans and specifications.

6 (3) The director will consider comments received during the public comment
7 period and at the public hearing and, if appropriate, will make changes to
8 the proposal in response to comments before issuing an approval order or
9 disapproval order.

10 **R307-401-8. Approval Order.**

11 (1) The director will issue an approval order if the following conditions
12 have been met:

13 (a) The degree of pollution control for emissions, to include fugitive
14 emissions and fugitive dust, is at least best available control
15 technology. When determining best available control technology for a new
16 or modified source in an ozone nonattainment or maintenance area that will
17 emit volatile organic compounds or nitrogen oxides, best available control
18 technology shall be at least as stringent as any Control Technique
19 Guidance document that has been published by EPA that is applicable to the
20 source.

21 (b) The proposed installation will meet the applicable requirements of:

22 (i) Rule R307-403, Permits: New and Modified Sources in Nonattainment
23 Areas and Maintenance Areas;

24 (ii) Rule R307-405, Permits: Major Sources in Attainment or Unclassified
25 Areas (PSD);

26 (iii) Rule R307-406, Visibility;

27 (iv) Rule R307-410, Permits: Emissions Impact Analysis;

28 (v) Rule R307-420, Permits: Ozone Offset Requirements in Davis and Salt
29 Lake Counties;

30 (vi) Rule R307-210, Standards of Performance for New Stationary Sources;

31 (vii) National Primary and Secondary Ambient Air Quality Standards;

32 (viii) Rule R307-214, National Emission Standards for Hazardous Air
33 Pollutants;

34 (ix) Rule R307-110, General Requirements: State Implementation Plan; and

35 (x) all other provisions of Title R307.

36 (2) The approval order will require that all pollution control equipment
37 be adequately and properly maintained.

38 (3) Receipt of an approval order does not relieve any owner or operator of
39 the responsibility to comply with the provisions of Title R307 or the
40 State Implementation Plan.

41 (4) To accommodate staged construction of a large source, the director may
42 issue an order authorizing construction of an initial stage prior to
43 receipt of detailed plans for the entire proposal provided that, through a
44 review of general plans, engineering reports and other information the
45 proposal is determined feasible by the director under the intent of Title
46 R307. Subsequent detailed plans will then be processed as prescribed in
47 this paragraph. For staged construction projects the previous
48 determination under Subsections R307-401-8(1) and (2) will be reviewed and
49 modified as appropriate at the earliest reasonable time prior to
50 commencement of construction of each independent phase of the proposed
51 source or modification.

1 (5) If the director determines that a proposed stationary source,
2 modification or relocation does not meet the conditions established in (1)
3 above, the director will not issue an approval order.

4 **R307-401-9. Small Source Exemption.**

5 (1) A small stationary source is exempt from the requirement to obtain an
6 approval order in Sections R307-401-5 through R307-401-8 if the following
7 conditions are met.

8 (a) its actual emissions are less than 5 tons per year per air pollutant
9 of any of the following air pollutants: sulfur dioxide, carbon monoxide,
10 nitrogen oxides, PM10, ozone, or volatile organic compounds;

11 (b) its actual emissions are less than 500 pounds per year of any
12 hazardous air pollutant and less than 2000 pounds per year of any
13 combination of hazardous air pollutants;

14 (c) its actual emissions are less than 500 pounds per year of any air
15 pollutant not listed in (a) or (b) above and less than 2000 pounds per
16 year of any combination of air pollutants not listed in (a) or (b) above.

17 (d) Air pollutants that are drawn from the environment through equipment
18 in intake air and then are released back to the environment without
19 chemical change, as well as carbon dioxide, nitrogen, oxygen, argon, neon,
20 helium, krypton, xenon should not be included in emission calculations
21 when determining applicability under (a) through (c) above.

22 (2) The owner or operator of a source that is exempted from the
23 requirement to obtain an approval order under (1) above shall no longer be
24 exempt if actual emissions in any subsequent year exceed the emission
25 thresholds in (1) above. The owner or operator shall submit a notice of
26 intent under Section R307-401-5 no later than 180 days after the end of
27 the calendar year in which the source exceeded the emission threshold.

28 (3) Small Source Exemption - Registration. The director will maintain a
29 registry of sources that are claiming an exemption under Section R307-401-
30 9. The owner or operator of a stationary source that is claiming an
31 exemption under Section R307-401-9 may submit a written registration
32 notice to the director. The notice shall include the following minimum
33 information:

34 (a) identifying information, including company name and address, location
35 of source, telephone number, and name of plant site manager or point of
36 contact;

37 (b) a description of the nature of the processes involved, equipment,
38 anticipated quantities of materials used, the type and quantity of fuel
39 employed and nature and quantity of the finished product;

40 (c) identification of expected emissions;

41 (d) estimated annual emission rates;

42 (e) any control apparatus used; and

43 (f) typical operating schedule.

44 (4) An exemption under Section R307-401-9 does not affect the requirements
45 of Section R307-401-17, Temporary Relocation.

46 (5) A stationary source that is not required to obtain a permit under Rule
47 R307-405 for greenhouse gases, as defined in Subsection R307-405-3(9)(a),
48 is not required to obtain an approval order for greenhouse gases under
49 Rule R307-401. This exemption does not affect the requirement to obtain an
50 approval order for any other air pollutant emitted by the stationary
51 source.

52 **R307-401-10. Source Category Exemptions.**

1 The source categories described in Section R307-401-10 are exempt from the
2 requirement to obtain an approval order found in Sections R307-401-5
3 through R307-401-8. The general provisions in Section R307-401-4 shall
4 apply to these sources.

5 (1) Fuel-burning equipment in which combustion takes place at no greater
6 pressure than one inch of mercury above ambient pressure with a rated
7 capacity of less than five million BTU per hour using no other fuel than
8 natural gas or LPG or other mixed gas that meets the standards of gas
9 distributed by a utility in accordance with the rules of the Public
10 Service Commission of the State of Utah, unless there are emissions other
11 than combustion products.

12 (2) Comfort heating equipment such as boilers, water heaters, air heaters
13 and steam generators with a rated capacity of less than one million BTU
14 per hour if fueled only by fuel oil numbers 1 - 6,

15 (3) Emergency heating equipment, using coal or wood for fuel, with a rated
16 capacity less than 50,000 BTU per hour.

17 (4) Exhaust systems for controlling steam and heat that do not contain
18 combustion products.

19 (5) A well site as defined in 40 CFR 60.5430a, including centralized tank
20 batteries, that is not a major source as defined in Section R307-101-2,
21 and is registered with the Division as required by Rule R307-505.

22 (6) A gasoline dispensing facility as defined in 40 CFR 63.11132 that is
23 not a major source as defined in Section R307-101-2. These sources shall
24 comply with the applicable requirements of Rule R307-328 and 40 CFR 63
25 Subpart CCCCC: National Emission Standards for Hazardous Air Pollutants
26 for Source Category: Gasoline Dispensing Facilities.

27 (7) A Vapor Mitigation System as defined in R307-401-2.

28 **R307-401-11. Replacement-in-Kind Equipment.**

29 (1) Applicability. Existing process equipment or pollution control
30 equipment that is covered by an existing approval order or State
31 Implementation Plan requirement may be replaced using the procedures in
32

(2) below if:

33 (a) the potential to emit of the process equipment is the same or lower;
34 (b) the number of emission points or emitting units is the same or lower;
35 (c) no additional types of air pollutants are emitted as a result of the
36 replacement;

37 (d) the process equipment or pollution control equipment is identical to
38 or functionally equivalent to the replaced equipment;

39 (e) the replacement does not change the basic design parameters of the
40 process unit or pollution control equipment;

41 (f) the replaced process equipment or pollution control equipment is
42 permanently removed from the stationary source, otherwise permanently
43 disabled, or permanently barred from operation;

44 (g) the replacement process equipment or pollution control equipment does
45 not trigger New Source Performance Standards or National Emissions
46 Standards for Hazardous Air Pollutants under 42 U.S.C. 7411 or 7412; and
47 (h) the replacement of the control apparatus or process equipment does not
48 violate any other provision of Title R307.

49 (2) Replacement-in-Kind Procedures.

50 (a) In lieu of filing a notice of intent under Section R307-401-5, the
51 owner or operator of a stationary source shall submit a written
52 notification to the director before replacing the equipment. The

1 notification shall contain a description of the replacement-in-kind
2 equipment, including the control capability of any control apparatus and a
3 demonstration that the conditions of (1) above are met.

4 (b) If the replacement-in-kind meets the conditions of (1) above, the
5 director will update the source's approval order and notify the owner or
6 operator. Public review under Section R307-401-7 is not required for the
7 update to the approval order.

8 (3) If the replaced process equipment or pollution control equipment is
9 brought back into operation, it shall constitute a new emissions unit.

10 **R307-401-12. Reduction in Air Pollutants.**

11 (1) Applicability. The owner or operator of a stationary source of air
12 pollutants that reduces or eliminates air pollutants is exempt from the
13 requirement to submit a notice of intent and obtain an approval order
14 prior to construction if:

15 (a) the project does not increase the potential to emit of any air
16 pollutant or cause emissions of any new air pollutant, and

17 (b) the director is notified of the change and the reduction of air
18 pollutants is made enforceable through an approval order in accordance
19 with (2) below.

20 (2) Notification. The owner or operator shall submit a written description
21 of the project to the director no later than 60 days after the changes are
22 made. The director will update the source's approval order or issue a new
23 approval order to include the project and to make the emission reductions
24 enforceable. Public review under Section R307-401-7 is not required for
25 the update to the approval order.

26 **R307-401-13. Plantwide Applicability Limits.**

27 A plantwide applicability limit under Section R307-405-21 does not exempt
28 a stationary source from the requirements of R307-401.

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

30 (1) Definitions.

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

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

35 (2) Boilers burning used oil for energy recovery are exempt from the
36 requirement to obtain an approval order in Sections R307-401-5 through
37 R307-401-8 if the following requirements are met:

38 (a) the heat input design is less than one million BTU/hr;

39 (b) contamination levels of all used oil to be burned do not exceed any of
40 the following values:

41 (i) arsenic - 5 ppm by weight,

42 (ii) cadmium - 2 ppm by weight,

43 (iii) chromium - 10 ppm by weight,

44 (iv) lead - 100 ppm by weight,

45 (v) total halogens - 1,000 ppm by weight,

46 (vi) Sulfur - 0.50% by weight; and

47 (c) the flash point of all used oil to be burned is at least 100 degrees
48 Fahrenheit.

49 (3) Testing. The owner or operator shall test each load of used oil
50 received or generated as directed by the director to ensure it meets these
51 requirements. Testing may be performed by the owner or operator or
52 documented by test reports from the used fuel oil vendor. The flash point

1 shall be measured using the appropriate ASTM method as required by the
2 director. Records for used oil consumption and test reports are to be kept
3 for all periods when fuel-burning equipment is in operation. The records
4 shall be kept on site and made available to the director or the director's
5 representative upon request. Records must be kept for a three-year period.

6 **R307-401-15. Air Strippers and Soil Vapor Extraction Systems.**

7 R307-401-15 applies to remediation systems with the potential to generate
8 air emissions, such as air strippers and soil vapor extraction (SVE) as
9 defined in R307-401-2.

10 (1) The owner or operator of an air stripper or SVE remediation system is
11 exempt from the notice of intent and approval order requirements of
12 Sections R307-401-5 through R307-401-8 if the following conditions are
13 met:

14 (a) actual emissions of volatile organic compounds from a given project
15 are less than 5 tons per year; and

16 (b) emission rates of hazardous air pollutants are below their respective
17 threshold values contained in R307-410-5(1)(c)(i)(C).

18 (2) The owner or operator shall submit documentation to the director that
19 demonstrates the project meets the exemption criteria in R307-401-15(1).
20 Required documentation includes, but is not limited to:

21 (a) project summary, including location, system description, operational
22 schedule, and schedule for construction;

23 (b) emission calculations and any laboratory sampling data used in
24 calculations; and

25 (c) plans and specifications for the system and equipment.

26 (3) After beginning the soil remediation project, the owner or operator
27 shall conduct testing to demonstrate compliance with the exemption levels
28 in R307-401-15(1)(1) and (b). Monitoring and reporting shall be conducted
29 as follows:

30 (a) Emissions for air strippers shall be based on the following:

31 (i) influent and effluent water samples analyzed for volatile organic
32 compounds and hazardous air pollutants using the most recent version of
33 USEPA Test Method 8260, Method 8021, or other EPA approved testing methods
34 acceptable to the director; and

35 (ii) design water flow rate of the system or the water flow rates measured
36 during the sample period.

37 (b) Emissions for SVE systems shall be based on the following:

38 (i) Air samples collected from a sample port in the exhaust stack of the
39 SVE system and analyzed for volatile organic compounds and hazardous air
40 pollutants using USEPA test method TO-15, or other EPA approved testing
41 methods acceptable to the director.

42 (ii) Design air flow rate of the system or the air flow rates measured at
43 the outlet of the SVE system during the sample period. Flow rates should
44 be measured and reported at actual conditions.

45 (c) Within one month of sampling, the owner or operator shall submit to
46 the director the sample results, estimated emissions of volatile organic
47 compounds, and estimated emission rates of hazardous air pollutants.

48 (d) Samples shall be collected at the following frequencies or more
49 frequently as determined necessary by the director:

50 (i) no less than twenty-eight days and no more than thirty-one days (i.e.,
51 monthly) after startup for the first quarter;

52 (ii) quarterly for the remainder of the first year; and

1 (iii) semi-annually thereafter for the life of the project or as allowed
2 in R307-401-15(3)(f).

3 (e) If an SVE or air stripper system is restarted after rehabilitation or
4 an extended period of shutdown, the owner or operator shall recommence the
5 sampling schedule in R307-415(3)(d), unless otherwise approved by the
6 director.

7 (f) The owner or operator may request to discontinue sampling after three
8 years of operation. To discontinue sampling, the owner or operator must
9 submit to the director a request to discontinue monitoring.

10 (i) The request must include documentation demonstrating emissions have
11 remained below the exemption levels in R307-401-15(1)(a) and (b) since
12 startup of the system.

13 (ii) The request is subject to approval from the director upon
14 consultation with other regulatory agencies involved in the project, such
15 as Division of Environmental Response and Remediation or Division of Waste
16 Management and Radiation Control.

17 (4) The following control devices do not require a notice of intent or
18 approval order when used in relation to an air stripper or soil vapor
19 extraction system that is exempted under Section R307-401-15:

20 (a) thermodestruction unit with a rated input capacity of less than five
21 million BTU per hour using no other auxiliary fuel than natural gas or
22 LPG, or
23 (b) carbon adsorption unit.

24 **R307-401-16. Soil Aeration Projects.**

25 R307-401-16 applies to soil aeration projects used to conduct soil
26 remediation.

27 (1) The owner or operator of a soil aeration project is not subject to the
28 notice of intent and approval order requirements of Sections R307-401-5
29 through R307-401-8, if the following conditions are met:

30 (a) emissions of volatile organic compounds from a given soil aeration
31 project are less than 5 tons per year; and
32 (b) emission rates of hazardous air pollutants are below their respective
33 threshold values contained in R307-410-(1)(c)(i)(C).

34 (2) The owner or operator shall submit documentation to the director
35 demonstrating the project meets the exemption criteria in R307-401-16(1).
36 The owner or operator shall receive approval from the director for the
37 exemption prior to beginning the remediation project. Required
38 documentation includes, but is not limited to:

39 (a) calculated emissions of volatile organic compounds and estimated
40 emission rates of hazardous air pollutants from all soils to be treated
41 from the soil aeration project.

42 (b) Emission calculations shall be based on soil samples of the soils to
43 be remediated. Samples shall be analyzed for volatile organic compounds
44 and hazardous air pollutants using the most recent version of USEPA Test
45 Method 8260, Method 8021, or other
46 EPA approved testing methods acceptable to the director. Emission
47 calculations should be based on the methodology in EPA guidance "Air
48 Emissions from the Treatment of Soils Contaminated with Petroleum Fuels
49 and Other Substances" (EPA-600/R-92-124) or other methodology acceptable
50 to the director.

51 (c) Location where soil aeration will occur and where the remediated
52 material originated.

1 (3) The owner or operator is exempt from the reporting requirements in
2 R307-401-16(2) if excavated soils are disposed of at a disposal or
3 treatment facility, such as a landfill, solid waste management facility,
4 or a landfarm facility, that is owned or operated by a third party and
5 operates under an existing approval order.

6 **R307-401-17. Temporary Relocation.**

7 The owner or operator of a stationary source previously approved under
8 Rule R307-401 may temporarily relocate and operate the stationary source
9 at any site for up to 180 working days in any calendar year not to exceed
10 365 consecutive days, starting from the initial relocation date. The
11 director will evaluate the expected emissions impact at the site and
12 compliance with applicable Title R307 rules as the basis for determining
13 if approval for temporary relocation may be granted. Records of the
14 working days at each site, consecutive days at each site, and actual
15 production rate shall be submitted to the director at the end of each 180
16 calendar days. These records shall also be kept on site by the owner or
17 operator for the entire project, and be made available for review to the
18 director as requested. Section R307-401-7, Public Notice, does not apply
19 to temporary relocations under Section R307-401-17.

20 **R307-401-18. Eighteen Month Review.**

21 Approval orders issued by the director in accordance with the provisions
22 of Rule R307-401 will be reviewed eighteen months after the date of
23 issuance to determine the status of construction, installation,
24 modification, relocation or establishment. If a continuous program of
25 construction, installation, modification, relocation or establishment is
26 not proceeding, the director may revoke the approval order.

27 **R307-401-19. General Approval Order.**

28 (1) The director may issue a general approval order that would establish
29 conditions for similar new or modified sources of the same type or for
30 specific types of equipment. The general approval order may apply
31 throughout the state or in a specific area.

32 (a) A major source or major modification as defined in Rules R307-403,
33 R307-405, or R307-420 for each respective area is not eligible for
34 coverage under a general approval order.

35 (b) A source that is subject to the requirements of Section R307-403-5 is
36 not eligible for coverage under a general approval order.

37 (c) A source that is subject to the requirements of Section R307-410-4 is
38 not eligible for coverage under a general approval order unless a
39 demonstration that meets the requirements of Section R307-410-4 was
40 conducted.

41 (d) A source that is subject to the requirements of Subsection R307-410-
42 5(1)(c)(ii) is not eligible for coverage under a general approval order
43 unless a demonstration that meets the requirements of Subsection R307-410-
44 5(1)(c)(ii) was conducted.

45 (e) A source that is subject to the requirements of Subsection R307-410-
46 5(1)(c)(iii) is not eligible for coverage under a general approval order.

47 (2) A general approval order shall meet applicable requirements of Section
48 R307-401-8.

49 (3) The public notice requirements in Section R307-401-7 shall apply to a
50 general approval order.

51 (4) Application.

1 (a) After a general approval order has been issued, the owner or operator
2 of a proposed new or modified source may apply to be covered under the
3 conditions of the general approval order.

4 (b) The owner or operator shall submit the application on forms provided
5 by the director in lieu of the notice of intent requirements in Section
6 R307-401-5 for equipment covered by the general approval order.

7 (c) The owner or operator may request that an existing, individual
8 approval order for the source be revoked, and that it be covered by the
9 general approval order.

10 (d) The owner or operator that has applied to be covered by a general
11 approval order shall not initiate construction, modification, or
12 relocation until the application has been approved by the director.

13 (5) Approval.

14 (a) The director will review the application and approve or deny the
15 request based on criteria specified in the general approval order for that
16 type of source. If approved, the director will issue an authorization to
17 the applicant to operate under the general approval order.

18 (b) The public notice requirements in Section R307-401-7 do not apply to
19 the approval of an application to be covered under the general approval
20 order.

21 (c) The director will maintain a record of stationary sources that are
22 covered by a specific general approval order and this record will be
23 available for public review.

24 (6) Exclusions and Revocation.

25 (a) The director may require any source that has applied for or is
26 authorized by a general approval order to submit a notice of intent and
27 obtain an individual approval order under Section R307-401-8. Cases where
28 the director will require an individual approval order include the
29 following:

30 (i) the director determines that the source does not meet the criteria
31 specified in the general approval order;

32 (ii) the director determines that the application for the general approval
33 order did not contain all necessary information to evaluate applicability
34 under the general approval order;

35 (iii) modifications were made to the source that were not authorized by
36 the general approval order or an individual approval order;

37 (iv) the director determines the source may cause a violation of a
38 national ambient air quality standard;

39 (v) the director determines that an approval order is required based on
40 the compliance history and current compliance status of the source or
41 applicant; or

42 (vi) the director determines that an approval order is required for any
43 other reason.

44 (b)(i) Any source authorized by a general approval order may request to be
45 excluded from the coverage of the general approval order by submitting a
46 notice of intent under Section R307-401-5 and receiving an individual
47 approval order under Section R307-401-8.

48 (ii) When the director issues an individual approval order to a source
49 subject to a general approval order, the applicability of the general
50 approval order to the individual source is revoked on the effective date
51 of the individual approval order.

1 (7) Modification of General Approval Order. The director may modify,
2 replace, or discontinue the general approval order.

3 (a) Administrative corrections may be made to the existing version of the
4 general approval order. These corrections are to correct typographical
5 errors or similar minor administrative changes.

6 (b) All other modifications or the discontinuation of a general approval
7 order shall not apply to any source authorized under previous versions of
8 the general approval order unless the owner or operator submits an
9 application to be covered under the new version of the general approval
10 order. Modifications under Subsection R307-401-19(7)(b) shall meet the
11 public notice requirements in Subsection R307-401-19(3).

12 (c) A general approval order shall be reviewed at least every three years.
13 The review of the general approval order shall follow the public notice
14 requirements of Subsection R307-401-19(3).

15 (8) Modifications at a source covered by a general approval order. A
16 source may make modifications only as authorized by the approved general
17 approval order. Modifications outside the scope authorized by the approved
18 general approval order shall require a new application for either an
19 individual approval order under Section R307-401-8 or a general approval
20 order under Section R307-401-19.

21 **KEY: air pollution, permits, approval orders, greenhouse gases**
22 **Date of Last Change: 2021**
23 **Notice of Continuation: May 15, 2017**
24 **Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(b)(iii); 19-**
25 **2-108**

State of Utah
Administrative Rule Analysis
 Revised November 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	R307-403	Filing ID: (Office Use Only)
Effective Date:	Office Use Only	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	Phone:	Email:
Dr. Bo Wood	385-499-3416	rwood@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:
Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas.
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 19-2-104 gives the Board the power to control, abate, and prevent air pollution from all sources. R307-403 is an air pollution permitting program that helps control, abate, and prevent air pollution. R307-403 is also required by Section II, Review of New and Modified Air Pollution Sources, of the State Implementation Plan (SIP). This SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 C.F.R. 51.165.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
R307-403 is required by Section 19-2-108 and by Section II, Review of New and Modified Air Pollution Sources, of the State Implementation Plan (SIP), which is incorporated by reference under R307-110. The SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51.165. Without the SIP, EPA would be required to impose a federal implementation plan.

Agency Authorization Information

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 publication in the <i>Utah State Bulletin</i> .			
Agency head or designee, and title:	Bryce C. Bird, Director	Date (mm/dd/yyyy):	05/04/2022
Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or nonsubstantive change.			

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

2 **R307-403. Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas.**

3 **R307-403-1. Purpose and Definitions.**

4 (1) Purpose. This rule implements the federal nonattainment area permitting program for major sources as required
5 by 40 CFR 51.165. In addition, the rule contains new source review provisions for some non-major sources in
6 PM₁₀ nonattainment areas. This rule, R307-403-5(1), supplements, but does not replace, the permitting requirements
7 of R307-401.

8 (2) Unless otherwise specified, all references to 40 CFR in R307-403 shall mean the version that is in effect on July
9 1, 2017.

10 (3) Except as provided in R307-403-1(4), the definitions in 40 CFR 51.165(a)(1) are hereby incorporated by
11 reference. The definition of PAL, or plant wide applicability limitation, in 40 CFR 51.165(f)(2)(v) is also
12 incorporated by reference.

13 (4)(a) "Reviewing authority" means the director.

14 (b) In the definition of "significant" in 40 CFR 51.165(a)(1)(x) add the following text at the end of paragraph (F):
15 "The following subparagraphs specify, for certain nonattainment areas, emission rates that are "significant" for
16 Ammonia: (1) In the Provo, UT nonattainment area (as defined in the July 1, 2017 version of 40 CFR 81.345) - 70
17 tons per year or more (2) In the Salt Lake City, UT nonattainment area (as defined in the July 1, 2017 version of 40
18 CFR 81.345) - 70 tons per year or more."

19 (c) In the definition of "regulated NSR pollutant" in 40 CFR 51.165(a)(1)(xxxvii), paragraph (C)(2) is amended to
20 read: "(2) Except as specified in R307-101-2 and where the Administrator of the EPA has approved a demonstration
21 satisfying 40 CFR 51.1006(a)(3) which has, for a particular PM_{2.5} nonattainment area, determined otherwise; Sulfur
22 dioxide, Nitrogen oxides, Volatile organic compounds and Ammonia are precursors to PM_{2.5} in any
23 PM_{2.5} nonattainment area."

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

26 (i) in the definition of "major modification" in 40 CFR 51.165(a)(1)(v)(C), the second sentence in subparagraph (1);

27 (ii) the definition of "process unit" in 40 CFR 51.165(a)(1)(xliv);

28 (iii) the definition of "functionally equivalent component" in 40 CFR 51.165(a)(1)(xlv);

29 (iv) the definition of "fixed capital cost" in 40 CFR 51.165(a)(1)(xlv); and

30 (v) the definition of "total capital investment" in 40 CFR 51.165(a)(1)(xlvi).

31
32 **R307-403-2. Applicability.**

33 (1) R307-403 applies to any new major stationary source or major modification that is major for the pollutant or
34 precursor pollutant for which the area is designated nonattainment under section 107(d)(1)(A)(i) of the Clean Air
35 Act, if the stationary source or modification would locate anywhere in the designated nonattainment area.

36 (a) Except as otherwise provided in paragraph R307-403-2(2), and consistent with the definition of major
37 modification contained in 40 CFR 51.165(a)(1)(v)(A), a project is a major modification for a regulated NSR
38 pollutant if it causes two types of emissions increases—a significant emissions increase (as defined in 40 CFR
39 51.165(a)(1)(xxvii)), and a significant net emissions increase (as defined in 40 CFR 51.165(a)(1)(vi) and (x)). The
40 project is not a major modification if it does not cause a significant emissions increase. If the project causes a
41 significant emissions increase, then the project is a major modification only if it also results in a significant net
42 emissions increase.

43 (b) The procedure for calculating (before beginning actual construction) whether a significant emissions increase
44 (i.e., the first step of the process) will occur depends upon the type of emissions units being modified, according to
45 paragraphs R307-403-2(1)(c) through (f). The procedure for calculating (before beginning actual construction)
46 whether a significant net emissions increase will occur at the major stationary source (i.e., the second step of the
47 process) is contained in the definition in 40 CFR 51.165(a)(1)(vi). Regardless of any such preconstruction
48 projections, a major modification results if the project causes a significant emissions increase and a significant net
49 emissions increase.

50 (c) Actual-to-projected-actual applicability test for projects that only involve existing emissions units. A significant
51 emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the
52 projected actual emissions (as defined in 40 CFR 51.165(a)(1)(xxviii)) and the baseline actual emissions (as defined

1 in 40 CFR 51.165(a)(1)(xxxv)(A) and (B), as applicable), for each existing emissions unit, equals or exceeds the
2 significant amount for that pollutant (as defined in 40 CFR 51.165(a)(1)(x)).

3 (d) Actual-to-potential test for projects that only involve construction of a new emissions unit(s). A significant
4 emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the
5 potential to emit (as defined in 40 CFR 51.165(a)(1)(iii)) from each new emissions unit following completion of the
6 project and the baseline actual emissions (as defined in 40 CFR 51.165(a)(1)(xxxv)(C)) of these units before the
7 project equals or exceeds the significant amount for that pollutant (as defined in 40 CFR 51.165(a)(1)(x)).

8 (e) Reserved.

9 (f) Hybrid test for projects that involve multiple types of emissions units. A significant emissions increase of a
10 regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the
11 method specified in R307-403-2(1)(c) through (d) as applicable with respect to each emissions unit, for each type of
12 emissions unit equals or exceeds the significant amount for that pollutant (as defined in 40 CFR 51.165(a)(1)(x)).

13 (2) For any major stationary source for a PAL for a regulated NSR pollutant, the major stationary source shall
14 comply with requirements under R307-403-11.

15 (3) Reserved.

16 (4) Reserved.

17 (5)(a) Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with
18 applicable provisions of the state implementation plan and any other requirements under local, state or federal law.

19 (b) At such time that a particular source or modification becomes a major stationary source or major modification
20 solely by virtue of a relaxation in any enforcement limitation which was established after August 7, 1980, on the
21 capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then
22 the requirements of R307-403 shall apply to the source or modification as though construction had not yet
23 commenced on the source or modification;

24 (6) The provisions of R307-403-2(6)(a) through (f) apply to projects at existing emissions units at a major stationary
25 source (other than projects at a source with a PAL) in circumstances where there is a reasonable possibility that a
26 project that is not a part of a major modification may result in a significant emissions increase and the owner or
27 operator elects to use the method specified in paragraphs 40 CFR 51.165(a)(1)(xxviii)(B)(1) through (3) for
28 calculating projected actual emissions.

29 (a) Before beginning actual construction of the project, the owner or operator shall document and maintain a record
30 of the following information:

31 (i) A description of the project;

32 (ii) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the
33 project; and

34 (iii) A description of the applicability test used to determine that the project is not a major modification for any
35 regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of
36 emissions excluded under 40 CFR 51.165(a)(1)(xxviii)(B)(3) and an explanation for why such amount was
37 excluded, and any netting calculations, if applicable.

38 (b) If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the
39 owner or operator shall provide a copy of the information set out in R307-403-2(6)(a) to the reviewing authority.
40 Nothing in this paragraph shall be construed to require the owner or operator of such a unit to obtain any
41 determination from the reviewing authority before beginning actual construction.

42 (c) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result
43 of the project and that is emitted by any emissions units identified in paragraph R307-403-2(6)(a)(ii); and calculate
44 and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of 5 years
45 following resumption of regular operations after the change, or for a period of 10 years following resumption of
46 regular operations after the change if the project increases the design capacity or potential to emit of that regulated
47 NSR pollutant at such emissions unit.

48 (d) If the unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the
49 reviewing authority within 60 days after the end of each calendar year during which records must be generated under
50 paragraph R307-403-2(6)(c) setting out the unit's annual emissions during the calendar year that preceded
51 submission of the report.

1 (e) If the unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit
2 a report to the reviewing authority if the annual emissions, in tons per year, from the project identified in paragraph
3 R307-403-2(6)(a), exceed the baseline actual emissions (as documented and maintained pursuant to paragraph
4 R307-403-2(6)(c), by a significant amount (as defined in 40 CFR 51.165(a)(1)(x)) for that regulated NSR pollutant,
5 and if such emissions differ from the preconstruction projection as documented and maintained pursuant to
6 paragraph R307-403-2(6) (c). Such report shall be submitted to the reviewing authority within 60 days after the end
7 of such year. The report shall contain the following:

8 (i) The name, address and telephone number of the major stationary source;

9 (ii) The annual emissions as calculated pursuant to paragraph R307-403-2(6)(c); and

10 (iii) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why
11 the emissions differ from the preconstruction projection).

12 (f) A "reasonable possibility" under (R307-403-2(6) occurs when the owner or operator calculates the project to
13 result in either:

14 (i) A projected actual emissions increase of at least 50 percent of the amount that is a "significant emissions
15 increase," as defined in 40 CFR 51.165(a)(1)(xxvii)(without reference to the amount that is a significant net
16 emissions increase), for the regulated NSR pollutant; or

17 (ii) A projected actual emissions increase that, added to the amount of emissions excluded under 40 CFR
18 51.165(a)(1)(xxviii)(B)(3), sums to at least 50 percent of the amount that is a "significant emissions increase," as
19 defined under paragraph 40 CFR 51.165(a)(1)(xxvii) without reference to the amount that is a significant net
20 emissions increase), for the regulated NSR pollutant. For a project for which a reasonable possibility occurs only
21 within the meaning of this paragraph, and not also within the meaning of paragraph R307-403-2(6)(f)(i), then
22 provisions R307-403-2(6)(b) through (e) do not apply to the project.

23 (7) The owner or operator of the source shall make the information required to be documented and maintained
24 pursuant to paragraph R307-403-2(6) above available for review upon a request for inspection by the director or the
25 general public pursuant to the requirements contained in 40 CFR 70.4(b)(3)(viii).

26 (8) The requirements of R307-403 applicable to major stationary sources and major modifications of volatile organic
27 compounds shall apply to nitrogen oxides emissions from major stationary sources and major modifications of
28 nitrogen oxides in an ozone transport region or in any ozone nonattainment area, except in ozone nonattainment
29 areas or in portions of an ozone transport region where the EPA Administrator has granted a nitrogen oxides waiver
30 applying the standards set forth under section 182(f) of the Clean Air Act and the waiver continues to apply.

31 (9) Reserved.

32 (10) The requirements of R307-403 apply to new major sources and major modifications to existing sources. Such
33 sources or modifications located in or impacting areas of nonattainment for ozone, PM₁₀, or PM_{2.5} shall also consider
34 each precursor to ozone, PM₁₀, or PM_{2.5} respectively. Sources or modifications determined to be major for any of
35 these individual precursors shall also be regarded as major for that pollutant for which the area is designated
36 nonattainment.

37 (a) In areas of ozone nonattainment, a new stationary source that is major for nitrogen oxides or for volatile organic
38 compounds shall be considered major for ozone. Similarly, a major modification to an existing source that is major
39 for nitrogen oxides or for volatile organic compounds shall be considered major for ozone.

40 (b) In areas of PM₁₀ nonattainment, the requirements of R307-403 applicable to major stationary sources and major
41 modifications of PM₁₀ shall also apply to major stationary sources and major modifications of nitrogen oxides and
42 sulfur dioxides and sulfur dioxide, except where the Administrator determines that such sources do not contribute
43 significantly to PM₁₀ levels that exceed the PM₁₀ ambient standards in the area.

44 (c) In areas of PM_{2.5} nonattainment, the requirements of R307-403 applicable to major stationary sources and major
45 modifications of PM_{2.5} shall also apply to major stationary sources and major modifications of any individual of
46 PM_{2.5} precursor as defined in R307-403-1(4)(c).

47 (11) Reserved.

48 (12) R307-403 applies to any major source or major modification that is located outside a nonattainment area and is
49 major for the pollutant for which the area is designated nonattainment under section 107(d)(1)(A)(i) of the Clean Air
50 Act and that causes the significant increments in R307-403-3(1) to be exceeded in the nonattainment area.

51 (13) R307-403-5 applies to any new or modified source in a PM₁₀ or PM_{2.5} nonattainment area.

52

1 **R307-403-3. Review of Major Sources of Air Quality Impact.**

2 Every major new source or major modification must be reviewed by the director to determine if a source will cause
3 or contribute to a violation of the NAAQS.

4 (1) If the owner or operator of a source proposes to locate the source outside an area of nonattainment where the
5 source will not cause an increase greater than the following increments in actual areas of nonattainment or in the Salt
6 Lake City and Ogden maintenance areas for carbon monoxide and the source otherwise meets the requirements of
7 these regulations, such source shall be approved.

8
9 TABLE

10
11 MAXIMUM ALLOWABLE MICROGRAM/CUBIC METER IMPACT
12 BY AVERAGING TIME

13
14 Pollutant Annual 24-Hr 8-Hr 3-Hr 1-Hr
15 SULFUR DIOXIDE 1.0 5 25
16 PM_{2.5} 0.3 1.2
17 NO₂ 1.0
18 PM₁₀ 1.0 3
19 CO 500 2000

20 (2) If the director finds that the emissions from a proposed source would cause a new violation of the NAAQS but
21 would not contribute to an existing violation, the director shall approve the proposed source if and only if:

22 (a) the new source is required to meet a more stringent emission limitation, sufficient to avoid a new violation of the
23 NAAQS and

24 (b) the new source has acquired sufficient offset to avoid a new violation of the NAAQS and

25 (c) the new emission limitations for the proposed source and for any affected existing sources are enforceable.

26 (3) For a proposed new major stationary source or major modification that is major for a pollutant, or any individual
27 precursor to that pollutant, for which an area is designated nonattainment, approval shall be granted if and only if:

28 (a) the new major source or major modification meets an emission limitation which is the Lowest Achievable
29 Emission Rate (LAER) for such source for the relevant pollutant(s) in the respective nonattainment area;

30 (b) the applicant has certified that all existing major sources in the State, owned or controlled by the owner or
31 operator (or by any entity controlling, controlled by or under common control with such owner or operator) of the
32 proposed source, are in compliance with all applicable rules in R307, including the Utah Implementation Plan
33 requirements or are in compliance with an approved schedule and timetable for compliance under the Utah
34 Implementation Plan, R307, or an enforcement order, and that the source is complying with all requirements and
35 limitations as expeditiously as practicable;

36 (c) emission offsets to the extent provided in R307-403-4, R307-403-5, and R307-403-6 are sufficient such that there
37 will be reasonable further progress toward attainment of the applicable NAAQS;

38 (d) the emission offsets provide a positive net air quality benefit in the affected area of nonattainment; and,

39 (e) the restrictions on new or modified sources identified in 40 CFR 52.24 are not applicable.

40 (4) A source which is locating outside a nonattainment area or the Salt Lake City and Ogden maintenance areas for
41 carbon monoxide and which causes the significant increments in R307-403-3(1) to be exceeded in the nonattainment
42 or maintenance area is subject to the requirements of R307-403-3(3).

43
44 **R307-403-4. Offsets: General Requirements.**

45 (1) All general offset permitting requirements apply for all offsets regardless of the pollutant at issue. General offset
46 permitting requirements shall be imposed immediately and directly on all new major stationary sources or major
47 modifications located in a nonattainment area that are major for the pollutant, or any individual precursor to the
48 pollutant, for which the area is designated nonattainment.

49 (2) Emission offsets must be obtained from the same source or other sources in the same nonattainment area except
50 that the owner or operator of a source may obtain emission offsets in another nonattainment area if:

51 (a) the other area has an equal or higher nonattainment classification than the area in which the source is located; and

1 (b) emissions from such other area contribute to a violation of the national ambient air quality standard in the
2 nonattainment area in which the source is located or which is impacted by the source.

3 (3) Any emission offsets required for a new or modified source shall be in effect and enforceable before a new or
4 modified source commences construction. The new or modified source shall assure that the total tonnage of
5 increased emissions of the air pollutant from the new or modified source shall be offset by an equal or greater
6 reduction, as applicable, in the actual emissions of such air pollutant from the same or other sources in the area.
7 Offsets may not be traded between pollutants, except as required only to satisfy R307-403-5(1) where it pertains to
8 emission increases that are not considered major for PM₁₀ or a PM₁₀ precursor.

9 (4) Emission offsets must be surplus, permanent, quantifiable, and federally enforceable. Emission reductions
10 otherwise required by the federal Clean Air Act or R307, including the State Implementation Plan shall not be
11 creditable as emission reductions for purposes of any offset requirement. Incidental emission reductions which are
12 not otherwise required by federal or state law shall be creditable as emission reductions if such emission reductions
13 meet the requirements of R307-403-4(2) and R307-403-4(3).

14 (5) Sources shall be allowed to offset, by alternative or innovative means, emission increases from rocket engine and
15 motor firing, and cleaning related to such firing, at an existing or modified major source that tests rocket engines or
16 motors under the conditions outlined in 42 U.S.C. 7503(e) (Section 173(e)(1) through Section 173(e)(4) of the
17 federal Clean Air Act as amended in 1990).

18 19 **R307-403-5. Offsets: Particulate Matter Nonattainment Areas.**

20 (1) PM₁₀ Nonattainment Areas. (a) In addition to the general offsetting requirements of R307-403-4, as they apply to
21 new major sources and major modifications as defined in R307-403-2(10)(b), new sources which have a potential to
22 emit, or modified sources which would produce an emission increase equal to or exceeding the tonnage total of
23 combined PM₁₀, sulfur dioxide, and oxides of nitrogen listed below which are located in or impact a
24 PM₁₀ Nonattainment Area as defined in R307-403-5(1)(e), shall obtain an enforceable offset as defined in R307-403-
25 5(1)(b) and R307-403-5(1)(c).

26 (b) For a total of 50 tons/year or greater, an offset established at a ratio of 1.2:1 of the emission increase is required.

27 (c) For a total of 25 tons/year but less than 50 tons/year, an offset established at a ratio of 1:1 of the emission increase
28 is required.

29 (d) For the offset determinations required in R307-403-5(1)(b) or R307-403-5(1)(c), PM₁₀, sulfur dioxide, and oxides
30 of nitrogen shall be considered on an equal basis. In areas where offsets are also required for PM_{2.5}, and/or ozone, the
31 most stringent emission offset ratio for oxides of nitrogen required by R307-403 or R307-420 shall apply.

32 (e) For the purpose of determining whether the owner or operator which proposes to locate a source outside a
33 nonattainment area is required to obtain offsets, the maximum allowable impact on any nonattainment area is 1.0
34 microgram/cubic meter for a one-year averaging period and 3.0 micrograms/cubic meter for a 24-hour averaging
35 period for any combination of PM₁₀, sulfur dioxide and nitrogen dioxide.

36 (2) PM_{2.5} Nonattainment Areas.

37 (a) In addition to the general offsetting requirements of R307-403-4, new major sources or major modifications to
38 existing sources which are located in, or would impact a PM_{2.5} nonattainment area as defined in R307-403-3(1), shall
39 obtain an enforceable offset as defined in R307-403-5(2)(d) through (f).

40 (b) a major source is:

41 (i) in a moderate nonattainment area, any stationary source of air pollutants which emits or has the potential to emit
42 100 tons per year or more of direct PM_{2.5}, or any individual PM_{2.5} precursor as defined in R307-403-1(4)(c).

43 (ii) in a serious nonattainment area, any stationary source of air pollutants which emits or has the potential to emit 70
44 tons per year or more of direct PM_{2.5}, or any individual PM_{2.5} precursor as defined in R307-403-1(4)(c).

45 (iii) any physical change that would occur at a source not qualifying under R307-403-5(2)(b)(i) or R307-403-
46 5(2)(b)(ii) as a major source, if the change would constitute a major source by itself.

47 (c) For the purposes of determining what is a significant emission increase or a significant net emission increase and
48 therefore a major modification, significant means a rate of emissions that would equal or exceed 10 tons per year
49 (tpy) of direct PM_{2.5}, 40 tpy of sulfur dioxide, 40 tpy of nitrogen oxides, or 40 tpy of volatile organic compounds
50 (VOC). In PM_{2.5} nonattainment areas where ammonia has not been exempted as a PM_{2.5} precursor, the rate of
51 emissions that is significant is specified in R307-403-1(4)(b).

- 1 (d) Any increase in emissions that has been determined to require offsets shall be offset at a ratio of no less than 1:1.
2 If the quantity of offsets is determined to be a non-whole number, the offset required shall be rounded up to the next
3 whole number.
4 (e) If offsetting requirements for PM₁₀ and/or ozone are also triggered, the most stringent emission offset ratio
5 required by R307-403 or R307-420 shall apply.
6 (f) Offsets may not be traded between pollutants.
7

8 **R307-403-6. Offsets: Ozone Nonattainment Areas.**

9 In any ozone nonattainment area, new sources and modifications to existing sources as defined and outlined in 42
10 U.S.C. 7511a (Section 182 of the Clean Air Act) shall meet the offset requirements and conditions listed in that
11 section for the applicable classified area and for the identified pollutants.
12

13 **R307-403-7. Offsets: Baseline.**

14 The baseline to be used for determination of credit for emission and air quality offsets will be the emission
15 limitations and/or other requirements in the applicable State Implementation Plan (SIP), revised in accordance with
16 the Clean Air Act Section 173(c)(1) or subsequent revisions thereto in effect at the time the application to construct
17 or modify a source is filed. The offset baseline shall be the actual emissions, as defined in R307-401-2, of the source
18 from which offset credits are obtained.
19

20 **R307-403-8. Offsets: Banking of Emission Offset Credit.**

21 Banking of emission offset credit will be permitted to the fullest extent allowed by applicable Federal Law as
22 identified in EPA's document "Emissions Trading Policy Statement" published in the Federal Register on December
23 4, 1986, and 40 CFR 51.165(a)(3)(ii)(c) as amended on June 28, 1989, and 40 CFR 51, Appendix S. To preserve
24 banked emission reductions, the director must identify them in either the Utah SIP or an order issued pursuant to
25 R307-401 and shall provide a registry to identify the person, private entity or governmental authority that has the
26 right to use or allocate the banked emission reductions, and to record any transfers of, or liens on these rights.
27

28 **R307-403-9. Construction in Stages.**

29 When a source is constructed or modified in stages which individually do not have the potential to emit more than
30 the significance level for determining a major source, the allowable emission from all such stages shall be added
31 together in determining the applicability of R307-403.
32

33 **R307-403-10. Analysis of Alternatives.**

34 The owner or operator of a major new source or major modification to be located in a nonattainment area or which
35 would impact a nonattainment area must, in addition to the requirements in R307-403, submit with the notice of
36 intent an adequate analysis of alternative sites, sizes, production processes, and environmental control techniques for
37 such proposed source which demonstrates the benefits of the proposed source significantly outweigh the
38 environmental and social costs imposed as a result of its location, construction, or modification. The director shall
39 review the analysis. The analysis and the director's comments shall be subject to public comment as required by
40 R307-401-7. The preceding shall also apply in Salt Lake and Davis Counties for new major sources or modifications
41 which are considered major for precursors of ozone, including volatile organic compounds and nitrogen oxides.
42

43 **R307-403-11. Actuals PALS.**

44 The provisions of 40 CFR 51.165(f)(1) through (14) are hereby incorporated by reference.
45

46 **KEY: air quality, nonattainment, offset**

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

48 **Notice of Continuation: May 15, 2017**

49 **Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-2-108**

State of Utah
Administrative Rule Analysis
 Revised November 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	R307-406	Filing ID: (Office Use Only)
Effective Date:	Office Use Only	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	Phone:	Email:
Dr. Bo Wood	385-499-3416	rwood@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:
Visibility
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 19-2-104 gives the Board the power to control, abate, and prevent air pollution from all sources. R307-406 helps control, abate, and prevent air pollution for the purpose of increasing visibility at Class I areas - Zion, Bryce, Capitol Reef, Arches, and Canyonlands National Parks. Rule R307-406 is also required by Section XVII, Visibility Protection, of the State Implementation Plan. This plan is required under Clean Air Act, 42 U.S.C. 7410 and 40 C.F.R. 51 subpart P.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
R307-406 is required by Section XVII, Visibility Protection, of the State Implementation Plan (SIP), which is incorporated by reference into the Utah Air Quality Rules under R307-110. The SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51 subpart P. Without the SIP, EPA would be required to impose a federal implementation plan.

Agency Authorization Information

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 publication in the *Utah State Bulletin*.

Agency head or designee, and title:	Bryce C. Bird, Director	Date	05/04/2022
		(mm/dd/yyyy):	

Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or nonsubstantive change.

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

2 **R307-406. Visibility.**

3 **R307-406-1. Definitions.**

4 The following additional definition applies throughout R307-406:

5 "Adverse Impact on Visibility" means for purposes of R307-406, visibility impairment which interferes with the
6 management, protection, preservation, or enjoyment of the visitors visual experience of a mandatory Class I area.
7 This determination must be made on a case-by-case basis taking into account the geographic extent, intensity,
8 duration, frequency and time of visibility impairments, and how these factors correlate with times of visitor use of
9 the mandatory Class I area, and the frequency and timing of natural conditions that reduce visibility.

10
11 **R307-406-2. Source Review.**

12 (1) The director shall review any new major source or major modification proposed in either an attainment area or
13 area of nonattainment area for the impact of its emissions on visibility in any mandatory Class I area. As a condition
14 of any approval order issued to a source under R307-401, the director shall require the use of air pollution control
15 equipment, technologies, methods or work practices deemed necessary to mitigate visibility impacts in Class I areas
16 that would occur as a result of emissions from such source. The director shall take into consideration as a part of the
17 review and control requirements:

- 18 (a) the costs of compliance;
- 19 (b) the time necessary for compliance;
- 20 (c) the energy usage and conservation;
- 21 (d) the non air quality environmental impacts of compliance;
- 22 (e) the useful life of the source; and
- 23 (f) the degree of visibility improvement which will be provided as a result of control.

24 (2) In determining visibility impact by a major new source or major modification, the director shall use, the
25 procedures identified in the EPA publication "Workbook For Estimating Visibility Impacts" (EPA 450-4-80-031)
26 November 1980, or equivalent.

27 (3) The director shall insure that source emissions will be consistent with making reasonable progress toward the
28 national visibility goal referred to in 40 CFR, 51.300(a).

29
30 **R307-406-3. Notification of Federal Land Managers.**

31 (1) The director shall notify the Federal Land Manager having jurisdiction over any mandatory Class I area of any
32 proposed new major source or major modification that may reasonably be expected to affect visibility in that
33 mandatory Class I area. Such notification shall be in writing and shall include a copy of all information relevant to
34 the Notice of Intent and visibility impact analysis submitted by the source. The notification shall be made within
35 thirty (30) days of receipt of the completed Notice of Intent and at least sixty (60) days prior to any public hearing or
36 the commencement of any public comment period, held in accordance with R307-401-4 of these regulations, on the
37 proposal. The director shall consider, as a part of the new or modified source review required by R307-406, any
38 analysis performed by the Federal Land Manager that such proposed new major source or major modification may
39 have an adverse impact on visibility in any mandatory Class I area, provided such analysis is submitted to the
40 director within sixty (60) days of the notification to the Federal Land Manager as required by this paragraph. If the
41 director determines that the major source or major modification will have an adverse impact on visibility in any
42 mandatory Class I area, the director shall not issue the approval order. Where the director determines that such
43 analysis does not demonstrate that adverse impact on visibility will result in a mandatory Class I area, the director
44 will, in the notice of any public hearing held on the new major source or major modification proposal, explain the
45 decision or give notice where the explanation can be obtained.

46 (2) Where the director receives advance notification or early consultation with a major new source or major
47 modification which may affect visibility prior to the submission of a Notice of Intent to Construct for the major new
48 source or major modification, the director will notify the affected Federal Land Manager within thirty (30) days of
49 such advance notification.

50
51 **R307-406-4. Adverse Impact.**

1 If the analysis required by R307-406-2 predicts that an adverse impact on visibility may reasonably be expected to
2 occur in a mandatory Class I area, the director may require a proposed new major source or major modification to
3 perform pre-construction and/or post-construction visibility monitoring in any mandatory Class I area as deemed
4 necessary and appropriate to assess the impact of the proposed source or modification on visibility. Such monitoring
5 shall be conducted in accordance with a monitoring plan prepared by the owner or operator of the source or his
6 representative and approved by the director.

7

8 **R307-406-5. Consideration in Review.**

9 The director will consider in review and permitting of a new major source or major modification to an existing
10 source, any visibility monitoring data provided by the Federal Land Manager which may reasonably be expected to
11 be impacted by the proposed new major source or major modification.

12

13 **R307-406-6. Audits for Permitting.**

14 The director may perform oversight audits of any network collecting visibility data which may be used as a part of
15 the permitting process as determined necessary.

16

17 **KEY: air pollution, visibility*, permits**

18 **Date of Enactment or Last Substantive Amendment: September 15, 1998**

19 **Notice of Continuation: May 15, 2017**

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

State of Utah
Administrative Rule Analysis
 Revised November 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	R307-410	Filing ID: (Office Use Only)
Effective Date:	Office Use Only	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	Phone:	Email:
Dr. Bo Wood	385-499-3416	rwood@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:
Permits: Emissions Impact Analysis.
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 19-2-104 allows the Air Quality Board to promulgate rules that control, abate, and prevent air pollution from all sources. R307-410 prevents air pollution by requiring an emissions impact analysis from sources to determine what amount of pollution will contribute to a violation of federal air quality standards. R307-410 is also required by Section II, Review of New and Modified Air Pollution Sources and Section XVIII, Demonstration of GEP Stack Height, of the State Implementation Plan (SIP). The SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51 subpart I, and 40 CFR 51.118.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
R307-410 is required by Section XVIII, Demonstration of GEP Stack Height, of the Utah State Implementation Plan (SIP), which is incorporated by reference under R307-110. The SIP is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51 subpart I, and 40 CFR 51.118. Without the SIP, EPA would be required to impose a federal implementation plan.

Agency Authorization Information

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 publication in the *Utah State Bulletin*.

Agency head or designee, and title: Bryce C. Bird, Director	Date (mm/dd/yyyy):	05/04/2022
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Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or nonsubstantive change.

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

2 **R307-410. Permits: Emissions Impact Analysis.**

3 **R307-410-1. Purpose.**

4 This rule establishes the procedures and requirements for evaluating the
5 emissions impact of new or modified sources that require an approval order
6 under R307-401 to ensure that the source will not interfere with the
7 attainment or maintenance of any NAAQS. The rule also establishes the
8 procedures and requirements for evaluating the emissions impact of hazardous
9 air pollutants. The rule also establishes the procedures for establishing
10 an emission rate based on the good engineering practice stack height as
11 required by 40 CFR 51.118.

12 **R307-410-2. Definitions.**

13 (1) The following additional definitions apply to R307-410.

14 "Vertically Restricted Emissions Release" means the release of an air
15 pollutant through a stack or opening whose flow is directed in a downward
16 or horizontal direction due to the alignment of the opening or a physical
17 obstruction placed beyond the opening, or at a height which is less than 1.3
18 times the height of an adjacent building or structure, as measured from
19 ground level.

20 "Vertically Unrestricted Emissions Release" means the release of an air
21 pollutant through a stack or opening whose flow is directed upward without
22 any physical obstruction placed beyond the opening, and at a height which is
23 at least 1.3 times the height of an adjacent building or structure, as
24 measured from ground level.

25 (2) Except as provided in (3) below, the definitions of "stack", "stack
26 in existence", "dispersion technique", "good engineering practice (GEP)
27 stack height", "nearby", "excessive concentration", and "intermittent
28 control system (ICS)" in 40 CFR 51.100(ff) through (kk) and (nn) are hereby
29 incorporated by reference.

30 (3)(a) The terms "reviewing authority" and "authority administering the
31 State implementation plan" shall mean the director.

32 (b) The reference to "40 CFR parts 51 and 52" in 40 CFR 51.100(ii)(2)(i)
33 shall be changed to "R307-401, R307-403 and R307-405".

34 (c) The phrase "For sources subject to the prevention of significant
35 deterioration program (40 CFR 51.166 and 52.21)" in 40 CFR 51.100(kk)(1)
36 shall be replaced with the phrase "For sources subject to R307-401, R307-
37 403, or R307-405".

38 **R307-410-3. Use of Dispersion Models.**

39 All estimates of ambient concentrations derived in meeting the requirements
40 of R307 shall be based on appropriate air quality models, data bases, and
41 other requirements specified in 40 CFR Part 51, Appendix W, Guideline on Air
42 Quality Models, which is hereby incorporated by reference. Where an air
43 quality model specified in the Guideline on Air Quality Models or other
44 EPA approved guidance documents is inappropriate, the director may
45 authorize the modification of the model or substitution of another model.
46 In meeting the requirements of federal law, any modification or
47 substitution will be made only with the written approval of the
48 Administrator, EPA.

49 **R307-410-4. Modeling of Criteria Pollutant Impacts in Attainment Areas.**

50 Prior to receiving an approval order under Rule R307-401, a new source in an
51 attainment area with a total controlled emission rate per pollutant greater
52 than or equal to amounts specified in Table 1, or a modification to an

1 existing source located in an attainment area which increases the total
2 controlled emission rate per pollutant of the source in an amount greater
3 than or equal to those specified in Table 1, shall conduct air quality
4 modeling, as identified in Section R307-410-3, to estimate the impact of the
5 new or modified source on air quality unless previously performed air
6 quality modeling for the source indicates that the addition of the proposed
7 emissions increase would not violate a National Ambient Air Quality
8 Standard, as determined by the director.

9 TABLE 1

10 POLLUTANT	EMISSIONS
11 sulfur dioxide	40 tons per year
12 oxides of nitrogen	40 tons per year
13 PM10 - fugitive emissions 14 and fugitive dust	5 tons per year
15 PM10 - non-fugitive emissions	15 tons per year
16 PM2.5 - combined non-fugitive 17 emissions, fugitive dust, and 18 fugitive emissions	10 tons per year
19 carbon monoxide	100 tons per year
20 lead	0.6 tons per year

21 **R307-410-5. Documentation of Ambient Air Impacts for Hazardous Air
22 Pollutants.**

23 (1) Prior to receiving an approval order under R307-401, a source shall
24 provide documentation of increases in emissions of hazardous air pollutants
25 as required under (c) below for all installations not exempt under (a)
26 below.

27 (a) Exempted Installations.

28 (i) The requirements of Section R307-410-5 do not apply to installations
29 which are subject to or are scheduled to be subject to an emission standard
30 promulgated under 42 U.S.C. 7412 at the time a notice of intent is
31 submitted, except as defined in (ii) below. This exemption does not affect
32 requirements otherwise applicable to the source, including requirements
33 under R307-401.

34 (ii) The director may, upon making a written determination that the delay
35 in the implementation of an emission standard under Section R307-214-2, that
36 incorporates 40 CFR Part 63, might reasonably be expected to pose an
37 unacceptable risk to public health, require, on a case-by-case basis, notice
38 of intent documentation of emissions consistent with (c) below.

39 (A) The director will notify the source in writing of the preliminary
40 decision to require some or all of the documentation as listed in (c) below.

41 (B) The source may respond in writing within thirty days of receipt of the
42 notice, or such longer period as the director approves.

43 (C) In making a final determination, the director will document objective
44 bases for the determination, which may include public information and
45 studies, documented public comment, the applicant's written response, the
46 physical and chemical properties of emissions, and ambient monitoring data.

47 (b) Lead Compounds Exemption. The requirements of Section R307-410-5 do
48 not apply to emissions of lead compounds. Lead compounds shall be evaluated
49 pursuant to requirements of Section R307-410-4.

50 (c) Submittal Requirements.

51 (i) Each applicant's notice of intent shall include:

- 1 (A) the estimated maximum pounds per hour emission rate increase from each
- 2 affected installation,
- 3 (B) the type of release, whether the release flow is vertically restricted
- 4 or unrestricted, the maximum release duration in minutes per hour, the
- 5 release height measured from the ground, the height of any adjacent
- 6 building or structure, the shortest distance between the release point and
- 7 any area defined as "ambient air" under 40 CFR 50.1(e), which is hereby
- 8 incorporated by reference for each installation for which the source
- 9 proposes an emissions increase,
- 10 (C) the emission threshold value, calculated to be the applicable threshold
- 11 limit value - time weighted average (TLV-TWA) or the threshold limit value -
- 12 ceiling (TLV-C) multiplied by the appropriate emission threshold factor
- 13 listed in Table 2, except in the case of arsenic, benzene, beryllium, and
- 14 ethylene oxide which shall be calculated using chronic emission threshold
- 15 factors, and formaldehyde, which shall be calculated using an acute emission
- 16 threshold factor. For acute hazardous air pollutant releases having a
- 17 duration period less than one hour, this maximum pounds per hour emission
- 18 rate shall be consistent with an identical operating process having a
- 19 continuous release for a one-hour period.

20 TABLE 2
 21 EMISSION THRESHOLD FACTORS FOR HAZARDOUS AIR POLLUTANTS
 22 (cubic meter pounds per milligram hour)

23 VERTICALLY-RESTRICTED AND FUGITIVE EMISSION RELEASE POINTS

24 DISTANCE TO			
25 PROPERTY BOUNDARY	ACUTE	CHRONIC	CARCINOGENIC
26 20 Meters or less	0.038	0.051	0.017
27 21 - 50 Meters	0.051	0.066	0.022
28 51 - 100 Meters	0.092	0.123	0.041
29 Beyond 100 Meters	0.180	0.269	0.090

30 VERTICALLY-UNRESTRICTED EMISSION RELEASE POINTS

31 DISTANCE TO			
32 PROPERTY BOUNDARY	ACUTE	CHRONIC	CARCINOGENIC
33 50 Meters or less	0.154	0.198	0.066
34 51 - 100 Meters	0.224	0.244	0.081
35 Beyond 100 Meters	0.310	0.368	0.123

- 36 (ii) A source with a proposed maximum pounds per hour emissions increase
- 37 equal to or greater than the emissions threshold value shall include
- 38 documentation of a comparison of the estimated ambient concentration of the
- 39 proposed emissions with the applicable toxic screening level specified in
- 40 (d) below.
- 41 (iii) A source with an estimated ambient concentration equal to or
- 42 greater than the toxic screening level shall provide additional
- 43 documentation regarding the impact of the proposed emissions. The director
- 44 may require such documentation to include, but not be limited to:
- 45 (A) a description of symptoms and adverse health effects that can be caused
- 46 by the hazardous air pollutant,
- 47 (B) the exposure conditions or dose that is sufficient to cause the adverse
- 48 health effects,
- 49 (C) a description of the human population or other biological species which
- 50 could be exposed to the estimated concentration,
- 51 (D) an evaluation of land use for the impacted areas,
- 52 (E) the environmental fate and persistency.

- 1 (d) Toxic Screening Levels and Averaging Periods.
2 (i) The toxic screening level for an acute hazardous air pollutant is
3 1/10th the value of the TLV-C, and the applicable averaging period shall
4 be:
5 (A) one hour for emissions releases having a duration period of one hour or
6 greater,
7 (B) one hour for emission releases having a duration period less than one
8 hour if the emission rate used in the model is consistent with an identical
9 operating process having a continuous release for a one-hour period or more,
10 or
11 (C) the dispersion model's shortest averaging period when using an
12 applicable model capable of estimating ambient concentrations for periods
13 of less than one hour.
14 (ii) The toxic screening level for a chronic hazardous air pollutant is
15 1/30th the value of the TLV- TWA, and the applicable averaging period shall
16 be 24 hours.
17 (iii) The toxic screening level for all carcinogenic hazardous air
18 pollutants is 1/90 the value of the TLV-TWA, and the applicable averaging
19 period shall be 24 hours, except in the case of formaldehyde which shall be
20 evaluated consistent with (d)(i) above and arsenic, benzene, beryllium, and
21 ethylene oxide which shall be evaluated consistent with (d)(ii) above.

22 **R307-410-6. Stack Heights and Dispersion Techniques.**

23 (1) The degree of emission limitation required of any source for control of
24 any air pollutant to include determinations made under R307-401, R307-403
25 and R307-405, must not be affected by so much of any source's stack height
26 that exceeds good engineering practice or by any other dispersion technique
27 except as provided in (2) below. This does not restrict, in any manner,
28 the actual stack height of any source.

29 (2) The provisions in R307-410-6 shall not apply to:

30 (a) stack heights in existence, or dispersion techniques implemented on
31 or before December 31, 1970, except where pollutants are being emitted from
32 such stacks or using such dispersion techniques by sources which were
33 constructed or reconstructed, or for which major modifications were carried
34 out after December 31, 1970; or

35 (b) coal-fired steam electric generating units subject to the provisions of
36 Section 118 of the Clean Air Act, which commenced operation before July 1,
37 1957, and whose stacks were constructed under a construction contract
38 awarded before February 8, 1974.

39 (3) The director may require the source owner or operator to provide a
40 demonstration that the source stack height meets good engineering practice
41 as required by R307-410-6. The director shall notify the public of the
42 availability of the demonstration as part of the public notice process
43 required by R307-401-7, Pubic Notice.

44 **KEY: air pollution, modeling, hazardous air pollutant, stack height**

45 **Date of Enactment or Last Substantive Amendment: August 6, 2020**

46 **Notice of Continuation: May 15, 2017**

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

State of Utah
Administrative Rule Analysis
 Revised November 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	R307-414	Filing ID: (Office Use Only)
Effective Date:	Office Use Only	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	Phone:	Email:
Dr. Bo Wood	385-499-3416	rwood@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:
Permits: Fees for Approval Orders.
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 19-2-104 allows the Utah Air Quality Board to promulgate rules that control, abate, and prevent air pollution from all sources. R307-414 does this by setting up the procedures, including the payment of fees, for administering an air quality permitting program designed to control, abate, and prevent air pollution.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The fees required in R307-414, which are approved annually by the Legislature, comprise a substantial portion of the budget of the Division of Air Quality. Without these fees, the Division would not be able to review and enforce the air quality permitting program.

Agency Authorization Information

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 publication in the <i>Utah State Bulletin</i> .		
Agency head or designee, and title:	Bryce C. Bird, Director	Date (mm/dd/yyyy): 05/04/2022
Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or nonsubstantive change.		

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

2 **R307-414. Permits: Fees for Approval Orders.**

3 **R307-414-1. Applicability and Definitions.**

4 The owner and operator of each new major source or major modification is required to pay a fee to the Department
5 sufficient to cover the reasonable costs of reviewing and acting upon the notice of intent required pursuant to R307-
6 401 for each new major source or major modification and implementing and enforcing requirements placed on such
7 source by any approval order issued pursuant to such notice (not including any court costs associated with any
8 enforcement action).

9

10 **R307-414-2. Bills for Service.**

11 (1) The director will provide the owner or operator of each new major source or major modification with an itemized
12 bill for services upon issuance of an approval order. Such a bill for services shall represent the actual costs to the
13 Department for reviewing and acting upon the notice of intent and shall be due and payable upon receipt.

14 (2) The director shall provide the owner or operator of each new major source or major modification with an
15 itemized bill for services upon completion of an initial compliance inspection and/or source testing and/or any
16 enforcement action brought about by the issuance of an approval order. Such bill shall represent the actual costs to
17 the Department for the inspection, testing and/or enforcement action and shall be due and payable upon receipt.

18

19 **KEY: air pollution, fee**

20 **Date of Enactment or Last Substantive Amendment: December 7, 2000**

21 **Notice of Continuation: May 15, 2017**

22 **Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(o)**

State of Utah
Administrative Rule Analysis
 Revised November 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	R307-415	Filing ID: (Office Use Only)
Effective Date:	Office Use Only	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
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Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	Phone:	Email:
Dr. Bo Wood	385-499-3416	rwood@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:
Permits: Operating Permit Requirements.
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 19-2-104.(1)(f) allows the Board to promulgate rules and sub section 19-2-109.1 implements an operating permit program as required by and in conformity with Titles IV and V of the federal Clean Air Act Amendments of 1990. R307-415 controls, abates, and prevents air pollution by requiring permits and establishing an emissions fee for air pollution under the Title V permitting program in the Clean Air Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received regarding this rule during the 5 year review period.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
R307-415 is required by Title V of the Clean Air Act; 40 CFR Part 70; and Section 19-2-109.1 of the Utah Code.

Agency Authorization Information

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 publication in the <i>Utah State Bulletin</i> .		
Agency head or designee, and title:	Bryce C. Bird, Director	Date (mm/dd/yyyy):
		05/04/2022
Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or nonsubstantive change.		

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

2 **R307-415. Permits: Operating Permit Requirements.**

3 **R307-415-1. Purpose.**

4 Title V of the Clean Air Act (the Act) requires states to develop and
5 implement a comprehensive air quality permitting program. Title V of the
6 Act does not impose new substantive requirements. Title V does require that
7 sources subject to R307-415 pay a fee and obtain a renewable operating
8 permit that clarifies, in a single document, which requirements apply to a
9 source and assures the source's compliance with those requirements. The
10 purpose of R307-415 is to establish the procedures and elements of such a
11 program.

12 **R307-415-2. Authority.**

13 (1) R307-415 is required by Title V of the Act and 40 Code of Federal
14 Regulations (CFR) Part 70, and is adopted under the authority of Section 19-
15 2-104.

16 (2) All references to 40 CFR in R307-415, except when otherwise specified,
17 are effective as of the date referenced in R307-101-3.

18 **R307-415-3. Definitions.**

19 (1) The definitions contained in R307-101-2 apply throughout R307-415,
20 except as specifically provided in (2).

21 (2) The following additional definitions apply to R307-415.

22 "Act" means the Clean Air Act, as amended, 42 U.S.C. 7401, et seq.

23 "Administrator" means the Administrator of EPA or his or her designee.

24 "Affected States" are all states:

25 (a) Whose air quality may be affected and that are contiguous to Utah; or

26 (b) That are within 50 miles of the permitted source.

27 "Applicable requirement" means all of the following as they apply to
28 emissions units in a Part 70 source, including requirements that have been
29 promulgated or approved by the Board or by the EPA through rulemaking at
30 the time of permit issuance but have future-effective compliance dates:

31 (a) Any standard or other requirement provided for in the State
32 Implementation Plan;

33 (b) Any term or condition of any approval order issued under R307-401;

34 (c) Any standard or other requirement under Section 111 of the Act,
35 Standards of Performance for New Stationary Sources, including Section
36 111(d);

37 (d) Any standard or other requirement under Section 112 of the Act,
38 Hazardous Air Pollutants, including any requirement concerning accident
39 prevention under Section 112(r)(7) of the Act;

40 (e) Any standard or other requirement of the Acid Rain Program under Title
41 IV of the Act or the regulations promulgated thereunder;

42 (f) Any requirements established pursuant to Section 504(b) of the Act,
43 Monitoring and Analysis, or Section 114(a)(3) of the Act, Enhanced
44 Monitoring and Compliance Certification;

45 (g) Any standard or other requirement governing solid waste incineration,
46 under Section 129 of the Act;

47 (h) Any standard or other requirement for consumer and commercial products,
48 under Section 183(e) of the Act;

49 (i) Any standard or other requirement of the regulations promulgated to
50 protect stratospheric ozone under Title VI of the Act, unless the
51 Administrator has determined that such requirements need not be contained in
52 an operating permit;

1 (j) Any national ambient air quality standard or increment or visibility
2 requirement under part C of Title I of the Act, but only as it would apply
3 to temporary sources permitted pursuant to Section 504(e) of the Act;
4 (k) Any standard or other requirement under rules adopted by the Board.
5 "Area source" means any stationary source that is not a major source.
6 "Designated representative" shall have the meaning given to it in Section
7 402 of the Act and in 40 CFR Section 72.2, and applies only to Title IV
8 affected sources.
9 "Draft permit" means the version of a permit for which the director offers
10 public participation under R307-415-7i or affected State review under R307-
11 415-8(2).
12 "Emissions allowable under the permit" means a federally-enforceable permit
13 term or condition determined at issuance to be required by an applicable
14 requirement that establishes an emissions limit, including a work practice
15 standard, or a federally-enforceable emissions cap that the source has
16 assumed to avoid an applicable requirement to which the source would
17 otherwise be subject.
18 "Emissions unit" means any part or activity of a stationary source that
19 emits or has the potential to emit any regulated air pollutant or any
20 hazardous air pollutant. This term is not meant to alter or affect the
21 definition of the term "unit" for purposes of Title IV of the Act, Acid
22 Deposition Control.
23 "Final permit" means the version of an operating permit issued by the
24 director that has completed all review procedures required by R307-415-7a
25 through 7i and R307-415-8.
26 "General permit" means an operating permit that meets the requirements of
27 R307-415-6d.
28 "Hazardous Air Pollutant" means any pollutant listed by the Administrator as
29 a hazardous air pollutant under Section 112(b) of the Act.
30 "Major source" means any stationary source (or any group of stationary
31 sources that are located on one or more contiguous or adjacent properties,
32 and are under common control of the same person (or persons under common
33 control)) belonging to a single major industrial grouping and that are
34 described in paragraphs (a), (b), or (c) of this definition. For the
35 purposes of defining "major source,"
36 a stationary source or group of stationary sources shall be considered part
37 of a single industrial grouping if all of the pollutant emitting activities
38 at such source or group of sources on contiguous or adjacent properties
39 belong to the same Major Group (all have the same two-digit code) as
40 described in the Standard Industrial Classification Manual, 1987.
41 Emissions resulting directly from an internal combustion engine for
42 transportation purposes or from a non-road vehicle shall not be considered
43 in determining whether a stationary source is a major source under this
44 definition.
45 (a) A major source under Section 112 of the Act, Hazardous Air Pollutants,
46 which is defined as: for pollutants other than radionuclides, any
47 stationary source or group of stationary sources located within a contiguous
48 area and under common control that emits or has the potential to emit, in
49 the aggregate, ten tons per year or more of any hazardous air pollutant or
50 25 tons per year or more of any combination of such hazardous air
51 pollutants. Notwithstanding the preceding sentence, emissions from any oil
52 or gas exploration or production well, with its associated equipment, and

1 emissions from any pipeline compressor or pump station shall not be
2 aggregated with emissions from other similar units, whether or not such
3 units are in a contiguous area or under common control, to determine
4 whether such units or stations are major sources.

5 (b) A major stationary source of air pollutants, as defined in Section 302
6 of the Act, that directly emits or has the potential to emit, 100 tons per
7 year or more of any air pollutant including any major source of fugitive
8 emissions or fugitive dust of any such pollutant as determined by rule by
9 the Administrator. The fugitive emissions or fugitive dust of a stationary
10 source shall not be considered in determining whether it is a major
11 stationary source for the purposes of Section 302(j) of the Act, unless the
12 source belongs to any one of the following categories of stationary source:

- 13 (i) Coal cleaning plants with thermal dryers;
- 14 (ii) Kraft pulp mills;
- 15 (iii) Portland cement plants;
- 16 (iv) Primary zinc smelters;
- 17 (v) Iron and steel mills;
- 18 (vi) Primary aluminum ore reduction plants;
- 19 (vii) Primary copper smelters;
- 20 (viii) Municipal incinerators capable of charging more than 250 tons of
21 refuse per day;
- 22 (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- 23 (x) Petroleum refineries;
- 24 (xi) Lime plants;
- 25 (xii) Phosphate rock processing plants;
- 26 (xiii) Coke oven batteries;
- 27 (xiv) Sulfur recovery plants;
- 28 (xv) Carbon black plants, furnace process;
- 29 (xvi) Primary lead smelters;
- 30 (xvii) Fuel conversion plants;
- 31 (xviii) Sintering plants;
- 32 (xix) Secondary metal production plants;
- 33 (xx) Chemical process plants;
- 34 (xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250
35 million British thermal units per hour heat input;
- 36 (xxii) Petroleum storage and transfer units with a total storage capacity
37 exceeding 300,000 barrels;
- 38 (xxiii) Taconite ore processing plants;
- 39 (xxiv) Glass fiber processing plants;
- 40 (xxv) Charcoal production plants;
- 41 (xxvi) Fossil-fuel-fired steam electric plants of more than 250 million
42 British thermal units per hour heat input;
- 43 (xxvii) Any other stationary source category, which as of August 7, 1980
44 is being regulated under Section 111 or Section 112 of the Act.

45 (c) A major stationary source as defined in part D of Title I of the Act,
46 Plan Requirements for Nonattainment Areas, including:

- 47 (i) For ozone nonattainment areas, sources with the potential to emit 100
48 tons per year or more of volatile organic compounds or oxides of nitrogen in
49 areas classified as "marginal" or "moderate," 50 tons per year or more in
50 areas classified as "serious," 25 tons per year or more in areas classified
51 as "severe," and 10 tons per year or more in areas classified as "extreme";
52 except that the references in this paragraph to 100, 50, 25, and 10 tons

1 per year of nitrogen oxides shall not apply with respect to any source for
2 which the Administrator has made a finding, under Section 182(f)(1) or (2)
3 of the Act, that requirements under Section 182(f) of the Act do not apply;
4 (ii) For ozone transport regions established pursuant to Section 184 of the
5 Act, sources with the potential to emit 50 tons per year or more of volatile
6 organic compounds;
7 (iii) For carbon monoxide nonattainment areas that are classified as
8 "serious" and in which stationary sources contribute significantly to carbon
9 monoxide levels as determined under rules issued by the Administrator,
10 sources with the potential to emit 50 tons per year or more of carbon
11 monoxide;
12 (iv) For PM-10 particulate matter nonattainment areas classified as
13 "serious," sources with the potential to emit 70 tons per year or more of
14 PM-10 particulate matter.
15 "Non-Road Vehicle" means a vehicle that is powered by an internal combustion
16 engine (including the fuel system), that is not a self-propelled vehicle
17 designed for transporting persons or property on a street or highway or a
18 vehicle used solely for competition, and
19 is not subject to standards promulgated under Section 111 of the Act (New
20 Source Performance Standards) or Section 202 of the Act (Motor Vehicle
21 Emission Standards).
22 "Operating permit" or "permit," unless the context suggests otherwise, means
23 any permit or group of permits covering a Part 70 source that is issued,
24 renewed, amended, or revised pursuant to these rules.
25 "Part 70 Source" means any source subject to the permitting requirements of
26 R307-415, as provided in R307-415-4.
27 "Permit modification" means a revision to an operating permit that meets the
28 requirements of R307-415-7f.
29 "Permit revision" means any permit modification or administrative permit
30 amendment.
31 "Permit shield" means the permit shield as described in R307-415-6f.
32 "Proposed permit" means the version of a permit that the director proposes
33 to issue and forwards to EPA for review in compliance with R307-415-8.
34 "Renewal" means the process by which a permit is reissued at the end of its
35 term.
36 "Responsible official" means one of the following:
37 (a) For a corporation: a president, secretary, treasurer, or vice-president
38 of the corporation in charge of a principal business function, or any other
39 person who performs similar policy or decision-making functions for the
40 corporation, or a duly authorized representative of such person if the
41 representative is responsible for the overall operation of one or more
42 manufacturing, production, or operating facilities applying for or subject
43 to a permit and either:
44 (i) the operating facilities employ more than 250 persons or have gross
45 annual sales or expenditures exceeding \$25 million in second quarter 1980
46 dollars; or
47 (ii) the delegation of authority to such representative is approved in
48 advance by the director;
49 (b) For a partnership or sole proprietorship: a general partner or the
50 proprietor, respectively;
51 (c) For a municipality, State, Federal, or other public agency: either a
52 principal executive officer or ranking elected official. For the purposes

1 of R307-415, a principal executive officer of a Federal agency includes the
2 chief executive officer having responsibility for the overall operations of
3 a principal geographic unit of the agency;

4 (d) For Title IV affected sources:

5 (i) The designated representative in so far as actions, standards,
6 requirements, or prohibitions under Title IV of the Act, Acid Deposition
7 Control, or the regulations promulgated thereunder are concerned;

8 (ii) The responsible official as defined above for any other purposes under
9 R307-415.

10 "Stationary source" means any building, structure, facility, or installation
11 that emits or may emit any regulated air pollutant or any hazardous air
12 pollutant.

13 "Title IV Affected source" means a source that contains one or more affected
14 units as defined in Section 402 of the Act and in 40 CFR, Part 72.

15 **R307-415-4. Applicability.**

16 (1) Part 70 sources. All of the following sources are subject to the
17 permitting requirements of R307-415, and unless exempted under (2) below
18 are required to submit an application for an operating permit:

19 (a) Any major source;

20 (b) Any source, including an area source, subject to a standard,
21 limitation, or other requirement under Section 111 of the Act, Standards of
22 Performance for New Stationary Sources;

23 (c) Any source, including an area source, subject to a standard or other
24 requirement under Section 112 of the Act, Hazardous Air Pollutants, except
25 that a source is not required to obtain a permit solely because it is
26 subject to regulations or requirements under Section 112(r) of the Act,
27 Prevention of Accidental Releases;

28 (d) Any Title IV affected source.

29 (2) Exemptions.

30 (a) All source categories that would be required to obtain an operating
31 permit solely because they are subject to 40 CFR Part 60, Subpart AAA -
32 Standards of Performance for New Residential Wood Heaters, are exempted from
33 the requirement to obtain a permit.

34 (b) All source categories that would be required to obtain an operating
35 permit solely because they are subject to 40 CFR Part 61, Subpart M -
36 National Emission Standard for Hazardous Air Pollutants for Asbestos,
37 Section 61.145, Standard for Demolition and Renovation, are exempted from
38 the requirement to obtain a permit. For Part 70 sources, demolition and
39 renovation activities within the source under 40 CFR 61.145 shall be treated
40 as a separate source for the purpose of R307-415.

41 (c) An area source subject to a regulation under Section 111 or 112 of the
42 Act (42 U.S.C. 7411 or 7412) promulgated after July 21, 1992 is exempt from
43 the obligation to obtain a Part 70 permit if:

44 (i) the regulation specifically exempts the area source category from the
45 obligation to obtain a Part 70 permit, and

46 (ii) the source is not required to obtain a permit under R307-415-4(1) for a
47 reason other than its status as an area source under the Section 111 or 112
48 regulation containing the exemption.

49 (3) Emissions units and Part 70 sources.

50 (a) For major sources, the director shall include in the permit all
51 applicable requirements for all relevant emissions units in the major
52 source.

1 (b) For any area source subject to the operating permit program under R307-
2 415-4(1), the director shall include in the permit all applicable
3 requirements applicable to emissions units that cause the source to be
4 subject to the operating permit program.

5 (4) Fugitive emissions. Fugitive emissions and fugitive dust from a Part
6 70 source shall be included in the permit application and the operating
7 permit in the same manner as stack emissions, regardless of whether the
8 source category in question is included in the list of source categories
9 contained in the definition of major source.

10 (5) Control requirements. R307-415 does not establish any new control
11 requirements beyond those established by applicable requirements, but may
12 establish new monitoring, recordkeeping, and reporting requirements.

13 (6) Synthetic minors. An existing source that wishes to avoid designation
14 as a major Part 70 source under R307-415, must obtain federally-enforceable
15 conditions which reduce the potential to emit, as defined in R307-101-2, to
16 less than the level established for a major Part 70 source. Such
17 federally-enforceable conditions may be obtained by applying for and
18 receiving an approval order under R307-401. The approval order shall
19 contain periodic monitoring, recordkeeping, and reporting requirements
20 sufficient to verify continuing compliance with the conditions which would
21 reduce the source's potential to emit.

22 **R307-415-5a. Permit Applications: Duty to Apply.**

23 For each Part 70 source, the owner or operator shall submit a timely and
24 complete permit application. A pre-application conference may be held at
25 the request of a Part 70 source or the director to assist a source in
26 submitting a complete application.

27 (1) Timely application.

28 (a) Except as provided in the transition plan under (3) below, a timely
29 application for a source applying for an operating permit for the first
30 time is one that is submitted within 12 months after the source becomes
31 subject to the permit program.

32 (b) Except as provided in the transition plan under (3) below, any Part 70
33 source required to meet the requirements under Section 112(g) of the Act,
34 Hazardous Air Pollutant Modifications, or required to receive an approval
35 order to construct a new source or modify an existing source under R307-401,
36 shall file a complete application to obtain an operating permit or permit
37 revision within 12 months after commencing operation of the newly
38 constructed or modified source. Where an existing operating permit would
39 prohibit such construction or change in operation, the source must obtain a
40 permit revision before commencing operation.

41 (c) For purposes of permit renewal, a timely application is one that is
42 submitted by the renewal date established in the permit. The director shall
43 establish a renewal date for each permit that is at least six months and not
44 greater than 18 months prior to the date of permit expiration. A source may
45 submit a permit application early for any reason, including timing of other
46 application requirements.

47 (2) Complete application.

48 (a) To be deemed complete, an application must provide all information
49 sufficient to evaluate the subject source and its application and to
50 determine all applicable requirements pursuant to R307-415-5c. Applications
51 for permit revision need supply such information only if it is related to

1 the proposed change. A responsible official shall certify the submitted
2 information consistent with R307-415-5d.

3 (b) Unless the director notifies the source in writing within 60 days of
4 receipt of the application that an application is not complete, such
5 application shall be deemed to be complete. A completeness determination
6 shall not be required for minor permit modifications. If, while processing
7 an application that has been determined or deemed to be complete, the
8 director determines that additional information is necessary to evaluate or
9 take final action on that application, the director may request such
10 information in writing and set a reasonable deadline for a response. The
11 source's ability to operate without a permit, as set forth in R307-415-
12 7b(2), shall be in effect from the date the application is determined or
13 deemed to be complete until the final permit is issued, provided that the
14 applicant submits any requested additional information by the deadline
15 specified in writing by the director.

16 (3) Transition Plan. A timely application under the transition plan is an
17 application that is submitted according to the following schedule:

18 (a) All Title IV affected sources shall submit an operating permit
19 application as well as an acid rain permit application in accordance with
20 the date required by 40 CFR Part 72 effective April 11, 1995, Subpart C-Acid
21 Rain Permit Applications;

22 (b) All major Part 70 sources operating as of July 10, 1995, except those
23 described in (a) above, and all solid waste incineration units operating as
24 of July 10, 1995, that are required to obtain an operating permit pursuant
25 to 42 U.S.C. Sec. 7429(e) shall submit a permit application by October 10,
26 1995.

27 (c) Area sources.

28 (i) Except as provided in (c)(ii) and (c)(iii) below, each Part 70 source
29 that is not a major source, a Title IV affected source, or a solid waste
30 incineration unit required to obtain a permit pursuant to section 129(e) (42
31 U.S.C. 7429), is deferred from the obligation to submit an application until
32 12 months after the Administrator completes a rulemaking to determine how
33 the program should be structured for area sources and the appropriateness of
34 any permanent exemptions in addition to those provided in R307-415-4(2).

35 (ii) General Permits.

36 (A) The director shall develop general permits and application forms for
37 area source categories.

38 (B) After a general permit has been issued for a source category, the
39 director shall establish a due date for permit applications from all area
40 sources in that source category.

41 (C) The director shall provide at least six months notice that the
42 application is due for a source category.

43 (iii) Regulation-specific Requirements.

44 (A) If a regulation promulgated under Section 111 or 112 (42 U.S.C. 7411
45 or 7412) requires an area source category to submit an application for a
46 Part 70 permit, each area source covered by the requirement must submit an
47 application in accordance with the regulation.

48 (d) Extensions. The owner or operator of any Part 70 source may petition
49 the director for an extension of the application due date for good cause.
50 The due date for major Part 70 sources shall not be extended beyond July 10,
51 1996. The due date for an area source shall not be extended beyond twelve
52 months after the due date in (c)(i) above.

1 (e) Application shield. If a source submits a timely and complete
2 application under this transition plan, the application shield under R307-
3 415-7b(2) shall apply to the source. If a source submits a timely
4 application and is making sufficient progress toward correcting an
5 application determined to be incomplete, the director may extend the
6 application shield under R307-415-7b(2) to the source when the application
7 is determined complete. The application shield shall not be extended to any
8 major source that has not submitted
9 a complete application by July 10, 1996, or to any area source that has not
10 submitted a complete application within twelve months after the due date in
11 (c)(i) above.

12 (4) Confidential information. Claims of confidentiality on information
13 submitted to EPA may be made pursuant to applicable federal requirements.
14 Claims of confidentiality on information submitted to the Department shall
15 be made and governed according to Section 19-1-306. In the case where a
16 source has submitted information to the Department under a claim of
17 confidentiality that also must be submitted to the EPA, the director shall
18 either submit the information to the EPA under Section 19-1-306, or require
19 the source to submit a copy of such information directly to EPA.

20 (5) Late applications. An application submitted after the deadlines
21 established in R307-415-5a shall be accepted for processing, but shall not
22 be considered a timely application. Submitting an application shall not
23 relieve a source of any enforcement actions resulting from submitting a late
24 application.

25 **R307-415-5b. Permit Applications: Duty to Supplement or Correct**
26 **Application.**

27 Any applicant who fails to submit any relevant facts or who has submitted
28 incorrect information in a permit application shall, upon becoming aware of
29 such failure or incorrect submittal, promptly submit such supplementary
30 facts or corrected information. In addition, an applicant shall provide
31 additional information as necessary to address any requirements that become
32 applicable to the source after the date it filed a complete application but
33 prior to release of a draft permit.

34 **R307-415-5c. Permit Applications: Standard Requirements.**

35 Information as described below for each emissions unit at a Part 70 source
36 shall be included in the application except for insignificant activities
37 and emissions levels under R307-415-5e. The operating permit application
38 shall include the elements specified below:

39 (1) Identifying information, including company name, company address,
40 plant name and address if different from the company name and address,
41 owner's name and agent, and telephone number and names of plant site manager
42 or contact.

43 (2) A description of the source's processes and products by Standard
44 Industrial Classification Code, including any associated with each alternate
45 scenario identified by the source.

46 (3) The following emissions-related information:

47 (a) A permit application shall describe the potential to emit of all air
48 pollutants for which the source is major, and the potential to emit of all
49 regulated air pollutants and hazardous air pollutants from any emissions
50 unit, except for insignificant activities and emissions under R307-415-5e.
51 For emissions of hazardous air pollutants under 1,000 pounds per year, the
52 following ranges may be used in the application: 1-10 pounds per year, 11-

1 499 pounds per year, 500-999 pounds per year. The mid-point of the range
2 shall be used to calculate the emission fee under R307-415-9 for hazardous
3 air pollutants reported as a range.

4 (b) Identification and description of all points of emissions described in
5 (a) above in sufficient detail to establish the basis for fees and
6 applicability of applicable requirements.

7 (c) Emissions rates in tons per year and in such terms as are necessary to
8 establish compliance with applicable requirements consistent with the
9 applicable standard reference test method.

10 (d) The following information to the extent it is needed to determine or
11 regulate emissions: fuels, fuel use, raw materials, production rates, and
12 operating schedules.

13 (e) Identification and description of air pollution control equipment and
14 compliance monitoring devices or activities.

15 (f) Limitations on source operation affecting emissions or any work
16 practice standards, where applicable, for all regulated air pollutants and
17 hazardous air pollutants at the Part 70 source.

18 (g) Other information required by any applicable requirement, including
19 information related to stack height limitations developed pursuant to
20 Section 123 of the Act.

21 (h) Calculations on which the information in items (a) through (g) above is
22 based.

23 (4) The following air pollution control requirements:

24 (a) Citation and description of all applicable requirements, and
25 (b) Description of or reference to any applicable test method for
26 determining compliance with each applicable requirement.

27 (5) Other specific information that may be necessary to implement and
28 enforce applicable requirements or to determine the applicability of such
29 requirements.

30 (6) An explanation of any proposed exemptions from otherwise applicable
31 requirements.

32 (7) Additional information as determined to be necessary by the director to
33 define alternative operating scenarios identified by the source pursuant to
34 R307-415-6a(9) or to define permit terms and conditions implementing
35 emission trading under R307-415-7d(1)(c) or R307-415-6a(10).

36 (8) A compliance plan for all Part 70 sources that contains all of the
37 following:

38 (a) A description of the compliance status of the source with respect to
39 all applicable requirements.

40 (b) A description as follows:

41 (i) For applicable requirements with which the source is in compliance, a
42 statement that the source will continue to comply with such requirements.

43 (ii) For applicable requirements that will become effective during the
44 permit term, a statement that the source will meet such requirements on a
45 timely basis.

46 (iii) For requirements for which the source is not in compliance at the time
47 of permit issuance, a narrative description of how the source will achieve
48 compliance with such requirements.

49 (c) A compliance schedule as follows:

50 (i) For applicable requirements with which the source is in compliance, a
51 statement that the source will continue to comply with such requirements.

1 (ii) For applicable requirements that will become effective during the
2 permit term, a statement that the source will meet such requirements on a
3 timely basis. A statement that the source will meet in a timely manner
4 applicable requirements that become effective during the permit term shall
5 satisfy this provision, unless a more detailed schedule is expressly
6 required by the applicable requirement.

7 (iii) A schedule of compliance for sources that are not in compliance with
8 all applicable requirements at the time of permit issuance. Such a schedule
9 shall include a schedule of remedial measures, including an enforceable
10 sequence of actions with milestones, leading to compliance with any
11 applicable requirements for which the source will be in noncompliance at the
12 time of permit issuance. This compliance schedule shall resemble and be at
13 least as stringent as that contained in any judicial consent decree or
14 administrative order to which the source is subject. Any such schedule of
15 compliance shall be supplemental to, and shall not sanction noncompliance
16 with, the applicable requirements on which it is based.

17 (d) A schedule for submission of certified progress reports every six
18 months, or more frequently if specified by the underlying applicable
19 requirement or by the director, for sources required to have a schedule of
20 compliance to remedy a violation.

21 (e) The compliance plan content requirements specified in this paragraph
22 shall apply and be included in the acid rain portion of a compliance plan
23 for a Title IV affected source, except as specifically superseded by
24 regulations promulgated under Title IV of the Act, Acid Deposition Control,
25 with regard to the schedule and methods the source will use to achieve
26 compliance with the acid rain emissions limitations.

27 (9) Requirements for compliance certification, including all of the
28 following:

29 (a) A certification of compliance with all applicable requirements by a
30 responsible official consistent with R307-415-5d and Section 114(a)(3) of
31 the Act, Enhanced Monitoring and Compliance Certification.

32 (b) A statement of methods used for determining compliance, including a
33 description of monitoring, recordkeeping, and reporting requirements and
34 test method.

35 (c) A schedule for submission of compliance certifications during the
36 permit term, to be submitted annually, or more frequently if specified by
37 the underlying applicable requirement or by the director.

38 (d) A statement indicating the source's compliance status with any
39 applicable enhanced monitoring and compliance certification requirements of
40 the Act.

41 (10) Nationally-standardized forms for acid rain portions of permit
42 applications and compliance plans, as required by regulations promulgated
43 under Title IV of the Act, Acid Deposition Control.

44 **R307-415-5d. Permit Applications: Certification.**

45 Any application form, report, or compliance certification submitted
46 pursuant to R307-415 shall contain certification by a responsible official
47 of truth, accuracy, and completeness. This certification and any other
48 certification required under R307-415 shall state that, based on information
49 and belief formed after reasonable inquiry, the statements and information
50 in the document are true, accurate, and complete.

51 **R307-415-5e. Permit Applications: Insignificant Activities and Emissions.**

1 An application may not omit information needed to determine the
2 applicability of, or to impose, any applicable requirement, or to evaluate
3 the fee amount required under R307-415-9. The following lists apply only to
4 operating permit applications and do not affect the applicability of R307-
5 415 to a source, do not affect the requirement that a source receive an
6 approval order under R307-401, and do not relieve a source of the
7 responsibility to comply with any applicable requirement.

8 (1) The following insignificant activities and emission levels are not
9 required to be included in the permit application.

10 (a) Exhaust systems for controlling steam and heat that do not contain
11 combustion products, except for systems that are subject to an emission
12 standard under any applicable requirement.

13 (b) Air pollutants that are present in process water or non-contact
14 cooling water as drawn from the environment or from municipal sources, or
15 air pollutants that are present in compressed air or in ambient air, which
16 may contain air pollution, used for combustion.

17 (c) Air conditioning or ventilating systems not designed to remove air
18 pollutants generated by or released from other processes or equipment.

19 (d) Disturbance of surface areas for purposes of land development, not
20 including mining operations or the disturbance of contaminated soil.

21 (e) Brazing, soldering, or welding operations.

22 (f) Aerosol can usage.

23 (g) Road and parking lot paving operations, not including asphalt, sand and
24 gravel, and cement batch plants.

25 (h) Fire training activities that are not conducted at permanent fire
26 training facilities.

27 (i) Landscaping, janitorial, and site housekeeping activities, including
28 fugitive emissions from landscaping activities.

29 (j) Architectural painting.

30 (k) Office emissions, including cleaning, copying, and restrooms.

31 (l) Wet wash aggregate operations that are solely dedicated to this
32 process.

33 (m) Air pollutants that are emitted from personal use by employees or other
34 persons at the source, such as foods, drugs, or cosmetics.

35 (n) Air pollutants that are emitted by a laboratory at a facility under the
36 supervision of a technically qualified individual as defined in 40 CFR
37 720.3(ee); however, this exclusion does not apply to specialty chemical
38 production, pilot plant scale operations, or activities conducted outside
39 the laboratory.

40 (o) Maintenance on petroleum liquid handling equipment such as pumps,
41 valves, flanges, and similar pipeline devices and appurtenances when purged
42 and isolated from normal operations.

43 (p) Portable steam cleaning equipment.

44 (q) Vents on sanitary sewer lines.

45 (r) Vents on tanks containing no volatile air pollutants, e.g., any
46 petroleum liquid, not containing Hazardous Air Pollutants, with a Reid Vapor
47 Pressure less than 0.05 psia.

48 (2) The following insignificant activities are exempted because of size or
49 production rate and a list of such insignificant activities must be
50 included in the application. The director may require information to verify
51 that the activity is insignificant.

- 1 (a) Emergency heating equipment, using coal, wood, kerosene, fuel oil,
2 natural gas, or LPG for fuel, with a rated capacity less than 50,000 BTU per
3 hour.
- 4 (b) Individual emissions units having the potential to emit less than one
5 ton per year per pollutant of PM10 particulate matter, nitrogen oxides,
6 sulfur dioxide, volatile organic compounds, or carbon monoxide, unless
7 combined emissions from similar small emission units located within the
8 same Part 70 source are greater than five tons per year of any one
9 pollutant. This does not include emissions units that emit air pollutants
10 other than PM10 particulate matter, nitrogen oxides, sulfur dioxide,
11 volatile organic compounds, or carbon monoxide.
- 12 (c) Petroleum industry flares, not associated with refineries, combusting
13 natural gas containing no hydrogen sulfide except in amounts less than 500
14 parts per million by weight, and having the potential to emit less than five
15 tons per year per air pollutant.
- 16 (d) Road sweeping.
- 17 (e) Road salting and sanding.
- 18 (f) Unpaved public and private roads, except unpaved haul roads located
19 within the boundaries of a stationary source. A haul road means any road
20 normally used to transport people, livestock, product or material by any
21 type of vehicle.
- 22 (g) Non-commercial automotive (car and truck) service stations dispensing
23 less than 6,750 gal. of gasoline/month
- 24 (h) Hazardous Air Pollutants present at less than 1% concentration, or 0.1%
25 for a carcinogen, in a mixture used at a rate of less than 50 tons per year,
26 provided that a National Emission Standards for Hazardous Air Pollutants
27 standard does not specify otherwise.
- 28 (i) Fuel-burning equipment, in which combustion takes place at no greater
29 pressure than one inch of mercury above ambient pressure, with a rated
30 capacity of less than five million BTU per hour using no other fuel than
31 natural gas, or LPG or other mixed gas distributed by a public utility.
- 32 (j) Comfort heating equipment (i.e., boilers, water heaters, air heaters
33 and steam generators) with a rated capacity of less than one million BTU per
34 hour if fueled only by fuel oil numbers 1 - 6.
- 35 (3) Any person may petition the Board to add an activity or emission to
36 the list of Insignificant Activities and Emissions which may be excluded
37 from an operating permit application under (1) or (2) above upon a change in
38 the rule and approval of the rule change by EPA. The petition shall include
39 the following information:
- 40 (a) A complete description of the activity or emission to be added to the
41 list.
- 42 (b) A complete description of all air pollutants that may be emitted by the
43 activity or emission, including emission rate, air pollution control
44 equipment, and calculations used to determine emissions.
- 45 (c) An explanation of why the activity or emission should be exempted from
46 the application requirements for an operating permit.
- 47 (4) The director may determine on a case-by-case basis, insignificant
48 activities and emissions for an individual Part 70 source that may be
49 excluded from an application or that must be listed in the application, but
50 do not require a detailed description. No activity with the potential to
51 emit greater than two tons per year of any criteria pollutant, five tons of
52 a combination of criteria pollutants, 500 pounds of any hazardous air

1 pollutant or one ton of a combination of hazardous air pollutants shall be
2 eligible to be determined an insignificant activity or emission under this
3 subsection (4).

4 **R307-415-6a. Permit Content: Standard Requirements.**

5 Each permit issued under R307-415 shall include the following elements:

6 (1) Emission limitations and standards, including those operational
7 requirements and limitations that assure compliance with all applicable
8 requirements at the time of permit issuance;

9 (a) The permit shall specify and reference the origin of and authority for
10 each term or condition, and identify any difference in form as compared to
11 the applicable requirement upon which the term or condition is based.

12 (b) The permit shall state that, where an applicable requirement is more
13 stringent than an applicable requirement of regulations promulgated under
14 Title IV of the Act, Acid Deposition Control, both provisions shall be
15 incorporated into the permit.

16 (c) If the State Implementation Plan allows a determination of an
17 alternative emission limit at a Part 70 source, equivalent to that contained
18 in the State Implementation Plan, to be made in the permit issuance,
19 renewal, or significant modification process, and the director elects to use
20 such process, any permit containing such equivalency determination shall
21 contain provisions to ensure that any resulting emissions limit has been
22 demonstrated to be quantifiable, accountable, enforceable, and based on
23 replicable procedures.

24 (2) Permit duration. Except as provided by Section 19-2-109.1(3), the
25 director shall issue permits for a fixed term of five years.

26 (3) Monitoring and related recordkeeping and reporting requirements.

27 (a) Each permit shall contain the following requirements with respect to
28 monitoring:

29 (i) All monitoring and analysis procedures or test methods required under
30 applicable monitoring and testing requirements, including 40 CFR Part 64 and
31 any other procedures and methods that may be promulgated pursuant to
32 sections 114(a)(3) or 504(b) of the Act. If more than one monitoring or
33 testing requirement applies, the permit may specify a streamlined set of
34 monitoring or testing provisions provided the specified monitoring or
35 testing is adequate to assure compliance at least to the same extent as the
36 monitoring or testing applicable requirements that are not included in the
37 permit as a result of such streamlining;

38 (ii) Where the applicable requirement does not require periodic testing or
39 instrumental or noninstrumental monitoring, which may consist of
40 recordkeeping designed to serve as monitoring, periodic monitoring
41 sufficient to yield reliable data from the relevant time period that are
42 representative of the source's compliance with the permit, as reported
43 pursuant to (3)(c) below. Such monitoring requirements shall assure use of
44 terms, test methods, units, averaging periods, and other statistical
45 conventions consistent with the applicable requirement. Recordkeeping
46 provisions may be sufficient to meet the requirements of this paragraph;

47 (iii) As necessary, requirements concerning the use, maintenance, and,
48 where appropriate, installation of monitoring equipment or methods.

49 (b) With respect to recordkeeping, the permit shall incorporate all
50 applicable recordkeeping requirements and require, where applicable, the
51 following:

52 (i) Records of required monitoring information that include the following:

1 (A) The date, place as defined in the permit, and time of sampling or
2 measurements;

3 (B) The dates analyses were performed;

4 (C) The company or entity that performed the analyses;

5 (D) The analytical techniques or methods used;

6 (E) The results of such analyses;

7 (F) The operating conditions as existing at the time of sampling or
8 measurement;

9 (ii) Retention of records of all required monitoring data and support
10 information for a period of at least five years from the date of the
11 monitoring sample, measurement, report, or application. Support
12 information includes all calibration and maintenance records and all
13 original strip-chart recordings for continuous monitoring instrumentation,
14 and copies of all reports required by the permit.

15 (c) With respect to reporting, the permit shall incorporate all
16 applicable reporting requirements and require all of the following:

17 (i) Submittal of reports of any required monitoring every six months, or
18 more frequently if specified by the underlying applicable requirement or by
19 the director. All instances of deviations from permit requirements must be
20 clearly identified in such reports. All required reports must be certified
21 by a responsible official consistent with R307-415-5d.

22 (ii) Prompt reporting of deviations from permit requirements including
23 those attributable to upset conditions as defined in the permit, the
24 probable cause of such deviations, and any corrective actions or preventive
25 measures taken. The director shall define "prompt" in relation to the
26 degree and type of deviation likely to occur and the applicable
27 requirements. Deviations from permit requirements due to unavoidable
28 breakdowns shall be reported according to the unavoidable breakdown
29 provisions of R307-107. The director may establish more stringent reporting
30 deadlines if required by the applicable requirement.

31 (d) Claims of confidentiality shall be governed by Section 19-1-306.

32 (4) Acid Rain Allowances. For Title IV affected sources, a permit
33 condition prohibiting emissions exceeding any allowances that the source
34 lawfully holds under Title IV of the Act or the regulations promulgated
35 thereunder.

36 (a) No permit revision shall be required for increases in emissions that
37 are authorized by allowances acquired pursuant to the Acid Rain Program,
38 provided that such increases do not require a permit revision under any
39 other applicable requirement.

40 (b) No limit shall be placed on the number of allowances held by the source.
41 The source may not, however, use allowances as a defense to noncompliance
42 with any other applicable requirement.

43 (c) Any such allowance shall be accounted for according to the procedures
44 established in regulations promulgated under Title IV of the Act.

45 (5) A severability clause to ensure the continued validity of the various
46 permit requirements in the event of a challenge to any portions of the
47 permit.

48 (6) Standard provisions stating the following:

49 (a) The permittee must comply with all conditions of the operating
50 permit. Any permit noncompliance constitutes a violation of the Air
51 Conservation Act and is grounds for any of the following: enforcement

1 action; permit termination; revocation and reissuance; modification; denial
2 of a permit renewal application.

3 (b) Need to halt or reduce activity not a defense. It shall not be a
4 defense for a permittee in an enforcement action that it would have been
5 necessary to halt or reduce the permitted activity in order to maintain
6 compliance with the conditions of this permit.

7 (c) The permit may be modified, revoked, reopened, and reissued, or
8 terminated for cause. The filing of a request by the permittee for a permit
9 modification, revocation and reissuance, or termination, or of a
10 notification of planned changes or anticipated noncompliance does not stay
11 any permit condition, except as provided under R307-415-7f(1) for minor
12 permit modifications.

13 (d) The permit does not convey any property rights of any sort, or any
14 exclusive privilege.

15 (e) The permittee shall furnish to the director, within a reasonable time,
16 any information that the director may request in writing to determine whether
17 cause exists for modifying, revoking and reissuing, or terminating the
18 permit or to determine compliance with the permit. Upon request, the
19 permittee shall also furnish to the director copies of records required to
20 be kept by the permit or, for information claimed to be confidential, the
21 permittee may furnish such records directly to EPA along with a claim of
22 confidentiality.

23 (7) Emission fee. A provision to ensure that a Part 70 source pays fees to
24 the director consistent with R307-415-9.

25 (8) Emissions trading. A provision stating that no permit revision shall
26 be required, under any approved economic incentives, marketable permits,
27 emissions trading and other similar programs or processes for changes that
28 are provided for in the permit.

29 (9) Alternate operating scenarios. Terms and conditions for reasonably
30 anticipated operating scenarios identified by the source in its application
31 as approved by the director. Such terms and conditions:

32 (a) Shall require the source, contemporaneously with making a change from
33 one operating scenario to another, to record in a log at the permitted
34 facility a record of the scenario under which it is operating;

35 (b) Shall extend the permit shield to all terms and conditions under each
36 such operating scenario; and

37 (c) Must ensure that the terms and conditions of each such alternative
38 scenario meet all applicable requirements and the requirements of R307-415.

39 (10) Emissions trading. Terms and conditions, if the permit applicant
40 requests them, for the trading of emissions increases and decreases in the
41 permitted facility, to the extent that the applicable requirements provide
42 for trading such increases and decreases without a case-by-case approval of
43 each emissions trade. Such terms and conditions:

44 (a) Shall include all terms required under R307-415-6a and 6c to determine
45 compliance;

46 (b) Shall extend the permit shield to all terms and conditions that allow
47 such increases and decreases in emissions; and

48 (c) Must meet all applicable requirements and requirements of R307-415.

49 **R307-415-6b. Permit Content: Federally-Enforceable Requirements.**

50 (1) All terms and conditions in an operating permit, including any
51 provisions designed to limit a source's potential to emit, are enforceable
52 by EPA and citizens under the Act.

1 (2) Notwithstanding (1) above, applicable requirements that are not
2 required by the Act or implementing federal regulations shall be included in
3 the permit but shall be specifically designated as being not federally
4 enforceable under the Act and shall be designated as "state requirements."
5 Terms and conditions so designated are not subject to the requirements of
6 R307-415-7a through 7i and R307-415-8 that apply to permit review by EPA and
7 affected states. The director shall determine which conditions are "state
8 requirements" in each operating permit.

9 **R307-415-6c. Permit Content: Compliance Requirements.**

10 All operating permits shall contain all of the following elements with
11 respect to compliance:

12 (1) Consistent with R307-415-6a(3), compliance certification, testing,
13 monitoring, reporting, and recordkeeping requirements sufficient to assure
14 compliance with the terms and conditions of the permit. Any document,
15 including any report, required by an operating permit shall contain a
16 certification by a responsible official that meets the requirements of R307-
17 415-5d;

18 (2) Inspection and entry requirements that require that, upon presentation
19 of credentials and other documents as may be required by law, the permittee
20 shall allow the director or an authorized representative to perform any of
21 the following:

22 (a) Enter upon the permittee's premises where a Part 70 source is located or
23 emissions-related activity is conducted, or where records must be kept under
24 the conditions of the permit;

25 (b) Have access to and copy, at reasonable times, any records that must be
26 kept under the conditions of the permit;

27 (c) Inspect at reasonable times any facilities, equipment (including
28 monitoring and air pollution control equipment), practices, or operations
29 regulated or required under the permit;

30 (d) Sample or monitor at reasonable times substances or parameters for the
31 purpose of assuring compliance with the permit or applicable requirements;

32 (e) Claims of confidentiality on the information obtained during an
33 inspection shall be made pursuant to Section 19-1-306;

34 (3) A schedule of compliance consistent with R307-415-5c(8);

35 (4) Progress reports consistent with an applicable schedule of compliance
36 and R307-415-5c(8) to be submitted semiannually, or at a more frequent
37 period if specified in the applicable requirement or by the director. Such
38 progress reports shall contain all of the following:

39 (a) Dates for achieving the activities, milestones, or compliance required
40 in the schedule of compliance, and dates when such activities, milestones or
41 compliance were achieved;

42 (b) An explanation of why any dates in the schedule of compliance were not
43 or will not be met, and any preventive or corrective measures adopted;

44 (5) Requirements for compliance certification with terms and conditions
45 contained in the permit, including emission limitations, standards, or work
46 practices. Permits shall include all of the following:

47 (a) Annual submission of compliance certification, or more frequently if
48 specified in the applicable requirement or by the director;

49 (b) In accordance with R307-415-6a(3), a means for monitoring the
50 compliance of the source with its emissions limitations, standards, and work
51 practices;

1 (c) A requirement that the compliance certification include all of the
2 following (provided that the identification of applicable information may
3 reference the permit or previous reports, as applicable):
4 (i) The identification of each term or condition of the permit that is the
5 basis of the certification;
6 (ii) The identification of the methods or other means used by the owner or
7 operator for determining the compliance status with each term and condition
8 during the certification period. Such methods and other means shall
9 include, at a minimum, the methods and means required under R307-415-6a(3).
10 If necessary, the owner or operator also shall identify any other material
11 information that must be included in the certification to comply with
12 section 113(c)(2) of the Act, which prohibits knowingly making a false
13 certification or omitting material information;
14 (iii) The status of compliance with the terms and conditions of the permit
15 for the period covered by the certification, including whether compliance
16 during the period was continuous or intermittent. The certification shall
17 be based on the method or means
18 designated in (ii) above. The certification shall identify each deviation
19 and take it into account in the compliance certification. The certification
20 shall also identify as possible exceptions to compliance any periods during
21 which compliance is required and in which an excursion or exceedance as
22 defined under 40 CFR Part 64 occurred; and
23 (iv) Such other facts as the director may require to determine the
24 compliance status of the source;
25 (d) A requirement that all compliance certifications be submitted to the
26 EPA as well as to the director;
27 (e) Such additional requirements as may be specified pursuant to Section
28 114(a)(3) of the Act, Enhanced Monitoring and Compliance Certification, and
29 Section 504(b) of the Act, Monitoring and Analysis;
30 (6) Such other provisions as the director may require.

31 **R307-415-6d. Permit Content: General Permits.**

32 (1) The director may, after notice and opportunity for public
33 participation provided under R307-415-7i, issue a general permit covering
34 numerous similar sources. Any general permit shall comply with all
35 requirements applicable to other operating permits and shall identify
36 criteria by which sources may qualify for the general permit. To sources
37 that qualify, the director shall grant the conditions and terms of the
38 general permit. Notwithstanding the permit shield, the source shall be
39 subject to enforcement action for operation without an operating permit if
40 the source is later determined not to qualify for the conditions and terms
41 of the general permit. General permits shall not be issued for Title IV
42 affected sources under the Acid Rain Program unless otherwise provided in
43 regulations promulgated under Title IV of the Act.

44 (2) Part 70 sources that would qualify for a general permit must apply to
45 the director for coverage under the terms of the general permit or must
46 apply for an operating permit consistent with R307-415-5a through 5e. The
47 director may, in the general permit, provide for applications which deviate
48 from the requirements of R307-415-5a through 5e, provided that such
49 applications meet the requirements of Title V of the Act, and include all
50 information necessary to determine qualification for, and to assure
51 compliance with, the general permit. Without repeating the public
52 participation procedures required under R307-415-7i, the director may grant a

1 source's request for authorization to operate under a general permit, but
2 such a grant to a qualified source shall not be a final permit action until
3 the requirements of R307-415-5a through 5e have been met.

4 **R307-415-6e. Permit Content: Temporary Sources.**

5 The owner or operator of a permitted source may temporarily relocate the
6 source for a period not to exceed that allowed by R307-401-7. A permit
7 modification is required to relocate the source for a period longer than
8 that allowed by R307-401-7. No Title IV affected source may be permitted as
9 a temporary source. Permits for temporary sources shall include all of the
10 following:

11 (1) Conditions that will assure compliance with all applicable requirements
12 at all authorized locations;

13 (2) Requirements that the owner or operator receive approval to relocate
14 under R307-401-7 before operating at the new location;

15 (3) Conditions that assure compliance with all other provisions of R307-
16 415.

17 **R307-415-6f. Permit Content: Permit Shield.**

18 (1) Except as provided in R307-415, the director shall include in each
19 operating permit a permit shield provision stating that compliance with the
20 conditions of the permit shall be deemed compliance with any applicable
21 requirements as of the date of permit issuance, provided that:

22 (a) Such applicable requirements are included and are specifically
23 identified in the permit; or

24 (b) The director, in acting on the permit application or revision,
25 determines in writing that other requirements specifically identified are
26 not applicable to the source, and the permit includes the determination or a
27 concise summary thereof.

28 (2) An operating permit that does not expressly state that a permit shield
29 exists shall be presumed not to provide such a shield.

30 (3) Nothing in this paragraph or in any operating permit shall alter or
31 affect any of the following:

32 (a) The emergency provisions of Section 19-1-202 and Section 19-2-112, and
33 the provisions of Section 303 of the Act, Emergency Orders, including the
34 authority of the Administrator under that Section;

35 (b) The liability of an owner or operator of a source for any violation
36 of applicable requirements under Section 19-2-107(2)(a)(xiii) and Section
37 19-2-110 prior to or at the time of permit issuance;

38 (c) The applicable requirements of the Acid Rain Program, consistent with
39 Section 408(a) of the Act;

40 (d) The ability of the director to obtain information from a source under
41 Section 19-2-120, and the ability of EPA to obtain information from a source
42 under Section 114 of the Act, Inspection, Monitoring, and Entry.

43 **R307-415-6g. Permit Content: Emergency Provision.**

44 (1) Emergency. An "emergency" is any situation arising from sudden and
45 reasonably unforeseeable events beyond the control of the source, including
46 acts of God, which situation requires immediate corrective action to restore
47 normal operation, and that causes the source to exceed a technology-based
48 emission limitation under the permit, due to unavoidable increases in
49 emissions attributable to the emergency. An emergency shall not include
50 noncompliance to the extent caused by improperly designed equipment, lack of
51 preventative maintenance, careless or improper operation, or operator error.

1 (2) Effect of an emergency. An emergency constitutes an affirmative
2 defense to an action brought for noncompliance with such technology-based
3 emission limitations if the conditions of (3) below are met.

4 (3) The affirmative defense of emergency shall be demonstrated through
5 properly signed, contemporaneous operating logs, or other relevant evidence
6 that:

7 (a) An emergency occurred and that the permittee can identify the causes of
8 the emergency;

9 (b) The permitted facility was at the time being properly operated;

10 (c) During the period of the emergency the permittee took all reasonable
11 steps to minimize levels of emissions that exceeded the emission standards,
12 or other requirements in the permit; and

13 (d) The permittee submitted notice of the emergency to the director within
14 two working days of the time when emission limitations were exceeded due to
15 the emergency. This notice fulfills the requirement of R307-415-
16 6a(3)(c)(ii). This notice must contain a description of the emergency, any
17 steps taken to mitigate emissions, and corrective actions taken.

18 (4) In any enforcement proceeding, the permittee seeking to establish the
19 occurrence of an emergency has the burden of proof.

20 (5) This provision is in addition to any emergency or upset provision
21 contained in any applicable requirement.

22 **R307-415-7a. Permit Issuance: Action on Application.**

23 (1) A permit, permit modification, or renewal may be issued only if all of
24 the following conditions have been met:

25 (a) The director has received a complete application for a permit, permit
26 modification, or permit renewal, except that a complete application need
27 not be received before issuance of a general permit;

28 (b) Except for modifications qualifying for minor permit modification
29 procedures under R307-415-7f(1) and (2), the director has complied with the
30 requirements for public participation under R307-415-7i;

31 (c) The director has complied with the requirements for notifying and
32 responding to affected States under R307-415-8(2);

33 (d) The conditions of the permit provide for compliance with all applicable
34 requirements and the requirements of R307-415;

35 (e) EPA has received a copy of the proposed permit and any notices
36 required under R307-415-8(1) and (2), and has not objected to issuance of
37 the permit under R307-415-8(3) within the time period specified therein.

38 (2) Except as provided under the initial transition plan provided for under
39 R307-415-5a(3) or under regulations promulgated under Title IV of the Act
40 for the permitting of Title IV affected sources under the Acid Rain Program,
41 the director shall take final action on each permit application, including
42 a request for permit modification or renewal, within 18 months after
43 receiving a complete application.

44 (3) The director shall promptly provide notice to the applicant of whether
45 the application is complete. Unless the director requests additional
46 information or otherwise notifies the applicant of incompleteness within 60
47 days of receipt of an application, the application shall be deemed
48 complete. A completeness determination shall not be required for minor
49 permit modifications.

50 (4) The director shall provide a statement that sets forth the legal and
51 factual basis for the draft permit conditions, including references to the

1 applicable statutory or regulatory provisions. The director shall send this
2 statement to EPA and to any other person who requests it.

3 (5) The submittal of a complete application shall not affect the
4 requirement that any source have an approval order under R307-401.

5 **R307-415-7b. Permit Issuance: Requirement for a Permit.**

6 (1) Except as provided in R307-415-7d and R307-415-7f(1)(f) and 7f(2)(e), no
7 Part 70 source may operate after the time that it is required to submit a
8 timely and complete application, except in compliance with a permit issued
9 under these rules.

10 (2) Application shield. If a Part 70 source submits a timely and complete
11 application for permit issuance, including for renewal, the source's failure
12 to have an operating permit is not a violation of R307-415 until the
13 director takes final action on the permit application. This protection
14 shall cease to apply if, subsequent to the completeness determination made
15 pursuant to R307-415-7a(3), and as required by R307-415-5a(2), the
16 applicant fails to submit by the deadline specified in writing by the
17 director any additional information identified as being needed to process
18 the application.

19 **R307-415-7c. Permit Renewal and Expiration.**

20 (1) Permits being renewed are subject to the same procedural requirements,
21 including those for public participation, affected State and EPA review,
22 that apply to initial permit issuance.

23 (2) Permit expiration terminates the source's right to operate unless a
24 timely and complete renewal application has been submitted consistent with
25 R307-415-7b and R307-415-5a(1)(c).

26 (3) If a timely and complete renewal application is submitted consistent
27 with R307-415-7b and R307-415-5a(1)(c) and the director fails to issue or
28 deny the renewal permit before the end of the term of the previous permit,
29 then all of the terms and conditions of the permit, including the permit
30 shield, shall remain in effect until renewal or denial.

31 **R307-415-7d. Permit Revision: Changes That Do Not Require a Revision.**

32 (1) Operational Flexibility.

33 (a) A Part 70 source may make changes that contravene an express permit
34 term if all of the following conditions have been met:

35 (i) The source has obtained an approval order, or has met the exemption
36 requirements under R307-401;

37 (ii) The change would not violate any applicable requirements or
38 contravene any federally enforceable permit terms and conditions for
39 monitoring, including test methods, recordkeeping, reporting, or compliance
40 certification requirements;

41 (iii) The changes are not modifications under any provision of Title I of
42 the Act; and the changes do not exceed the emissions allowable under the
43 permit, whether expressed therein as a rate of emissions or in terms of
44 total emissions.

45 (iv) For each such change, the source shall provide written notice to the
46 director and send a copy of the notice to EPA at least seven days before
47 implementing the proposed change. The seven-day requirement may be waived
48 by the director in the case of an emergency. The written notification shall
49 include a brief description of the change within the permitted facility, the
50 date on which the change will occur, any change in emissions, and any permit
51 term or condition that is no longer applicable as a result of the change.
52 The permit shield shall not apply to these changes. The source, the EPA, and

1 the director shall attach each such notice to their copy of the relevant
2 permit.

3 (b) Emission trading under the State Implementation Plan. Permitted
4 sources may trade increases and decreases in emissions in the permitted
5 facility, where the State Implementation Plan provides for such emissions
6 trades, without requiring a permit revision provided the change is not a
7 modification under any provision of Title I of the Act, the change does not
8 exceed the emissions allowable under the permit, and the source notifies the
9 director and the EPA at least seven days in advance of the trade. This
10 provision is available in those cases where the permit does not already
11 provide for such emissions trading.

12 (i) The written notification required above shall include such information
13 as may be required by the provision in the State Implementation Plan
14 authorizing the emissions trade, including at a minimum, when the proposed
15 change will occur, a description of each such change, any change in
16 emissions, the permit requirements with which the source will comply using
17 the emissions trading provisions of the State Implementation Plan, and the
18 pollutants emitted subject to the emissions trade. The notice shall also
19 refer to the provisions with which the source will comply in the State
20 Implementation Plan and that provide for the emissions trade.

21 (ii) The permit shield shall not extend to any change made under this
22 paragraph. Compliance with the permit requirements that the source will
23 meet using the emissions trade shall be determined according to
24 requirements of the State Implementation Plan authorizing the emissions
25 trade.

26 (c) If a permit applicant requests it, the director shall issue permits
27 that contain terms and conditions, including all terms required under R307-
28 415-6a and 6c to determine compliance, allowing for the trading of
29 emissions increases and decreases in the permitted facility solely for the
30 purpose of complying with a federally-enforceable emissions cap that is
31 established in the permit independent of otherwise applicable requirements.
32 Such changes in emissions shall not be allowed if the change is a
33 modification under any provision of Title I of the Act or the change would
34 exceed the emissions allowable under the permit. The permit applicant shall
35 include in its application proposed replicable procedures and permit terms
36 that ensure the emissions trades are quantifiable and enforceable. The
37 director shall not include in the emissions trading provisions any
38 emissions units for which emissions are not quantifiable or for which there
39 are no replicable procedures to enforce the emissions trades. The permit
40 shall also require compliance with all applicable requirements, and shall
41 require the source to notify the director and the EPA in writing at least
42 seven days before making the emission trade.

43 (i) The written notification shall state when the change will occur and
44 shall describe the changes in emissions that will result and how these
45 increases and decreases in emissions will comply with the terms and
46 conditions of the permit.

47 (ii) The permit shield shall extend to terms and conditions that allow such
48 increases and decreases in emissions.

49 (2) Off-permit changes. A Part 70 source may make changes that are not
50 addressed or prohibited by the permit without a permit revision, unless such
51 changes are subject to any requirements under Title IV of the Act or are
52 modifications under any provision of Title I of the Act.

1 (a) Each such change shall meet all applicable requirements and shall not
2 violate any existing permit term or condition.

3 (b) Sources must provide contemporaneous written notice to the director and
4 EPA of each such change, except for changes that qualify as insignificant
5 under R307-415-5e. Such written notice shall describe each such change,
6 including the date, any change in emissions, pollutants emitted, and any
7 applicable requirements that would apply as a result of the change.

8 (c) The change shall not qualify for the permit shield.

9 (d) The permittee shall keep a record describing changes made at the
10 source that result in emissions of a regulated air pollutant subject to an
11 applicable requirement, but not otherwise regulated under the permit, and
12 the emissions resulting from those changes.

13 (e) The off-permit provisions do not affect the requirement for a source to
14 obtain an approval order under R307-401.

15 **R307-415-7e. Permit Revision: Administrative Amendments.**

16 (1) An "administrative permit amendment" is a permit revision that:

17 (a) Corrects typographical errors;

18 (b) Identifies a change in the name, address, or phone number of any person
19 identified in the permit, or provides a similar minor administrative change
20 at the source;

21 (c) Requires more frequent monitoring or reporting by the permittee;

22 (d) Allows for a change in ownership or operational control of a source
23 where the director determines that no other change in the permit is
24 necessary, provided that a written agreement containing a specific date for
25 transfer of permit responsibility, coverage, and liability between the
26 current and new permittee has been submitted to the director;

27 (e) Incorporates into the operating permit the requirements from an
28 approval order issued under R307-401, provided that the procedures for
29 issuing the approval order were substantially equivalent to the permit
30 issuance or modification procedures of R307-415-7a through 7i and R307-415-
31 8, and compliance requirements are substantially equivalent to those
32 contained in R307-415-6a through 6g;

33 (2) Administrative permit amendments for purposes of the acid rain portion
34 of the permit shall be governed by regulations promulgated under Title IV of
35 the Act.

36 (3) Administrative permit amendment procedures. An administrative permit
37 amendment may be made by the director consistent with the following:

38 (a) The director shall take no more than 60 days from receipt of a request
39 for an administrative permit amendment to take final action on such request,
40 and may incorporate such changes without providing notice to the public or
41 affected States provided that the director designates any such permit
42 revisions as having been made pursuant to this paragraph. The director
43 shall take final action on a request for a change in ownership or
44 operational control of a source under (1)(d) above within 30 days of receipt
45 of a request.

46 (b) The director shall submit a copy of the revised permit to EPA.

47 (c) The source may implement the changes addressed in the request for an
48 administrative amendment immediately upon submittal of the request.

49 (4) The director shall, upon taking final action granting a request for an
50 administrative permit amendment, allow coverage by the permit shield for
51 administrative permit amendments made pursuant to (1)(e) above which meet the

1 relevant requirements of R307-415-6a through 6g, 7 and 8 for significant
2 permit modifications.

3 **R307-415-7f. Permit Revision: Modification.**

4 The permit modification procedures described in R307-415-7f shall not affect
5 the requirement that a source obtain an approval order under R307-401 before
6 constructing or modifying a source of air pollution. A modification not
7 subject to the requirements of R307-401 shall not require an approval order
8 in addition to the permit modification as described in this section. A
9 permit modification is any revision to an operating permit that cannot be
10 accomplished under the program's provisions for administrative permit
11 amendments under R307-415-7e. Any permit modification for purposes of the
12 acid rain portion of the permit shall be governed by regulations
13 promulgated under Title IV of the Act.

14 (1) Minor permit modification procedures.

15 (a) Criteria. Minor permit modification procedures may be used only for
16 those permit modifications that:

17 (i) Do not violate any applicable requirement or require an approval order
18 under R307-401;

19 (ii) Do not involve significant changes to existing monitoring, reporting,
20 or recordkeeping requirements in the permit;

21 (iii) Do not require or change a case-by-case determination of an emission
22 limitation or other standard, or a source-specific determination for
23 temporary sources of ambient impacts, or a visibility or increment analysis;

24 (iv) Do not seek to establish or change a permit term or condition for
25 which there is no corresponding underlying applicable requirement and that
26 the source has assumed to avoid an applicable requirement to which the
27 source would otherwise be subject. Such term or condition would include a
28 federally enforceable emissions cap assumed to avoid classification as a
29 modification under any provision of Title I or an alternative emissions
30 limit approved pursuant to regulations promulgated under Section 112(i)(5)
31 of the Act, Early Reduction; and

32 (v) Are not modifications under any provision of Title I of the Act.

33 (b) Notwithstanding (1)(a)above and (2)(a) below, minor permit
34 modification procedures may be used for permit modifications involving the
35 use of economic incentives, marketable permits, emissions trading, and
36 other similar approaches, to the extent that such minor permit modification
37 procedures are explicitly provided for in the State Implementation Plan or
38 an applicable requirement.

39 (c) Application. An application requesting the use of minor permit
40 modification procedures shall meet the requirements of R307-415-5c and shall
41 include all of the following:

42 (i) A description of the change, the emissions resulting from the change,
43 and any new applicable requirements that will apply if the change occurs;

44 (ii) The source's suggested draft permit;

45 (iii) Certification by a responsible official, consistent with R307-415-5d,
46 that the proposed modification meets the criteria for use of minor permit
47 modification procedures and a request that such procedures be used;

48 (iv) Completed forms for the director to use to notify EPA and affected
49 States as required under R307-415-8.

50 (d) EPA and affected State notification. Within five working days of
51 receipt of a complete permit modification application, the director shall
52 notify EPA and affected States of the requested permit modification. The

1 director promptly shall send any notice required under R307-415-8(2)(b) to
2 EPA.

3 (e) Timetable for issuance. The director may not issue a final permit
4 modification until after EPA's 45-day review period or until EPA has
5 notified the director that EPA will not object to issuance of the permit
6 modification, whichever is first. Within 90 days of the director's receipt
7 of an application under minor permit modification procedures or 15 days
8 after the end of EPA's 45-day review period under R307-415-8(3), whichever
9 is later, the director shall:

10 (i) Issue the permit modification as proposed;
11 (ii) Deny the permit modification application;
12 (iii) Determine that the requested modification does not meet the minor
13 permit modification criteria and should be reviewed under the significant
14 modification procedures; or
15 (iv) Revise the draft permit modification and transmit to EPA the new
16 proposed permit modification as required by R307-415-8(1).

17 (f) Source's ability to make change. A Part 70 source may make the change
18 proposed in its minor permit modification application immediately after it
19 files such application if the source has received an approval order under
20 R307-401 or has met the approval order exemption requirements under R307-
21 413-1 through 6. After the source makes the change allowed by the
22 preceding sentence, and until the director takes any of the actions
23 specified in (1)(e)(i) through (iii) above, the source must comply with both
24 the applicable requirements governing the change and the proposed permit
25 terms and conditions. During this time period, the source need not comply
26 with the existing permit terms and conditions it seeks to modify. However,
27 if the source fails to comply with its proposed permit terms and conditions
28 during this time period, the existing permit terms and conditions it seeks
29 to modify may be enforced against it.

30 (g) Permit shield. The permit shield under R307-415-6f shall not extend to
31 minor permit modifications.

32 (2) Group processing of minor permit modifications. Consistent with this
33 paragraph, the director may modify the procedure outlined in (1) above to
34 process groups of a source's applications for certain modifications
35 eligible for minor permit modification processing.

36 (a) Criteria. Group processing of modifications may be used only for those
37 permit modifications:

38 (i) That meet the criteria for minor permit modification procedures under
39 (1)(a) above; and
40 (ii) That collectively are below the following threshold level: 10 percent
41 of the emissions allowed by the permit for the emissions unit for which the
42 change is requested, 20 percent of the applicable definition of major source
43 in R307-415-3, or five tons per year, whichever is least.

44 (b) Application. An application requesting the use of group processing
45 procedures shall meet the requirements of R307-415-5c and shall include the
46 following:

47 (i) A description of the change, the emissions resulting from the change,
48 and any new applicable requirements that will apply if the change occurs.
49 (ii) The source's suggested draft permit.
50 (iii) Certification by a responsible official, consistent with R307-415-5d,
51 that the proposed modification meets the criteria for use of group
52 processing procedures and a request that such procedures be used.

1 (iv) A list of the source's other pending applications awaiting group
2 processing, and a determination of whether the requested modification,
3 aggregated with these other applications, equals or exceeds the threshold
4 set under R307-415-7e(2)(a)(ii).

5 (v) Certification, consistent with R307-415-5d, that the source has
6 notified EPA of the proposed modification. Such notification need only
7 contain a brief description of the requested modification.

8 (vi) Completed forms for the director to use to notify EPA and affected
9 States as required under R307-415-8.

10 (c) EPA and affected State notification. On a quarterly basis or within
11 five business days of receipt of an application demonstrating that the
12 aggregate of a source's pending applications equals or exceeds the
13 threshold level set under (2)(a)(ii) above, whichever is earlier, the
14 director shall notify EPA and affected States of the requested permit
15 modifications. The director shall send any notice required under R307-415-
16 8(2)(b) to EPA.

17 (d) Timetable for issuance. The provisions of (1)(e) above shall apply to
18 modifications eligible for group processing, except that the director shall
19 take one of the actions specified in (1)(e)(i) through (iv) above within 180
20 days of receipt of the application or 15 days after the end of EPA's 45-day
21 review period under R307-415-8(3), whichever is later.

22 (e) Source's ability to make change. The provisions of (1)(f) above
23 shall apply to modifications eligible for group processing.

24 (f) Permit shield. The provisions of (1)(g) above shall also apply to
25 modifications eligible for group processing.

26 (3) Significant modification procedures.

27 (a) Criteria. Significant modification procedures shall be used for
28 applications requesting permit modifications that do not qualify as minor
29 permit modifications or as administrative amendments. Every significant
30 change in existing monitoring permit terms or conditions and every
31 relaxation of reporting or recordkeeping permit terms or conditions shall be
32 considered significant. Nothing herein shall be construed to preclude the
33 permittee from making changes consistent with R307-415 that would render
34 existing permit compliance terms and conditions irrelevant.

35 (b) Significant permit modifications shall meet all requirements of R307-
36 415, including those for applications, public participation, review by
37 affected States, and review by EPA, as they apply to permit issuance and
38 permit renewal. The director shall complete review on the majority of
39 significant permit modifications within nine months after receipt of a
40 complete application.

41 **R307-415-7g. Permit Revision: Reopening for Cause.**

42 (1) Each issued permit shall include provisions specifying the conditions
43 under which the permit will be reopened prior to the expiration of the
44 permit. A permit shall be reopened and revised under any of the following
45 circumstances:

46 (a) New applicable requirements become applicable to a major Part 70 source
47 with a remaining permit term of three or more years. Such a reopening shall
48 be completed not later than 18 months after promulgation of the applicable
49 requirement. No such reopening is required if the effective date of the
50 requirement is later than the date on which the permit is due to expire,
51 unless the terms and conditions of the permit have been extended pursuant to
52 R307-415-7c(3).

1 (b) Additional requirements, including excess emissions requirements,
2 become applicable to an Title IV affected source under the Acid Rain
3 Program. Upon approval by EPA, excess emissions offset plans shall be deemed
4 to be incorporated into the permit.

5 (c) The director or EPA determines that the permit contains a material
6 mistake or that inaccurate statements were made in establishing the
7 emissions standards or other terms or conditions of the permit.

8 (d) EPA or the director determines that the permit must be revised or
9 revoked to assure compliance with the applicable requirements.

10 (e) Additional applicable requirements are to become effective before the
11 renewal date of the permit and are in conflict with existing permit
12 conditions.

13 (2) Proceedings to reopen and issue a permit shall follow the same
14 procedures as apply to initial permit issuance and shall affect only those
15 parts of the permit for which cause to reopen exists. Such reopening shall
16 be made as expeditiously as practicable.

17 (3) Reopenings under (1) above shall not be initiated before a notice of
18 such intent is provided to the Part 70 source by the director at least 30
19 days in advance of the date that the permit is to be reopened, except that
20 the director may provide a shorter time period in the case of an emergency.

21 **R307-415-7h. Permit Revision: Reopenings for Cause by EPA.**

22 The director shall, within 90 days after receipt of notification that EPA
23 finds that cause exists to terminate, modify or revoke and reissue a permit,
24 forward to EPA a proposed determination of termination, modification, or
25 revocation and reissuance, as appropriate. The director may request a 90-
26 day extension if a new or revised permit application is necessary or if the
27 director determines that the permittee must submit additional information.

28 **R307-415-7i. Public Participation.**

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

32 (1) The director shall give notice by publishing a legal notice on the
33 public legal notice website under Subsection 42-1-101(2) and by posting the
34 notice and the draft permit on the Division's website for the duration of
35 the public comment period. The director shall give notice to persons on a
36 mailing list developed by the director, including those who request in
37 writing to be on the list, and by other means if necessary to assure
38 adequate notice to the affected public.

39 (2) The notice shall identify:

40 (a) the Part 70 source;

41 (b) the name and address of the permittee;

42 (c) the name and address of the director;

43 (d) the activity or activities involved in the permit action;

44 (e) the emissions change involved in any permit modification;

45 (f) the name, address, and telephone number of a person from whom

46 interested persons may obtain additional information, including copies of
47 the permit draft, the application, all relevant supporting materials,
48 including any compliance plan or compliance and monitoring certification,
49 and all other materials available to the director that are relevant to the
50 permit decision;

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

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

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

6 (4) The director shall provide at least 30 days for public comment and
7 shall give notice of any public hearing at least 30 days in advance of the
8 hearing.

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

12 **R307-415-8. Permit Review by EPA and Affected States.**

13 (1) Transmission of information to EPA.

14 (a) The director shall provide to EPA a copy of each permit application,
15 including any application for permit modification, each proposed permit, and
16 each final operating permit, unless the Administrator has waived this
17 requirement for a category of sources, including any class, type, or size
18 within such category. The applicant may be required by the director to
19 provide a copy of the permit application, including the compliance plan,
20 directly to EPA. Upon agreement with EPA, the director may submit to EPA a
21 permit application summary form and any relevant portion of the permit
22 application and compliance plan, in place of the complete permit
23 application and compliance plan. To the extent practicable, the preceding
24 information shall be provided in computer-readable format compatible with
25 EPA's national database management system.

26 (b) The director shall keep for five years such records and submit to EPA
27 such information as EPA may reasonably require to ascertain whether the
28 Operating Permit Program complies with the requirements of the Act or of 40
29 CFR Part 70.

30 (2) Review by affected States.

31 (a) The director shall give notice of each draft permit to any affected
32 State on or before the time that the director provides this notice to the
33 public under R307-415-7i, except to the extent R307-415-7f(1) or (2)
34 requires the timing to be different, unless the Administrator has waived
35 this requirement for a category of sources, including any class, type, or
36 size within such category.

37 (b) The director, as part of the submittal of the proposed permit to EPA,
38 or as soon as possible after the submittal for minor permit modification
39 procedures allowed under R307-415-7f(1) or (2), shall notify EPA and any
40 affected State in writing of any refusal by the director to accept all
41 recommendations for the proposed permit that the affected State submitted
42 during the public or affected State review period. The notice shall include
43 the director's reasons for not accepting any such recommendation. The
44 director is not required to accept recommendations that are not based on
45 applicable requirements or the requirements of R307-415.

46 (3) EPA objection. If EPA objects to the issuance of a permit in writing
47 within 45 days of receipt of the proposed permit and all necessary
48 supporting information, then the director shall not issue the permit. If
49 the director fails, within 90 days after the date of an objection by EPA,
50 to revise and submit a proposed permit in response to the objection, EPA
51 may issue or deny the permit in accordance with the requirements of the
52 Federal program promulgated under Title V of the Act.

1 (4) Public petitions to EPA. If EPA does not object in writing under R307-
2 415-8(3), any person may petition EPA under the provisions of 40 CFR 70.8(d)
3 within 60 days after the expiration of EPA's 45-day review period to make
4 such objection. If EPA objects to the permit as a result of a petition, the
5 director shall not issue the permit until EPA's objection has been resolved,
6 except that a petition for review does not stay the effectiveness of a
7 permit or its requirements if the permit was issued after the end of the
8 45-day review period and prior to an EPA objection. If the director has
9 issued a permit prior to receipt of an EPA objection under this paragraph,
10 EPA may modify, terminate, or revoke such permit, consistent with the
11 procedures in 40 CFR 70.7(g) except in unusual circumstances,
12 and the director may thereafter issue only a revised permit that satisfies
13 EPA's objection. In any case, the source will not be in violation of the
14 requirement to have submitted a timely and complete application.

15 (5) Prohibition on default issuance. The director shall not issue an
16 operating permit, including a permit renewal or modification, until
17 affected States and EPA have had an opportunity to review the proposed
18 permit as required under this Section.

19 **R307-415-9. Fees for Operating Permits.**

20 (1) Definitions. The following definition applies only to Subsection R307-
21 415-9: "Allowable emissions" are emissions based on the potential to emit
22 stated by the director in an approval order, the State Implementation Plan
23 or an operating permit.

24 (2) Applicability. As authorized by Section 19-1-201, all Part 70 sources
25 must pay annual fees to support the operating permit program.

26 (3) Calculation of Annual Emission Fee for a Part 70 Source.

27 (a) The emission fee shall be calculated for all chargeable pollutants
28 emitted from a Part 70 source, even if only one unit or one chargeable
29 pollutant triggers the applicability of Rule R307-415 to the source.

30 (i) Fugitive emissions and fugitive dust shall be counted when determining
31 the emission fee for a Part 70 source.

32 (ii) An emission fee shall not be charged for emissions of any amount of a
33 chargeable pollutant if the emissions are already accounted for within the
34 emissions of another chargeable pollutant.

35 (iii) An emission fee shall not be charged for emissions of any one
36 chargeable pollutant from any one Part 70 source in excess of 4,000 tons
37 per year.

38 (iv) Emissions resulting directly from an internal combustion engine for
39 transportation purposes or from a non-road vehicle shall not be counted when
40 calculating chargeable emissions for a Part 70 source.

41 (b) The emission fee portion of the total fee for an existing source prior
42 to the issuance of an operating permit, shall be based on the most recent
43 emission inventory available unless a Part 70 source elected, prior to July
44 1, 1992, to base the fee for one or more pollutants on allowable emissions
45 established in an approval order or the State Implementation Plan.

46 (c) The emission fee portion of the total fee after the issuance or renewal
47 of an operating permit shall be based on the most recent emission inventory
48 available unless a Part 70 source elects, prior to the issuance or renewal
49 of the permit, to base the fee for one or more chargeable pollutants on
50 allowable emissions for the entire term of the permit.

51 (d) When a new Part 70 source begins operating, it shall pay the emission
52 fee portion of the total fee for that fiscal year, prorated from the date

1 the source begins operating plus any additional Part 70 fees. The emission
2 fee portion of the total fee for a new Part 70 source shall be based on
3 allowable emissions until that source has been in operation for a full
4 calendar year, and has submitted an inventory of actual emissions. If a new
5 Part 70 source is not billed in the first billing cycle of its operation,
6 the emission fee plus any additional fees shall be calculated using the
7 emissions that would have been used had the source been billed at that time.
8 This fee shall be in addition to any subsequent emission fees.

9 (e) When a Part 70 source is no longer subject to Part 70, the emission
10 fee portion of the total fee shall be prorated to the date that the source
11 ceased to be subject to Part 70. If the Part 70 source has already paid an
12 emission fee that is greater than the prorated fee, the balance of the
13 emission fee will be refunded. No other Part 70 fees shall be refunded.

14 (i) If that Part 70 source again becomes subject to the emission fee
15 requirements, it shall pay an emission fee for that fiscal year prorated
16 from the date the source again became subject to the emission fee
17 requirements plus any additional fees typically charged for Part 70 sources
18 for that year. The fee shall be based on the emission inventory during the
19 last full year of operation. The emission fee shall continue to be based on
20 actual emissions reported for the last full calendar year of operation until
21 that source has been in operation for a full calendar year and has submitted
22 an updated inventory of actual emissions.

23 (ii) If a Part 70 source has chosen to base the emission fee on allowable
24 emissions, then the prorated fee shall be calculated using allowable
25 emissions.

26 (f) Modifications. The method for calculating the emission fee for a
27 source shall not be affected by modifications at that source, unless the
28 source demonstrates to the director that another method for calculating
29 chargeable emissions is more representative of operations after the
30 modification has been made.

31 (g) The director may presume that potential emissions of any chargeable
32 pollutant for the source are equivalent to the actual emissions for the
33 source if recent inventory data are not available.

34 (4) Collection of Fees.

35 (a) The Part 70 fees are due on October 1 of each calendar year or 45 days
36 after the source has received notice of the amount of the fee, whichever is
37 later.

38 (b) The director may require any owner or operator of the source who fails
39 to pay the annual fees by the due date to pay interest on the fee and a
40 penalty under Subsection 19-2-109.1(4)(a) or revoke the operating permit
41 under Subsection 19-2-109.1(4)(b).

42 (c) An owner or operator may contest a Part 70 fee assessment, or
43 associated penalty, under 19-2-109.1(5).

44 (d) To reinstate the permit revoked under Subsection 19-2-109.1(4)(b), an
45 owner or operator shall pay the outstanding fees, a penalty of not more than
46 50% of outstanding fees, and interests on the outstanding fees computed at
47 12% annually.

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

49 **Date of Last Change: January 15, 2022**

50 **Notice of Continuation: May 15, 2017**

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

State of Utah
Administrative Rule Analysis
 Revised November 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	R307-417	Filing ID: (Office Use Only)
Effective Date:	Office Use Only	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	Phone:	Email:
Dr. Bo Wood	385-499-3416	rwood@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:
Permits: Acid Rain Sources.
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 19-2-104 allows the Utah Air Quality Board to promulgate rules that control, abate, and prevent air pollution from all sources. R307-417 does this by preventing air pollution that contributes to acid rain through an air pollution permitting program. The rule incorporates by reference the federal requirements in 40 C.F.R. Part 72 into Utah's air quality rules for the purpose of meeting the requirements of Title IV of the Clean Air Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The rule incorporates by reference the federal requirements in 40 CFR Part 72 into Utah's air quality rules for the purpose of meeting the requirements of Title IV of the Clean Air Act. By incorporating the federal requirements into the state rules, Utah is able to implement and enforce its own acid rain program. Without this rule, the EPA would have the sole authority to implement the program in Utah.

Agency Authorization Information

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 publication in the <i>Utah State Bulletin</i> .			
Agency head or designee, and title:	Bryce C. Bird, Director	Date (mm/dd/yyyy):	05/04/2022
Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or nonsubstantive change.			

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

2 **R307-417. Permits: Acid Rain Sources.**

3 **R307-417-1. Part 72 Requirements.**

4 The provisions of 40 CFR Part 72, effective as of the date referenced in R307-101-3, for purposes of implementing
5 an acid rain program that meets the requirements of Title IV of the Clean Air Act, are incorporated into these rules
6 by reference. The term "permitting authority" shall mean the director, and the term "Administrator" shall mean the
7 Administrator of the Environmental Protection Agency. If the provisions or requirements of 40 CFR Part 72 conflict
8 with or are not included in R307-415, Permits: Operating Permit Requirements, provisions and requirements of 40
9 CFR Part 72 shall apply and take precedence.

10

11 **R307-417-2. Part 75 Requirements.**

12 The provisions of 40 CFR Part 75, effective as of the date referenced in R307-101-3, for purposes of implementing
13 an acid rain program that meets the requirements of Title IV of the Clean Air Act, are incorporated into these rules
14 by reference. The term "permitting authority" shall mean the director, and the term "Administrator" shall mean the
15 Administrator of the Environmental Protection Agency. If the provisions or requirements of 40 CFR Part 75 conflict
16 with or are not included in R307-415, Operating Permit Requirements, provisions and requirements of 40 CFR Part
17 75 shall apply and take precedence.

18

19 **R307-417-3. Part 76 Requirements.**

20 The provisions of 40 CFR Part 76, effective as of the date referenced in R307-101-3, for purposes of implementing
21 an acid rain program that meets the requirements of Title IV of the Clean Air Act, are incorporated into these rules
22 by reference. The term "permitting authority" shall mean the director, and the term "Administrator" shall mean the
23 Administrator of the Environmental Protection Agency. If the provisions or requirements of 40 CFR Part 76 conflict
24 with or are not included in R307-415, Operating Permit Requirements, provisions and requirements of 40 CFR Part
25 76 shall apply and take precedence.

26

27 **KEY: acid rain, air quality, permitting authority, operating permit**

28 **Date of Enactment or Last Substantive Amendment: February 8, 2008**

29 **Notice of Continuation: May 15, 2017**

30 **Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104(3)(q)**

State of Utah
Administrative Rule Analysis
 Revised November 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	R307-420	Filing ID: (Office Use Only)
Effective Date:	Office Use Only	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	Phone:	Email:
Dr. Bo Wood	385-499-3416	rwood@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:
Permits: Ozone Offset Requirements in Davis and Salt Lake Counties.
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 19-2-104 allows the Utah Air Quality Board to promulgate rules that control, abate, and prevent air pollution from all sources. R307-420 does this by implementing ozone offset provisions that require sources to offset increases in emissions before getting an approval order to construct, modify, or relocate under R307-401. The offsetting program is designed to prevent future net increases in air pollution.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
R307-420 is required to minimize the growth in emissions of ozone precursors in Salt Lake and Davis counties. This rule supports Section IX.D (Ozone Maintenance Plan) of the State Implantation Plan, which is incorporated by reference in R307-110-13.

Agency Authorization Information

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 publication in the *Utah State Bulletin*.

Agency head or designee, and title:	Bryce C. Bird, Director	Date (mm/dd/yyyy):	05/04/2022
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Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or nonsubstantive change.

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

2 **R307-420. Permits: Ozone Offset Requirements in Davis and Salt Lake Counties.**

3 **R307-420-1. Purpose.**

4 The purpose of R307-420 is to maintain the offset provisions of the nonattainment area new source review
5 permitting program in Salt Lake and Davis Counties after the area is redesignated to attainment for ozone. R307-420
6 also establishes more stringent offset requirements for nitrogen oxides that may be triggered as a contingency
7 measure under the ozone maintenance plan.

8
9 **R307-420-2. Definitions.**

10 Except as provided in R307-420-2, the definitions in R307-403-1 apply to R307-420.

11 "Major Source" means:

12 (1)(a) any stationary source of air pollutants which emits, or has the potential to emit, fifty tons per year or more of
13 volatile organic compounds; or

14 (b) any stationary source of air pollutants which emits, or has the potential to emit, one hundred tons per year or
15 more of nitrogen oxides; or

16 (c) any physical change that would occur at a source not qualifying under (1)(a) or (b) as a major source, if the
17 change would constitute a major source by itself.

18 (2) The fugitive emissions of a stationary source shall not be included in determining whether it is a major stationary
19 source, unless the source belongs to one of the following categories of stationary sources:

20 (a) Coal cleaning plants (with thermal dryers);

21 (b) Kraft pulp mills;

22 (c) Portland cement plants;

23 (d) Primary zinc smelters;

24 (e) Iron and steel mills;

25 (f) Primary aluminum ore reduction plants;

26 (g) Primary copper smelters;

27 (h) Municipal incinerators capable of charging more than 250 tons of refuse per day;

28 (i) Hydrofluoric, sulfuric, or nitric acid plants;

29 (j) Petroleum refineries;

30 (k) Lime plants;

31 (l) Phosphate rock processing plants;

32 (m) Coke oven batteries;

33 (n) Sulfur recovery plants;

34 (o) Carbon black plants (furnace process);

35 (p) Primary lead smelters;

36 (q) Fuel conversion plants;

37 (r) Sintering plants;

38 (s) Secondary metal production plants;

39 (t) Chemical process plants;

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

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

43 (w) Taconite ore processing plants;

44 (x) Glass fiber processing plants;

45 (y) Charcoal production plants;

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

47 (aa) Any other stationary source category which, as of August 7, 1980, is being regulated under 42 U.S.C. 7411 or
48 7412 (section 111 or 112 of the federal Clean Air Act).

49 "Significant" means, for the purposes of determining what is a significant emission increase or a significant net
50 emission increase and therefore a major modification, a rate of emissions that would equal or exceed any of the
51 following rates:

52 (1) for volatile organic compounds, 25 tons per year,

1 (2) for nitrogen oxides, 40 tons per year.

2
3 **R307-420-3. Applicability.**

4 (1) Nitrogen Oxides. Effective August 18, 1997, any new major source or major modification of nitrogen oxides in
5 Davis County or Salt Lake County shall offset the proposed increase in nitrogen oxide emissions by a ratio of 1.15:1
6 before the director may issue an approval order to construct, modify, or relocate under R307-401.

7 (2) Volatile Organic Compounds. Effective December 2, 1998 any new major source or major modification of
8 volatile organic compounds in Davis County or Salt Lake County shall offset the proposed increase in volatile
9 organic compound emissions by a ratio of 1.2:1 before the director may issue an approval order to construct, modify,
10 or relocate under R307-401.

11 (3) The applicability provisions in R307-403-2(1)(a) through (f) and R307-403-2(2) through (7) apply in R307-420
12 for the limited purpose of determining whether a modification is a major modification for volatile organic
13 compounds or nitrogen oxides. Emissions of other regulated air pollutants shall not be considered in this
14 determination.

15
16 **R307-420-4. General Requirements.**

17 (1) All emission offsets shall meet the general requirements for calculating and banking emission offsets that are
18 established in R307-403-4, R307-403-7 and R307-403-8.

19 (2) Emission offset credits generated in Davis County or Salt Lake County may be used in either county.

20 (3) Offsets may not be traded between volatile organic compounds and nitrogen oxides.

21
22 **R307-420-5. Contingency Measure: Offsets for Oxides of Nitrogen.**

23 If the nitrogen oxide offset contingency measure described in Section IX, Part D.2.h(3) of the state implementation
24 plan is triggered, the following conditions shall apply in Davis County and Salt Lake County.

25 (1) Paragraph (1)(b) in the term "major source," which is defined in R307-420-2, shall be changed to read: any
26 stationary source of air pollutants which emits, or has the potential to emit, fifty tons per year or more of nitrogen
27 oxides.

28 (2) The nitrogen dioxide level that is included in the term "significant," which is defined in R307-420-2, shall be
29 changed from 40 tons per year to 25 tons per year.

30 (3) The emission offset ratio shall be 1.2:1 for nitrogen oxides.

31
32 **KEY: air pollution, ozone, offset**

33 **Date of Enactment or Last Substantive Amendment: July 1, 2013**

34 **Notice of Continuation: May 15, 2017**

35 **Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-2-108**

State of Utah
Administrative Rule Analysis
 Revised November 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	R307-421	Filing ID: (Office Use Only)
Effective Date:	Office Use Only	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	Phone:	Email:
Dr. Bo Wood	385-499-3416	rwood@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:
PM10 Offset Requirements in Salt Lake County and Utah County.
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 19-2-104 allows the Utah Air Quality Board to promulgate rules that control, abate, and prevent air pollution from all sources. R307-421 does this by ensuring that the growth of particulate matter precursor pollutants are minimized by the use of emission offsets.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
R307-421 is required to minimize the growth in emissions of PM10 precursors in Salt Lake and Utah County. The rule supports the PM10 Maintenance Plan, which is incorporated by reference in R307-110-10.

Agency Authorization Information

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 publication in the <i>Utah State Bulletin</i> .		
Agency head or designee, and title:	Bryce C. Bird, Director	Date (mm/dd/yyyy):
		05/04/2022
Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or nonsubstantive change.		

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

2 **R307-421. Permits: PM10 Offset Requirements in Salt Lake County and Utah County.**

3 **R307-421-1. Purpose.**

4 The purpose of R307-421 is to require emission reductions from existing sources to offset emission increases from
5 new or modified sources of PM10 precursors in Salt Lake and Utah Counties. The emission offset will minimize
6 growth of PM10 precursors to ensure that these areas will continue to maintain the PM10 and PM2.5 national
7 ambient air quality standards.

8
9 **R307-421-2. Applicability.**

10 (1) This rule applies to new or modified sources of sulfur dioxide or oxides of nitrogen that are located in or impact
11 Salt Lake County or Utah County.

12 (2) A new or modified source shall be considered to impact an area if the modeled impact is greater than 1.0
13 microgram/cubic meter for a one-year averaging period or 3.0 micrograms/cubic meter for a 24-hour averaging
14 period for sulfur dioxide or nitrogen dioxide.

15
16 **R307-421-3. Offset Requirements.**

17 (1) The owner or operator of any new source that has the potential to emit, or any modified source that would
18 increase sulfur dioxide or oxides of nitrogen in an amount equal to or greater than the levels in (a) and (b) below
19 shall obtain an enforceable emission offset as defined in (a) and (b) below.

20 (a) For a total of 50 tons/year or greater, an emission offset of 1.2:1 of the emission increase is required.

21 (b) For a total of 25 tons/year or greater but less than 50 tons/year, an emission offset of 1:1 of the emission increase
22 is required.

23
24 **R307-421-4. General Requirements.**

25 (1) All emission offsets shall meet the general requirements for calculating and banking emission offsets that are
26 established in R307-403-4, R307-403-7 and R307-403-8.

27 (2) Emission offsets shall be used only in the county where the credits are generated. In the case of sources located
28 outside of Salt Lake or Utah Counties, the offsets shall be generated in the county where the modeled impact in
29 R307-421-2(2) occurs.

30 (3) Emission offsets shall not be traded between pollutants.

31
32 **R307-421-5. Transition Provision.**

33 This rule will become effective in each county on the day that the EPA redesignates the county to attainment for
34 PM10. The PM10 nonattainment area offset provisions in R307-403 will continue to apply until the EPA
35 redesignates each county to attainment for PM10.

36
37 **KEY: air pollution, offset, PM10, PM2.5**

38 **Date of Enactment or Last Substantive Amendment: July 7, 2005**

39 **Notice of Continuation: May 15, 2017**

40 **Authorizing, and Implemented or Interpreted Law: 19-2-101(1)(a); 19-2-104; 19-2-108**

State of Utah
Administrative Rule Analysis
 Revised November 2021

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	R307-424	Filing ID: (Office Use Only)
Effective Date:	Office Use Only	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:		
Building:	Multi-Agency State Office Building	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah, 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact person(s):		
Name:	Phone:	Email:
Dr. Bo Wood	385-499-3416	rwood@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule catchline:
Permits: Mercury Requirements for Electric Generating Units.
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule was enacted under Utah Code 19-2-104. Utah Code 19-2-104 authorizes the Utah Air Quality Board to promulgate rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air pollutants that may be emitted by an air pollutant source..." R307-424 controls mercury emissions from coal-fired electric generating units. It also establishes maximum allowable quantities of mercury that may be emitted by a source. Each of these regulatory actions (controlling emissions and setting emission standards) are allowed under 19-2-104.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule should be continued because it sets mercury emission limits for coal-fired power plants. It also implements federal emission standards found in 40 C.F.R. 61.24 and is required by Section 111(d) of the Clean Air Act.

Agency Authorization Information

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 publication in the <i>Utah State Bulletin</i> .			
Agency head or designee, and title:	Bryce C. Bird, Director	Date (mm/dd/yyyy):	05/04/2022
Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or nonsubstantive change.			

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

2 **R307-424. Permits: Mercury Requirements for Electric Generating Units.**

3 **R307-424-1. Purpose and Applicability.**

4 The purpose of R307-424 is to regulate mercury emissions from any coal-fired electric generating unit (EGU).
5 R307-424 applies to any coal-fired electric generating unit as defined in 40 CFR 60.24.

6
7 **R307-424-2. Part 70 Permit.**

8 Sources meeting the applicability requirements of R307-424-1 above, and also meeting the applicability
9 requirements of R307-415-4, are required to obtain a mercury (Hg) budget permit in accordance with R307-224-
10 2(1)(a).

11
12 **R307-424-3. Offset Requirement: Mercury.**

13 Sources meeting the applicability requirements of R307-424-1 above and making application for an approval order
14 under R307-401 shall, in addition to any other requirement for obtaining such approval order, obtain an enforceable
15 offset for any potential increase in mercury emissions in accordance with the following:

16 (1) The permitted increase in mercury emissions, considering the application of any control method or device, shall
17 be offset by mercury emission credits at a ratio of 1 to 1.1 respectively.

18 (2) The averaging period for such determinations shall be a 12-month period.

19 (3) Mercury emission credits must be obtained from an EGU located within the State of Utah, excluding any EGU
20 located on Indian lands within the State.

21 (4) To preserve reductions in mercury emissions as credits for use in offsetting potential increases, the director must
22 identify such credits in an order issued pursuant to R307-401 and shall provide a registry to identify the person,
23 private entity or governmental authority that has the right to use or allocate the banked emission reduction credits,
24 and to record any transfers of, or liens on, these rights.

25 (5) Any emission offsets shall be enforceable by the time a new or modified source commences construction, and, by
26 the time a new or modified source commences operation, any emission offsets shall be in effect and enforceable.

27 (6) The quantity of mercury emission reductions to be used for credit will be determined in accordance with 40 CFR
28 part 75, or will be based on the best available data reported to the director. To the extent that the EGU has been
29 subject to the requirements of part 75, mercury emissions data shall be the average of the 3 highest annual amounts
30 over the most recent 5-year period. Mercury emission reductions made prior to December 31, 1999 shall not be
31 creditable for such purpose.

32 (7) R307-424-3 shall not apply to any EGU for which a valid approval order was issued prior to November 17, 2006.

33
34 **R307-424-4. Emission Rates.**

35 (1) By no later than December 31, 2012, the owner or operator of any EGU with an input heat capacity in excess of
36 1,500 MMbtu per hour and having commenced operations prior to November 17, 2006, shall demonstrate
37 compliance with at least one of the following:

38 (a) A maximum emission rate of 6.50×10^{-7} pounds mercury per million btu heat input; or

39 (b) A minimum of 90% control of total mercury emissions.

40 (2) Compliance with (1) above shall be based on an annual averaging period beginning January 1 and ending
41 December 31.

42 (a) Beginning January 1, 2013, compliance shall be determined using the monitoring and recordkeeping
43 requirements incorporated under R307-224-2. Upon completion of each year's fourth quarterly report, an assessment
44 shall be made for the entire calendar year and reported to the director within 30 days.

45 (b) Where it is necessary to determine the mercury content of the coal or coals burned, the owner or operator shall
46 use the appropriate ASTM method, and shall measure at least one representative sample each month. Records of
47 such testing shall be kept for a period of at least five years, and shall be made available to the director upon request.

48 (3) Should an EGU be unable to achieve the maximum emission rate or the minimum control efficiency described in
49 (1) above, despite proper operation of the unit in conjunction with a baghouse as well as wet or dry flue gas de-
50 sulfuration, the owner or operator may petition the director for a modification to the compliance limitation for the
51 unit in accordance with R307-401.

1 (a) Such petition shall be received no later than the date upon which the compliance assessment required under (2)(a)
2 above is due.

3 (b) Any such determination by the director will be made on a case-by-case basis, taking into consideration energy,
4 environmental and economic impacts and other costs. It will be based on the best information and analytical
5 techniques available.

6

7 **KEY: air pollution, electric generating unit, mercury**

8 **Date of Enactment or Last Substantive Amendment: May 9, 2007**

9 **Notice of Continuation: May 15, 2017**

10 **Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104(1)(a); 19-2-104(3)(e); 40 CFR 60.24**

ITEM 5



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-040-22

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

THROUGH: Bo Wood, Rules Coordinator

FROM: Chad Gilgen, Environmental Scientist

DATE: April 20, 2022

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-401-14. Used Oil Fuel Burned for Energy Recovery.

Subsection 14 of Rule R307-401 establishes conditions under which a facility may burn used oil for heat. The current rule exempts a facility from needing an approval order if their boiler unit is designed to produce less than 1 million BTUs per hour. The current EPA standard for these units is “not more than 0.5 million BTUs per hour”¹ and this change will bring our state requirements into alignment with the current EPA standard. All currently available oil burning boilers conform to the EPA standard, therefore the probability of a fiscal impact from this change on facilities that dispose of their oil in this way is low.

The current rule also contains specific contamination levels and testing requirements that are duplicative of rules enforced by the Waste Management and Radiation Control (WMRC). The proposed change replaces this language with the requirement that burners comply with Rule 315-15: Standards for the Management of Used Oil as enforced by WMRC.

Recommendation: Staff recommends the Board propose for public comment R307-401-14: Used Oil Fuel Burned for Energy Recovery, as amended.

¹<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-279#279.23>

State of Utah
Administrative Rule Analysis
Revised November 2021

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New ___; Amendment <u>X</u> ; Repeal ___; Repeal and Reenact ___		
Title No. - Rule No. - Section No.		
Utah Admin. Code Ref (R no.):	R307-401-14	Filing ID (Office Use Only)
Changed to Admin. Code Ref. (R no.):	R	

Agency Information

1. Department:	Department of Environmental Quality	
Agency:	Division of Air Quality	
Room no.:		
Building:	MASOB	
Street address:	195 North 1950 West	
City, state and zip:	Salt Lake City, Utah 84116	
Mailing address:	P.O. Box 144820	
City, state and zip:	Salt Lake City, Utah 84114-4820	
Contact person(s):		
Name:	Phone:	Email:
Bo Wood	385-499-3416	rwood@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

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

Fiscal Information

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

B) Local governments:

This rule will have no fiscal impact on local governments because it does not apply to them.

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

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

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

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

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

This rule is not expected to have a fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because it does not apply to them.

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

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

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

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

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

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

Regulatory Impact Table

Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Kim Shelley, has reviewed and approved this fiscal analysis.

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

19-2-104		

Incorporations by Reference Information

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

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

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

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

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

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until (mm/dd/yyyy): 06/30/2022

B) A public hearing (optional) will be held:

On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
06/30/2022	1:00 PM	Video call link: https://meet.google.com/zoa-gzxy-kyp Or dial: (US) +1 385-404-0876 PIN: 714 284 241#

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

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

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

Agency head or designee, and title:	Bryce C. Bird, Director	Date (mm/dd/yyyy):	05/04/2022
--	-------------------------	---------------------------	------------

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

2 **R307-401. Permit: New and Modified Sources.**

3 **R307-401-1. Purpose.**

4 This rule establishes the application and permitting requirements for new installations and modifications to existing installations
5 throughout the State of Utah. Additional permitting requirements apply to larger installations or installations located in nonattainment or
6 maintenance areas. These additional requirements can be found in Rules R307-403, R307-405, R307-406, R307-420, and R307-421.
7 Modeling requirements in Rule R307-410 may also apply. Each of the permitting rules establishes independent requirements, and the
8 owner or operator must comply with all of the requirements that apply to the installation. Exemptions under R307-401 do not affect
9 applicability of the other permitting rules.

10 **R307-401-2. Definitions.**

11 "Actual emissions" (a) means the actual rate of emissions of an air pollutant from an emissions unit, as determined in accordance
12 with Subsections R307-401-2(b) through R307-401-2(d).

13 (b) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually
14 emitted the air pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal
15 source operation. The director shall allow the use of a different time period upon a determination that it is more representative of normal
16 source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials
17 processed, stored, or combusted during the selected time period.

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

20 (d) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to
21 emit of the unit on that date.

22 "Best available control technology" means an emissions limitation (including a visible emissions standard) based on the maximum
23 degree of reduction for each air pollutant which would be emitted from any proposed stationary source or modification which the director,
24 on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for
25 such source or modification through application of production processes or available methods, systems, and techniques, including fuel
26 cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available
27 control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40
28 CFR parts 60 and 61. If the director determines that technological or economic limitations on the application of measurement methodology
29 to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice,
30 operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available
31 control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such
32 design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

33 "Air Strippers" are systems designed to pump groundwater to the surface for treatment, usually by aeration.

34 "Building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial
35 grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under
36 common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping
37 if they belong to the same Major Group (i.e., which have the same two-digit code) as described in the Standard Industrial Classification
38 Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0,
39 respectively).

40 "Construction" means any physical change or change in the method of operation (including fabrication, erection, installation,
41 demolition, or modification of an emissions unit) that would result in a change in emissions.

42 "Emissions unit" means any part of a stationary source that emits or would have the potential to emit any air pollutant.

43 "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally
44 equivalent opening.

45 "Indirect source" means a building, structure, facility, or installation which attracts or may attract mobile source activity that
46 results in emissions of a pollutant for which there is a national standard.

47 "Potential to emit" means the maximum capacity of a stationary source to emit an air pollutant under its physical and operational
48 design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment
49 and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its
50 design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the
51 potential to emit of a stationary source.

52 "Secondary emissions" means emissions which occur as a result of the construction or operation of a major stationary source or
53 major modification, but do not come from the major stationary source or major modification itself. Secondary emissions include emissions
54 from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation
55 of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a
56 mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

57 "Soil Aeration" is an ex-situ treatment process where excavated soil from a remediation project is spread in a thin layer to
58 encourage biodegradation of soil contamination. Biodegradation may be stimulated through aeration or the addition of minerals, nutrients,
59 and/or moisture.

60 "Soil Vapor Extraction", or SVE, is a system designed to extract vapor phase contaminants from the subsurface. SVE systems are
61 often combined with other technologies, such as air sparging or vacuum-enhanced recovery systems.
62

1 "Stationary source" means any building, structure, facility, or installation which emits or may emit an air pollutant.

2 "Vapor Mitigation System", or VMS, is a sub-slab system whose primary purpose is mitigating vapor intrusion into an occupied,
3 or occupiable, structure and is not intended or designed for the remediation of contaminated soil or groundwater. This definition includes
4 both active and passive systems. Passive systems consist of a vapor barrier either below or above the slab of a structure and a venting
5 system installed under a structure to divert vapor from beneath the structure to the sides or roofline of a structure. Active systems are similar
6 to passive systems but incorporate a blower or fan to actively extract air from beneath the structure.

7
8 **R307-401-3. Applicability.**

9 (1) Rule R307-401 applies to any person planning to:

10 (a) construct a new installation that will or might reasonably be expected to be a source or an indirect source of air pollution;
11 (b) make modifications to or relocate an existing installation that will or might reasonably be expected to increase the amount of
12 or change the character or effect of air pollutants discharged, so that the installation may be expected to be a source or indirect source of air
13 pollution; or

14 (c) install an air cleaning device or other equipment intended to control emission of air pollutants.

15 (2) Rules R307-403, R307-405 and R307-406 may establish additional permitting requirements for new or modified sources.

16 (a) Exemptions contained in Rule R307-401 do not affect applicability or other requirements under Rules R307-403, R307-405 or
17 R307-406.

18 (b) Exemptions contained in Rules R307-403, R307-405 or R307-406 do not affect applicability or other requirements under
19 Rule R307-401, unless specifically authorized in this rule.

20
21 **R307-401-4. General Requirements.**

22 The general requirements in Subsections R307-401-4(1) through R307-401-4(4) apply to all new and modified installations,
23 including installations that are exempt from the requirement to obtain an approval order.

24 (1) Any control apparatus installed on an installation shall be adequately and properly maintained.

25 (2) If the director determines that an exempted installation is not meeting an approval order or State Implementation Plan
26 limitation, is creating an adverse impact to the environment, or would be injurious to human health or welfare, the director may require the
27 owner or operator to submit a notice of intent and obtain an approval order in accordance with Sections R307-401-5 through R307-401-8.
28 The director will complete an appropriate analysis and evaluation in consultation with the owner or operator before determining that an
29 approval order is required.

30 (3) Low Oxides of Nitrogen Burner Technology.

31 (a) Except as provided in Subsection R307-401-4(3)(b), whenever existing fuel combustion burners are replaced, the owner or
32 operator shall install low oxides of nitrogen burners or equivalent oxides of nitrogen controls, as determined by the director, unless such
33 equipment is not physically practical or cost effective. The owner or operator shall submit a demonstration that the equipment is not
34 physically practical or cost effective to the director for review and approval prior to beginning construction.

35 (b) The provisions of (a) above do not apply to non-commercial, residential buildings.

36 (4) A person shall not operate a source of air pollution that is required to have a permit under Rule R307-401 unless the person
37 has obtained a permit for the source under the procedures of Rule R307-401.

38
39 **R307-401-5. Notice of Intent.**

40 (1) Except as provided in Sections R307-401-9 through R307-401-17, any person subject to Rule R307-401 shall submit a notice
41 of intent to the director and receive an approval order precedent to the construction, modification, installation, establishment, or relocation
42 of an air pollutant source or indirect source. The notice of intent shall be in a format specified by the director.

43 (2) The notice of intent shall include the following information:

44 (a) A description of the nature of the processes involved; the nature, procedures for handling and quantities of raw materials; the
45 type and quantity of fuels employed; and the nature and quantity of finished product.

46 (b) The expected composition and physical characteristics of effluent stream both before and after treatment by any control
47 apparatus, including emission rates, volume, temperature, air pollutant types, and concentration of air pollutants.

48 (c) The size, type, and performance characteristics of any control apparatus.

49 (d) An analysis of best available control technology for the proposed source or modification. When determining best available
50 control technology for a new or modified source in an ozone nonattainment or maintenance area that will emit volatile organic compounds
51 or nitrogen oxides, the owner or operator of the source shall consider EPA Control Technique Guidance (CTG) documents and Alternative
52 Control Technique documents that are applicable to the source. Best available control technology shall be at least as stringent as any
53 published CTG that is applicable to the source.

54 (e) The location and elevation of the emission point and other factors relating to dispersion and diffusion of the air pollutant in
55 relation to nearby structures and window openings, and other information necessary to appraise the possible effects of the effluent.

56 (f) The location of planned sampling points and the tests of the completed installation to be made by the owner or operator when
57 necessary to ascertain compliance.

58 (g) The typical operating schedule.

59 (h) A schedule for construction.

60 (i) Any plans, specifications and related information that are in final form at the time of submission of notice of intent.

61 (j) Any additional information required by:

62 (i) Rule R307-403, Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas;

- 1 (ii) Rule R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD);
2 (iii) Rule R307-406, Visibility;
3 (iv) Rule R307-410, Permits: Emissions Impact Analysis;
4 (v) Rule R307-420, Permits: Ozone Offset Requirements in Davis and Salt Lake Counties; or
5 (vi) Rule R307-421, Permits: PM10 Offset Requirements in Salt Lake County and Utah County.
6 (k) Any other information necessary to determine if the proposed construction, modification, installation, or establishment will be
7 in accord with Title R307.

8 (l) The payment of a new source review fee established under Subsection 19-1-201(6)(i).

9 (3) Notwithstanding the exemptions in Sections R307-401-9 through R307-401-16, any person that is subject to Rules R307-403,
10 R307-405, or R307-406 shall submit a notice of intent to the director and receive an approval order precedent to the construction,
11 modification, installation, establishment, or relocation of an air pollutant source or indirect source.
12

13 **R307-401-6. Review Period.**

14 (1) Completeness Determination. Within 30 days after receipt of a notice of intent, or any additional information necessary to the
15 review, the director will advise the applicant of any deficiency in the notice of intent or the information submitted.

16 (2) Within 90 days after the receipt of a complete application including all the information described in Section R307-401-5, the
17 director will

18 (a) issue an approval order for the proposed construction, installation, modification, relocation, or establishment pursuant to the
19 requirements of Section R307-401-8, or

20 (b) issue an order prohibiting the proposed construction, installation, modification, relocation or establishment if it is determined
21 that any part of the proposal will not be in the accord with the requirements of Title R307.

22 (3) The review period under Subsection R307-401-6(2) may be extended by up to three 30-day extensions if more time is needed
23 to review the proposal.
24

25 **R307-401-7. Public Notice.**

26 (1) Issuing the Notice. Prior to issuing an approval or disapproval order of the proposed construction, installation,
27 modification, relocation or establishment, the director shall:

28 (a) publish a legal notice of the intent to approve or disapprove on the public legal notice website under Subsection 45-1-
29 101(2);

30 (b) notify the public of the intent to approve or disapprove on the Division's website; and

31 (c) post the draft permit and administrative record for the draft permit, or information on how to access the administrative
32 record for the draft permit, on the Division's website for the duration of the public comment period.

33 (2) Opportunity for Review and Comment.

34 (a) At least one location will be provided where the information submitted by the owner or operator, the director's analysis of
35 the notice of intent proposal, and the proposed approval order conditions will be available for public inspection.

36 (b) Public Comment.

37 (i) A 30-day public comment period will be established.

38 (ii) A request to extend the length of the comment period, up to 30 days, may be submitted to the director within 15 days of
39 the date the legal notice in Subsection R307-401-7(1)(a) is published.

40 (iii) Public Hearing. A request for a hearing on the proposed approval or disapproval order may be submitted to the director
41 within 15 days of the date the legal notice in Subsection R307-401-7(1)(a) is published.

42 (iv) The hearing will be held in the area of the proposed construction, installation, modification, relocation or establishment.

43 (v) The public comment and hearing procedure shall not be required when an order is issued to extend the time required by
44 the director to review plans and specifications.

45 (3) The director will consider comments received during the public comment period and at the public hearing and, if
46 appropriate, will make changes to the proposal in response to comments before issuing an approval order or disapproval order.
47

48 **R307-401-8. Approval Order.**

49 (1) The director will issue an approval order if the following conditions have been met:

50 (a) The degree of pollution control for emissions, to include fugitive emissions and fugitive dust, is at least best available control
51 technology. When determining best available control technology for a new or modified source in an ozone nonattainment or maintenance
52 area that will emit volatile organic compounds or nitrogen oxides, best available control technology shall be at least as stringent as any
53 Control Technique Guidance document that has been published by EPA that is applicable to the source.

54 (b) The proposed installation will meet the applicable requirements of:

55 (i) Rule R307-403, Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas;

56 (ii) Rule R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD);

57 (iii) Rule R307-406, Visibility;

58 (iv) Rule R307-410, Permits: Emissions Impact Analysis;

59 (v) Rule R307-420, Permits: Ozone Offset Requirements in Davis and Salt Lake Counties;

60 (vi) Rule R307-210, Standards of Performance for New Stationary Sources;

61 (vii) National Primary and Secondary Ambient Air Quality Standards;

62 (viii) Rule R307-214, National Emission Standards for Hazardous Air Pollutants;

1 (ix) Rule R307-110, General Requirements: State Implementation Plan; and

2 (x) all other provisions of Title R307.

3 (2) The approval order will require that all pollution control equipment be adequately and properly maintained.

4 (3) Receipt of an approval order does not relieve any owner or operator of the responsibility to comply with the provisions of
5 Title R307 or the State Implementation Plan.

6 (4) To accommodate staged construction of a large source, the director may issue an order authorizing construction of an initial
7 stage prior to receipt of detailed plans for the entire proposal provided that, through a review of general plans, engineering reports and other
8 information the proposal is determined feasible by the director under the intent of Title R307. Subsequent detailed plans will then be
9 processed as prescribed in this paragraph. For staged construction projects the previous determination under Subsections R307-401-8(1)
10 and (2) will be reviewed and modified as appropriate at the earliest reasonable time prior to commencement of construction of each
11 independent phase of the proposed source or modification.

12 (5) If the director determines that a proposed stationary source, modification or relocation does not meet the conditions
13 established in (1) above, the director will not issue an approval order.

14
15 **R307-401-9. Small Source Exemption.**

16 (1) A small stationary source is exempt from the requirement to obtain an approval order in Sections R307-401-5 through R307-
17 401-8 if the following conditions are met.

18 (a) its actual emissions are less than 5 tons per year per air pollutant of any of the following air pollutants: sulfur dioxide, carbon
19 monoxide, nitrogen oxides, PM₁₀, ozone, or volatile organic compounds;

20 (b) its actual emissions are less than 500 pounds per year of any hazardous air pollutant and less than 2000 pounds per year of any
21 combination of hazardous air pollutants;

22 (c) its actual emissions are less than 500 pounds per year of any air pollutant not listed in (a) or (b) above and less than 2000
23 pounds per year of any combination of air pollutants not listed in (a) or (b) above.

24 (d) Air pollutants that are drawn from the environment through equipment in intake air and then are released back to the
25 environment without chemical change, as well as carbon dioxide, nitrogen, oxygen, argon, neon, helium, krypton, xenon should not be
26 included in emission calculations when determining applicability under (a) through (c) above.

27 (2) The owner or operator of a source that is exempted from the requirement to obtain an approval order under (1) above shall no
28 longer be exempt if actual emissions in any subsequent year exceed the emission thresholds in (1) above. The owner or operator shall
29 submit a notice of intent under Section R307-401-5 no later than 180 days after the end of the calendar year in which the source exceeded
30 the emission threshold.

31 (3) Small Source Exemption - Registration. The director will maintain a registry of sources that are claiming an exemption under
32 Section R307-401-9. The owner or operator of a stationary source that is claiming an exemption under Section R307-401-9 may submit a
33 written registration notice to the director. The notice shall include the following minimum information:

34 (a) identifying information, including company name and address, location of source, telephone number, and name of plant site
35 manager or point of contact;

36 (b) a description of the nature of the processes involved, equipment, anticipated quantities of materials used, the type and quantity
37 of fuel employed and nature and quantity of the finished product;

38 (c) identification of expected emissions;

39 (d) estimated annual emission rates;

40 (e) any control apparatus used; and

41 (f) typical operating schedule.

42 (4) An exemption under Section R307-401-9 does not affect the requirements of Section R307-401-17, Temporary Relocation.

43 (5) A stationary source that is not required to obtain a permit under Rule R307-405 for greenhouse gases, as defined in Subsection
44 R307-405-3(9)(a), is not required to obtain an approval order for greenhouse gases under Rule R307-401. This exemption does not affect
45 the requirement to obtain an approval order for any other air pollutant emitted by the stationary source.

46
47 **R307-401-10. Source Category Exemptions.**

48 The source categories described in Section R307-401-10 are exempt from the requirement to obtain an approval order found in
49 Sections R307-401-5 through R307-401-8. The general provisions in Section R307-401-4 shall apply to these sources.

50 (1) Fuel-burning equipment in which combustion takes place at no greater pressure than one inch of mercury above ambient
51 pressure with a rated capacity of less than five million BTU per hour using no other fuel than natural gas or LPG or other mixed gas that
52 meets the standards of gas distributed by a utility in accordance with the rules of the Public Service Commission of the State of Utah, unless
53 there are emissions other than combustion products.

54 (2) Comfort heating equipment such as boilers, water heaters, air heaters and steam generators with a rated capacity of less than
55 one million BTU per hour if fueled only by fuel oil numbers 1 - 6,

56 (3) Emergency heating equipment, using coal or wood for fuel, with a rated capacity less than 50,000 BTU per hour.

57 (4) Exhaust systems for controlling steam and heat that do not contain combustion products.

58 (5) A well site as defined in 40 CFR 60.5430a, including centralized tank batteries, that is not a major source as defined in Section
59 R307-101-2, and is registered with the Division as required by Rule R307-505.

60 (6) A gasoline dispensing facility as defined in 40 CFR 63.11132 that is not a major source as defined in Section R307-101-2.
61 These sources shall comply with the applicable requirements of Rule R307-328 and 40 CFR 63 Subpart CCCCC: National Emission
62 Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

1 (7) A Vapor Mitigation System as defined in R307-401-2.
2

3 **R307-401-11. Replacement-in-Kind Equipment.**

4 (1) Applicability. Existing process equipment or pollution control equipment that is covered by an existing approval order or State
5 Implementation Plan requirement may be replaced using the procedures in (2) below if:

- 6 (a) the potential to emit of the process equipment is the same or lower;
7 (b) the number of emission points or emitting units is the same or lower;
8 (c) no additional types of air pollutants are emitted as a result of the replacement;
9 (d) the process equipment or pollution control equipment is identical to or functionally equivalent to the replaced equipment;
10 (e) the replacement does not change the basic design parameters of the process unit or pollution control equipment;
11 (f) the replaced process equipment or pollution control equipment is permanently removed from the stationary source, otherwise
12 permanently disabled, or permanently barred from operation;
13 (g) the replacement process equipment or pollution control equipment does not trigger New Source Performance Standards or
14 National Emissions Standards for Hazardous Air Pollutants under 42 U.S.C. 7411 or 7412; and
15 (h) the replacement of the control apparatus or process equipment does not violate any other provision of Title R307.

16 (2) Replacement-in-Kind Procedures.

17 (a) In lieu of filing a notice of intent under Section R307-401-5, the owner or operator of a stationary source shall submit a written
18 notification to the director before replacing the equipment. The notification shall contain a description of the replacement-in-kind
19 equipment, including the control capability of any control apparatus and a demonstration that the conditions of (1) above are met.

20 (b) If the replacement-in-kind meets the conditions of (1) above, the director will update the source's approval order and notify the
21 owner or operator. Public review under Section R307-401-7 is not required for the update to the approval order.

22 (3) If the replaced process equipment or pollution control equipment is brought back into operation, it shall constitute a new
23 emissions unit.
24

25 **R307-401-12. Reduction in Air Pollutants.**

26 (1) Applicability. The owner or operator of a stationary source of air pollutants that reduces or eliminates air pollutants is exempt
27 from the requirement to submit a notice of intent and obtain an approval order prior to construction if:

- 28 (a) the project does not increase the potential to emit of any air pollutant or cause emissions of any new air pollutant, and
29 (b) the director is notified of the change and the reduction of air pollutants is made enforceable through an approval order in
30 accordance with (2) below.

31 (2) Notification. The owner or operator shall submit a written description of the project to the director no later than 60 days after
32 the changes are made. The director will update the source's approval order or issue a new approval order to include the project and to make
33 the emission reductions enforceable. Public review under Section R307-401-7 is not required for the update to the approval order.
34

35 **R307-401-13. Plantwide Applicability Limits.**

36 A plantwide applicability limit under Section R307-405-21 does not exempt a stationary source from the requirements of R307-
37 401.
38

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

40 (1) Definitions.

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

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

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

- 49 ~~_____ (a) the heat input design is less than one million BTU/hr;~~
50 ~~_____ (b) contamination levels of all used oil to be burned do not exceed any of the following values:~~
51 ~~_____ (i) arsenic 5 ppm by weight,~~
52 ~~_____ (ii) cadmium 2 ppm by weight,~~
53 ~~_____ (iii) chromium 10 ppm by weight,~~
54 ~~_____ (iv) lead 100 ppm by weight,~~
55 ~~_____ (v) total halogens 1,000 ppm by weight,~~
56 ~~_____ (vi) Sulfur 0.50% by weight; and~~
57 ~~_____ (c) the flash point of all used oil to be burned is at least 100 degrees Fahrenheit.~~

58 ~~_____ (3) Testing. The owner or operator shall test each load of used oil received or generated as directed by the director to ensure it~~
59 ~~meets these requirements. Testing may be performed by the owner or operator or documented by test reports from the used fuel oil vendor.~~
60 ~~The flash point shall be measured using the appropriate ASTM method as required by the director. Records for used oil consumption and~~
61 ~~test reports are to be kept for all periods when fuel burning equipment is in operation. The records shall be kept on site and made available~~
62 ~~to the director or the director's representative upon request. Records must be kept for a three-year period.]~~

1
2 **R307-401-15. Air Strippers and Soil Vapor Extraction Systems.**

3 R307-401-15 applies to remediation systems with the potential to generate air emissions, such as air strippers and soil vapor
4 extraction (SVE) as defined in R307-401-2.

5 (1) The owner or operator of an air stripper or SVE remediation system is exempt from the notice of intent and approval order
6 requirements of Sections R307-401-5 through R307-401-8 if the following conditions are met:

- 7 (a) actual emissions of volatile organic compounds from a given project are less than 5 tons per year; and
8 (b) emission rates of hazardous air pollutants are below their respective threshold values contained in R307-410-5(1)(c)(i)(C).

9 (2) The owner or operator shall submit documentation to the director that demonstrates the project meets the exemption criteria in
10 R307-401-15(1). Required documentation includes, but is not limited to:

- 11 (a) project summary, including location, system description, operational schedule, and schedule for construction;
12 (b) emission calculations and any laboratory sampling data used in calculations; and
13 (c) plans and specifications for the system and equipment.

14 (3) After beginning the soil remediation project, the owner or operator shall conduct testing to demonstrate compliance with the
15 exemption levels in R307-401-15(1)(1) and (b). Monitoring and reporting shall be conducted as follows:

16 (a) Emissions for air strippers shall be based on the following:

17 (i) influent and effluent water samples analyzed for volatile organic compounds and hazardous air pollutants using the most
18 recent version of USEPA Test Method 8260, Method 8021, or other EPA approved testing methods acceptable to the director; and
19 (ii) design water flow rate of the system or the water flow rates measured during the sample period.

20 (b) Emissions for SVE systems shall be based on the following:

21 (i) Air samples collected from a sample port in the exhaust stack of the SVE system and analyzed for volatile organic compounds
22 and hazardous air pollutants using USEPA test method TO-15, or other EPA approved testing methods acceptable to the director.

23 (ii) Design air flow rate of the system or the air flow rates measured at the outlet of the SVE system during the sample period.

24 Flow rates should be measured and reported at actual conditions.

25 (c) Within one month of sampling, the owner or operator shall submit to the director the sample results, estimated emissions of
26 volatile organic compounds, and estimated emission rates of hazardous air pollutants.

27 (d) Samples shall be collected at the following frequencies or more frequently as determined necessary by the director:

28 (i) no less than twenty-eight days and no more than thirty-one days (i.e., monthly) after startup for the first quarter;

29 (ii) quarterly for the remainder of the first year; and

30 (iii) semi-annually thereafter for the life of the project or as allowed in R307-401-15(3)(f).

31 (e) If an SVE or air stripper system is restarted after rehabilitation or an extended period of shutdown, the owner or operator shall
32 recommence the sampling schedule in R307-415(3)(d), unless otherwise approved by the director.

33 (f) The owner or operator may request to discontinue sampling after three years of operation. To discontinue sampling, the owner
34 or operator must submit to the director a request to discontinue monitoring.

35 (i) The request must include documentation demonstrating emissions have remained below the exemption levels in R307-401-
36 15(1)(a) and (b) since startup of the system.

37 (ii) The request is subject to approval from the director upon consultation with other regulatory agencies involved in the project,
38 such as Division of Environmental Response and Remediation or Division of Waste Management and Radiation Control.

39 (4) The following control devices do not require a notice of intent or approval order when used in relation to an air stripper or soil
40 vapor extraction system that is exempted under Section R307-401-15:

41 (a) thermodestruction unit with a rated input capacity of less than five million BTU per hour using no other auxiliary fuel than
42 natural gas or LPG, or

43 (b) carbon adsorption unit.

44
45 **R307-401-16. Soil Aeration Projects.**

46 R307-401-16 applies to soil aeration projects used to conduct soil remediation.

47 (1) The owner or operator of a soil aeration project is not subject to the notice of intent and approval order requirements of
48 Sections R307-401-5 through R307-401-8, if the following conditions are met:

49 (a) emissions of volatile organic compounds from a given soil aeration project are less than 5 tons per year; and

50 (b) emission rates of hazardous air pollutants are below their respective threshold values contained in R307-410-(1)(c)(i)(C).

51 (2) The owner or operator shall submit documentation to the director demonstrating the project meets the exemption criteria in
52 R307-401-16(1). The owner or operator shall receive approval from the director for the exemption prior to beginning the remediation
53 project. Required documentation includes, but is not limited to:

54 (a) calculated emissions of volatile organic compounds and estimated emission rates of hazardous air pollutants from all soils to
55 be treated from the soil aeration project.

56 (b) Emission calculations shall be based on soil samples of the soils to be remediated. Samples shall be analyzed for volatile
57 organic compounds and hazardous air pollutants using the most recent version of USEPA Test Method 8260, Method 8021, or other EPA
58 approved testing methods acceptable to the director. Emission calculations should be based on the methodology in EPA guidance "Air
59 Emissions from the Treatment of Soils Contaminated with Petroleum Fuels and Other Substances" (EPA-600/R-92-124) or other
60 methodology acceptable to the director.

61 (c) Location where soil aeration will occur and where the remediated material originated.

62 (3) The owner or operator is exempt from the reporting requirements in R307-401-16(2) if excavated soils are disposed of at a

1 disposal or treatment facility, such as a landfill, solid waste management facility, or a landfarm facility, that is owned or operated by a third
2 party and operates under an existing approval order.
3

4 **R307-401-17. Temporary Relocation.**

5 The owner or operator of a stationary source previously approved under Rule R307-401 may temporarily relocate and operate the
6 stationary source at any site for up to 180 working days in any calendar year not to exceed 365 consecutive days, starting from the initial
7 relocation date. The director will evaluate the expected emissions impact at the site and compliance with applicable Title R307 rules as the
8 basis for determining if approval for temporary relocation may be granted. Records of the working days at each site, consecutive days at
9 each site, and actual production rate shall be submitted to the director at the end of each 180 calendar days. These records shall also be kept
10 on site by the owner or operator for the entire project, and be made available for review to the director as requested. Section R307-401-7,
11 Public Notice, does not apply to temporary relocations under Section R307-401-17.
12

13 **R307-401-18. Eighteen Month Review.**

14 Approval orders issued by the director in accordance with the provisions of Rule R307-401 will be reviewed eighteen months
15 after the date of issuance to determine the status of construction, installation, modification, relocation or establishment. If a continuous
16 program of construction, installation, modification, relocation or establishment is not proceeding, the director may revoke the approval
17 order.
18

19 **R307-401-19. General Approval Order.**

20 (1) The director may issue a general approval order that would establish conditions for similar new or modified sources of
21 the same type or for specific types of equipment. The general approval order may apply throughout the state or in a specific area.

22 (a) A major source or major modification as defined in Rules R307-403, R307-405, or R307-420 for each respective area is
23 not eligible for coverage under a general approval order.

24 (b) A source that is subject to the requirements of Section R307-403-5 is not eligible for coverage under a general approval
25 order.

26 (c) A source that is subject to the requirements of Section R307-410-4 is not eligible for coverage under a general approval
27 order unless a demonstration that meets the requirements of Section R307-410-4 was conducted.

28 (d) A source that is subject to the requirements of Subsection R307-410-5(1)(c)(ii) is not eligible for coverage under a
29 general approval order unless a demonstration that meets the requirements of Subsection R307-410-5(1)(c)(ii) was conducted.

30 (e) A source that is subject to the requirements of Subsection R307-410-5(1)(c)(iii) is not eligible for coverage under a
31 general approval order.

32 (2) A general approval order shall meet applicable requirements of Section R307-401-8.

33 (3) The public notice requirements in Section R307-401-7 shall apply to a general approval order.

34 (4) Application.

35 (a) After a general approval order has been issued, the owner or operator of a proposed new or modified source may apply to
36 be covered under the conditions of the general approval order.

37 (b) The owner or operator shall submit the application on forms provided by the director in lieu of the notice of intent
38 requirements in Section R307-401-5 for equipment covered by the general approval order.

39 (c) The owner or operator may request that an existing, individual approval order for the source be revoked, and that it be
40 covered by the general approval order.

41 (d) The owner or operator that has applied to be covered by a general approval order shall not initiate construction,
42 modification, or relocation until the application has been approved by the director.

43 (5) Approval.

44 (a) The director will review the application and approve or deny the request based on criteria specified in the general
45 approval order for that type of source. If approved, the director will issue an authorization to the applicant to operate under the
46 general approval order.

47 (b) The public notice requirements in Section R307-401-7 do not apply to the approval of an application to be covered under
48 the general approval order.

49 (c) The director will maintain a record of stationary sources that are covered by a specific general approval order and this
50 record will be available for public review.

51 (6) Exclusions and Revocation.

52 (a) The director may require any source that has applied for or is authorized by a general approval order to submit a notice of
53 intent and obtain an individual approval order under Section R307-401-8. Cases where the director will require an individual approval
54 order include the following:

55 (i) the director determines that the source does not meet the criteria specified in the general approval order;

56 (ii) the director determines that the application for the general approval order did not contain all necessary information to
57 evaluate applicability under the general approval order;

58 (iii) modifications were made to the source that were not authorized by the general approval order or an individual approval
59 order;

60 (iv) the director determines the source may cause a violation of a national ambient air quality standard;

61 (v) the director determines that an approval order is required based on the compliance history and current compliance status
62 of the source or applicant; or

1 (vi) the director determines that an approval order is required for any other reason.

2 (b)(i) Any source authorized by a general approval order may request to be excluded from the coverage of the general
3 approval order by submitting a notice of intent under Section R307-401-5 and receiving an individual approval order under Section
4 R307-401-8.

5 (ii) When the director issues an individual approval order to a source subject to a general approval order, the applicability of
6 the general approval order to the individual source is revoked on the effective date of the individual approval order.

7 (7) Modification of General Approval Order. The director may modify, replace, or discontinue the general approval order.

8 (a) Administrative corrections may be made to the existing version of the general approval order. These corrections are to
9 correct typographical errors or similar minor administrative changes.

10 (b) All other modifications or the discontinuation of a general approval order shall not apply to any source authorized under
11 previous versions of the general approval order unless the owner or operator submits an application to be covered under the new
12 version of the general approval order. Modifications under Subsection R307-401-19(7)(b) shall meet the public notice requirements in
13 Subsection R307-401-19(3).

14 (c) A general approval order shall be reviewed at least every three years. The review of the general approval order shall
15 follow the public notice requirements of Subsection R307-401-19(3).

16 (8) Modifications at a source covered by a general approval order. A source may make modifications only as authorized by
17 the approved general approval order. Modifications outside the scope authorized by the approved general approval order shall require
18 a new application for either an individual approval order under Section R307-401-8 or a general approval order under Section R307-
19 401-19.

20
21 **KEY: air pollution, permits, approval orders, greenhouse gases**

22 **Date of Last Change: 2021**

23 **Notice of Continuation: May 15, 2017**

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

ITEM 6

Monitoring Ethylene Oxide (EtO) Near Sterilization Facilities

Monitoring Ethylene Oxide (EtO) Near Sterilization Facilities

Presented by Nancy Daher, Ph.D., UDAQ

Co-Investigators: Rachel Edie, Ph.D., UDAQ & Rod Handy, MPA, Ph.D., CIH, University of Utah



UTAH DEPARTMENT *of*
ENVIRONMENTAL QUALITY

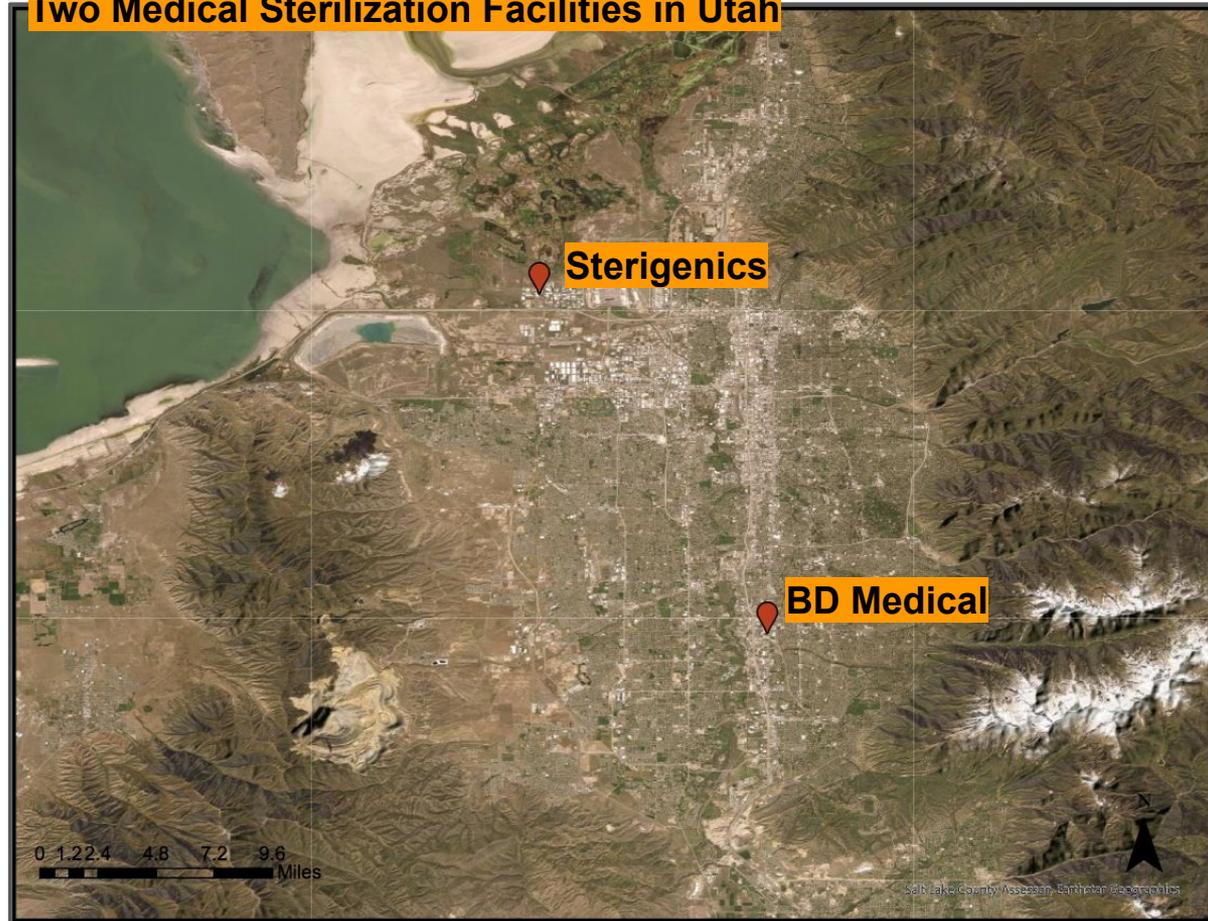
AIR
QUALITY



Two Medical Sterilization Facilities in Utah

Background

- In Dec. 2016, EPA updated the Inhalation Unit Risk Estimate for EtO
- EtO 30x more Carcinogenic to Adults than Prior Estimates
- 2014 NATA (released in 2018) Modeling indicates that EtO from 25 Facilities Contributes to Elevated Cancer Risk in Several Census Tracts
- Several of these Facilities are Commercial Sterilizers



Background

	2021 Emissions (tpy)
Stack	0.066
Fugitives	0.96
TOTAL	1.027



Background

	2021 Emissions (tpy)
Stack	0.016
Fugitives	0.33
TOTAL	0.346



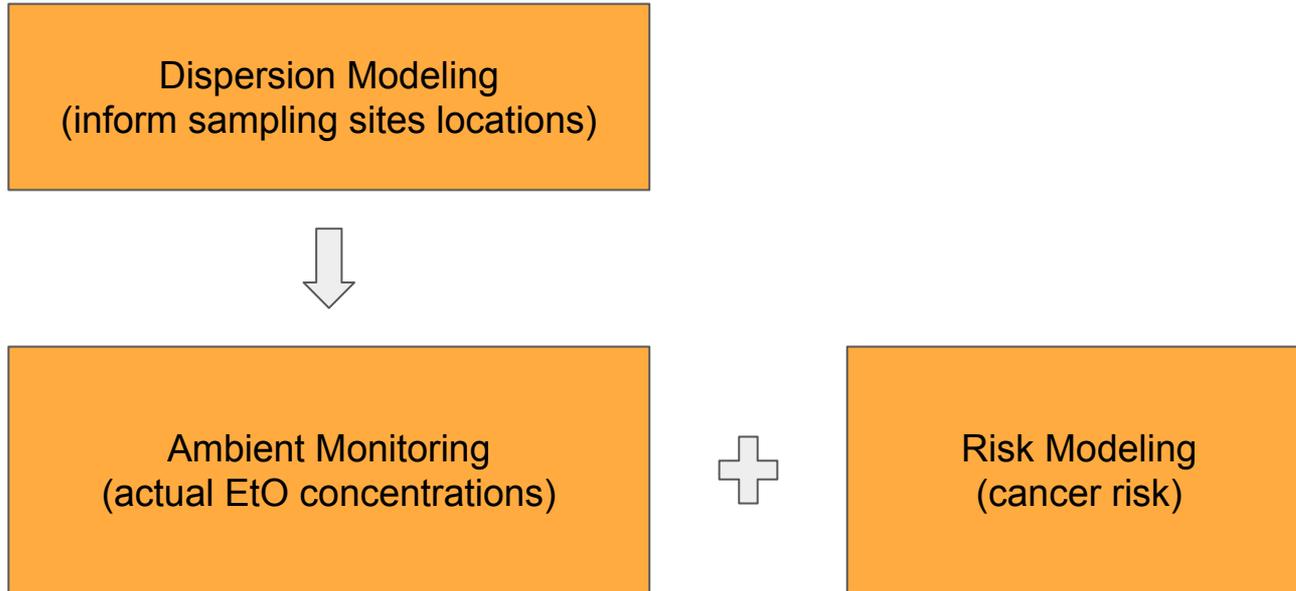
Objectives

- What Are the Actual Concentrations of EtO?
- How Do they Vary Spatially & Temporally?
- How High is EtO Background Level?
- What's the Risk Associated with Exposure to EtO?

Other states doing similar work



Technical Approach



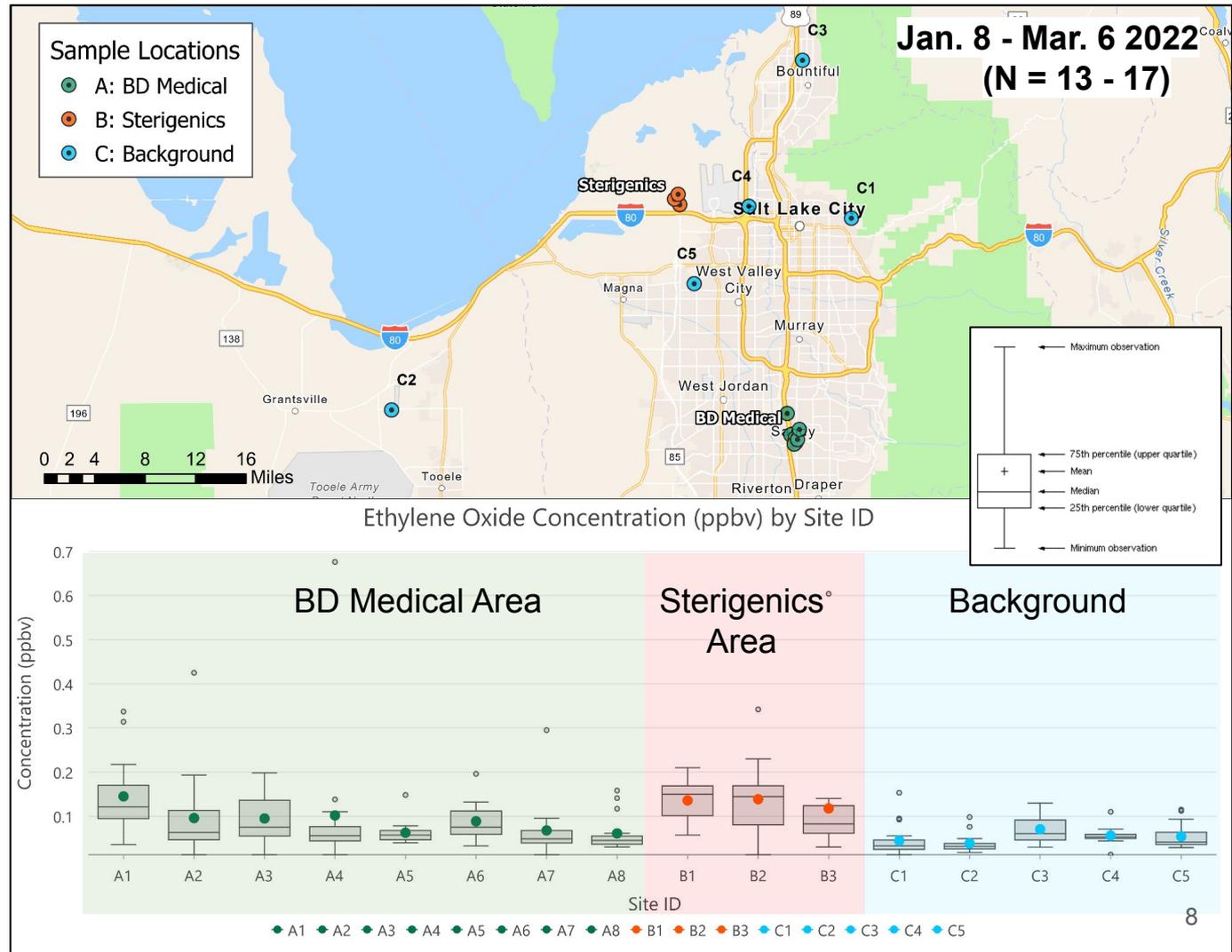
Ambient Monitoring

- 16 Sampling Sites
 - Near-facilities
 - Background Locations (near-freeway, rural, biogenics-influenced, industrial/residential)
- Passivated Canisters
- 24-hr Measurements Collected Every 3 Days + Collocates
- Analysis using EPA TO-15 Method
- Jan-Mar. 2022 & July-Aug. 2022
- Locations informed by AERMOD simulations, wind considerations, source information

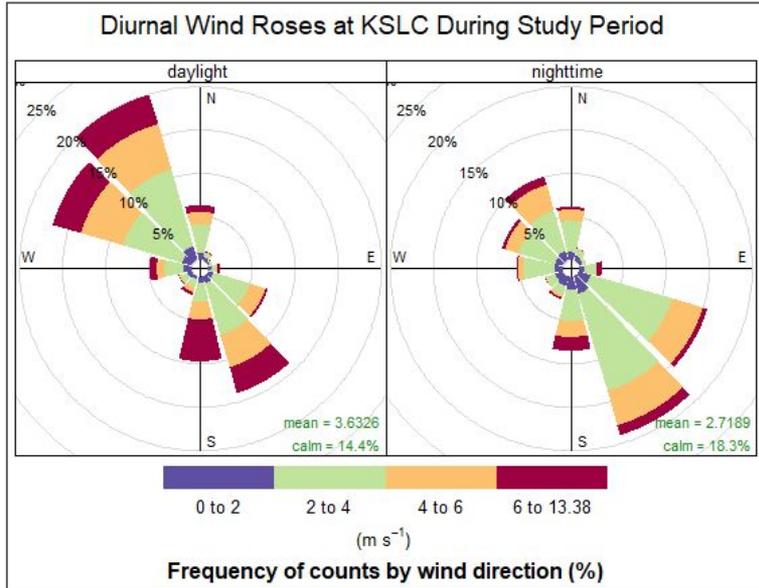


Preliminary Results

- Concentrations greater than 0.011 ppbv; 100-in-a-million cancer risk level for lifetime of continuous exposure to EtO
- Overall greater concentrations close to facilities compared to background locations

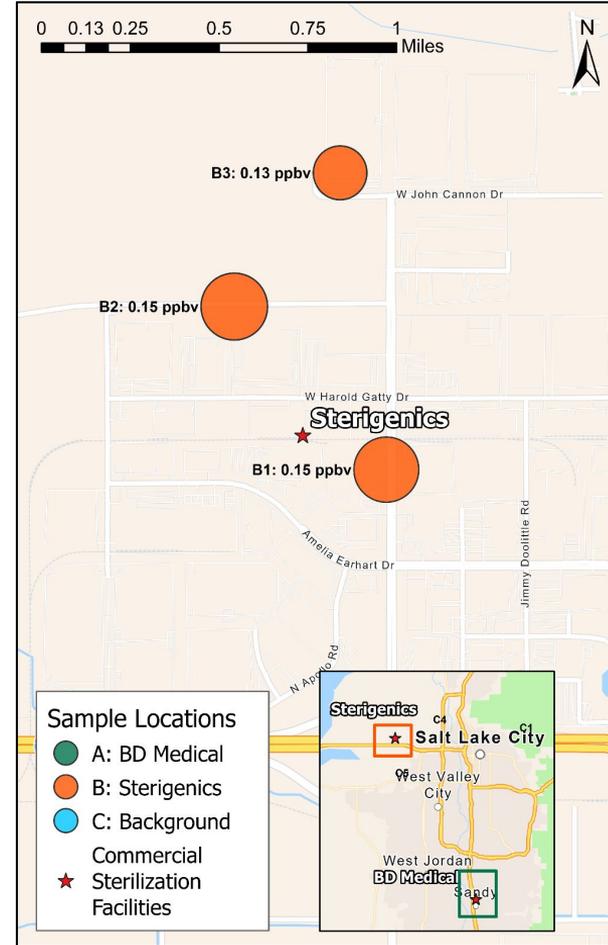


Preliminary Results: Sterigenics

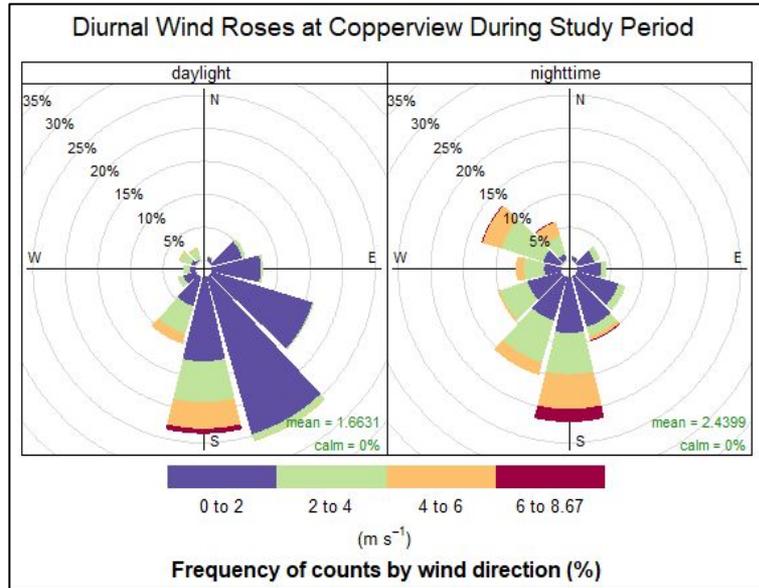


- Limited variability
- Comparable concentrations at B1, B2

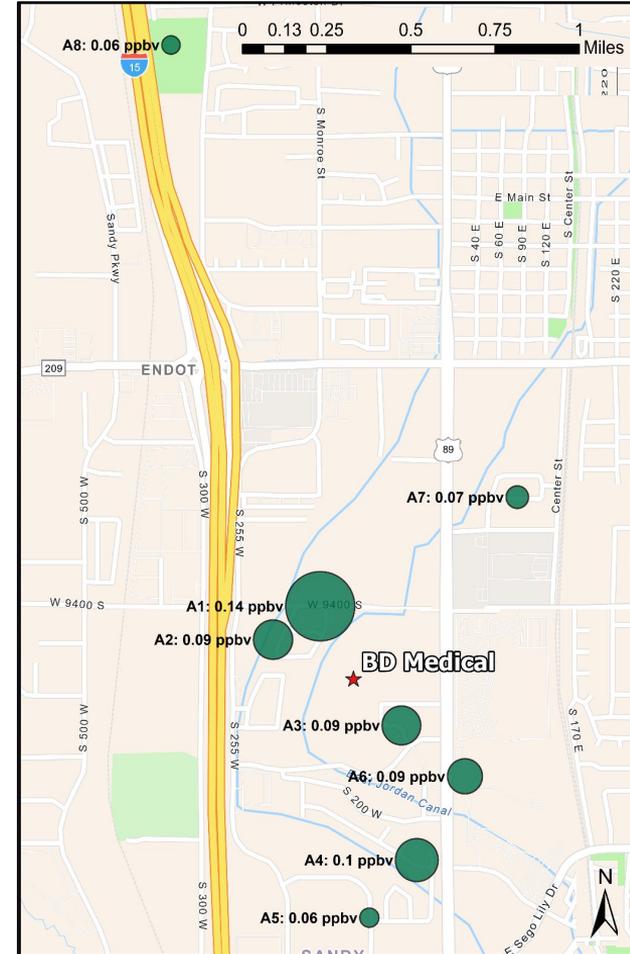
Jan. 8 - Mar. 6 2022
Mean EtO (N = 13 - 17)



Preliminary Results: BD Medical



- Concentrations highest at A1, ~150 m from & generally downwind of facility



Findings

- High EtO Concentrations Overall
- Higher EtO Concentrations Close to Facilities Compared to Background
- Source(s) of Background EtO Still Unclear

BUT Additional Controls being Implemented by both Facilities

Next

- Additional Monitoring
 - Summer Sample Collection
 - Indoor Samples, Other Background Locations
- Continue Monitoring Data Analysis
- Continue Risk Assessment Analysis
 - Apportion risk (background vs. fugitives vs. stack emissions)
 - Compare modeled to measured data
- EPA Investigating EtO too

Thank You

For more information:

- Nancy Daher, UDAQ, ndaher@utah.gov
- Rachel Edie, UDAQ, redie@utah.gov
- Rod Handy, University of Utah, rod.handy@hsc.utah.edu

Project Webpage:

<https://deq.utah.gov/air-quality/ethylene-oxide-study>



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ENVIRONMENTAL QUALITY

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Controls

BD Medical Controls	Timeline	Efficiency
Cycle Optimization (reduces EtO usage + cycle length i.e. time product is exposed to EtO)	By ~ summer/fall 2022	15-20% reduction in EtO consumption
Dry Bed System	End of 2022	Captures and controls fugitives 95-99% control efficiency
Negative Pressure System	End of 2022	98-95% control efficiency

Air Toxics



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQA-135-22

MEMORANDUM

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: April 14, 2022

SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – March 2022

Asbestos Demolition/Renovation NESHAP Inspections	7
Asbestos AHERA Inspections	7
Asbestos State Rules Only Inspections	3
Asbestos Notification Forms Accepted	117
Asbestos Telephone Calls	447
Asbestos Individuals Certifications Approved	70
Asbestos Company Certifications/Re-Certifications	1/5
Asbestos Alternate Work Practices Approved	5
Lead-Based Paint (LBP) Inspections	1
LBP Notification Forms Approved	1
LBP Telephone Calls	75
LBP Letters Prepared and Mailed	27
LBP Courses Reviewed/Approved	0
LBP Course Audits	2
LBP Individual Certifications Approved	30

DAQA-135-22

Page 2

LBP Firm Certifications	10
Notices of Violation Sent	0
Compliance Advisories Sent	6
Warning Letters Sent	2
Settlement Agreements Finalized	0
Penalties Agreed to:	

Compliance



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQC-468-22

MEMORANDUM

TO: Air Quality Board
FROM: Bryce C. Bird, Executive Secretary
DATE: April 15, 2022
SUBJECT: Compliance Activities – March 2022

ACTIVITIES:

Activity	Monthly Total	36-Month Average
Inspections	68	52
On-Site Stack Test & CEM Audits	2	4
Stack Test & RATA Report Reviews	47	31
Emission Report Reviews	7	13
Temporary Relocation Request Reviews	10	7
Fugitive Dust Control Plan Reviews	209	144
Soil Remediation Report Reviews	3	2
Open Burn Permits Issued	0	132
Miscellaneous Inspections ¹	5	20
Complaints Received	24	13
Wood Burning Complaints Received	3	1
Breakdown Reports Received	2	1
Compliance Actions Resulting from a Breakdown	0	0
VOC Inspections	0	0
Warning Letters Issued	4	1
Notices of Violation Issued	0	0
Compliance Advisories Issued	2	5
No Further Action Letters Issued	1	2
Settlement Agreements Reached	6	2
Penalties Assessed	\$3,705,189	\$23,021.34

¹Miscellaneous inspections include, e.g., surveillance, complaint, on-site training, dust patrol, smoke patrol, open burning, etc.

SETTLEMENT AGREEMENTS:

Party	Amount
EP Energy	\$700,000
Crescent Point Energy	\$3,000,000
Integrated Water Management	\$1,616
EP Energy	\$471
EP Energy	\$471
EP Energy	\$2,631

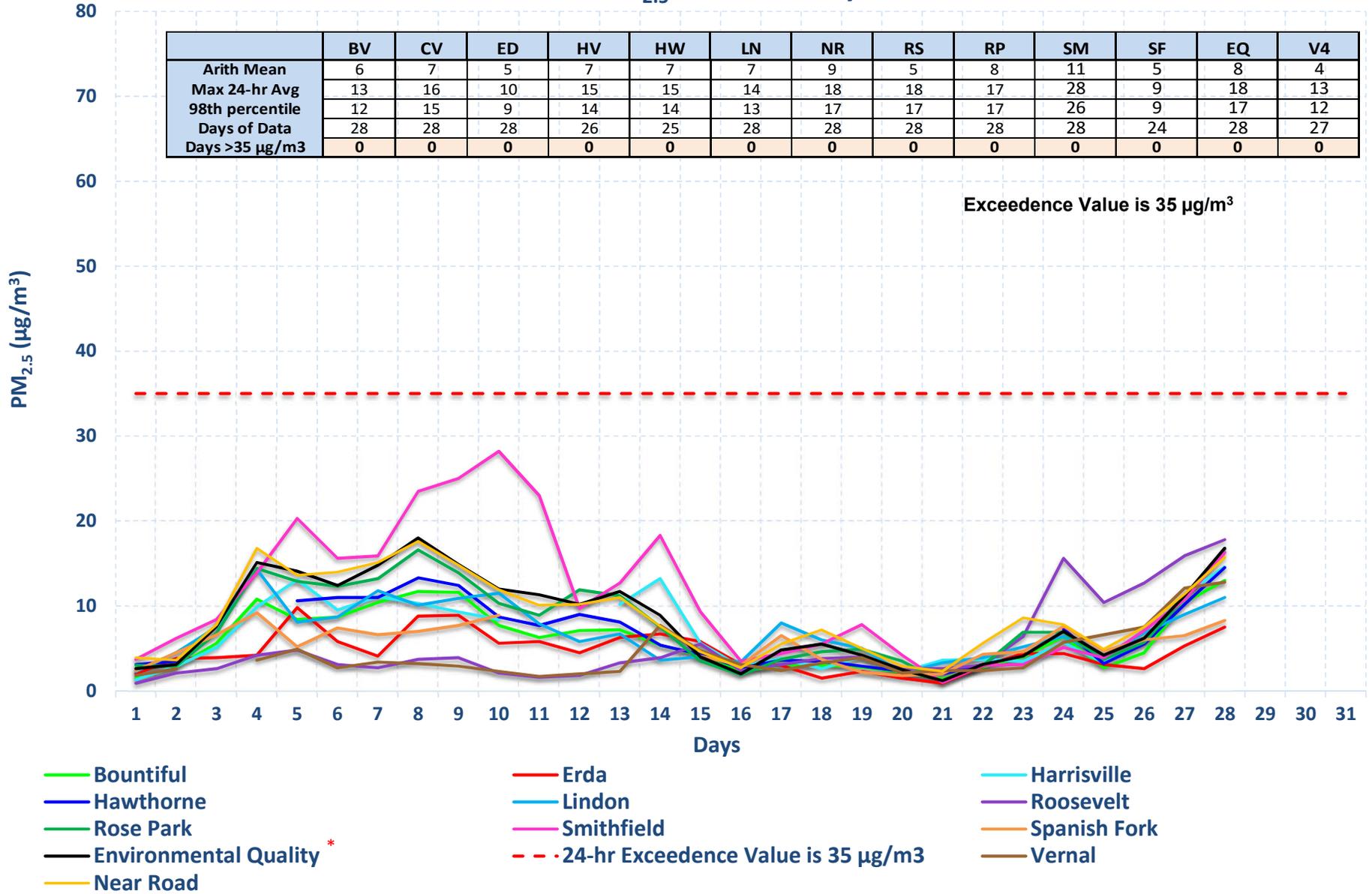
UNRESOLVED NOTICES OF VIOLATION:

Party	Date Issued
US Magnesium (in litigation)	08/27/2015
US Magnesium (in litigation)	03/02/2018
CH4 Finley	07/24/2020
Ovintiv	07/14/2020
Big West Oil	10/22/2021
Paradox Resources/Four Corners Pipeline (tolled)	11/05/2021
US Magnesium (hearing requested)	11/16/2021

Air Monitoring

Utah 24-Hr PM_{2.5} Data February 2022

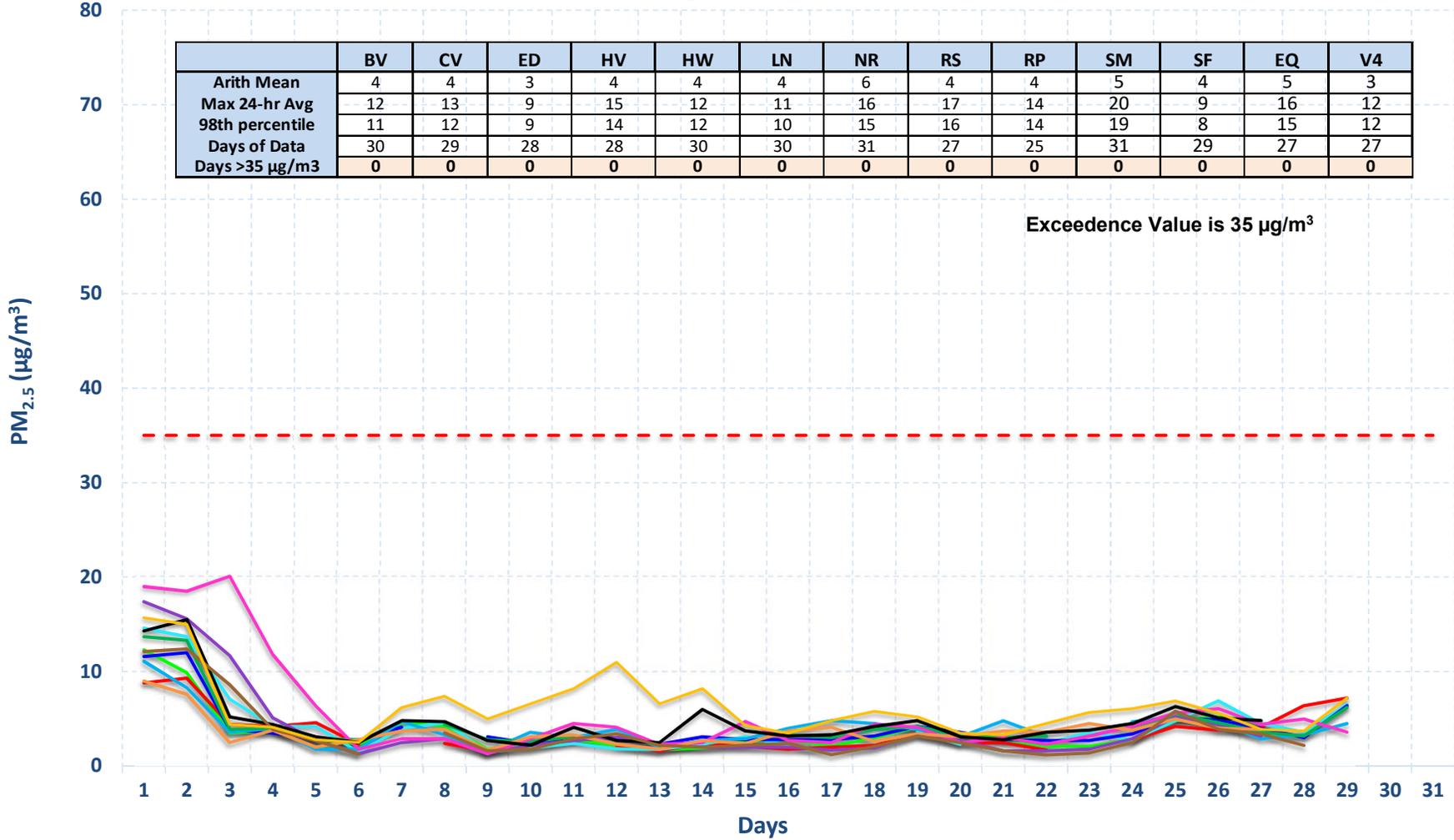
	BV	CV	ED	HV	HW	LN	NR	RS	RP	SM	SF	EQ	V4
Arith Mean	6	7	5	7	7	7	9	5	8	11	5	8	4
Max 24-hr Avg	13	16	10	15	15	14	18	18	17	28	9	18	13
98th percentile	12	15	9	14	14	13	17	17	17	26	9	17	12
Days of Data	28	28	28	26	25	28	28	28	28	28	24	28	27
Days >35 $\mu\text{g}/\text{m}^3$	0	0	0	0	0	0	0	0	0	0	0	0	0



* Environmental Quality (EQ) previously named Technical Support Center (TSC)

Utah 24-Hr PM_{2.5} Data March 2022

	BV	CV	ED	HV	HW	LN	NR	RS	RP	SM	SF	EQ	V4
Arith Mean	4	4	3	4	4	4	6	4	4	5	4	5	3
Max 24-hr Avg	12	13	9	15	12	11	16	17	14	20	9	16	12
98th percentile	11	12	9	14	12	10	15	16	14	19	8	15	12
Days of Data	30	29	28	28	30	30	31	27	25	31	29	27	27
Days >35 µg/m3	0	0	0	0	0	0	0	0	0	0	0	0	0



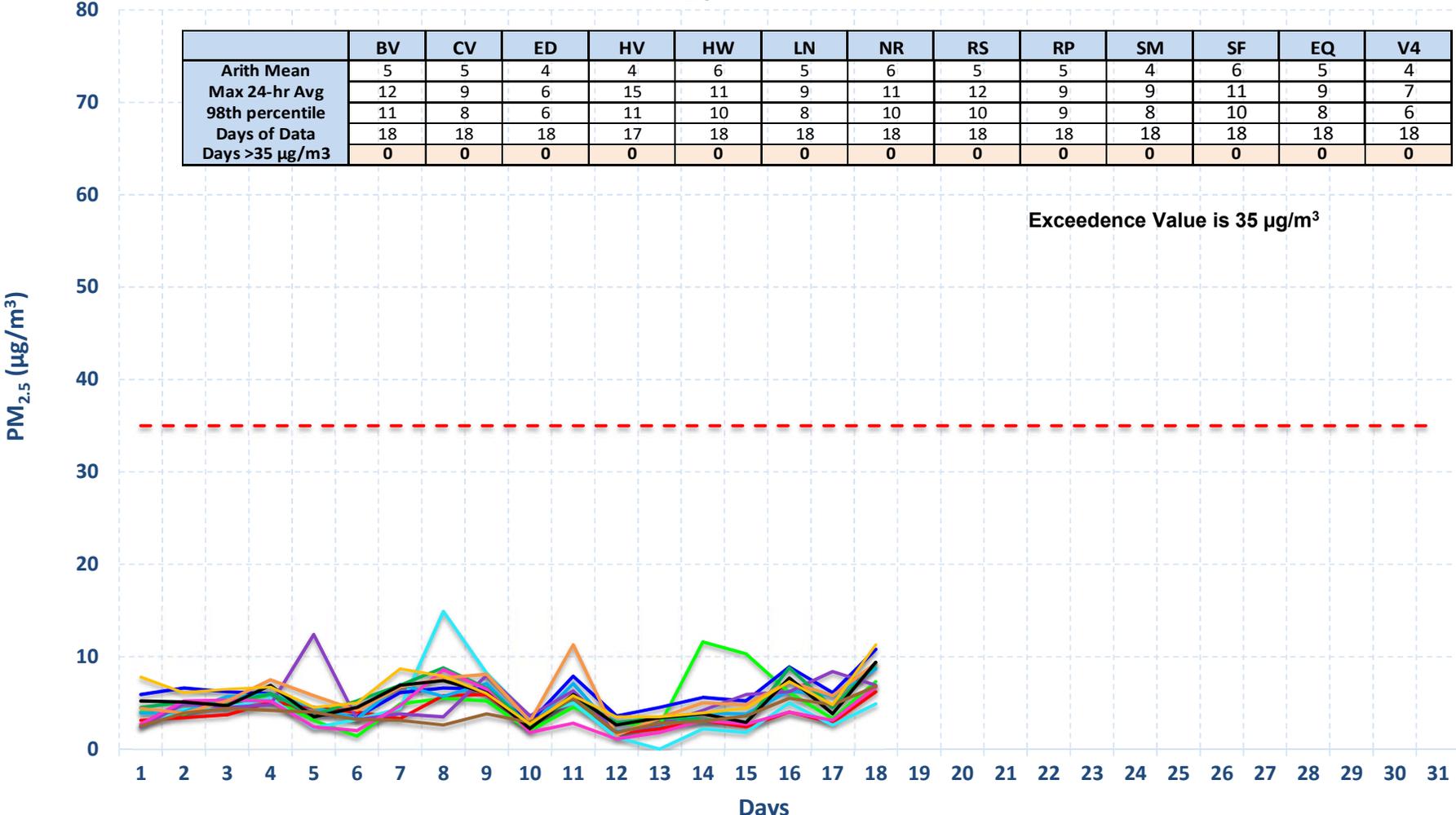
- Bountiful
- Erda
- Harrisville
- Hawthorne
- Lindon
- Roosevelt
- Rose Park
- Smithfield
- Spanish Fork
- Environmental Quality *
- - - 24-hr Exceedence Value is 35 µg/m³
- Vernal
- Near Road

* Environmental Quality (EQ) previously named Technical Support Center (TSC)

Utah 24-Hr PM_{2.5} Data April 2022

	BV	CV	ED	HV	HW	LN	NR	RS	RP	SM	SF	EQ	V4
Arith Mean	5	5	4	4	6	5	6	5	5	4	6	5	4
Max 24-hr Avg	12	9	6	15	11	9	11	12	9	9	11	9	7
98th percentile	11	8	6	11	10	8	10	10	9	8	10	8	6
Days of Data	18	18	18	17	18	18	18	18	18	18	18	18	18
Days >35 µg/m ³	0	0	0	0	0	0	0	0	0	0	0	0	0

Exceedence Value is 35 µg/m³

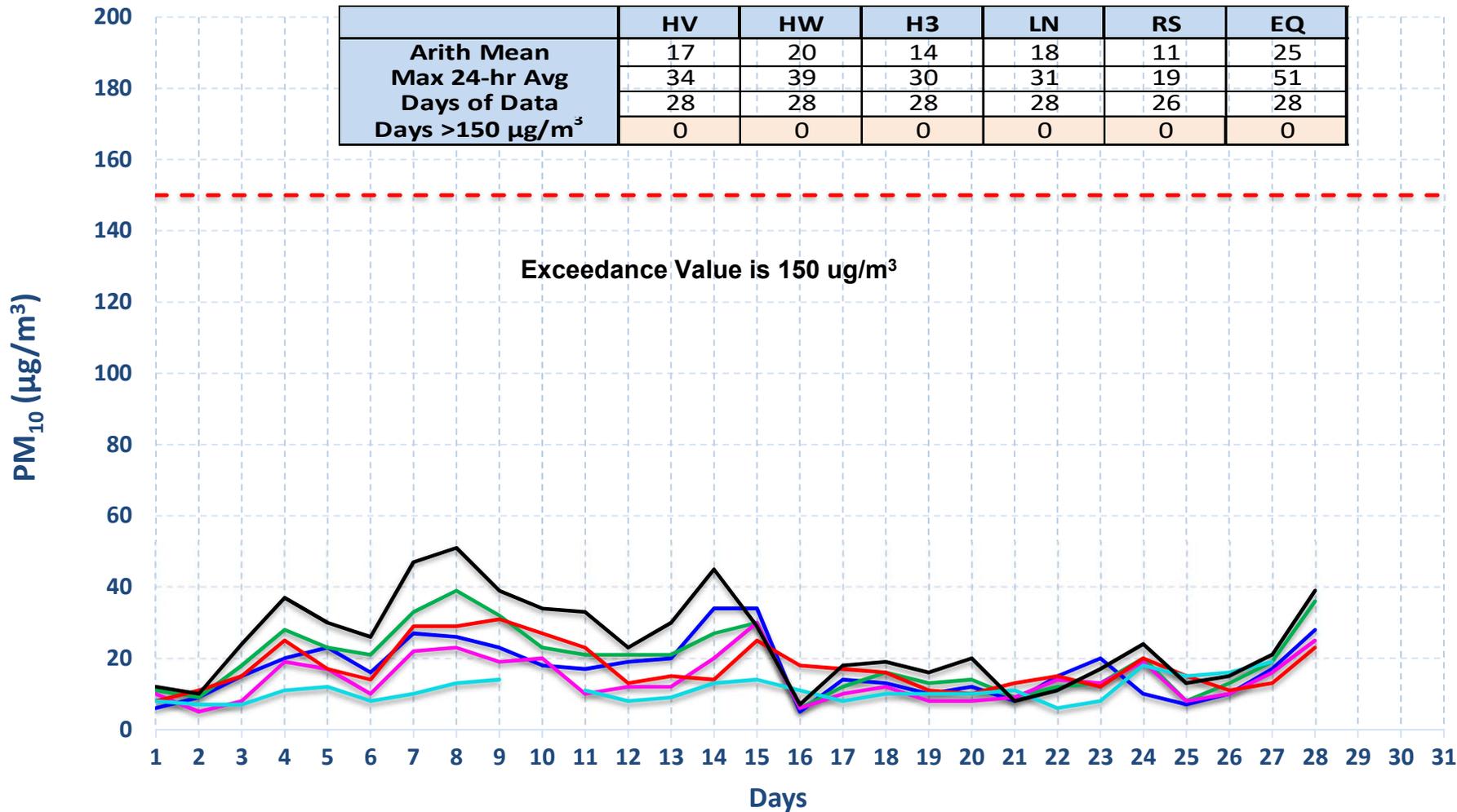


- Bountiful
- Erda
- Harrisville
- Hawthorne
- Lindon
- Roosevelt
- Rose Park
- Smithfield
- Spanish Fork
- Environmental Quality *
- - - 24-hr Exceedence Value is 35 µg/m³
- Vernal
- Near Road

* Environmental Quality (EQ) previously named Technical Support Center (TSC)

Utah 24-hr PM₁₀ Data February 2022

	HV	HW	H3	LN	RS	EQ
Arith Mean	17	20	14	18	11	25
Max 24-hr Avg	34	39	30	31	19	51
Days of Data	28	28	28	28	26	28
Days >150 µg/m ³	0	0	0	0	0	0



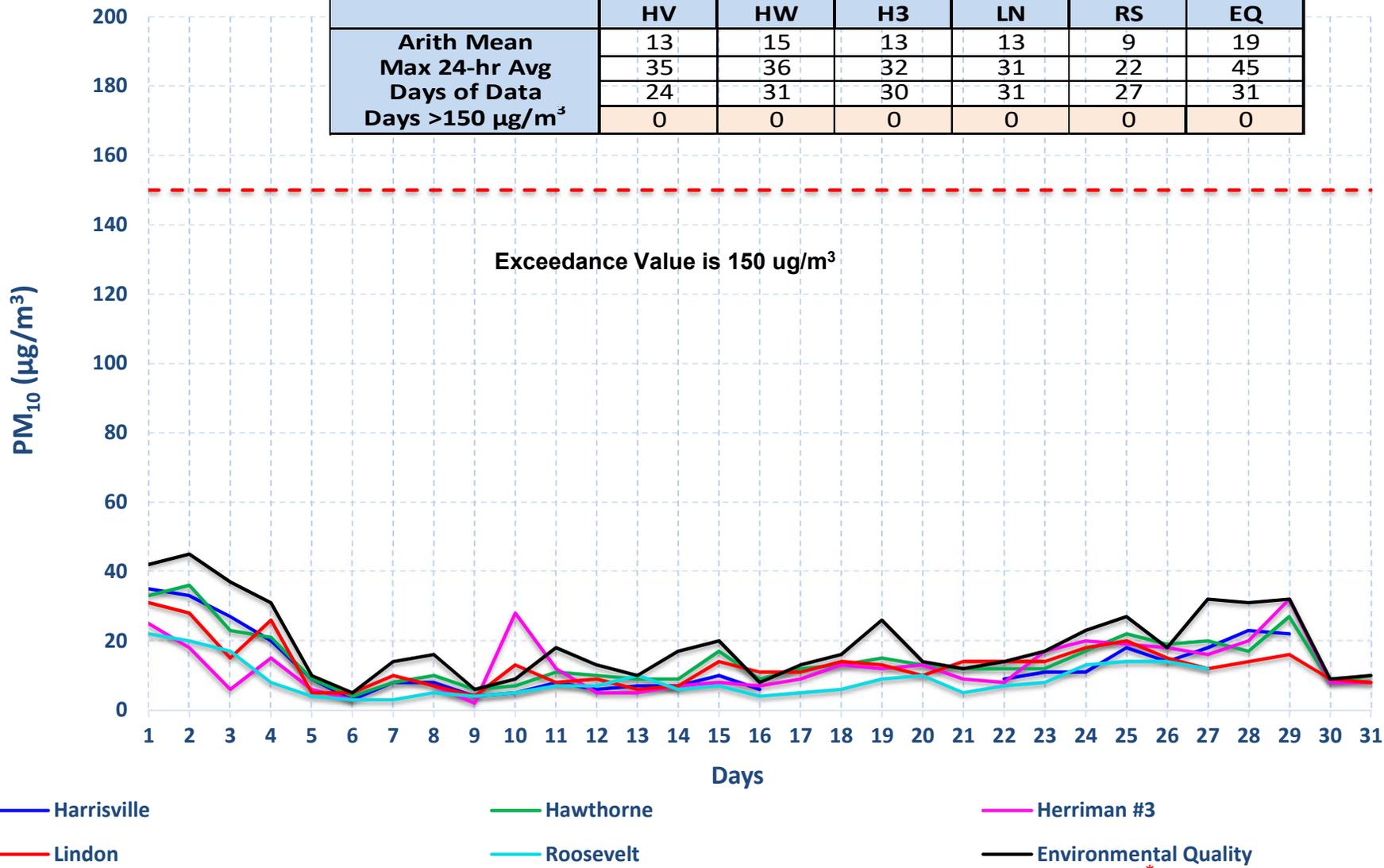
- Harrisville
- Hawthorne
- Herriman #3
- Lindon
- Roosevelt
- Environmental Quality

- - - 24-hr Exceedance Value is 150 ug/m³

* Environmental Quality (EQ) previously named Technical Support Center (TSC)

Utah 24-hr PM₁₀ Data March 2022

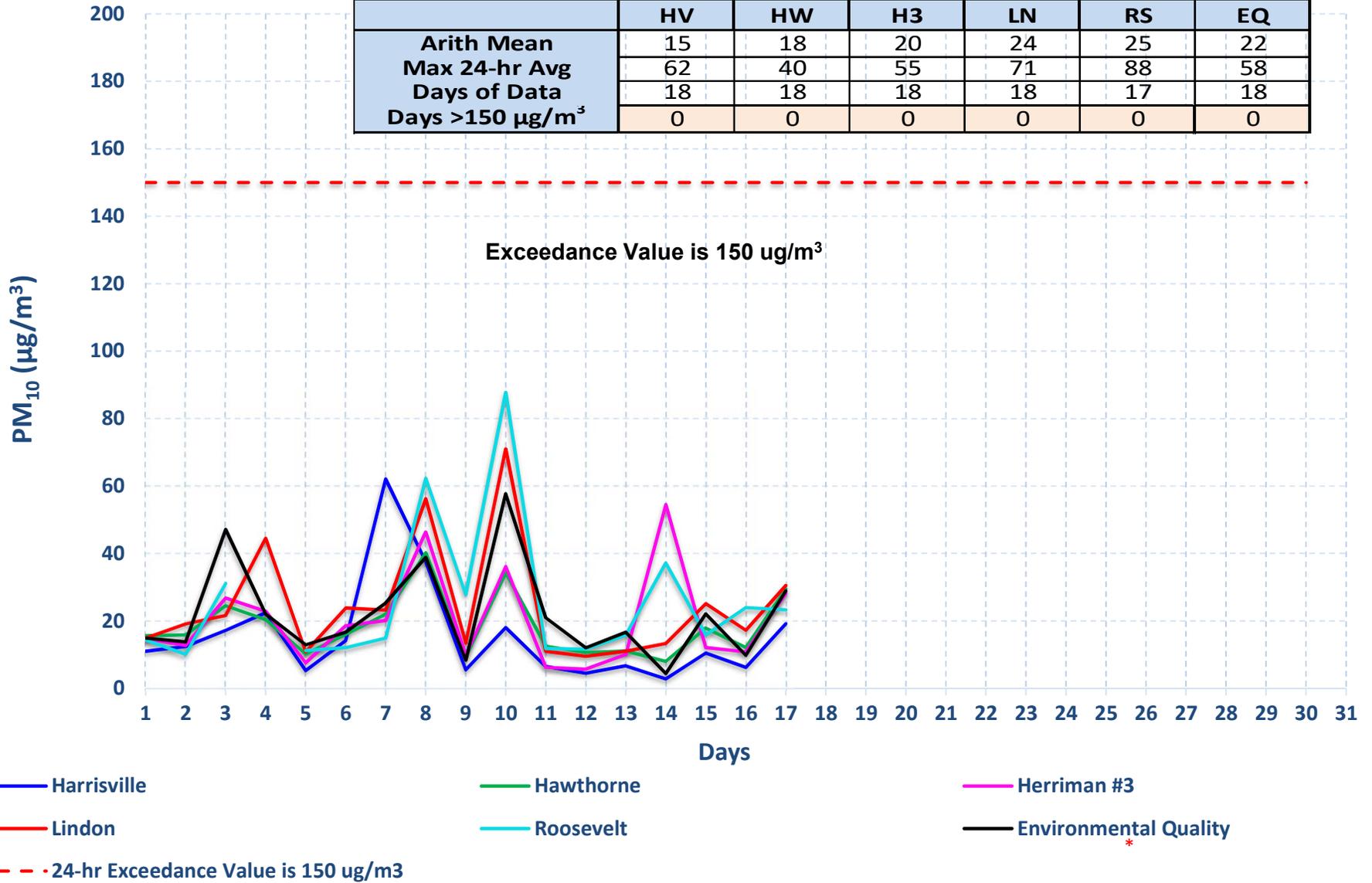
	HV	HW	H3	LN	RS	EQ
Arith Mean	13	15	13	13	9	19
Max 24-hr Avg	35	36	32	31	22	45
Days of Data	24	31	30	31	27	31
Days >150 µg/m ³	0	0	0	0	0	0



* Environmental Quality (EQ) previously named Technical Support Center (TSC)

Utah 24-hr PM₁₀ Data April 2022

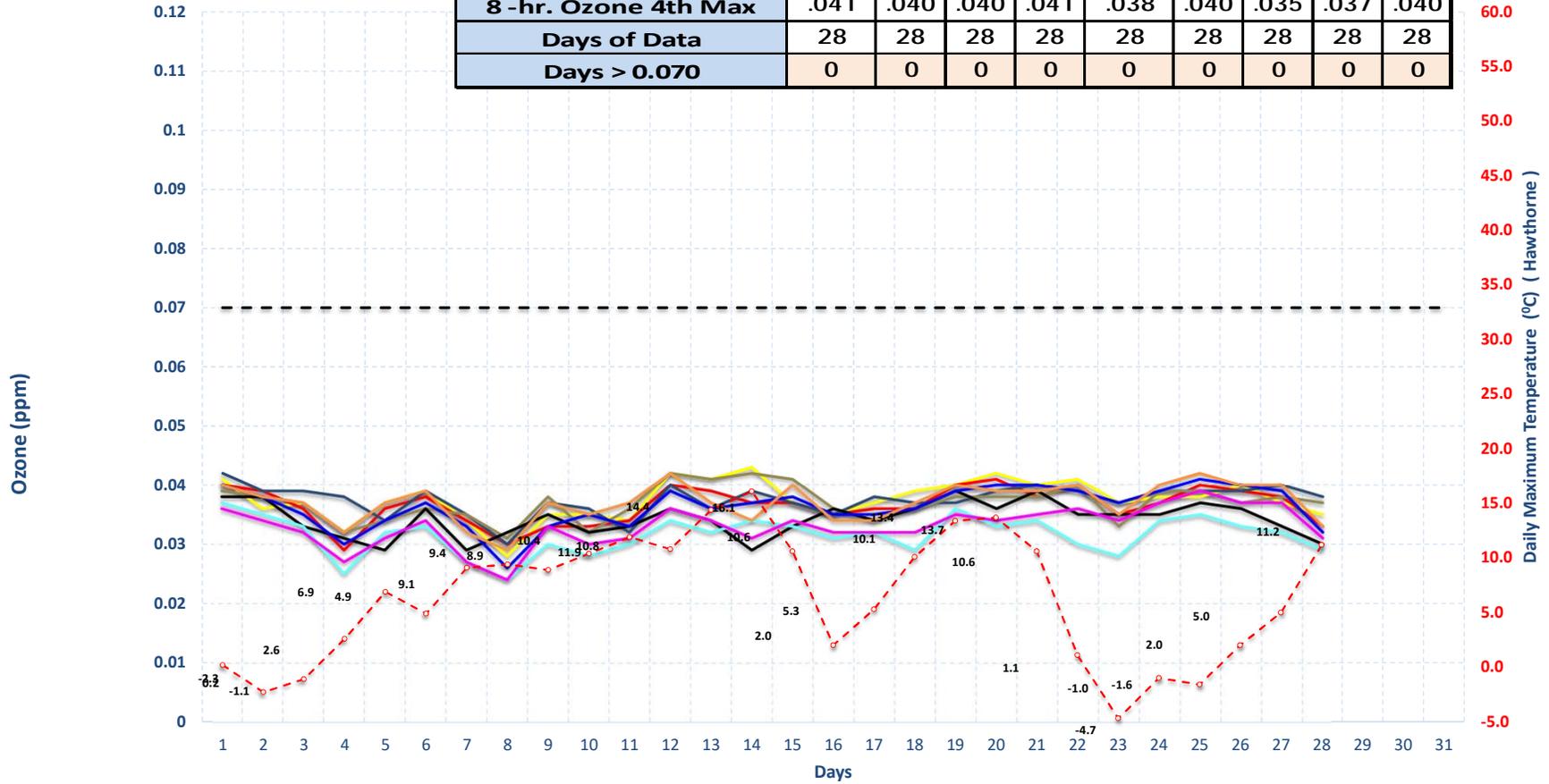
	HV	HW	H3	LN	RS	EQ
Arith Mean	15	18	20	24	25	22
Max 24-hr Avg	62	40	55	71	88	58
Days of Data	18	18	18	18	17	18
Days >150 µg/m³	0	0	0	0	0	0



* Environmental Quality (EQ) previously named Technical Support Center (TSC)

Highest 8-hr Ozone Concentration & Daily Maximum Temperature February 2022

	BV	CV	ED	H3	HV	HW	NR	RP	EQ
Arith Mean	.038	.037	.038	.037	.034	.036	.032	.033	.037
8-hr. Ozone 4th Max	.041	.040	.040	.041	.038	.040	.035	.037	.040
Days of Data	28	28	28	28	28	28	28	28	28
Days > 0.070	0	0	0	0	0	0	0	0	0

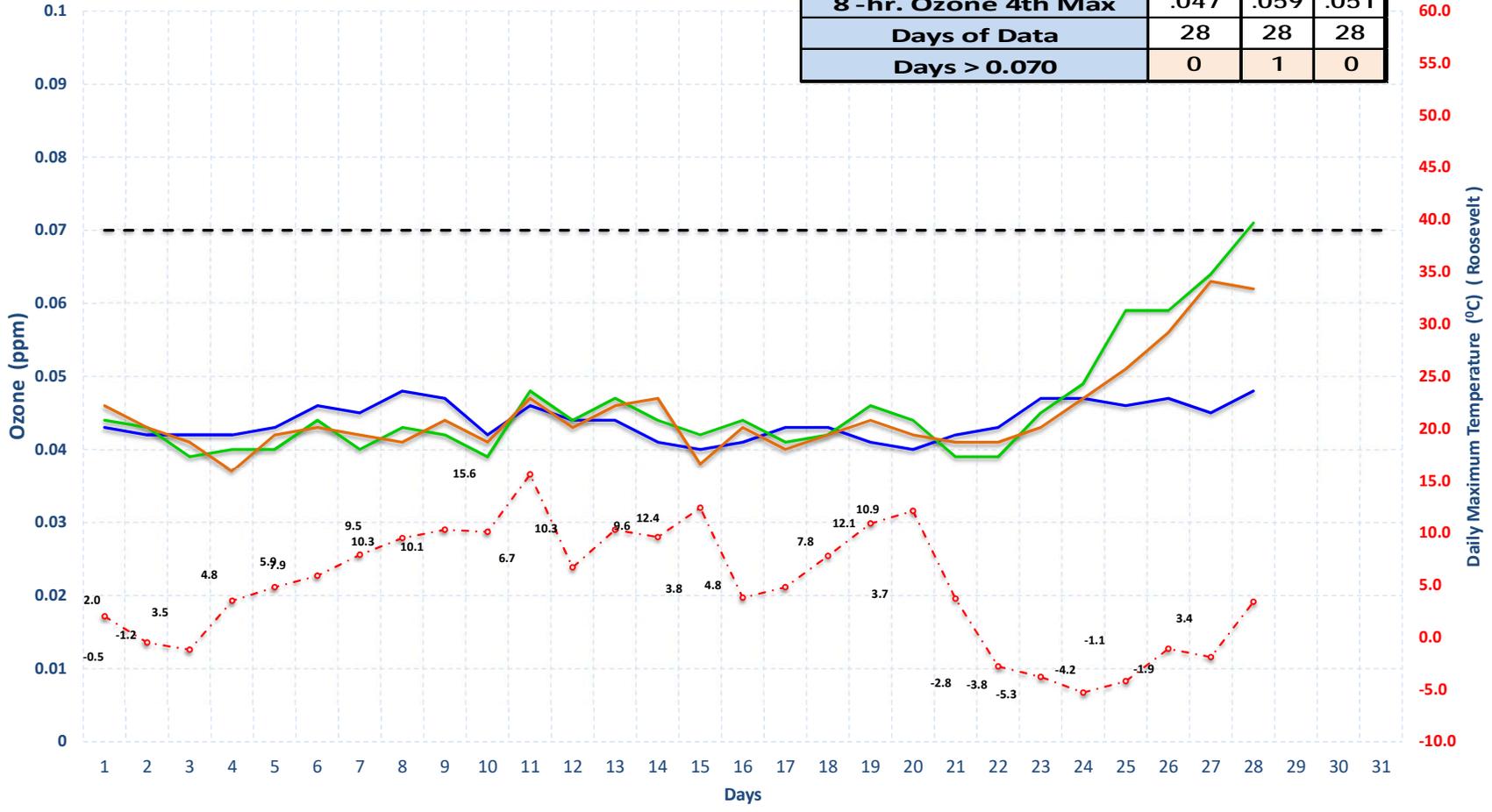


Bountiful	Copperview	Erda	Herriman #3
Harrisville	Hawthorne	Near Road	Rose Park
Environmental Quality	Exceed.	TM	

* Environmental Quality (EQ) previously named Technical Support Center (TSC)
 ** Controlling Monitor

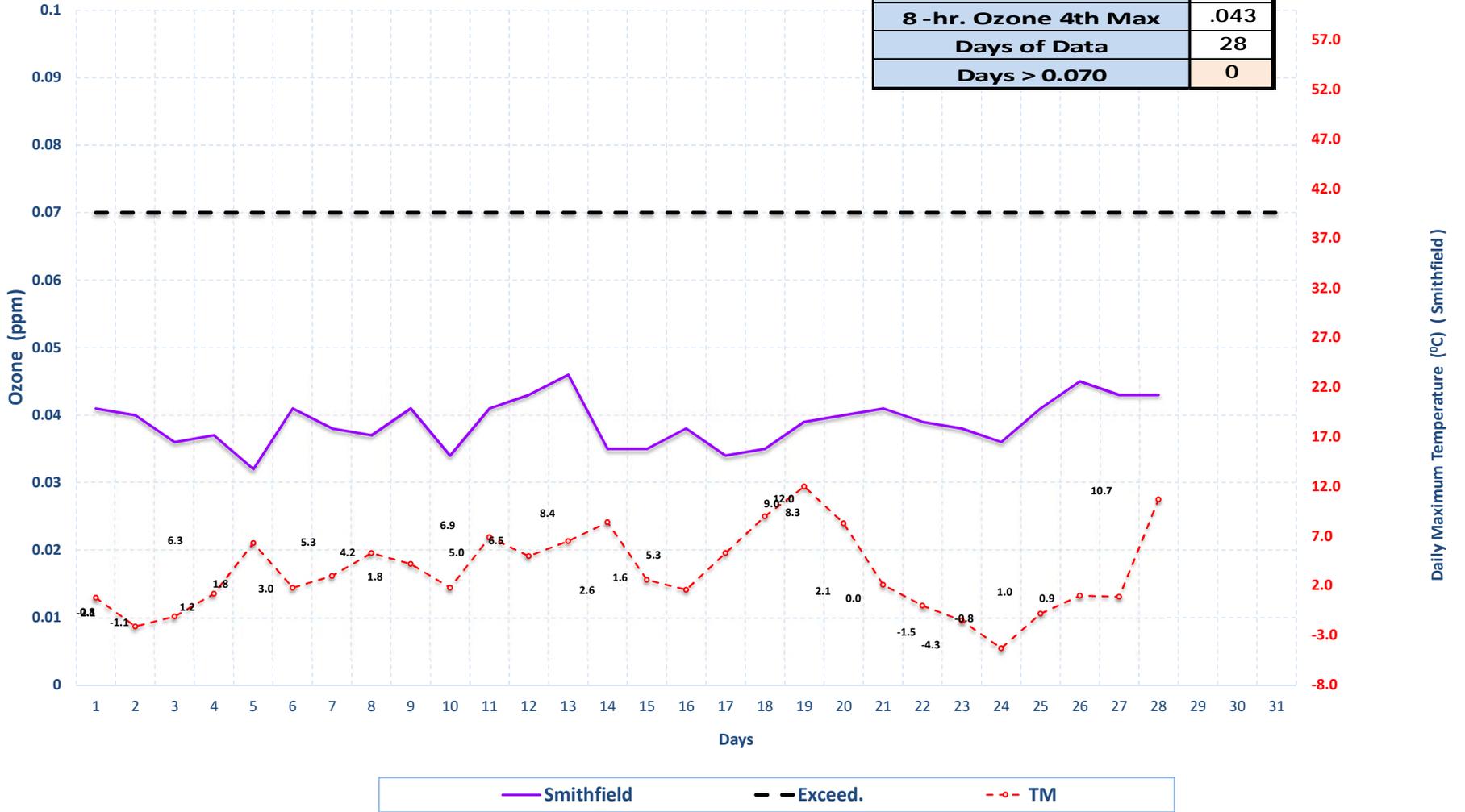
Highest 8-hr Ozone Concentration & Daily Maximum Temperature February 2022

	P2	RS	V4
Arith Mean	.044	.046	.045
8 -hr. Ozone 4th Max	.047	.059	.051
Days of Data	28	28	28
Days > 0.070	0	1	0



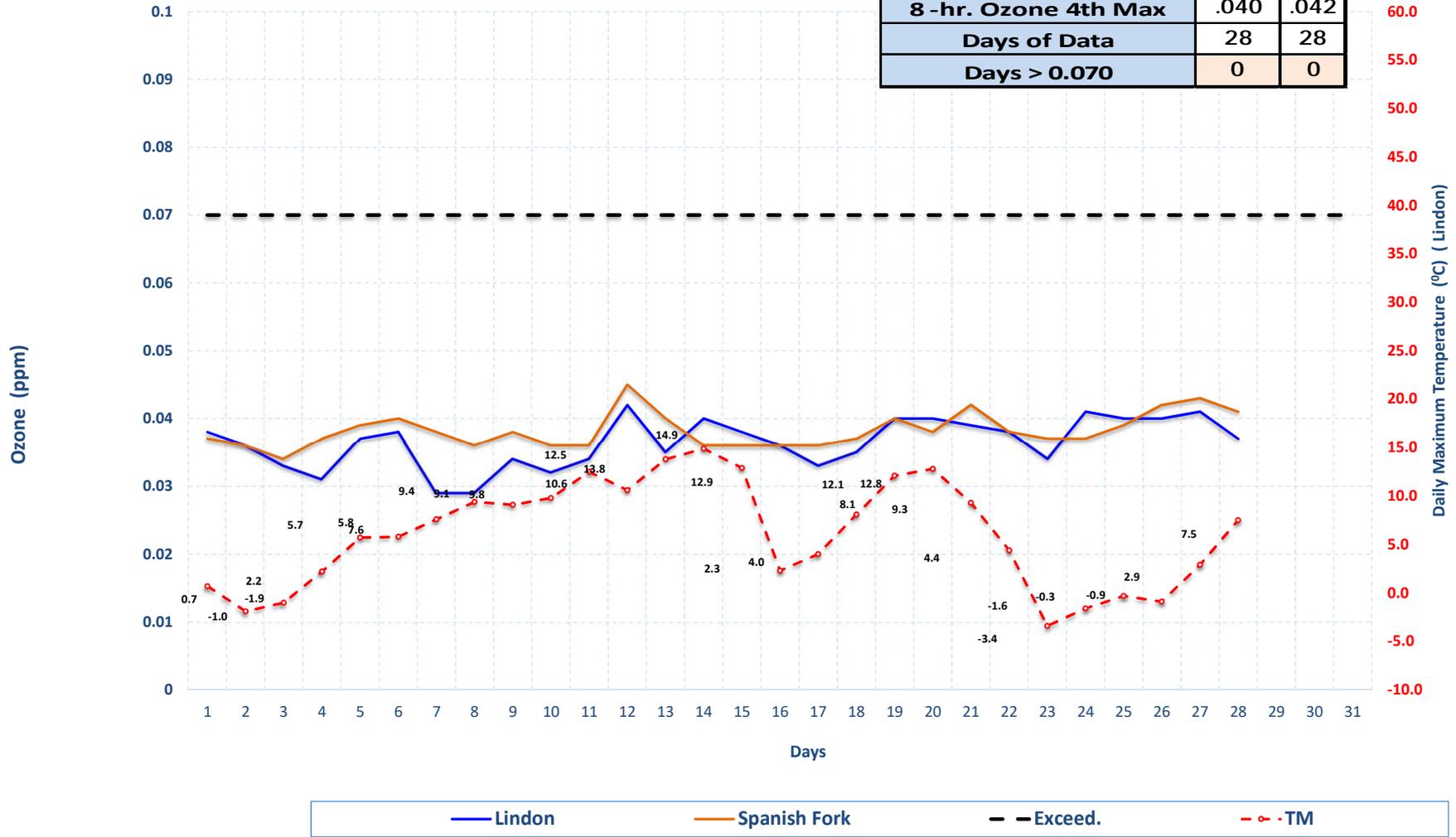
Highest 8-hr Ozone Concentration & Daily Maximum Temperature February 2022

	SM
Arith Mean	.039
8 -hr. Ozone 4th Max	.043
Days of Data	28
Days > 0.070	0



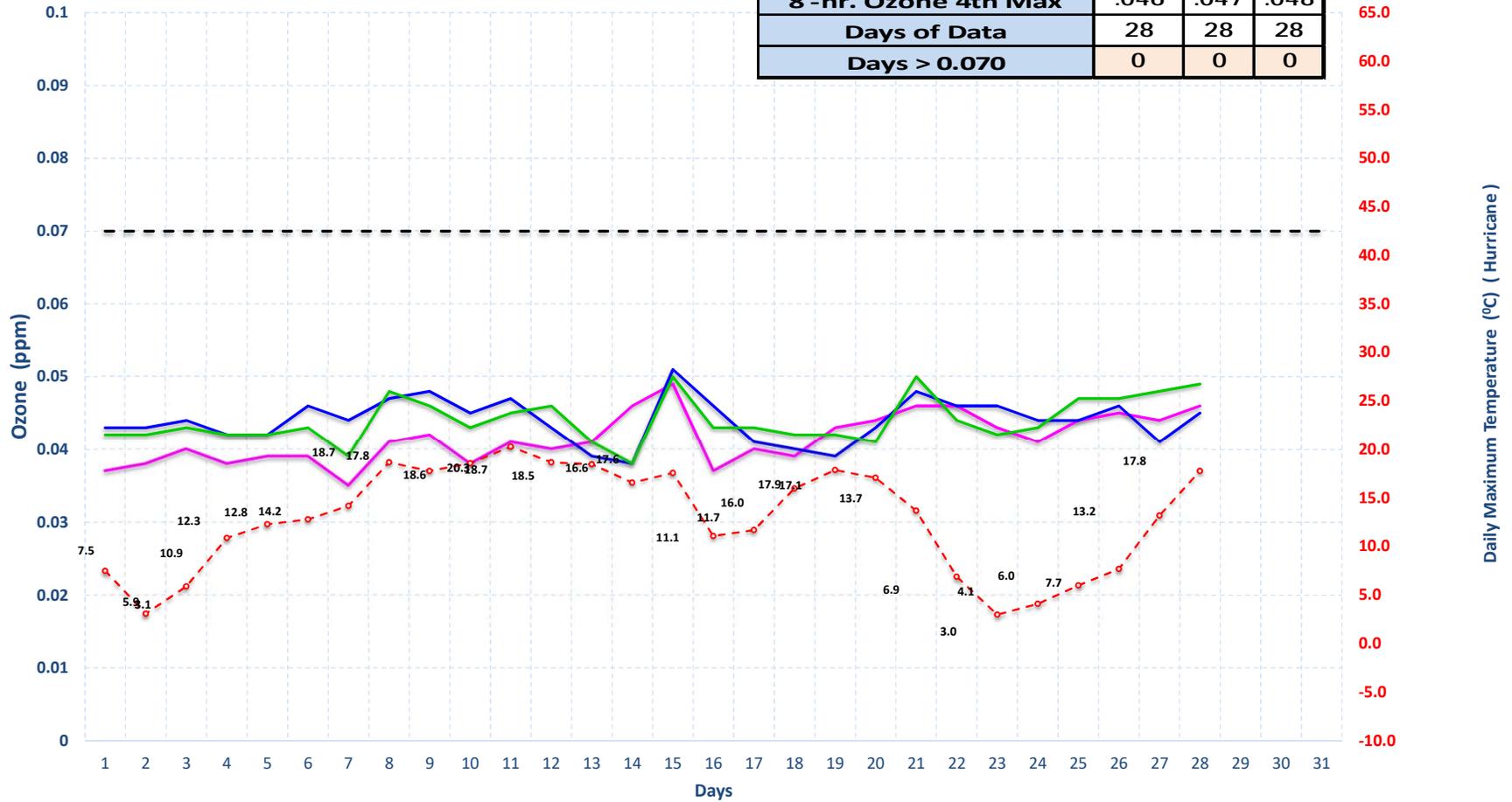
Highest 8-hr Ozone Concentration & Daily Maximum Temperature February 2022

	LN	SF
Arith Mean	.036	.038
8-hr. Ozone 4th Max	.040	.042
Days of Data	28	28
Days > 0.070	0	0



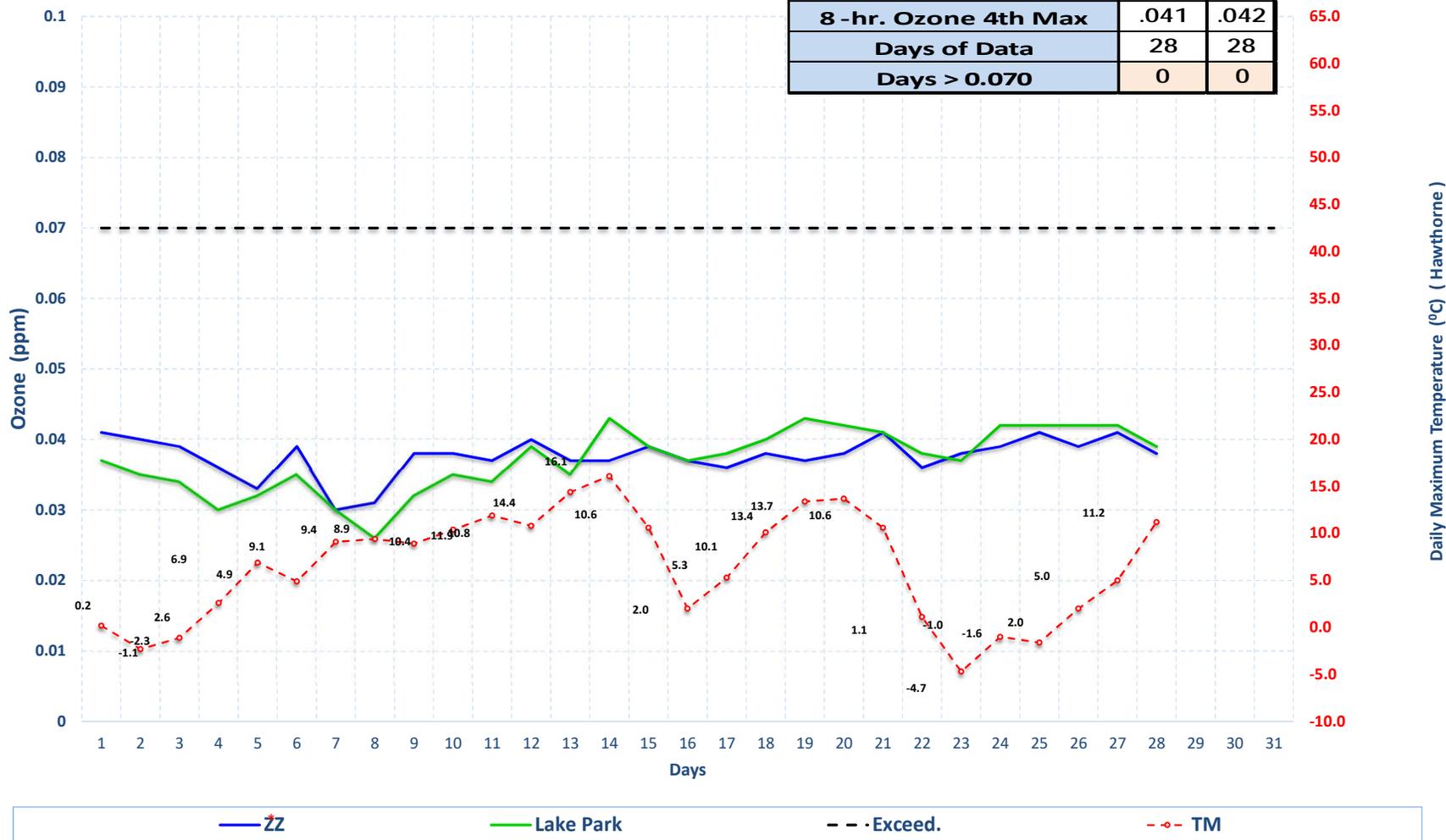
Highest 8-hr Ozone Concentration & Daily Maximum Temperature February 2022

	EN	ES	HC
Arith Mean	.042	.044	.044
8-hr. Ozone 4th Max	.046	.047	.048
Days of Data	28	28	28
Days > 0.070	0	0	0



Highest 8-hr Ozone Concentration & Daily Maximum Temperature February 2022 Stations monitoring the Inland Port development

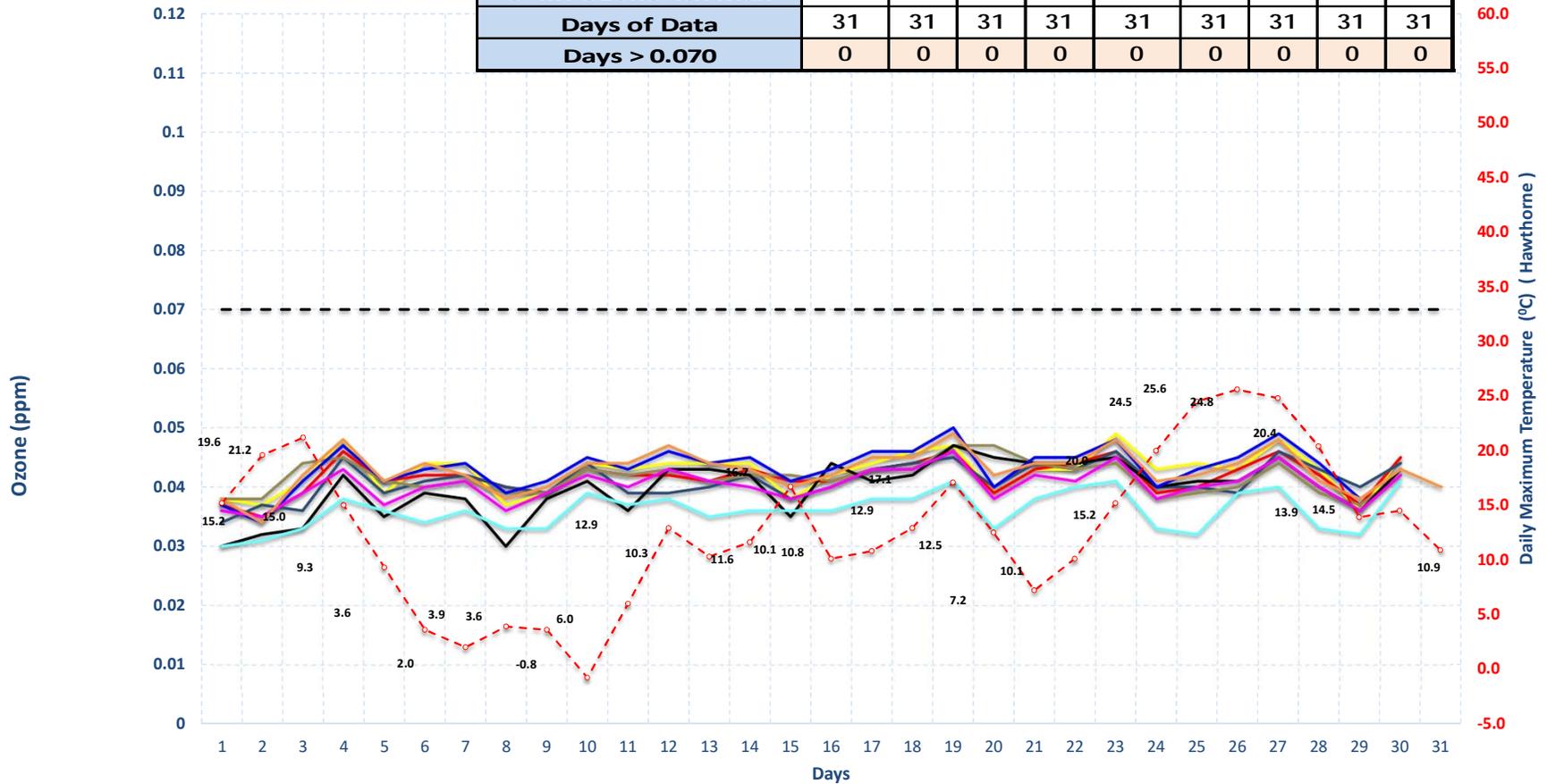
	ZZ	LP
Arith Mean	.038	.037
8-hr. Ozone 4th Max	.041	.042
Days of Data	28	28
Days > 0.070	0	0



* ZZ is located at the New Utah State Prison (1480 North 8000 West, SLC).
This site was previously named IP

Highest 8-hr Ozone Concentration & Daily Maximum Temperature March 2022

	BV	CV	ED	H3	HV	HW	NR	RP	EQ
Arith Mean	.043	.042	.041	.042	.040	.043	.036	.040	.043
8-hr. Ozone 4th Max	.047	.046	.045	.044	.045	.047	.040	.043	.048
Days of Data	31	31	31	31	31	31	31	31	31
Days > 0.070	0	0	0	0	0	0	0	0	0

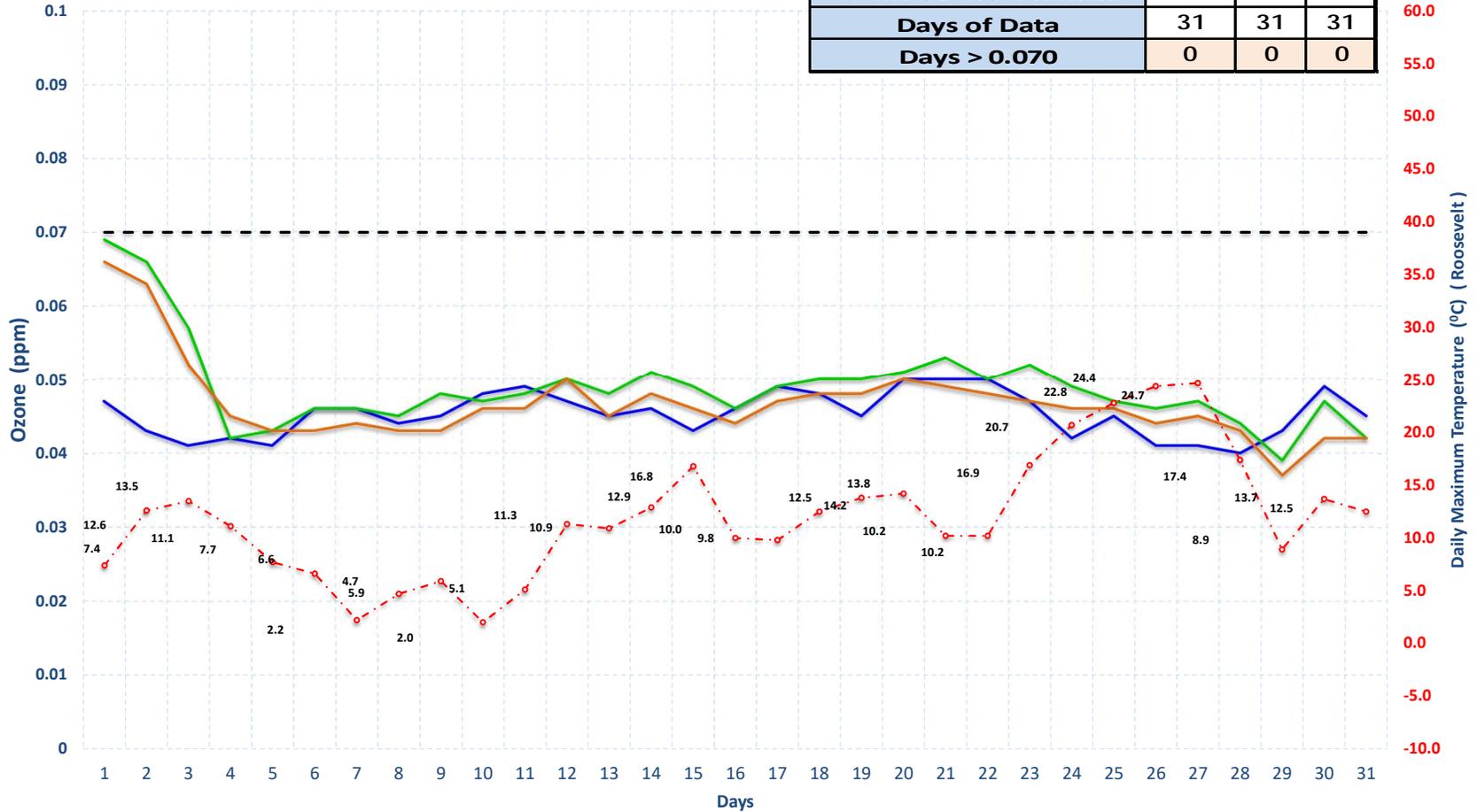


* Environmental Quality (EQ) previously named Technical Support Center (TSC)

** Controlling Monitor

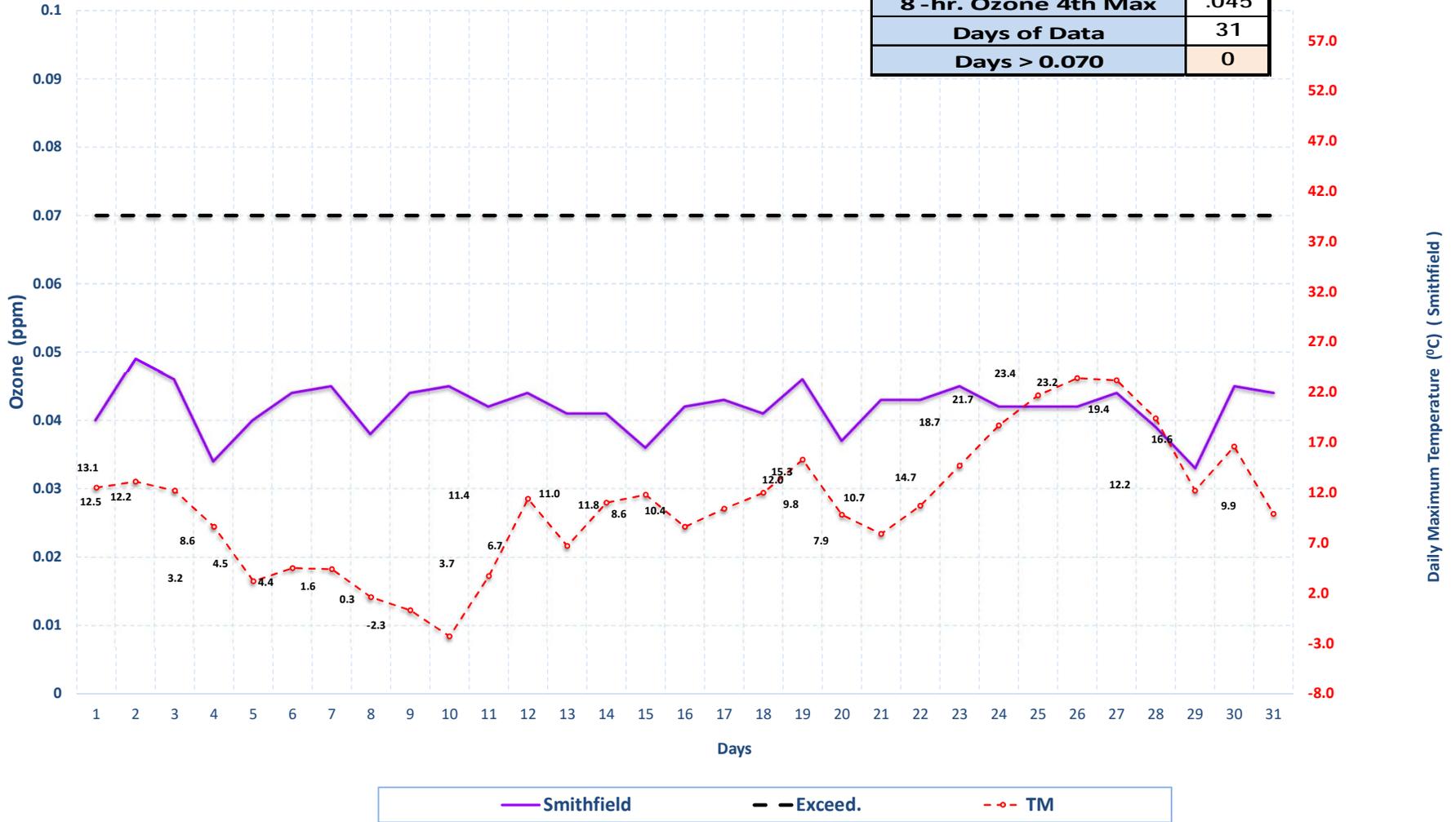
Highest 8-hr Ozone Concentration & Daily Maximum Temperature March 2022

	P2	RS	V4
Arith Mean	.045	.049	.047
8-hr. Ozone 4th Max	.049	.053	.050
Days of Data	31	31	31
Days > 0.070	0	0	0



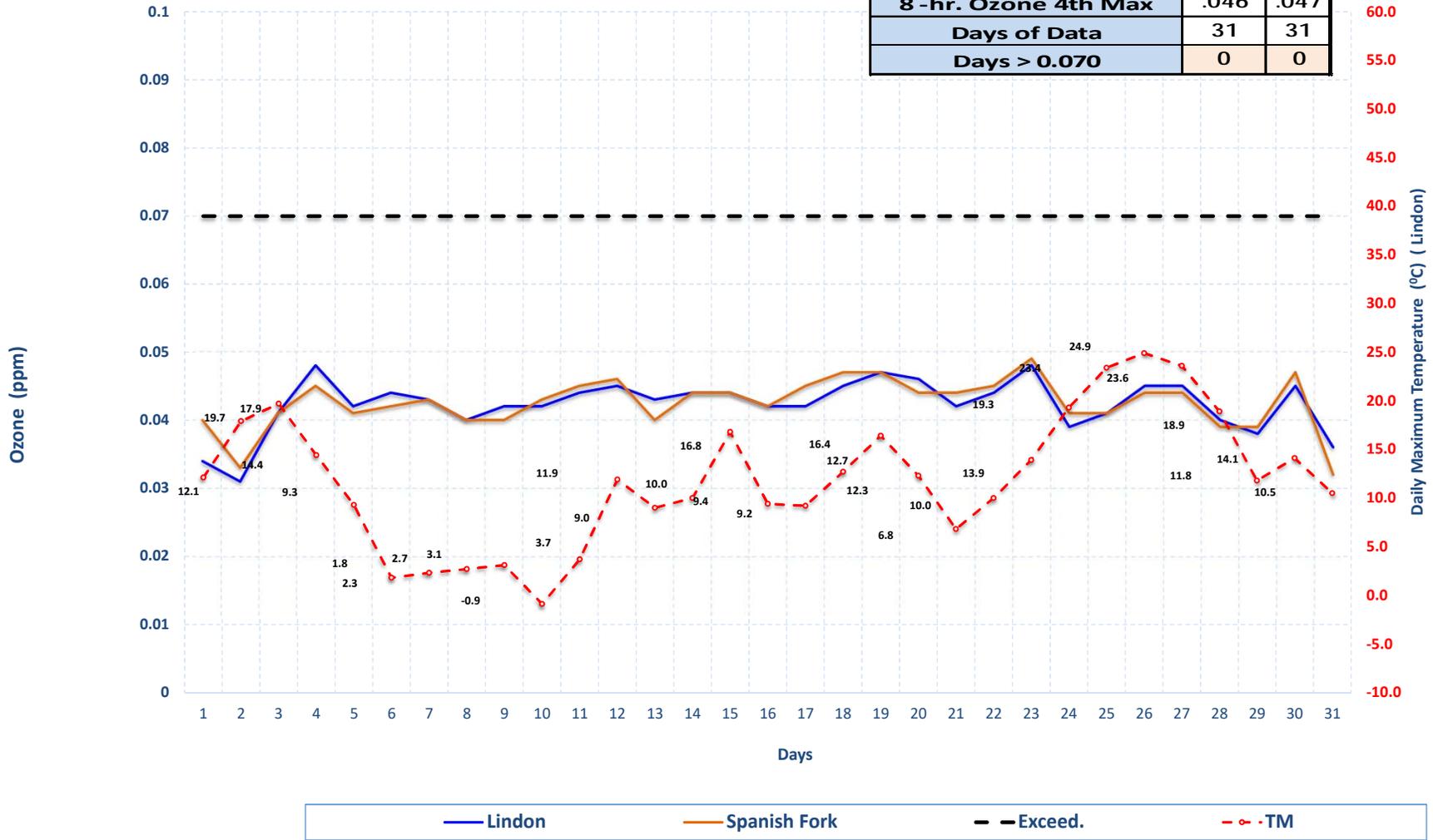
Highest 8-hr Ozone Concentration & Daily Maximum Temperature March 2022

	SM
Arith Mean	.042
8-hr. Ozone 4th Max	.045
Days of Data	31
Days > 0.070	0



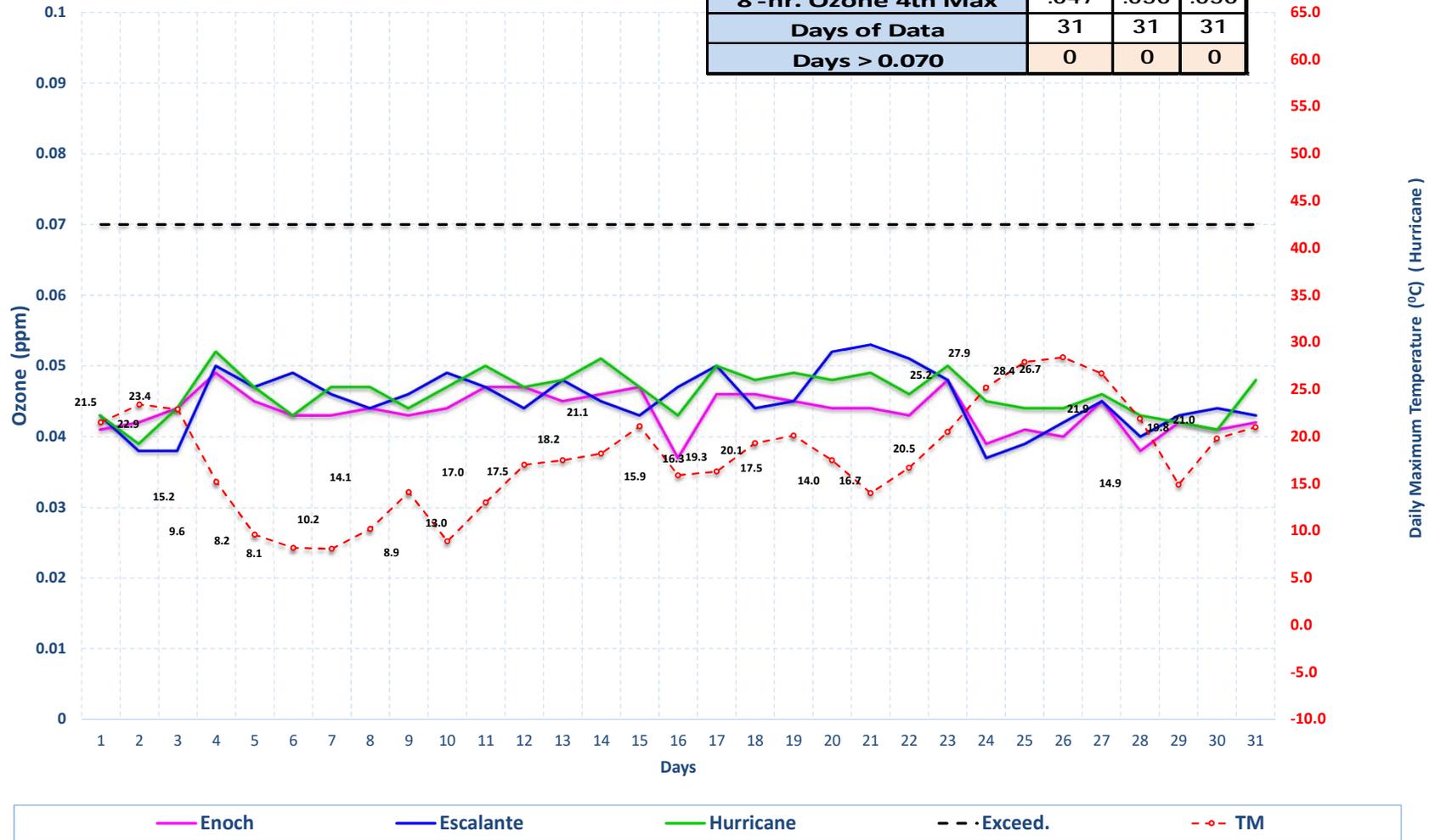
Highest 8-hr Ozone Concentration & Daily Maximum Temperature March 2022

	LN	SF
Arith Mean	.043	.043
8 -hr. Ozone 4th Max	.046	.047
Days of Data	31	31
Days > 0.070	0	0



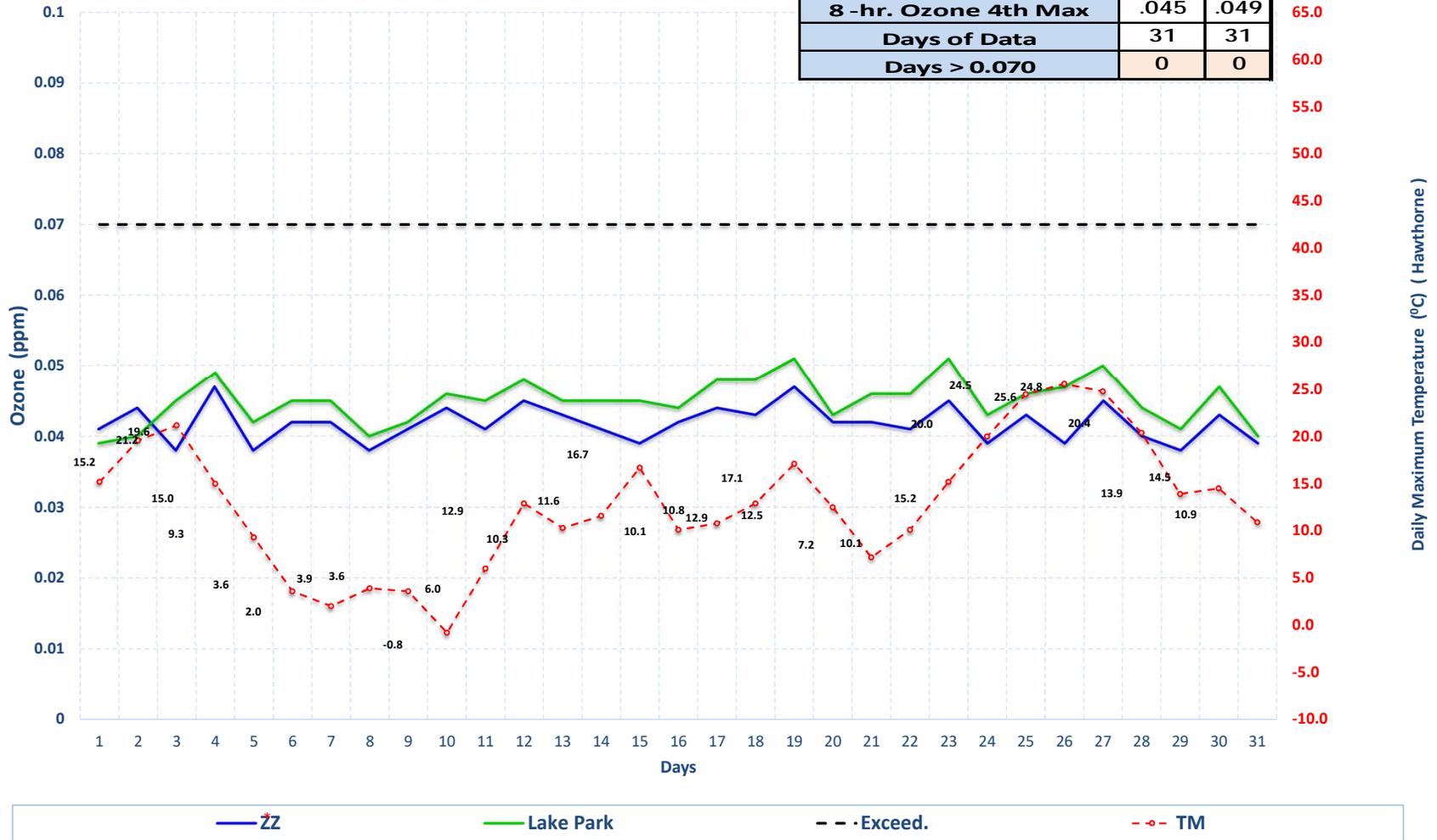
Highest 8-hr Ozone Concentration & Daily Maximum Temperature March 2022

	EN	ES	HC
Arith Mean	.044	.045	.046
8-hr. Ozone 4th Max	.047	.050	.050
Days of Data	31	31	31
Days > 0.070	0	0	0



Highest 8-hr Ozone Concentration & Daily Maximum Temperature March 2022 Stations monitoring the Inland Port development

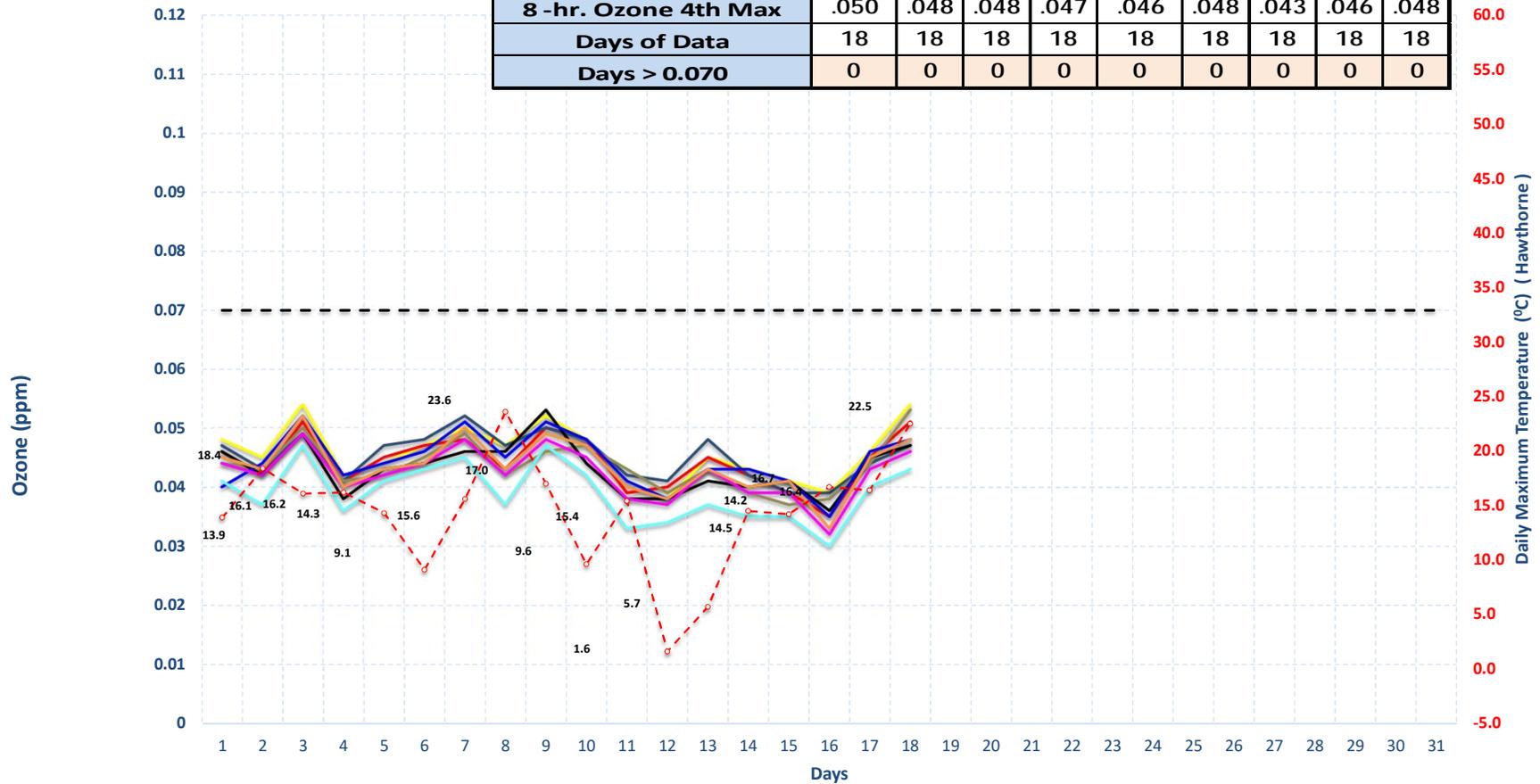
	ZZ	LP
Arith Mean	.042	.045
8-hr. Ozone 4th Max	.045	.049
Days of Data	31	31
Days > 0.070	0	0



* ZZ is located at the New Utah State Prison (1480 North 8000 West, SLC).
This site was previously named IP

Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2022

	BV	CV	ED	H3	HV	HW	NR	RP	EQ
Arith Mean	.046	.044	.045	.044	.043	.044	.039	.042	.044
8-hr. Ozone 4th Max	.050	.048	.048	.047	.046	.048	.043	.046	.048
Days of Data	18	18	18	18	18	18	18	18	18
Days > 0.070	0	0	0	0	0	0	0	0	0

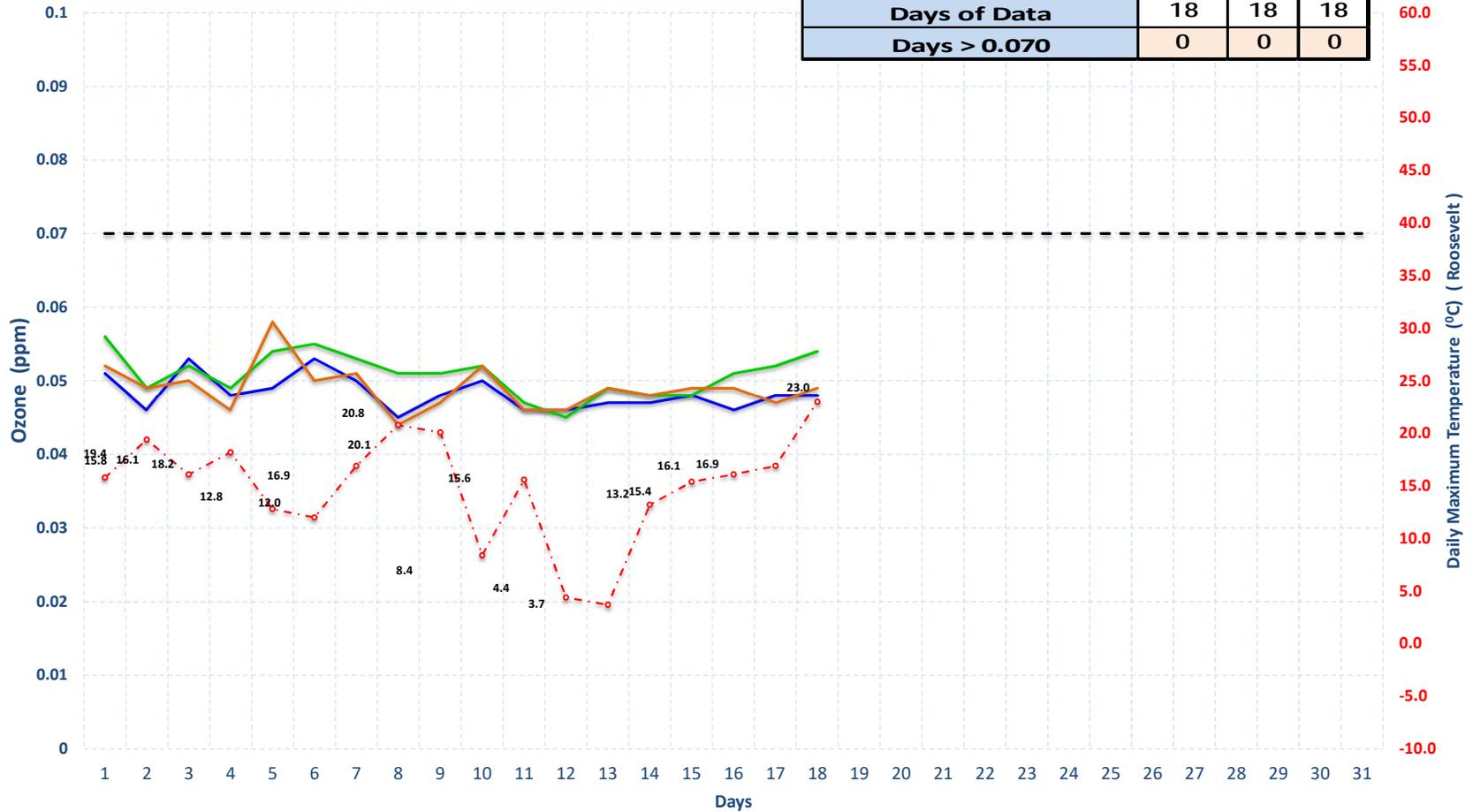


* Environmental Quality (EQ) previously named Technical Support Center (TSC)

** Controlling Monitor

Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2022

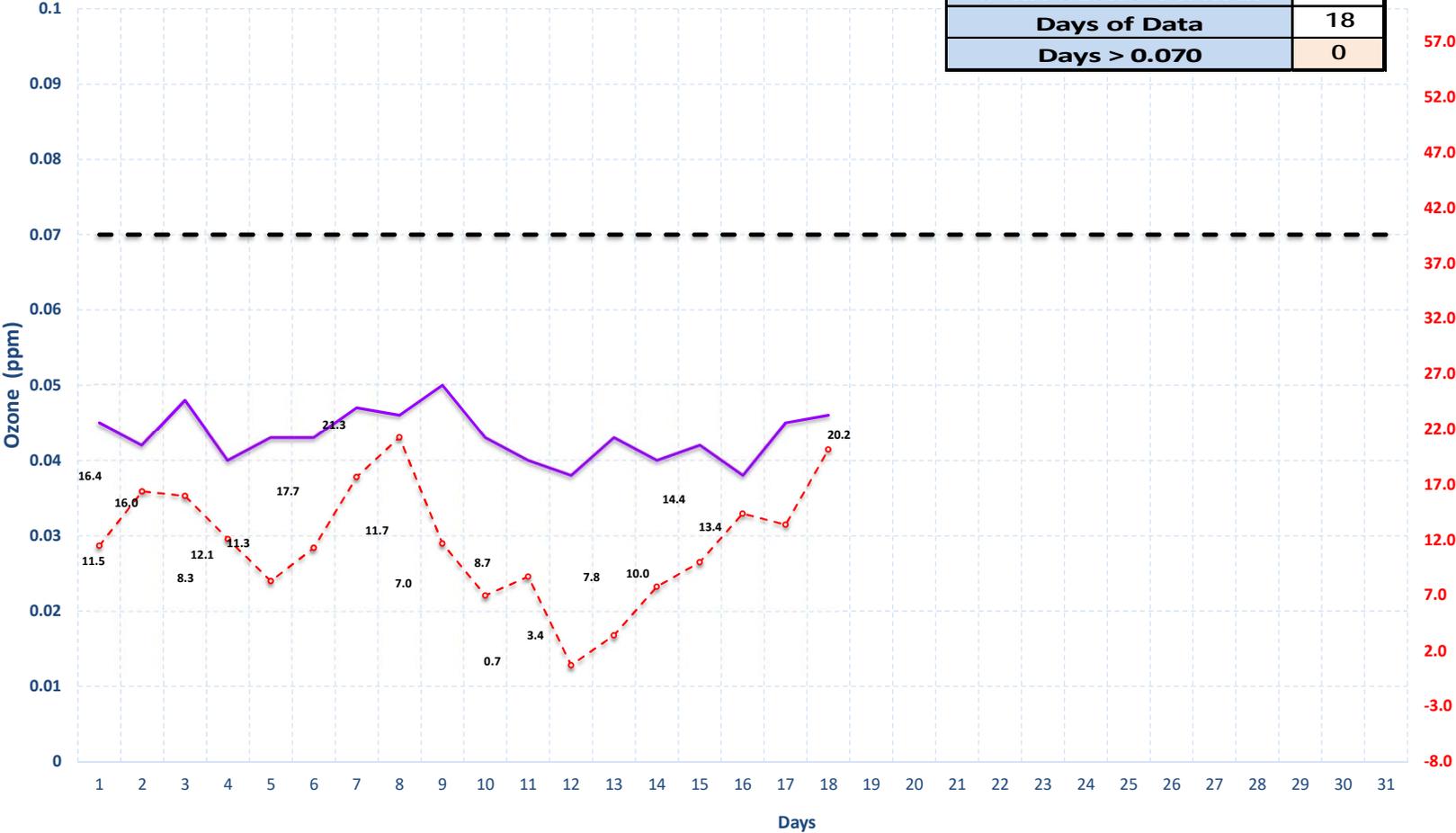
	P2	RS	V4
Arith Mean	.048	.051	.049
8-hr. Ozone 4th Max	.050	.054	.051
Days of Data	18	18	18
Days > 0.070	0	0	0



— Price #2
 — Roosevelt
 — Vernal #4
 - - - Exceed.
 - . - . TM

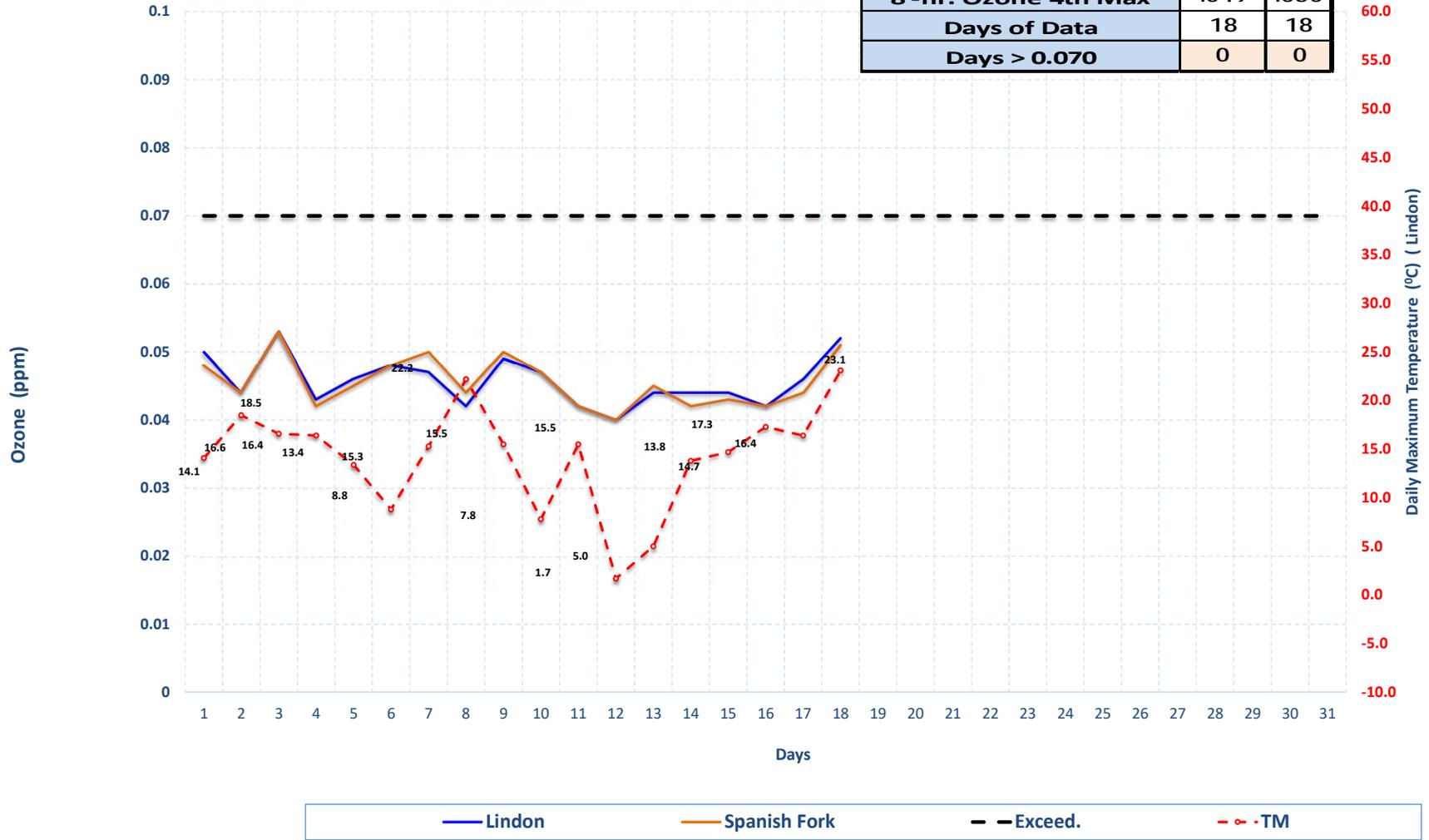
Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2022

	SM
Arith Mean	.043
8-hr. Ozone 4th Max	.046
Days of Data	18
Days > 0.070	0



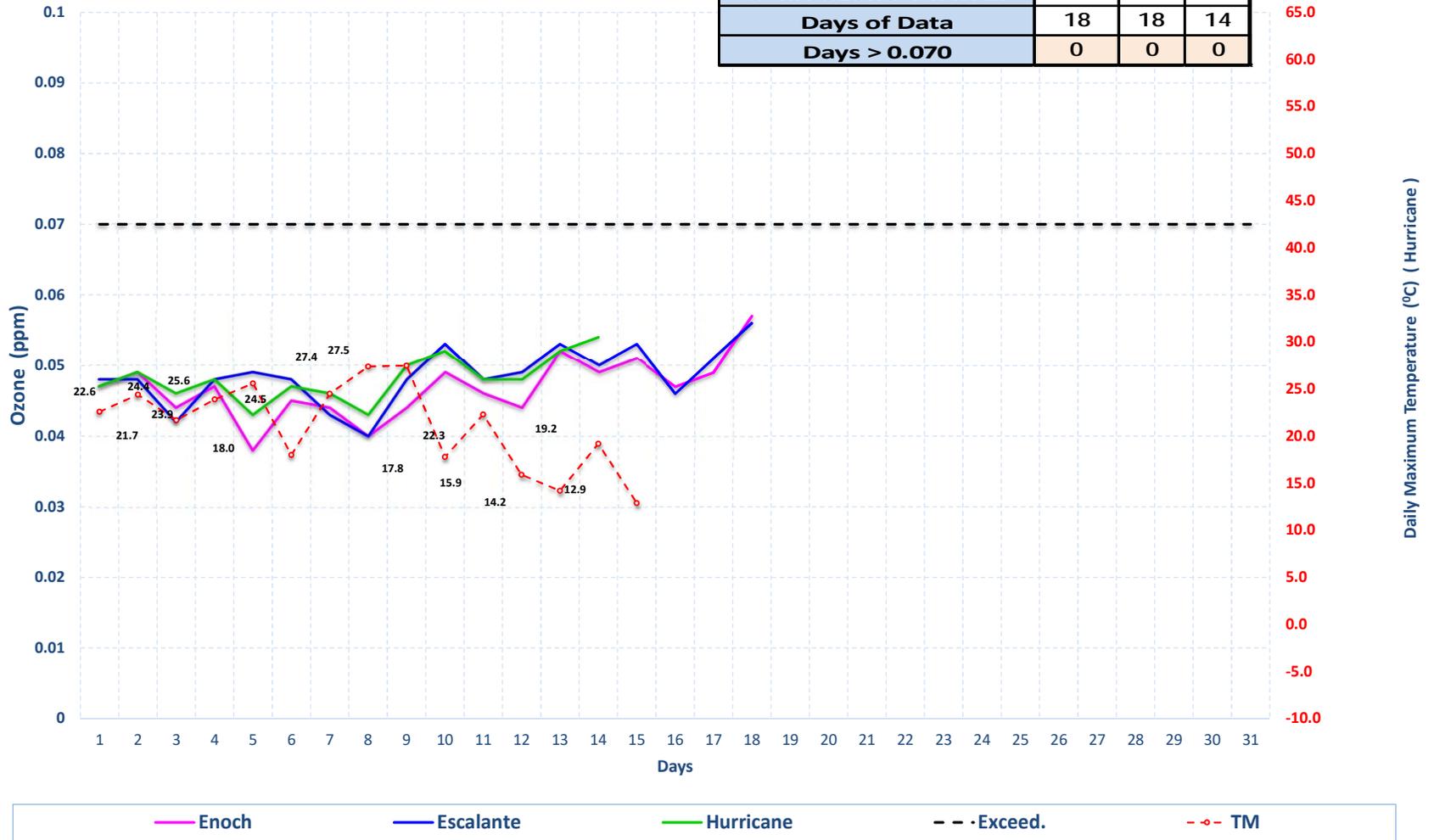
Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2022

	LN	SF
Arith Mean	.046	.046
8 -hr. Ozone 4th Max	.049	.050
Days of Data	18	18
Days > 0.070	0	0



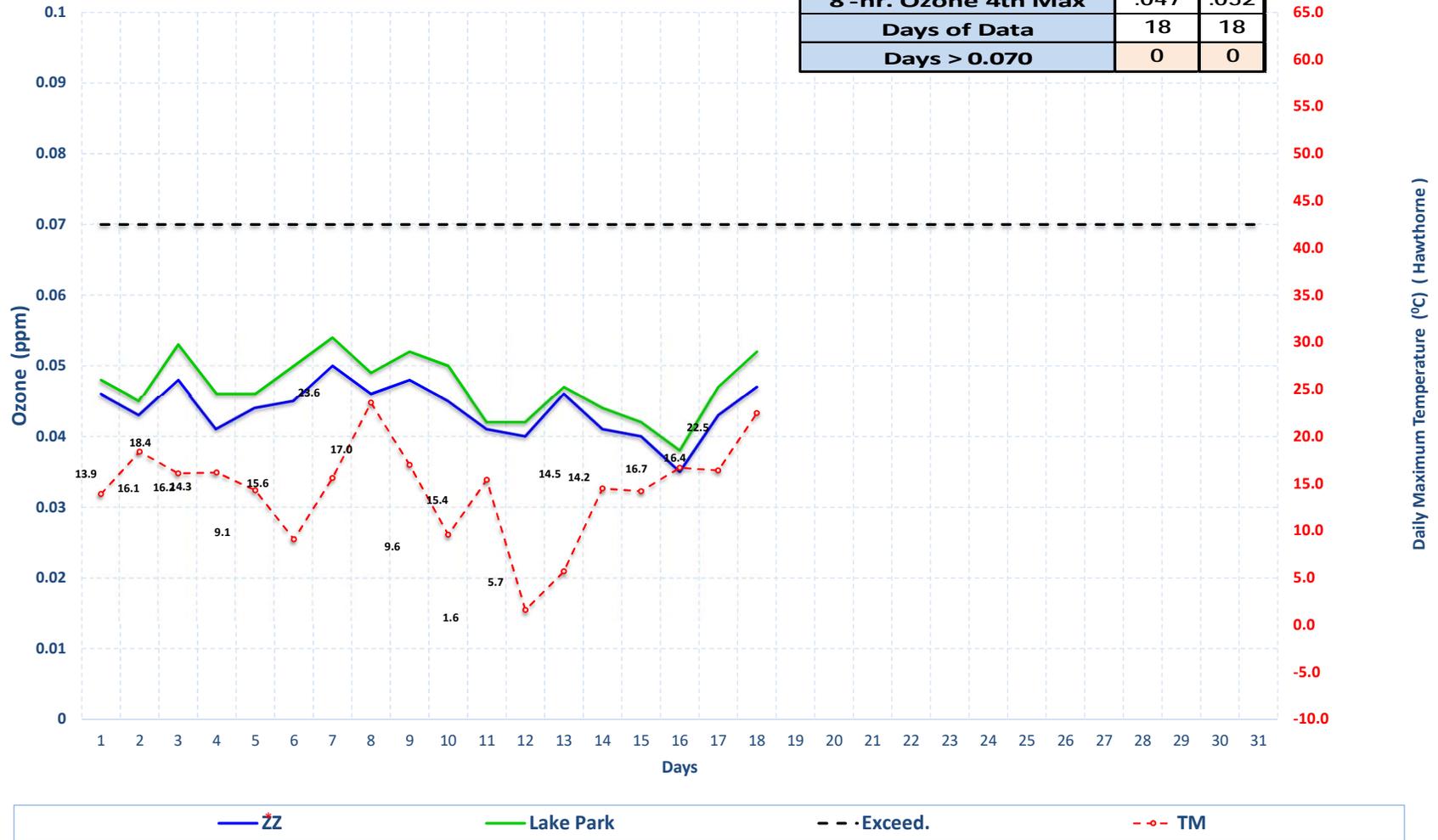
Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2022

	EN	ES	HC
Arith Mean	.047	.049	.048
8-hr. Ozone 4th Max	.049	.053	.050
Days of Data	18	18	14
Days > 0.070	0	0	0



Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2022 Stations monitoring the Inland Port development

	ZZ	LP
Arith Mean	.044	.047
8-hr. Ozone 4th Max	.047	.052
Days of Data	18	18
Days > 0.070	0	0



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This site was previously named IP