



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

Air Quality Board

Cassady Kristensen, *Chair*
Kim Frost, *Vice-Chair*
Michelle Bujdoso
Kevin R. Cromar
Randal S. Martin
Sonja Norton
John Rasband
Kimberly D. Shelley
Jeff Silvestrini
Bryce C. Bird,
Executive Secretary

DAQ-019-24

UTAH AIR QUALITY BOARD MEETING FINAL AGENDA

Wednesday, February 7, 2024 - 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

Board members may be participating electronically. Interested persons can participate telephonically by dialing 1-475-299-8810 using access code: 449-801-632#, or via the Internet at meeting link: meet.google.com/dpm-oqgm-nzk

- I. Call-to-Order
- II. Date of the Next Air Quality Board Meeting: March 6, 2024
- III. Approval of the Minutes for the January 3, 2024, Board Meeting.
- IV. Withdrawal of Proposed Rule and Rule Amendment: New Proposed Rule R307-314. Limitations on Use of Two-Stroke Small Off-Road Engines in Yard Care Activities; Amend R307-130. General Penalty Policy. Presented by Bryce Bird.
- V. Propose for Final Adoption: Amend Incorporation of Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability; and Part B, Davis County; R307-110-31. Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability; and R307-110-32. Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County. Presented by Mat Carlile.
- VI. Propose for Final Adoption: Amendment to R307-415. Permits: Operating Permit Requirements. Presented by David Beatty.
- VII. Five-Year Review: R307-511. Oil and Gas Industry: Associated Gas Flaring. Presented by Erica Pryor.

VIII. Informational Items.

- A. Beehive Emission Reduction Plan Update. Presented by Glade Sowards.
- B. Air Toxics. Presented by Leonard Wright.
- C. Compliance. Presented by Harold Burge, Rik Ombach, and Chad Gilgen.
- D. Monitoring. Presented by Lucas Bohne.
- E. Other Items to be Brought Before the Board.
- F. Board Meeting Follow-up Items.

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact LeAnn Johnson, Office of Human Resources at (385) 226-4881, TDD (801) 536-4284 or by email at leannjohnson@utah.gov.

ITEM 4



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-022-24

MEMORANDUM

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: February 6, 2024

SUBJECT: WITHDRAWAL OF PROPOSED RULE AND RULE AMENDMENT: New Proposed Rule R307-314. Limitations on Use of Two-Stroke Small Off-Road Engines in Yard Care Activities; Amend R307-130. General Penalty Policy.

On January 3, 2024, the Board approved R307-314, Limitations on Use of Two-Stroke Small Off-Road Engines in Yard Care Activities, for a public comment period. The Board also approved an amendment to R307-130, General Penalty Policy, for a public comment period. A minor amendment to R307-130, General Penalty Policy was needed to reflect changes resulting from the new rule R307-314. Both rules were submitted to the Division of Administrative Rules for publication in the February 1, 2024, Utah State Bulletin as proposed rules with a specified public comment period.

Legislators have expressed concerns to the Governor about the proposed rule's scope and impacts. In response, the Governor has asked that the rule submission be withdrawn to facilitate further consultation with the Legislature. Consequently, there is a necessity to pause the rulemaking process and withdraw these rules from publication and public comment.

Under Utah Code § 19-2-104, the Board is the rulemaking body for air quality rules and has exclusive authority over the rulemaking process. The recommended Board action outlined below is necessary to document the pause in the administrative rulemaking process and to avoid the deadlines from lapsing under the administrative procedures.

Recommendation: The Director recommends that the Board withdraw R307-314, Limitations on Use of Two-Stroke Small Off-Road Engines in Yard Care Activities, and amendment to R307-130, General Penalty Policy, to allow for further dialogue with the Governor's office and Legislature.

ITEM 5



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-013-24

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Mat Carlile, Environmental Planning Consultant

DATE: January 23, 2024

SUBJECT: PROPOSE FOR FINAL ADOPTION: Amend Incorporation of Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability; and Part B, Davis County; R307-110-31. Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability; and R307-110-32. Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County.

On November 1, 2023, the Utah Air Quality Board proposed for public comment amendments to Parts A and B of Utah State Implementation Plan (SIP) Section X. The amendments to Part A update the legislative changes to the I/M programs and explain how out of state exemptions are handled. Amendments to Part B update Davis County's ordinance and regulation to reflect the activities of the current programs, provide clarity, and ensure that the programs conform to federal requirements.

A public comment period was held from November 15 to December 15, 2023. No public comments were received, and no hearing was requested.

Recommendation: Staff recommends that the Board approve the amendments to Utah SIP Section X, Parts A and B, and Sections R307-110-31 and 32.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

UTAH STATE IMPLEMENTATION PLAN

SECTION X

VEHICLE INSPECTION AND MAINTENANCE PROGRAM

PART A

GENERAL REQUIREMENTS AND APPLICABILITY

Adopted by the Utah Air Quality Board
February 7, 2024

1
2
3
4
5
6
7
8
9

Table of Contents

1. General Requirements	1
2. Applicability	4
3. General Summary	4

1
2
3
4
5
6
7

UTAH STATE IMPLEMENTATION PLAN
SECTION X
VEHICLE INSPECTION AND MAINTENANCE PROGRAM
PART A
GENERAL REQUIREMENTS AND APPLICABILITY

8
9

1. General Requirements

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Federal I/M Program requirements: Utah was previously required by Section 182 and Section 187 of the Clean Air Act (CAA) to implement and maintain an Inspection and Maintenance (I/M) program in Davis, Salt Lake, Utah, and Weber counties that met the minimum requirements of 40 Code of Federal Regulation (CFR) Part 51 Subpart S and was at least as effective as the Environmental Protection Agency's (EPA's) Basic Performance Standard as specified in 40 CFR 51.352. The Basic Performance Standard requirement is no longer applicable as the relevant nonattainment areas in Davis, Salt Lake, Utah, and Weber counties have been redesignated to attainment / maintenance for the carbon monoxide (CO) National Ambient Air Quality Standards (NAAQS) and the 1-hour ozone NAAQS. Parts A, B, C, D, and E of Section X, together with the referenced appendices, continue to demonstrate compliance with the 40 CFR Part 51 provisions for Inspection and Maintenance Program Requirements for Davis, Salt Lake, Utah, and Weber counties and produce mobile source emission reductions that are sufficient to demonstrate continued maintenance of the applicable CO and 1-hour ozone NAAQS. In addition, the Cache, Davis, Salt Lake, Utah, and Weber counties' I/M programs are also utilized as a control measure to attain and maintain EPA's particulate NAAQS (PM_{2.5} and PM₁₀).

28
29
30
31
32
33

On-Board Diagnostics (OBD) Checks: By January 1, 2002, OBD checks and OBD-related repairs are required as a routine component of Utah I/M programs on model year 1996 and newer light-duty vehicles and light-duty trucks equipped with certified on-board diagnostic systems. The federal performance standard requires repair of malfunctions or system deterioration identified by or affecting OBD systems.

34
35
36
37
38
39

Utah I/M program history and general authority: The legal authority for Utah's I/M programs, Utah Code Annotated Section 41-6-163.6¹, was enacted during the First Special Session of the Utah Legislature in 1983. I/M programs were initially implemented by Davis and Salt Lake counties in 1984, Utah County in 1986, and Weber County in 1990.

40
41
42
43

In 1990, the Legislature enacted Section 41-6-163.7² that requires counties with I/M programs use computerized I/M testing equipment, adopt standardized emission standards, and provide for reciprocity. Those requirements were fully implemented by Davis, Salt Lake, and Utah counties on September 1, 1991, and Weber County on

1 Renumbered and recodified in 2005 at Utah Code Annotated 41-6a-1642

2 Renumbered and recodified in 2005 at Utah Code Annotated 41-6a-1643

1 January 1, 1992.

2
3 Section 41-6-163.6 was again amended by the Legislature in 1992 to include vehicles
4 owned and operated by the federal government, federal employees, and students and
5 employees of colleges and universities. The 1992 revision of 41-6-163.6 also established
6 more stringent restrictions for vehicles that qualify for a farm truck exemption.
7

8 Section 41-6-163.6 requires that, if identified as necessary to attain or maintain any
9 NAAQS, a county must create an I/M program that follows the criteria outlined in
10 Section 41-6-163.6. Once a county enacts regulations or ordinances, amendments to
11 Section 19-2-104 in 1992 authorized the Utah Air Quality Board to formally establish
12 those requirements for county I/M programs after obtaining agreement from the affected
13 counties. Section 41-6-163.6 was also amended to allow the counties to subject
14 individual motor vehicles to inspection and maintenance at times other than the annual
15 inspection.
16

17 Section 41-6-163.6 was amended in 1994 to authorize implementation of I/M programs
18 stricter than minimum federal requirements in counties where it is necessary to attain or
19 maintain ambient air quality standards. Section 41-6-163.6 requires preference be given
20 to a decentralized program to the extent that a decentralized program will attain and
21 maintain ambient air quality standards and meet federal requirements. It also requires
22 affected counties and the Air Quality Board to give preference to the most cost-effective
23 means to achieve and maintain the maximum benefit for air quality standards and to meet
24 federal air quality requirements related to motor vehicles. The Legislature indicated
25 preference for a reasonable phase-out period for replacement of air pollution test
26 equipment made obsolete by an I/M program in accordance with applicable federal
27 requirements and if such a phase-out does not otherwise interfere with attainment of
28 ambient air quality standards.
29

30 House Concurrent Resolution No. 9 of the 1994 General Session of the Legislature
31 (H.C.R. 9) was a concurrent resolution of the Legislature and the Governor expressing
32 opposition to the EPA's position regarding the implementation of enhanced vehicle
33 inspection. Additionally, H.C.R. 9 urged the EPA to recognize the benefits of other
34 vehicle inspection program options and to work with the state to develop workable plans
35 for attaining ambient air quality standards and protecting public health.
36

37 In 1995, the Legislature amended Section 41-6-163.7 to rescind the requirement for I/M
38 program standardization and reciprocity between counties. While advantageous,
39 standardization and reciprocity between I/M counties is no longer required, and each I/M
40 county is free to develop an I/M program that best meets the respective county's needs.
41

42 In 2002, the Legislature amended Section 41-6-163.7 to allow for inspection every other
43 year for cars that are six years old or newer on January 1 each year. This provision is
44 applicable to the extent allowed under the current state implementation plan for each
45 area.
46

1 In 2005, the Legislature renumbered Section 41-6-163.6 and re-codified it as Section 41-
2 6a-1642. The Legislature also amended Section 41-6a-1642 to allow counties with an
3 I/M program to require college students and employees who park a motor vehicle on
4 college or university campus that is not registered in a county subject to emission
5 inspection, to provide proof of compliance with an emission inspection.
6

7 Section 41 6a-1642 was amended in 2008 to provide an exemption for vintage vehicles,
8 which are defined in Section 41-21-1. Section 41 6a-1642 was again amended in 2009 to
9 provide an exemption for custom vehicles, which are defined in Section 41-6a-1507.
10

11 In 2010, the Legislature enacted Section 41-1a-1223 that allows counties with an I/M
12 program to impose a local emissions compliance fee of up to three dollars. This same bill
13 amended Section 41-6a-1642 to require I/M counties that impose the fee to use revenues
14 generated from the fee to establish and enforce an emission inspection and maintenance
15 program.
16

17 Section 41-6a-1642 was amended in 2011 to require I/M counties' regulations and
18 ordinances to be compliant with the analyzer design and certification requirements
19 contained in the SIP.
20

21 In 2012, the Legislature amended Section 41-6a-1642 to allow a motor vehicle that is less
22 than two years old as of January 1, of any given year, to be exempt from being required
23 to obtain an emission inspection. This provision is applicable to the extent allowed under
24 the current SIP for each area. This bill went into effect on October 1, 2012. In addition,
25 the Legislature also amended Section 41-1a-205 to allow a safety and emissions
26 inspection issued for a motor vehicle during the previous 11 months may be used to
27 satisfy the safety and emissions inspection requirements³. The effective date of this bill is
28 January 1, 2013. The Legislature also amended Section 41-1a-1223 to allow the counties
29 to collect a \$2.25 fee for those vehicles that are registered for a six-month period under
30 Utah Code Annotated 41-1a-215.5. The effective date of this bill is July 1, 2013.
31

32 Section 41-6a-1642 was amended in 2013 to include the date that notice is required and
33 the date the enactment, change, or repeal will take effect if a county legislative body
34 enacts, changes, or repeals the local emissions compliance fee. Section 41-6a-1642
35 provides that for a county required to implement a new vehicle emissions inspection and
36 maintenance program, but for which no current federally approved state implementation
37 plan exists, a vehicle shall be tested at a frequency determined by the county legislative
38 body, in consultation with the Air Quality Board, that is necessary to comply with federal
39 law or attain or maintain any national ambient air quality standard and establishes
40 procedures and notice requirements for a county legislative body to establish or change
41 the frequency of a vehicle emissions inspection and maintenance program.
42

43 In 2017, the Legislature amended Section 41-6a-1642 to allow a county that imposes a

³ Utah Code 41-6a-1642(7) states that "the emissions inspection shall be required within the same time limit applicable to a safety inspection under Section 41-1a-205."

1 local emissions compliance fee to use revenue generated from the fee to promote
2 programs to maintain a national ambient air quality standard. At that time, the Legislature
3 also amended 41-6a-1642 to state that vehicles may not be denied registration based
4 solely on the presence of a defeat device covered in the Volkswagen partial consent
5 decrees or an EPA-approved vehicle modification.
6

7 In 2020, the Legislature amended Section 41-1a-1223 to exempt electric motor vehicles
8 from local emissions compliance fees. Section 41-6a-1642 was amended in 2022 to allow
9 a county to investigate and determine if a vehicle owner has provided a false or an
10 improper address to register a vehicle to avoid an emissions inspection and subsequently
11 allows a county to impose a civil penalty. The Legislature also amended Utah Code in
12 2023 to add a definition for restored modified vehicle. This amendment also requires an
13 emissions inspection as a prerequisite to registration of a restored-modified vehicle and
14 prohibits a county emissions program from refusing to perform an emissions test based
15 solely on the status of a vehicle as a restored-modified vehicle.
16

17 *Notification of Programmatic Changes:* The legislative body of a county identified in
18 Utah Code 41-6a-1642 (1) shall consult with the Director of the Utah Division of Air
19 Quality prior to their public comment process for any amendments to their I/M
20 regulations or ordinances. Consultation should include a written notice describing the
21 proposed changes to the I/M program.
22

23 **2. Applicability**

24
25 *General Applicability:* Utah Code Annotated 41-6a-1642 gives authority to each county
26 to implement and manage an I/M program to attain and maintain any NAAQS. Davis,
27 Salt Lake, Utah, and Weber counties were required under Section 182 and 187 of the
28 CAA to implement an I/M program to attain and maintain the ozone and carbon
29 monoxide NAAQS. All of Utah's ozone and carbon monoxide maintenance areas are
30 located in Davis, Salt Lake, Utah, and Weber counties. In addition, a motor vehicle I/M
31 program is a control measure for attaining the particulate matter NAAQS in Cache,
32 Davis, Salt Lake, Utah, and Weber counties. Utah's SIP for I/M is applicable county-
33 wide in Cache, Davis, Salt Lake, Utah, and Weber counties.
34

35 **3. General Summary**

36 Below is a general summary of Utah's I/M programs. Part B, C, D, E and F of this
37 section of the SIP provide a more specific summary of I/M programs for Cache, Davis,
38 Salt Lake, Utah, and Weber counties. These parts also incorporate the individual county
39 I/M ordinances/regulations and policies that provide for the enforceability of the
40 respective I/M programs.
41

42 *Network Type:* All Utah I/M programs are comprised of a decentralized, test-and-repair
43 network.

1
2 *I/M program funding requirements:* Counties with I/M programs allocate funding as
3 needed to comply with the relevant requirements specified in Utah's SIP, the Utah
4 statutes, county ordinances, regulations and policies, and the federal I/M program
5 regulation. Program budgets include funding for resources necessary to adequately
6 manage the programs and those who conduct covert and overt audits, including:

- 7 • necessary repairs;
- 8 • assistance and education for inspectors, station owners, and the public;
- 9 • management for the analysis and reporting of data;
- 10 • ensuring program compliance by inspectors, stations, and vehicle owners; and
- 11 • evaluation and upgrades to the programs.

12
13 *Funding mechanisms:* Utah's I/M programs are funded through several mechanisms
14 including, but not limited to, a fee which is collected at the time of registration by the
15 Utah Tax Commission Division of Motor Vehicles or the county Assessor's Office. Those
16 monies are remitted to the county where the vehicle is registered. The collection of fees
17 for various permitting activities and the selling inspection certificates to inspection
18 stations are the other mechanisms. A fee schedule can be found in an appendix to each
19 county I/M ordinance or regulation.

20
21 *Government fleet:* Section 41-6a-1642(1)(b) of the Utah Code requires that all vehicles
22 owned or operated in the I/M counties by federal, state, or local government entities
23 comply with the I/M programs.

24
25 *Vehicles owned by students and federal employees:* Section 41-6a-1642(5) provides a
26 provision that counties may require universities and colleges located in Utah's I/M areas
27 to require proof of compliance with the I/M program for vehicles which are permitted to
28 park on campus regardless of where the vehicle is registered. Vehicles operated by
29 federal employees and operated on a federal installation located within an I/M program
30 area are also subject to the I/M program regardless of where they are registered. Proof of
31 compliance consists of a current vehicle registration in an I/M program area, an I/M
32 certificate of compliance or waiver, or evidence of exempt vehicle status.

33
34 *Rental vehicles:* All vehicles available for rent or use in an I/M county are subject to the
35 county I/M program. To the extent practicable, all vehicles principally operated in the
36 county are subject to the I/M program.

37
38 *Farm truck exemption:* Eligibility for the farm truck exemption from the I/M programs is
39 specified in Section 41-6a-1642(4) and must be verified in writing by county I/M
40 program staff.

41
42 *Out-of-state exemption:* Vehicles registered in an I/M county but operated out-of-state
43 are eligible for an exemption. The owner must receive a deferment from the county prior
44 to a registration being completed. The owner must explain why the vehicle is unavailable

1 for inspection in Utah. Common situations include Utah citizens that are military
2 personnel stationed outside of the state, students attending institutions of higher education
3 elsewhere, and people serving religious assignments outside the area. If the temporary
4 address of the owner is located within another I/M program area listed on the back of the
5 form, the owner must submit proof of compliance with that I/M program at the time of,
6 and as a condition precedent to, registration or renewal of registration. The vehicle
7 owner must identify their anticipated date of return to the state and is required to have the
8 vehicle inspected within ten days after the vehicle is back in Utah.

9
10 *Motorist Compliance Enforcement Mechanism:* The I/M programs are registration-
11 enforced on a county-wide basis. A certificate of emissions inspection or a waiver or
12 other evidence that the vehicle is exempt from the I/M program requirements must be
13 presented at the time of, and as a condition precedent to, registration or renewal of
14 registration of a motor vehicle as specified in Section 41-6a-1642(1)(a). Owners of
15 vehicles operated without valid license plates or with expired license plates are subject to
16 ticketing by peace officers at any time. Proof of compliance consists of a current vehicle
17 registration in an I/M program area or an I/M certificate of compliance or waiver, or
18 evidence of exempt vehicle status.

19
20 *Valid registration required:* A certificate of emissions inspection, a waiver, or other
21 evidence that the vehicle is exempt from the I/M program requirements must be
22 presented at the time of, and as a condition precedent to, registration or renewal of
23 registration of a motor vehicle as specified in Section 41-6a-1642 and 41-1a-203(2)(b).
24 The I/M inspection is required within two months prior to the month the registration
25 renewal is due as specified in Section 41-6a-1642(9). Owners of vehicles operated
26 without valid license plates or with expired license plates are subject to ticketing by peace
27 officers at any time. Registration status is also checked on a random basis at roadblocks
28 and in parking lots at various locations around the state. Per Section 41-1a-402, Utah
29 license plates indicate the expiration date of the registration. Per Section 41-1a-1303.5, it
30 is a Class C misdemeanor for a person to drive or move, or for an owner knowingly to
31 permit to be driven or moved, upon any highway any vehicle of a type that is required to
32 be registered in the state that is not registered in the state. Section 41-1a-1315 specifies
33 that it is a third-degree felony to falsify evidence of title and registration.

34
35 *Change of ownership:* Vehicle owners are not able to avoid the I/M inspection program
36 by changing ownership of the vehicle. Upon change of vehicle ownership, the vehicle
37 must be re-registered by the new owner. The new owner must present an emissions
38 certificate, waiver, or proof of exemption from the I/M program as a condition precedent
39 to registration⁴. The new annual registration and I/M inspection dates for the vehicle will
40 be the date of registration.

41
42 *Utah Tax Commission, and County Assessors roles:* The Utah Tax Commission Motor
43 Vehicle Division and county assessor deny applications for vehicle registration or

4 See Utah Code Section 41-6a-1642 (7) and 41-1a-205(2)(b) and (c)
Section X, Part A, page 6

1 renewal of registration without submittal of a valid certificate of compliance, waiver, or
2 verified evidence of exemption. Altered or hand-written documents are not accepted. All
3 certificate data is collected by county I/M program auditors and subjected to scrutiny for
4 evidence of any improprieties.

5
6 *Database quality assurance:* The vehicle registration database is maintained, and quality
7 assured by the Utah Division of Motor Vehicle (DMV). Each county I/M inspection
8 database is maintained, and quality assured by the county I/M program staff. The county
9 I/M program has access to the DMV database and utilizes it for quality assurance
10 purposes. All databases are subject to regular auditing, cross-referencing, and analysis.
11 The databases are also evaluated using data obtained during roadblocks and parking lot
12 surveys. Evidence of program effectiveness may trigger additional joint enforcement
13 activities.

14
15 *Oversight provisions:* The oversight program includes verification of exempt vehicle
16 status through inspection, data accuracy through automatic and redundant data entry for
17 most data elements, an audit trail for program documentation to ensure control and
18 tracking of enforcement documents, identification, and verification of exemption-
19 triggering changes in registration data, and regular audits of I/M inspection records, I/M
20 program databases, and the DMV database.

21
22 *Enforcement staff quality assurance:* County I/M program auditors and DMV clerks
23 involved in vehicle registration are subject to regular performance audits by their
24 supervisors. All enforcement personnel, direct and indirect, involved in the motorist
25 enforcement program are subject to disciplinary action, additional training, and
26 termination for deviation from procedures. Specific provisions are outlined in the DMV
27 procedures manual which is available upon request. The county I/M audit policy
28 documents are provided in their respective part of this section.

29
30 *Quality Control:* The I/M counties maintain records regarding inspections, equipment
31 maintenance, and the required quality assurance activities. The I/M counties analyze I/M
32 program data and submit annual reports to the EPA and UDAQ upon request.

33
34 *Analyzer data collection:* Each county's I/M analyzer data collection system meets the
35 requirements specified under 40 CFR 51.365.

36
37 *Data analysis and reporting- Annual:* The I/M counties analyze and submit to EPA and
38 UDAQ an annual report for January through December of the previous year, which
39 includes all the data elements listed in 40 CFR Subpart S 51.366 by July of each year. If
40 a report is required earlier than annually, the counties will accommodate the request.

41
42 *General enforcement provisions:* The county I/M programs are responsible for
43 enforcement action against incompetent or dishonest stations and inspectors. Each county
44 I/M ordinance or regulation includes a penalty schedule.

1 *General public information:* The I/M counties have comprehensive public education and
2 protection programs, including providing the following strategies for:

- 3
- 4 • public education on Utah’s air quality problems;
- 5 • ways that people can reduce emissions;
- 6 • the requirements of state and federal law;
- 7 • the role of motor vehicles in the air quality problems;
- 8 • the need for and benefits of a vehicle emissions inspection program;
- 9 • ways to operate and maintain a vehicle in a low-emission conditions;
- 10 • how to find a qualified repair technician; and
- 11 • the requirements of the I/M program.

12

13 Information is provided via county websites and direct response to inquiries for
14 information, reports, classes, pamphlets, fairs, school presentations, workshops, news
15 releases, posters, signs, and public meetings. Utah Department of Environmental Quality
16 also provides information on its website about ways to operate and maintain a vehicle in
17 a low-emission condition.

18

19 *County I/M technical centers:* Each I/M county operates an I/M technical center staffed
20 with trained auditors and capable of performing emissions tests. A major function of the
21 I/M technical centers is to serve as a referee station to resolve conflicts between permitted
22 I/M inspectors, stations, and motorists. Auditors actively protect consumers against fraud
23 and abuse by inspectors, mechanics, and others involved in the I/M program. Complaints
24 received are investigated fully. Auditors advise motorists regarding emissions warranty
25 provisions and assist the owners in obtaining warranty covered repairs for eligible
26 vehicles. The I/M technical centers also provide motorists with information regarding the
27 I/M program, general air pollution issues, and emissions-related vehicle repairs.

28

29 *Vehicle inspection report:* A Vehicle Inspection Report (VIR) will be issued to the
30 motorist after each vehicle inspection. The VIR includes a public awareness statement
31 about vehicle emissions and lists additional ways that the public can reduce air pollution.
32 The test results are detailed on the VIR. Information about vehicle emissions warranties
33 and the benefits of emissions-related repairs are printed for vehicles that failed the test. If
34 the vehicle fails a retest, information about wavier requirements, application procedures,
35 and the address and telephone number of the applicable I/M technical center are printed
36 on the VIR.

37

38 *Reciprocity between County I/M programs:* Utah I/M programs are conducting the same
39 test procedures and thereby agreed to recognize the validity of a certificate granted by
40 any Utah I/M program.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

UTAH STATE IMPLEMENTATION PLAN

SECTION X

**VEHICLE INSPECTION
AND MAINTENANCE PROGRAM**

PART B

DAVIS COUNTY

Adopted by the Utah Air Quality Board
February 7, 2024

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

Table of Contents

1. Applicability1
2. Summary of Davis County I/M Program.....2
3. I/M SIP implementation3

1
2
3
4
5
6
7
8
9
10
11
12
13

SECTION X, PART B
DAVIS COUNTY
Appendices

- 1 Davis County Ordinance 10.12.1 Davis County Vehicle Emissions
Inspection/Maintenance Program, approved and adopted June 13, 2023
effective date July 1, 2023.

1
2
3
4
5
6

UTAH STATE IMPLEMENTATION PLAN
SECTION X
AUTOMOTIVE INSPECTION AND MAINTENANCE (I/M) PROGRAM
PART B
DAVIS COUNTY

7

1. Applicability

8 *Davis County Inspection and Maintenance (I/M) Program Requirements:* The Utah Air Quality
9 Board adopted an ozone maintenance plan for Salt Lake and Davis counties on November 5,
10 1993, to address the 1979 1-hour Ozone National Ambient Air Quality Standard (NAAQS). The
11 plan was reorganized and adopted on January 5, 1995. Revisions to the ozone maintenance plan
12 were adopted by the Board on June 5, 1996, and June 7, 1997. The Environmental Protection
13 Agency (EPA) approved the plan on July 17, 1997 (62 FR 38213, July 17, 1997). The ozone
14 maintenance plan required implementation of an improved I/M program no later than January 1,
15 1998. The ozone maintenance plan established a performance standard that was more stringent
16 than the federal Basic I/M Performance Standard.

17 On July 17, 1997, EPA approved the state's request to redesignate Salt Lake and Davis counties
18 to attainment for the 1979 1-hour ozone standard. As part of that action, EPA approved the
19 state's 1-hour ozone maintenance plan (62 FR 38213). On July 18, 1997, EPA promulgated an 8-
20 hour ozone NAAQS of 0.08 ppm (62 FR 38894). This standard was intended to replace the 1-
21 hour ozone standard. On April 30, 2004, EPA designated areas of the United States for the 1997
22 8-hour ozone standard (69 FR 23857). EPA designated all areas in Utah, including Salt Lake
23 County and Davis County, as unclassifiable/attainment for the 1997 8-hour ozone NAAQS (69
24 FR 23940).

25 On April 30, 2004, EPA revoked the 1979 1-hour ozone NAAQS (69 FR23951, 23996; 40 CFR
26 50.9(b)). As part of that rulemaking, EPA established certain requirements to prevent backsliding
27 in the areas that were redesignated to "attainment" but subject to a maintenance plan, as is the
28 case for Salt Lake and Davis County. These requirements are codified at 40 CFR 51.905. In the
29 case of Utah, one of these requirements was to submit a maintenance plan for the 1997 8-hour
30 ozone standard. On March 22, 2007, the Governor of Utah submitted a maintenance plan for the
31 1997 8-hour ozone standard for Salt Lake and Davis County, and associated rule revisions,
32 which included an I/M program as a control measure. This plan was approved by EPA on
33 September 26, 2013 (78 FR 59242).

34 On October 26, 2015, the EPA promulgated a revision to the primary NAAQS for ground level
35 ozone (80 FR 65292), lowering the standard to 0.070 ppm for the 4th highest daily 8-hour
36 concentration. Davis County was designated as a "marginal" nonattainment area for the 2015 8-
37 hour ozone standard effective August 3, 2018 (83 FR 25776, June 4, 2018).

1 On October 7, 2022, the EPA finalized the reclassification of the Northern Wasatch Front
2 nonattainment area, including Davis County, from marginal to moderate status for the 2015
3 standard. The reclassification to moderate status became effective on November 7, 2022 (87 FR
4 60897). With this redesignation to moderate nonattainment, Davis County is required by
5 Sections 182 and 187 of the CAA to implement and maintain an I/M program in Davis County
6 that met the minimum requirements of 40 CFR Part 51 Subpart S and that was at least as
7 effective as the EPA's Basic Performance Standard as specified in 40 CFR 51.352. Parts A and B
8 of Section X, together with the referenced appendices, demonstrate compliance with the CAA
9 and 40 CFR Part 51 provisions for Basic I/M Performance Program Requirements for Davis
10 County. In addition, the Davis County I/M program is a control measure included in the Salt
11 Lake City 24-hour particulate Serious SIP submitted to EPA on February 15, 2019.

12 **2. Summary of Davis County I/M Program**

13
14 Below is a summary of Davis County's I/M program. Section X, Part D Appendix-1 contain the
15 essential documents for Davis County's I/M program.

16
17 *Network Type:* Davis County's I/M program is a decentralized, test-and-repair network.

18
19 *Test Convenience:* There are approximately 140 permitted I/M stations within Davis
20 County. Specific operating hours are not specified by the county. Some stations that test
21 and/or service only one type of vehicle are permitted. There are also government and
22 private fleet permitted stations that are not open to the public.

23
24 *Subject Fleet:* All model year 1968 and newer vehicles registered or principally-operated
25 in Davis County, are subject to the I/M program except for exempt vehicles.

26
27 *Test Frequency:* Vehicles less than two years old as of January 1 on any given year are
28 exempt from an emissions inspection. Vehicles two years old and less than six years old
29 as of January 1 on any given year, are inspected every other year as per Utah Code 41-6a-
30 1642(6). All vehicles six years or older as of January 1 on any given year, are inspected
31 annually.

32
33 *Station/Inspector Audits:* Davis County's I/M program will regularly audit all permitted
34 I/M inspectors and stations to ensure compliance with county I/M ordinance and policies.
35 Particular attention will be given to identifying and correcting any fraud or incompetence
36 with respect to vehicle emissions inspections. Compliance with recordkeeping, document
37 security, analyzer maintenance, and program security requirements will be scrutinized.
38 Davis County I/M program will have an active covert compliance program to minimize
39 potential fraudulent testing.
40

1 *Waivers:* Davis County’s I/M program may issue waivers under limited circumstances.
2 The wavier procedure can be found in Davis County’s I/M ordinance provided in
3 Appendix 1. Davis County will take corrective action, as needed, to maintain a maximum
4 waiver rate of 1% of the initially failed vehicles, or the Utah Air Quality Board will
5 revise the SIP and emission reductions claimed based on the actual waiver rate. The
6 conditions for issuing waivers are specified in Davis County’s I/M ordinance and meet
7 the minimum waiver issuance criteria specified in 40 CFR Subparts 51.360.
8

9 *Test Equipment:* Specifications for Davis County’s emission analyzer and its I/M test
10 procedures, standards, and analyzers are provided in Davis County’s I/M ordinance
11 provided in Appendix 1. Test equipment and procedures were developed according to
12 good engineering practices to ensure test accuracy. Analyzer calibration specifications
13 and emissions test procedures meet the minimum standards established in Appendix A of
14 the EPA’s I/M Guidance Program Requirements, 40 CFR Part 51 Subpart S.
15

16 *Test Procedures:*

- 17 • The following vehicles are subject to an OBD II inspection:
 - 18 ○ 1996 and newer non-diesel motor vehicles <8501 lbs. Gross Vehicle
19 Weight Rating (GVWR);
20 ○ 2008 and newer non-diesel motor vehicles between 8,501-14,000 lbs.21 GVWR; and22 ○ 1998 and newer diesel-powered motor vehicles <14,000 lbs. GVWR, if23 equipped with OBDII.24 ○ 1995 and older non-diesel motor vehicles,25 ⊖ 1996 to 2007 non-diesel motor vehicle >8,500 lbs. GVWR; and26 ⊖ 2008 and newer non-diesel motor vehicles > 14,000 lbs. GVWR.
- 27 • The following vehicles are subject to a two-speed idle test that is compatible with
28 Section VI (Preconditioned Two Speed Idle Test) in Appendix B of the EPA I/M
29 Guidance Program Requirements, 40 CFR 51, Subpart S:
 - 30 ○ 1995 and older non-diesel motor vehicles,
31 ⊖ 1996 to 2007 non-diesel motor vehicle >8,500 lbs. GVWR; and
- 32 ⊖ 2008 and newer non-diesel motor vehicles > 14,000 lbs. GVWR.
- 33 • The following vehicles are subject only to a visual inspection:
 - 34 ○ 1998- 2007 diesel powered motor vehicles < 14,000 lbs. GVWR, if not
35 equipped with OBDII.
- 36 ○ 1995 and older non-diesel motor vehicles,37 ⊖ 1996 to 2007 non-diesel motor vehicle >8,500 lbs. GVWR; and38 ⊖ 2008 and newer non-diesel motor vehicles > 14,000 lbs. GVWR.

3. I/M SIP Implementation

1 The I/M program ordinance, policies, procedures, and activities specified in this I/M SIP
2 revision have been implemented and shall continue until a maintenance plan without an
3 I/M program is approved by the EPA in accordance with Section 175 of the Clean Air
4 Act as amended.

1 **R307. Environmental Quality, Air Quality.**
2 **R307-110. General Requirements: State Implementation Plan.**

3 ...
4 **R307-110-31. Section X, Vehicle Inspection and Maintenance Program, Part A, General**
5 **Requirements and Applicability.**

6 The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part
7 A, General Requirements and Applicability, as most recently amended by the Utah Air Quality Board on
8 February 7, 2024, pursuant to Section 19-2-104, is incorporated by reference and made a part of this rule.

9
10 **R307-110-32. Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County.**

11 The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part
12 B, Davis County, as most recently amended by the Utah Air Quality Board on February 7, 2024, pursuant to
13 Section 19-2-104, is incorporated by reference and made a part of this rule.

14
15
16 **KEY: air pollution, PM10, PM2.5, ozone**

17 **Date of Last Change: July 7, 2022**

18 **Notice of Continuation: December 1, 2021**

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

ITEM 6



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-012-24

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

THROUGH: Erica Pryor, Rules Coordinator

FROM: David Beatty, Operating Permit Section Manager

DATE: January 23, 2024

SUBJECT: PROPOSE FOR FINAL ADOPTION: Amendment to R307-415. Permits: Operating Permit Requirements.

The Environmental Protection Agency modified 40 CFR 70, published in the Federal Register / Vol. 88, No. 139 / Friday, July 21, 2023 / Rules and Regulations, with a rule effective date of August 21, 2023. The rule change removed Section 40 CFR 70.6(g). Emergency provision.

Subsection R307-415-6(g) was established under 40 CFR 70, and therefore to continue to be in alignment with the federal rule, the Division of Air Quality (UDAQ) is proposing to remove Subsection R307-415-6(g) from Rule R307-415.

Additionally, these provisions are included in Section I of each issued Title V permit; however, the amended rule allows for the individual permits to be changed over time as each permit is modified or renewed. After this rule amendment becomes effective, UDAQ will remove Subsection 6(g) from each issued Title V permit going forward.

A public comment period was held from November 15 through December 15, 2023, and no public comments were received during the comment period.

Recommendation: Staff recommends the Board approve the proposed amendment to R307- 415.

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

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

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

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

10 **R307-415-2. Authority.**

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

13 (2) All references to 40 CFR in R307-415, except when otherwise specified, are effective as of the
14 date referenced in R307-101-3.
15

16 **R307-415-3. Definitions.**

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

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

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

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

22 "Affected States" are all states:

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

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

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

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

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

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

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

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

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

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

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

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

45 (j) Any national ambient air quality standard or increment or visibility requirement under part C of
46 Title I of the Act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the
47 Act;

48 (k) Any standard or other requirement under rules adopted by the Board.

49 "Area source" means any stationary source that is not a major source.

50 "Designated representative" shall have the meaning given to it in Section 402 of the Act and in 40
51 CFR Section 72.2, and applies only to Title IV affected sources.

52 "Draft permit" means the version of a permit for which the director offers public participation under
53 R307-415-7i or affected State review under R307-415-8(2).

54 "Emissions allowable under the permit" means a federally-enforceable permit term or condition

1 determined at issuance to be required by an applicable requirement that establishes an emissions limit,
2 including a work practice standard, or a federally-enforceable emissions cap that the source has assumed to
3 avoid an applicable requirement to which the source would otherwise be subject.

4 "Emissions unit" means any part or activity of a stationary source that emits or has the potential to
5 emit any regulated air pollutant or any hazardous air pollutant. This term is not meant to alter or affect the
6 definition of the term "unit" for purposes of Title IV of the Act, Acid Deposition Control.

7 "Final permit" means the version of an operating permit issued by the director that has completed all
8 review procedures required by R307-415-7a through 7i and R307-415-8.

9 "General permit" means an operating permit that meets the requirements of R307-415-6d.

10 "Hazardous Air Pollutant" means any pollutant listed by the Administrator as a hazardous air
11 pollutant under Section 112(b) of the Act.

12 "Major source" means any stationary source (or any group of stationary sources that are located on
13 one or more contiguous or adjacent properties, and are under common control of the same person (or persons
14 under common control)) belonging to a single major industrial grouping and that are described in paragraphs
15 (a), (b), or (c) of this definition. For the purposes of defining "major source," a stationary source or group of
16 stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting
17 activities at such source or group of sources on contiguous or adjacent properties belong to the same Major
18 Group (all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.
19 Emissions resulting directly from an internal combustion engine for transportation purposes or from a non-
20 road vehicle shall not be considered in determining whether a stationary source is a major source under this
21 definition.

22 (a) A major source under Section 112 of the Act, Hazardous Air Pollutants, which is defined as: for
23 pollutants other than radionuclides, any stationary source or group of stationary sources located within a
24 contiguous area and under common control that emits or has the potential to emit, in the aggregate, ten tons
25 per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of such
26 hazardous air pollutants. Notwithstanding the preceding sentence, emissions from any oil or gas exploration
27 or production well, with its associated equipment, and emissions from any pipeline compressor or pump
28 station shall not be aggregated with emissions from other similar units, whether or not such units are in a
29 contiguous area or under common control, to determine whether such units or stations are major sources.

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

- 36 (i) Coal cleaning plants with thermal dryers;
- 37 (ii) Kraft pulp mills;
- 38 (iii) Portland cement plants;
- 39 (iv) Primary zinc smelters;
- 40 (v) Iron and steel mills;
- 41 (vi) Primary aluminum ore reduction plants;
- 42 (vii) Primary copper smelters;
- 43 (viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- 44 (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- 45 (x) Petroleum refineries;
- 46 (xi) Lime plants;
- 47 (xii) Phosphate rock processing plants;
- 48 (xiii) Coke oven batteries;
- 49 (xiv) Sulfur recovery plants;
- 50 (xv) Carbon black plants, furnace process;
- 51 (xvi) Primary lead smelters;
- 52 (xvii) Fuel conversion plants;
- 53 (xviii) Sintering plants;
- 54 (xix) Secondary metal production plants;

- 1 (xx) Chemical process plants;
- 2 (xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units
- 3 per hour heat input;
- 4 (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- 5 (xxiii) Taconite ore processing plants;
- 6 (xxiv) Glass fiber processing plants;
- 7 (xxv) Charcoal production plants;
- 8 (xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour
- 9 heat input;
- 10 (xxvii) Any other stationary source category, which as of August 7, 1980 is being regulated under
- 11 Section 111 or Section 112 of the Act.

12 (c) A major stationary source as defined in part D of Title I of the Act, Plan Requirements for

13 Nonattainment Areas, including:

14 (i) For ozone nonattainment areas, sources with the potential to emit 100 tons per year or more of

15 volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tons per

16 year or more in areas classified as "serious," 25 tons per year or more in areas classified as "severe," and 10

17 tons per year or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50,

18 25, and 10 tons per year of nitrogen oxides shall not apply with respect to any source for which the

19 Administrator has made a finding, under Section 182(f)(1) or (2) of the Act, that requirements under Section

20 182(f) of the Act do not apply;

21 (ii) For ozone transport regions established pursuant to Section 184 of the Act, sources with the

22 potential to emit 50 tons per year or more of volatile organic compounds;

23 (iii) For carbon monoxide nonattainment areas that are classified as "serious" and in which

24 stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the

25 Administrator, sources with the potential to emit 50 tons per year or more of carbon monoxide;

26 (iv) For PM-10 particulate matter nonattainment areas classified as "serious," sources with the

27 potential to emit 70 tons per year or more of PM-10 particulate matter.

28 "Non-Road Vehicle" means a vehicle that is powered by an internal combustion engine (including

29 the fuel system), that is not a self-propelled vehicle designed for transporting persons or property on a street

30 or highway or a vehicle used solely for competition, and is not subject to standards promulgated under

31 Section 111 of the Act (New Source Performance Standards) or Section 202 of the Act (Motor Vehicle

32 Emission Standards).

33 "Operating permit" or "permit," unless the context suggests otherwise, means any permit or group of

34 permits covering a Part 70 source that is issued, renewed, amended, or revised pursuant to these rules.

35 "Part 70 Source" means any source subject to the permitting requirements of R307-415, as provided

36 in R307-415-4.

37 "Permit modification" means a revision to an operating permit that meets the requirements of R307-

38 415-7f.

39 "Permit revision" means any permit modification or administrative permit amendment.

40 "Permit shield" means the permit shield as described in R307-415-6f.

41 "Proposed permit" means the version of a permit that the director proposes to issue and forwards to

42 EPA for review in compliance with R307-415-8.

43 "Renewal" means the process by which a permit is reissued at the end of its term.

44 "Responsible official" means one of the following:

45 (a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge

46 of a principal business function, or any other person who performs similar policy or decision-making

47 functions for the corporation, or a duly authorized representative of such person if the representative is

48 responsible for the overall operation of one or more manufacturing, production, or operating facilities

49 applying for or subject to a permit and either:

50 (i) the operating facilities employ more than 250 persons or have gross annual sales or expenditures

51 exceeding \$25 million in second quarter 1980 dollars; or

52 (ii) the delegation of authority to such representative is approved in advance by the director;

53 (b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

54 (c) For a municipality, State, Federal, or other public agency: either a principal executive officer or

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

4 (d) For Title IV affected sources:

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

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

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

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

12 13 **R307-415-4. Applicability.**

14 (1) Part 70 sources. All of the following sources are subject to the permitting requirements of R307-
15 415, and unless exempted under (2) below are required to submit an application for an operating permit:

16 (a) Any major source;

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

19 (c) Any source, including an area source, subject to a standard or other requirement under Section
20 112 of the Act, Hazardous Air Pollutants, except that a source is not required to obtain a permit solely
21 because it is subject to regulations or requirements under Section 112(r) of the Act, Prevention of Accidental
22 Releases;

23 (d) Any Title IV affected source.

24 (2) Exemptions.

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

28 (b) All source categories that would be required to obtain an operating permit solely because they
29 are subject to 40 CFR Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for
30 Asbestos, Section 61.145, Standard for Demolition and Renovation, are exempted from the requirement to
31 obtain a permit. For Part 70 sources, demolition and renovation activities within the source under 40 CFR
32 61.145 shall be treated as a separate source for the purpose of R307-415.

33 (c) An area source subject to a regulation under Section 111 or 112 of the Act (42 U.S.C. 7411 or
34 7412) promulgated after July 21, 1992 is exempt from the obligation to obtain a Part 70 permit if:

35 (i) the regulation specifically exempts the area source category from the obligation to obtain a Part
36 70 permit, and

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

39 (3) Emissions units and Part 70 sources.

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

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

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

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

52 (6) Synthetic minors. An existing source that wishes to avoid designation as a major Part 70 source
53 under R307-415, must obtain federally-enforceable conditions which reduce the potential to emit, as defined
54 in R307-101-2, to less than the level established for a major Part 70 source. Such federally-enforceable

1 conditions may be obtained by applying for and receiving an approval order under R307-401. The approval
2 order shall contain periodic monitoring, recordkeeping, and reporting requirements sufficient to verify
3 continuing compliance with the conditions which would reduce the source's potential to emit.
4

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

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

9 (1) Timely application.

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

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

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

24 (2) Complete application.

25 (a) To be deemed complete, an application must provide all information sufficient to evaluate the
26 subject source and its application and to determine all applicable requirements pursuant to R307-415-5c.
27 Applications for permit revision need supply such information only if it is related to the proposed change. A
28 responsible official shall certify the submitted information consistent with R307-415-5d.

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

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

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

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

46 (c) Area sources.

47 (i) Except as provided in (c)(ii) and (c)(iii) below, each Part 70 source that is not a major source, a
48 Title IV affected source, or a solid waste incineration unit required to obtain a permit pursuant to section
49 129(e) (42 U.S.C. 7429), is deferred from the obligation to submit an application until 12 months after the
50 Administrator completes a rulemaking to determine how the program should be structured for area sources
51 and the appropriateness of any permanent exemptions in addition to those provided in R307-415-4(2).

52 (ii) General Permits.

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

54 (B) After a general permit has been issued for a source category, the director shall establish a due

1 date for permit applications from all area sources in that source category.

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

4 (iii) Regulation-specific Requirements.

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

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

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

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

25 (5) Late applications. An application submitted after the deadlines established in R307-415-5a shall
26 be accepted for processing, but shall not be considered a timely application. Submitting an application shall
27 not relieve a source of any enforcement actions resulting from submitting a late application.
28

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

30 Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a
31 permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such
32 supplementary facts or corrected information. In addition, an applicant shall provide additional information
33 as necessary to address any requirements that become applicable to the source after the date it filed a
34 complete application but prior to release of a draft permit.
35

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

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

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

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

45 (3) The following emissions-related information:

46 (a) A permit application shall describe the potential to emit of all air pollutants for which the source
47 is major, and the potential to emit of all regulated air pollutants and hazardous air pollutants from any
48 emissions unit, except for insignificant activities and emissions under R307-415-5e. For emissions of
49 hazardous air pollutants under 1,000 pounds per year, the following ranges may be used in the application: 1-
50 10 pounds per year, 11-499 pounds per year, 500-999 pounds per year. The mid-point of the range shall be
51 used to calculate the emission fee under R307-415-9 for hazardous air pollutants reported as a range.

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

54 (c) Emissions rates in tons per year and in such terms as are necessary to establish compliance with

1 applicable requirements consistent with the applicable standard reference test method.

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

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

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

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

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

11 (4) The following air pollution control requirements:

12 (a) Citation and description of all applicable requirements, and

13 (b) Description of or reference to any applicable test method for determining compliance with each
14 applicable requirement.

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

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

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

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

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

23 (b) A description as follows:

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

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

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

30 (c) A compliance schedule as follows:

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

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

37 (iii) A schedule of compliance for sources that are not in compliance with all applicable
38 requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures,
39 including an enforceable sequence of actions with milestones, leading to compliance with any applicable
40 requirements for which the source will be in noncompliance at the time of permit issuance. This compliance
41 schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or
42 administrative order to which the source is subject. Any such schedule of compliance shall be supplemental
43 to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

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

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

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

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

54 (b) A statement of methods used for determining compliance, including a description of monitoring,

1 recordkeeping, and reporting requirements and test method.

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

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

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

8
9 **R307-415-5d. Permit Applications: Certification.**

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

14
15 **R307-415-5e. Permit Applications: Insignificant Activities and Emissions.**

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

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

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

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

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

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

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

33 (f) Aerosol can usage.

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

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

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

39 (j) Architectural painting.

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

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

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

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

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

49 (p) Portable steam cleaning equipment.

50 (q) Vents on sanitary sewer lines.

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

53 (2) The following insignificant activities are exempted because of size or production rate and a list
54 of such insignificant activities must be included in the application. The director may require information to

1 verify that the activity is insignificant.

2 (a) Emergency heating equipment, using coal, wood, kerosene, fuel oil, natural gas, or LPG for fuel,
3 with a rated capacity less than 50,000 BTU per hour.

4 (b) Individual emissions units having the potential to emit less than one ton per year per pollutant of
5 PM10 particulate matter, nitrogen oxides, sulfur dioxide, volatile organic compounds, or carbon monoxide,
6 unless combined emissions from similar small emission units located within the same Part 70 source are
7 greater than five tons per year of any one pollutant. This does not include emissions units that emit air
8 pollutants other than PM10 particulate matter, nitrogen oxides, sulfur dioxide, volatile organic compounds, or
9 carbon monoxide.

10 (c) Petroleum industry flares, not associated with refineries, combusting natural gas containing no
11 hydrogen sulfide except in amounts less than 500 parts per million by weight, and having the potential to emit
12 less than five tons per year per air pollutant.

13 (d) Road sweeping.

14 (e) Road salting and sanding.

15 (f) Unpaved public and private roads, except unpaved haul roads located within the boundaries of a
16 stationary source. A haul road means any road normally used to transport people, livestock, product or
17 material by any type of vehicle.

18 (g) Non-commercial automotive (car and truck) service stations dispensing less than 6,750 gal. of
19 gasoline/month

20 (h) Hazardous Air Pollutants present at less than 1% concentration, or 0.1% for a carcinogen, in a
21 mixture used at a rate of less than 50 tons per year, provided that a National Emission Standards for
22 Hazardous Air Pollutants standard does not specify otherwise.

23 (i) Fuel-burning equipment, in which combustion takes place at no greater pressure than one inch of
24 mercury above ambient pressure, with a rated capacity of less than five million BTU per hour using no other
25 fuel than natural gas, or LPG or other mixed gas distributed by a public utility.

26 (j) Comfort heating equipment (i.e., boilers, water heaters, air heaters and steam generators) with a
27 rated capacity of less than one million BTU per hour if fueled only by fuel oil numbers 1 - 6.

28 (3) Any person may petition the Board to add an activity or emission to the list of Insignificant
29 Activities and Emissions which may be excluded from an operating permit application under (1) or (2) above
30 upon a change in the rule and approval of the rule change by EPA. The petition shall include the following
31 information:

32 (a) A complete description of the activity or emission to be added to the list.

33 (b) A complete description of all air pollutants that may be emitted by the activity or emission,
34 including emission rate, air pollution control equipment, and calculations used to determine emissions.

35 (c) An explanation of why the activity or emission should be exempted from the application
36 requirements for an operating permit.

37 (4) The director may determine on a case-by-case basis, insignificant activities and emissions for an
38 individual Part 70 source that may be excluded from an application or that must be listed in the application,
39 but do not require a detailed description. No activity with the potential to emit greater than two tons per year
40 of any criteria pollutant, five tons of a combination of criteria pollutants, 500 pounds of any hazardous air
41 pollutant or one ton of a combination of hazardous air pollutants shall be eligible to be determined an
42 insignificant activity or emission under this subsection (4).

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

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

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

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

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

53 (c) If the State Implementation Plan allows a determination of an alternative emission limit at a Part
54

1 70 source, equivalent to that contained in the State Implementation Plan, to be made in the permit issuance,
2 renewal, or significant modification process, and the director elects to use such process, any permit
3 containing such equivalency determination shall contain provisions to ensure that any resulting emissions
4 limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

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

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

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

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

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

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

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

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

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

29 (B) The dates analyses were performed;

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

31 (D) The analytical techniques or methods used;

32 (E) The results of such analyses;

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

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

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

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

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

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

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

54 (a) No permit revision shall be required for increases in emissions that are authorized by allowances

1 acquired pursuant to the Acid Rain Program, provided that such increases do not require a permit revision
2 under any other applicable requirement.

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

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

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

9 (6) Standard provisions stating the following:

10 (a) The permittee must comply with all conditions of the operating permit. Any permit
11 noncompliance constitutes a violation of the Air Conservation Act and is grounds for any of the following:
12 enforcement action; permit termination; revocation and reissuance; modification; denial of a permit renewal
13 application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 (2) Notwithstanding (1) above, applicable requirements that are not required by the Act or
52 implementing federal regulations shall be included in the permit but shall be specifically designated as being
53 not federally enforceable under the Act and shall be designated as "state requirements." Terms and
54

1 conditions so designated are not subject to the requirements of R307-415-7a through 7i and R307-415-8 that
2 apply to permit review by EPA and affected states. The director shall determine which conditions are "state
3 requirements" in each operating permit.
4

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (c) A requirement that the compliance certification include all of the following (provided that the
39 identification of applicable information may reference the permit or previous reports, as applicable):

40 (i) The identification of each term or condition of the permit that is the basis of the certification;

41 (ii) The identification of the methods or other means used by the owner or operator for determining
42 the compliance status with each term and condition during the certification period. Such methods and other
43 means shall include, at a minimum, the methods and means required under R307-415-6a(3). If necessary, the
44 owner or operator also shall identify any other material information that must be included in the certification
45 to comply with section 113(c)(2) of the Act, which prohibits knowingly making a false certification or
46 omitting material information;

47 (iii) The status of compliance with the terms and conditions of the permit for the period covered by
48 the certification, including whether compliance during the period was continuous or intermittent. The
49 certification shall be based on the method or means designated in (ii) above. The certification shall identify
50 each deviation and take it into account in the compliance certification. The certification shall also identify as
51 possible exceptions to compliance any periods during which compliance is required and in which an
52 excursion or exceedance as defined under 40 CFR Part 64 occurred; and

53 (iv) Such other facts as the director may require to determine the compliance status of the source;

54 (d) A requirement that all compliance certifications be submitted to the EPA as well as to the

1 director;

2 (e) Such additional requirements as may be specified pursuant to Section 114(a)(3) of the Act,
3 Enhanced Monitoring and Compliance Certification, and Section 504(b) of the Act, Monitoring and Analysis;

4 (6) Such other provisions as the director may require.
5

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

7 (1) The director may, after notice and opportunity for public participation provided under R307-415-
8 7i, issue a general permit covering numerous similar sources. Any general permit shall comply with all
9 requirements applicable to other operating permits and shall identify criteria by which sources may qualify
10 for the general permit. To sources that qualify, the director shall grant the conditions and terms of the general
11 permit. Notwithstanding the permit shield, the source shall be subject to enforcement action for operation
12 without an operating permit if the source is later determined not to qualify for the conditions and terms of the
13 general permit. General permits shall not be issued for Title IV affected sources under the Acid Rain
14 Program unless otherwise provided in regulations promulgated under Title IV of the Act.

15 (2) Part 70 sources that would qualify for a general permit must apply to the director for coverage
16 under the terms of the general permit or must apply for an operating permit consistent with R307-415-5a
17 through 5e. The director may, in the general permit, provide for applications which deviate from the
18 requirements of R307-415-5a through 5e, provided that such applications meet the requirements of Title V of
19 the Act, and include all information necessary to determine qualification for, and to assure compliance with,
20 the general permit. Without repeating the public participation procedures required under R307-415-7i, the
21 director may grant a source's request for authorization to operate under a general permit, but such a grant to a
22 qualified source shall not be a final permit action until the requirements of R307-415-5a through 5e have
23 been met.
24

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

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

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

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

34 (3) Conditions that assure compliance with all other provisions of R307-415.
35

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

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

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

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

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

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

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

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

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

53 (d) The ability of the director to obtain information from a source under Section 19-2-120, and the
54 ability of EPA to obtain information from a source under Section 114 of the Act, Inspection, Monitoring, and

1 Entry.

2
3 **R307-415-7a. Permit Issuance: Action on Application.**

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

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

8 (b) Except for modifications qualifying for minor permit modification procedures under R307-415-
9 7f(1) and (2), the director has complied with the requirements for public participation under R307-415-7i;

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

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

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

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

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

25 (4) The director shall provide a statement that sets forth the legal and factual basis for the draft
26 permit conditions, including references to the applicable statutory or regulatory provisions. The director shall
27 send this statement to EPA and to any other person who requests it.

28 (5) The submittal of a complete application shall not affect the requirement that any source have an
29 approval order under R307-401.
30

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

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

35 (2) Application shield. If a Part 70 source submits a timely and complete application for permit
36 issuance, including for renewal, the source's failure to have an operating permit is not a violation of R307-415
37 until the director takes final action on the permit application. This protection shall cease to apply if,
38 subsequent to the completeness determination made pursuant to R307-415-7a(3), and as required by R307-
39 415-5a(2), the applicant fails to submit by the deadline specified in writing by the director any additional
40 information identified as being needed to process the application.
41

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

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

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

47 (3) If a timely and complete renewal application is submitted consistent with R307-415-7b and
48 R307-415-5a(1)(c) and the director fails to issue or deny the renewal permit before the end of the term of the
49 previous permit, then all of the terms and conditions of the permit, including the permit shield, shall remain in
50 effect until renewal or denial.
51

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

53 (1) Operational Flexibility.

54 (a) A Part 70 source may make changes that contravene an express permit term if all of the

1 following conditions have been met:

2 (i) The source has obtained an approval order, or has met the exemption requirements under R307-
3 401;

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

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

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

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

23 (i) The written notification required above shall include such information as may be required by the
24 provision in the State Implementation Plan authorizing the emissions trade, including at a minimum, when
25 the proposed change will occur, a description of each such change, any change in emissions, the permit
26 requirements with which the source will comply using the emissions trading provisions of the State
27 Implementation Plan, and the pollutants emitted subject to the emissions trade. The notice shall also refer to
28 the provisions with which the source will comply in the State Implementation Plan and that provide for the
29 emissions trade.

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

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

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

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

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

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

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

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

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

9 (e) The off-permit provisions do not affect the requirement for a source to obtain an approval order
10 under R307-401.

11
12 **R307-415-7e. Permit Revision: Administrative Amendments.**

13 (1) An "administrative permit amendment" is a permit revision that:

14 (a) Corrects typographical errors;

15 (b) Identifies a change in the name, address, or phone number of any person identified in the permit,
16 or provides a similar minor administrative change at the source;

17 (c) Requires more frequent monitoring or reporting by the permittee;

18 (d) Allows for a change in ownership or operational control of a source where the director
19 determines that no other change in the permit is necessary, provided that a written agreement containing a
20 specific date for transfer of permit responsibility, coverage, and liability between the current and new
21 permittee has been submitted to the director;

22 (e) Incorporates into the operating permit the requirements from an approval order issued under
23 R307-401, provided that the procedures for issuing the approval order were substantially equivalent to the
24 permit issuance or modification procedures of R307-415-7a through 7i and R307-415-8, and compliance
25 requirements are substantially equivalent to those contained in R307-415-6a through 6g;

26 (2) Administrative permit amendments for purposes of the acid rain portion of the permit shall be
27 governed by regulations promulgated under Title IV of the Act.

28 (3) Administrative permit amendment procedures. An administrative permit amendment may be
29 made by the director consistent with the following:

30 (a) The director shall take no more than 60 days from receipt of a request for an administrative
31 permit amendment to take final action on such request, and may incorporate such changes without providing
32 notice to the public or affected States provided that the director designates any such permit revisions as
33 having been made pursuant to this paragraph. The director shall take final action on a request for a change in
34 ownership or operational control of a source under (1)(d) above within 30 days of receipt of a request.

35 (b) The director shall submit a copy of the revised permit to EPA.

36 (c) The source may implement the changes addressed in the request for an administrative
37 amendment immediately upon submittal of the request.

38 (4) The director shall, upon taking final action granting a request for an administrative permit
39 amendment, allow coverage by the permit shield for administrative permit amendments made pursuant to
40 (1)(e) above which meet the relevant requirements of R307-415-6a through 6g, 7 and 8 for significant permit
41 modifications.

42
43 **R307-415-7f. Permit Revision: Modification.**

44 The permit modification procedures described in R307-415-7f shall not affect the requirement that a
45 source obtain an approval order under R307-401 before constructing or modifying a source of air pollution.
46 A modification not subject to the requirements of R307-401 shall not require an approval order in addition to
47 the permit modification as described in this section. A permit modification is any revision to an operating
48 permit that cannot be accomplished under the program's provisions for administrative permit amendments
49 under R307-415-7e. Any permit modification for purposes of the acid rain portion of the permit shall be
50 governed by regulations promulgated under Title IV of the Act.

51 (1) Minor permit modification procedures.

52 (a) Criteria. Minor permit modification procedures may be used only for those permit modifications
53 that:

54 (i) Do not violate any applicable requirement or require an approval order under R307-401;

1 (ii) Do not involve significant changes to existing monitoring, reporting, or recordkeeping
2 requirements in the permit;

3 (iii) Do not require or change a case-by-case determination of an emission limitation or other
4 standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or
5 increment analysis;

6 (iv) Do not seek to establish or change a permit term or condition for which there is no
7 corresponding underlying applicable requirement and that the source has assumed to avoid an applicable
8 requirement to which the source would otherwise be subject. Such term or condition would include a
9 federally enforceable emissions cap assumed to avoid classification as a modification under any provision of
10 Title I or an alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5)
11 of the Act, Early Reduction; and

12 (v) Are not modifications under any provision of Title I of the Act.

13 (b) Notwithstanding (1)(a) above and (2)(a) below, minor permit modification procedures may be
14 used for permit modifications involving the use of economic incentives, marketable permits, emissions
15 trading, and other similar approaches, to the extent that such minor permit modification procedures are
16 explicitly provided for in the State Implementation Plan or an applicable requirement.

17 (c) Application. An application requesting the use of minor permit modification procedures shall
18 meet the requirements of R307-415-5c and shall include all of the following:

19 (i) A description of the change, the emissions resulting from the change, and any new applicable
20 requirements that will apply if the change occurs;

21 (ii) The source's suggested draft permit;

22 (iii) Certification by a responsible official, consistent with R307-415-5d, that the proposed
23 modification meets the criteria for use of minor permit modification procedures and a request that such
24 procedures be used;

25 (iv) Completed forms for the director to use to notify EPA and affected States as required under
26 R307-415-8.

27 (d) EPA and affected State notification. Within five working days of receipt of a complete permit
28 modification application, the director shall notify EPA and affected States of the requested permit
29 modification. The director promptly shall send any notice required under R307-415-8(2)(b) to EPA.

30 (e) Timetable for issuance. The director may not issue a final permit modification until after EPA's
31 45-day review period or until EPA has notified the director that EPA will not object to issuance of the permit
32 modification, whichever is first. Within 90 days of the director's receipt of an application under minor permit
33 modification procedures or 15 days after the end of EPA's 45-day review period under R307-415-8(3),
34 whichever is later, the director shall:

35 (i) Issue the permit modification as proposed;

36 (ii) Deny the permit modification application;

37 (iii) Determine that the requested modification does not meet the minor permit modification criteria
38 and should be reviewed under the significant modification procedures; or

39 (iv) Revise the draft permit modification and transmit to EPA the new proposed permit modification
40 as required by R307-415-8(1).

41 (f) Source's ability to make change. A Part 70 source may make the change proposed in its minor
42 permit modification application immediately after it files such application if the source has received an
43 approval order under R307-401 or has met the approval order exemption requirements under R307-413-1
44 through 6. After the source makes the change allowed by the preceding sentence, and until the director takes
45 any of the actions specified in (1)(e)(i) through (iii) above, the source must comply with both the applicable
46 requirements governing the change and the proposed permit terms and conditions. During this time period,
47 the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the
48 source fails to comply with its proposed permit terms and conditions during this time period, the existing
49 permit terms and conditions it seeks to modify may be enforced against it.

50 (g) Permit shield. The permit shield under R307-415-6f shall not extend to minor permit
51 modifications.

52 (2) Group processing of minor permit modifications. Consistent with this paragraph, the director
53 may modify the procedure outlined in (1) above to process groups of a source's applications for certain
54 modifications eligible for minor permit modification processing.

1 (a) Criteria. Group processing of modifications may be used only for those permit modifications:
2 (i) That meet the criteria for minor permit modification procedures under (1)(a) above; and
3 (ii) That collectively are below the following threshold level: 10 percent of the emissions allowed
4 by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition
5 of major source in R307-415-3, or five tons per year, whichever is least.

6 (b) Application. An application requesting the use of group processing procedures shall meet the
7 requirements of R307-415-5c and shall include the following:

8 (i) A description of the change, the emissions resulting from the change, and any new applicable
9 requirements that will apply if the change occurs.

10 (ii) The source's suggested draft permit.

11 (iii) Certification by a responsible official, consistent with R307-415-5d, that the proposed
12 modification meets the criteria for use of group processing procedures and a request that such procedures be
13 used.

14 (iv) A list of the source's other pending applications awaiting group processing, and a determination
15 of whether the requested modification, aggregated with these other applications, equals or exceeds the
16 threshold set under R307-415-7e(2)(a)(ii).

17 (v) Certification, consistent with R307-415-5d, that the source has notified EPA of the proposed
18 modification. Such notification need only contain a brief description of the requested modification.

19 (vi) Completed forms for the director to use to notify EPA and affected States as required under
20 R307-415-8.

21 (c) EPA and affected State notification. On a quarterly basis or within five business days of receipt
22 of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the
23 threshold level set under (2)(a)(ii) above, whichever is earlier, the director shall notify EPA and affected
24 States of the requested permit modifications. The director shall send any notice required under R307-415-
25 8(2)(b) to EPA.

26 (d) Timetable for issuance. The provisions of (1)(e) above shall apply to modifications eligible for
27 group processing, except that the director shall take one of the actions specified in (1)(e)(i) through (iv) above
28 within 180 days of receipt of the application or 15 days after the end of EPA's 45-day review period under
29 R307-415-8(3), whichever is later.

30 (e) Source's ability to make change. The provisions of (1)(f) above shall apply to modifications
31 eligible for group processing.

32 (f) Permit shield. The provisions of (1)(g) above shall also apply to modifications eligible for group
33 processing.

34 (3) Significant modification procedures.

35 (a) Criteria. Significant modification procedures shall be used for applications requesting permit
36 modifications that do not qualify as minor permit modifications or as administrative amendments. Every
37 significant change in existing monitoring permit terms or conditions and every relaxation of reporting or
38 recordkeeping permit terms or conditions shall be considered significant. Nothing herein shall be construed
39 to preclude the permittee from making changes consistent with R307-415 that would render existing permit
40 compliance terms and conditions irrelevant.

41 (b) Significant permit modifications shall meet all requirements of R307-415, including those for
42 applications, public participation, review by affected States, and review by EPA, as they apply to permit
43 issuance and permit renewal. The director shall complete review on the majority of significant permit
44 modifications within nine months after receipt of a complete application.

45 **R307-415-7g. Permit Revision: Reopening for Cause.**

46 (1) Each issued permit shall include provisions specifying the conditions under which the permit
47 will be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of
48 the following circumstances:

49 (a) New applicable requirements become applicable to a major Part 70 source with a remaining
50 permit term of three or more years. Such a reopening shall be completed not later than 18 months after
51 promulgation of the applicable requirement. No such reopening is required if the effective date of the
52 requirement is later than the date on which the permit is due to expire, unless the terms and conditions of the
53 permit have been extended pursuant to R307-415-7c(3).
54

1 (b) Additional requirements, including excess emissions requirements, become applicable to an Title
2 IV affected source under the Acid Rain Program. Upon approval by EPA, excess emissions offset plans shall
3 be deemed to be incorporated into the permit.

4 (c) The director or EPA determines that the permit contains a material mistake or that inaccurate
5 statements were made in establishing the emissions standards or other terms or conditions of the permit.

6 (d) EPA or the director determines that the permit must be revised or revoked to assure compliance
7 with the applicable requirements.

8 (e) Additional applicable requirements are to become effective before the renewal date of the permit
9 and are in conflict with existing permit conditions.

10 (2) Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial
11 permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such
12 reopening shall be made as expeditiously as practicable.

13 (3) Reopenings under (1) above shall not be initiated before a notice of such intent is provided to the
14 Part 70 source by the director at least 30 days in advance of the date that the permit is to be reopened, except
15 that the director may provide a shorter time period in the case of an emergency.

16
17 **R307-415-7h. Permit Revision: Reopenings for Cause by EPA.**

18 The director shall, within 90 days after receipt of notification that EPA finds that cause exists to
19 terminate, modify or revoke and reissue a permit, forward to EPA a proposed determination of termination,
20 modification, or revocation and reissuance, as appropriate. The director may request a 90-day extension if a
21 new or revised permit application is necessary or if the director determines that the permittee must submit
22 additional information.

23
24 **R307-415-7i. Public Participation.**

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

28 (1) The director shall give notice by publishing a legal notice on the public legal notice website
29 under Subsection 42-1-101(2) and by posting the notice and the draft permit on the Division's website for the
30 duration of the public comment period. The director shall give notice to persons on a mailing list developed
31 by the director, including those who request in writing to be on the list, and by other means if necessary to
32 assure adequate notice to the affected public.

33 (2) The notice shall identify:

34 (a) the Part 70 source;

35 (b) the name and address of the permittee;

36 (c) the name and address of the director;

37 (d) the activity or activities involved in the permit action;

38 (e) the emissions change involved in any permit modification;

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

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

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

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

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

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

52
53 **R307-415-8. Permit Review by EPA and Affected States.**

54 (1) Transmission of information to EPA.

1 (a) The director shall provide to EPA a copy of each permit application, including any application
2 for permit modification, each proposed permit, and each final operating permit, unless the Administrator has
3 waived this requirement for a category of sources, including any class, type, or size within such category.
4 The applicant may be required by the director to provide a copy of the permit application, including the
5 compliance plan, directly to EPA. Upon agreement with EPA, the director may submit to EPA a permit
6 application summary form and any relevant portion of the permit application and compliance plan, in place of
7 the complete permit application and compliance plan. To the extent practicable, the preceding information
8 shall be provided in computer-readable format compatible with EPA's national database management system.

9 (b) The director shall keep for five years such records and submit to EPA such information as EPA
10 may reasonably require to ascertain whether the Operating Permit Program complies with the requirements of
11 the Act or of 40 CFR Part 70.

12 (2) Review by affected States.

13 (a) The director shall give notice of each draft permit to any affected State on or before the time that
14 the director provides this notice to the public under R307-415-7i, except to the extent R307-415-7f(1) or (2)
15 requires the timing to be different, unless the Administrator has waived this requirement for a category of
16 sources, including any class, type, or size within such category.

17 (b) The director, as part of the submittal of the proposed permit to EPA, or as soon as possible after
18 the submittal for minor permit modification procedures allowed under R307-415-7f(1) or (2), shall notify
19 EPA and any affected State in writing of any refusal by the director to accept all recommendations for the
20 proposed permit that the affected State submitted during the public or affected State review period. The
21 notice shall include the director's reasons for not accepting any such recommendation. The director is not
22 required to accept recommendations that are not based on applicable requirements or the requirements of
23 R307-415.

24 (3) EPA objection. If EPA objects to the issuance of a permit in writing within 45 days of receipt of
25 the proposed permit and all necessary supporting information, then the director shall not issue the permit. If
26 the director fails, within 90 days after the date of an objection by EPA, to revise and submit a proposed
27 permit in response to the objection, EPA may issue or deny the permit in accordance with the requirements of
28 the Federal program promulgated under Title V of the Act.

29 (4) Public petitions to EPA. If EPA does not object in writing under R307-415-8(3), any person
30 may petition EPA under the provisions of 40 CFR 70.8(d) within 60 days after the expiration of EPA's 45-
31 day review period to make such objection. If EPA objects to the permit as a result of a petition, the director
32 shall not issue the permit until EPA's objection has been resolved, except that a petition for review does not
33 stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day
34 review period and prior to an EPA objection. If the director has issued a permit prior to receipt of an EPA
35 objection under this paragraph, EPA may modify, terminate, or revoke such permit, consistent with the
36 procedures in 40 CFR 70.7(g) except in unusual circumstances, and the director may thereafter issue only a
37 revised permit that satisfies EPA's objection. In any case, the source will not be in violation of the
38 requirement to have submitted a timely and complete application.

39 (5) Prohibition on default issuance. The director shall not issue an operating permit, including a
40 permit renewal or modification, until affected States and EPA have had an opportunity to review the
41 proposed permit as required under this Section.

42 **R307-415-9. Fees for Operating Permits.**

43 (1) Definitions. The following definition applies only to Subsection R307-415-9: "Allowable
44 emissions" are emissions based on the potential to emit stated by the director in an approval order, the State
45 Implementation Plan or an operating permit.

46 (2) Applicability. As authorized by Section 19-1-201, all Part 70 sources must pay annual fees to
47 support the operating permit program.

48 (3) Calculation of Annual Emission Fee for a Part 70 Source.

49 (a) The emission fee shall be calculated for all chargeable pollutants emitted from a Part 70 source,
50 even if only one unit or one chargeable pollutant triggers the applicability of Rule R307-415 to the source.

51 (i) Fugitive emissions and fugitive dust shall be counted when determining the emission fee for a
52 Part 70 source.

53 (ii) An emission fee shall not be charged for emissions of any amount of a chargeable pollutant if the
54

1 emissions are already accounted for within the emissions of another chargeable pollutant.

2 (iii) An emission fee shall not be charged for emissions of any one chargeable pollutant from any
3 one Part 70 source in excess of 4,000 tons per year.

4 (iv) Emissions resulting directly from an internal combustion engine for transportation purposes or
5 from a non-road vehicle shall not be counted when calculating chargeable emissions for a Part 70 source.

6 (b) The emission fee portion of the total fee for an existing source prior to the issuance of an
7 operating permit, shall be based on the most recent emission inventory available unless a Part 70 source
8 elected, prior to July 1, 1992, to base the fee for one or more pollutants on allowable emissions established in
9 an approval order or the State Implementation Plan.

10 (c) The emission fee portion of the total fee after the issuance or renewal of an operating permit shall
11 be based on the most recent emission inventory available unless a Part 70 source elects, prior to the issuance
12 or renewal of the permit, to base the fee for one or more chargeable pollutants on allowable emissions for the
13 entire term of the permit.

14 (d) When a new Part 70 source begins operating, it shall pay the emission fee portion of the total fee
15 for that fiscal year, prorated from the date the source begins operating plus any additional Part 70 fees. The
16 emission fee portion of the total fee for a new Part 70 source shall be based on allowable emissions until that
17 source has been in operation for a full calendar year, and has submitted an inventory of actual emissions. If a
18 new Part 70 source is not billed in the first billing cycle of its operation, the emission fee plus any additional
19 fees shall be calculated using the emissions that would have been used had the source been billed at that time.
20 This fee shall be in addition to any subsequent emission fees.

21 (e) When a Part 70 source is no longer subject to Part 70, the emission fee portion of the total fee
22 shall be prorated to the date that the source ceased to be subject to Part 70. If the Part 70 source has already
23 paid an emission fee that is greater than the prorated fee, the balance of the emission fee will be refunded. No
24 other Part 70 fees shall be refunded.

25 (i) If that Part 70 source again becomes subject to the emission fee requirements, it shall pay an
26 emission fee for that fiscal year prorated from the date the source again became subject to the emission fee
27 requirements plus any additional fees typically charged for Part 70 sources for that year. The fee shall be
28 based on the emission inventory during the last full year of operation. The emission fee shall continue to be
29 based on actual emissions reported for the last full calendar year of operation until that source has been in
30 operation for a full calendar year and has submitted an updated inventory of actual emissions.

31 (ii) If a Part 70 source has chosen to base the emission fee on allowable emissions, then the prorated
32 fee shall be calculated using allowable emissions.

33 (f) Modifications. The method for calculating the emission fee for a source shall not be affected by
34 modifications at that source, unless the source demonstrates to the director that another method for
35 calculating chargeable emissions is more representative of operations after the modification has been made.

36 (g) The director may presume that potential emissions of any chargeable pollutant for the source are
37 equivalent to the actual emissions for the source if recent inventory data are not available.

38 (4) Collection of Fees.

39 (a) The Part 70 fees are due on October 1 of each calendar year or 45 days after the source has
40 received notice of the amount of the fee, whichever is later.

41 (b) The director may require any owner or operator of the source who fails to pay the annual fees by
42 the due date to pay interest on the fee and a penalty under Subsection 19-2-109.1(4)(a) or revoke the
43 operating permit under Subsection 19-2-109.1(4)(b).

44 (c) An owner or operator may contest a Part 70 fee assessment, or associated penalty, under 19-2-
45 109.1(5).

46 (d) To reinstate the permit revoked under Subsection 19-2-109.1(4)(b), an owner or operator shall
47 pay the outstanding fees, a penalty of not more than 50% of outstanding fees, and interests on the outstanding
48 fees computed at 12% annually.

49
50 **KEY: air pollution, greenhouse gases, operating permit, emission fees**

51 **Date of Last Change: January 15, 2022**

52 **Notice of Continuation: May 4, 2022**

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

ITEM 7



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-021-24

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Erica Pryor, Rules Coordinator

DATE: February 6, 2024

SUBJECT: Five-Year Review: R307-511. Oil and Gas Industry: Associated Gas Flaring.

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

DAQ has completed a five-year review of R307-511, Oil and Gas Industry: Associated Gas Flaring.

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

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

State of Utah
Administrative Rule Analysis
Revised May 2023

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Title No. - Rule No.

Rule Number:	R307-511	Filing ID: Office Use Only
Effective Date:	Office Use Only	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room number:		
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City	
Mailing address:	PO BOX 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Erica Pryor	385-499-3416	epryor1@utah.gov
Sheila Vance	801-536-4001	svance@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:

R307-511. Oil and Gas Industry: Associated Gas Flaring.

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

The statutory authorization for this rule falls under Subsection 19-2-104(1)(a). In January of 2018, the Air Quality Board adopted a series of oil and gas rules that allowed the source category's minor source permitting process to be streamlined. These rules require most of the oil and gas wells in the state to follow a set of rules instead of obtaining and complying with an approval order. As the rules have been implemented and applied, the Division of Air Quality (DAQ) learned that some oil and gas wells were unable to take advantage of this streamlined approach as the set of rules did not include the control of associated gas from some wells. This rule is necessary to require the flaring of associated gas in these oil and gas wells so they can utilize the permitting process.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

Rule R307-511 was a new rule in 2019, therefore this is the first 5-year review since it was made effective. However, it should be noted that there was an amendment made to the rule in 2022. During this rulemaking, the public comment period was May 1, 2022 through May 31, 2022. During this time, DAQ received a total of 25 public comments. DAQ responded to each comment submitted and these comments and a full summary of responses were included in the July 2022 Air Quality Board packet which is available to the public on the DAQ website at this link: <https://deq.utah.gov/air-quality/july-6-2022-agenda-air-quality-board-meeting>

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

This rule requires the associated natural gas from operating wells to be controlled as is required for other equipment, such as storage vessels and dehydrators. It defines key terms, identifies the applicability, identifies flaring requirements, and establishes required recordkeeping. Therefore, this rule should be continued.

Agency Authorization Information

To the agency: Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*.

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	02/05/2024
---	--	--------------	------------

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

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

2 **R307-511. Oil and Gas Industry: Associated Gas Flaring.**

3 **R307-511-1. Purpose.**

4 Rule R307-511 establishes control requirements for the flaring of produced gas
5 associated with well sites.

6
7 **R307-511-2. Definitions.**

8 "Emergency release" means a temporary, infrequent and unavoidable situation in which
9 the loss of gas is uncontrollable or necessary to avoid risk of an immediate and substantial
10 adverse impact on safety, public health, or the environment. An "emergency" is limited to a
11 short-term situation of 24 hours or less caused by an unanticipated event or failure that is out of
12 the operator's control and is not due to operator negligence.

13 "Flaring" means use of a thermal oxidation system designed to combust hydrocarbons in
14 the presence of a flame.

15 "Associated Gas" means the natural gas that is produced from an oil well during
16 production operations and is either sold, re-injected, used for production purposes, or flared.
17 Low pressure gas associated with the working, breathing, and flashing of oil is not considered
18 associated gas under this definition and shall be controlled in accordance with Rules R307-506
19 and R307-507.

20
21 **R307-511-3. Applicability.**

22 (1) Rule R307-511 applies to each producing well located at a well site as defined in 40
23 CFR 60.5430a Subpart OOOOa Standards of Performance for Crude Oil and Natural Gas
24 Production, Transmission and Distribution.

25 (2) VOC control devices used for controlling associated gas are subject to Rule R307-
26 508.

27
28 **R307-511-4. Associated Gas Flaring Requirements.**

29 (1) Associated gas from a completed well shall either be routed to a process unit for
30 combustion, routed to a sales pipeline, or routed to an operating VOC control device except for
31 emergency release situations as defined in Section R307-511-2.

32
33 **R307-511-5. Recordkeeping.**

34 (1) The owner or operator shall maintain records for emergency releases under
35 Subsection R307-511-4(1).

36 (a) The time and date of event, volume of emissions and any corrective action taken shall
37 be recorded.

38 (b) These records shall be kept for a minimum of three years.

39
40 **KEY: air quality, nonattainment, offset**

41 **Date of Last Change: July 7, 2022**

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

ITEM 8

Air Toxics



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQA-020-24

MEMORANDUM

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: January 4, 2024

SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – December 2023

Asbestos Demolition/Renovation NESHAP Inspections	27
Asbestos AHERA Inspections	24
Asbestos State Rules Only Inspections	3
Asbestos Notification Forms Accepted	110
Asbestos Telephone Calls	211
Asbestos Individuals Certifications Approved	78
Asbestos Company Certifications	14
Asbestos Alternate Work Practices Approved	4
Lead-Based Paint (LBP) Inspections	2
LBP Notification Forms Approved	0
LBP Telephone Calls	40
LBP Letters Prepared and Mailed	7
LBP Courses Reviewed/Approved	0
LBP Course Audits	1
LBP Individual Certifications Approved	18
LBP Firm Certifications	2

Notices of Violation Sent	0
Compliance Advisories Sent	4
Warning Letters Sent	2
Settlement Agreements Finalized	2
Penalties Agreed to:	
Zwick Construction/Colton DuShane	\$6,562.50
AbateX Environmental Services Inc/Matt Brummond	<u>\$2,796.50</u>
Total:	\$9,359.00

Compliance



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQC-016-24

MEMORANDUM

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: January 5, 2024

SUBJECT: Compliance Activities – December 2023

ACTIVITIES:

Activity	Monthly Total	36-Month Average
Inspections	62	58
On-Site Stack Test & CEM Audits	7	4
Stack Test & RATA Report Reviews	46	35
Emission Report Reviews (Quarterly CEM reviews)	8	16
Temporary Relocation Request Reviews	4	7
Fugitive Dust Control Plan Reviews	73	131
Soil Remediation Report Reviews	2	1
Open Burn Permits Issued	14	418
Miscellaneous Inspections ¹	6	17
Complaints Received	3	15
Wood Burning Complaints Received	20	2
Breakdown Reports Received	2	1
Compliance Actions Resulting from a Breakdown	0	0
VOC Inspections (Gas station vapor recovery)	0	0
Warning Letters Issued	0	2
Notices of Violation Issued	1	0
Compliance Advisories Issued	4	5
No Further Action Letters Issued	2	2
Settlement Agreements Reached	5	2
Penalties Assessed	\$4,403	\$127,089.34

¹Miscellaneous inspections include, e.g., surveillance, complaint, on-site training, dust patrol, smoke patrol, open burning, etc.

SETTLEMENT AGREEMENTS:

Party	Amount
Wolverine Gas & Oil	\$1,600
Citation Oil and Gas	\$583
Staker Parson – South Weber Pit	\$1,166
Glen Canyon NRA – Hite Ranger Station	\$471
Glen Canyon NRA – Halls Crossing	\$583

UNRESOLVED NOTICES OF VIOLATION:

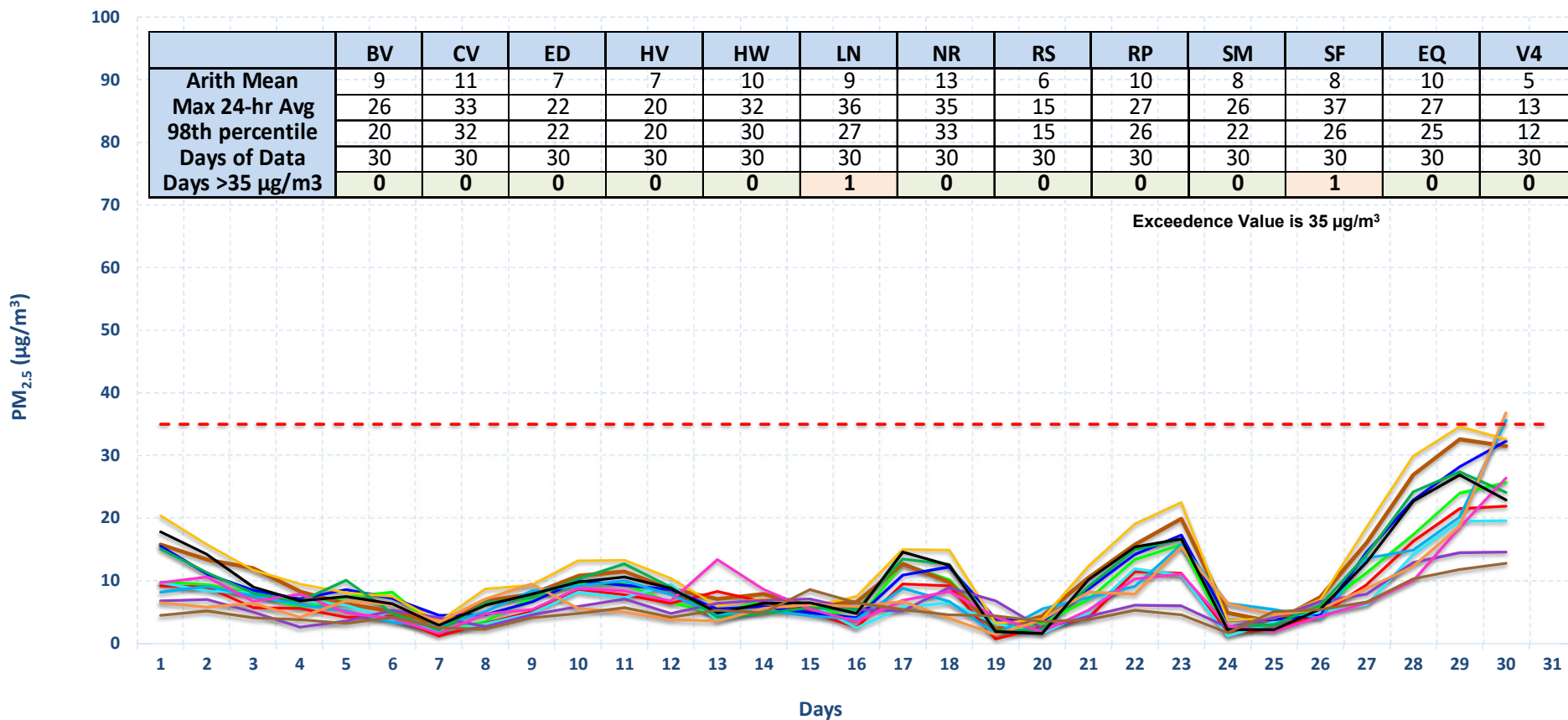
Party	Date Issued
Citation Oil and Gas (in administrative litigation)	01/15/2020
Ovintiv Production Inc.	07/14/2020
Uinta Wax Operating (formerly CH4 Finley)	07/24/2020
Finley Resources	09/15/2022
Holcim	12/19/2023

Air Monitoring

Utah 24-Hr PM_{2.5} Data November 2023

	BV	CV	ED	HV	HW	LN	NR	RS	RP	SM	SF	EQ	V4
Arith Mean	9	11	7	7	10	9	13	6	10	8	8	10	5
Max 24-hr Avg	26	33	22	20	32	36	35	15	27	26	37	27	13
98th percentile	20	32	22	20	30	27	33	15	26	22	26	25	12
Days of Data	30	30	30	30	30	30	30	30	30	30	30	30	30
Days >35 µg/m3	0	0	0	0	0	1	0	0	0	0	1	0	0

Exceedence Value is 35 µg/m³

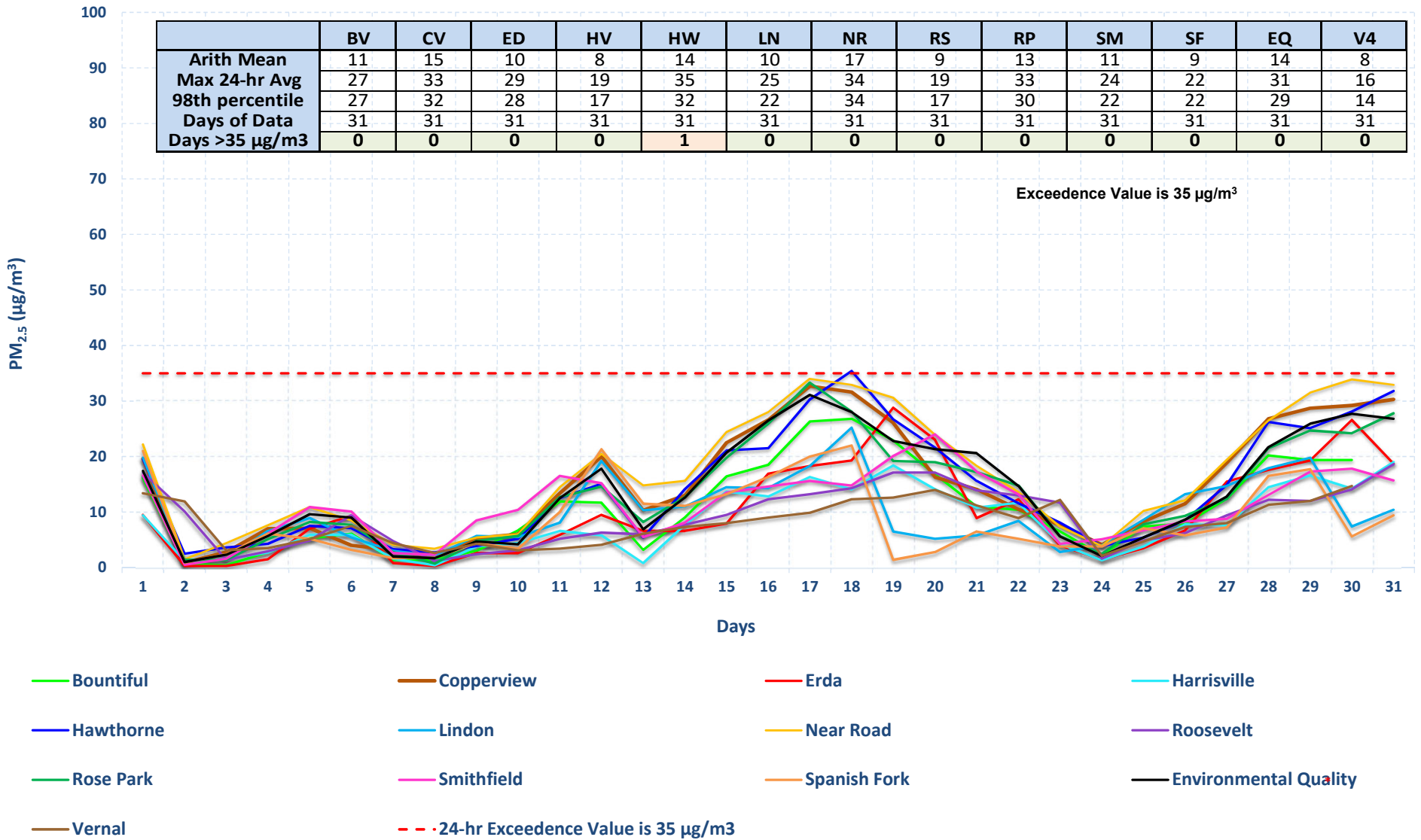


- Bountiful
- Copperview
- Erda
- Harrisville
- Hawthorne
- Lindon
- Near Road
- Roosevelt
- Rose Park
- Smithfield
- Spanish Fork
- Environmental Quality
- Vernal
- - - 24-hr Exceedence Value is 35 µg/m³

* Environmental Quality (EQ) previously named Technical Support Center (TSC)

Utah 24-Hr PM_{2.5} Data December 2023

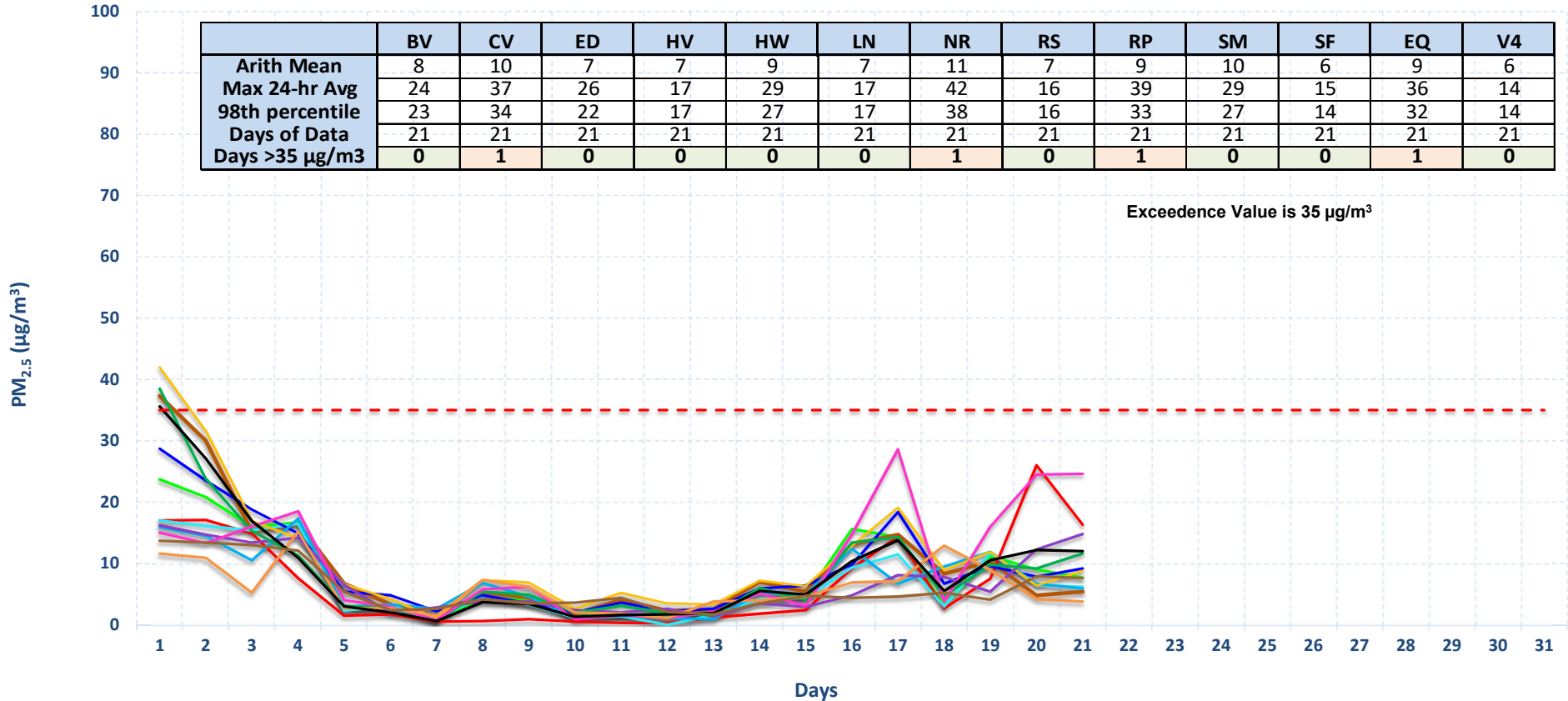
	BV	CV	ED	HV	HW	LN	NR	RS	RP	SM	SF	EQ	V4
Arith Mean	11	15	10	8	14	10	17	9	13	11	9	14	8
Max 24-hr Avg	27	33	29	19	35	25	34	19	33	24	22	31	16
98th percentile	27	32	28	17	32	22	34	17	30	22	22	29	14
Days of Data	31	31	31	31	31	31	31	31	31	31	31	31	31
Days >35 µg/m ³	0	0	0	0	1	0	0	0	0	0	0	0	0



* Environmental Quality (EQ) previously named Technical Support Center (TSC)

Utah 24-Hr PM_{2.5} Data January 2024

	BV	CV	ED	HV	HW	LN	NR	RS	RP	SM	SF	EQ	V4
Arith Mean	8	10	7	7	9	7	11	7	9	10	6	9	6
Max 24-hr Avg	24	37	26	17	29	17	42	16	39	29	15	36	14
98th percentile	23	34	22	17	27	17	38	16	33	27	14	32	14
Days of Data	21	21	21	21	21	21	21	21	21	21	21	21	21
Days >35 µg/m ³	0	1	0	0	0	0	1	0	1	0	0	1	0



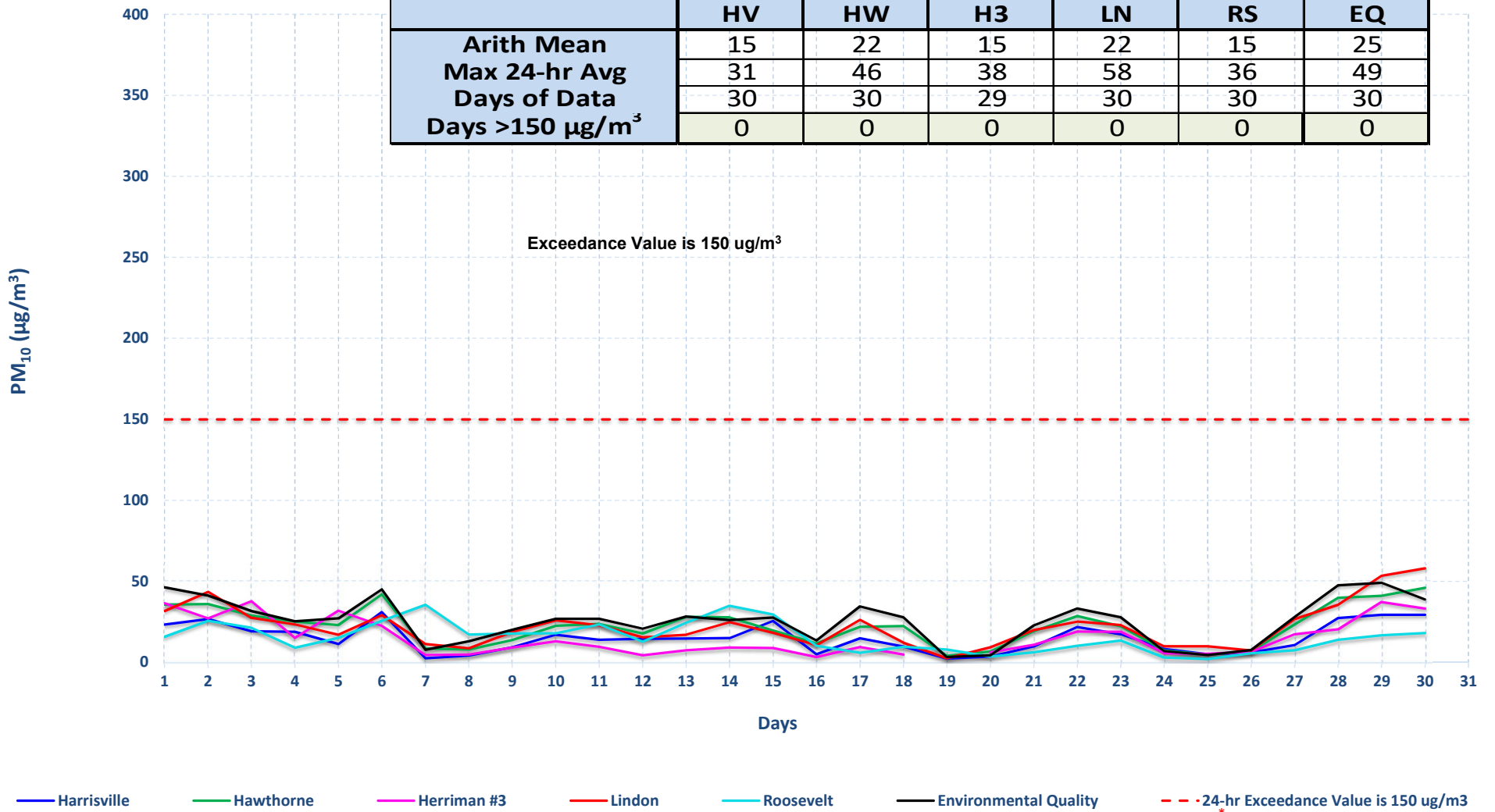
Exceedence Value is 35 µg/m³

- Bountiful
- Copperview
- Erda
- Harrisville
- Hawthorne
- Lindon
- Near Road
- Roosevelt
- Rose Park
- Smithfield
- Spanish Fork
- Environmental Quality
- Vernal
- - - 24-hr Exceedence Value is 35 µg/m³

* Environmental Quality (EQ) previously named Technical Support Center (TSC)

Utah 24-hr PM₁₀ Data November 2023

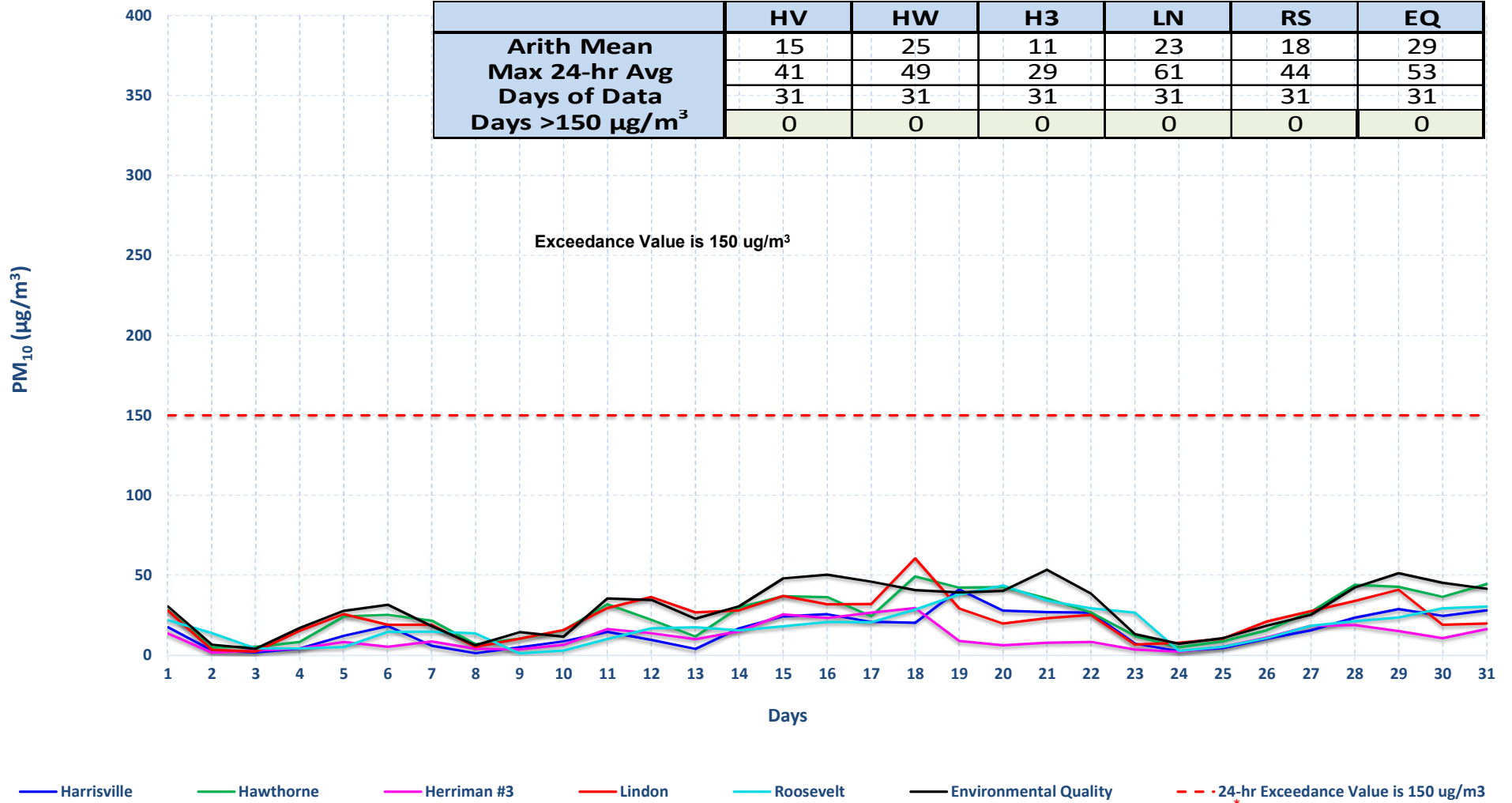
	HV	HW	H3	LN	RS	EQ
Arith Mean	15	22	15	22	15	25
Max 24-hr Avg	31	46	38	58	36	49
Days of Data	30	30	29	30	30	30
Days >150 µg/m³	0	0	0	0	0	0



* Environmental Quality (EQ) previously named Technical Support Center (TSC)

Utah 24-hr PM₁₀ Data December 2023

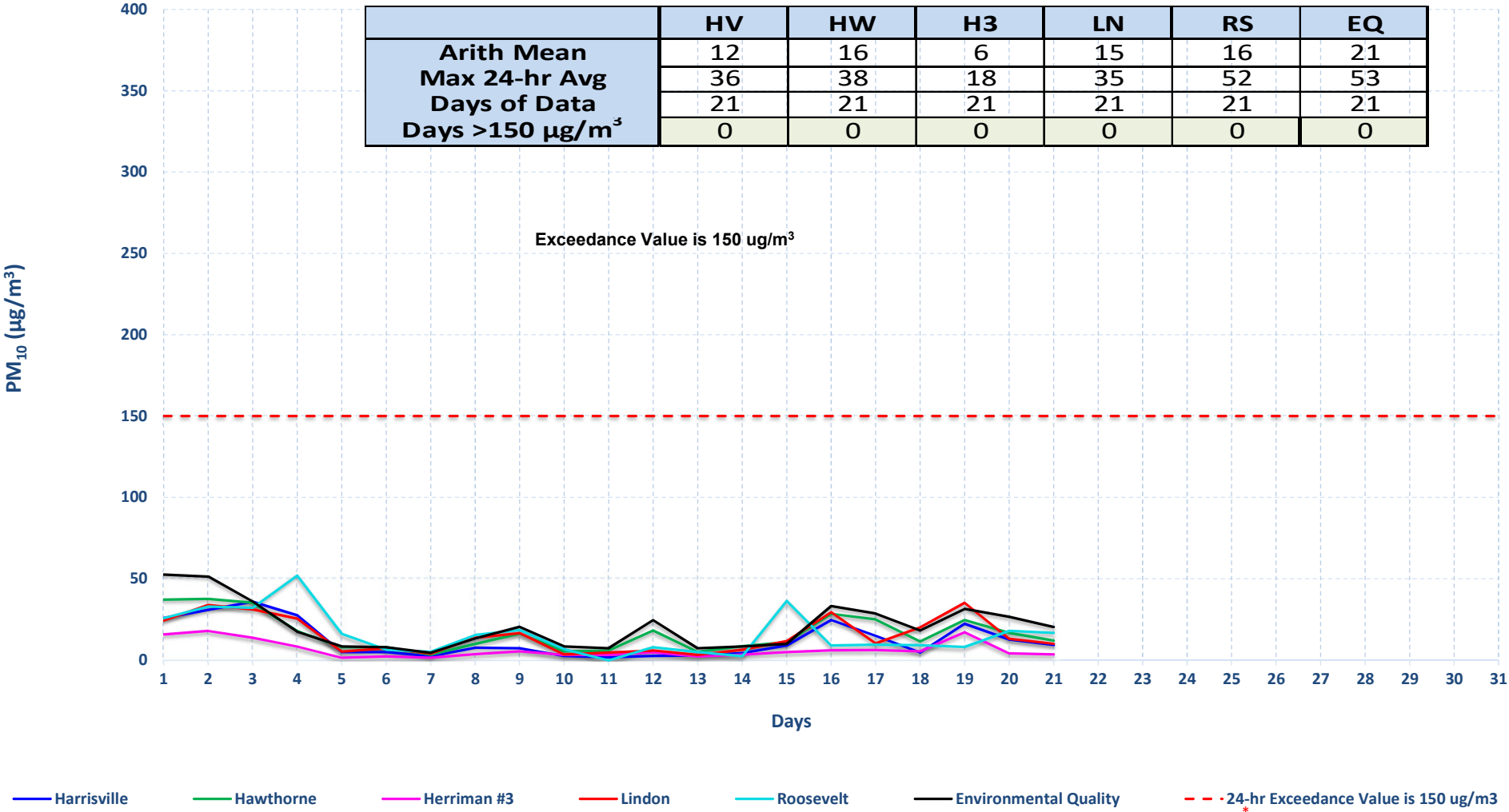
	HV	HW	H3	LN	RS	EQ
Arith Mean	15	25	11	23	18	29
Max 24-hr Avg	41	49	29	61	44	53
Days of Data	31	31	31	31	31	31
Days >150 µg/m³	0	0	0	0	0	0



* Environmental Quality (EQ) previously named Technical Support Center (TSC)

Utah 24-hr PM₁₀ Data January 2024

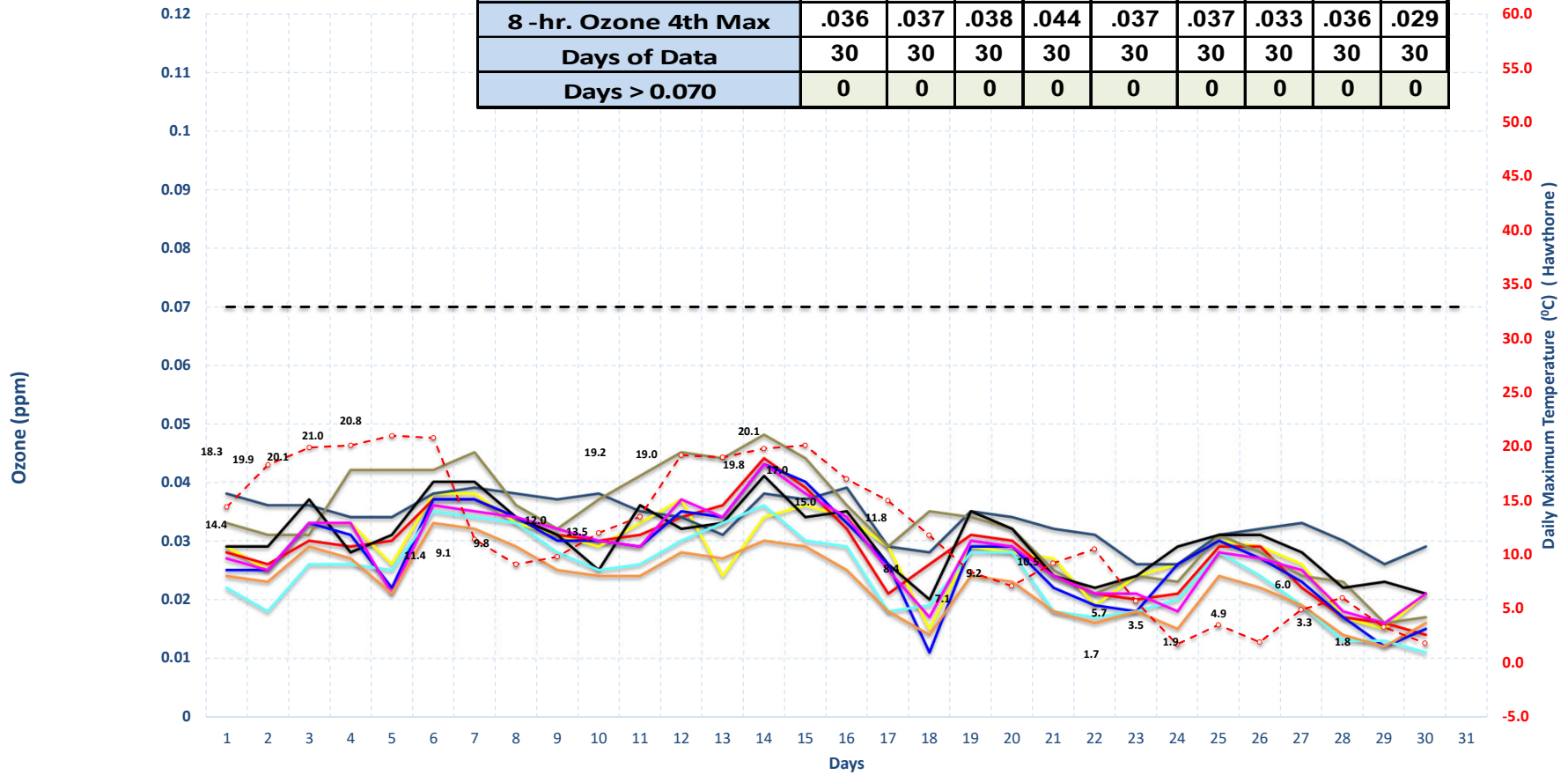
	HV	HW	H3	LN	RS	EQ
Arith Mean	12	16	6	15	16	21
Max 24-hr Avg	36	38	18	35	52	53
Days of Data	21	21	21	21	21	21
Days >150 µg/m³	0	0	0	0	0	0



* Environmental Quality (EQ) previously named Technical Support Center (TSC)

Highest 8-hr Ozone Concentration & Daily Maximum Temperature November 2023

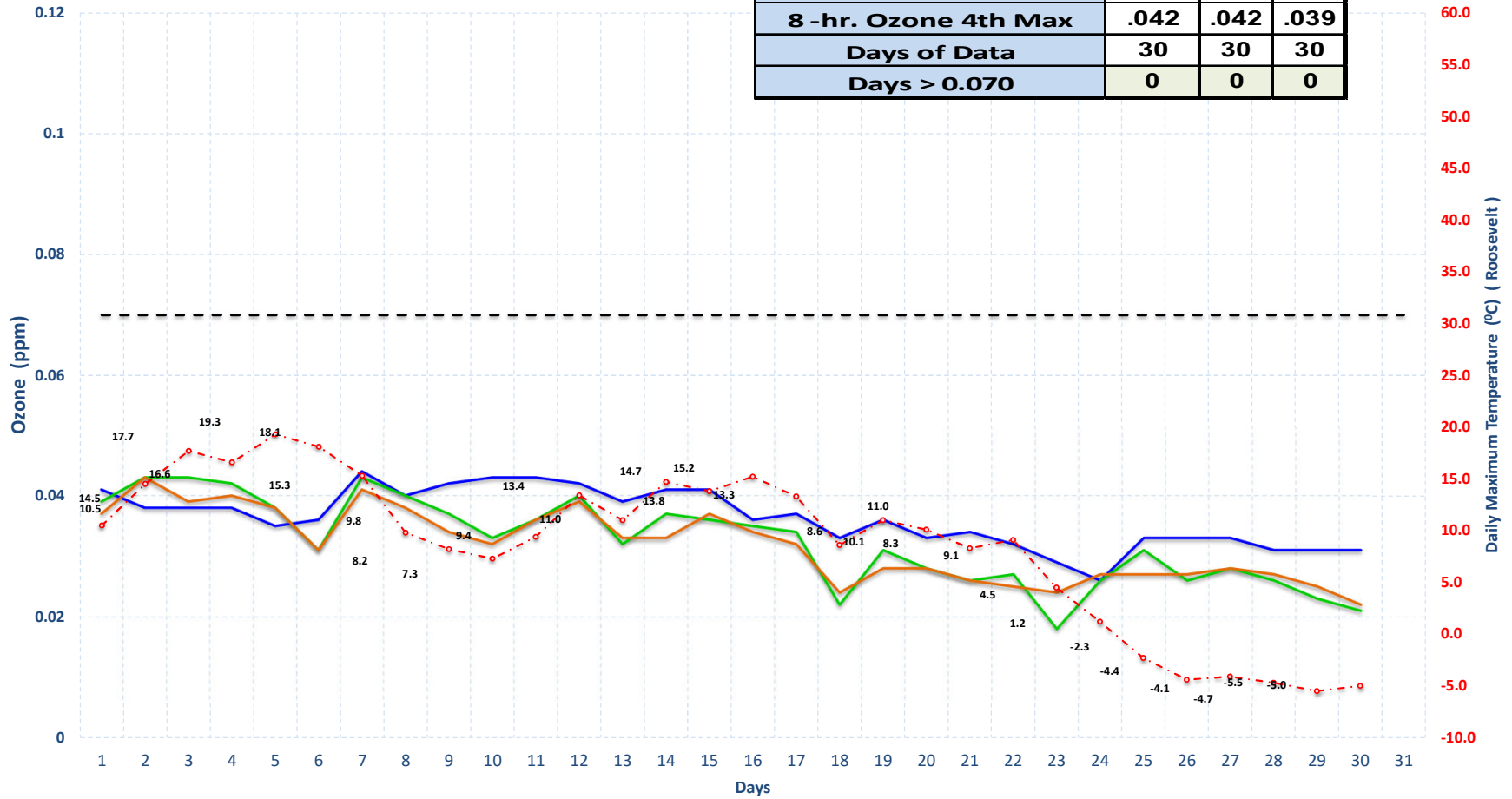
	BV	CV	ED	H3	HV	HW	NR	RP	EQ
Arith Mean	.028	.028	.033	.033	.030	.027	.024	.028	.023
8 -hr. Ozone 4th Max	.036	.037	.038	.044	.037	.037	.033	.036	.029
Days of Data	30	30	30	30	30	30	30	30	30
Days > 0.070	0	0	0	0	0	0	0	0	0



* Environmental Quality (EQ) previously named Technical Support Center (TSC)
 ** Controlling Monitor

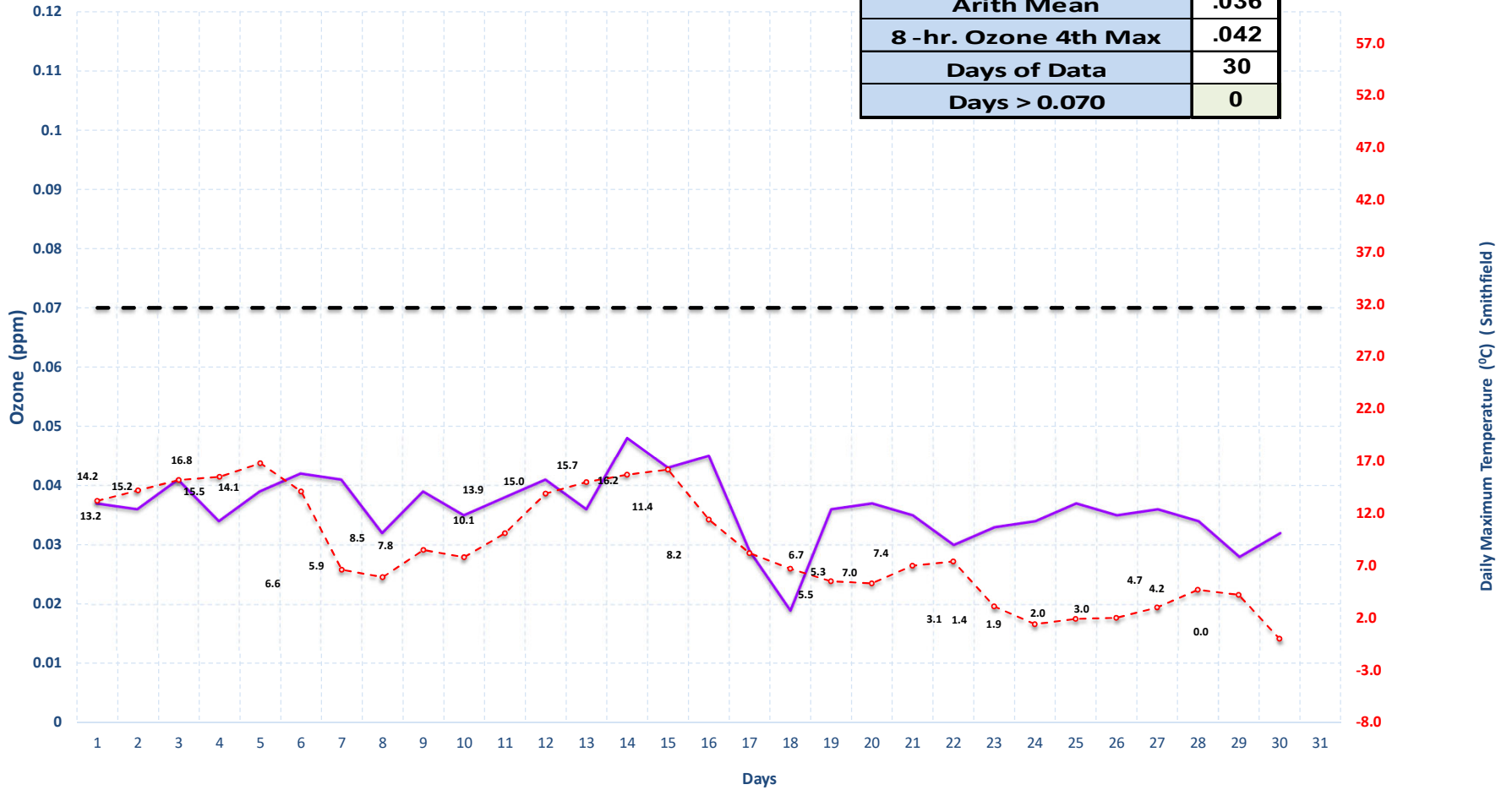
Highest 8-hr Ozone Concentration & Daily Maximum Temperature November 2023

	P2	RS	V4
Arith Mean	.036	.032	.032
8-hr. Ozone 4th Max	.042	.042	.039
Days of Data	30	30	30
Days > 0.070	0	0	0



Highest 8-hr Ozone Concentration & Daily Maximum Temperature November 2023

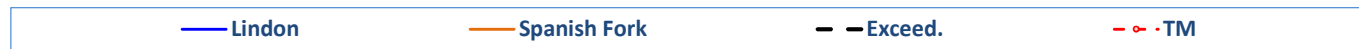
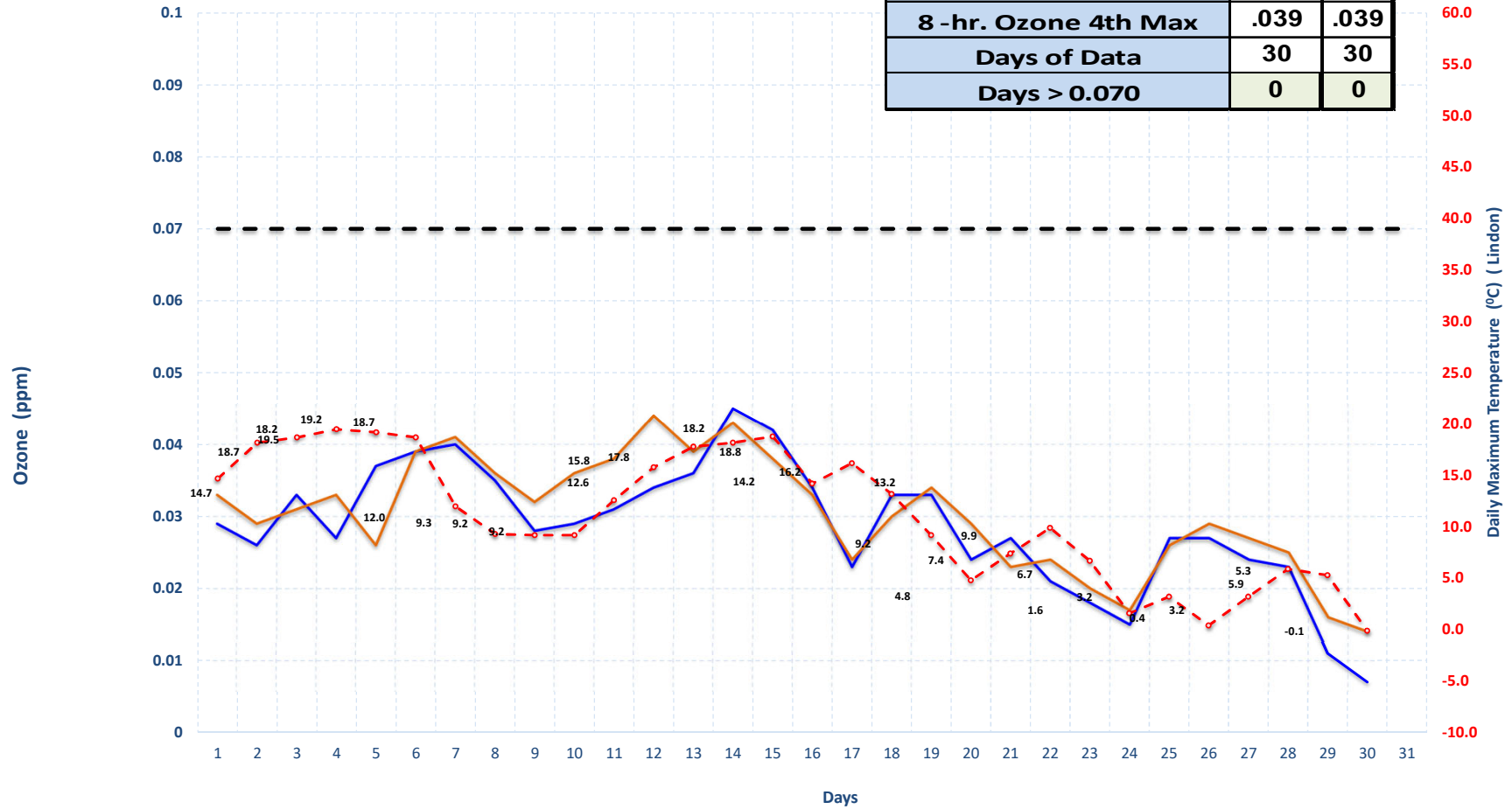
	SM
Arith Mean	.036
8-hr. Ozone 4th Max	.042
Days of Data	30
Days > 0.070	0



— Smithfield - - Exceed. - - - TM

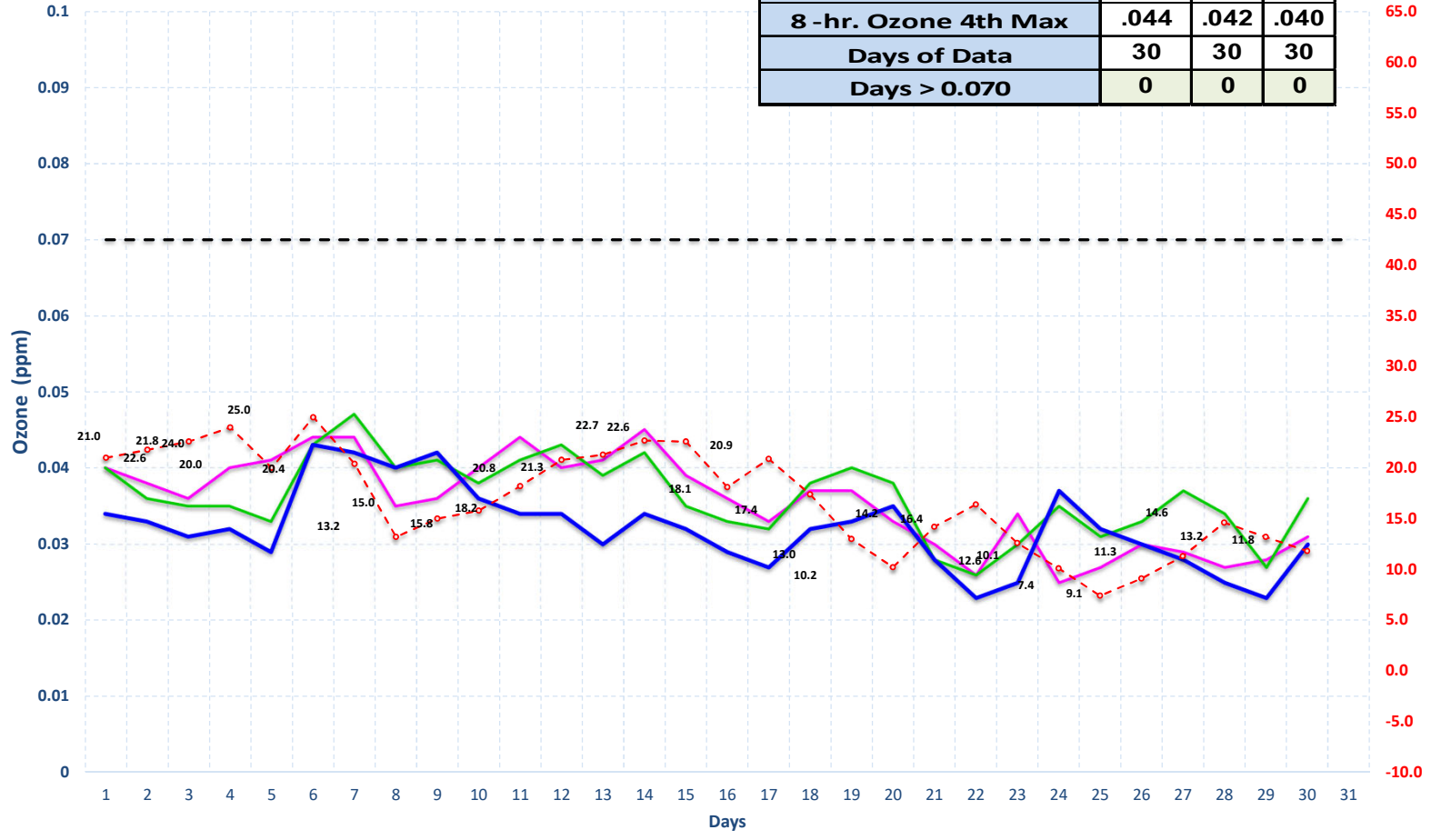
Highest 8-hr Ozone Concentration & Daily Maximum Temperature November 2023

	LN	SF
Arith Mean	.029	.030
8-hr. Ozone 4th Max	.039	.039
Days of Data	30	30
Days > 0.070	0	0



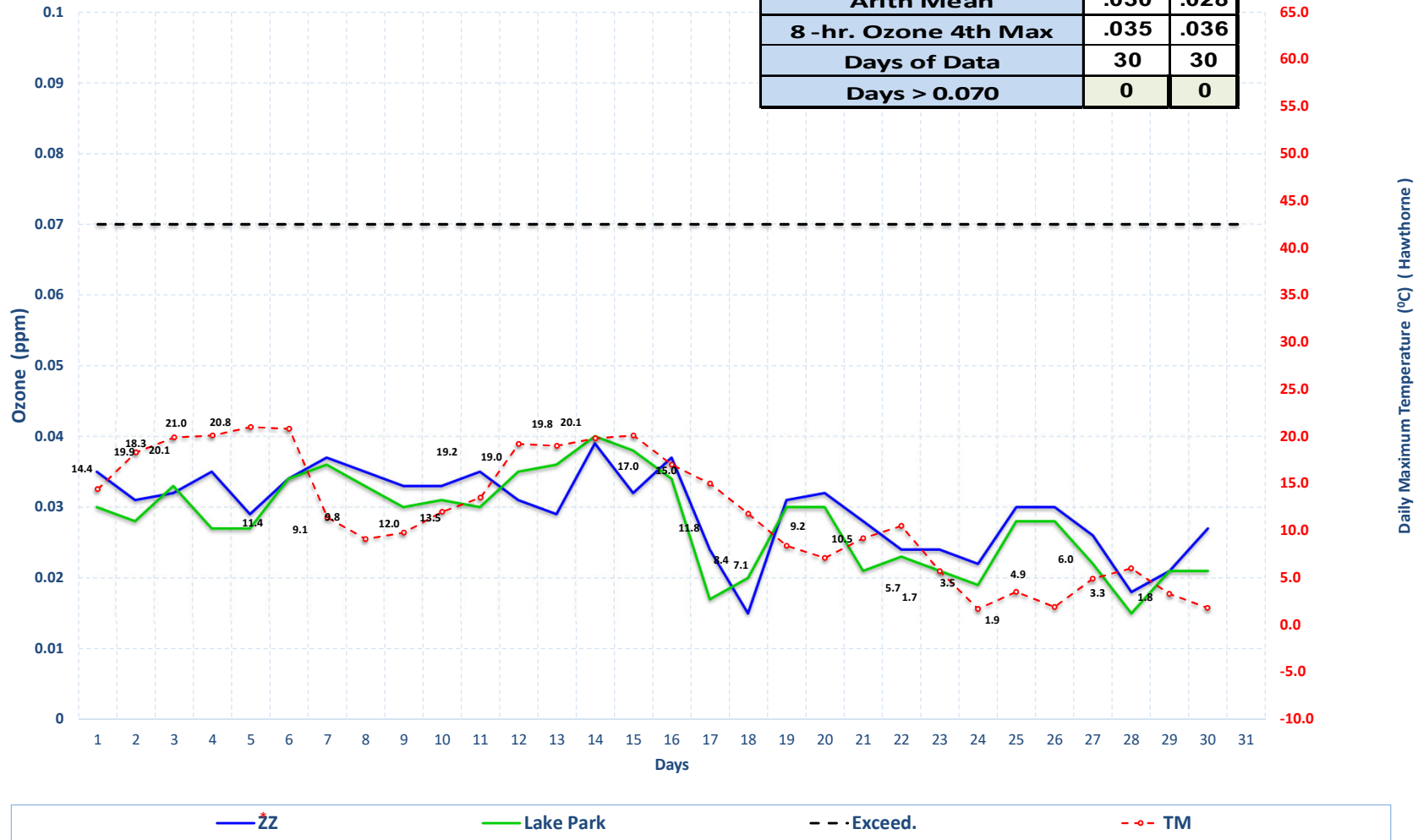
Highest 8-hr Ozone Concentration & Daily Maximum Temperature November 2023

	EN	HC	M7
Arith Mean	.036	.036	.032
8-hr. Ozone 4th Max	.044	.042	.040
Days of Data	30	30	30
Days > 0.070	0	0	0



Highest 8-hr Ozone Concentration & Daily Maximum Temperature November 2023 Stations monitoring the Inland Port development

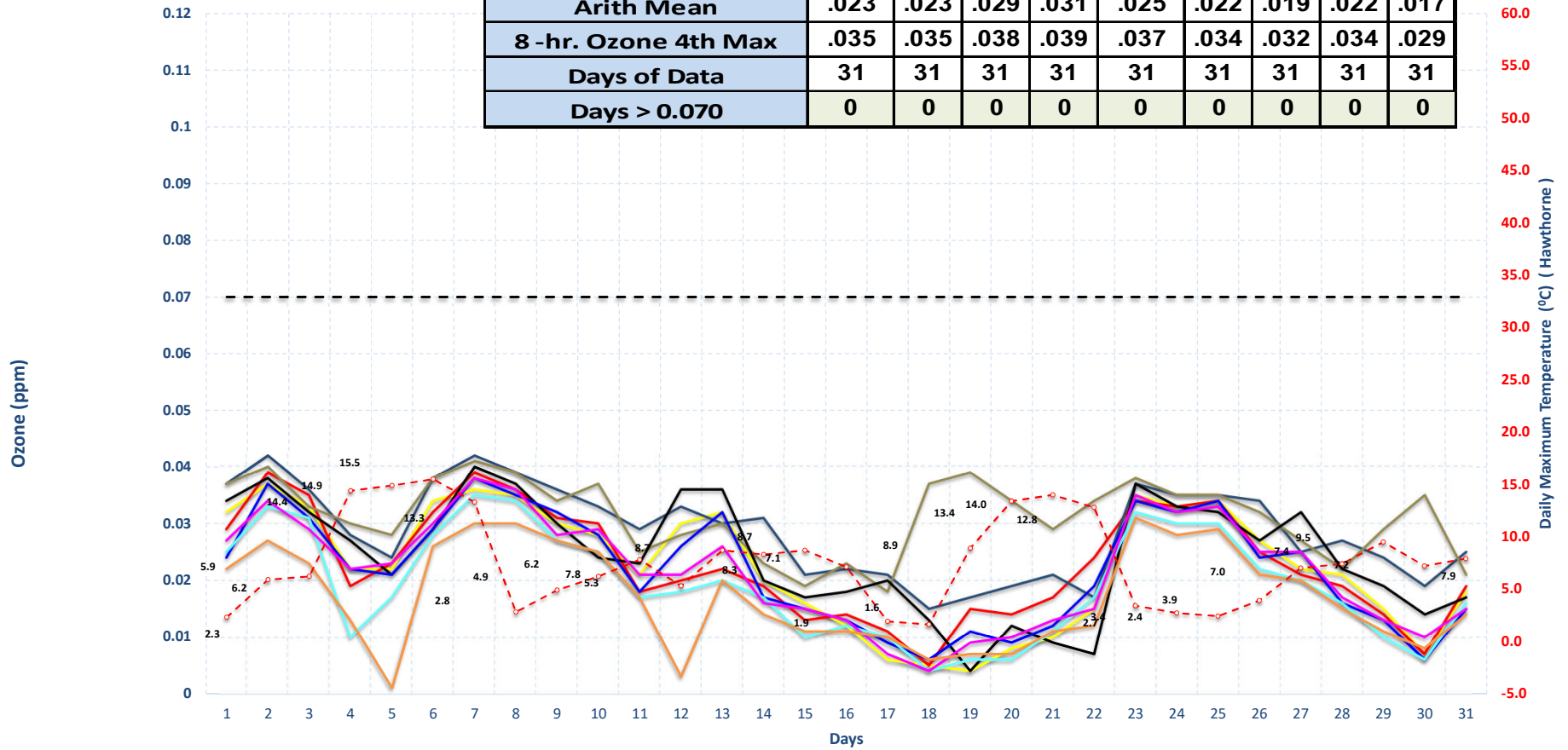
	ZZ	LP
Arith Mean	.030	.028
8-hr. Ozone 4th Max	.035	.036
Days of Data	30	30
Days > 0.070	0	0



* ZZ is located at the New Utah State Prison (1480 North 8000 West, SLC).
This site was previously named IP

Highest 8-hr Ozone Concentration & Daily Maximum Temperature December 2023

	BV	CV	ED	H3	HV	HW	NR	RP	EQ
Arith Mean	.023	.023	.029	.031	.025	.022	.019	.022	.017
8-hr. Ozone 4th Max	.035	.035	.038	.039	.037	.034	.032	.034	.029
Days of Data	31	31	31	31	31	31	31	31	31
Days > 0.070	0	0	0	0	0	0	0	0	0



— Bountiful
 — Copperview
 — Erda
 — Herriman #3
 — Harrisville
 — Hawthorne
 — Near Road
 — Rose Park
 — Environmental Quality
 - - - Exceed.
 - - - TM

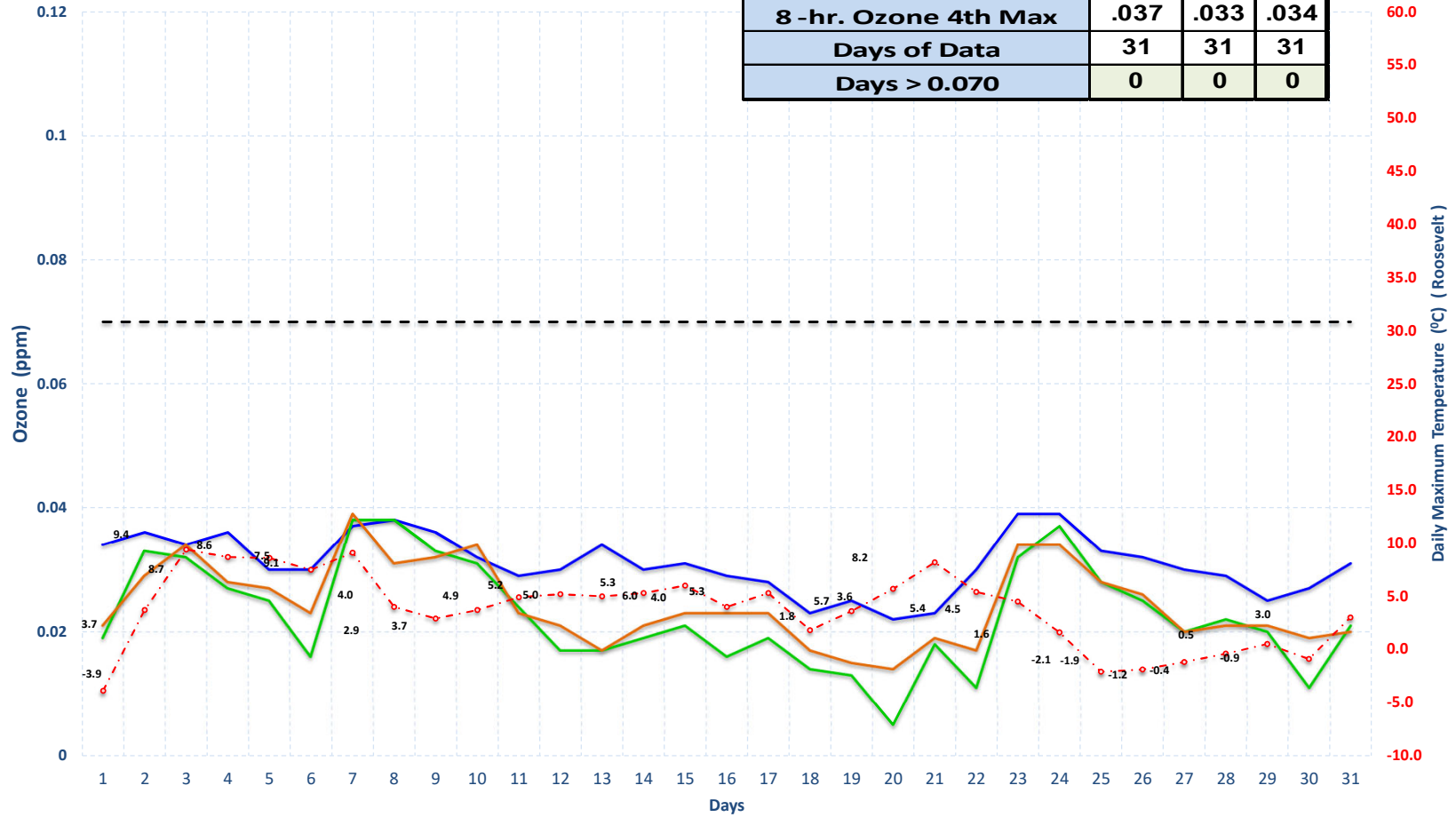
*

* Environmental Quality (EQ) previously named Technical Support Center (TSC)

** Controlling Monitor

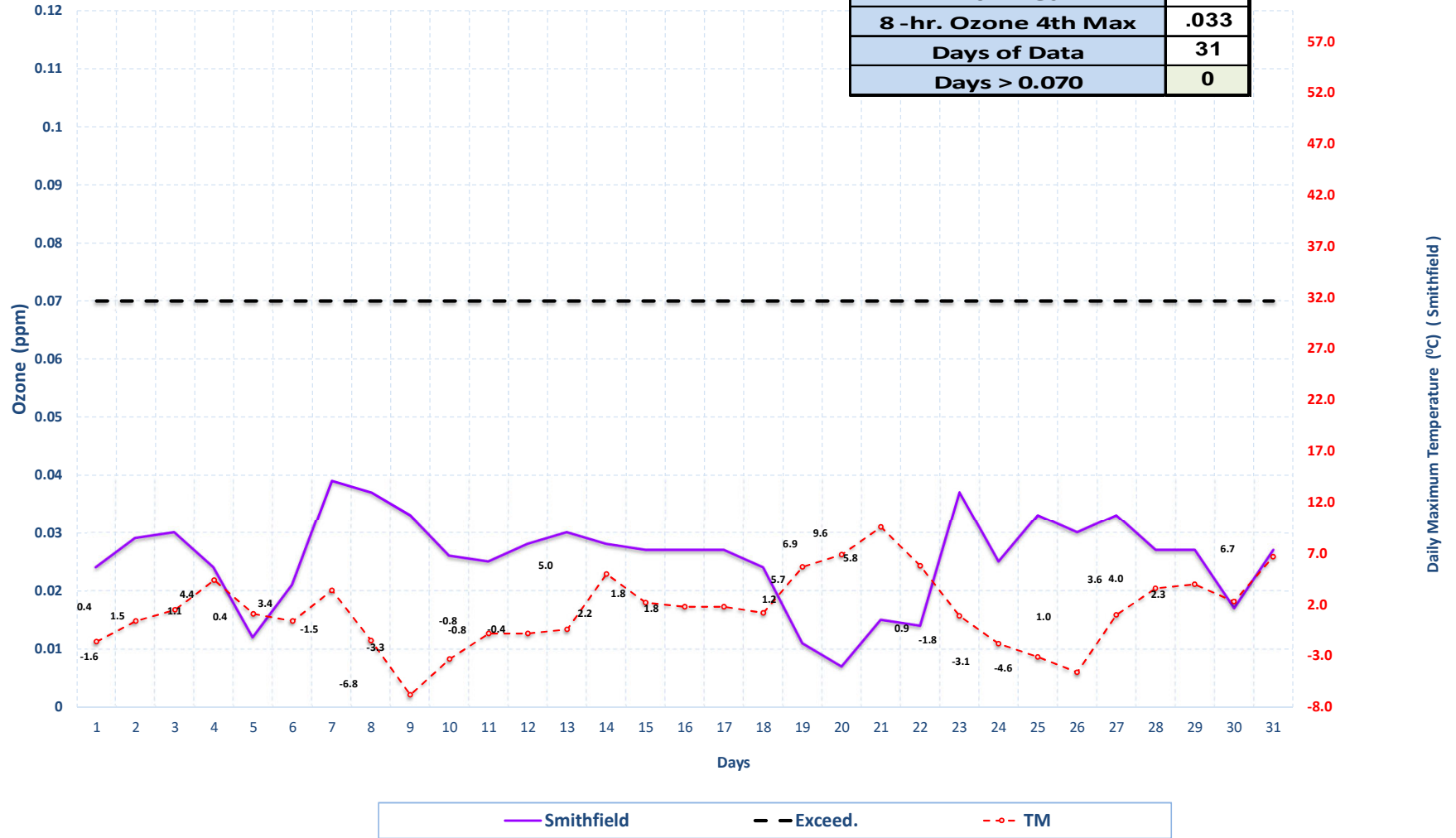
Highest 8-hr Ozone Concentration & Daily Maximum Temperature December 2023

	P2	RS	V4
Arith Mean	.031	.023	.024
8-hr. Ozone 4th Max	.037	.033	.034
Days of Data	31	31	31
Days > 0.070	0	0	0



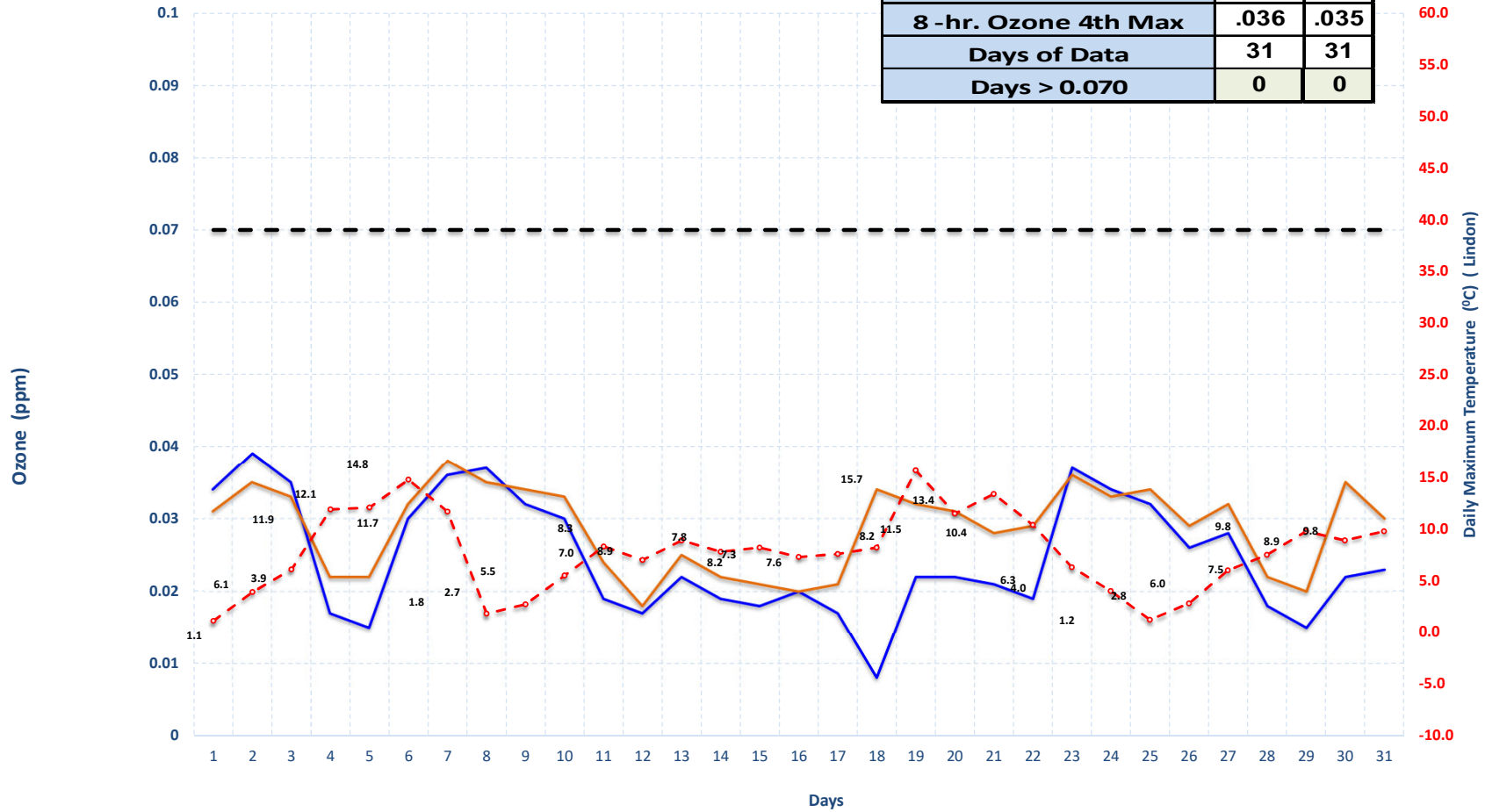
Highest 8-hr Ozone Concentration & Daily Maximum Temperature December 2023

	SM
Arith Mean	.026
8-hr. Ozone 4th Max	.033
Days of Data	31
Days > 0.070	0



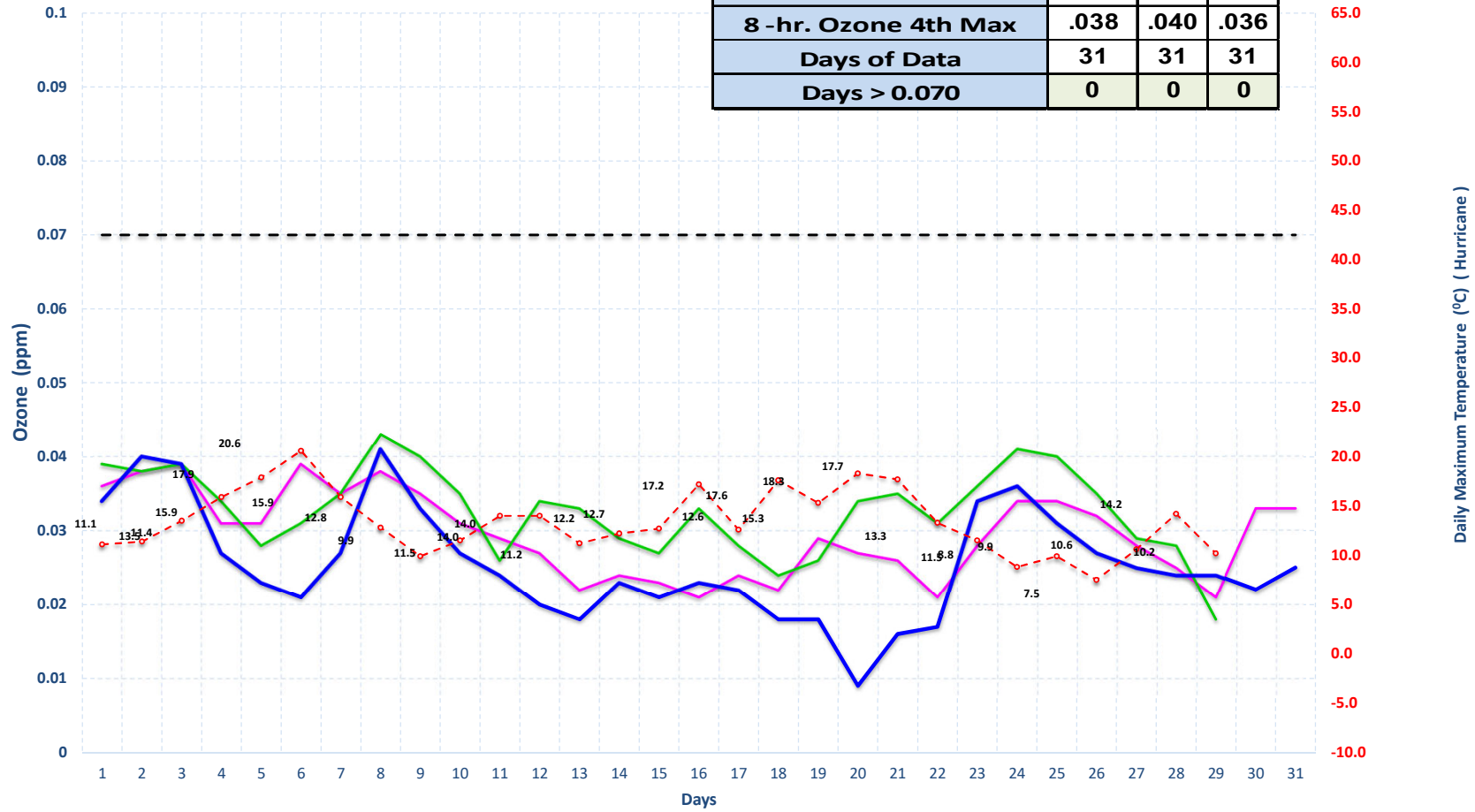
Highest 8-hr Ozone Concentration & Daily Maximum Temperature December 2023

	LN	SF
Arith Mean	.025	.029
8-hr. Ozone 4th Max	.036	.035
Days of Data	31	31
Days > 0.070	0	0



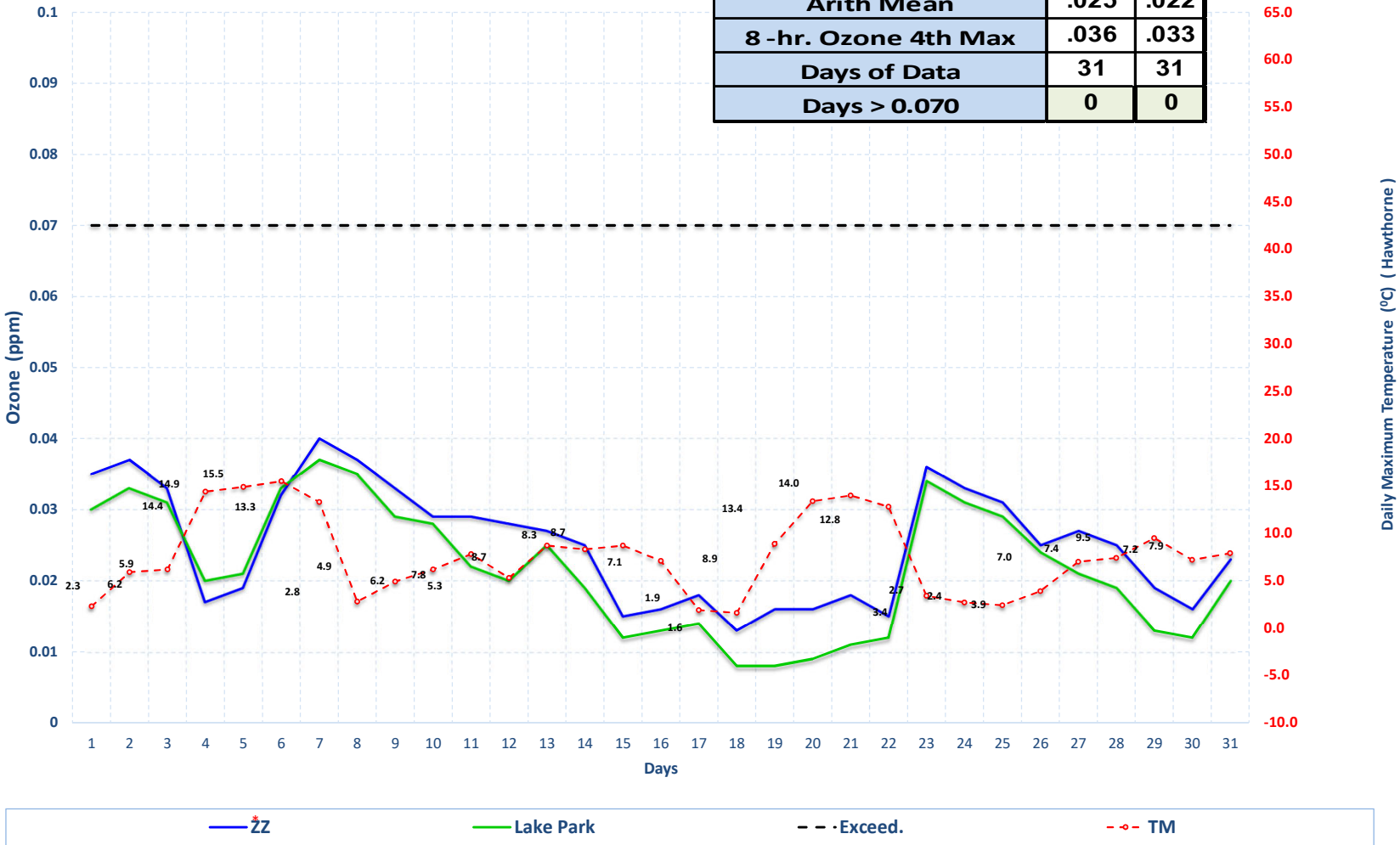
Highest 8-hr Ozone Concentration & Daily Maximum Temperature December 2023

	EN	HC	M7
Arith Mean	.030	.031	.025
8 -hr. Ozone 4th Max	.038	.040	.036
Days of Data	31	31	31
Days > 0.070	0	0	0



Highest 8-hr Ozone Concentration & Daily Maximum Temperature December 2023 Stations monitoring the Inland Port development

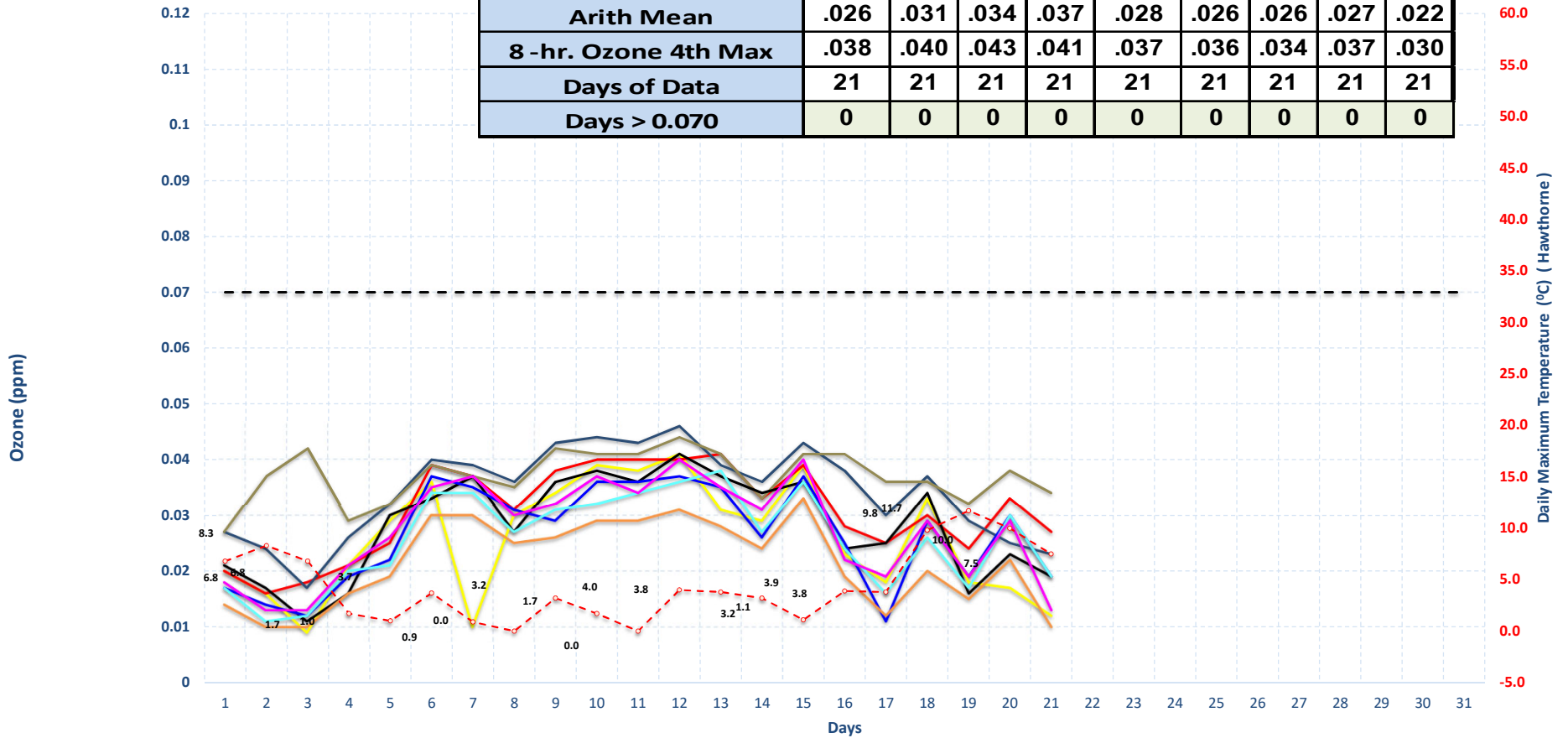
	ZZ	LP
Arith Mean	.025	.022
8 -hr. Ozone 4th Max	.036	.033
Days of Data	31	31
Days > 0.070	0	0



* ZZ is located at the New Utah State Prison (1480 North 8000 West, SLC).
This site was previously named IP

Highest 8-hr Ozone Concentration & Daily Maximum Temperature January 2024

	BV	CV	ED	H3	HV	HW	NR	RP	EQ
Arith Mean	.026	.031	.034	.037	.028	.026	.026	.027	.022
8-hr. Ozone 4th Max	.038	.040	.043	.041	.037	.036	.034	.037	.030
Days of Data	21	21	21	21	21	21	21	21	21
Days > 0.070	0	0	0	0	0	0	0	0	0



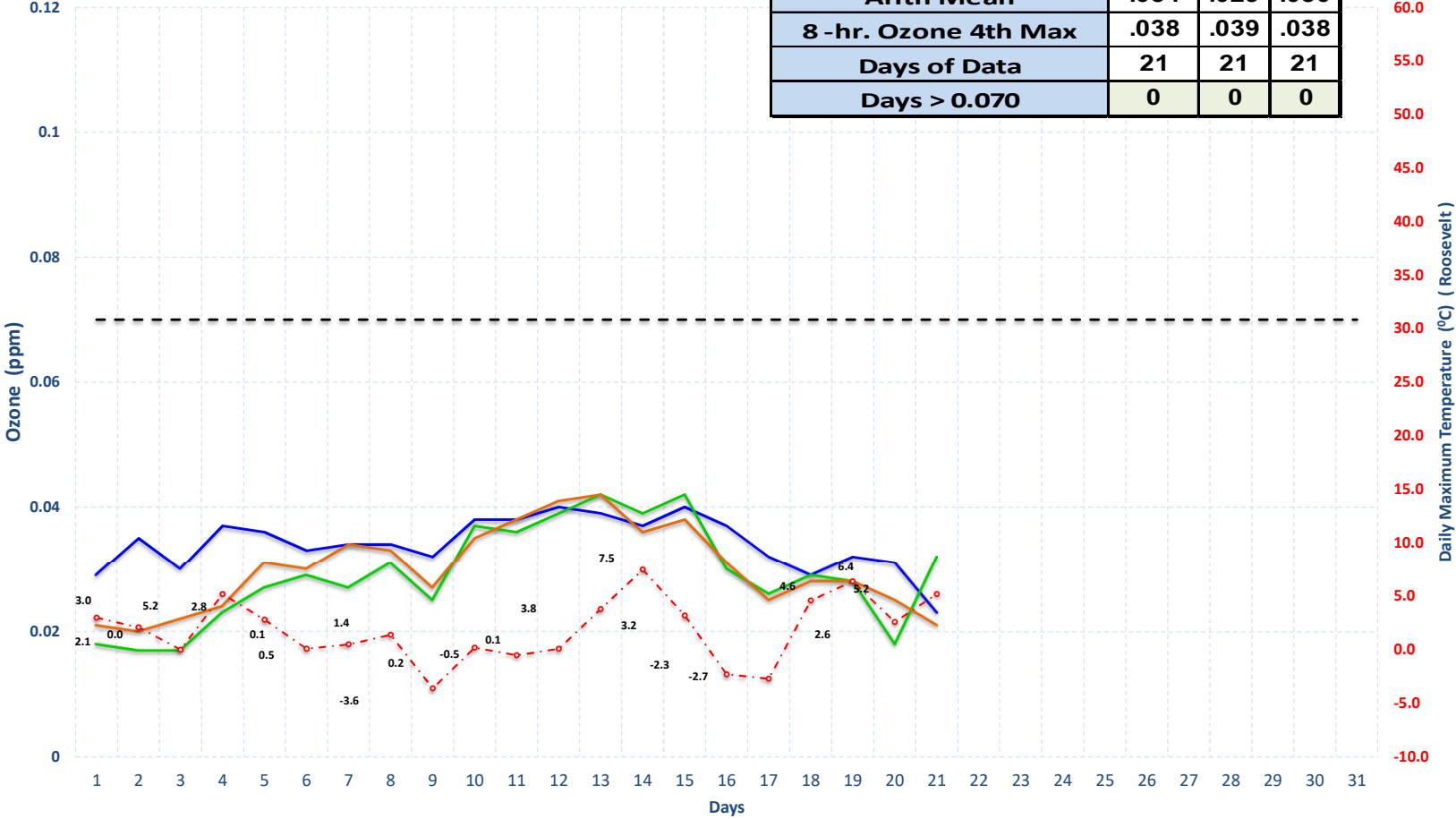
— Bountiful
 — Copperview
 — Erda
 — Herriman #3
 — Harrisville
 — Hawthorne
 — Near Road
 — Rose Park
 — Environmental Quality
 - - - Exceed.
 - - - ○ - - - TM

* Environmental Quality (EQ) previously named Technical Support Center (TSC)

** Controlling Monitor

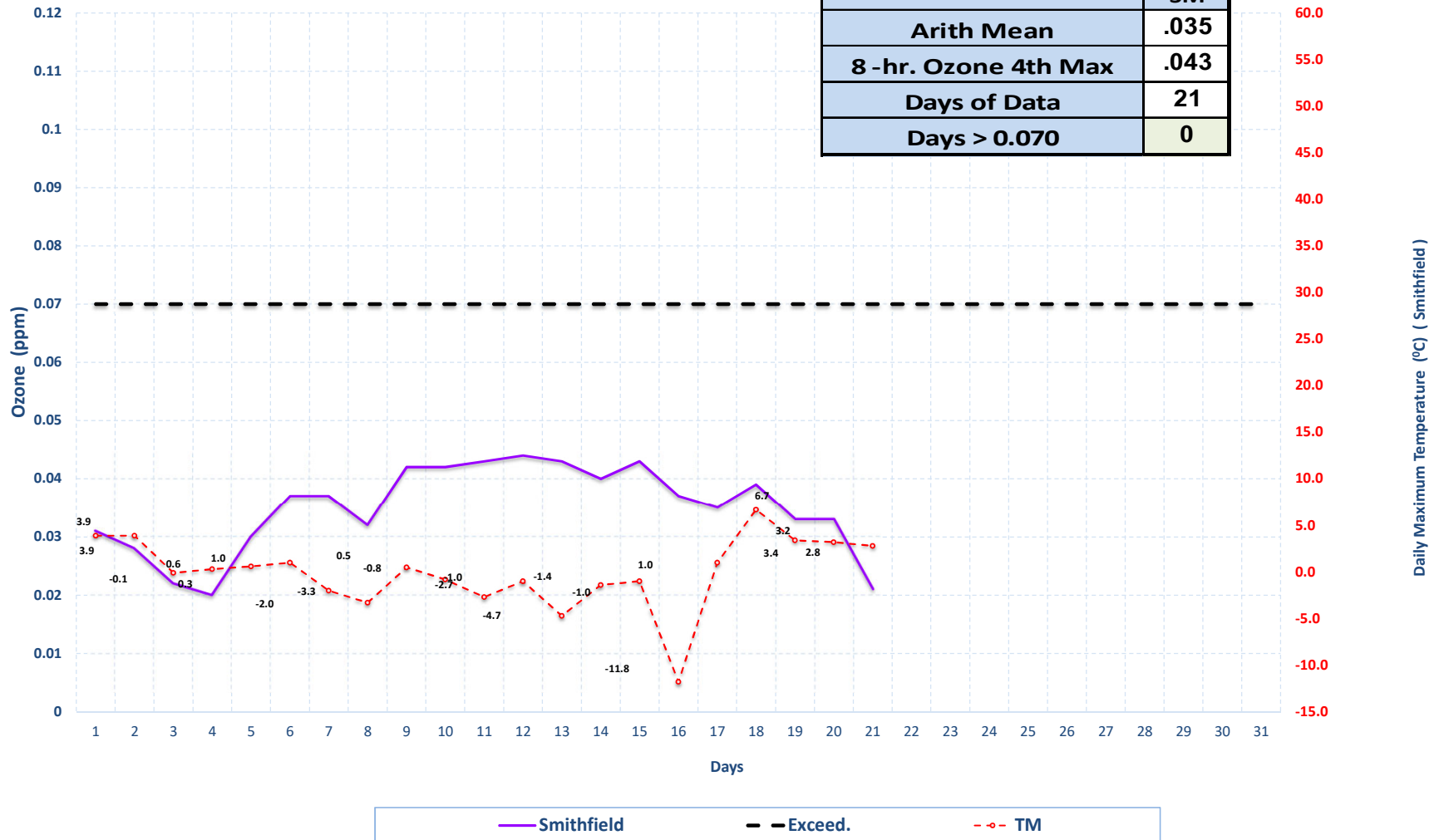
Highest 8-hr Ozone Concentration & Daily Maximum Temperature January 2024

	P2	RS	V4
Arith Mean	.034	.029	.030
8-hr. Ozone 4th Max	.038	.039	.038
Days of Data	21	21	21
Days > 0.070	0	0	0



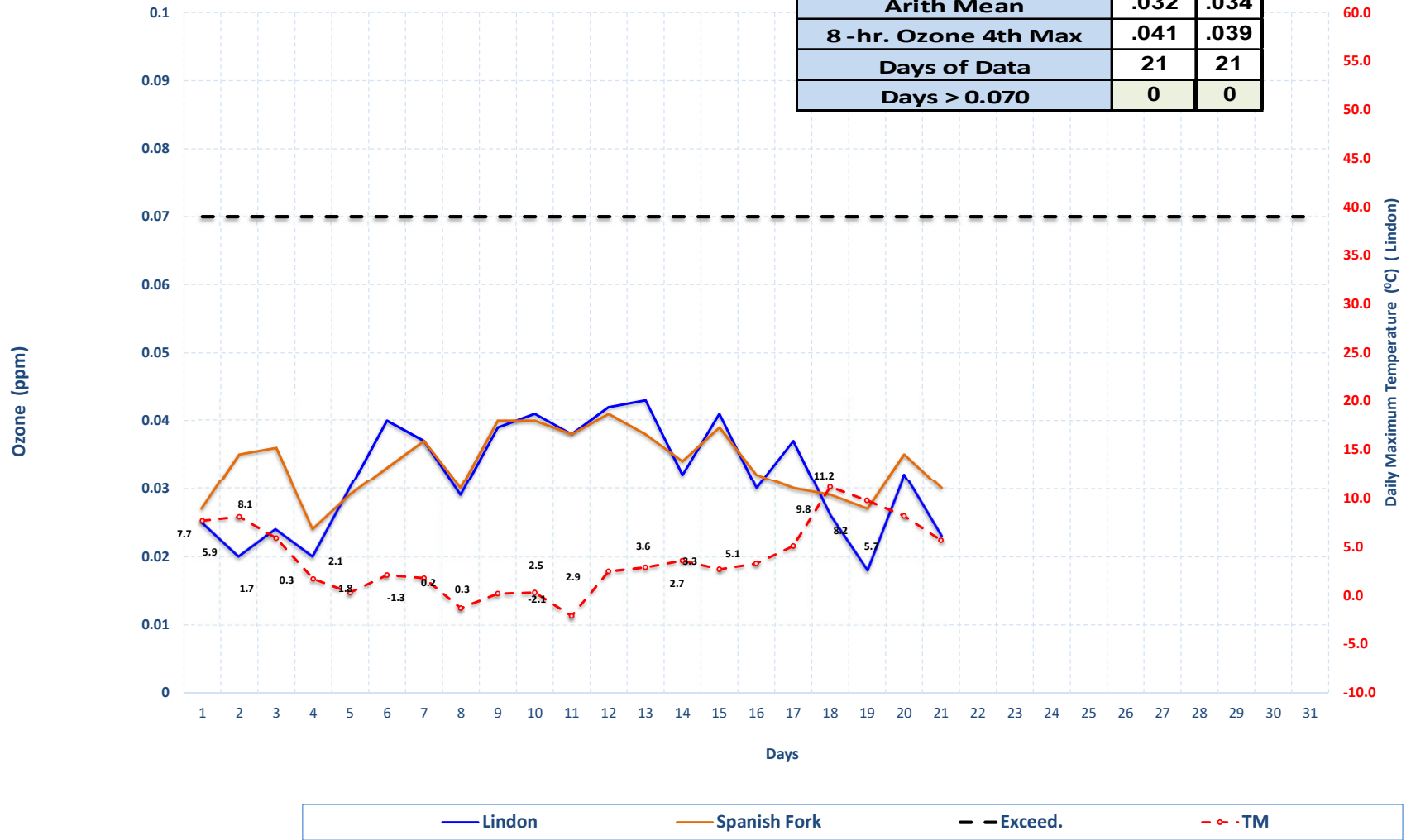
Highest 8-hr Ozone Concentration & Daily Maximum Temperature January 2024

	SM
Arith Mean	.035
8-hr. Ozone 4th Max	.043
Days of Data	21
Days > 0.070	0



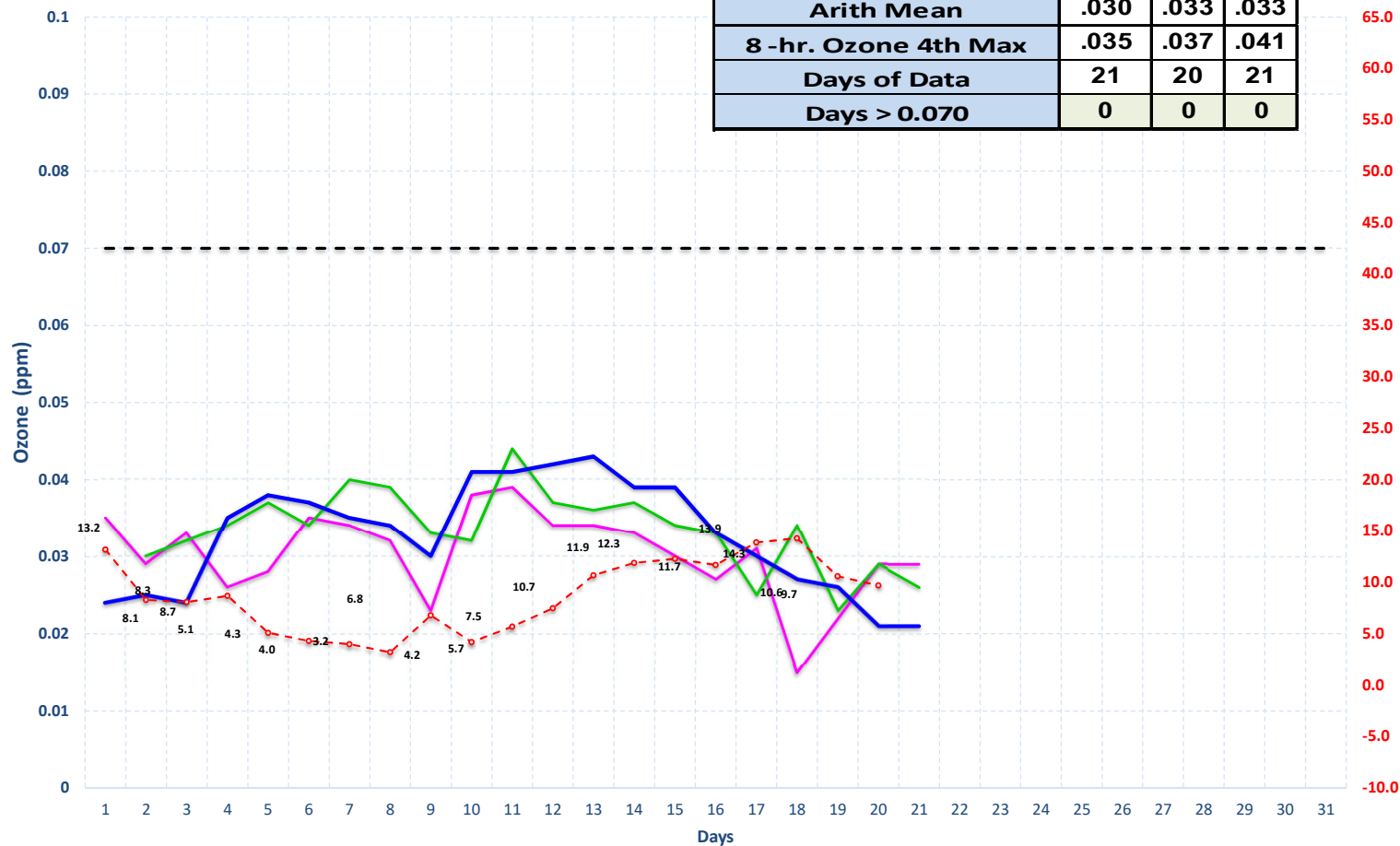
Highest 8-hr Ozone Concentration & Daily Maximum Temperature January 2024

	LN	SF
Arith Mean	.032	.034
8-hr. Ozone 4th Max	.041	.039
Days of Data	21	21
Days > 0.070	0	0



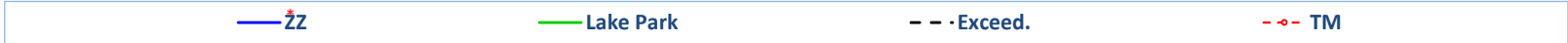
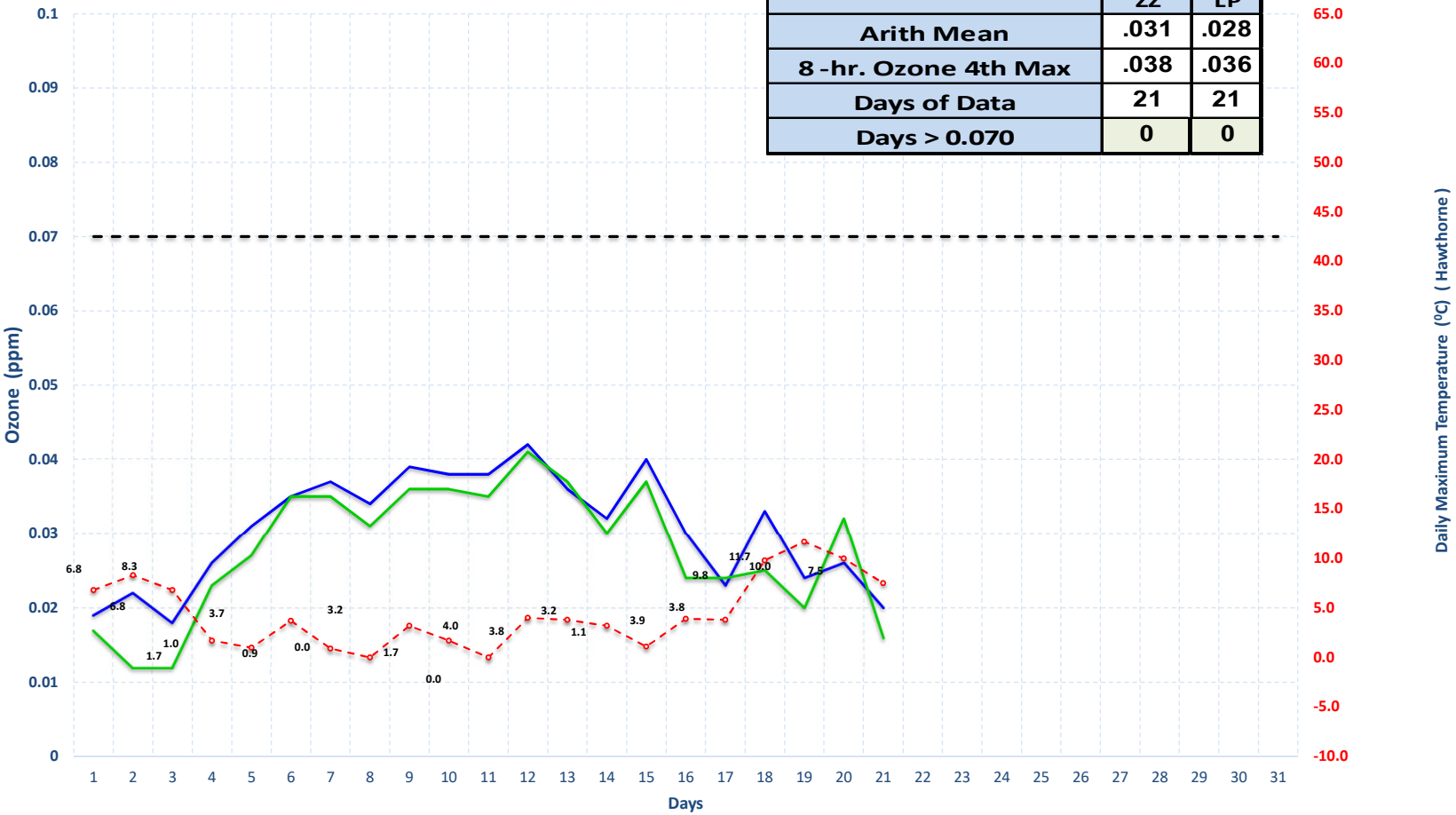
Highest 8-hr Ozone Concentration & Daily Maximum Temperature January 2024

	EN	HC	M7
Arith Mean	.030	.033	.033
8-hr. Ozone 4th Max	.035	.037	.041
Days of Data	21	20	21
Days > 0.070	0	0	0



Highest 8-hr Ozone Concentration & Daily Maximum Temperature January 2024 Stations monitoring the Inland Port development

	ZZ	LP
Arith Mean	.031	.028
8-hr. Ozone 4th Max	.038	.036
Days of Data	21	21
Days > 0.070	0	0



* ZZ is located at the New Utah State Prison (1480 North 8000 West, SLC).
This site was previously named IP