

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  
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 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

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Information

DAR file no: 39168 Date filed: 03/04/2015 04:21 PM  
 State Admin Rule Filing Key: 156033  
 Utah Admin. Code ref. (R no.): R 307 - 210 -  
 Changed to Admin. Code ref. (R no.): - -

Title

2. Title of rule or section (catchline):  
 Stationary Sources

Notice Type

3. Type of notice: Amendment

#### Rule Purpose

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

This rule incorporates the majority of 40 Code of Federal Regulations (CFR) Part 60 into the Utah Air Quality Rules. Since July 1, 2011, 40 CFR Part 60 has undergone many substantive changes that have not been incorporated into the state rules; therefore, R307-210 needs to be amended to incorporate the changes published as of July 1, 2014. The federal rules already apply to the sources; incorporating them into the state rule allows the Division of Air Quality to enforce the standards.

#### 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:

Amendments in the federal New Source Performance Standards have been made in 40 CFR Part 60 since Utah last incorporated the standards by reference into Rule R307-210. This rulemaking incorporates the revised federal standards through July 1, 2014. The following amendments to 40 CFR Part 60 are what is being incorporated into R307-210. On January 18, 2012, the EPA amended 40 CFR Part 60, Appendix A to incorporate the most recent versions of ASTM International (ASTM) standards into EPA regulations that provide flexibility to use alternatives to mercury-containing industrial thermometers. This final rule allowed the use of alternatives in field and laboratory applications previously impermissible as part of compliance with EPA regulations. The older embedded ASTM standards unnecessarily impede the use of effective, comparable, and available alternatives to mercury-containing industrial thermometers. On February 16, 2012, the EPA amended 40 CFR Part 60, Subpart A, B, D, Da, Db, and Dc to revise standards of performance in response to a voluntary remand of a final rule. Specifically, they amended new source performance standards (NSPS) after analysis of the public comments. The EPA also finalized several minor amendments, technical clarifications, and corrections to existing NSPS provisions for fossil fuel-fired EGUs and large and small industrial-commercial-institutional steam generating units. On April 19, 2012, EPA amended 40 CFR Part 60, Subpart Da to correct certain preamble and regulatory text. This action corrected typographical errors, such as cross-reference errors and certain preamble text that is not consistent with the final regulatory text, which published in the Federal Register on Thursday, February 16, 2012. On July 30, 2012, EPA amended 40 CFR Part 60, Appendix A to promulgate Method 16C for measuring total reduced sulfur (TRS) emissions from stationary sources. Method 16C offers the advantages of real-time data collection and uses procedures that are already in use for measuring other pollutants. Method 16C will be a testing option that is used at the discretion of the tester. On August 14, 2012, EPA amended 40 CFR Part 60, Subpart A, Ga, New source performance standards (NSPS) for nitric acid plants. Nitric acid plants include one or more nitric acid production units (NAPUs). These revisions include a change to the nitrogen oxides (NOX) emission limit, which applies to each NAPU commencing construction, modification, or reconstruction after October 14, 2011. These revisions also include additional testing and monitoring requirements. On August 16, 2012, the EPA amended 40 CFR Part 60, Subparts KKK, LLL, OOOO to finalize the review of new source performance standards for certain oil and natural gas source sources. In this action the EPA revised the new source performance standards for volatile organic compounds from leaking components at onshore natural gas processing plants and new source performance standards for sulfur dioxide emissions from natural gas processing plants. The rule also establishes standards for certain oil and gas operations not covered by the existing standards. In addition to the operations covered by the existing standards, the newly established standards will regulate volatile organic compound emissions from gas wells, centrifugal compressors, reciprocating compressors, pneumatic controllers and storage vessels. This action also finalizes the residual risk and technology review for the Oil and Natural Gas Production source category and the Natural Gas Transmission and Storage source category. This action included revisions to the existing leak detection and repair requirements. This action finalized revisions to the regulatory provisions related to emissions during periods of startup, shutdown and malfunction. This final rule became effective on October 15, 2012. On September 12, 2012, the EPA amended 40 CFR Part 60, Subpart A, J, Ja to finalize

amendments to Standards of Performance for Petroleum Refineries and new standards of performance for petroleum refinery process units constructed, reconstructed or modified after May 14, 2007. On January 30, 2013, EPA amended Subpart A, IIII, JJJ to amend the national emission standards for hazardous air pollutants for stationary reciprocating internal combustion engines. The final amendments included alternative testing options for certain large spark ignition (generally natural gas-fueled) stationary reciprocating internal combustion engines, management practices for a subset of existing spark ignition stationary reciprocating internal combustion engines in sparsely populated areas and alternative monitoring and compliance options for the same engines in populated areas. The EPA established management practices for existing compression ignition engines on offshore vessels. The EPA also finalized limits on the hours that stationary emergency engines may be used for emergency demand response and establishing fuel and reporting requirements for certain emergency engines used for emergency demand response. The final amendments also corrected minor technical or editing errors in the current regulations for stationary reciprocating internal combustion engines. On February 7, 2013, EPA amended Subpart CCCC and DDDD to implement the final decision on the issues for which EPA granted reconsideration in December 2011, which pertain to certain aspects of the March 21, 2011, final rule titled “Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units” (CISWI rule). This final action established effective dates for the standards and makes technical corrections to the final rule to clarify definitions, references, applicability and compliance issues. The purpose of these amendments was to clarify several provisions in order to implement the non-hazardous secondary materials rule as the agency originally intended. On February 12, 2013, EPA amended Subpart F, the new source performance standard for particulate matter for the Portland cement industry. These amendments promoted flexibility, reduced costs, eased compliance and preserve health benefits. The EPA set the date for compliance with the existing source national emission standards for hazardous air pollutants to be September 9, 2015. On March 3, 2013, EPA amended Subpart A, IIII, and JJJJ by making changes to Table 2c of Subpart ZZZZ. On April 24, 2013, EPA amended Subpart Da by taking final action on its reconsideration of certain issues in the final MATS NESHAP issued pursuant to CAA section 112, and the New Source Performance Standards rule issued pursuant to CAA section 111 which is referred to as the Utility NSPS. The Administrator received petitions for reconsideration of certain aspects of the MATS NESHAP and the Utility NSPS. On November 30, 2012, the EPA granted reconsideration of, proposed, and requested comment on a limited set of issues. In this rulemaking, EPA took final action on the revised new source numerical standards in the MATS NESHAP and the definitional and monitoring provisions in the Utility NSPS that were addressed in the proposed reconsideration rule. As part of this action, the EPA made certain technical corrections to both the MATS NESHAP and the Utility NSPS. On May 13, 2013, EPA amended Subpart Ec by finalizing amendments to the federal plan and the new source performance standards for hospital/medical/infectious waste incinerators. These final actions implemented national standards promulgated in the 2009 amendments to the hospital/medical/infectious waste incinerator emissions guidelines that results in reductions in emissions of certain pollutants from all affected units. This rule became effective June 12, 2013. ON July 7, 2013, EPA amended Subpart CCCC by setting forth the EPA’s final decision on the issues for which it granted reconsideration in December 2011, which pertain to certain aspects of the March 21, 2011, final rule titled “Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units” (CISWI rule). This action also included the final decision to deny the requests for reconsideration with respect to all issues raised in the petitions for reconsideration of the final commercial and industrial solid waste incineration rule for which reconsideration was not granted. Among other things, this final action established effective dates for the standards and makes technical corrections to the final rule to clarify definitions, references, applicability and compliance issues. In addition, the EPA issued final amendments to the regulations that were codified by the Non-Hazardous Secondary Materials rule (NHSM rule). The purpose of these amendments was to clarify several provisions in order to implement the non-hazardous secondary materials rule as the agency originally intended. This subpart took effect on August 7, 2013. On September 23, 2013, the EPA amended Subpart OOOO to finalize the amendments to new source performance standards for the oil and natural gas sector. The Administrator received petitions for reconsideration of certain aspects of the August 12, 2012, final standards. These amendments are a result of reconsideration of certain issues raised by petitioners related to implementation of storage vessel provisions. The final amendments provide clarity of notification and compliance dates, ensure control of all storage vessel affected facilities and update key definitions. This action also corrected technical errors that were inadvertently included in the final standards. This final rule was effective on September 23, 2013. On December 19, 2013, EPA amended Subpart Ja by taking direct

final action to amend the Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007. This direct final rule amended the definition of “delayed coking unit” by removing process piping and associated equipment (pumps, valves, and connectors) from the definition. This final rule also removed a redundant definition of “delayed coking unit” from the rule text. On February 27, 2014, EPA amended Subparts and Appendices of Part 60 by promulgating technical and editorial corrections for source testing of emissions and operations. Some current testing provisions contained inaccuracies and outdated procedures, and new alternatives were added. The revisions improved the quality of data and gave testers additional flexibility to use the newly approved alternative procedures. This rule became effective on February 27, 2014. On April 4, 2014, EPA amended Subparts A, and BBa by finalizing revisions to the new source performance standards for kraft pulp mills. These revised standards included particulate matter emission limits for recovery furnaces; smelt dissolving tanks and lime kilns, and opacity limits for recovery furnaces and lime kilns equipped with electrostatic precipitators. These revised standards apply to emission units commencing construction, reconstruction or modification after May 23, 2013. This final rule removed the General Provisions exemption for periods of startup, shutdown and malfunction resulting in a standard that applies at all times. This final rule also included additional testing requirements and updated monitoring, recordkeeping and reporting requirements for affected sources, including electronic reporting of performance test data. These revisions to the testing, monitoring, recordkeeping and reporting requirements are expected to ensure that control systems are properly maintained over time, ensure continuous compliance with standards and improve data accessibility for the Environmental Protection Agency (EPA), states, tribal governments and communities. This final action was effective on April 4, 2014. On May 6, 2014, EPA amended Subpart A, Ga by making a change to a calculation. On May 16, 2014, EPA amended Appendix F to promulgate quality assurance and quality control (QA/QC) procedures (referred to as Procedure 3) for continuous opacity monitoring systems (COMS) used to demonstrate continuous compliance with opacity standards specified in new source performance standards (NSPS) issued by the EPA pursuant to section 111(b).

#### Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

There are no additional costs or savings to the state budget because all costs to the state to enforce these rules are offset by the fees paid by the source under the Operating Permit rule R307-415.

B) Local government:

Affected: No

There are no additional costs or savings to local governments, as the state is already enforcing these rules, and the cost of enforcing the regulations is covered by the fees paid by the affected sources for their permit under R307-415.

C) Small businesses:

Affected: No

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

There are no anticipated savings or costs to small businesses as all of these rules are in effect federally and sources are already subject to any of the costs that may result.

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)

There are no anticipated savings or costs as all of these rules are in effect federally and sources are already subject to any of the associated costs.

Compliance Cost Information

8. Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons as all of these rules are in effect federally and sources are already subject to any of the costs that may result.

Department Head Comments

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

There are no appreciable costs for business in incorporating these federal rules into Utah's rules as the affected businesses already are subject to the federal requirement.

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) :  
19-2-108

19-2-104(3)(q)

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 (from title page): 40 CFR 60

Publisher: National Archives and REcords Administration's Office of the Federal Register

Date Issued:

Issue, or version: July 1, 2014

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
- new source review
- stationary sources

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