

NOTICE OF
PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Agency Information

1. Agency: Environmental Quality - Air Quality
 Room no.: Fourth Floor
 Building:
 Street address 1: 195 N 1950 W
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84116-3085
 Mailing address 1: PO BOX 144820
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84114-4820

Contact person(s):

Name: Phone: Fax: E-mail:

Mark Berger	801-536-4000	801-536-0085	mberger@utah.gov
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(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Information

DAR file no: 39167 Date filed: 03/04/2015 04:19 PM
 State Admin Rule Filing Key: 156027
 Utah Admin. Code ref. (R no.): R 307 - 110 - 17
 Changed to Admin. Code ref. (R no.): - -

Title

2. Title of rule or section (catchline):
 General Requirements: State Implementation Plan, Section IX, Control Measures for Area and Point Sources

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:

On October 1, 2014, the Air Quality Board proposed adding new sections IX.H.21 and 22, Control Measures for Area and Point Sources, Emission Limits and Operating Practices, Regional Haze Requirements, to the state implementation plan (SIP). The amendments to the SIP were proposed because on 12/14/2012, the EPA approved the majority of Utah's Regional Haze SIP (RH SIP), but disapproved Utah's Best Available Retrofit Technology (BART) determinations for NOx and particulate matter (PM) for PacifiCorp's Hunter Unit 1, Hunter Unit 2, Huntington Unit 1, and Huntington Unit 2 that were adopted by the Air Quality Board in 2008. Specifically, EPA determined that the approval orders and operating permits for PacifiCorp's Hunter and Huntington plants were not practicably enforceable. A public comment period for the proposed SIP amendments was held from November 1 through December 22, 2014, and a number of public comments were received. After reviewing the comments and consulting with EPA, Division of Air Quality staff determined that an alternative to BART approach that considers the additional emission reductions due to the expected closure of the PacifiCorp Carbon plant and controls installed on PacifiCorp Hunter Unit 3 in 2008 would both be approvable by EPA and also provide greater reasonable progress towards improved visibility at Utah's Class I areas. Because Section R307-110-17 is the section that incorporates by reference the latest version of SIP Section IX, Part H (the SIP section that establishes enforceable emission limits), the rule needs to be amended as well.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

No

Rule Summary

6. Summary of the rule or change:

Two new sections are added to Part H of the SIP to include enforceable conditions and emission limitations for the alternative to BART for PacifiCorp Hunter Unit 1, PacifiCorp Hunter Unit 2, PacifiCorp Hunter Unit 3, PacifiCorp Huntington Unit 1, PacifiCorp Huntington Unit 2, and the PacifiCorp Carbon plants.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

The emission limits in Part H are already enforceable under approval orders; therefore, there are no anticipated costs or savings to the state budget.

B) Local government:

Affected: No

The new sections of Part H only apply to PacifiCorp plants; therefore, there are no anticipated costs or savings to local governments.

C) Small businesses:

Affected: No

("small business" means a business employing fewer than 50 persons)

The new sections of Part H only apply to PacifiCorp plants; therefore, there are no anticipated costs or savings to small businesses.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

The new sections of Part H only apply to PacifiCorp plants; therefore, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

Compliance Cost Information

8. Compliance costs for affected persons:

The enforceable conditions and emission limitations for the alternative to BART for PacifiCorp Hunter Unit 1, PacifiCorp Hunter Unit 2, PacifiCorp Hunter Unit 3, PacifiCorp Huntington Unit 1, and PacifiCorp Huntington Unit 2 should not result in any additional compliance costs as the limits are already established in PacifiCorp's approval orders and operating permits. Likewise, the requirement to close the PacifiCorp Carbon plant should not result in any additional compliance costs as PacifiCorp has already announced the closure of that plant.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

The enforceable conditions and emission limitations for the alternative to BART for PacifiCorp Hunter Unit 1, PacifiCorp Hunter Unit 2, PacifiCorp Hunter Unit 3, PacifiCorp Huntington Unit 1, and PacifiCorp Huntington Unit 2 should not have a fiscal impact on businesses as the limits are already established in PacifiCorp's approval orders and operating permits. Likewise, the requirement to close the PacifiCorp Carbon plant should not have a fiscal impact on businesses as PacifiCorp has already announced the closure of that plant.

B) Name and title of department head commenting on the fiscal impacts:

Amanda Smith, Executive Director

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :
19-2-104(3)(e)

Incorporated Materials

11. 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 DAR; if none, leave blank) :

Official Title of Materials Incorporated: State Implementation Plan, Section IX, Control Measures for Area and
(from title page): Point Sources, Part H, Emissions Limits
Publisher: State of Utah, Division of Air Quality
Date Issued:
Issue, or version: 06/03/2015
ISBN Number:
ISSN Number:
Cost of Incorporated Reference:
Adds, updates, removes: Updates

Comments

12. 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. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 05/01/2015

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

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 06/04/2015

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
- air pollution
 - PM2.5
 - ozone
 - PM10

File Information

15. Attach an RTF document containing the text of this rule change (filename):
- There is a document associated with this rule filing.

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 Authorization

Agency head or designee, and title:	Bryce Bird Director	Date (mm/dd/yyyy): 02/25/2015
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