

State of Utah
Administrative Rule Analysis
 Revised June 2022

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New ___; Amendment _X_ ; Repeal ___; Repeal and Reenact ___		
Title No. - Rule No. - Section No.		
Rule or Section Number:	R307-110-17	Filing ID: 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:	SLC, UT 84116	
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
Ryan Bares	801-536-4216	rbares@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R307-110-17. General Requirements: State Implementation Plan
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The Utah Air Quality Board has proposed for public comment amendments to Utah State Implementation Plan (SIP), adding Subsections IX.H.31 and IX.H.32 Emission Limits and Operating Practices to comply with the Clean Air Act Section 182(b)(2) requirements for moderate ozone nonattainment areas. Section R307-110-17 incorporates Subsection IX.H.31 and IX.H.32 into the rule and shall be amended to change the Board adoption date to the anticipated adoption date of the amended plan.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
This rule amendment incorporates new subsections into the Utah State Implementation Plan, including Subsection IX.H.31 and IX.H.32: Emission Limits and Operating Practices into the Utah State Implementation Plan.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule amendment is not expected to create additional costs or savings for the state government because these facilities are already permitted and inspected under existing rules. Inspectors will be able to confirm compliance as part of normal inspection processes.
B) Local governments:
This rule amendment is not expected to impact local governments; therefore no costs or savings are anticipated.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule amendment is not expected to impact small businesses; therefore no costs or savings are anticipated.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The Utah Division of Air Quality anticipates that these changes to the proposed rule will impact three non-small businesses. The impacts are described below. All estimated fiscal impacts were provided by the impacted entities to the Utah Division of Air Quality as part of their Reasonably Available Control Technology analyses.

(1) NOx reduction for Chevron Products Company Salt Lake Refinery (Cost Information from 7/1/18 PM2.5 SIP Evaluation Report and Resubmitted 2/23/23 & 2/24/23). Installation of ultra-low NOx burners on Crude Heaters F21001 and F21002 that meet an emission rate of 0.025 lb/MMBtu (as required in Section IX Part H.32.b.b of the SIP).

F21001:
 Installed Capital Costs: \$720,614
 Annual Costs: \$117,277
 Implementation timeline: May 1, 2026

F21002:
 Installed Capital Costs: \$690,583
 Annual Costs: \$112,389
 Implementation timeline: May 1, 2026

(2) NOx limits for Tesoro Refining & Marketing Company LLC Marathon Refinery (Cost Information from 1/31/23 RACT Analysis). Installation of Selective Catalytic Reduction on two cogeneration turbines with heat recovery steam generation that meet an emission concentration limitation of 2ppmv@ 15%O2 (as required in Section IX Part H.32.j.b of the SIP).

Installed Capital Costs: \$18,263,558
 Annual Costs: \$2,069,462
 Implementation timeline: May 1, 2026

(3) Volatile Organic Compound limits for US Magnesium LLC (Cost Information from 1/31/23 RACT Analysis). Installation of a steam stripper in series with regenerative thermal oxidizer on boron plant process wastewater ponds (as required in Section IX Part H.32.k.a of the SIP).

Installed Capital Costs: \$3,749,632
 Annual Costs: \$5,077,156
 Implementation timeline: October 1, 2024

These numbers were provided by the sources when they submitted their Reasonable Available Control Technologies analyses. Those reports are publicly available for review: <https://deq.utah.gov/air-quality/northern-wasatch-front-moderate-ozone-sip-technical-support-documentation#supporting-tsd>

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule amendment does not apply to persons other than small business, non-small businesses, state, or local government entities, thus no additional costs are expected as a result of these changes to the proposed rule.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

No additional compliance costs are expected as a result of these changes to the proposed rule.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$3,749,632	\$24,749,911
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$3,749,632	\$24,749,911
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	(\$3,749,632)	(\$24,749,911)

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Kimberly D. Shelley, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 19-2-104	U.S.C. Title 42 Chapter 85 Subchapter I Part A Section 7410 (a)(1) 2 (A)	

Incorporations by Reference Information

7. Incorporations by Reference (if this rule incorporates more than two items by reference, please include additional tables):

A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

Official Title of Materials Incorporated (from title page)	Utah State Implementation Plan, Subsection IX.H.31 and IX.H.32: Emission Limits and Operating Practices.
Publisher	Division of Air Quality, Utah Department of Environment Quality
Issue Date	August 2, 2023
Issue or Version	

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 06/15/2023

B) A public hearing (optional) will be held:

On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
05/30/2023	3:00 PM	MASOB-ADMIN-1 1020C & Google Meet joining info Video call link: https://meet.google.com/wuc-wzfo-jso Or dial: (US) +1 440-644-0403 PIN: 635 270 953# More phone numbers: https://tel.meet/wuc-wzfo-jso?pin=5072028120648

9. This rule change MAY become effective on: 08/02/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	03/20/2023
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R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits and Operating Practices, as most recently amended by the Utah Air Quality Board on [~~July 6, 2022~~]August 2, 2023, pursuant to Section 19-2-104, is incorporated by reference and made a part of [~~these rules~~]Rule R307-110.

...

KEY: air pollution, PM10, PM2.5, ozone

Date of Last Change: [~~July 7, 2022~~]August 2, 2023

Notice of Continuation: December 1, 2021

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