



State of Utah

Utah Air Quality Board

Michael O. Leavitt
Governor

David B. George
Chair

John M. Veranth
Vice Chair

Richard W. Sprott
Executive Secretary

Karl F. Brooks
James R. Horrocks
Dannie R. McConkie
Dianne R. Nielson
Richard R. Olson
Wayne M. Samuelson
JoAnn B. Seghini
Joseph D. Thompson
Jeffrey K. Utley

150 North 1950 West
P.O. Box 144820
Salt Lake City, Utah 84114-4820
(801) 536-4000
(801) 536-4099 Fax
(801) 538-4144 T.D.D.

AIR QUALITY BOARD MEETING

FINAL AGENDA

Wednesday
July 11, 2001
1:30 P.M.

168 N. 1950 W. (Building #2) Room 101

- I. Call to Order
- II. Date of Next Meeting
- III. Approval of Minutes of the June 6, 2001, Air Quality Board Meeting
- IV. **Final Adoption:** Ogden City PM10 Inventory
- V. **Final Adoption:** Amend R307-101-2, Definitions, and R307-405, Permits: Prevention of Significant Deterioration of Air Quality (PSD), to Adopt the Federal WEPCO New Source Permitting Provisions
- VI. **Propose for Public Comment:** Amend R307-110-12 and SIP IX.C.6.f(2) to Add a New Contingency Measure in the Provo Carbon Monoxide SIP, and Amend R307-301-3, Average Oxygen Content Standard, to Reduce Gasoline Oxygenate in Utah County from 3.1% to 2.7%
- VII. **Approval Order Modification:** Utah Metal Works
- VIII. Information Items
 - A. Geneva Steel: Overview of Proposed Hismelt Vertical Reactor, a Clean Coal Technology Demonstration Project
 - B. WES Update
 - C. Compliance Activities for May 2001
 - D. HAPS Compliance Activities for May 2001
 - E. Monitoring Data for June 2001
 - F. SIPs Update
- IX. Miscellaneous

**- MINUTES -
UTAH AIR QUALITY BOARD MEETING
JULY 11, 2001**

I. CALL TO ORDER

David George, Chair, called the meeting to order at 1:30 p.m.

Board members present:

Richard R. Olson
John M. Veranth
James R. Horrocks

Wayne M. Samuelson
Dianne R. Nielson

David B. George
Joseph D. Thompson

Executive Secretary: M. Cheryl Heying for Richard W. Sprott

II. DATE OF THE NEXT AIR QUALITY BOARD MEETING

The next meeting will be held Wednesday, August 1, 2001.

III. APPROVAL OF THE MINUTES OF THE JUNE 6, 2001, BOARD MEETING

Richard Olson made the motion to approve the minutes of the June 6, 2001, Board meeting. The motion was seconded. The motion passed.

IV. FINAL ADOPTION: OGDEN CITY PM10 INVENTORY

Presenter: Bill Reiss, Environmental Engineer

This is the final piece in DAQ's use of EPA's Clean Data Areas Approach for PM10 areas. This is the last outstanding element needed to make use of this policy. EPA submitted comments during the public comment period; those have been addressed.

● **MOTION**

Joseph Thompson made the motion to adopt the Ogden City PM10 inventory. The motion was seconded. The motion passed.

V. FINAL ADOPTION: AMEND R307-101-2, DEFINITIONS, AND R307-405, PERMITS: PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY (PSD), TO ADOPT THE FEDERAL WEPCO NEW SOURCE PERMITTING PROVISIONS

Presenter: Colleen Delaney, Environmental Scientist

The proposed definitions are coming directly from the federal rule. These definitions were added to the federal permitting rules in 1992. Submitted comments have been reviewed and addressed and staff recommends adoption of the new definitions as proposed.

- **MOTION**

Joseph Thompson made the motion to adopt the federal new source permitting provisions. The motion was seconded. The motion passed.

VI. PROPOSE FOR PUBLIC COMMENT: AMEND R307-110-12 AND SIP IX.C.6.F(2) TO ADD A NEW CONTINGENCY MEASURE IN THE PROVO CARBON MONOXIDE SIP, AND AMEND R307-301-3, AVERAGE OXYGEN CONTENT STANDARD, TO REDUCE GASOLINE OXYGENATE IN UTAH COUNTY FROM 3.1% TO 2.7%

Presenter: Ran Macdonald, Environmental Engineer

In cooperation with the Utah County Commission, DAQ is proposing to reduce the oxygenated gasoline requirement for fuels sold during the winter in Utah County from 3.1% to 2.7%. There is reason to believe that the effectiveness of the oxygenated fuel program is diminishing as the older fleet of automobiles is replaced with newer vehicles.

Staff modeled the results of lowering the oxygenate to 2.7%. EPA's new emissions model includes allowances for new technology and control measures including technician training. Results show that technician training is sufficient to offset the drop in oxygenate content to 2.7%.

Staff recommends proposing these changes for public comment.

A discussion followed with Ran Macdonald and Joe Thomas answering questions from the Board and public.

- **MOTION**

Dianne Nielson made the motion to take this item to public comment. Joseph Thompson seconded the motion. The motion passed.

VII. APPROVAL ORDER MODIFICATION: UTAH METAL WORKS

Presenter: Tim Blanchard, Environmental Engineer

Utah Metal Works, a PM10 SIP source, is requesting to modify their existing approval order to add one new gravity separator with a baghouse. The emissions increase will be very small. A public comment period was held, and no comments were received.

Staff recommends approval of this approval order modification.

● **MOTION**

Joseph Thompson made the motion to approve this modification. The motion was seconded. The motion passed.

VIII. INFORMATION ITEMS

A. Geneva Steel: Overview of proposed Hismelt vertical reactor, a clean coal technology demonstration project

Reginald Wintrell, managing director of the iron power project at Geneva Steel, presented this overview to the Board. Mr. Wintrell explained the purpose of the demonstration project, which is to show that iron can be made directly from coal, reducing or even eliminating the need for coke ovens and thereby reducing emissions. Total cost of the project is \$1 billion. The government (Department of Energy) will aid with a grant of \$150 million, which Geneva will repay over time.

B. Wasatch Energy Systems (WES) Update

Regg Olsen reported that WES is in the process of installing new pollution control equipment that will help them meet the federal standard for dioxin emissions.

DAQ is very encouraged with the spirit of cooperation from the new management at WES. DAQ intends to allow the existing violations to run their normal course. DAQ will work with WES to clarify reporting requirements and pursue obtaining the services of a third party independent consultant to review operations at WES and make recommendations for improvements and specifically look at good combustion practices.

On June 20, 2001, EPA filed a notice of violation (NOV) with WES. DAQ is in discussion with EPA about the impacts of this NOV.

Nathan Rich, Executive Director of WES, addressed the Board. Mr. Rich has a background in the mining industry, with degrees from the University of Utah, and civil and environmental engineering degrees from Utah State University. Mr. Rich has also worked with a local environmental consulting firm. Mr. Rich has been with WES for about two and one-half years. Mr. Rich commented that a facility and its regulators can get along in an atmosphere of forthrightness and cooperation, and he is confident that in six months from now the relationship between WES and DAQ will have greatly improved.

WES has selected a proven technology for its pollution control equipment, and Mr. Rich is confident that the new equipment will meet the dioxin standards. The physical installation of the equipment is 95% complete. The electrical work is due for completion on July 30. The project is on schedule for tie-in during the annual maintenance period, which is scheduled to begin July 31, extending through August 23.

C. Compliance Activities for May 2001

No discussion on this item.

D. HAPs Compliance Activities for May 2001

No discussion on this item.

E. Monitoring Data for May and June 2001

Bob Dalley reported that there was an exceedance of the 1-hr. ozone standard at the Bountiful monitoring station on July 4. During the week of July 2, four no-drive days and three health advisory days were issued. Also during that week, seven stations exceeded the 8-hr. ozone standard. The data will need to be analyzed before the implications of these exceedances will be known. It's possible that these exceedances were affected by the fires in the area.

F. SIPs Update

Bill Reiss reported that EPA has published in the Federal Register that Salt Lake County and Utah County were attaining the PM10 standards as of their respective attainment dates. EPA has posthumously approved DAQ's request to extend each of those attainment dates so as to allow the control strategies in the SIPs to prove that they've been effective.

The meeting adjourned at 2:50 p.m.



State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF AIR QUALITY

Michael O. Leavitt
Governor
Dianne R. Nielson, Ph.D.
Executive Director
Richard W. Sprott
Director

150 North 1950 West
P.O. Box 144820
Salt Lake City, Utah 84114-4820
(801) 536-4000 Voice
(801) 536-4099 Fax
(801) 536-4414 T.D.D.

MEMORANDUM

TO: Utah Air Quality Board

THROUGH: Richard W. Sprott, Executive Secretary

FROM: Bill Reiss, Environmental Engineer

DATE: July 2, 2001

SUBJECT: Final Adoption: Ogden City PM10 Inventory

DAQ-062-01

At your February 7, 2001, meeting, you released a draft version of this 1996 Ogden City PM10 inventory for public comment. The only comments received were from EPA Region VIII. These comments have been addressed (see attachment 1), and staff is now recommending that the Board approve the revised inventory for submittal to EPA.

If you recall, this inventory was prepared in the context of EPA's "October 18, 1999 PM10 Clean Data Areas Approach." Basically, this approach would allow PM10 nonattainment areas such as Ogden City, which have been attaining the PM10 National Ambient Air Quality Standards (NAAQS), to satisfy their planning requirements without producing a State Implementation Plan.

The State has communicated its intent to make use of this approach (see attachment 4), and this inventory represents the last of the criteria necessary for participation. The inventory reflects a period in time during which the Ogden City monitor was recording data that was well within the NAAQS, and includes both PM10 and its precursors (SO2 and NOx).

Also attached (as attachment 3) is a copy of the October 18, 1999, PM10 Clean Data Areas Approach. As you can see, this inventory will not establish a budget to be used in the context of transportation conformity, nor does this action constitute a redesignation to attainment.

Attachment 2 is a summary table of the inventory itself.

Summary of Comments and Responses:

UDAQ proposed, for public comment, a draft inventory for PM10 and its precursors within the Ogden City nonattainment area at its February 7, 2001, Utah Air Quality Board meeting. The only comments received were from US EPA Region VIII (by letter dated March 16, 2001). The following is a summary of those comments as well as a brief description of how each was addressed.

Comment no. 1. The inventory needs to include a quality assurance plan that discusses the QA/QC measures used in its preparation.

Response: A quality assurance plan has been compiled and specifically tailored to the Ogden City inventory. Region VIII has reviewed the plan, and it appears to be satisfactory. It should also prove useful in preparing subsequent PM10 inventories.

Comment no. 2. EPA pointed out that, several years ago, when we were beginning a SIP for Ogden we used a back trajectory analysis to identify the geographical area within which we would calculate emissions (20km for point sources). For this go-round we are simply using the Ogden City limits as our boundary. Therefore, EPA has said that any sources within the back trajectory analysis that were shown to have impacted the monitor should be included.

Response: For primary PM10, the results of the old Chemical Mass Balance apportionment analysis showed 0% impact from point sources even though the emissions accounted for 10% of the inventory compiled at that time. This was explained to Region VIII via telephone, and it was agreed that this was a good reason not to add all the sources within the circle to the 1996 inventory. None of the sources within 20 km of the monitor (except Hill Air Force Base [HAFB]) emitted much PM10 in '96. However, there are two large sources of NO_x within the 20 km radius: HAFB, and Wasatch Energy Systems. UDAQ agreed to add these two sources to the inventory because secondary aerosol formation is regional in nature.

Comment no. 3. UDAQ needs to provide the calculations for its area source emissions estimates (Section 2.2, Tables 1-3). There is no indication of how emissions were converted from tons per year to tons per day. It appears that the annual emissions were divided by 212 days/yr.

Response: A paragraph was added to the document in order to explain that, for most area source categories, winter-day emissions are not 1/365th of annual emissions (see pp. 2 of the June 6, 2001 cover memo at Section 2.1). In addition, the calculation summaries supporting these numbers have been clarified.

Comment no. 4. In Section 2.3-4, Oil Combustion, the "Industrial" oil consumption data includes a contribution from electric utilities. This led EPA to speculate that perhaps the Gadsby plant (in Salt Lake City) should be included in the inventory.

Response: UDAQ obtains these numbers from the Utah Office of Energy and Resource Planning which reports on a statewide basis. The statewide number is then apportioned based on county population, so in effect, every county will have the same relative contribution from electric utilities. In short, Gadsby does not belong in the inventory. This was communicated to EPA, and there is no expectation that these emissions will be included.

Comment no. 5. Concerning Forest Fires (Section 2.3-6), UDAQ needs to update its emission factors (PM10 and NO_x) to be consistent with the current version of AP-42.

Response: The emission factors have since been updated as requested. Since there were no forest fires on the “typical winter day,” this did not have any effect on the numbers.

Comment no. 6. Concerning Structural Fires (Section 2.3-7), the emissions appear to be off by a factor of 1000.

Response: The correction has been made in the final inventory.

Comment no. 7. Aircraft Emissions: It was not clear how these emissions were distributed between HAFB and Ogden-Hinckley Airport. EPA requested we include all other emissions from HAFB. Finally, the Section 2.3-10 calculation summary includes the assumption “the PM10 factor in (1) above for Civilian/Commercial aircraft and 100% of the NOx for Military aircraft for HAFB” requires further explanation.

Response: As reported in the response to comment no. 2, the entire inventory for HAFB has been included in the inventory. All of the aircraft emissions (takeoff and landing) from HAFB have been included in the area source portion of the inventory (and subtracted from Hill’s total in the overall summary table). The aircraft emissions also include the contribution from Ogden-Hinckley Airport. Concerning the comment from Section 2.3-10, the aircraft PM10 emissions have since been recalculated absent this assumption, and the comment is no longer pertinent.

ATTACHMENT 2

6/27/2001

Ogden City Inventory of PM10 And its Precursors: SO2 and NOx Representing Winter of 1996

Summary Table:

tons per winter weekday	PM10	SO2	NOx
Mobile Sources	1.22	0.15	3.90
Area Sources	0.81	0.51	1.53
Point Sources	1.06	0.43	2.27
Total.....	3.09	1.09	7.70

Mobile Sources:

tons per winter weekday	PM10	SO2	NOx
Tailpipe	0.08	0.15	3.90
Tire Wear	0.01		
Fugitive Dust	1.13		
Total.....	1.22	0.15	3.90

Area Sources:

tons per winter weekday	PM10	SO2	NOx
Wood Burning	0.61	0.01	0.06
Coal Burning	0.05	0.00	0.00
Natural Gas	0.11	0.01	0.65
Fuel Oil	0.02	0.42	0.05
Aircraft	0.00	0.00	0.00
Railroad	0.01	0.05	0.68
Misc. Non-Road	0.01	0.02	0.09
Total.....	0.81	0.51	1.53

Point Sources:

tons per year	PM10	SO2	NOx
Cargill Inc. - Feed Divn.	17.01	0.00	0.00
Cargill Inc. - Flour Divn.	18.20	0.13	8.90
Defense Logistics Agency	43.67	34.25	119.88
Fresenius Medical Care	2.13	0.11	16.21
*Hill Air Force Base	170.25	16.38	161.43
Hurco Industries	4.75	0.00	0.00
Koch Agricultural Co.	22.40	0.00	0.00
Levolor Home Fashions	0.30	0.00	3.80
Wasatch Energy Systems	4.98	75.49	343.07
Weber State University	0.98	0.04	9.37
Total.....	284.67	126.40	662.66

tons per winter weekday	PM10	SO2	NOx	days/yr	reference
Cargill Inc. - Feed Divn.	0.07	0.00	0.00	260	Form F2
Cargill Inc. - Flour Divn.	0.07	0.00	0.03	260	Form F2
Defense Logistics Agency	0.17	0.13	0.46	260	F2, F6a, F6b, F12, F14
Fresenius Medical Care	0.01	0.00	0.04	362	Form F2, F3a
*Hill Air Force Base	0.65	0.06	0.62	260	Page 1-2
Hurco Industries	0.02	0.00	0.00	260	Form F6a
Koch Agricultural Co.	0.06	0.00	0.00	365	Form F2, F6a
Levolor Home Fashions	0.00	0.00	0.02	240	Form F2
Wasatch Energy Systems	0.00	0.23	1.06	322.5	**Form F2
Weber State University	0.00	0.00	0.03	317.5	***Form F2
Total.....	1.06	0.43	2.27		

Note that point sources reported their emissions for an annual averaging period (1996), and that these emission totals were divided by the number of operational days reported by each facility.

* note that this source includes aircraft emissions that have been included, in this table, as an area source. These emissions are: 7.4, 20.3, and 188.3 tons/yr of PM10, SO2, and NOx respectively.

** note that the days/yr entry for this source is the average number of operational days for boilers A and B.

*** note that the days/yr entry for this source was continued as a weighted average of operating percentages, during the first calendar quarter, for each of the four boilers.

ATTACHMENT 3

October 18, 1999 PM₁₀ Clean Data Areas Approach

This approach applies the clean data policy concept for ozone to selected PM₁₀ nonattainment areas to get the control measures for these areas approved into the SIP. The approach only applies to PM₁₀ areas with simple PM₁₀ source problems, such as residential wood combustion, fugitive dust problems, etc. If an area meets the following requirements the state will no longer be required to develop an attainment demonstration. The three requirements are:

- First, the area must be attaining the PM₁₀ NAAQS with the three most recent years of quality assured air quality data.
 - Second, the state must continue to operate an appropriate PM₁₀ air quality monitoring network, in accordance with 40 CFR part 58, in order to verify the attainment status of the area.
 - Third, the control measures for the area, which were responsible for bringing the area into attainment, must be approved by EPA. EPA would also need to find that the area has adopted RACM / RACT, and make a finding that the area attained the 24-hr and annual PM₁₀ NAAQS.
- For those areas that qualify for application of the clean data approach the requirement for developing RFP demonstrations and contingency measures are waived. Also, any sanction clocks that may be running due to failure to submit, or disapproval of some of the previously mentioned requirements are stopped. However, any requirement that is tied solely to designation or classification remain in effect, e.g., NSR, RACM, RACT.

Areas are still required to demonstrate transportation conformity using the build/no-build test, or the no-greater-than-1990 test. The emissions budget test would not be required, because the requirements for an attainment demonstration and RFP, which establish the budgets, no longer apply. The state, however, must still produce a basic emissions inventory for the area. The applicable tests for general conformity still apply.

- The action to approve the SIP, however, would not be a § 107 (d) redesignation. The area will only be redesignated to attainment if the state submits an approvable § 175A maintenance plan.
- The federal register actions taken to approve the SIP's should be done on a case by case basis, and the appropriate language concerning the clean data approach will be inserted into each notice.



STATE OF UTAH
OFFICE OF THE GOVERNOR
SALT LAKE CITY
84114-0601

MICHAEL O. LEAVITT
GOVERNOR

OLENE S. WALKER
LIEUTENANT GOVERNOR

March 30, 2000

William P. Yellowtail
Regional Administrator
EPA Region VIII
One Denver Place
999 18th Street, Suite 500
Denver, Colorado 80202-2405

Dear Mr. Yellowtail:

Re: PM10 SIP Obligation: Ogden City

This letter concerns Ogden City, an area that is presently designated "nonattainment" for PM10. Utah is still under obligation to submit a State Implementation Plan (SIP) revision satisfying the requirements of Part D of the Clean Air Act.

The State has not submitted a Part D SIP for Ogden City because of the EPA's intent to revise the National Ambient Air Quality Standards (NAAQS) for PM10. Under EPA's previous "Transition Policy," Ogden City was identified as an area that was presently attaining the old (pre-1997) NAAQS for PM10 and had never violated the new standard. As such, EPA had indicated that the old NAAQS would be revoked provided that: 1) the Part D requirements had been met, and 2) that the State had the means and authority, under CAA section 110, to implement the new NAAQS. Furthermore, EPA indicated that, for areas such as Ogden City, the improvement in air quality was at least partially due to those control measures which applied to the entire State or to nonattainment areas in general, and that it would be inappropriate to require any new control strategies. Thus, the Part D requirements were considered to be satisfied because these control measures were already incorporated into the Utah SIP.

The Utah Division of Air Quality and EPA Region VIII were in agreement that each of the necessary criteria had been met, and the State officially communicated as much in two letters dated March 27, 1998, and June 25, 1998, respectively.

Subsequently, the American Trucking Association challenged (among other things) EPA's authority to implement a revised PM10 standard, and on May 14, 1999, the United States Court of Appeals for the D.C. Circuit ruled to vacate the new PM10 NAAQS. Consequently, Utah's obligation to satisfy the Part D requirements, as they pertain to the old NAAQS, is still outstanding.

In a further attempt to provide areas such as Ogden City with an avenue by which to satisfy these outstanding Part D requirements, EPA has recently made available a PM10 Clean Data Areas Approach. As with the Transition Policy approach, the area must meet certain criteria in order to qualify. These criteria are as follows:

- 1) The area must be attaining the (pre-1997) PM10 standards based on the last three years of air monitoring data. Ogden City meets this criteria.
- 2) The State must continue to operate an appropriate PM10 monitoring network in accordance with CFR part 58 in order to verify the attainment status of the area. The State is quite agreeable to maintaining its PM10 monitoring efforts in Ogden City.
- 3) Control measures for the area which were responsible for attainment must be approved by EPA. The EPA would also need to find that the State had adopted Reasonably Available Control Measures (RACM). To that end, EPA Region VIII has already identified a number of control measures that fit this description. They are: open burning rule, visible emissions rule, fugitive dust rule, and vehicle inspection and maintenance.

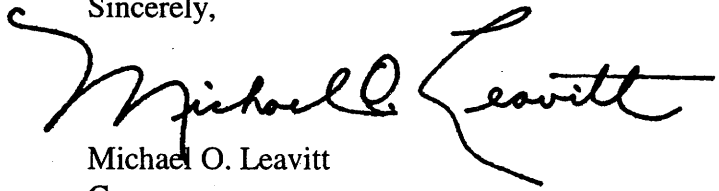
Accordingly, the State and EPA are in agreement that Ogden City meets the necessary criteria. As such, **this letter will serve to officially request that EPA make notice in the Federal Register that the State of Utah has, in fact, met its requirements under CAA Part D (section 172) to submit a nonattainment PM10 SIP for the area defined as Ogden City.** By way of said notice, the State understands and acknowledges the following:

- * Requirements for developing Reasonable Further Progress (RFP) demonstrations and contingency measures (under CAA section 172) will be waived.
- * Any sanction clocks that may be running due to failure to submit or disapproval of any Part D requirement will be terminated.
- * This action will not constitute a redesignation under CAA section 107. If the State wishes that Ogden City be redesignated to attainment then subsequent action must be taken under CAA section 175.
- * Transportation Conformity demonstrations will still be required using the "build/no build" test or the "no greater than 1990" test. However, the "emission budget" test will not be required because the requirements for an attainment demonstration and RFP, which establish these budgets, will no longer apply.
- * The applicable tests for General Conformity still apply.
- * The State will continue to operate its PM10 monitoring network in accordance with CFR part 58.

- * The State must produce a basic emissions inventory for Ogden City to the satisfaction of EPA Region VIII.

The submittal of said emissions inventory and any additional documentation which EPA determines is necessary to make its finding or otherwise meet the requirements of section 172 of the Act will be submitted by Ursula Kramer, Director, Division of Air Quality, and any questions your agency may have concerning this submittal should be addressed to Ms. Kramer at (801) 536-4022.

Sincerely,

A handwritten signature in black ink, reading "Michael O. Leavitt". The signature is written in a cursive style with a large, sweeping initial "M".

Michael O. Leavitt
Governor

MOL:DRN:dco



State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF AIR QUALITY

Michael O. Leavitt
Governor
Dianne R. Nielson, Ph.D.
Executive Director
Richard W. Sprott
Director

150 North 1950 West
P.O. Box 144820
Salt Lake City, Utah 84114-4820
(801) 536-4000 Voice
(801) 536-4099 Fax
(801) 536-4414 T.D.D.

MEMORANDUM

TO: Air Quality Board DAQ-060-01

THROUGH: Richard W. Sprott, Executive Secretary

FROM: Colleen Delaney, Environmental Scientist

DATE: July 2, 2001

SUBJECT: Final Adoption: Amend R307-101-2, Definitions, and R307-405, Permits: Prevention of Significant Deterioration of Air Quality (PSD), to adopt the Federal WEPCO New Source Permitting Provisions

On May 2, you proposed for public comment amendments to adopt the federal WEPCO provisions. The public comment period was June 1 through July 2. A public hearing was held on June 21; no comments were received at the hearing.

One written comment has been received and is summarized below. Because there are approval order applications that depend on the outcome of this rulemaking, staff is including this material for action at your meeting on July 11. If additional comments are received before July 2, you will receive them at that meeting.

Staff Recommendation: Staff recommends adoption of the amendments as they were proposed.

Summary of Comments and Responses

Comment: In R307-101-2, in subsection (1) of the definition of "Representative Actual Annual Emissions," the phrase *including, but not limited to* is a prospective incorporation. The recommendation from the Attorney General's Office is to only use the word *including*. Use of the word *including* should provide needed flexibility, without opening a prospective door. Leaving it as is, *including but not limited to*, must not be taken as a license to add other criteria at a later time without going through the rulemaking process. (Kent Bishop, Governor's Office of Planning and Budget)

Response: It is true that providing a list of items under the heading "including but not limited to" may sometimes cause problems of inadequate notice of prohibited or required actions. However, the use of the phrase must be evaluated on a case-by-case basis to determine whether such a problem is raised. In this case, there is no such problem. In this case, DAQ already has the authority to review and use any relevant documents that assist in determining emission projections;

notice is not an issue, although evidence must be disclosed and evaluated in the course of an administrative proceeding. Because there is no statutory or other requirement for notice to the regulated entity, prior to the initiation of an administrative proceeding, regarding which documents will be reviewed, the proposed language does not raise the problems of inadequate notice suggested by the commenter.

Staff has proposed leaving this provision in the rule because it is inextricably woven into the fabric of a rule resulting from a very complicated court settlement. Laura Lockhart of the Utah Attorney General's Office has discussed this matter with the commenter, who is satisfied with this result.

Comment: In R307-405-1, the definition of "Major Modification" should include only the first sentence, not the following list of standards. When exact wording is devised that includes both a defined term and performance standards that are peculiar to that term, then the term should only be used in the rules where the full and complete conditions and standards of that definition apply. This term is used twice in R307-405 and also is used 39 times in other places throughout R307, and there is another definition of "Major Modification" in R307-101-2. How is the user to know which definition applies in each use throughout R307? (Kent Bishop, Governor's Office of Planning and Budget)

Response: Subparts (1) and (2) under the definition of major modification do not establish standards. These additional provisions are included to clarify two important phrases in the definition. Subpart (1) clarifies that the phrase *significant net emissions increase of any pollutant subject to regulation under the Clean Air Act* also includes volatile organic compounds, which are a precursor for ozone, which is a regulated pollutant under the Clean Air Act. R307-101-2 further defines *significant* to mean a net emissions increase for ozone of 40 tons per year of volatile organic compounds.

Subpart (2) in the proposed definition is the list of items excluded from the phrase *physical change in or change in the method of operation* in the first sentence of the definition. The subparts are not a statement of standards, and are an integral part of the definition of "Major Modification."

Regarding how the user is to know how each definition applies, the first sentence of R307-405-1 is "The following additional definitions apply to R307-405." This sentence alerts the reader that the definitions in R307-405-1 apply only within R307-405. It also alerts the reader that there are additional definitions elsewhere. As is customary, R307 definitions are found at the beginning, in R307-101-2. The first sentence in R307-101-2 is "Except where specified in individual rules, definitions in R307-101-2 are applicable to all rules adopted by the Air Quality Board."

Again, staff recommends no change, as this language is a very complicated and integral component of a federal court settlement.

on Chiropractic Education, Inc., and a licensee for the purpose of providing chiropractic training to a student enrolled in the chiropractic college or university while under the supervision of a licensee.

(4) "Unprofessional conduct", as defined in Title 58, Chapters 1 and 73, is further defined in accordance with Subsection 58-1-203(5), in Section R156-73-501.

R156-73-601. Scope of Practice.

The requirements to demonstrate competency and training to perform clinical acupuncture include:

(1) completing a recognized course sponsored by an institution or organization approved to sponsor continuing education, as defined in Section R156-73-303b, consisting of at least 100 classroom hours of instruction and passing a certifying examination.

(2) Beginning January 1, 2002, for licensees who have not previously met the requirements listed in Subsection (1), the requirements to demonstrate competency and training to perform clinical acupuncture shall be:

(a) completing a recognized course sponsored by an institution or organization approved to sponsor continuing education, as defined in Section R156-73-303b, consisting of at least 200 classroom hours of instruction and passing a certifying examination; or

(b) completing a recognized course sponsored by an institution or organization approved to sponsor continuing education, as defined in Section R156-73-303b, consisting of at least 100 classroom hours of instruction, passing a certifying examination, and completing 100 hours of clinical experience under the indirect supervision of a licensed health care provider who has met the requirements in Subsection (1) or (2)(a), and has practiced clinical acupuncture for at least two years.

KEY: chiropractors, licensing, chiropractic physician*

[February 15, 2001

58-73-101

58-1-106(1)

58-1-202(1)

◆ ————— ◆
Environmental Quality, Air Quality

R307-101-2

Definitions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 23759

FILED: 05/15/2001, 10:26

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To bring definitions into alignment with federal rules (see separate filing for R307-405-1).

(DAR Note: The proposed amendment for R307-405-1 is under DAR No. 23760 in this *Bulletin*.)

SUMMARY OF THE RULE OR CHANGE: The current major source permitting rules may require sources of air pollution that make a major modification to install more stringent pollution control equipment. This amendment aligns the Utah rule with a 1992 federal rule revision that adds a new definition for Major Modification and other terms used in the definition of Major Modification. The new definition excludes, so long as there is no emissions increase, pollution control projects at existing electric utility steam generating units. Also excluded are the installation, operation, cessation, or removal of a temporary clean coal demonstration projects. Finally, the new definition requires that determining whether a modification at an electric utility steam generating unit is major or not is done by comparing present actual emissions to future actual emissions.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 51.165 and 51.166

ANTICIPATED COST OR SAVINGS TO:

◆THE STATE BUDGET: No change. The state's costs for reviewing and approving permit modifications are covered by fees based on the size and complexity of the modification.

◆LOCAL GOVERNMENTS: Local governments will be affected only if they make major modifications at their electric utility steam generating units, or install a clean coal demonstration project. In such cases, they may not be required to obtain an approval order, saving time and money. Exact savings would vary from project to project.

◆OTHER PERSONS: A source will be affected only if making major modifications at electric utility steam generating units, or installing a clean coal demonstration project. In such cases, the source may not be required to obtain an approval order, saving time and money. Exact savings would vary from project to project.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A source will be affected only if making major modifications at electric utility steam generating units, or installing a clean coal demonstration project. In such cases, the source may not be required to obtain an approval order, saving time and money. Exact savings would vary from project to project.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Amending the rule will allow sources to more easily and cheaply install pollution control projects and clean coal demonstration projects. It also allows more realistic determination of whether a modification at an electric utility steam generating unit fits the definition of Major Modification. Dianne R. Nielson, Ph.D.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
 Air Quality
 150 North 1950 West
 PO Box 144820
 Salt Lake City, UT 84114-4820, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmiller@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/02/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/21/2001, 3:00 p.m., DEQ Bldg, Room 201, 168 North 1950 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/12/2001

AUTHORIZED BY: Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.**R307-101. General Requirements.****R307-101-2. Definitions.**

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

"Actual Area of Nonattainment" means an area which is shown by monitored data or modeling actually to exceed the National Ambient Air Quality Standards (Boundaries are established in the Utah State Implementation Plan).

"Actual Emissions" means the actual rate of emissions of a pollutant from ~~[a source]~~ an emissions unit determined as follows:

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

(2) The Executive Secretary may presume that source-specific allowable emissions for the ~~[source]~~ unit are equivalent to the actual emissions of the ~~[source]~~ unit.

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

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

"Acute Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - ceiling

(TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Air Contaminant" means any particulate matter or any gas, vapor, suspended solid or any combination of them, excluding steam and water vapors (Section 19-2-102(1)).

"Air Contaminant Source" means any and all sources of emission of air contaminants whether privately or publicly owned or operated (Section 19-2-102(2)).

"Air Pollution" means the presence in the ambient air of one or more air contaminants in such quantities and duration and under conditions and circumstances, as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or use of property as determined by the standards, rules and regulations adopted by the Air Quality Board (Section 19-2-104).

"Air Quality Related Values" means, as used in analyses under R307-401-4(1), Public Notice, those special attributes of a Class I area, assigned by a federal Land Manager, that are adversely affected by air quality.

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

"Ambient Air" means the surrounding or outside air (Section 19-2-102(4)).

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

"Asphalt or Asphalt Cement" means the dark brown to black cementitious material (solid, semisolid, or liquid in consistency) of which the main constituents are bitumens which occur naturally or as a residue of petroleum refining.

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

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

"Baseline Date":

(1) Major source baseline date means:

(a) In the case of particulate matter and sulfur dioxide, January 6, 1975, and

(b) In the case of nitrogen dioxide, February 8, 1988.

(2) Minor source baseline date means the earliest date after the trigger date on which the first complete application under 40 CFR 52.21 or R307-405 is submitted by a major source or major modification subject to the requirements of 40 CFR 52.21 or R307-405. The minor source baseline is the date after which emissions from all new or modified sources consume or expand increment, including emissions from major and minor sources as well as any or all general commercial, residential, industrial, and other growth. The trigger date is:

(a) In the case of particulate matter and sulfur dioxide, August 7, 1977, and

(b) In the case of nitrogen dioxide, February 8, 1988.

"Best Available Control Technology (BACT)" means an emission limitation and/or other controls to include design, equipment, work practice, operation standard or combination thereof, based on the maximum degree or reduction of each pollutant subject to regulation under the Clean Air Act and/or the Utah Air Conservation Act emitted from or which results from any emitting installation, which the Air Quality Board, on a case-by-case basis taking into account energy, environmental and economic impacts and other costs, determines is achievable for such installation through application of production processes and available methods, systems and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall applications of BACT result in emissions of any pollutants which will exceed the emissions allowed by Section 111 or 112 of the Clean Air Act.

"Board" means Air Quality Board. See Section 19-2-102(6)(a).

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

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

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

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

"Carcinogenic Hazardous Air Pollutant" means any hazardous air pollutant that is classified as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Chronic Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - time weighted average (TLV-TWA) having no threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Clean Air Act" means federal Clean Air Act as amended in 1990.

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

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

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

"Clearing Index" means an indicator of the predicted rate of clearance of ground level pollutants from a given area. This number is calculated by the National Weather Service from daily measurements of temperature lapse rates and wind speeds from ground level to 10,000 feet. The State has been divided into three separate air quality areas for purposes of the clearing index system:

(1) Area 1 includes those valleys below 6500 feet above sea level and west of the Wasatch Mountain Range and extending south through the Wasatch and Aquarius Plateaus to the Arizona border. Included are the Salt Lake, Utah, Skull and Escalante Valleys and valleys of the Sevier River Drainage.

(2) Area 2 includes those valleys below 6500 feet above sea level and east of the Wasatch Mountain Range. Included are Cache Valley, the Uintah Basin, Castle Valley and valleys of the Green, Colorado, and San Juan Rivers.

(3) Area 3 includes all valleys and areas above 6500 feet above sea level.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"EPA" means Environmental Protection Agency.

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

"Executive Secretary" means the Executive Secretary of the Board.

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

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

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

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

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

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

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

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

"Heavy Fuel Oil" means a petroleum product or similar material with a boiling range higher than that of diesel fuel.

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

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

"Indirect Source" means a building, structure or installation which attracts or may attract mobile source activity that results in emission of a pollutant for which there is a national standard.

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

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

"Major Modification" means any physical change in or change in the method of operation of a major source that would result in a significant net emissions increase of any pollutant. A net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone. Within Salt Lake and Davis Counties or any nonattainment area for ozone, a net emissions increase that is significant for nitrogen oxides shall be considered significant for ozone. Within areas of nonattainment for PM10, a significant net emission increase for any PM10 precursor is also a significant net emission increase for PM10. A physical change or change in the method of operation shall not include:

- (1) routine maintenance, repair and replacement;
- (2) use of an alternative fuel or raw material by reason of an order under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;
- (3) use of an alternative fuel by reason of an order or rule under section 125 of the federal Clean Air Act;
- (4) use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
- (5) use of an alternative fuel or raw material by a source:
 - (a) which the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any enforceable permit condition; or

(b) which the source is otherwise approved to use;
 (6) an increase in the hours of operation or in the production rate unless such change would be prohibited under any enforceable permit condition;

(7) any change in ownership at a source

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

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

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

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

(a) the Utah State Implementation Plan; and

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

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

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

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

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

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

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

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

- (a) Coal cleaning plants (with thermal dryers);
- (b) Kraft pulp mills;
- (c) Portland cement plants;
- (d) Primary zinc smelters;
- (e) Iron and steel mills;

- (f) Primary aluminum or reduction plants;
- (g) Primary copper smelters;
- (h) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- (i) Hydrofluoric, sulfuric, or nitric acid plants;
- (j) Petroleum refineries;
- (k) Lime plants;
- (l) Phosphate rock processing plants;
- (m) Coke oven batteries;
- (n) Sulfur recovery plants;
- (o) Carbon black plants (furnace process);
- (p) Primary lead smelters;
- (q) Fuel conversion plants;
- (r) Sintering plants;
- (s) Secondary metal production plants;
- (t) Chemical process plants;
- (u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British Thermal Units per hour heat input;
- (v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (w) Taconite ore processing plants;
- (x) Glass fiber processing plants;
- (y) Charcoal production plants;
- (z) Fossil fuel-fired steam electric plants of more than 250 million British Thermal Units per hour heat input;
- (aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the federal Clean Air Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Nonattainment Area" means for any pollutant, "an area which is shown by monitored data or which is calculated by air quality modeling (or other methods determined by the Administrator, EPA to be reliable) to exceed any National Ambient Air Quality Standard for such pollutant" (Section 171, Clean Air Act). Such term includes any area designated as nonattainment under Section 107, Clean Air Act.

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

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

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

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

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

"PM10 Nonattainment Area" means Salt Lake County, Utah County, or Ogden City.

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

"PM10 Precursor" means any chemical compound or substance which, after it has been emitted into the atmosphere, undergoes chemical or physical changes that convert it into particulate matter, specifically PM10. It includes sulfur dioxide and nitrogen oxides.

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

"Peak Ozone Season" means June 1 through August 31, inclusive.

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

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

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

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

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

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

"Potential to Emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant including air pollution control equipment 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 design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

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

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

"Production Equipment Exhaust System" means a device for collecting and directing out of the work area VOC fugitive emissions from reactor openings, centrifuge openings, and other vessel openings for the purpose of protecting employees from excessive VOC exposure.

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

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

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

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

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

"Reactor" means any vat or vessel, which may be jacketed to permit temperature control, designed to contain chemical reactions.

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

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

"Regulated air pollutant" means any of the following:

(a) Nitrogen oxides or any volatile organic compound;

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

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

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

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

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

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

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

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

(2) The executive secretary shall give expedited consideration to permit applications for any source that satisfies the requirements of this definition and is granted an extension under section 49 of the Clean Air Act.

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

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

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

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

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

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

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

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

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

"Significant" means:

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

Carbon monoxide: 100 ton per year (tpy);
 Nitrogen oxides: 40 tpy;
 Sulfur dioxide: 40 tpy;
 PM10 Particulate matter: 15 tpy;
 Particulate matter: 25 tpy;
 Ozone: 40 tpy of volatile organic compounds;
 Lead: 0.6 tpy.

(2) For purposes of R307-405 it shall also additionally mean for:

(a) A rate of emissions that would equal or exceed any of the following rates:

Asbestos: 0.007 tpy;
 Beryllium: 0.0004 tpy;
 Mercury: 0.1 tpy;
 Vinyl Chloride: 1 tpy;
 Fluorides: 3 tpy;
 Sulfuric acid mist: 7 tpy;
 Hydrogen Sulfide: 10 tpy;
 Total reduced sulfur (including H₂S): 10 tpy;
 Reduced sulfur compounds (including H₂S): 10 tpy;

Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): 3.2 grams per year (3.5 x 10⁻⁶ tons per year);

Municipal waste combustor metals (measured as particulate matter): 14 megagrams per year (15 tons per year);

Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): 36 megagrams per year (40 tons per year);

Municipal solid waste landfill emissions (measured as nonmethane organic compounds): 45 megagrams per year (50 tons per year);

(b) In reference to a net emissions increase or the potential of a source to emit a pollutant subject to regulation under the Clean Air Act not listed in (1) and (2) above, any emission rate.

(c) Notwithstanding the rates listed in (1) and (2) above, any emissions rate or any net emissions increase associated with a major source or major modification, which would construct within 10 kilometers of a Class I area, and have an impact on such area equal to or greater than 1 ug/cubic meter, (24-hour average).

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

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

"Source" means any structure, building, facility, or installation which emits or may emit any air pollutant subject to regulation under the Clean Air Act and which is located on one or more continuous or adjacent properties and which is under the control of the same person or persons under common control. A building, structure, facility, or installation means all of the pollutant-emitting activities which belong to the same industrial grouping. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e. which have

the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (US Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively).

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

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

"State" means Utah State.

"Synthesized Pharmaceutical Manufacturing" means the manufacture of pharmaceutical products by chemical synthesis.

"Temporary" means not more than 180 calendar days.

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

"Threshold Limit Value - Ceiling (TLV-C)" means the airborne concentration of a substance which may not be exceeded, as adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Threshold Limit Value - Time Weighted Average (TLV-TWA)" means the time-weighted airborne concentration of a substance adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

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

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

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

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

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

"Volatile Organic Compound (VOC)" as defined in 40 CFR Subsection 51.100(s)(1), as published on July 1, 1998, is hereby adopted and incorporated by reference.

"Waste" means all solid, liquid or gaseous material, including, but not limited to, garbage, trash, household refuse, construction or

demolition debris, or other refuse including that resulting from the prosecution of any business, trade or industry.

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

KEY: air pollution, definitions*
~~October 5, 2000~~ 2001

19-2-104

◆ ————— ◆

Environmental Quality, Air Quality **R307-110-31** Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 23756
 FILED: 05/15/2001, 10:21
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To incorporate a federal rule change.

SUMMARY OF THE RULE OR CHANGE: In the rule, change the date of incorporation by reference from October 7, 1998, to August 1, 2001. The rule incorporates by reference the State Implementation Plan (SIP) for the general requirements of the Vehicle Emissions Inspection and Maintenance (I/M) Programs. The I/M programs are in place to reduce vehicle emissions so that federal health standards for ozone and carbon monoxide are not exceeded. On April 5, 2001, EPA published a final rule postponing implementation of On-Board Diagnostics inspections until January 1, 2002; the only substantive change in the SIP text is to amend the date from 2001 to 2002. Other changes in the SIP remove appendices that are out of date, and move others to the Technical Support Documentation that is submitted to EPA with the change in the SIP text.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)
 FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR Part 51, Subpart S; 40 CFR 85.2207, 2222, and 2223

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability

ANTICIPATED COST OR SAVINGS TO:

◆THE STATE BUDGET: No change. I/M programs are operated by the counties. The state completed technical assistance to the counties in anticipation of implementation by January 1,

2001. The state's cost for overseeing the I/M components of the State Implementation Plan do not depend on the specific elements of the program.

◆LOCAL GOVERNMENTS: Very little savings. Davis, Utah, and Weber Counties already are implementing the program. Salt Lake County will be ready to implement shortly.

◆OTHER PERSONS: On-Board Diagnostics (OBD) testing identifies malfunctioning parts in vehicles, saving time for repair personnel and saving money for vehicle owners. Most repair personnel already have the OBD scan tools to diagnose necessary repairs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: On-Board Diagnostics testing identifies malfunctioning parts in vehicles, saving time for repair personnel and saving money for vehicle owners. Davis, Utah, and Weber Counties already are implementing the program. In Salt Lake County, most testing and repair personnel already have the OBD scan tools to diagnose necessary repairs. Thus, postponing the required program is unlikely to add to repair costs for vehicle owners.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact of this rule is small, because implementation is postponed only until January 1, 2002, and three counties already are implementing the program. Dianne R. Nielson, Ph.D.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
 Air Quality
 150 North 1950 West
 PO Box 144820
 Salt Lake City, UT 84114-4820, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmiller@deq.state.ut.us

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/02/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/21/2001, 1:30 p.m., DEQ Bldg, Room 201, 168 North 1950 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/12/2001

AUTHORIZED BY: Cheryl Heying, Planning Branch Manager

**R307. Environmental Quality, Air Quality.
 R307-110. General Requirements: State Implementation Plan.
 R307-110-31. Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability.**

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability, as most recently amended by the Utah Air Quality Board on ~~October 7, 1998~~ August 1, 2001, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: ~~air pollution, small business assistance program*,
particulate matter*, ozone
February 10, 2000~~ 19-2-104(3)(e)
Notice of Continuation June 2, 1997

◆ ————— ◆

Environmental Quality, Air Quality R307-405-1 Definitions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23760

FILED: 05/15/2001, 10:26

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To bring definitions into alignment with federal rules (see separate filing for R307-101-2).

(DAR Note: The proposed amendment for R307-101-2 is under DAR No. 23759 in this *Bulletin*.)

SUMMARY OF THE RULE OR CHANGE: The current major source permitting rules require sources of air pollution that make a major modification to undergo additional review, and may require the installation of more stringent pollution control equipment. This amendment aligns the Utah rule with a 1992 federal rule revision that adds a new definition for Major Modification. The rule excludes from the definition, so long as there is no emissions increase, pollution control projects at existing electric utility steam generating units. Also excluded are the installation, operation, cessation, or removal of a temporary clean coal demonstration project. The new definition also requires that determining whether a modification at an electric utility steam generating unit is major or not is done by comparing present actual emissions to future actual emissions.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)
FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 51.165 and 51.166

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: No change. The state's costs for reviewing and approving permit modifications are covered by fees based on the size and complexity of the modification.
- ◆ LOCAL GOVERNMENTS: Local governments will be affected only if they make major modifications at their electric utility steam generating units, or install a clean coal demonstration project. In such cases, they may not be required to obtain an approval order, saving time and money. Exact savings would vary from project to project.
- ◆ OTHER PERSONS: A source will be affected only if making major modifications at an electric utility steam generating unit, or installing a clean coal demonstration project. In such

cases, the source may not be required to obtain an approval order, saving time and money. Exact savings would vary from project to project.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A source will be affected only if making major modifications at an electric utility steam generating unit, or installing a clean coal demonstration project. In such cases, the source may not be required to obtain an approval order, saving time and money. Exact savings would vary from project to project.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Amending the rule will allow sources to more easily and cheaply install pollution control projects and clean coal demonstration projects. It also allows more realistic determination of whether a modification at an electric utility steam generating unit fits the definition of Major Modification. Dianne R. Nielson, Ph.D.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
Air Quality
150 North 1950 West
PO Box 144820
Salt Lake City, UT 84114-4820, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmiller@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/02/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/21/2001, 3:00 p.m., DEQ Bldg, Room 201, 168 North 1950 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/12/2001

AUTHORIZED BY: Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-405. Permits: Prevention of Significant Deterioration of Air Quality (PSD).

R307-405-1. Definitions.

The following additional definitions apply to R307-405:

"Baseline Area" means any intrastate area (and every part thereof) designated as attainment or unclassifiable under Section 107(d)(1)(D) or (E) of the federal Clean Air Act in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than 1 ug/m³ (annual average) of the pollutant for which the minor source baseline date is established.

(1) Area redesignations under section 107(d)(1) (D) or (E) of the federal Clean Air Act cannot intersect or be smaller than the area of impact of any major stationary source or major modification which:

- (a) Establishes a minor source baseline date; or

(b) Is subject to 40 CFR 52.21 or R307-405, and would be constructed in the same state as the state proposing the redesignation.

"Baseline Concentration" means that ambient concentration level which exists in the baseline area at the time of the applicable minor source baseline date.

"Major Modification" means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Clean Air Act.

(1) Any net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone.

(2) A physical change or change in the method of operation shall not include:

(a) routine maintenance, repair, and replacement;

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

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

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

(e) use of an alternative fuel or raw material by a source which:

(i) the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition; or

(ii) the source is approved to use;

(f) an increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition;

(g) any change in ownership at a source

(h) the addition, replacement or use of a pollution control project at an existing electric utility steam generating unit, unless the executive secretary determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

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

(ii) the executive secretary determines that the increase will cause or contribute to a violation of any national ambient air quality standard or PSD increment, or visibility limitation.

(i) the installation, operation, cessation, or removal of a temporary clean coal demonstration project, provided that the project complies with:

(i) the Utah State Implementation Plan; and

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

(j) the installation or operation of a permanent clean coal technology project that constitutes repowering, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis.

(k) the reactivation of a very clean coal-fired electric utility steam generating unit.

"Major Source" means:

(1) any of the following sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Clean Air Act: Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants, fossil fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants;

(2) any other source which emits, or has the potential to emit, 250 tons per year or more of any air pollutant; or

(3) a source which does not otherwise qualify as a major source as defined in this paragraph, but which is physically changed, which change itself would constitute a major source.

(4) a source which is major for volatile organic compounds is major for ozone.

(5) The fugitive emissions and fugitive dust of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

- (a) Coal cleaning plants (with thermal dryers);
- (b) Kraft pulp mills;
- (c) Portland cement plants;
- (d) Primary zinc smelters;
- (e) Iron and steel mills;
- (f) Primary aluminum ore reduction plants;
- (g) Primary copper smelters;
- (h) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- (i) Hydrofluoric, sulfuric, or nitric acid plants;
- (j) Petroleum refineries;
- (k) Lime plants;
- (l) Phosphate rock processing plants;
- (m) Coke oven batteries;
- (n) Sulfur recovery plants;
- (o) Carbon black plants (furnace process);
- (p) Primary lead smelters;
- (q) Fuel conversion plants;
- (r) Sintering plants;
- (s) Secondary metal production plants;
- (t) Chemical process plants;
- (u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (w) Taconite ore processing plants;

- (x) Glass fiber processing plants;
- (y) Charcoal production plants;
- (z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
- (aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Federal Clean Air Act.

KEY: air pollution, PSD*, Class I area*
 [September 15, 1998]2001

19-2-104

◆ ————— ◆

Environmental Quality, Drinking Water R309-115 Administrative Procedures

NOTICE OF PROPOSED RULE (New)

DAR FILE NO.: 23755
 FILED: 05/15/2001, 10:18
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule filing sets out procedures for conducting adjudicative proceedings under Title 19, Chapter 4, Utah Safe Drinking Water Act, and governed by Title 63, Chapter 46b, the Utah Administrative Procedures Act.

SUMMARY OF THE RULE OR CHANGE: This rule filing outlines the procedure to be used when adjudicative proceedings are conducted.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104

FEDERAL REQUIREMENT FOR THIS RULE: Safe Drinking Water Act (amended Aug. 6, 1996), Title XIV, Section 1413(a)(6)

ANTICIPATED COST OR SAVINGS TO:

◆**THE STATE BUDGET:** No incremental impact. The Division will continue to enforce the existing rules for public drinking water systems, this rule filing will clarify the appeal procedure.

◆**LOCAL GOVERNMENTS:** No incremental impact. This rule will clarify the appeal procedure as outlined in the Utah Administrative Procedures Act.

◆**OTHER PERSONS:** No incremental impact. This rule will clarify the appeal procedure as outlined in the Utah Administrative Procedures Act.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change will not impose any additional requirements to any public water system or individual. The rule filing outlines the procedure to be used for conducting adjudicative proceedings as outlined in the Utah Safe Drinking Water Act and the Utah Administrative Procedures.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department of Environmental Quality agrees with the comments in Aggregate anticipated cost or savings to: State Budget, Local government and Other persons and the compliance costs for affected persons sections. Dianne R. Nielson, Ph.D.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 Environmental Quality
 Drinking Water
 150 North 1950 West
 PO Box 144830
 Salt Lake City, UT 84114-4830, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Ken Boufield or Patti Fauver at the above address, by phone at (801) 536-4207 or (801)-536-4196, by FAX at (801) 536-4211, or by Internet E-mail at kbousfie@deq.state.ut.us or pfauver@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/03/2001

AUTHORIZED BY: Kevin W. Brown, Division Director and Executive Secretary

**R309. Environmental Quality, Drinking Water.
 R309-115. Administrative Procedures.
 R309-115-1. Scope of rule.**

(1) This rule R309-115 sets out procedures for conducting adjudicative proceedings under Title 19, Chapter 4, Utah Safe Drinking Water Act, and governed by Title 63, Chapter 46b, the Utah Administrative Procedures Act.

(2) The executive secretary, or his delegates as authorized, may issue initial orders or notices of violation as authorized by the Board. Following the issuance of an initial order or notice of violation under Title 19, Chapter 4, the recipient or in some situations an intervenor, may contest that order or notice in a proceeding before the board or before a presiding officer appointed by the board.

(3) Issuance of initial orders and notices of violation are not governed by the Utah Administrative Procedures Act as provided under 63-46b-1(2)(k) and are not governed by sections R309-115-3 through R309-115-14 of this Rule. Initial orders and notices of violation are further described in R309-115-2(1).

(4) Proceedings to contest an initial order or notice of violation are governed by the Utah Administrative Procedures Act and by this rule R309-115.

(5) The Utah Administrative Procedures Act and this rule R309-115 also govern any other formal adjudicative proceeding before the Drinking Water Board.



State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF AIR QUALITY

Michael O. Leavitt
Governor


Dianne R. Nielson, Ph.D.
Executive Director

Richard W. Sprott
Director

150 North 1950 West
P.O. Box 144820
Salt Lake City, Utah 84114-4820
(801) 536-4000 Voice
(801) 536-4099 Fax
(801) 536-4414 T.D.D.

MEMORANDUM

TO: Air Quality Board DAQ-058-01

THROUGH: Richard W. Sprott, Executive Secretary 

FROM: Ran Macdonald, Environmental Engineer

DATE: July 2, 2001

SUBJECT: Propose for Public Comment: Amend R307-110-12 and SIP IX.C.6.f(2) to Add a New Contingency Measure in the Provo Carbon Monoxide SIP, and Amend R307-301-3, Average Oxygen Content Standard, To Reduce Gasoline Oxygenate in Utah County from 3.1% to 2.7%

In cooperation with the Utah County Commission, the Division of Air Quality (DAQ) asks that you propose to reduce the oxygenated gasoline requirement for fuels sold during the winter in Utah County from 3.1% oxygenate by weight to 2.7%.

3.1% oxygenated gasoline is required in Utah County presently because it is the only contingency measure in the State Implementation Plan (SIP) for Carbon Monoxide (CO) in Provo. Clean Air Act Section 110(l) allows EPA to approve the reduction in oxygenate in the Provo nonattainment area if the CO emissions are less than those allowed in the SIP. DAQ staff believe that the enhanced technician training program implemented by Utah County in 2000 provides adequate CO reductions to offset any increases resulting from the reduction in the oxygenate content requirements. This training has been included in the Utah County Vehicle Emissions Inspection and Maintenance SIP that will be on your agenda for final adoption at your next meeting.

To document this position, the Division used Mobile6 to model two separate scenarios for the years 1993, 1996, 1999, 2000, 2001, 2002, 2003, 2005, and 2008. The first scenario included 3.1% average oxygen content with no I/M technician training, and the second included 2.7% average oxygen content with I/M technician training being applied in the year 2000 and beyond, as implemented by Utah County and included in the Utah County Vehicle I/M SIP.

DAQ found that for the future years 2001-2008, the effect of reducing oxygenate from 3.1% to 2.7% and adding technician training provides a net reduction in CO emissions in the nonattainment area. The attached data and graphical analysis of the modeling results supports this proposal.

Staff recommendation: Staff recommends that you propose for public comment the attached change in the oxygenated gasoline rule to delete the use of 3.1% oxygenated gasoline, and the amendment in the Provo CO SIP to require enhanced technician training as a contingency measure instead of 3.1% oxygenated gasoline.

R307. Environmental Quality, Air Quality.**R307-301. Utah and Weber Counties: Oxygenated Gasoline Program.**

....

R307-301-2. Applicability and Control Period Start Dates.

(1) Unless waived under authority of 42 U.S.C. 7545(m)(3) by the Administrator of the Environmental Protection Agency, R307-301 is applicable in Utah and Weber Counties.

(2) The first control period for areas for which R307-301 is applicable begins:

(a) November 1, 1992, for the entire Provo-Orem Metropolitan Statistical Area which includes all of Utah County; and

(b) November 1 following the trigger date for Weber County.

R307-301-3. Average Oxygen Content Standard.

(1) All gasoline sold or dispensed during the control period, for use in each control area, by each CAR or blender CAR as defined in R307-301-1, shall be blended for each averaging period to contain an average oxygen content of not less than 2.7% oxygen by weight[, except that:

~~(a) if the Board determines that the 2.7% oxygen by weight requirement will prevent or interfere with attainment of the PM₁₀ National Ambient Air Quality Standards and the State requests and is granted a waiver from the Administrator of the Environmental Protection Agency under 42 U.S.C. 7545, the waiver amount granted by the Administrator of the Environmental Protection Agency, shall apply;~~

~~(b) if the enhanced inspection and maintenance program specified in Section IX, Part C.6.j(2)(b) of the state implementation plan is not implemented by January 1, 1996 (or if an equivalent automotive improvement program is not implemented that results in emissions factors equal to or less than the emission factors in Table IX.C.23 of the state implementation plan), all gasoline sold or dispensed during the control period beginning November 1, 1996, and subsequent control periods, for use in the Provo-Orem MSA, by each CAR or blender CAR as defined in R307-301-1, shall be blended to contain an average oxygen content of not less than 3.1% by weight until the next full control period following one year after the implementation of an enhanced inspection and maintenance program with mobile source emission factors equal to or less than every emission factor in the matrix in Table IX.C.23 of the state implementation plan and the enhanced inspection and maintenance performance standards of 40 CFR 51.351 or until the next full control period following implementation of a program that would result in emission factors equal to or less than the mobile source emission factors in the matrix contained in Table IX.C.23 of the state implementation plan;~~

~~(c) if triggered as a contingency measure, as specified in~~

Section IX, Part C.6.f of the state implementation plan, all gasoline sold or dispensed during the control period for use in the Provo-Orem MSA, by each CAR or blender CAR as defined in R307-301-1, shall be blended to contain an average oxygen content of not less than 3.1% by weight until it is shown to be unnecessary in the maintenance demonstration required by the Clean Air Act or until it is replaced with other control measures in a state implementation plan revision that demonstrates attainment of the National Ambient Air Quality Standard].

(2) The averaging period over which all gasoline sold or dispensed in the control area is to be averaged shall be equal to the control period.

(3) All gasoline, both leaded and unleaded, shall be blended in compliance with 40 CFR Part 79 (1991) - Registration of Fuels and Fuel Additives and 40 CFR Part 80 (1991) - Regulation of Fuels and Fuel Additives.

(4) Any gasoline blended under 42 U.S.C. 7545(f)(1) dealing with substantially similar fuels must be blended in compliance with the criteria specified in the substantially similar ruling. Any extra volume of oxygenate or oxygenates added to gasoline blended under a substantially similar ruling as provided for under 42 U.S.C. 7545(f)(1) in excess of the criteria specified in 42 U.S.C. 7545(f)(1) may not be included in the compliance calculations specified in R307-301-5(2) and (3).

(5) Any gasoline blended under a waiver granted by the Environmental Protection Agency under the provisions of 42 U.S.C. 7545(f)(4) must be blended in compliance with the criteria specified in the appropriate waiver. Gasoline blends waived to oxygen content above 2.7% oxygen by weight are not permitted a blending allowance for blending tolerance purposes. Any extra volume of oxygenate in excess of the criteria specified in the appropriate waiver may not be included in the compliance calculations specified in R307-301-5(2) or (3).

(6) Oxygen content shall be determined in accordance with R307-301-4.

....

KEY: air pollution control, motor vehicles, gasoline, petroleum
[1998]2001 **19-2-101**
Notice of Continuation June 9, 1997 **19-2-104**

R307. Environmental Quality, Air Quality.

R307-110. General Requirements: state Implementation Plan.

R307-110-12. Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide, as most recently amended by the Utah Air Quality Board on [~~August 7 and September 4, 1996~~]September 5, 2001, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**KEY: air pollution, small business assistance program*,
particulate matter*, ozone**

[~~February 10, 2000~~]2001

19-2-104(3)(e)

Notice of Continuation June 2, 1997

IX.C.6 Provo

f. Contingency/Stop-Gap Measures

.....

(2) Contingency Measures

[As a contingency measure, along with the adoption of this SIP, the Utah Air Conservation Rules have been changed to implement the oxygenate requirement, and to require that, within 60 days of the triggering of the contingency measures, only gasoline with an average oxygen content of 3.1% oxygen by weight will be sold in the Provo/Orcm MSA during the oxygenated gasoline control period as defined in the rules of the Air Quality Board until it is shown to be unnecessary in the maintenance demonstration provided for in Section 175A(a) of the Act or until it is replaced with other control measures in a SIP revision that demonstrates attainment with the NAAQS. If the state identifies a contingency measure in the future which can result in a documentable equivalent emission reduction, this SIP will be revised to delete this 3.1% oxygen by weight contingency measure and replace it with the equivalent measure.

— The amount of reduction in CO varies depending on the VMT, the specifications of the Enhanced I/M program in effect, temperature, speed, relative market share of each of the oxygenates, etc. However, as an example, the MOBILE5a model shows that, for 1996, the emission factor for 30 mph at 47.5 degrees F (temperature derived using T_{max} and T_{min} in the Mobile Model) will be reduced by about 4.5% by going from a 2.7% program to a 3.1% program. While the emission reduction from the overall fleet will not be exactly 4.5%, it will be of a similar magnitude depending on the many variables listed above. If the contingency measure is triggered in 1996, and the oxygen by weight standard is increased from 2.7% to 3.1%, the amount of reduction realized would be 9.81 tpd, which equates to approximately 5% of the on-road emissions. Because the VMTs are growing at approximately 4.1%, and the resulting emissions are not growing as rapidly, the reduction obtained is more than one-year's growth in the on-road emissions as required by EPA. The documentation for this reduction is contained in the Technical Support Document.

— The state and county are concerned with the possible impact which increasing the oxygenate content might have on the NO_x emissions from motor vehicles, and therefore on PM_{10} concentrations. As is detailed in the Technical Support Document, increasing the oxygenate content to 3.1% by weight would result in less than a 1% increase in tailpipe emissions of NO_x , and the implementation of Enhanced I/M will result in approximately an 11% reduction in tailpipe emissions of NO_x , which more than compensates for NO_x increase resulting from the increased oxygenate. Any alternatives to Enhanced I/M provided by other automotive emissions control programs must include controls to offset any estimated NO_x increase resulting from implementation of the oxygenated gasoline program.]

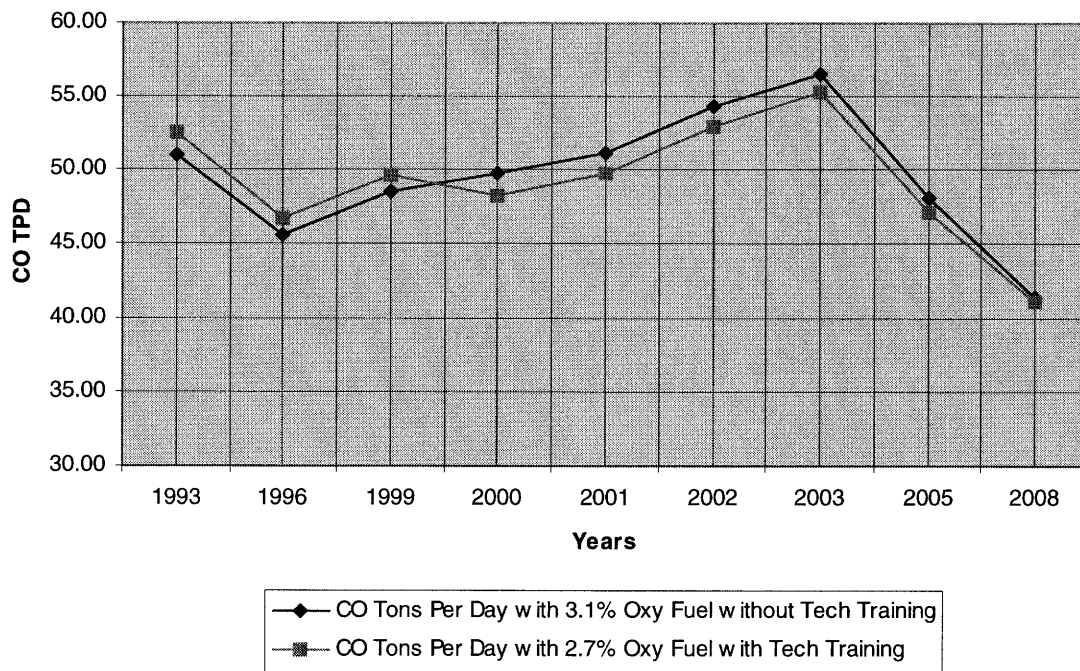
As a contingency measure, the State is adopting an enhanced technician training program. Utah County has implemented an enhanced technician training program to increase the effectiveness of their Vehicle Emissions Inspection and Maintenance Program. Table IX.C.14a and Figure IX.C.13a below indicate that the enhanced technician training program provides more emission reductions than does increasing oxygenate from 2.7% to 3.1%. Documentation of the enhanced training program is found in the Utah County Vehicle Emissions Inspection Program, SIP Section X.C, adopted by the Air Quality Board on August 1, 2001.

Table IX.C.14a

<u>Year</u>	<u>CO Tons Per Day</u>		
	<u>with 3.1% Oxy Fuel without Tech Training</u>	<u>with 2.7% Oxy Fuel with Tech Training</u>	<u>Difference between 3.1% and 2.7%</u>
<u>1993</u>	<u>50.92</u>	<u>52.47</u>	<u>1.55</u>
<u>1996</u>	<u>45.55</u>	<u>46.72</u>	<u>1.17</u>
<u>1999</u>	<u>48.52</u>	<u>49.54</u>	<u>1.02</u>
<u>2000</u>	<u>49.71</u>	<u>48.23</u>	<u>-1.48</u>
<u>2001</u>	<u>51.16</u>	<u>49.67</u>	<u>-1.49</u>
<u>2002</u>	<u>54.32</u>	<u>52.92</u>	<u>-1.40</u>
<u>2003</u>	<u>56.57</u>	<u>55.30</u>	<u>-1.28</u>
<u>2005</u>	<u>48.04</u>	<u>47.06</u>	<u>-0.98</u>
<u>2008</u>	<u>41.35</u>	<u>41.05</u>	<u>-0.30</u>

Figure IX.C.13a

3.1% Oxy Fuels without Tech Training vs. 2.7% Oxy Fuels with Tech Training





State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF AIR QUALITY

Michael O. Leavitt
Governor

Dianne R. Nielson, Ph.D.
Executive Director

Richard W. Sprott
Director

150 North 1950 West
P.O. Box 144820
Salt Lake City, Utah 84114-4820
(801) 536-4000 Voice
(801) 536-4099 Fax
(801) 536-4414 T.D.D.

MEMORANDUM

TO: Air Quality Board

DAQ-057-01

THROUGH: Richard W. Sprott, Executive Secretary

FROM: J. Tim Blanchard, Environmental Engineer

DATE: July 2, 2001

SUBJECT: Modification to Approval Order DAQE-920-97: Utah Metal Works, Inc.

Utah Metal Works, Incorporated (Utah Metal) has requested to modify the existing Approval Order (DAQE-920-97, dated October 1, 1997). The plant site is located at 805 Everett Avenue, Salt Lake City, Utah. Utah Metal is listed in the Salt Lake County portion of the PM10 SIP (Section IX, Part H, Subpart 2.b.ZZ).

Utah Metal has requested to add one new gravity separator/with baghouse. This modification will have the following impact on the quantity of emissions from Utah Metal:

Pollutant	Current Emissions tons/year	Emission Increases tons/year	Total Emissions tons/year
PM10	17.59	-5.14	12.45
SO2	1.88	0.00	1.88
NOx	23.16	0.13	23.29
CO	9.08	0.11	9.19
VOC	2.04	0.01	2.05
Lead	0.65	0.00	0.65

A 30-day public comment period was held for this modification, and no comments were received. EPA was given an opportunity to comment on the Utah Metals and did not comment.

Since any modifications to the conditions imposed by the SIP must be approved by the Air Quality Board as required by R307-305-2, UAC, the staff recommends that the Board approve this change to the SIP.



State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF AIR QUALITY

Michael O. Leavitt
Governor
Dianne R. Nielson, Ph.D.
Executive Director
Richard W. Sprott
Director

150 North 1950 West
P.O. Box 144820
Salt Lake City, Utah 84114-4820
(801) 536-4000 Voice
(801) 536-4099 Fax
(801) 536-4414 T.D.D.

MEMORANDUM

TO: Air Quality Board DAQC-866-2001
FROM: Richard W. Sprott, Executive Secretary
DATE: June 2001
SUBJECT: COMPLIANCE ACTIVITIES - May 2001

Annual Inspections Conducted:	
A	12
SM	17
B	14
Initial Compliance Inspections Conducted:	
A	0
SM	2
B	3
On-Site stack test audits conducted:	7
Stack test report reviews:	9
On-site CEM audits conducted:	2
Emission reports reviewed:	9
Oxy fuels inspections conducted:	3
* Miscellaneous inspections conducted:	61
Complaints received:	22
VOC inspections:	
Tankers	1
Degreasers	9
Paint Booths	9

* Miscellaneous inspections include, e.g., surveillance, level I inspections, complaints, onsite training, tanker vapor certifications, dust patrol, smoke patrol, open burning, etc.

Source Compliance Action Notice issued	5
Notices of Violation issued	5
Settlement Agreements resolved	4
Penalties Collected	\$95,000

Notices of Violations issued to:

- Newspaper Agency Corp.
- Progressive Contracting Inc.
- Mel Clark Inc.
- Delta Minerals Inc.
- Nelson Metals

Settlement Agreements Reached:

Wilkinson Construction Company	\$ 15,000
Enterprize Paving	\$ 2,000
Chemical Lime	\$ 1,000
Geneva Steel	\$ 77,000



State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF AIR QUALITY

Michael O. Leavitt
Governor
Dianne R. Nielson, Ph.D.
Executive Director
Richard W. Sprott
Director

150 North 1950 West
P.O. Box 144820
Salt Lake City, Utah 84114-4820
(801) 536-4000 Voice
(801) 536-4099 Fax
(801) 536-4414 T.D.D.

MEMORANDUM

TO: Utah Air Quality Board DAQH-0368-01
 FROM: Richard W. Sprott, Executive Secretary
 DATE: June 19, 2001
 SUBJECT: Hazardous Air Pollutant Section Compliance Activities - May, 2001

	4/01	5/01
Asbestos Demolition/Renovation Inspections.....	10	20
Asbestos in Schools Inspections.....	2	10
MACT Compliance Inspections.....	2	5
Other NESHAP Inspections.....	3	0
State Rules (Only) Inspections.....	0	0
Asbestos Notifications Approved.....	64	97
Asbestos Phone Calls Answered.....	268	376
Asbestos Individual Certifications: Approved/Disapproved.....	45	38/0
Company Certifications/Re-certifications.....	4/0	1/0
Alternate Asbestos Work Practices: Approved/Disapproved.....	1/0	1/0
Lead Based Paint (LBP) Inspections.....	0	0
LBP Notifications Approved.....	0	0
LBP Phone Calls Answered.....	121	141
LBP Letters prepared and mailed.....	44	56
LBP Courses Received/Approved.....	0/0	0/0
LBP Course Audits.....	0	0
LBP Certifications Approved/Disapproved.....	1/0	6/0
LBP Company Certifications.....	0	1
Notices of Violation Issued.....	0	0
Notices of Noncompliance (NON).....	0	0
SCANS (warning letters) Issued.....	1	6
Settlement Agreements Finalized.....	0	0
Penalties Agreed to.....	\$0	\$0
Notice of Violation issued to: A-1 Restoration - Asbestos work practices		

Settlement Agreements Reached:

UTAH STATE DIVISION OF AIR QUALITY

PM2.5 Actual Concentration (24-hr average) in Micrograms per Cubic Meter

2001 May

Date	BR	BT	BX	CW	GV	HE	HW	HG	HV	LN	LX	L4	NP	N2	OG	SF	WT	WX	WV	VX
05/01	4.8	6.9	8.9	6.4	4.6	5.4	5.3	8.5	4.7	6.2	6.1	8.5		9.3		5.9	7.6	7.0	5.9	5.5
05/02							3.9			4.2										
05/03							3.0			3.4										
05/04	3.3	4.5		4.8	4.3	4.0	4.9	5.8	3.6	8.1		5.0		7.5		6.3	5.0			5.8
05/05							6.7			6.0										
05/06							6.8			6.7										
05/07	8.2	7.2	7.6	9.6	7.2			6.8	8.3	6.8	7.5	10.6	7.8	10.9		7.9	9.6	9.7	9.8	9.2
05/08										6.5										
05/09							5.6			6.3										
05/10	7.3	7.1		8.7	7.0	7.1		9.5	7.0			8.5	9.3	11.0		8.0	7.8			9.7
05/11										7.8										
05/12										11.7										
05/13	6.2	6.7	6.8	8.0	5.6	5.3		6.1	6.5	10.6	6.5	6.7	6.4	10.1		7.3	8.1	7.7	7.2	7.1
05/14										5.7										
05/15										3.7										
05/16	3.2	3.5		5.0		3.7		4.8	7.3	4.9		3.7	5.2	6.5		4.6				4.2
05/17							5.7			7.5										
05/18							7.4			8.2										
05/19	5.8	6.9	6.4	8.3		5.9	7.0	6.8	6.3	7.0	7.1	6.6	7.8	8.5		6.5	8.1	8.1		7.8
05/20							4.2			5.4										
05/21							3.5			4.8										
05/22	4.0	4.5		5.5	3.3	4.5	4.7	4.6	3.7	5.7		4.7	5.9	8.8		4.1				5.8
05/23							5.3			5.6								7.4		
05/24							5.5			5.7										
05/25	5.4	6.8	8.2	7.0	4.0	4.4	6.2	5.9	5.4	8.0	8.3	6.5	7.6	9.0		6.2	7.0	6.9	7.2	6.9
05/26							5.8			7.6										
05/27							5.3			5.8										
05/28	4.8			7.3	6.2	5.6	6.7	6.0	1.1	5.0		5.8	6.2	7.4		6.2	7.2			6.7
05/29		7.3					6.2			4.9										
05/30							4.0			4.2										
05/31	3.0	4.3	4.2	5.5		3.2	4.0	3.8	1.0	4.9	5.4		5.4	6.6		4.7	8.3	9.5	5.3	5.2

Arith Mean	5.1	6.0	7.0	6.9	5.3	4.9	5.4	6.2	5.0	6.3	6.8	6.7	6.9	8.7		6.2	7.6	8.2	6.7	6.9
Max 24-hr Avg	8.2	7.3	8.9	9.6	7.2	7.1	7.4	9.5	8.3	11.7	8.3	10.6	9.3	11.0		8.0	9.6	9.7	9.8	9.2
Std. Dev	1.7	1.4	1.7	1.6	1.5	1.2	1.2	1.6	2.4	1.8	1.0	2.1	1.3	1.6		1.3	1.2	1.2	1.8	1.5
Days of Data	11	11	6	11	8	10	22	11	11	31	6	10	9	11		11	10	6	10	6
Yearly Mean	10.8	11.3	10.8	15.0	9.0	9.5	15.4	10.7	11.2	12.9	11.2	16.4	12.8	16.1		10.0	10.0	10.7	14.1	13.5

UTAH STATE DIVISION OF AIR QUALITY

PM2.5 Actual Concentration (24-hr average) in Micrograms per Cubic Meter

2001 June

Date	BR	BT	BX	CW	GV	HE	HW	HG	HV	LN	LX	L4	NP	N2	OG	SF	WT	WX	WV	VX
06/01						4.6				4.6		5.8								
06/02						7.3				7.6										
06/03	3.2	4.7		4.1	3.4	3.6	3.8	4.2	0.8	4.7		3.3	4.9	4.3		4.4	4.6		3.8	
06/04						2.7				4.7										
06/05						4.9				4.4										
06/06	3.2	5.3	5.7	5.4	3.2	3.9	5.5	6.5	3.9	6.9	6.9	3.9	7.5	6.9		6.0	6.0	6.1		
06/07						4.7				7.6										
06/08						6.1				5.6										
06/09	5.3	7.8		7.4	10.3	8.5	6.7	8.3	5.8	7.1		6.5	8.1	9.0		6.7	8.0			
06/10						6.4														
06/11						5.2				6.8										
06/12	2.4	3.5	3.4	3.8	2.0	2.1	3.0	3.6	2.1	4.6	3.6	2.9	5.0				3.0	2.8	3.8	4.7
06/13						2.1				2.4										
06/14						3.2				3.0										
06/15	3.5	2.8		5.0	2.6	2.6	3.5	3.4	3.9	5.0		4.2	4.6	5.6		3.3	4.6		4.2	
06/16						5.5				5.0										
06/17						4.0				5.8										
06/18	3.3	3.8	3.8	5.0		3.3	5.2		3.3	6.7	6.3	5.1		6.3		5.3	4.8	4.8	4.3	5.3
06/19						4.9				8.9										
06/20						7.1				8.4										
06/21		5.4		7.9		5.9	6.2			9.0		6.0		15.0		9.0				7.5
06/22						8.1				8.4										
06/23						5.6				5.2										
06/24		6.6	6.6	6.7		5.5	5.7			6.0	5.9	6.4		8.0		5.0			6.5	5.4
06/25										6.3										
06/26										4.9										
06/27										4.8						3.8				
06/28										4.7										
06/29																				
06/30										5.5	8.2					3.5				

Arith Mean	3.5	5.0	4.9	5.7	4.3	4.4	6.1	5.2	3.3	5.9	6.2	4.9	6.0	7.9		5.2	5.2	4.6	4.5	5.7
Max 24-hr Avg	5.3	7.8	6.6	7.9	10.3	8.5	8.1	8.3	5.8	9.0	8.2	6.5	8.1	15.0		9.0	8.0	6.1	6.5	7.5
Std. Dev	1.0	1.7	1.5	1.5	3.4	2.1	1.5	2.1	1.7	1.7	1.7	1.4	1.6	3.5		1.8	1.7	1.7	1.1	1.2
Days of Data	6	8	4	8	5	8	24	5	6	28	5	9	5	7		9	6	3	5	4
Yearly Mean	10.3	10.9	10.5	14.4	8.7	9.1	14.9	10.6	10.6	12.4	10.7	15.6	12.5	15.6		9.6	9.8	10.4	13.6	12.9

UTAH STATE DIVISION OF AIR QUALITY

47mm Partisol: PM10 Concentration Adjusted to Sea Level (24-hr average) in Micrograms per Cubic Meter

2001 May

Date	Cottonwood	Hawthorn	Lindon	Logan 4	Magna(W)	Moab	NProvo	NProvo-X	NSL	NSL-X	Ogden
05/01	52		79	45	105	20	69	68	153	154	
05/02			33						64		
05/03		11	17						74		
05/04	11	11	27	17	11		19		44		
05/05		22	29						25		
05/06		21	27						28		
05/07	31	18	40	28		18	25	25	42	45	
05/08		25	47		25				52		
05/09		30	44						56		
05/10	39	27	38	35			39		52		
05/11		34	57						64		
05/12		43	51		42				51		
05/13	37	22	26	28		26	25	24	66	69	
05/14		32	24		18				35		
05/15		23	25						39		
05/16	19	38	23	11	11		22		35		
05/17		16	25						25		
05/18		24	23						38		
05/19	24	16	20	20		7	22	21	35	28	
05/20		30	37						46		
05/21		8	30						38		
05/22	26	22	31	20	19		25		46		
05/23		22	35						52		
05/24		26	23						60		
05/25	28	30	53	28	21	15	35	36		47	
05/26		29	44						75		
05/27		18	32						32		
05/28	26	23	27	23	21		27		26		
05/29		21	28						42		
05/30		55	24						32		
05/31	32	18	31		17	18	27	28	38	40	
<hr/>											
Arith Mean	30	25	34	26	29	17	30	34	49	64	
Max 24-hr Avg	52	55	79	45	105	26	69	68	153	154	
Std. Dev	11	10	13	10	28	6	14	18	24	46	
Days of Data	11	29	31	10	10	6	11	6	30	6	
Days >150									1	1	
Yearly	33	32	33	31	27	21	29	29	47	51	

UTAH STATE DIVISION OF AIR QUALITY

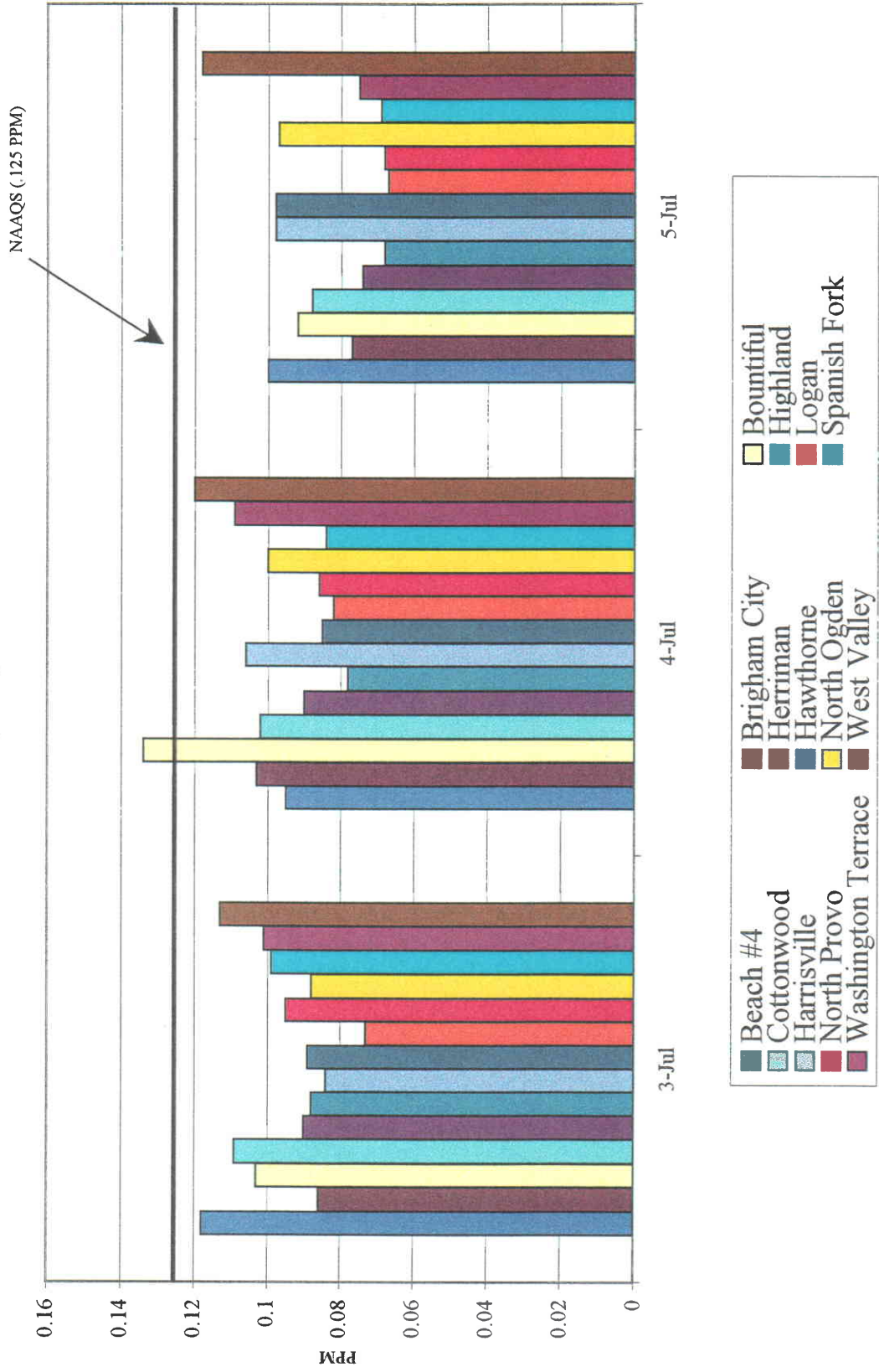
47mm Partisol: PM10 Concentration Adjusted to Sea Level (24-hr average) in Micrograms per Cubic Meter

2001 June

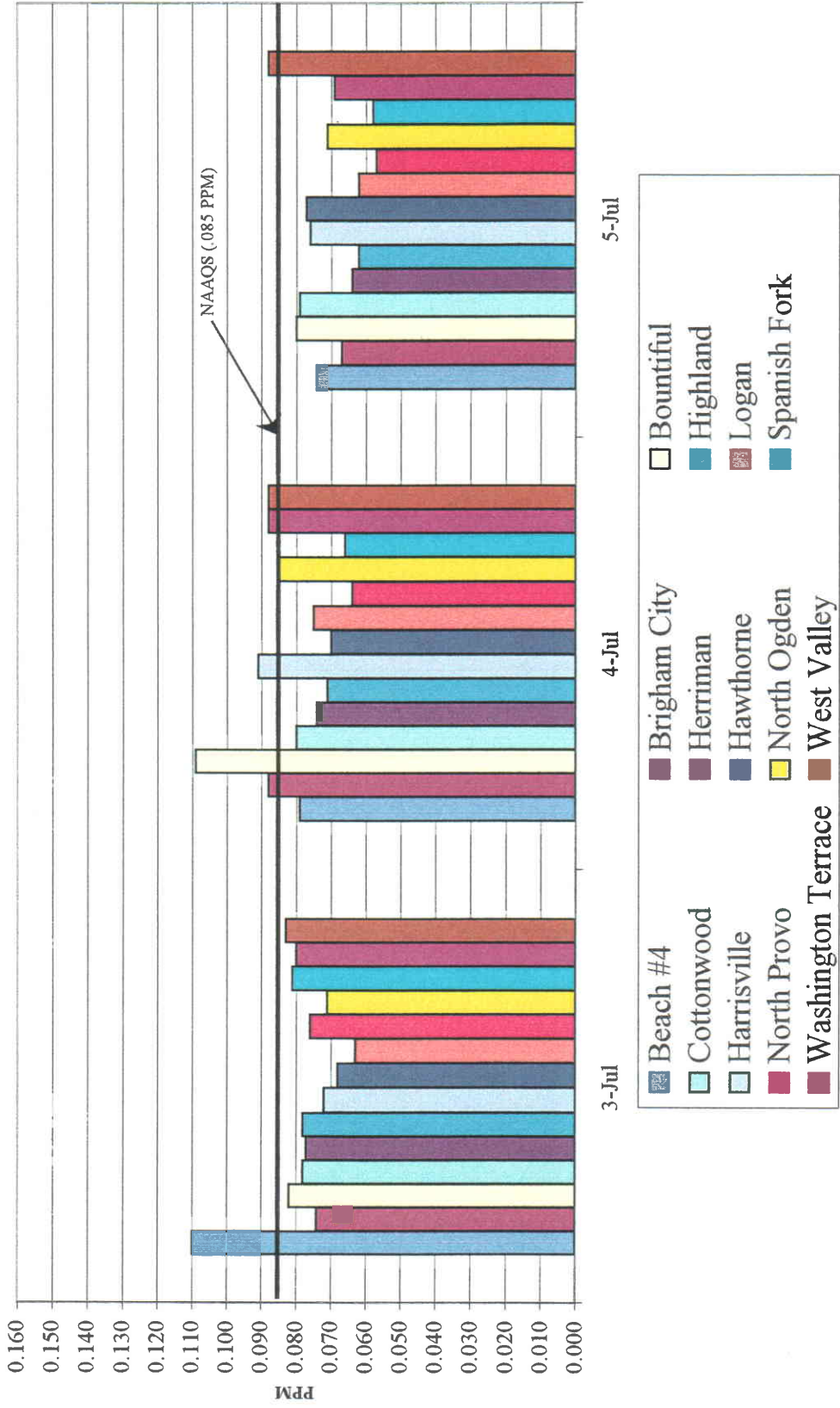
Date	Cottonwood	Hawthorn	Lindon	Logan 4	Magna(W)	Moab	NProvo	NProvo-X	NSL	NSL-X	Ogden
06/01		25	26						47		
06/02		41	53						70		
06/03	16	17	26	21			26		23		
06/04		10	19		7						
06/05		28	28						40		
06/06	30	29	38	17	14	26	34	35	46	40	
06/07		21	38						53		
06/08		33	38						57		
06/09	30	29	32	31	32		30		38		
06/10		29	30						40		
06/11		26	41						50		
06/12		23		5	7	32					
06/13											
06/14		11							15		
06/15	19	13		14	6		23		31		
06/16		20	30						35		
06/17		17	26						29		
06/18	30	7	42		12		37		39	40	
06/19		25	45						35		
06/20		14	44						52		
06/21	33		52				39	35	69		
06/22		37	54						60		
06/23									51		
06/24	30		25				27	25	41	37	
06/25		68	38						86		
06/26		32	26						31		
06/27	19	23	20				21		26		
06/28		30	29						47		31
06/29		31	46						56		
06/30	40		40				29	29	42	39	

Arith Mean	28	25	35	18	13	29	30	31	45	39	31
Max 24-hr Avg	40	68	54	31	32	32	39	35	86	40	31
Std. Dev	8	12	10	10	10	4	6	5	16	1	
Days of Data	9	25	25	5	6	2	9	4	27	4	1
Days >150											
Yearly Avg	32	32	34	31	27	21	29	29	47	50	31

Highest 1-Hour Ozone Values July 3rd, 4th, and 5th, 2001



Highest 8-Hour Ozone Values July 3rd, 4th, and 5th, 2001



UTAH AIR MONITORING CENTER
STATION LOCATION

STATION	CITY	COUNTY	ADDRESS
Air Monitoring Center	Salt Lake	Salt Lake	2861 W Parkway Blvd
Beach #4	Magna	Salt Lake	1200 S 12100 W
Bountiful	Bountiful	Davis	65 W 300 S
Cottonwood	Holladay	Salt Lake	5715 South 1400 East
Grantsville	Grantsville	Tooele	90 South Park
Harrisville	Harrisville	Weber	425 West 2550 North
Hawthorne	Salt Lake	Salt Lake	1675 South 600 East
Herriman	Herriman	Salt Lake	5600 West 12885 South
Highland	Highland	Utah	10865 North 6000 West
Lindon	Lindon	Utah	50 N Main
Logan	Logan	Cache	125 West Center
Magna	Magna	Salt Lake	2935 South 8560 West
Moab #6	Moab	Grand	168 West 400 North
North Ogden	Ogden	Weber	263 East 2600 North
North Provo	Provo	Utah	1355 North 200 West
North Salt Lake #2	Salt Lake	Salt Lake	1795 North 1000 West
Ogden	Ogden	Weber	228 East 32 nd Street
South Orem	Orem	Utah	1580 S State (Seasonal)
Spanish Fork	Spanish Fork	Utah	312 West 2050 North
State Street #3	Salt Lake	Salt Lake	1401 South State Street
University Ave #3	Provo	Utah	363 N University Ave
Washington Blvd	Ogden	Weber	2540 Washington Blvd
Washington Terrace	Wash. Terr	Weber	4601 South 300 West
West Valley	West Valley	Salt Lake	3275 West 3100 South

M:\STATION.LOC

National Ambient Air Quality Standards (NAAQS)

National Ambient Air Quality Standards		
POLLUTANT	STANDARD VALUE *	STANDARD TYPE
Carbon Monoxide (CO)		
8-hour Average	9 ppm (10 mg/m ³)	Primary
1-hour Average	35 ppm (40 mg/m ³)	Primary
Nitrogen Dioxide (NO₂)		
Annual Arithmetic Mean	0.053 ppm (100 μg/m ³)	Primary & Secondary
Ozone (O₃)		
1-hour Average	0.12 ppm (235 μg/m ³)	Primary & Secondary
8-hour Average	0.08 ppm (157 μg/m ³)	Primary & Secondary
Lead (Pb)		
Quarterly Average	1.5 μg/m ³	Primary & Secondary
Particulate (PM 10) <i>Particles with diameters of 10 micrometers or less</i>		
Annual Arithmetic Mean	50 μg/m ³	Primary & Secondary
24-hour Average	150 μg/m ³	Primary & Secondary
Particulate (PM 2.5) <i>Particles with diameters of 2.5 micrometers or less</i>		
Annual Arithmetic Mean	15 μg/m ³	Primary & Secondary
24-hour Average	65 μg/m ³	Primary & Secondary
Sulfur Dioxide (SO₂)		
Annual Arithmetic Mean	0.03 ppm (80 μg/m ³)	Primary
24-hour Average	0.14 ppm (365 μg/m ³)	Primary
3-hour Average	0.50 ppm (1300 μg/m ³)	Secondary

**STATUS OF STATE IMPLEMENTATION PLANS, MAINTENANCE PLANS,
REDESIGNATION REQUESTS, AND RULES CHANGES**

July 11, 2001

Changes from previous month are *in bold/italics*.

POLLUTANT	AREA	STATUS	MAINTENANCE PLAN APPROVAL DATE
Ozone	Salt Lake and Davis Counties	Attainment	Published July 18, 97; effective August 18, 97
Carbon Monoxide	Salt Lake City	Attainment	Published Jan 21, 99; effective March 22, 99
	Ogden	Attainment	Published March 9, 01; effective May 8, 01
	Provo	Nonattainment	
PM10	Salt Lake County	Nonattainment	
	Utah County	Nonattainment	
Sulfur Dioxide	Salt Lake & east Tooele Counties	Nonattainment	

SUBJECT	AREA	ITEM	DAQ in progress	Submit to EPA	EPA Approve Date
Ozone	Salt Lake and Davis County	Revoke 1-hour standard			June 5, 1998
		Reinstate 1-hour standard			<u>Fed Reg</u> Jul 20, 00; eff Oct 18, 00
		Inventory rule, R307-1-3.5		Feb 21, 97	
Carbon Monoxide	Provo	NOx, VOC RACT provisions added to plan, rules.		Jun 28, 94	Part Approved July 18, 97 Eff Aug 18, 97
		Require 2.7% oxygen content in gasoline	Drafting rule change		
		Revise Basic I/M plan (Fed Highway Act submittal Mar 25, 1996). Documentation to EPA May 27, 99.	Comment 6/1/01		
		Revise I/M program	Complete	Oct 18, 95	
		SIP revisions, revise oxyfuel rule, add woodburning program	Complete	July 13, 94	

* If no date is noted, no action has been taken

SUBJECT	AREA	ITEM	DAQ in progress	Submit to EPA	EPA Approve Date
PM10	Ogden (Weber County)	Inventory and monitored data to be submitted to demonstrate attainment date by Dec 31, 01.	AQB action expected July 01		
	Salt Lake and Utah Counties	Road salting and contingency measures update	Complete	Feb 3, 95	Withdrew submittal Nov 98
		<i>SL County attained PM10 standard on Dec 31, 95</i> <i>Utah County attained PM10 standard on Dec 31, 96</i>	<i>Extensions requested</i>	<i>May 11, 95</i> <i>Mar 27, 96</i>	<i>Published Fed Reg June 18, 01, eff on July 18, 01.</i>
	Salt Lake County	Update SIP and emission limits	Complete	Jul 11, 96	
		Update contingency measures		Oct 6, 94	Withdrew submittal Nov 98
	Utah County	Update SIP and emission limits	Complete	June 2, 97	
	Other Areas	Add PM10 increments in the PSD rule	Complete	Feb 3, 95	
	Statewide	SIP review due	Public comment		
Regional Haze	Statewide	Final rule published Jul 1, 99. Annex submitted Oct 1, 2000; SIP due Dec 31, 2003.			
General Conformity	All nonattainment areas	Incorporate by reference federal requirements	Complete	Oct 12, 1995	Fed Reg Nov 19, 99; effective Jan 18, 00
Transportation Conformity	All nonattainment areas	Third Round of Amendments Finalized by EPA - must be incorporated into draft rules by State, adopted by the AQB, and submitted to EPA. Sanction Clock will be forthcoming for non-submittal.	Retracted		

* If no date is noted, no action has been taken

SUBJECT	AREA	ITEM	DAQ in progress	Submit to EPA	EPA Approve Date
All criteria pollutants	Statewide	Streamline permit process for small sources	Complete	Oct 9, 98	
		Correct small source permit rule	Effective Sept 2, 97	Oct 9, 98	
		Amend dispersion modeling rule for criteria pollutants		Dec 3, 96	
		Reduce inventory reporting requirements for small sources		Sept 9, 96	
		Break up R307-1-4 into 4 additional rules		Feb 16, 96	
		Expand R307-2 to create one section for each major SIP component.		Feb 16, 96	
		Cleanup required by Legislature		Jan 30, 95	
		Renumbering SIP components		June 28, 94	
		Revise used oil exemption		Feb 5, 97	
		Revise inventory rule to require submittal every 3rd year for large sources, small sources every 6th year		Effective Feb 5, 98	July 9, 98

* If no date is noted, no action has been taken