

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:	R307-110-13	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. General Requirements: State Implementation Plan
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
<p>The Utah Air Quality Board has proposed for public comment amendments to Utah State Implementation Plan (SIP), adding Subsection IX.D.11 to comply with the Clean Air Act Section 182(b) requirements for moderate ozone nonattainment areas. Section R307-110-13 incorporates Subsection IX.D.11 into the rule and shall be amended to change the Board adoption date to the anticipated adoption date of the amended plan.</p> <p>Additionally, the Utah Air Quality Board is requesting public comment on the following specific items:</p> <ol style="list-style-type: none"> 1) The appropriateness of cost thresholds for Reasonably Available Control Measures (RACM) and Reasonably Available Control Technology (RACT). 2) Whether NO_x controls should be required in the absence of the demonstration of meeting the 15% Volatile Organic Compounds (VOC) reduction required by Reasonable Further Progress (RFP). 3) Appropriateness of timelines requiring controls in the State Implementation Plan (SIP). 4) Whether optional components should be included in the State Implementation Plan (SIP) submission.
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 If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):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 Subsection IX.D.11: 2015 Ozone NAAQS Northern Wasatch Front Moderate Nonattainment Area 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 amendment to Section R307-110-013 is not expected to create additional costs or savings for the state budget since the proposed amendments demonstrate how existing state administrative rules and actions fulfill the Clean Air Act requirements. Any potential fiscal impacts associated with these actions are addressed in a separate and parallel proposed rulemaking amendments for Section R307-110-017.
B) Local governments:
This rule amendment is not expected to impact local governments; therefore, no cost 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 business; therefore, no cost or savings are anticipated.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
 This rule amendment is not expected to impact non-small business; therefore, no cost or savings are anticipated.

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 is not expected to impact persons other than small businesses, non-small businesses, state, or local government entities; therefore, no cost or savings are anticipated.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
 This rule amendment does not impact any entities, and therefore there are no compliance costs.

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	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
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	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Executive Director of the Department of Environmental Quality, Kim 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, Section IX.D.11: 2015 Ozone NAAQS Northern Wasatch Front Moderate Nonattainment Area.
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; <i>if none, leave blank</i>):	
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 <i>Utah State Bulletin</i> 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

R307. Environmental Quality, Air Quality.

R307-110. General Requirements: State Implementation Plan.

R307-110-13. Section IX, Control Measures for Area and Point Sources, Part D, Ozone.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part D, Ozone, as most recently amended by the Utah Air Quality Board on [~~January 3, 2007~~] August 2, 2023, pursuant to Section 19-2-104, is [~~hereby~~] 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