State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-059-15a

UTAH AIR QUALITY BOARD MEETING

FINAL AGENDA

Wednesday, October 7, 2015 - 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

I. Call-to-Order

II. Date of the Next Air Quality Board Meeting: December 2, 2015

III. Approval of the Minutes for September 2, 2015, Board Meeting.

IV. Final Adoption: Section XX. Part N. Enforceable Commitments for the Utah Regional Haze SIP. Presented by Jay Baker.

V. Final Adoption: Amend R307-110-28. Regional Haze. Presented by Ryan Stephens.

VI. Propose for Public Comment: Amend R307-101-2. Definitions; R307-312-5. Hot Mix Asphalt Plants; and R307-328-4. Loading of Tank Trucks, Trailers, Railroad Tank Cars, and Other Transport Vehicles. Presented by Ryan Stephens.

VII. Propose for Public Comment: Amend R307-405-3. Definitions; and R307-415-3. Definitions. Presented by Ryan Stephens.

VIII. Propose for Public Comment: Amend R307-801. Utah Asbestos Rule. Presented by Ryan Stephens.

IX. Propose for Public Comment: Amend R307-110-28. Regional Haze. Presented by Ryan Stephens.

X. Informational Items.
   A. Petition for Rulemaking: Emission Limits, Offsets, Testing Frequency, and Public Participation. Presented by HEAL Utah, Western Resource Advocates, and Utah Physicians for a Healthy Environment.
   B. Clean Power Plan Final Rule. Presented by Glade Sowards.

C. Final Data Requirements Rule for the 2010 1-Hour Sulfur Dioxide Primary National Ambient Air Quality Standard. Presented by Glade Sowards.
D. Mining in High Winds Areas. Presented by Adrian Dybwad.
E. Air Toxics. Presented by Robert Ford.
F. Compliance. Presented by Jay Morris and Harold Burge.
G. Monitoring. Presented by Bo Call.
H. Other Items to be Brought Before the Board.

In compliance with the American with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Ashley Nelson, Office of Human Resources at (801) 536-4413 (TDD 903-3978).

ITEM 3

State of Utah
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UTAH AIR QUALITY BOARD MEETING
September 2, 2015 – 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

DRAFT MINUTES

I. Call-to-Order

Steve Sands called the meeting to order at 1:32 p.m.

Board members present: Arnold Reitze, Steve Sands, Karma Thomson, Kerry Kelly, Erin Mendenhall (attendance by telephone), Robert Paine

Excused: Michael Smith and Alan Matheson

Executive Secretary: Bryce Bird

II. Election of the Board Chair and Vice-Chair. Presented by Bryce Bird.

Mr. Bird opened nominations for Chair of the Air Quality Board. Ms. Kelly nominates Steve Sands and it was seconded by Robert Paine. No other nominations were made. Dr. Paine moved that nominations cease and the motion was seconded by Ms. Thomson followed by a vote approving Mr. Sands as Chair.

- Kerry Kelly nominates Steve Sands as Chair of the Air Quality Board. Robert Paine seconded. The Board unanimously approved that Steve Sands serve as Chair of the Air Quality Board.

Mr. Sands opened nominations for Vice-Chair of the Air Quality Board. Robert Paine nominates Kerry Kelly and was seconded by Ms. Thomson. No other nominations were made. Ms. Thomson moved that nominations cease and the motion was seconded by Dr. Paine followed by a vote approving Ms. Kelly as Vice-Chair.

- Karma Thomson nominates Kerry Kelly as Vice-Chair of the Air Quality Board. Robert Paine seconded. The Board unanimously approved that Kerry Kelly serve as Vice-Chair of the Air Quality Board.

III. Date of the Next Air Quality Board Meeting: October 7, 2015

For future planning, staff indicates that there are currently no planned agenda items for the November meeting. The November 2015 Board meeting may be canceled.

IV. Approval of the Minutes for the June 3, 2015, Working Lunch and Board Meeting; and the July 27, 2015, Teleconference Meeting.

A correction was made on page 4 of 5 of informational item A in the June 3, 2015, Board meeting minutes to add "but is" to better clarify what is causing visibility impairment. The corrected sentence will read, "The challenge for states in the west is that a lot of what is causing visibility impairment in our national parks is not anthropogenic emissions but is wildfires and dust storms."

- Kerry Kelly motioned to approve the minutes as corrected. Arnold Reitze seconded. The Board approved unanimously.

V. Final Adoption: Amend R307-101-3. General Requirements. Version of Code of Federal Regulations Incorporated by Reference. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated that this rule incorporates by reference the version of the Code of Federal Regulations (CFR) used throughout Utah's air quality rules. This rule is being amended to incorporate the 2014 version of the CFR. A public comment period was held from June 1 through July 1, 2015, and no comments were received. Staff recommends that the Board adopt the amended R307-101-3.

- Arnold Reitze motioned to adopt the amended R307-101-3. Erin Mendenhall seconded. The Board approved unanimously.

VI. Final Adoption: Amend R307-121. General Requirements: Clean Air and Efficient Vehicle Tax Credit. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated that this rule was proposed in response to statutory changes to the efficient vehicle tax credit. A definition for "qualifying electric motorcycles(s)" and rules for demonstrating proof of purchases and leases were added to the rule. A public comment period was held from June 1 to July 1, 2015, and no comments were received. Staff recommends the Board adopt the amendments to R307-121.

- Karma Thomson moved that the Board adopt amended R307-121, General Requirements, Clean Air and Efficient Vehicle Tax Credit. Kerry Kelly seconded. The Board approved unanimously.

VII. Final Adoption: New Rule R307-122. General Requirements: Heavy Duty Vehicle Tax Credit. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated that this rule specifies the requirements and procedures for the heavy duty vehicle tax credit, which was passed by the Utah Legislature during the 2015 general session. A public comment period was held from June 1 to July 1, 2015. Staff recommends the Board adopt R307-122 as proposed.

- Robert Paine moved that the Board adopt new rule R307-122, General Requirements, Heavy Duty Vehicle Tax Credit. Arnold Reitze seconded. The Board approved unanimously.

VIII. Final Adoption: R307-230. NOx Emission Limits for Natural Gas-Fired Water Heaters. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated that this rule was proposed for the purpose of reducing NO_x emissions from natural gas powered water heaters. The rule sets out tiered emission limits based on the amount of the water heaters BTU/hr. A public comment period was held from June 1 to July 1, 2015. Several comments were received and were summarized in a memorandum to the Board. The proposed changes to the rule address those comments. Staff recommends that the Board adopt new rule R307-230 as amended.

In response if this rule would apply to all parts of the nonattainment area and at what altitudes, staff answered that this rule would be a statewide rule effective upon the certification of the rule and the implementation date of 2017. In researching models available online, 36 ultra-low NO_x water heaters were found which had a minimum rating of 5,400 feet, which would cover the Salt Lake Valley at a minimum. Bradford White Company has water heaters available that have been certified in Colorado for up to 10,100 feet. The units that are certified at 10,100 feet should accommodate a large range.

Jeff [Cleese] a representative of Lochinvar LLC, a boiler manufacturer, commented from the audience that there are specific labs that are at a 5,600 foot and 10,000 foot elevation that are used to certify most appliances. Generally, manufacturers apply to national fuel gas code derate factors above those elevations to ensure safety for customers.

Mr. [Cleese] also commented that the requirement for manufacturers to print the NO_x rating on the rating labels for appliances is problematic and that it is a unique requirement currently for Texas and California. If the rule is adopted as currently written, it would create some difficulties for contractors in Utah. This is in reference to page 2 of 3 of the rule, lines 41 to 44. Staff responded that the proposed rule has been amended by removing the carton labeling requirement and the wording has also been amended for clarity that we do not wish to have the actual rating printed. The labeling requirement on the appliance is intended to confirm that the appliance complies with the appropriate standard, which is currently being done by the manufacturers. In addition, there needs to be a mechanism for a compliance inspector to be able figure out the heating rating of the water heater and make sure that the appropriate NO_x standard coincides with the rating. After further discussion, the wording was amended to read, "(2) The water heater manufacturer shall display the model number and the appropriate NO_x emission rating on a permanent label on each unit."

- Arnold Reitze moved that the Board approve final adoption of R307-230 with the amendment on page 2 of 3 to read, "(2) The water heater manufacturer shall display the model number and the appropriate NOx emission rating on a permanent label on each unit." Robert Paine seconded. The Board approved unanimously.

IX. Propose for Public Comment: Repeal of Existing SIP Subsection IX.A.10 and Re-enact with SIP Subsection IX.A.10: PM10 Maintenance Provisions for Salt Lake County. Presented by Bill Reiss.

Bill Reiss, Environmental Engineer at DAQ, stated that his introduction would cover agenda items 9, 10, 11, and related agenda item 12, Part H, which all represents a maintenance plan for PM_{10}. We have mostly moved onto $PM_{2.5}$ since it was introduced in 1997 to replace PM_{10} as the indicator of fine particulate matter. EPA did not get rid of PM_{10} at that time, so it is still on the books and we have to administer around it. PM_{10} still includes the coarse fraction that is larger than $PM_{2.5}$. We deal with that primarily as fugitive dust with rules, permits, and dust plans. Utah's real problem, as far as

particulate matter fine goes, is the winter smog we get and that it is now controlled by the more restrictive $PM_{2.5}$ standard. These agenda items are mostly an administrative effort to put PM_{10} to bed and move on with our efforts to mitigate $PM_{2.5}$. DAQ had intended to do this last summer but was delayed when the Courts decided that DAQ needed to do $PM_{2.5}$ over again under Subpart 4. We tried this once before in 2005 when that plan had predicted continued attainment through the year 2017, which we are on track to achieve. But it was largely derailed by a number of monitored values that DAQ had flagged as exceptional events that EPA did not concur with. DAQ now has a string of years in which there were no exceptional events from 2011 to 2014, and this data set makes it possible to the attainment criteria without argument. DAQ has worked closely with EPA throughout the development of this maintenance plan and feels that it is ready to close the book on PM_{10} as well.

This plan will pick up where our existing state implementation plans (SIPs) for Salt Lake and Utah Counties have left off. Those attainment SIPs were written in 1991 when PM_{10} was the new indicator of fine particulate matter. Reasonable available control technology (RACT) was applied throughout the nonattainment areas at that time and the whole plan brought us into compliance with the 24-hour PM_{10} standard in both counties by the year 1996. This plan will demonstrate continued compliance with the PM_{10} national ambient air quality standard (NAAQS) through the year 2030. It also includes Ogden City, which was not part of that SIP but was designated nonattainment afterward. It will be structured as a maintenance plan which will allow DAQ to request that EPA change the area designations back to attainment. There are essentially two parts to the SIP revision, Part A is the SIP narrative and Part H is the location of the emission limits. The emissions limits are required as part of any nonattainment SIP.

Part A addresses monitored attainment of the standards, the reasons why we attained, the administrative approval of the state's air program, the modeled demonstration of maintenance, the conformity budgets, and the contingency measures to be enacted in the unlikely event we re-violate the standard once we have been redesignated attainment. The modeling was based on the $PM_{2.5}$ work that has been ongoing for the last several years. In fact, you may recognize some of the narrative as coming directly from the $PM_{2.5}$ SIP. There is a separate Part A for each of the three nonattainment areas for agenda items 9, 10, and 11. Since they are so similar, each has been prepared with colors to denote which parts are specific to the respective areas, blue for Salt Lake County, green for Utah County, and purple for Ogden City.

Some of the highlights include that the modeling analysis does include banked credits, which includes all of the PM_{10}, SO_2, and NO_x credits that are currently in our registry. This means that the plan proposes no changes to the way credits can be used or banked. You will recall this was an issue in the $PM_{2.5}$ SIP. This is an example where the $PM_{2.5}$ standard has become the controlling standard for fine particulate. Also, in the analysis there is an allocation of the safety margin to the mobile sources. This will allow the metropolitan planning organization's to do their long range planning which includes time horizons well beyond the last year of the air quality plan which is 2030. The safety margin is essentially the head-room between the NAAQS and what the model predicts.

DAQ intended to repeal the old Subsections 10, 11, and 12 of Part A and replace them with these new Subsections 10, 11, and 12, which is why they are presented in the packet with no strikeouts and underlines. Staff recommends that the Board propose for public comment to repeal existing SIP Subsection IX.A.10 and re-enact with SIP Subsection IX.A.10, PM10 Maintenance Provisions for Salt Lake County.

In discussion, staff responded that yes all the major sources in the three areas are subject to RACT. It is specifically discussed in Part H, the emission limits. The emission numbers are also updated with the $PM_{2.5}$ numbers. RACT is a requirement of any nonattainment area nonattainment SIP. In this

case, our SIPs for these areas were due in 1991 and RACT was applied at that time to all the major sources. Since this is a maintenance plan, it is not necessary to go back through and reassess the RACT at each of the sources. In going over this with EPA's attorneys, DAQ feels comfortable that the plan today is approvable on the issue of RACT.

As DAQ concluded work on $PM_{2.5}$ recently and moved on to this next project there was initial discussion as to whether they continue using the 2008 tri-annual inventory as the basis of the projections in table 8 or the new 2011 tri-annual inventory base year. The new 2011 numbers were used in which the numbers are slightly different but the method is essentially identical to what had been used.

Finally, DAQ continues to work with EPA on the identification of exceptional events from windblown dust. This is not just a Utah problem but is also a problem for many states throughout the country. EPA acknowledges this is a problem and intends to revisit the rule as early as October.

- Robert Paine motioned that the Board propose the repeal of existing SIP Subsection IX.A.10 and re-enact with SIP Subsection IX.A.10, PM10 Maintenance Provisions for Salt Lake County, for public comment. Karma Thomson seconded. The Board approved unanimously.

X. Propose for Public Comment: Repeal of Existing SIP Subsection IX.A.11 and Re-enact with SIP Subsection IX.A.11: PM10 Maintenance Provisions for Utah County. Presented by Bill Reiss.

The introduction for this item was covered in the presentation of agenda Item IX. Staff recommends that the Board propose for public comment to repeal existing SIP Subsection IX.A.11 and re-enact with SIP Subsection IX.A.11, PM10 Maintenance Provisions for Utah County.

- Kerry Kelly moved that the Board propose for public comment to repeal existing SIP Subsection IX.A.11 and re-enact with SIP Subsection IX.A.11, PM10 Maintenance Provisions for Utah County. Erin Mendenhall seconded. The Board approved unanimously.

XI. Propose for Public Comment: Repeal of Existing SIP Subsection IX.A.12 and Re-enact with SIP Subsection IX.A.12: PM10 Maintenance Provisions for Ogden City. Presented by Bill Reiss.

The introduction for this item was covered in the presentation of agenda Item IX. Staff recommends that the Board propose for public comment to repeal existing SIP Subsection IX.A.12 and re-enact with SIP Subsection IX.A.12, PM10 Maintenance Provisions for Ogden City.

- Erin Mendenhall moved that the Board propose for public comment to repeal existing SIP Subsection IX.A.12 and re-enact with SIP Subsection IX.A.12, PM10 Maintenance Provisions for Ogden City. Kerry Kelly seconded. The Board approved unanimously.

XII. Propose for Public Comment: Repeal Existing SIP Subsection IX. Part H. 1, 2, 3, and 4 and Re-enact with SIP Subsection IX. Part H. 1, 2, 3, and 4: Control Measures for Area and Point Sources, Emission Limits and Operating Practices, PM10 Requirements. Presented by Bill Reiss.

Bill Reiss, Environmental Engineer at DAQ, stated that Part H is the location of the emission limits in the SIP. Limits are required as part of any nonattainment plan and their inclusion in the SIP makes them federally enforceable. The portions of Part H that pertain to PM_{10} were created as part of the

1991 SIP. RACT for PM_{10} was addressed at that time. There are no new RACT requirements. The associated emission limits were then made part of the SIP. Some reorganization of the emission limits were made over the years. At some point it went from appendix A to Part H and then in 2002 a revision was made to the Utah County portion of the emission limits section and subsequently approved by EPA. The limits for both counties were last revised in 2005 as part of that PM_{10} maintenance plan previously mentioned. That revision was proposed to be disapproved by EPA but it gave Part H its final form of Subsection 1 through 4. There are no new emission limits here for additional PM_{10} control. However, there were some refinements of emission limits. One, after essentially 25 years, a reassessment was made of the listed sources that belonged in Part H. We used the criteria of having 100 tons or more per year of emissions of PM_{10}, SO_2, or NO_x as the criteria for inclusion to that list. We are not adding volatile organic compounds (VOC) as a precursor to PM_{10}. It is of course a precursor to $PM_{2.5}$ and plays a role in the chemistry DAQ models but we find no legal requirement or need at this point to regulate VOC emission as part of PM_{10}. Also, in the old SIP we had many sand and gravel plants which were not a complete list of these sources in the valley. We are now treating those as one source. As with the 2002 PM_{10} SIP revision for Utah County and also the $PM_{2.5}$ limits, the specificity that we are including in Part H has been limited now to only the most significant source component. As mentioned, in the 1991 SIP we had a number of very small sources on the list and also had for any source a deal of specificity which we found cumbersome to administer and better suited for approval orders. There is no longer an annual standard for PM_{10}. That was revoked in 2006. Some of the refinements in these limits no longer speak to annual standards or annual limits averaging periods.

Mr. Reiss also stated that essentially DAQ made an effort to harmonize the PM_{10} SIP with other regulatory limits that are currently on the books. The PM_{10} conditions proposed for Part H Subsections 1 through 4 look substantially the same as the $PM_{2.5}$ requirements recently approved into Subsections 10, 11, and 12, the coarse $PM_{2.5}$ sections. For that reason, there are some new requirements at certain sources. The emission limits in Subsections 1 through 3 reflect that. The purpose of Subsection 4 is to provide a repository or interim conditions that will apply up until these certain new RACT requirements are realized.

In response to why DAQ is not taking a more proactive stance on getting rid of start-up, shutdown, and malfunction (SSM) exceptions, staff answered that in working with EPA one of the goals was to get rid of all the exemptions. One was by putting in workplace practices and the other was to establish alternative limits during SSM. A lot of the sources did not need SSM because they are gas turbines and run pretty clean all of the time. If an exemption was left in, it was an oversight that needs to be removed. With regard to the exception of flares, one of the reasons it is needed is that when a unit starts up the nitrogen has be purged and so you bypass the flare gas recovery system and have it go directly to the flare.

- Kerry Kelly moved that the Board propose for public comment to repeal existing SIP Subsection IX, Part H. 1, 2, 3, and 4 and re-enact with SIP Subsection IX, Part H. 1, 2, 3, and 4. Erin Mendenhall seconded. The Board approved unanimously.

Public comment from Susan Hardy of Mountainland Association of Governments for Utah County was introduced. Ms. Hardy, on behalf of Utah County commissioners, mayors, and the public, expressed gratitude to the Board and the Division, especially Bill Reiss and his team for their work related to the trading rule approved by the Board in March. Mr. Reiss has worked to the point where it has allowed their transportation planning organization to move forward with its plan. In addition, Rick McKeague with his expertise in a new model system helped them acquire the technical capabilities to go forward with their plan. It took four years to reach this point where it has gone through the federal regulation system. Without this particular trading rule their $14 billion

transportation plan would have not been able to go forward. This is an immense economic boost for their region and all the amenities it brings with it.

XIII. Propose for Public Comment: Amend R307-110-10. Section IX. Control Measures for Area and Point Sources, Part A, Fine Particulate Matter; and Amend R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated that these rules will incorporate the SIP revisions that were just proposed into the Utah Air Quality Rules today by the Board. Staff recommends that the Board propose R307-110-10 and R307-110-17 for public comment.

- Robert Paine moved that the Board propose for public comment to amend R307-110-10, Section IX and R307-110-17, Section IX. Kerry Kelly seconded. The Board approved unanimously.

XIV. Propose for Public Comment: New Rule R307-104. Conflict of Interest. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated that this rule was proposed in response to EPA's partial disapproval of the DAQ's infrastructure SIP for $PM_{2.5}$. The disapproval was based on the fact that Utah no longer had a rule or statute that complied with Section 128(a)(2) of the Clean Air Act (CAA). The rule provides an enforceable requirement that any potential conflicts of interests by the head of an executive agency are disclosed, thus, satisfying Section 128 of the CAA. This rule is just incorporating a statute that we had. The DAQ has worked with EPA and Utah's Attorney General's office to develop this rule. So that EPA could approve our SIP, EPA wanted a specific rule in Section 128 of our air quality rules addressing this issue. Staff recommends that the Board propose new rule R307-104, Conflict of Interest, for public comment.

- Arnold Reitze moved that the Board propose new rule R307-104, Conflict of Interest, for public comment. Erin Mendenhall seconded. The Board approved unanimously.

XV. Propose for Public Comment: Amend R307-101. General Requirements; R307-102. General Requirements: Broadly Applicable Requirements; R307-150. Emission Inventories; R307-201. Emission Standards: General Emission Standards; R307-206. Emission Standards: Abrasive Blasting; R307-303. Commercial Cooking; R307-305. Nonattainment and Maintenance Areas for PM10: Emission Standards; R307-306. PM10 Nonattainment and Maintenance Areas: Abrasive Blasting; R307-401. Permit: New and Modified Sources; R307-410. Permits: Emissions Impact Analysis; R307-415. Permit: Operating Permit Requirements. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated that these rule amendments are in response to House Bill 229, which revised several air quality related terms in the Utah Code. This proposed rule amends the current air quality rules so that they reflect the changes made to the Utah Code. The amendments create consistency across state regulations, state statutes, and the CAA. Staff recommends that the Board propose these rules for public comment.

- Robert Paine moved that the Board propose for public comment to amend R307-101, R307-102, R307-150, R307-201, R307-206, R307-303, R307-305, R307-306, R307-401, R307-410, and R307-415. Kerry Kelly seconded. The Board approved unanimously.

Afterwards, a correction to one of the rules was suggested. In discussion, it was decided that since it was a non-technical correction that the best way to handle this and other corrections would be during the public comment period.

XVI. Propose for Public Comment with Department Fee Schedule: Operating Permit Program Fee for Fiscal Year 2017. Presented by David Beatty.

David Beatty, Operating Permits Section Manager at DAQ, stated that each year an annual emissions fee to fund the operating permits program is established. For fiscal year 2017 DAQ is proposing a fee of $74.37 per ton of emissions, which is a $4.76 increase. The increase is due to the increased salary and benefits to staff as part of the legislative approved wage increases last year. Additionally, we are increasing the direct cost for ongoing replacement of existing monitoring network equipment that has exceeded its useful life. Staff recommends that the Board submit the $74.37 per ton of emissions for the fiscal year 2017 operating permit fee as part of the Department's fee package.

In response to a question from Kathy Van Dame of Breathe Utah about why there is not a different value for hazardous air pollutants than for the criteria pollutants, staff responded that the fee as it currently reads in statute is that it needs to be a single fee for all regulated pollutants under Title V. DAQ did attempt to gain a sponsor during the last legislative session but it did not pass. It will need to be a legislative change to allow DAQ to establish different fees for different pollutants.

- Erin Mendenhall moved that the Board approve for public comment the operating permit fee with the Department fee schedule for fiscal year 2017. Arnold Reitze seconded. The Board approved unanimously.

XVII. R.N. Industries Incorporated Early Settlement Agreement. Presented by Rusty Ruby.

Rusty Ruby, Compliance Branch Manager at DAQ, stated that in accordance with Utah Code 19-2-104(3)(b)(i), this item is provided to the Board for review since the penalty exceeds $25,000. R.N. Industries Incorporated operates the Bluebell Disposal Facility, an oil fuel disposal service with waste water evaporation ponds, located near Duchesne, Utah. In July 2013 R.N. Industries Incorporated submitted a voluntary self-disclosure for operating their evaporation ponds without an approval order. On August 23, 2013, the DAQ sent R.N. Industries Incorporated a compliance advisory for failing to submit a notice of intent and receive an approval order prior to construction based on information in the self-disclosure. DAQ and R.N. Industries Incorporated have negotiated an early settlement of $84,000. Of that amount, $42,000 will be deferred for two years. If R.N. Industries Incorporated does not have any violations in those two years, that amount will be waived. The remaining $42,000 will be paid in $3,500 increments, with the first payment due within 20 business days of the date of the Board's approval of this settlement. The remaining penalty is to be paid within 30 days from the previous payment for the following 11 months. R.N. Industries Incorporated has agreed to the terms and conditions of the agreement and has submitted a signed copy to DAQ. Staff recommends that the Board approve the penalty amount and the early settlement offer.

In discussion, a scenario was presented that by making payments late it will allow R.N. Industries Incorporated additional time to make their payments for the following 11 months. Staff responded that it will not. If the first payment is not paid within 20 days of the Board's approval and within 30

days for the following 11 months, they will be in violation of the settlement agreement. R.N. Industries Incorporated will then owe the additional $42,000 that was deferred for two years and to be waived if they do not violate the settlement.

- Arnold Reitze moved that the Board approve R.N. Industries Incorporated's penalty amount and early settlement offer. Robert Paine seconded. The Board approved unanimously.

Erin Mendenhall exits the meeting.

XVIII. Informational Items.

Mr. Sands introduced Bill Stringer, Uintah County Commissioner, as the recommended replacement for government representative not with the federal government vacancy on the Board. His nomination will be presented at a Senate confirmation meeting on October 21, 2015.

A. Air Toxics. Presented by Robert Ford.

B. Compliance. Presented by Jay Morris and Harold Burge.

C. Monitoring. Presented by Bo Call.

Bo Call, Monitoring Section Manager at DAQ, updated the Board on the monitoring data charts.

D. Other Items to be Brought Before the Board.

An inquiry was made as to what needs to be done to establish a field office in the Uinta Basin. In response, staff states that DAQ is working with the county to identify office space and hiring of staff that would live in the area. Such a field office can be a challenge and a resource drain. This would need to be part of the overall budget planning process. It would not be until July 2016 when appropriations would identify any funding available for a field office in the Uinta Basin.

Meeting adjourned at 3:09 p.m.

ITEM 4

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-061-15

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Jay Baker, Environmental Scientist

DATE: September 23, 2015

SUBJECT: FINAL ADOPTION: Section XX. Part N. Enforceable Commitments for the Utah Regional Haze SIP.

EPA's ability to approve the recently submitted Alternative to Bart Regional Haze State Implementation Plan (SIP) is contingent on the submittal to the EPA of enforceable commitments for the SIP. On July 27, 2015, the Board proposed for public comment enforceable commitments that certified that Utah would continue to take credit for sulfur dioxide (SO_2) emission reductions from the Carbon Plant closure in the recently adopted Alternative to Bart Regional Haze SIP, but would not take credit for those SO_2 reductions in the annual Regional Haze SO_2 Milestone Report as required in the original Section 309 Regional Haze SIP. This approach ensures that SO_2 emissions reductions from the Carbon Power Plant closure are not double counted in the Regional Haze SIP.

A public comment period was held from August 15 to September 15, 2015. During the public comment period, we received comments from the EPA and various conservation organizations. Please see the attached document for a summary of the comments and responses.

Staff Recommendation: Staff recommends that the Board adopt the attached SIP Section XX, Part N, Enforceable Commitments for the Utah Regional Haze SIP.

N. ENFORCEABLE COMMITMENTS FOR THE UTAH REGIONAL HAZE SIP.

Utah has found that, in order to ensure that certain emissions reductions are not double counted and that the Regional Haze SIP is enforceable as a practical matter, circumstances warrant creation of an enforceable commitment SIP. The intent of this section is to meet sections 110, 169A, and 169B of the Clean Air Act, and to ensure that the EPA can approve the Regional Haze SIP. EPA applies three factors when determining whether to approve an enforceable commitment: (1) whether the commitment addresses a limited portion of the statutorily-required program; (2) whether the state is capable of fulfilling its commitment; and (3) whether the commitment is for a reasonable and appropriate period of time. Once approved as part of this SIP, these commitments are enforceable by both EPA and citizens under the Clean Air Act. Utah therefore commits to the following:

1. In Section D.6.c of this plan, Carbon Units 1 and 2 are required to ~~will be~~ shut down. As of April 14, 2015, the plants ceased operation. This enforceable shutdown ~~will~~ resulted in SO_2 reductions of 3,388 tons/year from Unit 1 and 4,617 tons/year from Unit 2, resulting in a total of 8,005 tons/year. The resulting combined annual emissions of NOx, SO_2, and PM will be 2,876 tons lower than the ~~alternative Better than BART~~most stringent controls. Simultaneously, as part of the annual milestone reports required by the Utah SIP and Section 309 of the Federal Regional Haze Rule (40 CFR Part 51), Utah tracks SO_2 emissions from applicable stationary sources and compares those to milestones set in the initial Utah 309 plan. If the 8,005 tons/year were removed in subsequent milestone reports, the State would be counting the reductions obtained from closure of the Carbon units twice. The State commits to resolving this double counting issue by revising the Utah 309 plan to specifically state that the 8,005 tons of SO_2 emissions from the Carbon units will be added into the annual milestone reports from 2016 through the life of the backstop trading program, thereby removing any credit for that emissions reduction in meeting the levels specified in the Utah 309 plan.

2. This SIP is limited to addressing the SO_2 emissions from the Carbon units only. Emissions reductions in the Alternative to BART SIP include SO_2 and NOx reductions from the Hunter, Huntington, and Carbon Units. The total reduction in SO_2 and NOx is~~These emissions are a small part of the overall~~ 42,016 tons ~~of emissions reductions from SO_2 and NOx~~. These commitments only address the 8,005 tons of SO_2 from the Carbon Units. ~~Thus, the amount of the reduction is limited to 8,005 tons.~~The Regional Haze SO_2 milestone for 2018 is 141,849 tons. As reported in the 2013 Regional SO_2 Emissions and Milestone Report, the average adjusted SO_2 emissions for 2011, 2012, and 2013 are 105,402 tons. Without counting the reductions from the Carbon facility, the region has already achieved the 2018 milestone.

3. 40 CFR 51.309 sets forth emissions inventory requirements for tracking compliance with the SO_2 milestones. SIP Section XX.D.3.c and Rule 307-150 specify the mechanism used to implement this tracking requirement in Utah, and require all stationary sources with actual emissions of 100 tons/year or more of SO_2 in the year 2000 or in any subsequent year to submit an annual inventory of SO_2 emissions, beginning with the 2003 emission inventory. A source that meets these criteria and then emits less than 100 tons/year in a later year must continue to submit an SO_2 inventory for tracking compliance with the regional SO_2 milestones until 2018. As necessary, SIP Section XX.D.3.c and R307-150 will be revised to supplement Utah's inventory requirements and to satisfy the needs of ~~this~~ these enforceable ~~C~~commitments ~~SIP~~. Other applicable provisions that may be identified in the future will be amended as well.

4. Utah will resolve the double-counting issue by including the 8,005 tons of SO_2 emissions from the Carbon Power Plants in each required annual Section 309 Milestone Report from 2016 through the life of the backstop trading program. All required amendments to this SIP will be done through the State's SIP adoption process. The SIP is adopted by the Governor-appointed Air Quality Board through a rulemaking process that includes public comment periods and an opportunity for a public hearing.

5. Utah will submit an approvable SIP revision to EPA, along with any supporting document(s) by March 2018 to allow EPA to take final action before the end of the milestone commitment. Additionally, Utah will include the 8,005 tons/year of SO_2 emissions reported by the Carbon units in the annual report of SO_2 emissions used to trigger the backstop trading program.

6. Utah will work with EPA and take appropriate action to resolve any completeness or approvability issues that arise regarding the proposed SIP revision by March 2018.

Response to Comments

1. [EPA] Paragraph N .1: There appears to be a typographical error in the third sentence which should read, "The resulting combined annual emissions of NOx, S02 and PM will be 2,876 tons lower than the most stringent BART controls."

Response: The error is corrected in the version proposed for adoption.

2. [EPA] Paragraph N.2: Please explain in more detail how these commitments address limited portions in each of the required SIP programs, including a basis for characterizing the amounts as limited. Additionally, please explain the derivation of any emissions figures referenced. For example, it is unclear how the figure of 42,016 tons of $S0_2$ and NOx emissions reductions was derived.

Response: Emissions reductions in the Alternative to BART SIP include SO2 and NOx reductions from the Hunter, Huntington, and Carbon Units. The total reduction in SO2 and NOx is 42,016 tons. These commitments only address the 8,005 tons of SO2 from the Carbon Units. The Regional Haze SO2 milestone for 2018 is 141,849 tons. As reported in the 2013 Regional SO2 Emissions and Milestone Report, the average adjusted SO2 emissions for 2011, 2012, and 2013 are 105,402 tons. Without counting the reductions from the Carbon facility, the region is already well below the 2018 milestone.

3. [HEAL Utah, National Parks Conservation Association, Sierra Club, Powder River Basin Resource Council, and San Juan Citizens Alliance (hereinafter Conservation Organizations)] The Enforceable Commitment erroneously assumes that the RH SIP will effectuate SO2 reductions at the Carbon plant. Utah's proposed SIP incorrectly states, "In Section D.6.c of this plan, Carbon Units 1 and 2 will be shut down."2 This statement erroneously conveys that the Carbon Units are still operating and Utah's regional haze SIP will mandate closure of the plant. This statement is factually incorrect because the Carbon Units ceased operation as of April 15, 2015 and are currently being dismantled. PacifiCorp, the owner of the Carbon Units, decided years ago to retire these units rather than retrofit the plant to comply with the mercury and air toxics (MATS) rule. Thus, the Carbon unit retirements have already occurred and were never a component of Utah's regional haze SIP until after the units ceased operation.

Response: Section D.6.c of the Regional Haze SIP created an enforceable requirement for the shutdown of the Carbon Units. While the federal Mercury and Air Toxics (MATS) Rule may have created an additional incentive to retire the plant, it did not specifically require it, and the Supreme Court stay on the rule could have allowed the plant to continue operation until the final MATS Rule is in place. Including the Carbon Plants in the Regional Haze SIP ensured that the retirement plans would be permanent and

enforceable, regardless of legal status of the MATS Rule. The language in the Enforceable Commitments has been changed to reflect that the Carbon Units are no longer operating.

4. [Conservation Organizations] UDAQ is impermissibly attempting to fit a square peg in a round hole. Utah's proposed Enforceable Commitment (EC) SIP states that its purpose is to "ensure[s] that SO2 emissions reductions from the Carbon power plant closure are *not double counted* in the Regional Haze SIP." However, the EC SIP fails to address the fundamental issue of whether the SO2 emissions from the Carbon units should be counted at all in its NOx/PM regional haze SIP.

Response: It is not the purpose of the Enforceable Commitments to address whether the SO2 emissions from the Carbon units should be counted in the regional haze SIP. As stated, the only purpose is to resolve the issue of double counting the Carbon emissions.

5. [Conservation Organizations] UDAQ's proposed post-hoc amendment of its SO2 RH SIP would undermine the legal justification for EPA's approval of that SIP. Utah proposes to amend its SO2 RH SIP by somehow extracting the previously relied upon Carbon plant SO2 reductions and apply these reductions to its NOx/PM BART SIP for Hunter and Huntington. But Utah's proposal would effectively undermine EPA's legal justification for approving the Section 309 alternative program. Having touted the 309 Program's ability to garner SO2 emission reductions from "smaller, non-BART sources" such as the Carbon Plant, Utah may not now extract such sources from the program without nullifying its previous "better than BART" determination and the legal underpinnings for the 309 Program approval.

   Further, if Utah's proposed omission of the Carbon Plant from the 309 Program were permissible, there would be nothing to stop Utah and the other states participating in the Program from removing other "smaller, non-BART sources" from the Program. The result would strip the 309 Program of its justification under the Regional Haze regulations. Such maneuverings would also undermine the essence of the regional haze program to compel reasonable progress towards clear skies and place achievement of the natural conditions goal out of reach.

Response: The 309 Program did not rely on reductions from the Carbon Plant and the Hunter 3 Unit as stated in staff's response to comments and the Staff Review for the recently submitted SIP. In fact, that same response states that "emission reductions from the Carbon Plant and Hunter 3 were not necessary for other states to meet their reasonable progress goals and therefore provide an added benefit." Removing sources that were relied upon from the Program is not allowed. This Enforceable Commitment is limited to emissions from the closure of the Carbon Units. That is a new requirement in the latest revision of Utah's Regional Haze SIP and will pre-date any requirements that may come out in a future MATS Rule.

6. [Conservation Organizations] EPA's Regional Haze Regulations prohibit Utah's proposed emission reduction accounting proposal. Section 309 of the Regional Haze regulations establishes the rules for the accounting of SO2 emissions under the SO2 Backstop Trading Program. 40 C.F.R. §51.309. More specifically, the regional haze regulations state that Utah's 309 plan "must include provisions requiring the monitoring, recordkeeping, and annual reporting of actual stationary source SO2 emissions within the State." 40 C.F.R. §51.309(d)(4)(iii). Utah's proposed EC SIP would violate this provision by arbitrarily including over 8,000 tons of SO2 emissions from the Carbon plant in future inventory reports, when in fact the actual emissions from the Carbon plant from 2016-2018 will be zero.

Response: Comparing the reported emissions with the milestone would not allow the monitoring, recordkeeping, and reporting data to be sufficient to determine annually whether the milestone for each year through 2018 is achieved. 40 CFR §51.309(d)(4)(iii). Additionally, the approved Utah 309 SIP requires each milestone report to include actual regional sulfur dioxide emissions in tons per year and adjustments to account for changes in emission monitoring or calculation methods. We can report zero actual emissions for the Carbon Plant in the milestone reports then adjust it to reflect a change in the calculation method so that the reductions are not accounted for twice. This will result in a much more conservative comparison of present day emissions to projected emissions in the Regional Haze SIP.

7. [Conservation Organizations] UDAQ's delay until March 2018 to revise its SIPs is arbitrary and capricious. Utah's proposed EC SIP purports to resolve the "double counting" of SO2 emission reductions from the Carbon plant in both the Utah RH SO2 SIP and the EPA pending RH NOx/PM SIP. However, Utah's proposed EC SIP fails to resolve anything but instead unlawfully delays agency action until 2018, at the soonest.

Response: The Milestone program will end in 2018, the same time as the end of the current Regional Haze planning period as determined by the EPA. Utah is committed to resolving the double counting issue before March 2018 so that it is completed before the conclusion of the Milestone program. While the SIP amendment may not occur immediately, the Enforceable Commitment ensures that emissions are accurately counted immediately.

8. [Conservation Organizations] UDAQ's EC SIP amendments create irreconcilable accounting methodologies among the three-state Western Backstop Trading Program. All states in the Western Backstop Trading Program must use the same inventory methodology. Indeed, Section 309 specifically recognizes that, "...all States in the program [must] use the same methodology." 40 C.F.R. §51.309(d)(4)(i). While Utah's EC SIP makes vague promises to resolve its SIP discrepancies by 2018, it fails to mandate similar changes to the Wyoming and New Mexico SO2 SIPs. Nothing

in the Utah EC SIP prevents Wyoming and New Mexico from counting the Carbon SO2 emission reductions in their future annual milestone reports.

Response: Section 309 specifically recognizes that "**During the first two years of the program**, compliance with the milestones may be measured by a methodology of the States' choosing, so long as all States in the program use the same methodology." (Emphasis added) 40 CFR §51.309(d)(4)(i). Because each state's emissions are reported separately and then compiled for the milestone report, other states cannot count emissions reductions from Utah as part of their inventory. Utah's adjustment will not affect the other states' reporting for their own emissions, but will impact the total emissions reported to EPA.

ITEM 5

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-058-15

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Ryan Stephens, Environmental Planning Consultant

DATE: September 23, 2015

SUBJECT: FINAL ADOPTION: Amend R307-110-28. Regional Haze.

On July 27, 2015, the Board proposed amendments to R307-110-28 to incorporate by reference the newest version of the State Implementation Plan (SIP) for Regional Haze. A 30-day public comment period was held from August 15 to September 14, 2015. No comments were submitted regarding incorporating the SIP into the rules and no public hearing was requested.

Staff Recommendation: Staff recommends that the Board adopt the amendments to R307-110-28.

R307. Environmental Quality, Air Quality.
R307-110. General Requirements: State Implementation Plan.
R307-110-28. Regional Haze.

The Utah State Implementation Plan, Section XX, Regional Haze, as most recently amended by the Utah Air Quality Board on [~~September xx~~]October 7, 2015, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, PM10, PM2.5, ozone
Date of Enactment or Last Substantive Amendment: 2015
Notice of Continuation: February 1, 2012
Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(e)

ITEM 6

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-056-15

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Joel Karmazyn, Environmental Scientist

DATE: September 23, 2015

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-101-2. Definitions; R307-312-5. Hot Mix Asphalt Plants; and R307-328-4. Loading of Tank Trucks, Trailers, Railroad Tank Cars, and Other Transport Vehicles.

On August 25, 2015, the EPA proposed conditional approval of sections of Utah's $PM_{2.5}$ State Implementation Plan (SIP). As a condition for approving the SIP, EPA is requiring the state to amend R307-101-2, R307-312-5, and R307-328-4. The state sent a letter to the EPA on August 4, 2015, that committed to revising the SIP. These amendments will satisfy that commitment.

Amendments to R307-101-2: The definition of $PM_{2.5}$ includes a description of all $PM_{2.5}$ precursors, with the exception of ammonia. EPA has requested that we either add ammonia to the definition or remove the precursors from the definition. Because $PM_{2.5}$ precursors are not included in any other part of our rules, we are proposing to remove the $PM_{2.5}$ precursors from the definition of $PM_{2.5}$.

Amendments to R307-312-5: The rule states that "production shall be determined by scale house records or equivalent method on a daily basis." EPA requested three equivalent methods. We are proposing to replace "equivalent method" with "belt scale records" and "manifests statements." The rule now provides three equivalent methods as EPA requested.

Amendments to R307-328-4: The rule states that gasoline loading shall be performed by "submerged filling or alternative equivalent methods." We are proposing to remove "alternative equivalent methods" because filling should be performed via submerged delivery to reduce VOC generation.

Staff Recommendation: Staff recommends that the Board propose amendments to R307-101-2, R307-312-5, and R307-328-4 for public comment.

R307. Environmental Quality, Air Quality.
R307-101. General Requirements.
R307-101-2. Definitions.

Except where specified in individual rules, definitions in R307-101-2 are applicable to all rules adopted by the Air Quality Board.

"Actual Emissions" means the actual rate of emissions of a pollutant from an emissions unit determined as follows:

(1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operations. The director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(2) The director may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(3) For any emission unit, other than an electric utility steam generating unit specified in (4), which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(4) For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the director, on an annual basis for a period of 5 years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the director if the director determines such a period to be more representative of normal source post-change operations.

"Acute Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Air Contaminant" means any particulate matter or any gas, vapor, suspended solid or any combination of them, excluding steam and water vapors (Section 19-2-102(1)).

"Air Contaminant Source" means any and all sources of

emission of air contaminants whether privately or publicly owned or operated (Section 19-2-102(2)).

"Air Pollution" means the presence in the ambient air of one or more air contaminants in such quantities and duration and under conditions and circumstances, as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or use of property as determined by the standards, rules and regulations adopted by the Air Quality Board (Section 19-2-104).

"Allowable Emissions" means the emission rate of a source calculated using the maximum rated capacity of the source (unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both) and the emission limitation established pursuant to R307-401-8.

"Ambient Air" means the surrounding or outside air (Section 19-2-102(4)).

"Appropriate Authority" means the governing body of any city, town or county.

"Atmosphere" means the air that envelops or surrounds the earth and includes all space outside of buildings, stacks or exterior ducts.

"Authorized Local Authority" means a city, county, city-county or district health department; a city, county or combination fire department; or other local agency duly designated by appropriate authority, with approval of the state Department of Health; and other lawfully adopted ordinances, codes or regulations not in conflict therewith.

"Board" means Air Quality Board. See Section 19-2-102(8)(a).

"Breakdown" means any malfunction or procedural error, to include but not limited to any malfunction or procedural error during start-up and shutdown, which will result in the inoperability or sudden loss of performance of the control equipment or process equipment causing emissions in excess of those allowed by approval order or Title R307.

"BTU" means British Thermal Unit, the quantity of heat necessary to raise the temperature of one pound of water one degree Fahrenheit.

"Calibration Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is the same known upscale value.

"Carbon Adsorption System" means a device containing adsorbent material (e.g., activated carbon, aluminum, silica gel), an inlet and outlet for exhaust gases, and a system for the proper disposal or reuse of all VOC adsorbed.

"Carcinogenic Hazardous Air Pollutant" means any hazardous air pollutant that is classified as a known human carcinogen (A1)

or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Chargeable Pollutant" means any regulated air pollutant except the following:

(1) Carbon monoxide;

(2) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated or established by Title VI of the Act, Stratospheric Ozone Protection;

(3) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Act, Prevention of Accidental Releases.

"Chronic Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - time weighted average (TLV-TWA) having no threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Clean Air Act" means federal Clean Air Act as amended in 1990.

"Clean Coal Technology" means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.

"Clean Coal Technology Demonstration Project" means a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology," up to a total amount of $2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The Federal contribution for a qualifying project shall be at least 20 percent of the total cost of the demonstration project.

"Clearing Index" means an indicator of the predicted rate of clearance of ground level pollutants from a given area. This number is provided by the National Weather Service.

"Commence" as applied to construction of a major source or major modification means that the owner or operator has all necessary pre-construction approvals or permits and either has:

(1) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(2) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

"Condensable PM2.5" means material that is vapor phase at stack conditions, but which condenses and/or reacts upon cooling and dilution in the ambient air to form solid or liquid particulate matter immediately after discharge from the stack.

"Compliance Schedule" means a schedule of events, by date, which will result in compliance with these regulations.

"Construction" means any physical change or change in the method of operation including fabrication, erection, installation, demolition, or modification of a source which would result in a change in actual emissions.

"Control Apparatus" means any device which prevents or controls the emission of any air contaminant directly or indirectly into the outdoor atmosphere.

"Department" means Utah State Department of Environmental Quality. See Section 19-1-103(1).

"Director" means the Director of the Division of Air Quality. See Section 19-1-103(1).

"Division" means the Division of Air Quality.

"Electric Utility Steam Generating Unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

"Emission" means the act of discharge into the atmosphere of an air contaminant or an effluent which contains or may contain an air contaminant; or the effluent so discharged into the atmosphere.

"Emissions Information" means, with reference to any source operation, equipment or control apparatus:

(1) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics related to air quality of any air contaminant which has been emitted by the source operation, equipment, or control apparatus;

(2) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any air contaminant which, under an applicable standard or limitation, the source operation was authorized to emit (including, to the extent necessary for such

purposes, a description of the manner or rate of operation of the source operation), or any combination of the foregoing; and

(3) A general description of the location and/or nature of the source operation to the extent necessary to identify the source operation and to distinguish it from other source operations (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source operation).

"Emission Limitation" means a requirement established by the Board, the director or the Administrator, EPA, which limits the quantity, rate or concentration of emission of air pollutants on a continuous emission reduction including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction (Section 302(k)).

"Emissions Unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the Clean Air Act.

"Enforceable" means all limitations and conditions which are enforceable by the Administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within the State Implementation Plan and R307, any permit requirements established pursuant to 40 CFR 52.21 or R307-401.

"EPA" means Environmental Protection Agency.

"EPA Method 9" means 40 CFR Part 60, Appendix A, Method 9, "Visual Determination of Opacity of Emissions from Stationary Sources," and Alternate 1, "Determination of the opacity of emissions from stationary sources remotely by LIDAR."

"Executive Director" means the Executive Director of the Utah Department of Environmental Quality. See Section 19-1-103(2).

"Existing Installation" means an installation, construction of which began prior to the effective date of any regulation having application to it.

"Facility" means machinery, equipment, structures of any part or accessories thereof, installed or acquired for the primary purpose of controlling or disposing of air pollution. It does not include an air conditioner, fan or other similar device for the comfort of personnel.

"Filterable PM2.5" means particles with an aerodynamic diameter equal to or less than 2.5 micrometers that are directly emitted by a source as a solid or liquid at stack or release conditions and can be captured on the filter of a stack test train.

"Fireplace" means all devices both masonry or factory built units (free standing fireplaces) with a hearth, fire chamber or similarly prepared device connected to a chimney which provides the operator with little control of combustion air, leaving its fire chamber fully or at least partially open to the room.

Fireplaces include those devices with circulating systems, heat exchangers, or draft reducing doors with a net thermal efficiency of no greater than twenty percent and are used for aesthetic purposes.

"Fugitive Dust" means particulate, composed of soil and/or industrial particulates such as ash, coal, minerals, etc., which becomes airborne because of wind or mechanical disturbance of surfaces. Natural sources of dust and fugitive emissions are not fugitive dust within the meaning of this definition.

"Fugitive Emissions" means emissions from an installation or facility which are neither passed through an air cleaning device nor vented through a stack or could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Garbage" means all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food, including wastes attendant thereto.

"Gasoline" means any petroleum distillate, used as a fuel for internal combustion engines, having a Reid vapor pressure of 4 pounds or greater.

"Hazardous Air Pollutant (HAP)" means any pollutant listed by the EPA as a hazardous air pollutant in conformance with Section 112(b) of the Clean Air Act. A list of these pollutants is available at the Division of Air Quality.

"Household Waste" means any solid or liquid material normally generated by the family in a residence in the course of ordinary day-to-day living, including but not limited to garbage, paper products, rags, leaves and garden trash.

"Incinerator" means a combustion apparatus designed for high temperature operation in which solid, semisolid, liquid, or gaseous combustible wastes are ignited and burned efficiently and from which the solid and gaseous residues contain little or no combustible material.

"Installation" means a discrete process with identifiable emissions which may be part of a larger industrial plant. Pollution equipment shall not be considered a separate installation or installations.

"LPG" means liquified petroleum gas such as propane or butane.

"Maintenance Area" means an area that is subject to the provisions of a maintenance plan that is included in the Utah state implementation plan, and that has been redesignated by EPA from nonattainment to attainment of any National Ambient Air Quality Standard.

(a) The following areas are considered maintenance areas for ozone:

(i) Salt Lake County, effective August 18, 1997; and

(ii) Davis County, effective August 18, 1997.

(b) The following areas are considered maintenance areas for carbon monoxide:

(i) Salt Lake City, effective March 22, 1999;

(ii) Ogden City, effective May 8, 2001; and

(iii) Provo City, effective January 3, 2006.

(c) The following areas are considered maintenance areas for PM10:

(i) Salt Lake County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6, 2005; and

(ii) Utah County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6, 2005; and

(iii) Ogden City, effective on the date that EPA approves the maintenance plan that was adopted by the Board on July 6, 2005.

(d) The following area is considered a maintenance area for sulfur dioxide: all of Salt Lake County and the eastern portion of Tooele County above 5600 feet, effective on the date that EPA approves the maintenance plan that was adopted by the Board on January 5, 2005.

"Major Modification" means any physical change in or change in the method of operation of a major source that would result in a significant net emissions increase of any pollutant. A net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone. Within Salt Lake and Davis Counties or any nonattainment area for ozone, a net emissions increase that is significant for nitrogen oxides shall be considered significant for ozone. Within areas of nonattainment for PM10, a significant net emission increase for any PM10 precursor is also a significant net emission increase for PM10. A physical change or change in the method of operation shall not include:

(1) routine maintenance, repair and replacement;

(2) use of an alternative fuel or raw material by reason of an order under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(3) use of an alternative fuel by reason of an order or rule under section 125 of the federal Clean Air Act;

(4) use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(5) use of an alternative fuel or raw material by a source:

(a) which the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any enforceable permit condition; or

(b) which the source is otherwise approved to use;

(6) an increase in the hours of operation or in the production rate unless such change would be prohibited under any enforceable permit condition;

(7) any change in ownership at a source

(8) the addition, replacement or use of a pollution control project at an existing electric utility steam generating unit, unless the director determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

(a) when the director has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the Clean Air Act, if any, and

(b) the director determines that the increase will cause or contribute to a violation of any national ambient air quality standard or PSD increment, or visibility limitation.

(9) the installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(a) the Utah State Implementation Plan; and

(b) other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Major Source" means, to the extent provided by the federal Clean Air Act as applicable to R307:

(1) any stationary source of air pollutants which emits, or has the potential to emit, one hundred tons per year or more of any pollutant subject to regulation under the Clean Air Act; or

(a) any source located in a nonattainment area for carbon monoxide which emits, or has the potential to emit, carbon monoxide in the amounts outlined in Section 187 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 187 of the federal Clean Air Act; or

(b) any source located in Salt Lake or Davis Counties or in a nonattainment area for ozone which emits, or has the potential to emit, VOC or nitrogen oxides in the amounts outlined in Section 182 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 182 of the federal Clean Air Act; or

(c) any source located in a nonattainment area for PM10 which emits, or has the potential to emit, PM10 or any PM10 precursor in the amounts outlined in Section 189 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 189 of the federal Clean Air Act.

(2) any physical change that would occur at a source not qualifying under subpart 1 as a major source, if the change would

constitute a major source by itself;

(3) the fugitive emissions and fugitive dust of a stationary source shall not be included in determining for any of the purposes of these R307 rules whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(a) Coal cleaning plants (with thermal dryers);

(b) Kraft pulp mills;

(c) Portland cement plants;

(d) Primary zinc smelters;

(e) Iron and steel mills;

(f) Primary aluminum or reduction plants;

(g) Primary copper smelters;

(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(i) Hydrofluoric, sulfuric, or nitric acid plants;

(j) Petroleum refineries;

(k) Lime plants;

(l) Phosphate rock processing plants;

(m) Coke oven batteries;

(n) Sulfur recovery plants;

(o) Carbon black plants (furnace process);

(p) Primary lead smelters;

(q) Fuel conversion plants;

(r) Sintering plants;

(s) Secondary metal production plants;

(t) Chemical process plants;

(u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British Thermal Units per hour heat input;

(v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(w) Taconite ore processing plants;

(x) Glass fiber processing plants;

(y) Charcoal production plants;

(z) Fossil fuel-fired steam electric plants of more than 250 million British Thermal Units per hour heat input;

(aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the federal Clean Air Act.

"Modification" means any planned change in a source which results in a potential increase of emission.

"National Ambient Air Quality Standards (NAAQS)" means the allowable concentrations of air pollutants in the ambient air specified by the Federal Government (Title 40, Code of Federal Regulations, Part 50).

"Net Emissions Increase" means the amount by which the sum of the following exceeds zero:

(1) any increase in actual emissions from a particular physical change or change in method of operation at a source; and

(2) any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable. For purposes of determining a "net emissions increase":

(a) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date five years before construction on the particular change commences; and the date that the increase from the particular change occurs.

(b) An increase or decrease in actual emissions is creditable only if it has not been relied on in issuing a prior approval for the source which approval is in effect when the increase in actual emissions for the particular change occurs.

(c) An increase or decrease in actual emission of sulfur dioxide, nitrogen oxides or particulate matter which occurs before an applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM10 emissions will be used to evaluate this increase or decrease.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is enforceable at and after the time that actual construction on the particular change begins; and

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(iv) It has not been relied on in issuing any permit under R307-401 nor has it been relied on in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

"New Installation" means an installation, construction of which began after the effective date of any regulation having application to it.

"Nonattainment Area" means an area designated by the Environmental Protection Agency as nonattainment under Section 107, Clean Air Act for any National Ambient Air Quality Standard. The designations for Utah are listed in 40 CFR 81.345.

"Offset" means an amount of emission reduction, by a source, greater than the emission limitation imposed on such source by these regulations and/or the State Implementation Plan.

"Opacity" means the capacity to obstruct the transmission of light, expressed as percent.

"Open Burning" means any burning of combustible materials resulting in emission of products of combustion into ambient air without passage through a chimney or stack.

"Owner or Operator" means any person who owns, leases, controls, operates or supervises a facility, an emission source, or air pollution control equipment.

"PSD" Area means an area designated as attainment or unclassifiable under section 107(d)(1)(D) or (E) of the federal Clean Air Act.

"PM2.5" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by an EPA reference or equivalent method.

[~~"PM2.5 Precursor" means any chemical compound or substance which, after it has been emitted into the atmosphere, undergoes chemical or physical changes that convert it into particulate matter, specifically PM2.5, and has been identified in the applicable implementation plan for PM2.5 as significant for the purpose of developing control measures. Specifically, PM2.5 precursors include SO_2, NOx, and VOC.~~]

"PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by an EPA reference or equivalent method.

"PM10 Precursor" means any chemical compound or substance which, after it has been emitted into the atmosphere, undergoes chemical or physical changes that convert it into particulate matter, specifically PM10.

"Part 70 Source" means any source subject to the permitting requirements of R307-415.

"Person" means an individual, trust, firm, estate, company, corporation, partnership, association, state, state or federal agency or entity, municipality, commission, or political subdivision of a state. (Subsection 19-2-103(4)).

"Pollution Control Project" means any activity or project at an existing electric utility steam generating unit for purposes of reducing emissions from such unit. Such activities or projects are limited to:

(1) The installation of conventional or innovative pollution control technology, including but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen

oxides controls and electrostatic precipitators;

(2) An activity or project to accommodate switching to a fuel which is less polluting than the fuel used prior to the activity or project, including, but not limited to natural gas or coal reburning, or the cofiring of natural gas and other fuels for the purpose of controlling emissions;

(3) A permanent clean coal technology demonstration project conducted under Title II, sec. 101(d) of the Further Continuing Appropriations Act of 1985 (sec. 5903(d) of title 42 of the United States Code), or subsequent appropriations, up to a total amount of $2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency; or

(4) A permanent clean coal technology demonstration project that constitutes a repowering project.

"Potential to Emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Primary PM2.5" means the sum of filterable PM2.5 and condensable PM2.5.

"Process Level" means the operation of a source, specific to the kind or type of fuel, input material, or mode of operation.

"Process Rate" means the quantity per unit of time of any raw material or process intermediate consumed, or product generated, through the use of any equipment, source operation, or control apparatus. For a stationary internal combustion unit or any other fuel burning equipment, this term may be expressed as the quantity of fuel burned per unit of time.

"Reactivation of a Very Clean Coal-Fired Electric Utility Steam Generating Unit" means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

(1) Has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such unit continue to be carried in the emission inventory at the time of enactment;

(2) Was equipped prior to shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85 percent and a removal efficiency for particulates of no less than 98 percent;

(3) Is equipped with low-NOx burners prior to the time of commencement of operations following reactivation; and

(4) Is otherwise in compliance with the requirements of the Clean Air Act.

"Reasonable Further Progress" means annual incremental reductions in emission of an air pollutant which are sufficient to provide for attainment of the NAAQS by the date identified in the State Implementation Plan.

"Refuse" means solid wastes, such as garbage and trash.

"Regulated air pollutant" means any of the following:

(a) Nitrogen oxides or any volatile organic compound;

(b) Any pollutant for which a national ambient air quality standard has been promulgated;

(c) Any pollutant that is subject to any standard promulgated under Section 111 of the Act, Standards of Performance for New Stationary Sources;

(d) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act, Stratospheric Ozone Protection;

(e) Any pollutant subject to a standard promulgated under Section 112, Hazardous Air Pollutants, or other requirements established under Section 112 of the Act, including Sections 112(g), (j), and (r) of the Act, including any of the following:

(i) Any pollutant subject to requirements under Section 112(j) of the Act, Equivalent Emission Limitation by Permit. If the Administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to Section 112(e) of the Act;

(ii) Any pollutant for which the requirements of Section 112(g)(2) of the Act (Construction, Reconstruction and Modification) have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

"Repowering" means replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

(1) Repowering shall also include any oil and/or gas-fired

unit which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.

(2) The director shall give expedited consideration to permit applications for any source that satisfies the requirements of this definition and is granted an extension under section 409 of the Clean Air Act.

"Representative Actual Annual Emissions" means the average rate, in tons per year, at which the source is projected to emit a pollutant for the two-year period after a physical change or change in the method of operation of unit, (or a different consecutive two-year period within 10 years after that change, where the director determines that such period is more representative of source operations), considering the effect any such change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting future emissions the director shall:

(1) Consider all relevant information, including but not limited to, historical operational data, the company's own representations, filings with the State of Federal regulatory authorities, and compliance plans under title IV of the Clean Air Act; and

(2) Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

"Residence" means a dwelling in which people live, including all ancillary buildings.

"Residential Solid Fuel Burning" device means any residential burning device except a fireplace connected to a chimney that burns solid fuel and is capable of, and intended for use as a space heater, domestic water heater, or indoor cooking appliance, and has an air-to-fuel ratio less than 35-to-1 as determined by the test procedures prescribed in 40 CFR 60.534. It must also have a useable firebox volume of less than 6.10 cubic meters or 20 cubic feet, a minimum burn rate less than 5 kilograms per hour or 11 pounds per hour as determined by test procedures prescribed in 40 CFR 60.534, and weigh less than 800 kilograms or 362.9 pounds. Appliances that are described as prefabricated fireplaces and are designed to accommodate doors or other accessories that would create the air starved operating conditions of a residential solid fuel burning device shall be considered as such. Fireplaces are not included in this definition for solid fuel burning devices.

"Road" means any public or private road.

"Salvage Operation" means any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to metals, chemicals, shipping containers or drums.

"Secondary Emissions" means emissions which would occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself.

Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source or modification which causes the secondary emissions. Secondary emissions include emissions from any off-site support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

Fugitive emissions and fugitive dust from the source or modification are not considered secondary emissions.

"Secondary PM2.5" means particles that form or grow in mass through chemical reactions in the ambient air well after dilution and condensation have occurred. Secondary PM2.5 is usually formed at some distance downwind from the source.

"Significant" means:

(1) In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Carbon monoxide: 100 ton per year (tpy);

Nitrogen oxides: 40 tpy;

Sulfur dioxide: 40 tpy;

PM10: 15 tpy;

PM2.5: 10 tpy;

Particulate matter: 25 tpy;

Ozone: 40 tpy of volatile organic compounds;

Lead: 0.6 tpy.

"Solid Fuel" means wood, coal, and other similar organic material or combination of these materials.

"Solvent" means organic materials which are liquid at standard conditions (Standard Temperature and Pressure) and which are used as dissolvers, viscosity reducers, or cleaning agents.

"Source" means any structure, building, facility, or installation which emits or may emit any air pollutant subject to regulation under the Clean Air Act and which is located on one or more continuous or adjacent properties and which is under the

control of the same person or persons under common control. A building, structure, facility, or installation means all of the pollutant-emitting activities which belong to the same industrial grouping. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e. which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (US Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively).

"Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

"Standards of Performance for New Stationary Sources" means the Federally established requirements for performance and record keeping (Title 40 Code of Federal Regulations, Part 60).

"State" means Utah State.

"Temporary" means not more than 180 calendar days.

"Temporary Clean Coal Technology Demonstration Project" means a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the Utah State Implementation Plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Threshold Limit Value - Ceiling (TLV-C)" means the airborne concentration of a substance which may not be exceeded, as adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Threshold Limit Value - Time Weighted Average (TLV-TWA)" means the time-weighted airborne concentration of a substance adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Total Suspended Particulate (TSP)" means minute separate particles of matter, collected by high volume sampler.

"Toxic Screening Level" means an ambient concentration of an air contaminant equal to a threshold limit value - ceiling (TLV-C) or threshold limit value -time weighted average (TLV-TWA) divided by a safety factor.

"Trash" means solids not considered to be highly flammable or explosive including, but not limited to clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.

"Volatile Organic Compound (VOC)" means VOC as defined in 40 CFR 51.100(s), effective as of the date referenced in R307-101-3, is hereby adopted and incorporated by reference.

"Waste" means all solid, liquid or gaseous material,

including, but not limited to, garbage, trash, household refuse, construction or demolition debris, or other refuse including that resulting from the prosecution of any business, trade or industry.

"Zero Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is zero.

KEY: air pollution, definitions
Date of Enactment or Last Substantive Amendment: [~~August 7, 2014~~]2015
Notice of Continuation: May 8, 2014
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

R307. Environmental Quality, Air Quality.
R307-312. Aggregate Processing Operations for PM2.5 Nonattainment Areas.
R307-312-5. Hot Mix Asphalt Plants.

(1) The filterable PM2.5 emission rate from a hot mix asphalt plant dryer shall not exceed 0.024 grains per dscf.

(a) Filterable PM2.5 emissions shall be determined by 40 CFR 51, Appendix M, Method 201A.

(2) From November 1 to March 1, a hot mix asphalt plant burning a fuel other than natural gas or liquefied petroleum gas (LPG) shall not produce more than 50% of its rated capacity.

(a) Production shall be determined by scale house records, belt scale records or [~~equivalent method~~]manifest statements on a daily basis.

(b) Compliance shall be based on either the daily amount of hot mix asphalt produced averaged over the operating day or the daily amount of hot mix asphalt produced while burning a fuel other than natural gas or LPG averaged over the time the plant is operating while burning a fuel other than natural gas or LPG each day.

(c) Compliance shall be determined by production records and fuel records.

KEY: air pollution, aggregate, asphalt, concrete
Date of Enactment or Last Substantive Amendment: [~~February 1, 2013~~]2015
Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104; 19-2-109

R307. Environmental Quality, Air Quality.
R307-328. Gasoline Transfer and Storage.
R307-328-4. Loading of Tank Trucks, Trailers, Railroad Tank Cars, and Other Transport Vehicles.

(1) No person shall load or permit the loading of gasoline into any gasoline cargo tank unless the emissions from such vehicle are controlled by use of a vapor collection and control system and submerged or bottom filling. RACT shall be required and in no case shall vapor emissions to the atmosphere exceed 0.640 pounds per 1,000 gallons transferred.

(2) Such vapor collection and control system shall be properly installed and maintained.

(3) The loading device shall not leak.

(4) The loading device shall utilize the dry-break loading design couplings and shall be maintained and operated to allow no more than an average of 15 cc drainage per disconnect for 5 consecutive disconnects.

(5) All loading and vapor lines shall be equipped with fittings which make a vapor tight connection and shall automatically close upon disconnection to prevent release of the organic material.

(6) A gasoline storage and transfer installation that receives inbound loads and dispatches outbound loads ("bulk plant") need not comply with R307-328-4 if it does not have a daily average throughput of more than 3,900 gallons (15,000 or more liters) of gasoline based upon a 30-day rolling average. Such installations shall on-load and off-load gasoline by use of bottom or submerged filling [~~or alternative equivalent methods~~]. The emission limitation is based on operating procedures and equipment specifications using Reasonably Available Control Technology as defined in EPA documents EPA 450/2-77-026 October 1977, "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals," and EPA-450/2-77-035 December 1977, "Control of Volatile Organic Emissions from Bulk Gasoline Plants." The design effectiveness of such equipment and the operating procedures must be documented and submitted to and approved by the director.

(7) Hatches of gasoline cargo tanks shall not be opened at any time during loading operations except to avoid emergency situations or during emergency situations. Pressure relief valves on storage tanks and gasoline cargo tanks shall be set to release at the highest possible pressure, in accordance with State or local fire codes and National Fire Prevention Association guidelines. Pressure in the vapor collection system shall not exceed the gasoline cargo tank pressure relief setting.

(8) Each owner or operator of a gasoline storage or dispensing installation shall conduct testing of vapor collection systems used at such installation and shall maintain records of

all tests for no less than two years. Testing procedures of vapor collection systems shall be approved by the director and shall be consistent with the procedures described in the EPA document, "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems," EPA-450/2-78-051.

(9) Semi-annual testing shall be conducted and records maintained of such test. The frequency of tests may be altered by the director upon submittal of documentation which would justify a change.

(10) The vapor collection and vapor processing equipment shall be designed and operated to prevent gauge pressure in the gasoline cargo tank from exceeding 18 inches of water and prevent vacuum from exceeding 6 inches of water. During testing and monitoring, there shall be no reading greater than or equal to 100 percent of the lower explosive limit measured at 1.04 inches around the perimeter of a potential leak source as detected by a combustible gas detector. Potential leak sources include, but are not limited to, piping, seals, hoses, connections, pressure or vacuum vents, and vapor hoods. In addition, no visible liquid leaks are permitted during testing or monitoring.

KEY: air pollution, gasoline transport, ozone
Date of Enactment or Last Substantive Amendment: [~~June 7, 2011~~]2015
Notice of Continuation: February 1, 2012
Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104(1)(a)

ITEM 7

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-057-15

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

THROUGH: Regg Olsen, Permitting Branch Manager

FROM: David Beatty, Operating Permit Section Manager

DATE: September 23, 2015

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-405-3. Definitions; and R307-415-3. Definitions.

On August 12, 2015, the Environmental Protection Agency (EPA) issued a good cause final rule to remove portions of its Prevention of Significant Deterioration (PSD) and title V permitting regulations that were initially promulgated in 2010 and that the Court of Appeals for the District of Columbia Circuit (D.C. Circuit) specifically identified as vacated in the amended version of *Coalition for Responsible Regulation v. EPA.* The amended judgment was a response to the U.S. Supreme Court decision in *Utility Air Regulatory Group (UARG) v. EPA.*

In *UARG v. EPA*, the U.S. Supreme Court said that the EPA may not treat greenhouse gases (GHG) as an air pollutant for the specific purpose of determining whether a source (or modification thereof) is required to obtain a PSD or title V permit, and thus declared that the EPA regulations implementing that approach for determining whether a PSD or title V permit is necessary (i.e., Step 2 of the Tailoring Rule) are invalid.

Following the aforementioned federal changes, the Division of Air Quality is proposing changes to R307-405-3 and R307-415-3 so that Utah's rules align with federal regulations and case law. The result of these changes will be the withdrawal of five title V sources that were identified as GHG sources when the tailoring rule was implemented.

Staff Recommendation: Staff recommends that the Board propose amendments to R307-405-3 and R307-415-3 for public comment.

BACKGROUND

• New Source Review (NSR) is a preconstruction permitting program established under the 1977 Clean Air Act (CAA) Amendments that serves two important purposes: 1) It ensures the maintenance of air quality standards when major stationary sources such as factories, industrial boilers and power plants are constructed or modified. In areas that do not meet the national air quality standards, nonattainment NSR ensures that new emissions do not slow progress toward cleaner air. In areas that meet the standards, including pristine areas like national parks, NSR's PSD program ensures that new emissions will not cause air quality to deteriorate significantly and that these areas will continue to attain air quality standards. 2) The NSR program ensures that state of the art control technology is installed at new plants or at existing plants that are undergoing a major modification.

• The title V operating permit program, established under the 1990 CAA Amendments, is a vehicle for ensuring that air quality control requirements are appropriately applied to facility emission units and for assuring compliance with such requirements, but does not generally impose new substantive air quality control requirements.

• On June 3, 2010, the EPA published the final Tailoring Rule, which phased in permitting requirements for greenhouse gas emissions from stationary sources under the CAA permitting programs. The final Tailoring Rule set thresholds for GHG emissions that define when permits under the NSR PSD and title V permit programs were required for new and existing industrial facilities based on the level of greenhouse gas emissions from a source.

• Step 1 of the Tailoring Rule (January 2, 2011 to June 30, 2011) only applied to sources that were subject to the program before greenhouse gases were regulated under the Clean Air Act (i.e., those sources that were newly-constructed or modified in a way that significantly increased emissions of a pollutant other than GHGs). During this time, no sources were subject to CAA permitting requirements due solely to GHG emissions.

• Step 2 of the Tailoring Rule began on July 1, 2011, and allowed PSD and title V requirements to apply to additional sources based solely on GHG emissions if those emissions exceeded certain regulatory limits. The Step 2 permitting regulations for GHG only sources are the portion of the GHG permitting regulations that the U.S Supreme Court found to be invalid in *UARG v EPA*.

R307. Environmental Quality, Air Quality.
R307-405. Permits: Major Sources in Attainment or Unclassified Areas (PSD).

R307-405-3. Definitions.

(1) Except as provided in (2) and (9) below, the definitions contained in 40 CFR 52.21(b) are hereby incorporated by reference.

(2)(a) In the definition of "baseline area" in 40 CFR 52.21(b)(15)(ii)(b) insert the words "or R307-405" after "Is subject to 40 CFR 52.21".

(b) "Reviewing Authority" means the director.

(c)(i) The term "Administrator" shall be changed to "director" throughout R307-405, except as provided in (ii).

(ii) The term "Administrator" shall be changed to "EPA Administrator" in the following incorporated sections:

(A) 40 CFR 52.21(b)(17),
(B) 40 CFR 52.21(b)(37)(i),
(C) 40 CFR 52.21(b)(43),
(D) 40 CFR 52.21(b)(48)(ii)(c),
(E) 40 CFR 52.21(b)(50)(i),
(F) 40 CFR 52.21(l)(2),
(G) 40 CFR 52.21(p)(2), and
(H) 40 CFR 51.166(q)(2)(iv).

(d) The following definitions or portions of definitions that apply to the equipment repair and replacement provisions are not incorporated because these provisions were vacated by the DC Circuit Court of Appeals on March 17, 2006:

(i) in the definition major modification in 40 CFR 52.21(b)(2), the second sentence in subparagraph (iii)(a),

(ii) the definition of "process unit" in 40 CFR 52.21(b)(55),

(iii) the definition of "functionally equivalent component" in 40 CFR 52.21(b)(56),

(iv) the definition of "fixed capital cost" in 40 CFR 52.21 (b)(57), and

(v) the definition of "total capital investment" in 40 CFR 52.21(b)(58).

(e) In the definition of "Regulated NSR pollutant" in 40 CFR 52.21(b)(50), subparagraph (iv) shall be changed to read, "Any pollutant that otherwise is subject to regulation under the Act." A new subparagraph (v) shall be added that reads, "The term regulated NSR pollutant shall not include any or all hazardous air pollutants either listed in section 112 of the federal Clean Air Act, or added to the list pursuant to section 112(b)(2) of the federal Clean Air Act, and which have not been delisted pursuant

to section 112(b)(3) of the federal Clean Air Act, unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the federal Clean Air Act."

(3) "Air Quality Related Values," as used in analyses under 40 CFR 52.21 (p) that is incorporated by reference in R307-405-17, means those special attributes of a Class I area, assigned by a federal land manager, that are adversely affected by air quality.

(4) "Heat input" means heat input as defined in 40 CFR 52.01(g), that is hereby incorporated by reference.

(5) "Title V permit" means any permit or group of permits covering a Part 70 source that is issued, renewed, amended, or revised pursuant to R307-415.

(6) "Title V Operating Permit Program" means R307-415.

(7) The definition of "Good Engineering Practice (GEP) Stack Height" as defined in R307-410 shall apply in this rule.

(8) The definition of "Dispersion Technique" as defined in R307-410 shall apply in this rule.

(9) "Subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision in the federal Clean Air Act, or a nationally-applicable regulation codified by the Administrator in subchapter C of 40 CFR Chapter I, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity. Except that:

(a) "Greenhouse gases (GHGs)," the air pollutant defined in 40 CFR 86.1818-12(a) (Federal Register, Vol. 75, Page 25686) as the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation except as provided in paragraph[~~s~~] (d) [~~through (e)~~] of this section.

(b) For purposes of paragraphs (c) through ([~~e~~]d) of this section, the term "tons per year (tpy) CO2 equivalent emissions (CO2e)" shall represent an amount of GHGs emitted, and shall be computed as follows:

(i) Multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A-1 to subpart A of 40 CFR Part 98 - Global Warming Potentials, that is hereby incorporated by reference (Federal Register, Vol. 74, Pages 56395-96).

(ii) Sum the resultant value from paragraph (b)(i) of this section for each gas to compute a tpy CO2e.

(c) The term "emissions increase" as used in paragraph[~~s~~] (d) [~~through (e)~~]of this section shall mean that both a significant emissions increase (as calculated using the procedures in 40 CFR 52.21 (a)(2)(iv) that is incorporated by reference in R307-405-2) and a significant net emissions increase (as defined in paragraphs 40 CFR 52.21(b)(3) and (b)(23) that is incorporated by reference in R307-405-3) occur. For the pollutant GHGs, an emissions increase shall be based on tpy CO2e, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and ''significant'' is defined as 75,000 tpy CO2e instead of applying the value in paragraph 40 CFR 52.21(b)(23)(ii).

(d) Beginning January 2, 2011, the pollutant GHGs is subject to regulation if:

(i) The stationary source is a new major stationary source for a regulated NSR pollutant that is not GHGs, and also will emit or will have the potential to emit 75,000 tpy CO2e or more; or

(ii) The stationary source is an existing major stationary source for a regulated NSR pollutant that is not GHGs, and also will have an emissions increase of a regulated NSR pollutant, and an emissions increase of 75,000 tpy CO2e or more[~~; and,~~

~~(e) Beginning July 1, 2011, in addition to the provisions in paragraph (d) of this section, the pollutant GHGs shall also be subject to regulation:~~

~~(i) At a new stationary source that will emit or have the potential to emit 100,000 tpy CO2e; or~~

~~(ii) At an existing stationary source that emits or has the potential to emit 100,000 tpy CO2e, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tpy CO2e or more~~].

KEY: air pollution, PSD, Class I area, greenhouse gases
Date of Enactment or Last Substantive Amendment: [~~February 2, 2012~~]2015
Notice of Continuation: January 28, 2014
Authorizing, and Implemented or Interpreted Law: 19-2-104

R307. Environmental Quality, Air Quality.
R307-415. Permits: Operating Permit Requirements.

R307-415-3. Definitions.

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

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

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

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

"Affected States" are all states:

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

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

"Air Pollutant" means an air pollution agent or combination of such agents, including any physical, chemical, biological, or radioactive (including source material, special nuclear material, and byproduct material) substance or matter which is emitted into or otherwise enters the ambient air. Such term includes any precursors to the formation of any air pollutant, to the extent the Administrator has identified such precursor or precursors for the particular purpose for which the term air pollutant is used.

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

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

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

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

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

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

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

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

(h) Any standard or other requirement for consumer and

commercial products, under Section 183(e) of the Act;

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

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

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

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

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

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

"Emissions allowable under the permit" means a federally-enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit, including a work practice standard, or a federally-enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

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

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

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

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

"Major source" means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control)) belonging to a single major industrial grouping and that are described in paragraphs (a), (b), or (c) of this definition. For the purposes of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of

the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987. Emissions resulting directly from an internal combustion engine for transportation purposes or from a non-road vehicle shall not be considered in determining whether a stationary source is a major source under this definition.

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

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

(i) Coal cleaning plants with thermal dryers;

(ii) Kraft pulp mills;

(iii) Portland cement plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants, furnace process;
(xvi) Primary lead smelters;
(xvii) Fuel conversion plants;
(xviii) Sintering plants;
(xix) Secondary metal production plants;
(xx) Chemical process plants;
(xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input;
(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
(xxiii) Taconite ore processing plants;
(xxiv) Glass fiber processing plants;
(xxv) Charcoal production plants;
(xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
(xxvii) Any other stationary source category, which as of August 7, 1980 is being regulated under Section 111 or Section 112 of the Act.

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

(i) For ozone nonattainment areas, sources with the potential to emit 100 tons per year or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tons per year or more in areas classified as "serious," 25 tons per year or more in areas classified as "severe," and 10 tons per year or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tons per year of nitrogen oxides shall not apply with respect to any source for which the Administrator has made a finding, under Section 182(f)(1) or (2) of the Act, that requirements under Section 182(f) of the Act do not apply;

(ii) For ozone transport regions established pursuant to Section 184 of the Act, sources with the potential to emit 50 tons per year or more of volatile organic compounds;

(iii) For carbon monoxide nonattainment areas that are classified as "serious" and in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tons per year or more of carbon monoxide;

(iv) For PM-10 particulate matter nonattainment areas classified as "serious," sources with the potential to emit 70 tons per year or more of PM-10 particulate matter.

"Non-Road Vehicle" means a vehicle that is powered by an internal combustion engine (including the fuel system), that is not a self-propelled vehicle designed for transporting persons or property on a street or highway or a vehicle used solely for

competition, and is not subject to standards promulgated under Section 111 of the Act (New Source Performance Standards) or Section 202 of the Act (Motor Vehicle Emission Standards).

"Operating permit" or "permit," unless the context suggests otherwise, means any permit or group of permits covering a Part 70 source that is issued, renewed, amended, or revised pursuant to these rules.

"Part 70 Source" means any source subject to the permitting requirements of R307-415, as provided in R307-415-4.

"Permit modification" means a revision to an operating permit that meets the requirements of R307-415-7f.

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

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

"Proposed permit" means the version of a permit that the director proposes to issue and forwards to EPA for review in compliance with R307-415-8.

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

"Responsible official" means one of the following:

(a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) the operating facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million in second quarter 1980 dollars; or

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

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

(c) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of R307-415, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency;

(d) For Title IV affected sources:

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

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

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

[~~"Subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act, or a nationally-applicable regulation codified by the Administrator in subchapter C of 40 CFR Chapter I, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity. Except that:~~

~~(a) "Greenhouse gases (GHGs)," the air pollutant defined in 40 CFR 86.1818-12(a) (Federal Register, Vol. 75, Page 25686) as the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation unless, as of July 1, 2011, the GHG emissions are at a stationary source emitting or having the potential to emit 100,000 tons per year (tpy) CO2 equivalent emissions.~~

~~(b) The term "tpy CO2 equivalent emissions (CO2e)" shall represent an amount of GHGs emitted, and shall be computed by multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A-1 to subpart A of 40 CFR Part 98--Global Warming Potentials, that is hereby incorporated by reference (Federal Register, Vol. 74, Pages 56395-96), and summing the resultant value for each to compute a tpy CO2e.~~]

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

KEY: air pollution, greenhouse gases, operating permit, emission fees

Date of Enactment or Last Substantive Amendment: [~~March 7, 2012~~]2015

Notice of Continuation: June 6, 2012

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

ITEM 8

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-060-15

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Robert Ford, Air Toxics Lead-Based Paint, and Asbestos Section Manager

DATE: September 23, 2015

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-801. Utah Asbestos Rule.

On March 25, 2015, Governor Gary Herbert signed Utah House Bill 229, Air Quality Modifications, into law. House Bill 229 revised the statutory definition of asbestos and modified what suspect asbestos-containing materials need to be inspected for in residential structures of four units or less built on or after January 1, 1981. These modifications are found in Utah Code Annotated 19-2-102 and 19-2-104.

The proposed rule amends R307-801, Utah Asbestos Rule, so that it reflects changes to and is made consistent with Utah Air Conservation Act modifications. The proposed rule also includes modifications recommended by staff and the regulated community to help the Division better administer the Utah Asbestos Program.

Staff Recommendation: Staff recommends that the Board propose R307-801 for public comment.

R307. Environmental Quality, Air Quality.
R307-801. Utah Asbestos Rule.
R307-801-1. Purpose and Authority.

This rule establishes procedures and requirements for asbestos abatement or renovation projects and training programs, procedures and requirements for the certification of persons and companies engaged in asbestos abatement or renovation projects, and work practice standards for performing such projects. This rule is promulgated under the authority of Utah Code Annotated 19-2-104(1)(d), (3)([~~r~~]a)([~~i) through (~~]iii), (3)([~~s~~]b)(iv)(A), (B), and (C), (3)([~~t~~]b)(v), [~~and~~](6)(a), and (6)(b). Penalties are authorized by Utah Code Annotated 19-2-115. Fees are authorized by Utah Code Annotated 19-1-201(2)(i).

R307-801-2. Applicability and General Provisions.

(1) Applicability.

(a) The following persons are operators and are subject to the requirements of R307-801:

(i) Persons who contract for hire to conduct asbestos abatement, renovation, or demolition projects in regulated facilities;

(ii) Persons who conduct asbestos abatement, renovation, or demolition projects in areas where the general public has unrestrained access; [~~or~~]

(iii) Persons who conduct asbestos abatement, renovation, or demolition projects in school buildings subject to AHERA or who conduct asbestos inspections in facilities subject to TSCA Title II[~~.~~]; or

(iv) Persons who perform regulated work activities or renovation projects in single or multifamily residential structures where they do not live or intend to live immediately after the regulated work activity or renovation project is complete.

(b) The following persons are subject to certification requirements:

(i) Persons required by TSCA Title II or R307-801 to be accredited as inspectors, management planners, project designers, renovators, asbestos abatement supervisors, or asbestos abatement workers;

(ii) Persons who work on asbestos abatement projects as asbestos abatement workers, asbestos abatement supervisors, inspectors, project designers, or management planners; [~~and~~]

(iii) Persons who perform regulated work activities or renovation projects in single or multifamily residential structures where they do not live or intend to live immediately

after the regulated work activity or project is complete; or

(i[~~ii~~]v) Companies that conduct asbestos abatement projects, renovation projects, inspections, create project designs, or prepare management plans in regulated facilities.

(c) Homeowners or condominium owners performing renovation or demolition activities in or on their own residential facilities where they live, that are otherwise not subject to the Asbestos NESHAP, are not subject to the requirements of this rule, however, a condominium complex of more than four units is subject to this rule and may also be subject to the Asbestos NESHAP [~~and R307-801~~]regulation.

(d) Contractors for hire performing renovation or demolition activities are required to follow the inspection provisions of R307-801-9 and R307-801-10 and the notification provisions of R307-801-11 and R307-801-12.

(2) General Provisions.

(a) All persons who are required by R307-801 to obtain an approval, certification, determination, or notification from the director [~~must~~]shall obtain it in writing.

(b) Persons wishing to deviate from the certification, notification, work practices, or other requirements of R307-801 may do so only after requesting and obtaining the written approval of the director.

R307-801-3. Definitions.

The following definitions apply to R307-801:

"Adequately Wet" means to sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material is not adequately wet. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

"Amended Water" means a mixture of water and a chemical wetting agent that provides control of asbestos fiber release.

"AHERA" means the federal Asbestos Hazard Emergency Response Act of 1986 and the Environmental Protection Agency implementing regulations, 40 CFR Part 763, Subpart E - Asbestos-Containing Materials in Schools.

"AHERA Facility" means any structure subject to the federal AHERA requirements.

"Asbestos" means the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, [~~and~~] actinolite-tremolite, and Libby amphibole.

"Asbestos Abatement Project" means any activity involving the

removal, repair, demolition, salvage, disposal, cleanup, or other disturbance of regulated asbestos-containing material greater than the small scale short duration (SSSD) amount of asbestos-containing material.

"Asbestos Abatement Supervisor" means a person who is certified according to R307-801-6 and is responsible for ensuring work is conducted in accordance with the regulations and best work practices for asbestos abatement or renovation projects.

"Asbestos Abatement Worker" means a person who is certified according to R307-801-6 and performs asbestos abatement or renovation projects.

"Asbestos-Containing Material (ACM)" means any material containing more than 1% asbestos by the method specified in 40 CFR Part 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy (PLM), or, if the asbestos content is greater than a trace amount of asbestos, but less than 10% asbestos, the asbestos concentration shall be determined by point counting using PLM or any other method acceptable to the director.

"Asbestos-Containing Waste Material (ACWM)" means any waste generated from regulated asbestos-containing material (RACM) that contains any amount of asbestos and is generated by a source subject to the provisions of R307-801. This term includes filters from control devices, friable asbestos-containing waste material, and bags or other similar packaging contaminated with asbestos. As applied to demolition and renovation projects, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

"Asbestos Inspection" means any activity undertaken to identify the presence and location, or to assess the condition, of asbestos-containing material or suspected asbestos-containing material, by visual or physical examination, or by collecting samples of the material. This term includes re-inspections of the type described in AHERA, 40 CFR 763.85(b), of known or assumed asbestos-containing material which has been previously identified. The term does not include the following:

(a) Periodic surveillance of the type described in AHERA, 40 CFR 763.92(b), solely for the purpose of recording or reporting a change in the condition of known or assumed asbestos-containing material;

(b) Inspections performed by employees or agents of federal, state, or local government solely for the purpose of regulatory oversight and/or determining compliance with applicable statutes or regulations; or

(c) Visual inspections of the type described in AHERA, 40

CFR 763.90(i), solely for the purpose of determining completion of response actions.

"Asbestos Inspection Report" means a written report as specified in R307-801-10(6) describing an asbestos inspection performed by a certified asbestos inspector.

"Asbestos NESHAP" means the National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, Subpart M,[~~the~~] National Emission Standard for Asbestos.

"Asbestos Removal" means the stripping of friable ACM from regulated facility components or the removal of structural components that contain or are covered with friable ACM from a regulated facility.

"Category I Non-Friable Asbestos-Containing Material" means asbestos-containing packings, gaskets, resilient floor coverings, or asphalt roofing products containing more than 1% asbestos as determined by using the method specified in 40 CFR Part 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy (PLM).

"Category II Non-Friable Asbestos-Containing Material" means any material, excluding Category I non-friable ACM, containing more than 1% asbestos as determined by using the methods specified in 40 CFR Part 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy (PLM) that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

"Condominium" means a building or complex of buildings in which units of property are owned by individuals and common parts of the property, such as the grounds, common areas, and building structure, are owned jointly by the condominium unit owners.

"Containerized" means sealed in a leak-tight and durable container.

"Debris" means friable or regulated asbestos-containing material that has been dislodged and has fallen from its original substrate and position or which has fallen while remaining attached to substrate sections or fragments.

"Demolition Project" means the wrecking, salvage, or removal of any load-supporting structural member of a regulated facility together with any related handling operations, or the intentional burning of any regulated facility. This includes the moving of an entire building, but excludes the moving of structures, vehicles, or equipment with permanently attached axles, such as trailers, motor homes, and mobile homes that are specifically designed to be moved.

"Director" means the Director of the Utah Division of Air Quality.

"Disturb" means to disrupt the matrix, crumble, pulverize, or

generate visible debris from ACM or RACM.

"Emergency Abatement or Renovation Project" means any asbestos abatement or renovation project which was not planned and results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden as determined by the director. This term includes operations necessitated by non-routine failure of equipment, natural disasters, fire, or flooding, but does not include situations caused by the lack of planning.

"Encapsulant" means a permanent coating applied to the surface of friable ACM for the purpose of preventing the release of asbestos fibers. The encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

"Friable Asbestos-Containing Material[~~(Friable ACM)~~]" means any asbestos-containing material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

"Glove bag" means an impervious plastic bag-like enclosure, not [~~more than~~]to exceed 60 x 60 inches, affixed around an asbestos-containing material, with glove-like appendages through which material and tools may be handled.

"General Building Remodeling Activities" means the alteration in any way of one or more regulated structure components, excluding asbestos abatement, renovation, and demolition projects.

"Government Official" means an engineer, building official, or health officer employed by a governmental jurisdiction that has a responsibility for public safety or health in the jurisdiction where the structure is located.

"High-Efficiency Particulate Air (HEPA)" means a filtration system capable of trapping and retaining at least 99.97% of all mono-dispersed particles 0.3 micron in diameter.

"Inaccessible" means in a physically restricted or obstructed area, or covered in such a way that detection or removal is prevented or severely hampered.

"Inspector" means a person who is certified according to R307-801-6, conducts asbestos inspections, or oversees the preparation of asbestos inspection reports.

"Libby Amphibole" means loose-fill vermiculite type insulation material originating in Libby, Montana, or elsewhere, used in regulated facilities subject to this rule and has greater than 1% asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, and actinolite-tremolite, as defined earlier in

this section, and winchite, richterite, tremolite, magnesio-riebikite, magnesio-arfvedsonite, and edenite using United States Environmental Protection Agency Method EPA/600/R93/116 or other method as approved by the director.

"Management Plan" means a document that meets the requirements of AHERA for management plans for asbestos in schools.

"Management Planner" means a person who is certified according to R307-801-6 and oversees the preparation of management plans for school buildings subject to AHERA.

"Model Accreditation Plan (MAP)" means 40 CFR Part 763, Subpart E, Appendix C, Asbestos Model Accreditation Plan.

"NESHAP Amount" means combined amounts in a project that total:

(a) 260 linear feet (80 linear meters) of pipe covered with RACM;

(b) 160 square feet (15 square meters) of RACM used to cover or coat any duct, boiler, tank, reactor, turbine, equipment, structural member, or regulated facility component; or

(c) 35 cubic feet (one cubic meter) of RACM removed from regulated facility structural members or components where the length and area could not be measured previously.

"NESHAP Facility" means any institutional, commercial, public, industrial, or residential structure, installation, or building, (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential co-operative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation, or building that was previously subject to the Asbestos NESHAP is not excluded, regardless of its current use or function.

"NESHAP-Sized Project" means any project that involves at least the NESHAP amount of ACM.

"Non-Friable Asbestos-Containing Material" means any material containing more than 1% asbestos, as determined using the methods specified in 40 CFR Part 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy (PLM), that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

"Open Top Catch Bag" means either an asbestos waste bag or six mil polyethylene sheeting which is sealed at both ends and used by certified asbestos abatement workers, in a manner not to disturb the matrix of the asbestos-containing material, to collect

preformed RACM pipe insulation in either a crawl space or pipe chase less than six feet high or less than three feet wide.

"Phased Project" means either an asbestos abatement, renovation, or demolition project that contains multiple start and stop dates corresponding to separate operations or areas where the entire asbestos abatement, renovation, or demolition project cannot or will not be performed continuously.

"Preformed RACM Pipe Insulation" means prefabricated asbestos-containing thermal system insulation on pipes formed in sections that can be removed without disturbing the matrix of the asbestos-containing material.

"Project Designer" means a person who is certified according to R307-801-6 and prepares a design for an asbestos abatement project in school buildings subject to AHERA or prepares an asbestos clean-up plan in a regulated facility where an asbestos disturbance greater than the SSSD amount has occurred.

"Regulated Asbestos-Containing Material (RACM)" means friable ACM, Category I non-friable ACM that has become friable, Category I non-friable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or Category II non-friable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation project operations.

"Regulated Facilities" means residential facilities, AHERA facilities, or NESHAP facilities where:

(a) A sample has been identified and analyzed to contain, or is assumed under R307-801-10(5) to contain, greater than 1% asbestos; and

(b) The material from where the sample was collected will be disturbed and rendered friable during the abatement, demolition, or renovation activities.

"Regulated Facility Component" means any part of a regulated facility including equipment.

"Renovation Project" means any activity involving the removal, repair, salvage, disposal, cleanup, or other disturbance of greater than the SSSD amount of RACM, but less than the NESHAP amount of RACM, and the intent of the project is not asbestos abatement or demolition. Renovation Projects can be performed in NESHAP or residential facilities, but cannot be performed in AHERA facilities.

"Renovator" means a person who is certified according to R307-801-6 and is responsible for ensuring work that is conducted on a renovation project is performed in accordance with the regulatory requirements and best work practices for a greater than

the SSSD amount of RACM, but less than the NESHAP amount of RACM, where the intent of the project is to perform a renovation project and not to perform an asbestos abatement or demolition project. Renovation projects can be performed in NESHAP or residential facilities but cannot be performed in AHERA facilities.

"Residential Facility" means a building used primarily for residential purposes, has four or fewer units,[~~and~~] is otherwise not subject to the Asbestos NESHAP, and is not a residential outbuilding structure of less than 100 square feet.

"Small-Scale, Short-Duration (SSSD)" means a project that removes or disturbs less than three square feet or three linear feet of RACM in a regulated facility.

"Sprayed-on or Painted-on Ceiling Treatment" means a surfacing material or treatment that has been applied to the ceiling regardless of application method. The application of paint that has no added materials is not considered a ceiling treatment.

"Strip" means to take off ACM from any part of a regulated facility or a regulated facility component.

"Structural Member" means any load-supporting member of a regulated facility, such as beams and load-supporting walls or any non-load supporting member, such as ceilings and non-load supporting walls.

"Suspect or Suspected Asbestos-Containing Material" means all building materials that have the potential to contain asbestos, except building materials made entirely of glass, fiberglass, wood, metal, or rubber.

"Training Hour" means at least 50 minutes of actual learning, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and hands-on experience.

"TSCA" means the Toxic Substances Control Act.

"TSCA Accreditation" means successful completion of training as an inspector, management planner, project designer, contractor-supervisor, or worker, as specified in the TSCA Title II.

"TSCA Title II" means 15 U.S.C. 2601 et seq., Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response.

"Unrestrained Access" means without fences, closed doors, personnel, or any other method intended to restrict public entry.

"Waste Generator" means any owner or operator of an asbestos abatement or renovation project covered by R307-801 whose act or process produces ACWM.

"Working Day" means weekdays, Monday through Friday, including holidays.

R307-801-4. Adoption and Incorporation of 40 CFR 763 Subpart E.

(1) The provisions of 40 CFR 763 Subpart E, including appendices, effective as of the date referenced in R307-101-3, are hereby adopted and incorporated by reference.

(2) Implementation of the provisions of 40 CFR Part 763, Subpart E, except for the Model Accreditation Plan, shall be limited to those provisions for which the EPA has waived its requirements in accordance with 40 CFR 763.98, Waiver; delegation to State, as published at 52 FR 41826, (October 30, 1987).

R307-801-5. Company Certification.

(1) All persons shall operate under:

(a) An asbestos company certification before contracting for hire, at a regulated facility, to conduct asbestos inspections, create management plans, create project designs, or conduct asbestos abatement projects, or

(b) Either an asbestos renovation company certification or asbestos company certification before contracting for hire to conduct asbestos abatement or renovation projects at a regulated facility.

(2) To obtain an asbestos company certification or an asbestos renovation company certification, all persons shall submit a properly completed application for certification on a form provided by the director and pay the appropriate fee[~~(renovation company certification fee shall be $200.00 per year)~~].

(3) Unless revoked or suspended, an asbestos company certification or an asbestos renovation company certification shall remain in effect until the expiration date provided by the director.

R307-801-6. Individual Certification.

(1) All persons shall have an individual certification[~~before contracting for hire, at a regulated facility,~~] to conduct asbestos inspections, create management plans, create project designs, conduct asbestos renovation projects, or conduct asbestos abatement projects at a regulated facility.

(2) To obtain certification as an asbestos abatement worker, asbestos abatement supervisor, inspector, project designer, renovator, or management planner, each person shall:

(a) Provide personal identifying information;

(b) Pay the appropriate fee[~~(renovator certification fee shall be $100.00 per year)~~];

(c) Complete the appropriate form or forms provided by the

director;

(d) Provide certificates of initial and current refresher training, if applicable, that demonstrates accreditation in the appropriate discipline. Certificates from courses approved by the director, courses approved in a state that has an accreditation program that meets the TSCA Title II Appendix C Model Accreditation Plan (MAP), or courses that are approved by EPA under TSCA Title II are acceptable unless the director has determined that the course does not meet the requirements of TSCA accreditation training required by R307-801; and

(e) Complete a new initial training course as required by the AHERA MAP, or for the renovator certification, R307-801, if there is a period of more than one year from the previous initial or refresher training certificate expiration date.

(3) Duration and Renewal of Certification.

(a) Unless revoked or suspended, a certification shall remain in effect until the expiration date of the current certificate of TSCA accreditation for the specific discipline.

(b) To renew certification, the individual shall:

(i) Submit a properly completed application for renewal on a form provided by the director;

(ii) Submit a current certificate of TSCA accreditation, or for the renovator certification, a training certificate from a renovator course accredited by the director, for initial or refresher training in the appropriate discipline; and

(iii) Pay the appropriate fee[~~(renovator recertification fee shall be $100.00 per year)~~].

R307-801-7. Denial and Cause for Suspension and Revocation of Company and Individual Certifications.

(1) An application for certification may be denied if the individual, applicant company, or any principal officer of the applicant company has a documented history of non-compliance with the requirements, procedures, or standards established by R307-801, R307-214-1, which incorporates the Asbestos NESHAP, AHERA, or with the requirements of any other entity regulating asbestos activities and training programs.

(2) The director may revoke or suspend any certification based upon documented violations of any requirement of R307-801, AHERA, or the Asbestos NESHAP, including but not limited to:

(a) Falsifying or knowingly omitting information in any written submittal required by those regulations;

(b) Permitting the duplication or use of a certificate of TSCA accreditation for the purpose of preparing a falsified written submittal; or

(c) Repeated work practice violations.

R307-801-8. Approval of Training Courses.

(1) To obtain approval of a training course, the course provider shall provide a written application to the director that includes:

(a) The name, address, telephone number, and institutional affiliation of the person sponsoring the course;

(b) The course curriculum;

(c) A letter that clearly indicates how the course meets the Model Accreditation Plan (MAP) and R307-801 requirements for length of training in hours, amount and type of hands-on training, examinations (including length, format, example of examination or questions, and passing scores), and topics covered in the course;

(d) A copy of all course materials, including student manuals, instructor notebooks, handouts, etc.;

(e) The names and qualifications of all course instructors, including all academic credentials and field experience in asbestos abatement projects, inspections, project designs, management planning, or renovation projects;

(f) An example of numbered certificates issued to students who attend the course and pass the examination. The certificate shall include a unique certificate number; the name of the student; the name of the course completed; the dates of the course and the examination; an expiration date one year from the date the student completed the course and examination, or for the purposes of the renovator course, a progressive lengthening of the refresher training schedule of one year after the initial training, three years after the first refresher training, and five years after the second refresher training and all subsequent refresher training courses; the name, address, and telephone number of the training provider that issued the certificate; and a statement that the person receiving the certificate has completed the requisite training for TSCA or director accreditation;

(g) A written commitment from the training provider to teach the submitted training course(s) in Utah on a regular basis; and

(h) Payment of the appropriate fee.

(2) To maintain approval of a training course, the course provider shall:

(a) Provide training that meets the requirements of R307-801 and the MAP;

(b) Provide the director with the names, government-issued picture identification card number, and certificate numbers of all persons successfully completing the course within 30 working days of successful completion;

(c) Keep the records specified for training providers in the MAP for three years;

(d) Permit the director or authorized representative to attend, evaluate, and monitor any training course without receiving advance notice from the director and without charge to the director; and

(e) Notify the director of any new course instructor ten working days prior to the day the new instructor presents or teaches any course for Renovator or TSCA Accreditation purposes. The training notification form shall include:

(i) The name and qualifications of each course instructor, including appropriate academic credentials and field experience in asbestos abatement projects, inspections, management plans, project designs, or renovations; and

(ii) A list of the course(s) or specific topics that will be taught by the instructor.

(f) Submit the initial or refresher course materials required by R307-801-8(1) to the director for course re-accreditation in a time period not to exceed four years.

(3) All course providers that provide an AHERA or Renovator training course or refresher course in the state of Utah shall:

(a) Notify the director of the location, date, and time of the course at least ten working days before the first day of the course;

(b) Update the training notification form as soon as possible before, but no later than one day before the original course date if the course is rescheduled or canceled before the course is held; and

(c) Allow the director or authorized representative to conduct an audit of any course provided to determine whether the course provider meets the requirements of the MAP and of R307-801.

(4) Renovator Certification Course. The renovator certification course shall be a minimum of eight training hours, with a minimum of two hours devoted to hands-on training activities, and shall include an examination of at least 25 questions that the student [~~must~~]shall pass with a 70% or greater proficiency rate. Instruction in the topics described in R307-801-8(4)(c), (d), and (e) shall be included in the hands-on portion of the course. The minimum curriculum requirements for the renovator certification course shall adequately address the following topics:

(a) The physical characteristics of asbestos and asbestos-containing materials, including identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, a review of hazard assessment considerations, and a summary of

renovation project control options;

(b) Potential health effects related to asbestos exposure, including the nature of asbestos-related diseases, routes of exposure, dose-response relationships and the lack of a safe exposure level, synergism between cigarette smoking and asbestos exposure, and latency period for diseases;

(c) Personal protective equipment, including selection of respirator and personal protective clothing, and handling of non-disposable clothing;

(d) State-of-the-art work practices, including proper work practices for renovation projects, including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems, positioning of warning signs, lock-out of electrical and ventilation systems, proper working techniques for minimizing fiber release, use of wet methods, use of negative pressure exhaust ventilation equipment, use of HEPA vacuums, and proper clean-up and disposal procedures and state-of-the-art work practices for removal, encapsulation, enclosure, and repair of ACM, emergency procedures for unplanned releases, potential exposure situations, transport and disposal procedures, and recommended and prohibited work practices. New renovation project techniques and methodologies may be discussed;

(e) Personal hygiene, including entry and exit procedures for the work area, methods of decontamination, avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area, and methods to limit exposures to family members;

(f) Medical monitoring, including OSHA requirements for physical examinations, including a pulmonary function test, chest x-rays, and a medical history for each employee;

(g) Relevant federal and state regulatory requirements, procedures, and standards, including:

(i) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection (29 CFR 1910.134);

(ii) OSHA Asbestos Construction Standard (29 CFR 1926.1101); and

(iii) UAC R307-801 Utah Asbestos Rule.

(h) Recordkeeping and notification requirements for renovation projects including records and project notification[~~s~~] forms required by state regulations and records recommended for legal and insurance purposes;

(i) Supervisory techniques for renovation projects, including supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices; and

(j) Course review, including a review of key aspects of the

training course.

(5) Renovator Recertification Course. The renovator recertification course shall be a minimum of four hours, shall adequately address changes in the federal regulations, state administrative rules, state-of-the-art developments, appropriate work practices, employee personal protective equipment, recordkeeping, and notification requirements for renovation projects, and shall include a course review.

R307-801-9. Asbestos Abatement, Renovation, and Demolition Projects: Requirement to Inspect.

(1) Applicability. Contractors are required to have an asbestos inspection performed by a Utah certified asbestos inspector working for a Utah certified asbestos company. The asbestos inspection report shall be on-site and available when regulated work activities are being performed. Owners of residential structures including condominium owners of four units or less, not otherwise subject to the Asbestos NESHAP, are not required to perform asbestos inspections. Owners of a condominium complex of more than four units are subject to R307-801, may also be subject to the Asbestos NESHAP [~~and R307-801 and may be~~], but are required to perform asbestos inspections.

[~~Contractors for hire are subject to the inspection requirements of R307-801-9.~~]

(2) Except as described in R307-801-9(1) and 9(3), the owner and operator shall ensure that the regulated facility to be demolished, abated, or renovated is thoroughly inspected for asbestos-containing material by an inspector certified under the provisions of R307-801-6. An asbestos inspection report shall be generated according to the provisions of R307-801-10 and completed prior to the start of the asbestos abatement, renovation, or demolition project if materials required to be identified in R307-801-10(3) will be disturbed during that project. The operator shall make the asbestos inspection report available on-site to all persons who have access to the site for the duration of the renovation, abatement, or demolition project, and to the director or authorized representative upon request.

(3) If the regulated facility has been ordered to be demolished because it is found by a government official to be structurally unsound and in danger of imminent collapse or a public health hazard, the operator may demolish the regulated facility without having the regulated facility inspected for asbestos. If no asbestos inspection is conducted, the operator shall:

(a) Ensure that all resulting demolition project debris is

disposed of as asbestos-containing waste material (ACWM)[~~,~~] according to R307-801-1[~~5. If the asbestos contaminated demolition project debris cannot be properly containerized, the operator shall:~~

~~(i) Obtain approval for an alternative work practice from the director prior to disposing of the ACWM~~]4 ; or

([~~ii~~]b) reduce the amount of ACWM by [~~S~~]segregat[~~e~~]ing the ACWM from non-ACWM debris under the direction of an asbestos inspector certified according to R307-801-6 working for a company certified according to R307-801-5[~~.~~

~~(b)~~]and [C]clean and encapsulate non-porous debris as non-ACWM by asbestos abatement supervisors or asbestos abatement workers who are certified according to R307-801-6 and working for a company certified according to R307-801-5.

(4) If an [~~A~~]asbestos inspection[~~s~~] report older than three years will be used for a regulated asbestos renovation, abatement, or demolition activity, the asbestos inspection report shall be reviewed and updated, as necessary, by an inspector who is certified according to R307-801-6 and working for a company certified according to R307-801-5. The report does not need to be reviewed until a time that it will be used for regulatory purposes such as an abatement, renovation, or demolition activity. If the inspection report is still accurate, then the inspector shall provide [~~a letter of review, or some other form of documentation,~~]written documentation stating that the inspection report is still accurate. If the inspection report is not accurate, then the inspector shall provide written documentation, including new sample results, if necessary, such that the inspection report meets all requirements of R307-801.

R307-801-10. Asbestos Abatement, Renovation, and Demolition Projects: Asbestos Inspection Procedures.

Asbestos inspectors shall use the following procedures when conducting an asbestos inspection of facilities to be abated, demolished, or renovated:

(1) Determine the scope of the abatement, demolition, or renovation project by identifying which parts and how the facility will be abated, demolished, or renovated (e.g. conventional demolition methods, fire training, etc.).

(2) Inspect the affected facility or part of the facility where the abatement, demolition, or renovation project will occur.

(3) Identify all accessible suspect asbestos-containing material (ACM) in the affected facility or part of the facility where

the abatement, demolition, or renovation project will occur. Residential facilities built on or after January 1, 1981, are only required to identify all accessible sprayed-on [~~acoustical~~]or painted-on ceiling [~~material~~]treatment that contained or may contain asbestos fiber, asbestos cement siding or roofing materials, resilient flooring products including vinyl [~~floor~~]asbestos tile, sheet vinyl products, resilient flooring backing material, whether attached or unattached, and mastic, thermal-system insulation or tape on a duct or furnace, or vermiculite type insulation materials in the affected facility or part of the facility where the abatement, demolition, or renovation project will occur.

(4) Follow the sampling protocol in 40 CFR 763.86 (Asbestos-Containing Materials in Schools) or a sampling method approved by the director to demonstrate that suspect ACM required to be identified by R307-801-10(3) does not contain asbestos.

(5) Asbestos samples are not required to be collected and analyzed if the certified inspector assumes that all unsampled suspect ACM required to be identified by R307-801-10(3) contains asbestos and is ACM; and

(6) Complete an asbestos inspection report containing all of the following information in a format approved by the director:

(a) A description of the affected area and a description of the scope of activities as described in R307-801-10(1);

(b) A list of all suspect ACM required to be identified by R307-801-10(3) in the affected area. Include a description of the suspect ACM sufficient to be able to identify the material. For each suspect material required to be identified by R307-801-10(3), provide the following information:

(i) The amount of suspect ACM required to be identified by R307-801-10(3) in linear feet, square feet, or cubic feet;

(ii) A clear description of the distribution of the suspect ACM required to be identified by R307-801-10(3) in the affected area;

(iii) A statement of whether the material was assumed to contain asbestos, sampled and demonstrated to contain asbestos, or sampled and demonstrated to not contain asbestos; and

(iv) A written determination or table of whether the material is regulated asbestos-containing material (RACM), Category I non-friable ACM,[~~or~~] Category II non-friable ACM that may or will become friable when subjected to the proposed abatement, renovation, or demolition project activities, or other suspect ACM that has either not been tested and assumed to contain asbestos, or has been tested by an accredited asbestos laboratory and found not to contain asbestos greater than 1%.

(c) A list of all asbestos bulk samples required to be identified from suspect ACM by R307-801-10(3) in the affected area, including the following information for each sample:

(i) Which suspect ACM required to be identified by R307-801-10(3) the sample represents;

(ii) A clear description of each sample location;

(iii) The types of analyses performed on the sample;

(iv) The amounts of each type of asbestos in the sample as indicated by the analytical results.

(d) A list of potential locations of suspect ACM required to be identified by R307-801-10(3) that were not accessible to inspect and that may be part of the affected area; and

(e) A list of all the asbestos inspector names, company names, and certification numbers.

(7) Floor plans or architectural drawings and similar representations may be used to identify the location of suspect ACM or samples required to be identified by R307-801-10(3).

(8) Analysis of samples shall be performed by:

(a) Persons or laboratories accredited by a nationally recognized testing program such as the National Voluntary Laboratory Accreditation Program (NVLAP), or

(b) Persons or laboratories that have been rated overall proficient by demonstrating passing scores for at least two of the last three consecutive rounds out of the four annual rounds of the Bulk Asbestos Proficiency Analytical Testing program administered by the American Industrial Hygiene Association (AIHA) or an equivalent nationally-recognized interlaboratory comparison program.

[~~(9) Inspection reports of residential facilities shall be submitted to the director.~~]

R307-801-11. Asbestos Abatement, Renovation, and Demolition Projects: Notification and Asbestos Removal Requirements.

(1) Demolition Projects.

(a) [~~If the amount of regulated asbestos-containing material (RACM) in the regulated facility is the small scale short duration (SSSD) amount, t~~]The operator shall submit a properly completed demolition[~~project~~] notification form at least ten working days before the start of a demolition project along with payment of the appropriate fee. The operator cannot start the demolition project until all regulated asbestos-containing material (RACM) has been properly removed.

[~~(b) If the amount of RACM in the regulated facility is greater than the SSSD amount but less than the NESHAP amount, the operator shall submit a demolition project notification form at~~

~~least ten working days before the start of the demolition project and a less than NESHAP asbestos notification form at least one working day before commencing removal, and shall remove the RACM according to the work practice provisions of R307-801-14 and according to the certification requirements of R307-801-5 and 6 before the demolition project proceeds.~~

~~(c) If the amount of RACM in the regulated facility is greater than or equal to the NESHAP amount, the operator shall submit an asbestos abatement project notification form at least ten working days before the asbestos removal begins, and the demolition project shall not proceed until after all RACM has been removed from the regulated facility.~~]

([~~d~~]b) If any regulated facility is to be demolished by intentional burning, the operator, in addition to the demolition notification form specified in R307-801-11(1)(a)[~~, (b), or (c)~~], shall ensure that all ACM, including Category I non-friable asbestos-containing material (ACM), Category II non-friable ACM, and RACM is removed from the regulated facility before burning.

([~~e~~]c) If the regulated facility has been ordered to be demolished by a government official because it is found to be structurally unsound and in danger of imminent collapse or a public health hazard, the operator shall submit a demolition project notification form, with a copy of the order signed by the appropriate government official, as soon as possible before, but no later than, the next working day after the demolition project begins. [~~An extension of up to five working days may be requested by the sender for the government ordered demolition documentation upon written request.~~]

(2) Asbestos Abatement and Renovation Projects.

(a) If the amount of RACM that would be disturbed or rendered inaccessible by the asbestos abatement or renovation project is the SSSD amount, then no additional requirements are necessary prior to general building remodeling activities.

(b) If the amount of RACM that would be disturbed or rendered inaccessible by the asbestos abatement or renovation project is greater than the SSSD amount, but less than the NESHAP amount, then the operator shall:

(i) Submit an asbestos abatement project notification form at least one working day before asbestos removal begins as described in R307-801-12, unless the removal was properly included in an annual asbestos notification form submitted pursuant to R307-801-11(2)(e);

(ii) Remove RACM according to asbestos work practices of R307-801-1[~~4~~]3, the certification requirements of R307-801-5 and 6, and the disposal requirements of R307-801-1[~~5~~]4 before

performing general building remodeling activities.

(c) If the amount of RACM that would be disturbed or rendered inaccessible by the asbestos abatement project is greater than or equal to the NESHAP amount, then the operator shall:

(i) Submit an asbestos abatement project notification form along with payment of the appropriate fee at least ten working days before asbestos removal begins as described in R307-801-12;

(ii) Remove RACM according to the asbestos work practices of R307-801-1[4]3, the certification requirements of R307-801-5 and 6, and the disposal requirements of R307-801-1[~~5~~]4 before performing general building remodeling activities.

(d) If the asbestos abatement or renovation project is an emergency asbestos abatement or renovation project, then the notification form shall be submitted as soon as possible before, but no later than, the next working day after the emergency asbestos abatement or renovation project begins.

(e) The operator shall submit an annual asbestos notification form along with payment of the appropriate fee according to the requirements of 40 CFR 61.145(a)(4)(iii) no later than ten working days before the first day of January of the year during which the work is to be performed in the following circumstances:

(i) The asbestos abatement projects are unplanned operation and maintenance activities;

(ii) The asbestos abatement projects are less than NESHAP-sized; and

(iii) The total amount of asbestos to be disturbed in a single NESHAP facility during these asbestos abatement projects is expected to exceed the NESHAP amount in a calendar year.

(3) Owners and operators of general building remodeling activities are not required to submit an asbestos abatement project or renovation notification form to the director that do not disturb suspect asbestos containing materials, do not disturb building materials found to contain RACM by an inspector who is certified according to R307-801-6, or do not disturb materials that will become RACM as part of the general building remodeling activities.

(4) For notification purposes, asbestos abatement, renovation, or demolition projects shall be no longer than one year in duration.

(5) Revise the notification form, as necessary, when any information on the original notification or any subsequent notification forms changes.

R307-801-12. Asbestos Abatement, Renovation, and Demolition

Projects: Notification Procedures and Contents.

(1) All notification forms required by R307-801-11 shall be submitted in writing on the appropriate form provided by the director and shall be postmarked or received by the director in accordance with R307-801-11, or shall be submitted using the Division of Air Quality electronic notification system and received by the director in accordance with R307-801-11. The type of notification and whether the notification is original or revised shall be indicated.

(2) If the notification is an original demolition project notification form, an original asbestos abatement project notification form for a NESHAP-sized asbestos abatement project, or an original asbestos annual notification form, the written notice shall be sent with an original signature by U.S. Postal Service, commercial delivery service, or hand delivery, or with an electronic signature if submitted using the Division of Air Quality electronic notification system. If the U.S. Postal Service is used, the submission date is the postmark date. If other service or hand delivery is used, the submission date is the date that the document is received [~~at~~]by the director. If the Division of Air Quality electronic notification system is used, the submission date is the date that the notification is received by the director.

(3) An original asbestos notification form for a less than NESHAP-sized asbestos abatement or renovation project or any revised notification may be submitted by any of the methods in R307-801-12(2), or by facsimile, by the date specified in R307-801-11. The sender shall ensure that the fax is legible.

(4) All original notification forms shall contain the following information:

(a) The name, address, and telephone number of the owner of the regulated facility [~~and of any contractor working on the project~~], the general contractor, the demolition contractor, and the asbestos renovation or abatement contractor, if applicable;

(b) Whether the operation is an asbestos abatement, demolition, or a renovation project;

(c) A description of the regulated facility that includes the total size of the structure or structures in square feet, [~~the number of~~]including the square footage of all floors in a multilevel or multi-floor structure, the age,[~~and~~] the future, present, and prior uses of the[~~regulated~~] facility, including any additional regulated structures affected by the project;

(d) The names and certification numbers of the inspectors and companies;

(e) The procedures, including analytical methods, used to

inspect for the presence of asbestos-containing material (ACM);

(f) The location and address, including building number or name and floor or room number, street address, city, county, state, and zip code of each regulated facility being demolished or renovated;

(g) A description of procedures for handling the discovery of unexpected ACM, Category I non-friable ACM, or Category II non-friable ACM that has or will become friable or regulated;

(h) A description of planned asbestos abatement, demolition, or renovation project work, including the asbestos abatement, demolition, and renovation project techniques to be used and a description of the affected regulated facility components or structural members; and

(i) If the project has phases, then provide the date and times of each phase and the location and address of all regulated facilities to be abated, demolished, or renovated.

(5) In addition to the information in R307-801-12(4), an original demolition project notification form shall contain the following information:

(a) An estimate of the amount of Category I non-friable ACM and non-regulated ACM that will remain in the building during the demolition project;

[~~(b) Disposal of Category I ACM that is left in place during demolition must comply with the waste shipment record and other requirements found in R307-801-15(4) and 29 CFR 1926.1101;~~]

([~~c~~]b) The start and stop dates of the demolition project; [~~and~~]

(c) The days that the demolition project will be conducted; and

(d) If the regulated facility will be demolished under an order of a government official, the name, title, government agency, and authority of the government official ordering the demolition project, the date the order was issued, and the date the demolition project was ordered to commence. A copy of the order shall be attached to the demolition project notification form.

(6) In addition to the information required in R307-801-12(4) and (5), an original demolition project notification form for phased demolition projects shall include:

(a) The start and stop dates for the entire phased project; and

(b) The start and stop dates for each phase of the project[~~, if applicable~~].

(7) In addition to the information required in R307-801-12(4), (5), and (6), an original asbestos abatement project

notification form shall include:

(a) An estimate of the amount of ACM to be stripped, including which units of measure were used;

(b) The start and stop dates for asbestos abatement project preparation;

(c) The times of day for every day that asbestos abatement project will be conducted;

(d) A description of work practices and engineering controls to be used to prevent emissions of asbestos at the demolition or asbestos abatement project work site;

(e) The name and location of the waste disposal site where the ACWM will be disposed, including the name and telephone number of the waste disposal site contact;

(f) The name, address, contact person, and telephone number of the waste transporters; and

(g) The name, contact person, and telephone number of the waste generator.

(8) If an emergency asbestos abatement or renovation project will be performed, then the notification form shall include the date and hour the emergency occurred, a description of the event and an explanation of how the event has caused unsafe conditions or would cause equipment damage or unreasonable financial burden.

(9) In addition to the information in R307-801-12(4) and (5), an original asbestos abatement project annual notification form shall contain the following information:

(a) An estimate of the approximate amount of ACM to be stripped, including which units of measure were used, if known;

(b) The start and stop dates of asbestos abatement project work covered by the annual notification, if known;

(c) A description of work practices and engineering controls to be used to prevent emissions of asbestos at the asbestos abatement project work site;

(d) The name and location of the waste disposal site where the asbestos-containing waste material (ACWM) will be disposed, including the name and telephone number of the waste disposal site contact;

(e) The name, address, contact person, and telephone number of the waste transporters; and

(f) The name, contact person, and telephone number of the waste generator.

(10) A revised notification form shall contain the following information:

(a) The name, address, and telephone number of the owner of the regulated facility, and any demolition, renovation, or asbestos abatement project contractor or contractors working on

the project;

(b) Whether the operation is an asbestos abatement, a demolition, or a renovation project;

(c) The date that the original notification form was submitted;

(d) The applicable original start and stop dates for the asbestos abatement, renovation, or demolition project;

(e) The revised start and stop dates and working hours, if applicable, for asbestos abatement, renovation, or demolition projects, for the entire project or for any phase of the project;

(f) The changes in the amount of asbestos to be removed during the project if the asbestos removal amount increases or decreases by more than 20%; [~~and~~]

(g) If the previously reported area of the building or buildings to be demolished was inaccurate and needs to be changed, then the demolition notification form shall be revised to include the building area change and any additional fee shall be paid to the Utah Division of Air Quality; and

([~~g~~]h) Any[~~other~~] changes to the original or subsequently revised notification form or forms. Describe all changes made to the revised notification form in the comments section of that form.

(11) If the asbestos removal amount is increased in the revised notification form, then the appropriate fee shall be paid to the Utah Division of Air Quality.

(12) If any project phase or an entire NESHAP-sized asbestos abatement, renovation, or demolition project that requires a notification form under R307-801-12(4) will commence on a date or work times other than the date and work times submitted in the original or the most recently revised[~~written~~] notification form, the director shall be notified of the new start date and work times by the following deadlines:

(a) If the new start date and work times are later than the original start date and work times, then notice by telephone, fax, or electronic means shall be given as soon as possible before the start date and a revised [~~notice~~]notification form shall be submitted in accordance with R307-801-12([~~9~~]10) as soon as possible before, but no later than, the original start date. If the written notification form is received by the director no later than the day before the original start date and work times, no notice by telephone is required.

(b) If the new start date is earlier than the original start date, submit a written notice in accordance with R307-801-12([~~9~~]10) at least ten working days before beginning the project.

(c) In no event shall an asbestos abatement, renovation, or

demolition project covered by R307-801-12 begin on a date other than the new start date submitted in the revised written notice.

[~~**R307-801-13. Asbestos Abatement Project: Requirements for Certified Asbestos Abatement Supervisors and Abatement Workers.**~~

~~(1) An asbestos abatement supervisor who has been certified under R307-801-6 shall be on-site during asbestos abatement project setup, asbestos removal, stripping, cleaning and dismantling of the project, and other handling of uncontainerized regulated asbestos-containing material (RACM).~~

~~(2) All persons handling greater than the small scale short duration amount of uncontainerized RACM shall be asbestos abatement workers or asbestos abatement supervisors certified under R307-801-6.~~]

R307-801-1[4]3. Asbestos Abatement and Renovation Project: Work Practices.

(1) An asbestos abatement supervisor who has been certified under R307-801-6 shall be on-site during asbestos abatement project setup, asbestos removal, stripping, cleaning and dismantling of the project, and other handling of uncontainerized regulated asbestos-containing material (RACM).

(2) All persons handling any amount of uncontainerized RACM during a regulated project shall be certified as an asbestos abatement worker or an asbestos abatement supervisor certified under R307-801-6.

([~~1~~]3) Persons performing an asbestos abatement or renovation project at a regulated facility shall follow the work practices in R307-801-1[~~4~~]3. Where the work practices in R307-801-1[4]3([~~1~~]3) and ([~~2~~]4) are required, wrap and cut, open top catch bags, glove bags, and mini-enclosures may be used in combination with those work practices.

(a) Adequately wet regulated asbestos-containing material (RACM) with amended water before exposing or disturbing it, except when temperatures are continuously below freezing (32 degrees F.), and when all requirements in 40 CFR 61.145(c)(7) are met.

(b) Install barriers and post warning signs to prevent access to the work area. Warning signs shall conform to the specifications of 29 CFR 1926.1101(k)(7).

(c) Keep RACM adequately wet until it is containerized and disposed of in accordance with R307-801-1[~~5~~]4.

(d) Ensure that RACM that is stripped or removed is promptly containerized.

(e) Prevent visible particulate matter and uncontainerized asbestos-containing debris and waste originating in the work area

from being released outside of the negative pressure enclosure or designated work area.

(f) Filter all waste water to five microns before discharging it to a sanitary sewer.

(g) Decontaminate the outside of all persons, equipment, and waste bags so that no visible residue is observed before leaving the work area.

(h) Apply encapsulant to RACM that is exposed but not removed during stripping.

(i) Clean the work area, drop cloths, and other interior surfaces of the enclosure using a high-efficiency particulate air (HEPA) vacuum and wet cleaning techniques until there is no visible residue before dismantling barriers.

(j) After cleaning and before dismantling enclosure barriers, mist all surfaces inside of the enclosure with a penetrating encapsulant designed for that purpose.

(k) Handle and dispose of friable asbestos-containing material (ACM) and RACM according to the disposal provisions of R307-801-1[~~5~~]4.

([~~2~~]4) All operators of NESHAP-sized asbestos abatement projects shall install a negative pressure enclosure using the following work practices.

(a) All openings to the work area shall be covered with at least one layer of six mil or thicker polyethylene sheeting sealed with duct tape or an equivalent barrier to air flow.

(b) If RACM debris is present in the proposed work area prior to the start of a NESHAP-sized asbestos abatement project, the site shall be prepared by removing the debris using the work practice requirements of R307-801-1[~~4~~]3 and disposal requirements of R307-801-1[~~5~~]4. If the total amount of loose visible RACM debris throughout the entire work area is the SSSD amount, then site preparation may begin after the notification form has been submitted and before the end of the ten working day waiting period.

(c) A decontamination unit constructed to the specifications of R307-801-1[4]3([~~2~~]4)(h) shall be attached to the containment prior to disturbing RACM or commencing a NESHAP-sized asbestos abatement project, and all persons shall enter and leave the negative pressure enclosure or work area only through the decontamination unit except in a life threatening emergency situation.

(d) All persons subject to R307-801 shall shower before entering the clean-room of the decontamination unit when exiting the enclosure and shall follow all procedures required by 29 CFR 1926.1101(j)(1)(ii).

(e) No materials may be removed from the enclosure or brought into the enclosure through any opening other than a waste load-out or a decontamination unit.

(f) The negative pressure enclosure of the work area shall be constructed with the following specifications:

(i) Apply at least two layers of six mil or thicker polyethylene sheeting or its equivalent to the floor extending at least one foot up every wall and seal in place with duct tape or its equivalent;

(ii) Apply at least two layers of four mil or thicker polyethylene sheeting or its equivalent to the walls without locating seams in wall or floor corners;

(iii) Seal all seams with duct tape or its equivalent;

(iv) Maintain the integrity of all enclosure barriers; and

(v) Where a wall or floor will be removed as part of the NESHAP-sized asbestos abatement project, polyethylene sheeting need not be applied to that regulated facility component or structural member.

(g) View ports shall be installed in the enclosure or barriers where feasible, and view ports shall be:

(i) At least one foot square;

(ii) Made of clear material that is impermeable to the passage of air, such as an acrylic sheet;

(iii) Positioned so as to maximize the view of the inside of the enclosure from a position outside the enclosure; and

(iv) Accessible to a person outside of the enclosure.

(h) A decontamination unit shall be constructed according to the following specifications:

(i) The unit shall be attached to the enclosure or work area;

(ii) The decontamination unit shall consist of at least three chambers and meet all regulatory requirements of 29 CFR 1926.1101(j)(1)(i);

(iii) The clean room, which is the chamber that opens to the outside, shall be no less than three feet wide by three feet long by six feet high, when feasible;

(iv) The shower room, which is the chamber between the clean and dirty rooms, shall have hot and cold or warm running water and be no less than three feet wide by three feet long by six feet high, when feasible;

(v) The dirty room, which is the chamber that opens to the negative pressure enclosure or the designated work area, shall be no less than three feet wide by three feet long by six feet high, when feasible;

(vi) The dirty room shall be provided with an accessible

waste bag at any time that asbestos abatement project is being performed.

(i) A separate waste load-out following the specifications below may be attached to the enclosure for removal of decontaminated waste containers and decontaminated or wrapped tools from the enclosure.

(i) The waste load-out shall consist of at least one chamber constructed of six mil or thicker polyethylene walls and six mil or thicker polyethylene flaps or the equivalent on the outside and inside entrances;

(ii) The waste load-out chamber shall be at least three feet long, three feet high, and three feet wide; and

(iii) The waste load-out supplies shall be sufficient to decontaminate bags, and shall include a water supply with a filtered drain, clean rags, disposable rags or wipes, and clean bags.

(j) Negative air pressure and flow shall be established and maintained within the enclosure by:

(i) Maintaining at least four air changes per hour in the enclosure;

(ii) Routing the exhaust from HEPA filtered ventilation units to the outside of the regulated facility whenever possible;

(iii) Maintaining a minimum of 0.02 column inches of water pressure differential relative to outside pressure; and

(iv) Maintaining a monitoring device to measure the negative pressure in the enclosure.

([~~3~~]5) In lieu of two layers of polyethylene on the walls and the floors as required by R307-801-1[~~4~~]3([~~2~~]4)(f)(i) and (ii), the following work practices and controls may be used only under the circumstances described below:

(a) When a pipe insulation removal asbestos abatement project is conducted the following may be used:

(i) Drop cloths extending a distance at least equivalent to the height of the RACM around all RACM to be removed, or extended to a wall and attached with duct tape or equivalent;

(ii) Either the glove bag or wrap and cut methods may be used; and

(iii) RACM shall be adequately wet before wrapping.

(b) When the RACM is scattered ACM and is found in small patches, such as isolated pipe fittings, the following procedures may be used:

(i) Glove bags, mini-enclosures as described in R307-801-1[4]3([~~5~~]7)(c), or wrap and cut methods with drop cloths large enough to capture all RACM fragments that fall from the work area may be used.

(ii) If all asbestos disturbance is limited to the inside of negative pressure glove bags or a mini-enclosure, then non-glove bag or non-mini-enclosure building openings need not be sealed and negative pressure need not be maintained in the space outside of the glove bags or mini-enclosure during the asbestos removal operation.

(iii) A remote decontamination unit may be used as described in R307-801-1[~~4~~]3([~~5~~]7)(d) only if an attached decontamination unit is not feasible.

(c) When a preformed RACM pipe insulation asbestos abatement project in a crawl space or pipe chase less than six feet high or less than three feet wide is conducted, the following may be used:

(i) Drop cloths extending a distance at least six feet around all preformed RACM pipe insulation to be removed or extended to a wall and attached with duct tape or equivalent; or

(ii) The open top catch bag method.

([~~4~~]6) During outdoor asbestos abatement projects, the work practices of R307-801-1[4]3 shall be followed with the following modifications:

(a) Negative pressure need not be maintained if there is not an enclosure;

(b) Six mil polyethylene drop cloth, or equivalent, large enough to capture all RACM fragments that fall from the work area shall be used; and

(c) A remote decontamination unit as described in R307-801-1[4]3([~~5~~]7)(d) may be used.

([~~5~~]7) Special work practices.

(a) If the wrap and cut method is used:

(i) The regulated facility component shall be cut at least six inches from any RACM on that component;

(ii) If asbestos will be removed from the regulated facility component to accommodate cutting, the asbestos removal shall be performed using a single glove bag for each cut, and no RACM shall be disturbed outside of a glove bag;

(iii) The wrapping shall be leak-tight and shall consist of two layers of six mil polyethylene sheeting, each individually sealed with duct tape, and all RACM between the cuts shall be sealed inside wrap; and

(iv) The wrapping shall remain intact and leak-tight throughout the removal and disposal process.

(b) If the open top catch bag method is used:

(i) The material to be removed can only be performed RACM pipe insulation, and it shall be located in a crawl space or a pipe chase less than six feet high or less than three feet wide;

(ii) Asbestos waste bags that are leak-tight and strong

enough to hold contents securely shall be used;

(iii) The bag shall be placed underneath the stripping operation to minimize ACM falling onto the drop cloth;

(iv) All material stripped from the regulated facility component shall be placed in the bag;

(v) One asbestos abatement worker shall hold the bag and another asbestos abatement worker shall strip the ACM into the bag; and

(vi) A drop cloth extending a distance at least six feet around all preformed RACM pipe insulation to be removed, or extended to a wall and attached with duct tape or equivalent shall be used.

(c) If glove bags are used, they shall be under negative pressure, and the procedures required by 29 CFR 1926.1101(g)(5)(iii) shall be followed.

(d) A remote decontamination unit may be used under the conditions set forth in R307-801-1[~~4~~]3([~~3~~]5)(b), [~~or~~]([~~4~~]6), when there is an area insufficient to construct a connected decontamination unit, or when approved by the director. The remote decontamination unit shall meet all construction standards in R307-801-1[~~4~~]3([~~2~~]4)(h) and shall include:

(i) Outerwear shall be HEPA vacuumed or removed, and additional clean protective outerwear shall be put on;

(ii) Either polyethylene sheeting shall be placed on the path to the decontamination unit and the path shall be blocked or taped off to prevent public access, or asbestos abatement workers shall be conveyed to the remote decontamination unit in a vehicle that has been lined with two layers of six mil or thicker polyethylene sheeting or its equivalent; and

(iii) The polyethylene path or vehicle liner shall be removed at the end of the project, and disposed of as ACWM.

(e) Mini-enclosures, when used under approved conditions, shall conform to the requirements of 29 CFR 1926.1101(g)(5)(vi).

([~~6~~]8) For asbestos-containing mastic removal projects using mechanical means, such as a power buffer, to loosen or remove mastic from the floor, in lieu of two layers of polyethylene sheeting on the walls, splash guards of six mil or thicker polyethylene sheeting shall be placed from the floor level a minimum of three feet up the walls.

([~~7~~]9) Persons who improperly disturb more than the SSSD amount of asbestos-containing material and contaminate an area with friable asbestos shall:

(a) Have the emergency clean-up portion of the project, including any portions not contained within a regulated facility or in common use areas that cannot be isolated, performed as soon

as possible by a company or companies certified according to R307-801-5, and, asbestos abatement supervisor(s), and asbestos abatement worker(s) certified according to R307-801-6.

(b) Have an asbestos clean-up plan designed by a Utah certified asbestos project designer for the non-emergency portion of the project and have the asbestos clean-up plan submitted to the director for approval. An asbestos clean-up plan is not required when the disturbance results from a natural disaster, fire, or flooding.

(c) Submit the project notification form required by R307-801-11 and 12 to the director for acceptance no later than the next working day after the disturbance occurs or is discovered. For fee calculation purposes, the size of the emergency clean-up project is the area that has been contaminated or potentially contaminated by the disturbance and not the amount of asbestos-containing material disturbed.

(d) Notify the director of project completion by telephone, fax, or electronic means by the day of completion and before leaving the site.

(10) For asbestos abatement, renovation, or demolition projects that remove or otherwise disturb loose-fill vermiculite type insulation materials assumed to be regulated asbestos-containing material or found to contain greater than 1% regulated asbestiform fibers, then the material being removed is considered regulated asbestos-containing material and shall meet all the appropriate regulatory requirements of R307-801. Regulated vermiculite shall be removed to the maximum extent possible and the area where the regulated vermiculite was found shall be sprayed with a bridging or penetrating encapsulant to help minimize the amount of asbestiform fibers becoming airborne.

R307-801-1[~~5~~]4. Disposal and Handling of Asbestos Waste.

(1) Owners and operators of regulated facilities shall containerize asbestos-containing waste material (ACWM) while adequately wet.

(2) ACWM containers shall be leak-tight and strong enough to hold contents securely and be labeled with an OSHA warning label found in 29 CFR 1926.1101(k)(8).

(3) Containers shall be labeled with the waste generator's and contractor's names, addresses, and telephone numbers[~~, and the contractor's name and address,~~] before they are removed from the asbestos renovation or abatement work area.

(4) Containerized regulated asbestos-containing material (RACM) shall be disposed of at a landfill which complies with 40 CFR 61.150.

(5) The waste shipment record shall include a list of items and the amount of ACWM being shipped. The waste generator originates and signs this document.

(6) Owners and operators of regulated facilities where an asbestos abatement or renovation project has been performed shall report in writing to the director if a copy of the waste shipment record, signed by the owner or operator of the designated waste disposal site, is not received by the waste generator within 45 working days from the date the waste was accepted by the initial transporter. Include in the report the following information:

(a) A copy of the waste shipment record for which a confirmation of delivery was not received; and

(b) A cover letter signed by the waste generator explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.

R307-801-1[~~6~~]5. Records.

(1) Certified asbestos abatement or renovation companies shall maintain records of all asbestos abatement or renovation projects that they perform at regulated facilities and shall make these records available to the director or authorized representative upon request. The records shall be retained for at least five years. Maintained records shall include the following:

(a) Names and certification numbers of the asbestos abatement workers, asbestos abatement supervisors, or renovators who performed the asbestos abatement or renovation project;

(b) Location and description of the asbestos abatement or renovation project and amount of friable asbestos-containing material (ACM) removed;

(c) Start and stop dates of the asbestos abatement or renovation project;

(d) Summary of the procedures used to comply with applicable requirements including copies of all notification forms;

(e) Waste shipment records maintained in accordance with 40 CFR Part 61, Subpart M; and

(f) Asbestos inspection reports associated with the asbestos abatement or renovation project.

(2) All persons subject to the inspection requirements of R307-801-9 shall maintain copies of asbestos inspection reports for at least one year after asbestos abatement, renovation, or demolition projects have ceased, and shall make these reports available to the director or authorized representative upon request.

R307-801-1[~~7~~]6. Certified Renovator Work Practices.

(1) Certified renovators are responsible for ensuring compliance with R307-801 at all renovation projects at regulated facilities to which they are assigned.

(2) Certified renovators working at regulated facilities shall:

(a) Perform all of the tasks described in R307-801-1[4]3([~~1~~]3) and shall either perform or direct workers who perform all tasks described in R307-801-1[~~4~~]3([~~1~~]3);

(b) Provide training to workers on the work practices required by R307-801-1[4]3([~~1~~]3) that will be used when performing renovation projects;

(c) Be physically present at the work site when all work activities required by R307-801-1[4]3([~~1~~]3)(b) are posted, while the work area containment required by R307-8[4]01-1[4]3([~~1~~]3)(b) is being established, and while the work area cleaning required by R307-801-1[~~4~~]3([~~1~~]3)(i) is performed;

(d) Be on-site and direct work being performed by other individuals to ensure that the work practices required by R307-801-1[~~4~~]3([~~1~~]3) are being followed, including maintaining the integrity of the containment barriers and ensuring that dust or debris does not spread beyond the work area;

(e) Have with them at the work site their current Utah Renovator certification card; and

(f) Prepare the records required by R307-801-1[~~6~~]5.

R307-801-1[~~8~~]7. Asbestos Information Distribution Requirements.

(1) Utah Abatement/Renovation pamphlet. Utah asbestos abatement and renovation companies shall provide owners and occupants of [~~regulated facilities~~]single and multi-family residential structures with the Utah Abatement/Renovation Pamphlet "Asbestos Hazards During Abatement and Renovation Activities[~~.~~]" when those structures will be re-occupied after the regulated activities are completed.

(2) No more than 60 days before beginning an abatement or renovation project in a regulated facility, the company performing the abatement or renovation project shall:

(a) Provide the owner of the regulated facility with the pamphlet, and comply with one of the following:

(i) Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet; or

(ii) Obtain a certificate of mailing at least seven working days prior to the abatement or renovation project; and

(b) If the owner does not occupy the regulated facility, provide an adult occupant of the regulated facility with the pamphlet, and comply with one of the following:

(i) Obtain, from the adult occupant, a written acknowledgment that the occupant has received the pamphlet, or certify in writing that a pamphlet has been delivered to the regulated facility and that the company performing the abatement or renovation project has been unsuccessful in obtaining a written acknowledgment from an adult occupant. Such certification shall include the address of the unit undergoing abatement or renovation [~~project~~]activities, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available), the signature of a representative of the company performing the abatement or renovation project, and the date of signature; or

(ii) Obtain a certificate of mailing at least seven working days prior to the abatement or renovation project.

(3) Abatement or renovation projects in common areas. No more than 60 working days before beginning abatement or renovation projects in common areas of a regulated facility, the company performing the abatement or renovation project shall:

(a) Provide the owner with the pamphlet and comply with one of the following:

(i) Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet; or

(ii) Obtain a certificate of mailing at least seven working days prior to the abatement or renovation project;

(b) Comply with one of the following:

(i) Notify in writing, or ensure written notification of, each regulated facility and make the pamphlet available upon request prior to the start of abatement or renovation project. Such notification shall be accomplished by distributing written notice to each affected unit in the regulated facility. The notice shall describe the general nature and locations of the planned abatement or renovation project, the expected starting and ending dates, how the occupant can obtain the pamphlet and a copy of the required records at no cost to the occupants; or

(ii) Post informational signs describing the general nature and locations of the abatement or renovation project and the anticipated completion date while the abatement or renovation project is ongoing. These signs shall be posted in areas where they are likely to be seen by the occupants of all of the affected units in the regulated facility. The signs shall be accompanied by a posted copy of the pamphlet or information about how interested occupants can review a copy of the pamphlet or obtain a copy from the abatement or renovation company at no cost to occupants. The signs shall also include information about how interested

occupants can review a copy of the required records from the abatement or renovation company at no cost to the occupants;

(c) Prepare, sign, and date a statement describing the steps performed to notify all occupants of the regulated facility of the intended abatement or renovation project and to provide the pamphlet; and

(d) If the scope, locations, or expected starting and ending dates of the planned abatement or renovation project change after the initial notification, and the company provided written initial notification to each affected unit, the company performing the abatement or renovation project shall provide further written notification to the owners and occupants of the regulated facility of the revised information for the ongoing or planned activities. This subsequent notification shall be provided before the company performing the abatement or renovation project initiates work beyond that which was described in the original notice.

(4) Written acknowledgment. The written acknowledgments required by paragraphs R307-801-1[~~8~~]7(2)(a)(i), (2)(b)(i), and (3)(a)(i) shall:

(a) Include a statement recording the owner or occupant's name and acknowledging receipt of the pamphlet prior to the start of abatement or renovation project, or no later than the day after the start of an emergency abatement or renovation project, the address of the regulated facility undergoing an abatement or renovation project, the signature of the owner or occupant as applicable, and the date of signature;

(b) Be either a separate sheet or part of any written contract or service agreement for the abatement or renovation project; and

(c) Be written in the same language as the text of the contract or agreement for the abatement or renovation project or, in the case of a non-owner occupied regulated facility, in the same language as the lease or rental agreement or the pamphlet.

KEY: air pollution, asbestos, asbestos hazard emergency response, schools

Date of Enactment or Last Substantive Amendment: [~~October 1, 2012~~]2015

Notice of Continuation: February 6, 2013

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(d); 19-2-104(3)(r) through (t); 40 CFR Part 61, Subpart M; 40 CFR Part 763, Subpart E

ITEM 9

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-062-15

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Ryan Stephens, Environmental Planning Consultant

DATE: October 2, 2015

SUBJECT: Propose for Public Comment: Amend R307-110-28. Regional Haze.

The Clean Air Act requires states to submit a progress report every five years on the adequacy of their Regional Haze State Implementation Plan (SIP). Utah completed this progress report last year, and a public comment period was held from November 1 through December 22, 2014. A public hearing was also held on November 1, 2014. EPA is now requiring Utah to submit this progress report as a SIP revision and adopt it as a state rule. This rule is being proposed to incorporate the progress report into Utah's Regional Haze SIP and will satisfy EPA's request to submit it as a SIP revision.

Please note: The progress report, itself, will not be the subject of this comment period. This comment period is for addressing the proposed rule, which acts to make the report a part of Utah's SIP.

Staff Recommendation: Staff recommends that the Board propose R307-110-28 for a 30 day public comment period.

R307. Environmental Quality, Air Quality.
R307-110. General Requirements: State Implementation Plan.
R307-110-28. Regional Haze.

The Utah State Implementation Plan, Section XX, Regional Haze, as most recently amended by the Utah Air Quality Board on [~~October 7, 2015~~]December 2, 2015, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, PM10, PM2.5, ozone
Date of Enactment or Last Substantive Amendment: 2015
Notice of Continuation: February 1, 2012
Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(e)

ITEM 10

Petition for Rulemaking: Emission Limits, Offsets, Testing Frequency, and Public Participation

To: The Air Quality Board and the Division of Air Quality

From: HEAL Utah, Western Resource Advocates and Utah Physicians for a Healthy Environment

Re: **"Petition for Rulemaking: Emission Limits, Offsets, Testing Frequency and Public Participation."**

Date: September 22, 2015

We wanted to start by thanking each of you for taking the time to meet with us over the last few months. Sharing our rule proposals with you has been an educational experience: Your questions, comments and feedback have given us a lot to think about and has resulted in clearer and stronger proposals.

We are on the verge of completing our petition for rulemaking and rule language, as indicated by Utah Administrative Code R15-2. Public Petitioning for Rulemaking.[1] However, we had not completed these efforts by the time the Board packet needed to be put together. So, at least we wanted to share with you a brief summary or our proposed rules, similar to what we brought to our recent meetings with Board members.

Thank you again for you time – and we look forward to another chance to discuss these important proposals on October 7.

Context

In late 2014, Utah finalized a critical document – its State Implementation Plan (SIP) to control $PM_{2.5}$, the fine particles that can reach such dangerously high levels during our wintertime inversions. The plan included a wide range of strategies to control pollution, targeting everything from consumers to small businesses to industry.

As the plan was developed in 2013, several key stakeholders urged the state Division of Air Quality (DAQ) to make changes to strengthen parts of the SIP that focused on point sources.

One such voice was the U.S. Environmental Protection Agency (EPA), which offered a detailed series of suggestions to Utah officials on how they could improve their plan and bring the Wasatch Front into attainment with the $PM_{2.5}$ standard more quickly. Similar suggestions came from Utah-based environmental organizations, such as HEAL Utah, Western Resource Advocates and Utah Physicians for a Healthy Environment.

The Division did incorporate several central parts of stakeholder feedback in the 2014 SIP, addressing SSM (startup, shutdown and malfunction) emissions and accelerating RACT deadlines.

[1] http://www.rules.utah.gov/publicat/code/r015/r015-002.htm

However, the state chose not to implement several other key recommendations that EPA and environmentalists had urged.

The environmental groups who have been part of the SIP process for years have thus decided to petition the Air Quality Board to pass several key rules. We believe these proposals will improve our emissions control regimen and boost public faith and participation in the SIP and the permitting of the point sources which contribute to our failure to attain the $PM_{2.5}$ standards.

Below are brief descriptions of each of our proposed rules. To clarify, the first three are intended to apply to "SIP sources," those point sources which the Division and Board addressed in the 2014 SIP. As Utah develops its "serious SIP," these three provisions will also apply to all the point sources encompassed by that plan.

Rule 1: Prevent Emissions Spikes

- Many of our permits do not seek to limit emissions during 24-hour periods, even though Utah's $PM_{2.5}$ control challenge is of course a "short term" problem.
- EPA repeatedly raised this issue in its comments, wondering "how averaging times longer than 24 hours can represent RACT in a plan that is intended to attain 24-hour NAAQS."
- Our rule, simply, imposes a 24-hour emissions limit on SIP emission units by requiring that emission limits be averaged over a 24-hour (or shorter) period, in addition to current, longer averaging periods.
- We foresee that more frequent stack testing and use of CEMs (see Rule 3) plus heightened record-keeping, will allow the Division to ensure that point sources meet a 24-hour emissions limit.
- Our rule exempts limitations on fugitive emissions.

Rule 2: Lower "Offset" Threshold

- The Clean Air Act requires "offsets" for emissions increases in out of attainment areas to ensure that overall emissions do not increase in an airshed where air pollution reaches unhealthy levels.
- Utah years ago lowered the "thresholds" at which offsets are required for PM10, recognizing that a failure to do so would lead to creeping growth in emissions.
- We modeled this rule after the current rules for PM10 offsets
- For modifications at *existing* facilities, our rules lowers the offset threshold to:
    - 5 tpy for PM2.5
    - 20 tpy for precursors
- For *new* facilities, our rules lowers the offset threshold to:
    - 25 tpy for PM2.5
    - 40 tpy for precursors

- Our rule also clarifies the mechanism for trading offsets among pollutants

Rule 3: Boost Stack Testing Frequency

- Utah statute (R307-165-2) requires stack testing "at least once every five years"
- Practice varies and can be more frequent, such as every three years
- However, the EPA repeatedly questioned whether this was sufficient: "We are concerned with stack test frequencies longer than one year. Please explain why these test frequencies are sufficient to ensure continuous compliance with the limits."
- Our rule:
    - Requires CEMs (Continuous Emission Monitoring systems) where feasible, UNLESS the source, with DAQ approval and public input, can establish that CEMs is infeasible.
    - Requires stack testing at least once a year UNLESS the source, with DAQ approval and public input, provides a monitoring plan that establishes that proposed testing is adequate to ensure continuous compliance with the emission limitation.
    - Spells out criteria that a SIP source can point to make its case that either CEMs or annual stack testing is not necessary to ensure continuous compliance

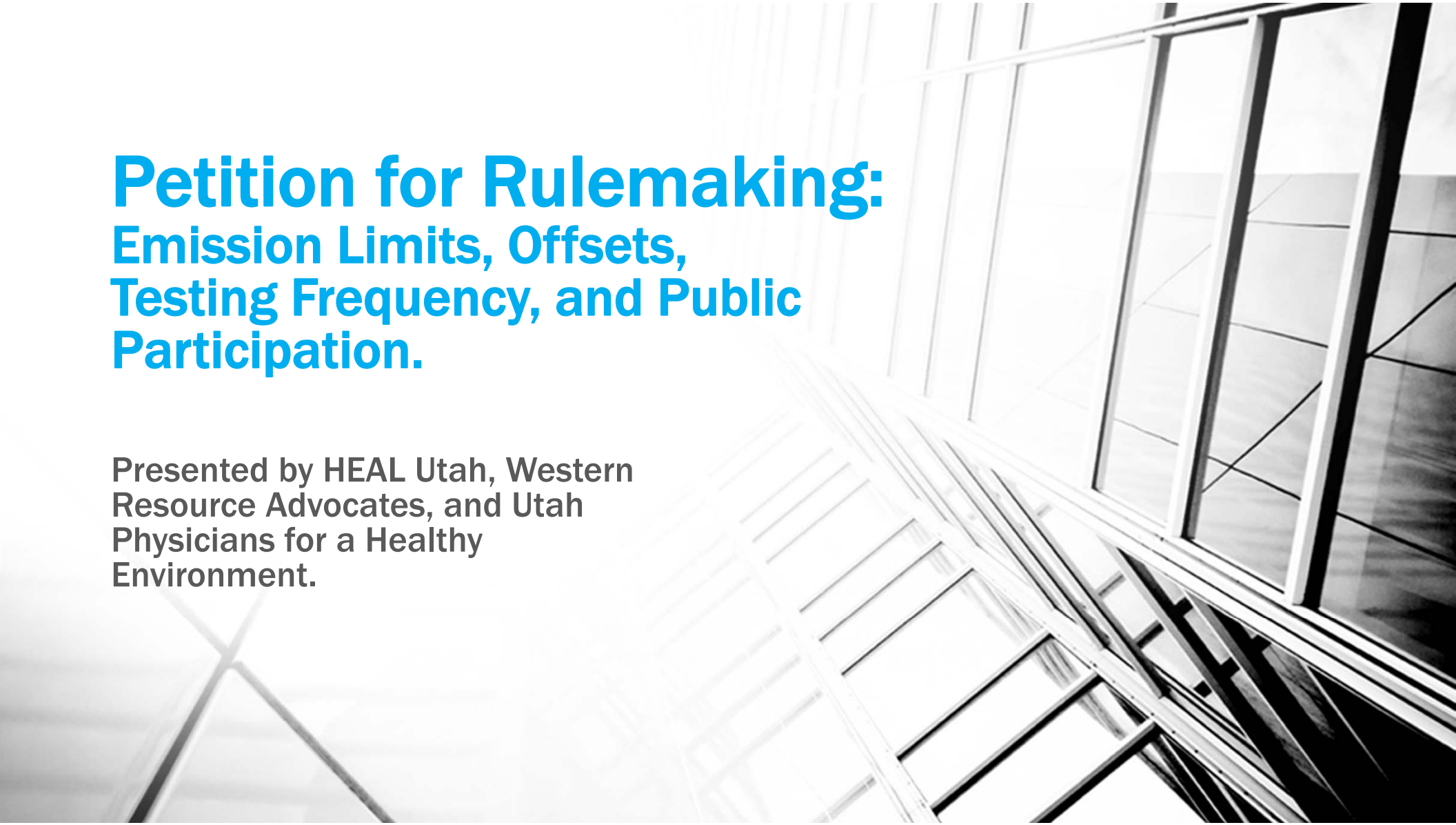
Rule 4: Improve Air Quality Participation

- To ensure timely, detailed feedback from public, this rule
    - Requires that key documents such as a "Notice of Intent", "Engineering Review" and/or the Intent to Approve be made available promptly. **If** a commenter requests those documents, the 30-day comment period clock starts anew as soon as they are made available.
    - Provides a brief automatic comment period extension for intents to approve or draft permits. Automatically extend by 30 or 15 days (if you request the extension in the first two weeks, you get an additional 30 days; if you request it in the third week, you get 15.)

We again appreciate your attention to these proposals – and look forward to a full discussion as to their merits in the months to come. We will provide you with formal petitions and rule language in the coming weeks.

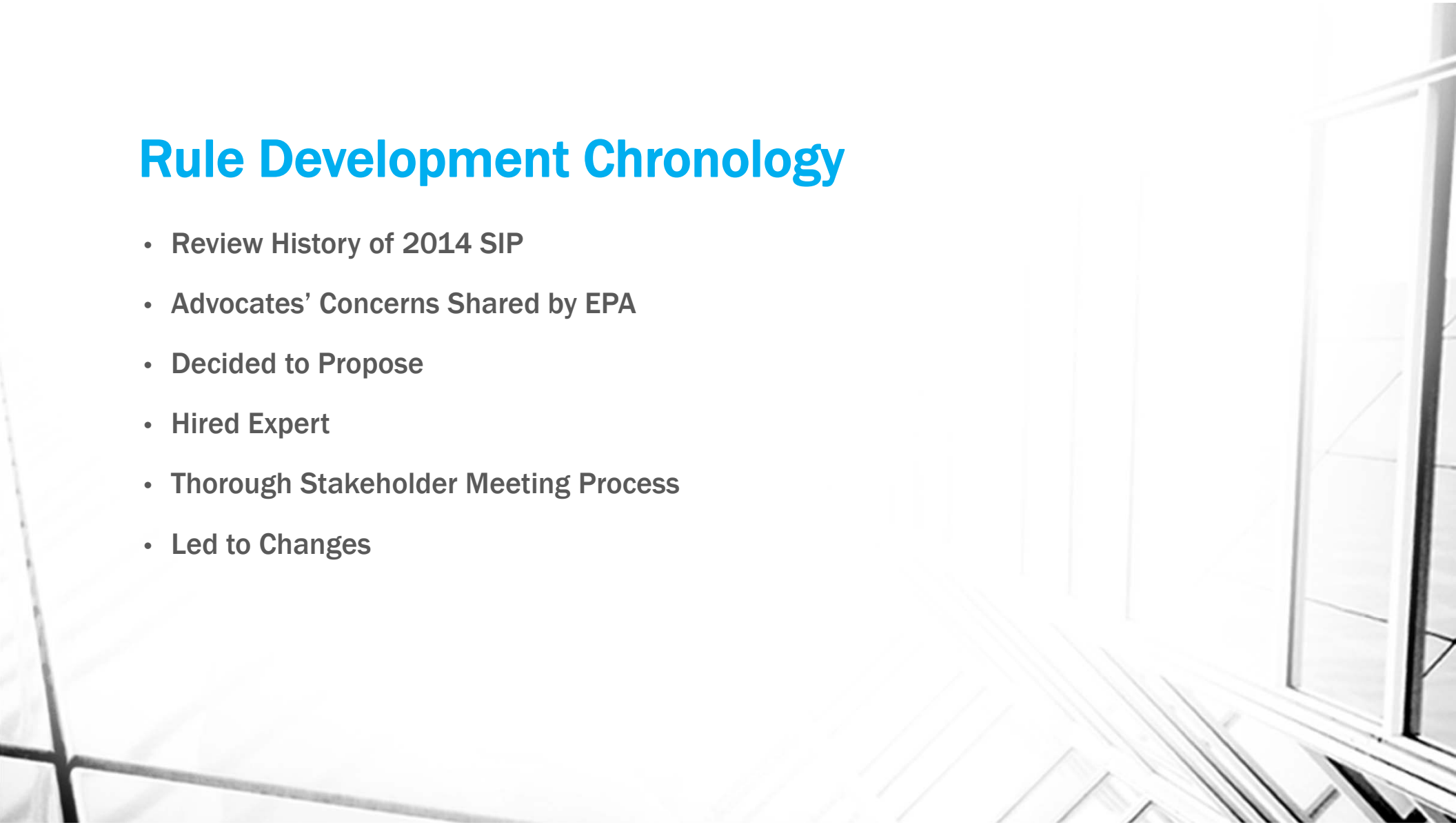
Petition for Rulemaking:
Emission Limits, Offsets, Testing Frequency, and Public Participation.

Presented by HEAL Utah, Western Resource Advocates, and Utah Physicians for a Healthy Environment.



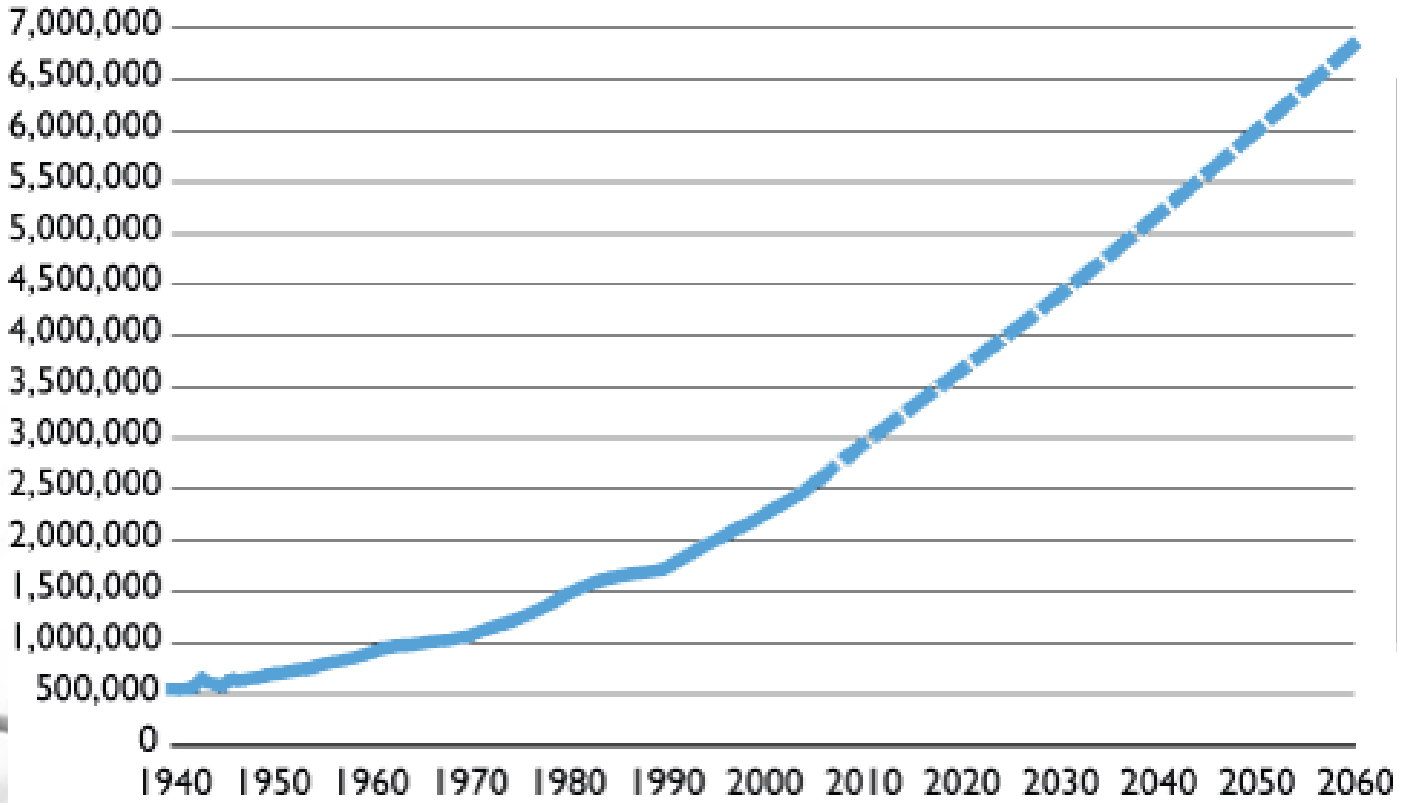
Rule Development Chronology

- Review History of 2014 SIP
- Advocates' Concerns Shared by EPA
- Decided to Propose
- Hired Expert
- Thorough Stakeholder Meeting Process
- Led to Changes



Why Not Wait?

Figure 1: Utah's Population, 1940-2060

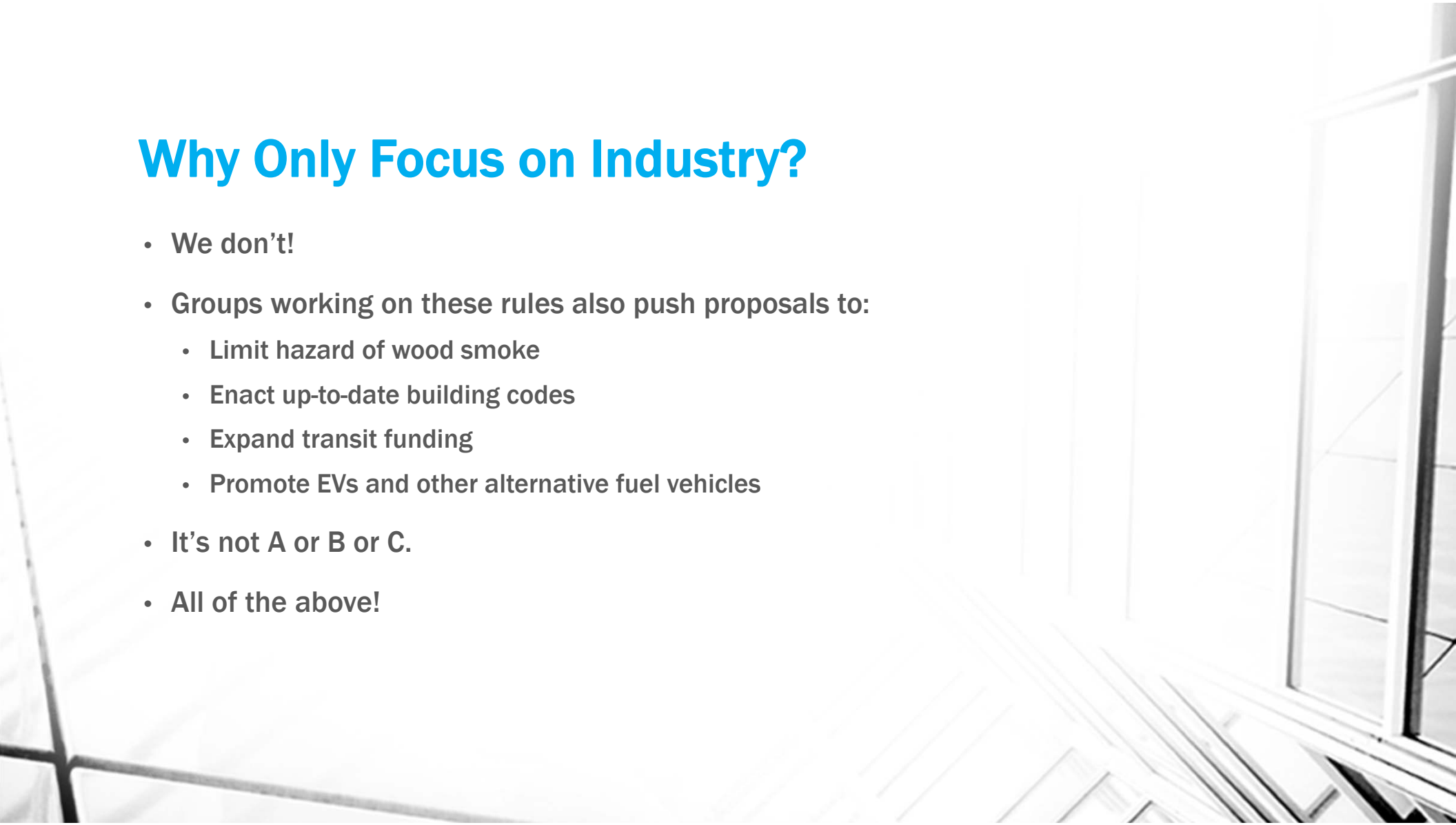


Why Not Wait?

- To allow for robust discussion on individual recommendations
- SIPs are so voluminous, debating individual proposals very difficult
- Clean Air Act compels us to take all “reasonably available” measures
- Must secure attainment with PM2.5 NAAQS “as expeditiously as possible”
- EPA itself suggested two of these

Why Only Focus on Industry?

- We don't!
- Groups working on these rules also push proposals to:
  - Limit hazard of wood smoke
  - Enact up-to-date building codes
  - Expand transit funding
  - Promote EVs and other alternative fuel vehicles
- It's not A or B or C.
- All of the above!



Rule #1: Enact Short-Term Emissions Limits

- Spikes in emissions contribute to bad air days
- Our rule
  - Prevents spikes by imposing a 24-hour limit (averaging time)
  - Applies to state-identified industrial SIP pollution sources

Rule #1: Enact Short-Term Emissions Limits

EPA assumes that 24-hour limits are necessary to attain with a 24-hour standard.

EPA in its SIP comments repeatedly asked:

> "how averaging times longer than 24 hours can represent RACT in a plan that is intended to attain 24-hour NAAQS"

Rule #1: Enact Short-Term Emissions Limits

Examples of Industrial SIP Pollution Sources without Short-Term Emission Limits:

- Kennecott's Smelter Main Stack: annual average for NO_X
- PacifiCorp Gadsby Power Plant: annual average for PM_{10}: monthly average for NO_X
- Nucor Steel Electric Arc Furnace: annual average for NO_X

Rule #2: Increase Monitoring

- Current practice is to stack test every three to five years
- The proposed rule requires:
  - Continuous emissions monitoring and annual stack tests where feasible
  - Grants Division Director, with public input, discretion to determine feasibility
- We believe this rule will:
  - Improve data state uses to ensure compliance
  - Offer the public greater confidence in the regulation of industry.

Rule #2: Increase Monitoring

EPA requires a showing that monitoring is adequate to ensure continuous compliance with SIP limits

EPA in its SIP comments stated:

> "We are concerned with stack test frequencies longer than one year. Please explain why these test frequencies are sufficient to ensure continuous compliance with the limits."

EPA has determined increased monitoring frequency reduces emissions

Rule #3: Offset Substantial Emissions Increases

- Current rule allows many “minor” pollution increases that can add up to substantial pollution additions
- Our rule
  - lowers the offset threshold for $PM_{2.5}$, NO_X, SO_2 and VOCs
  - Prevents many “minor” increases from adding to our air pollution problem at the time we need to have emission reductions
- Modeled after current PM_{10} rule

Rule #3: Offset Substantial Emissions Increases

Major Source $PM_{2.5}$ NA (Serious)	Federal Baseline Definition of Major Modification for Serious $PM_{2.5}$ NA	Proposed $PM_{2.5}$ Offset Rule Definition of Modification
$PM_{2.5}$	10 tpy	5 tpy
NO_X	40 tpy	20 tpy
SO_X	40 tpy	20 tpy
VOCs	40 tpy	20 tpy
Total $PM_{2.5}$ + NO_X + SO_2 + VOCs	n/a	30 tpy
Ammonia	case-by-case	n/a

Rule #3: Offset Substantial Emissions Increases

Major Source $PM_{2.5}$ NA (Serious)	Proposed Federal Baseline Definition of Major Source for Serious $PM_{2.5}$ NA	Proposed $PM_{2.5}$ Offset Rule Definition of Applicable New Source
$PM_{2.5}$	70 tpy	25 tpy
NO_X	70 tpy	40 tpy
SO_X	70 tpy	40 tpy
VOCs	70 tpy	40 tpy
Total $PM_{2.5}$+NO_X+SOx+VOCs	——	50 tpy
Ammonia	70 tpy	70 tpy

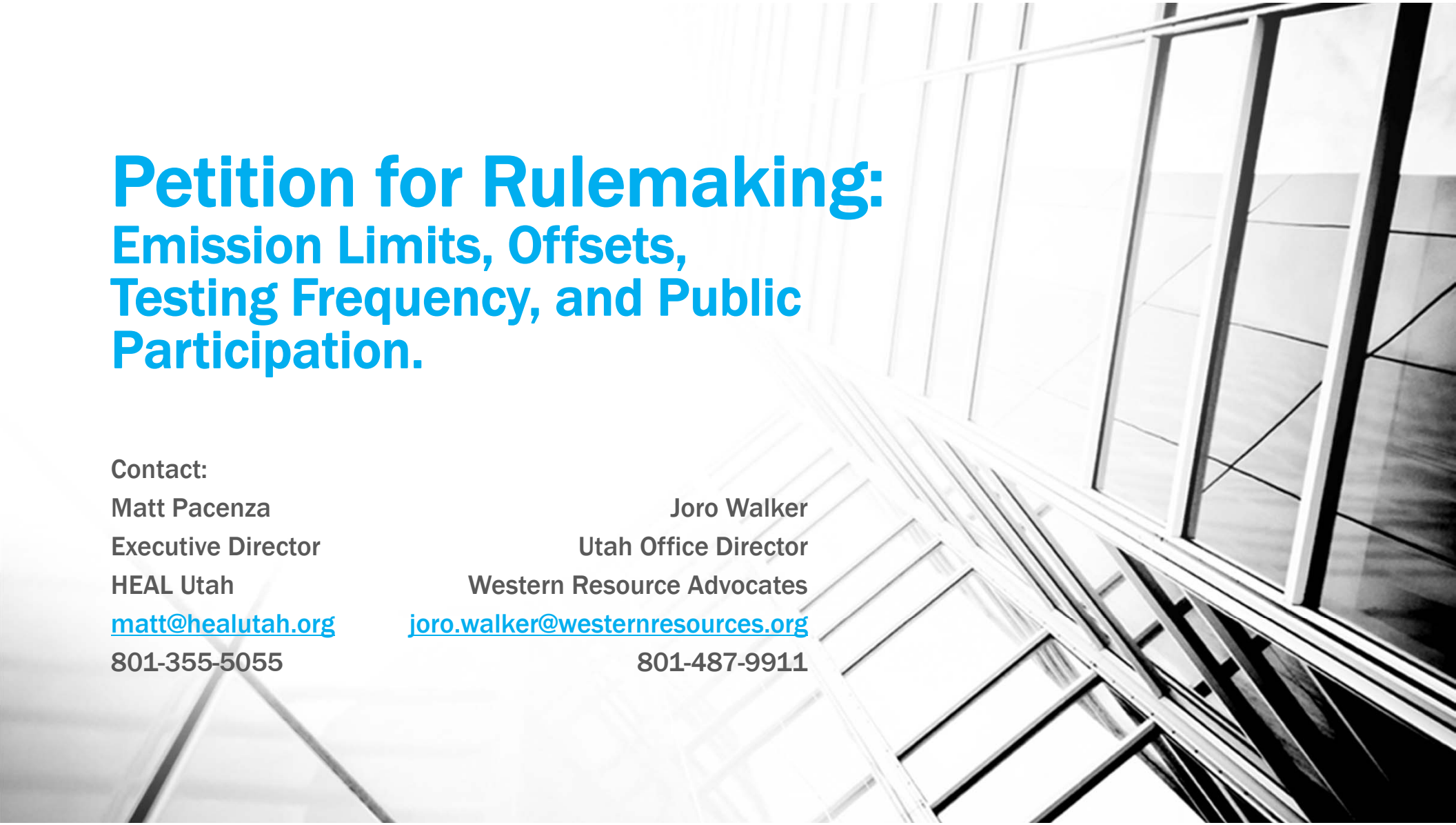
Rule #4: Improve Public Participation

- Currently critical permitting documents are sometimes unavailable
- Current short public comment periods can hinder meaningful participation
- The Proposed Rule
  - Requires DAQ to provide critical documents on request
  - Automatically extends the public comment period by 15 to 30 days on request

Conclusion

- We believe these rules can serve to:
  - Strengthen Utah's SIP
  - Show the EPA how seriously authorities take our PM2.5 problem
  - Produce more accurate data
  - Reduce emissions
  - Help with other criteria pollutants as well
  - Boost public confidence in point source regulation
- Petition for rulemaking and proposed rule language will be filed soon
- Please let us know if you have any questions
- We look forward to a robust discussion on these issues in the months to come

Petition for Rulemaking:
Emission Limits, Offsets, Testing Frequency, and Public Participation.



Contact:

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Clean Power Plan Final Rule

Clean Power Plan Development and Timeline

Presented to the Utah Air Quality Board
October 7, 2015

EPA August 3 Announcements

- Final rule for new and modified EGUs (a.k.a. the Carbon Pollution Standards (CPS) for New, Modified, and Reconstructed Power Plants)
- Final rule for existing EGUs (a.k.a. the Clean Power Plan (CPP))
- Proposed federal plan and model trading rules for the CPP

Carbon Pollution Standards for New, Modified, and Reconstructed EGUs

- New coal units: 1,400 lbs/MWh (CO_2)
  - Proposal was 1,100 lbs/MWh
- New natural gas units: 1,000 lbs/MWh

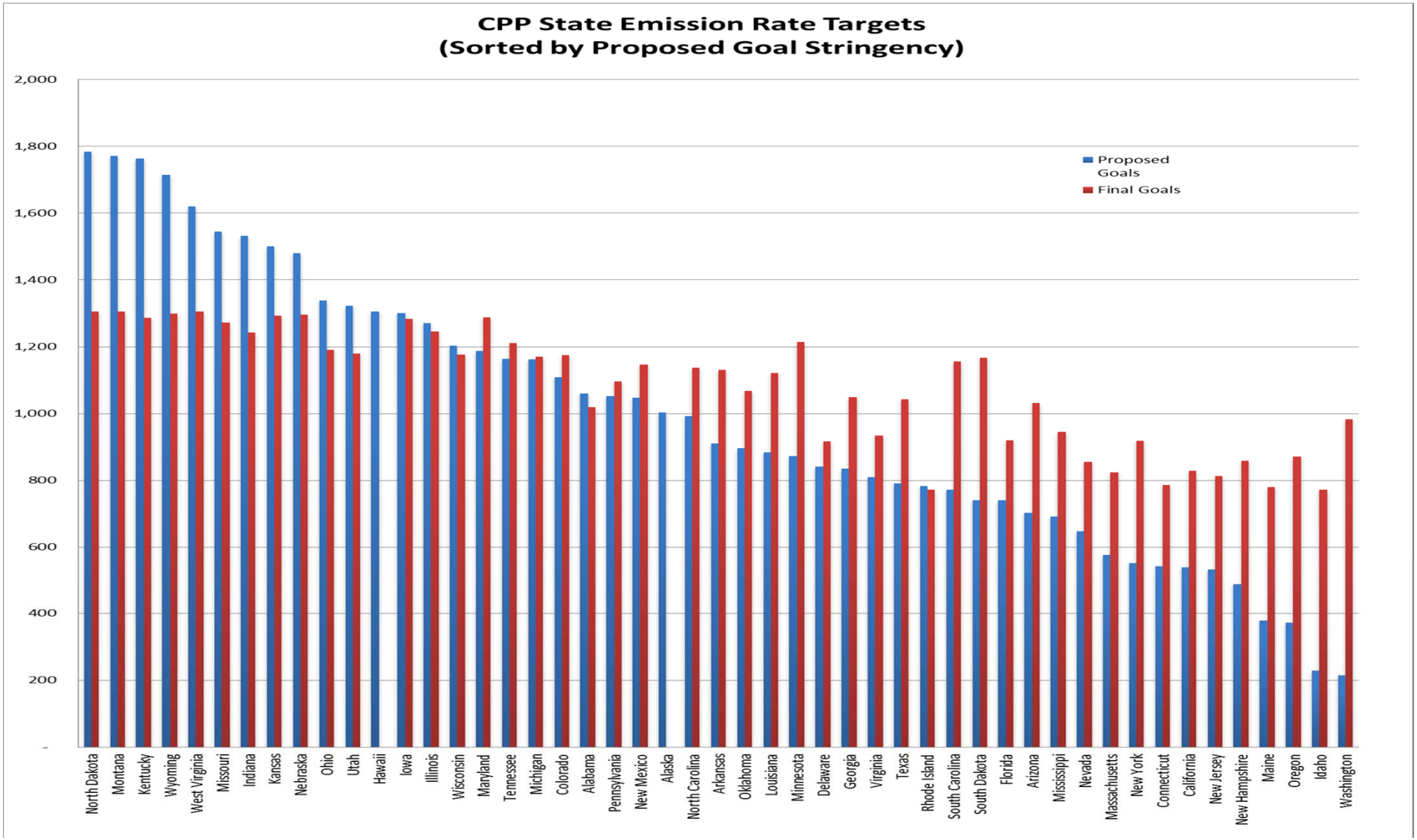
Clean Power Plan – Final Rule Overview

- Covers 11 power plants in Utah:
  - 5 coal plants under state jurisdiction:
    - Carbon (retired)
    - Hunter
    - Huntington
    - Intermountain Power Plant
    - Sunnyside
  - 1 coal plant (Bonanza) under federal jurisdiction
  - 5 natural gas plants under state jurisdiction
    - Currant Creek
    - Lake Side 1
    - Lake Side 2
    - Nebo
    - Gadsby (units 1, 2, and 3)
- EPA established rates based on best system of emissions reduction (BSER) building blocks:
  - Block 1: Improved efficiency at *existing* coal-fired power plants
  - Block 2: Shifting generation from coal to *existing* lower-emitting natural gas plants
  - Block 3: Shifting to *new* zero-emitting renewables
- Used BSER to establish emissions performance rates for two source categories
  - Steam rate of 1,305 lbs/MWh
  - NGCC rate of 771 lbs/MWh

Clean Power Plan – Final Rule Overview (continued)

- Category specific rates then used to calculate separate CO2 emissions rate- and mass-based targets for each state
  - Rate:
    - Utah's 2012 rate was 1,874 lbs/MWh
    - Utah's interim (2022-2029) target is 1,368 lbs/MWh
    - Utah's final (2030) target is 1,179 lbs/MWh (37% reduction from 2012 levels)
  - Mass:
    - Utah's 2012 emissions were 30,822,343 short tons
    - Utah's interim (2022-2029) target is 26,566,380 short tons
    - Utah's final (2030) target is 23,778,193 short tons (23% reduction from 2012 levels)
- States may use BSER measures and/or other emissions reduction strategies for compliance
  - Examples:
    - Energy efficiency measures
    - Emissions trading programs
    - Unit retirements

Goals: Proposed vs. Final



Who develops/submits state plans?

- CPP
  - Includes a requirement mirroring that found in 40 CFR part 51 App. V.2.1.(a) with respect to SIPs that identifies the Governor of a state as the authorized official for submitting the state plan to EPA
  - Governor can designate another responsible official via letter prior to September 6, 2016
    - This step is necessary to allow designee access to EPA's electronic plan submission system
    - If the Governor has previously delegated authority to make CAA submittals, states can submit documentation of this delegation in lieu of a letter from the Governor
- Utah
  - Utah Code 19-2-104(1) authorizes the Utah Air Quality Board to make rules in accordance with Utah Code 63G-3, Utah Administrative Rulemaking Act
    - Board adopts rules/plans
    - Governor submits plans to EPA
    - Examples of 111(d) plans adopted by the Board
      - Plan for Hospital, Medical, Infectious Waste Incinerators
      - Plan for Small Municipal Waste Combustion Units

State Plan Deadlines

Submittals	Dates
State Plan -OR- initial submittal with extension request	September 6, 2016
Progress Update (for states w/ extensions)	September 6, 2017
State Plan (for states w/ extensions)	September 6, 2018
Milestone (Status) Report	July 1, 2021

Interim and Final Goal Periods	Reporting
Interim goal performance period (2022-2029)	
- Interim Step 1 Period (2022-2024)	July 1, 2025
- Interim Step 2 Period (2025-2027)	July 1, 2028
- Interim Step 3 Period (2028-2029)	July 1, 2030
Interim Goal (2022-2029)	July 1, 2030
Final Goal (2030)	July 1, 2032 and every 2 years beyond

State Plan – Initial Submittal

- Three required components to obtain a 2-year extension:
  1. Identification of approaches under consideration and a description of progress made to date
     - Must include a non-binding statement of intent to participate in Clean Energy Incentive Program (CEIP)
  2. Explanation for why the state requires additional time
     - Modeling
     - Stakeholder outreach
     - Development of tracking or other systems
     - Regional coordination
  3. Demonstration of opportunity for public comment on the initial submittal and meaningful engagement with stakeholders during the preparation of initial submittal
     - Include plans for engagement during development of the final plan
- DAQ will need to have an initial submittal completed prior to June 15, 2016, to allow time for our public process
  - Stakeholder process between now and then

Considerations regarding initial plan submittal

- Several western states have either issued statements supporting or neutral on the CPP
  - Will be actively engaged in plan development and seeking allowances/credits associated with new energy development projects and planned closures/conversions
  - Important to have a seat at the table to ensure that Utah's interests are represented and protected
- The initial submittal does not require the adoption of any enforceable measures or final decisions
- The initial submittal does not require legislation and/or regulations to be passed
- Initial submittal does not change the compliance period, which begins in 2022
  - Allows stakeholders to engage over the plan development period
- Failure to submit an initial plan will trigger a federal plan

Proposed Federal Plan

- Four proposed actions:
  - Rate-based federal plan
  - Mass-based federal plan
  - Rate-based model trading rule for potential use by any state
  - Mass-based model trading rule for potential use by any state
- Model trading rules to be finalized by summer 2016
- EPA won't finalize federal plans until there's a need (i.e., for states that don't submit an approvable plan by the required deadline)
  - EPA intends to finalize a single plan type (i.e., either rate-based or mass-based)
  - Won't know which approach will be utilized until the first failure to submit an approvable plan
- Comments on proposed federal plan due 90 days following publication in the Federal Register

Next Steps

- Begin series of stakeholder meetings
  - Goal of completing an initial submittal for public review by June 2016
  - Initial submittal by September 6, 2016

Final Data Requirements Rule for the 2010 1-Hour Sulfur Dioxide Primary National Ambient Air Quality Standard

SO_2 Data Requirements Rule for the 2010 1-Hour Sulfur Dioxide Primary NAAQS

Presented to the Utah Air Quality Board
October 7, 2015

Background

- On June 2, 2010, EPA established a primary 1-hour SO_2 air quality standard of 75 parts per billion (195 µg/m^3)
  - 99th percentile value, averaged over 3 consecutive years
- In May-June 2012, EPA held stakeholder discussions
  - Developed a White Paper which identified monitoring, modeling, and implementation issues
  - In February 2013, EPA developed an implementation strategy for the 2010 standard
- In July 2013, EPA identified or "designated" as nonattainment 29 areas in 16 states where monitored air quality showed violations of the 2010 standard
- March 2015 court order requires EPA to complete designations for the 2010 standard for all remaining areas in the country in up to three rounds (July 2, 2016, December 31, 2017, and December 31, 2020)
  - Data required by the DRR will be available in time to inform the designations made under the court ordered schedule

Data Requirements Rule (DRR)

- Finalized August 10, 2015
- Requirements for air agencies to monitor or model ambient SO_2 levels in areas with large sources of SO_2 emissions to help implement 1-hour SO_2 NAAQS
  - Must characterize air quality around sources that emit 2,000 tons per year or more of SO_2
    - May avoid requirement by adopting enforceable emission limits that ensure that the source will not emit more than 2,000 tpy
  - Flexibility: can either model actual source emissions or use appropriately sited ambient air quality monitors
- Establishes a schedule for air agencies to characterize air quality and to provide data to EPA
  - EPA will use this data to designate areas across the country as meeting/not meeting the 2010 SO_2 standard
  - EPA designed DRR implementation milestones to allow air agencies to take into account compliance dates for achieving SO_2 emission reductions under other major national rules

DRR Implementation Timeline

- By January 15, 2016, air agencies are required to submit a final list identifying sources around which air quality is to be characterized
  - Must include sources with above 2,000 tpy of SO_2
    - Intermountain Power Plant
    - Hunter Power Plant
    - Huntington Power Plant
    - Carbon Power Plant (retired)
- By July 1, 2016, each agency is required to identify, for each source on the list, the approach it will use to characterize air quality
  - Monitoring
    - Must submit relevant information concerning monitoring sites to EPA by July 1, 2016 as part of annual monitoring network plan
    - Must ensure that ambient monitors are operational by January 1, 2017
    - First 3 years of data will be collected for calendar years 2017, 2018, and 2019
  - Modeling
    - Must provide modeling protocol to EPA by July 1, 2016
    - Modeling analysis must be submitted by January 13, 2017
  - Alternative: Indicate that they will adopt enforceable emissions limitations to limit sources to below 2,000 tpy
    - Limits must be adopted and effective by January 13, 2017

Next Steps

- Meeting with the three sources covered by EPA's emissions threshold
  - Will work with sources to select modeling or monitoring option
  - Will work with EPA to develop a modeling protocol to use for air characterization modeling or monitor siting

Mining in High Wind Areas

Mining In High Wind Areas

A Toxic Business

Point of the Mountain

MesoWest's FPS (flight park south)

- Of 937 days ending around 2014:
  - 80% or 750 days experienced winds over 12 mph
  - 73% or 689 days experienced winds over 15 mph
  - 48% or 448 days experienced winds over 20 mph

Comparison Mining

Below and Above the Bench

Dust blowing Across the Valley

Dust carried by the Wind contains PM10 and PM2.5

- Particulates are the deadliest form of air pollution due to their ability to penetrate deep into the lungs and blood streams unfiltered, causing permanent DNA mutations, heart attacks, and premature death. "Health | Particulate Matter | Air & Radiation | US EPA". Epa.gov. 2010-11-17. Retrieved 2015-02-01
- In 2013, a study involving 312,944 people in nine European countries revealed that there was no safe level of particulates and that for every increase of 10 µg/m3 in PM10, the lung cancer rate rose 22%. The smaller PM2.5 were particularly deadly with a 36% increase in lung cancer per 10 µg/m3 as it can penetrate deeper into the lungs. Ole Raaschou-Nielsen; et al. (July 10, 2013) *The Lancet Oncology* **14** (9): 813–22.

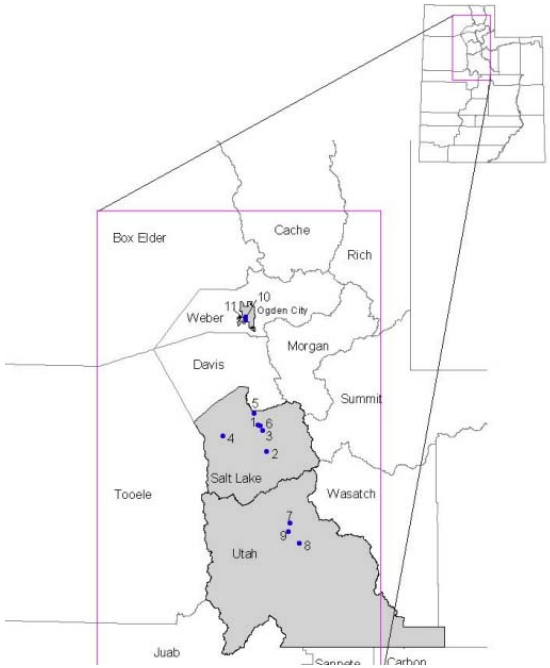
Crystalline Silica is a Hazardous Air Pollutant (HAP)

- Utah Code R307-101 definitions state: “Carcinogenic Hazardous Air Pollutant" means any hazardous air pollutant that is classified as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."
- ACGIH (2009) lists crystalline silica as A2 or a suspected human carcinogen: https://www.ehs.uci.edu/programs/sop_library/CARCIN.pdf

Highly Fractured Quartzite

PM10 Air Monitoring Sites

PM10 SLAAM Sites 80's and 90's



Only 5 Sites in Salt Lake and Utah county Today

Beach	Lake Point	1200 S. 12100 W.				X			X		X
Bountiful	Bountiful	200 W. 1380 N.		X		X	X	X			X
Brigham City	Brigham City	140 W. Fishburn				X		X			X
Harrisville	Harrisville	425 W. 2250 N.				X					X
Hawthorne	SLC	1675 S. 600 E.	X	X		X	X	X	X	X	X
Herriman	Riverton	14058 Mirabella Dr.		X		X					X
Hurricane	Hurricane	150 N. 870 W.		X		X	X	X			X
Lindon	Lindon	30 N. Main St.					X	X			X
Logan	Logan	125 W. Center St.		X		X	X	X			X
Magna	Magna	2935 S. 8560 W.					X	X	X	X	X
North Provo	Provo	1355 N. 200 W.	X	X		X	X	X			X
Ogden #2	Ogden	228 East 32nd St.	X	X		X	X	X			X
Price #2	Price	351 S. Weasel Run Rd.		X		X					X
Roosevelt	Roosevelt	290 S. 1000 W.		X		X		X			X
Rose Park	SLC	1354 W. Goodwin Ave.						X			
Saltaire	None	6640 W. 1680 N.									X
Spanish Fork	Spanish Fork	312 W. 2050 N.				X		X			X
Syracuse	Syracuse	4700 W. 1700 S.									X
Tooele	Tooele	434 N. 50 W.				X		X			X
Vernal	Vernal	6200 S 4500 W		X		X		X			X
West Jordan	West Jordan	4540 W. 8700 S.									X

We Ask The Board

- **In accordance with section 104 (powers of the board): Provide a continuous State and Local Air Monitoring Station (SLAMS) around the center of Bluffdale - the most affected area - so we can determine the particle size, frequency and density of this dust. This is also in line with EPA guidelines on providing monitoring in or around point sources.**
- Provide an official analysis of the dust to determine its crystalline silica, particle sizes and heavy metal content.
- Determine what rules or permit requirements should be revised to take into account unique geological areas like the point, specifically when strong prevailing winds at elevated altitudes may contribute to wind blown fugitive dust emissions.

Proposed rule change:

- Opacity in R307-309-5(1) shall not apply when the wind speed exceeds 25 miles per hour if the owner or operator ceases or reduces fugitive dust producing operations and has implemented, and continues to implement, the accepted fugitive dust control plan in R307-309-6 and administers at least one of the following contingency measures:
- (a) Pre-event watering;
  (b) Hourly watering;
  (c) Additional chemical stabilization; or
  (d) Other contingency measure approved by the director.

Thank You

We appreciate your help in this important matter

Utah Physicians for a Healthy Environment
423 W. 800 S., Ste. A108, Salt Lake City, Utah 84101 - 801-502-5450

October 7, 2015

Draper City Council

Dear Draper City Council Members,

Public recognition of the serious air pollution problem along the Wasatch Front is wide spread. As health care professionals we are concerned about the public health consequences of our current pollution levels, and would consider it as unacceptable any developments that would make it worse.

Dust from mining operations represents a significant component of the overall air pollution burden of the Salt Lake Valley and Utah County. While residents near these operations are the most exposed, operations at Geneva's Point of the Mountain gravel pit are particularly troublesome because they are located right where the wind continuously disperses the dust all over both counties.

Gravel pit dust not only contributes to elevated PM2.5 levels, but also contains unique toxins. Soil analysis of the area revealed significant contamination with heavy metals, whose toxicity is well established. Crystalline silica is ubiquitous in the dust and chronic exposure is well known to cause destruction of lung tissue and function, and can lead to tuberculosis and lung cancer. While concerns regarding chronic silicosis are usually limited to those occupationally exposed, nearby residents can be exposed 24/7 rather than merely during work hours, and the residential populations include children and babies in utero, greatly magnifying the public health consequences. Increased dust generated by an expanded Geneva operation would likely continue for decades, and that protracted exposure would undoubtedly have significant, long term public health impact.

The worldwide body of medical research has generated literally thousands of studies identifying the broad base of diseases and impaired health outcomes provoked by particulate air pollution. Numerous additional studies of residential populations chronically exposed to dust from such things as the desiccated Aral Sea, Owens Lake, and the Sahara Desert reveal a wide range of poor health outcomes, including shortened life expectancy, high rates of cancer, infectious diseases, respiratory and heart disease, reproductive pathologies, adverse pregnancy outcomes, anemia, birth defects, and infant mortality.

There is more than enough published science to support the contention that the Geneva gravel pit already represents a serious public health hazard. We believe the current level of mining activity is inappropriate given its location in the heart of the most densely populated area of the state. We understand the Draper City Council is considering a proposal to rezone the area around the pit to allow a 189-acre expansion. We consider this proposal incompatible with with what should be the Council's first priority--protection of public health, of families, of children and of pregnant mothers in Salt Lake and Utah Counties, and in the Draper area in particular. We urge you to reject the proposal.

Sincerely,
Dr. Brian Moench, President
Utah Physicians for a Healthy Environment

Air Toxics Compliance Monitoring

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQA-952-15

M E M O R A N D U M

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: September 9, 2015

SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – August 2015

MACT Compliance Inspections	0
Asbestos Demolition/Renovation NESHAP Inspections	43
Asbestos AHERA Inspections	30
Asbestos State Rules Only Inspections	5
Asbestos Notifications Accepted	203
Asbestos Telephone Calls Answered	542
Asbestos Individuals Certifications Approved/Disapproved	61/0
Asbestos Company Certifications/Re-Certifications	2/0
Asbestos Alternate Work Practices Approved/Disapproved	18/0
Lead-Based Paint (LBP) Inspections	4
LBP Notifications Approved	0
LBP Telephone Calls Answered	83
LBP Letters Prepared and Mailed	51
LBP Courses Reviewed/Approved	0/0
LBP Course Audits	0
LBP Individual Certifications Approved/Disapproved	16/0

LBP Firm Certifications	9
Notices of Violation Issued	0
Compliance Advisories Issued	15
Warning Letters Issued	15
Settlement Agreements Finalized	2
Penalties Agreed to:	
Hyrum City	$1,200.00
Ambrose Group	$1,350.00
	$2,550.00

State of Utah
GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQC-1184-15

M E M O R A N D U M

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: September 10, 2015

SUBJECT: Compliance Activities – August 2015

Annual Inspections Conducted:

Major..... 21
Synthetic Minor 8
Minor 28

On-Site Stack Test Audits Conducted: 10

Stack Test Report Reviews: 62

On-Site CEM Audits Conducted: 5

Emission Reports Reviewed: 20

Temporary Relocation Requests Reviewed & Approved: 10

Fugitive Dust Control Plans Reviewed & Accepted:..... 123

Soil Remediation Report Reviews: 0

[1]Miscellaneous Inspections Conducted:..... 43

Complaints Received: 20

Breakdown Reports Received:..... 1

195 North 1950 West • Salt Lake City, Utah
Mailing Address: P.O. Box 144820 • Salt Lake City, Utah 84114-4820
Telephone (801) 536-4000 • Fax (801)536-4099 • T.D.D. (801) 903-3978
www.deq.utah.gov

Compliance Actions Resulting From a Breakdown..... 0
Warning Letters Issued: 4

Notices of Violation Issued:..... 1

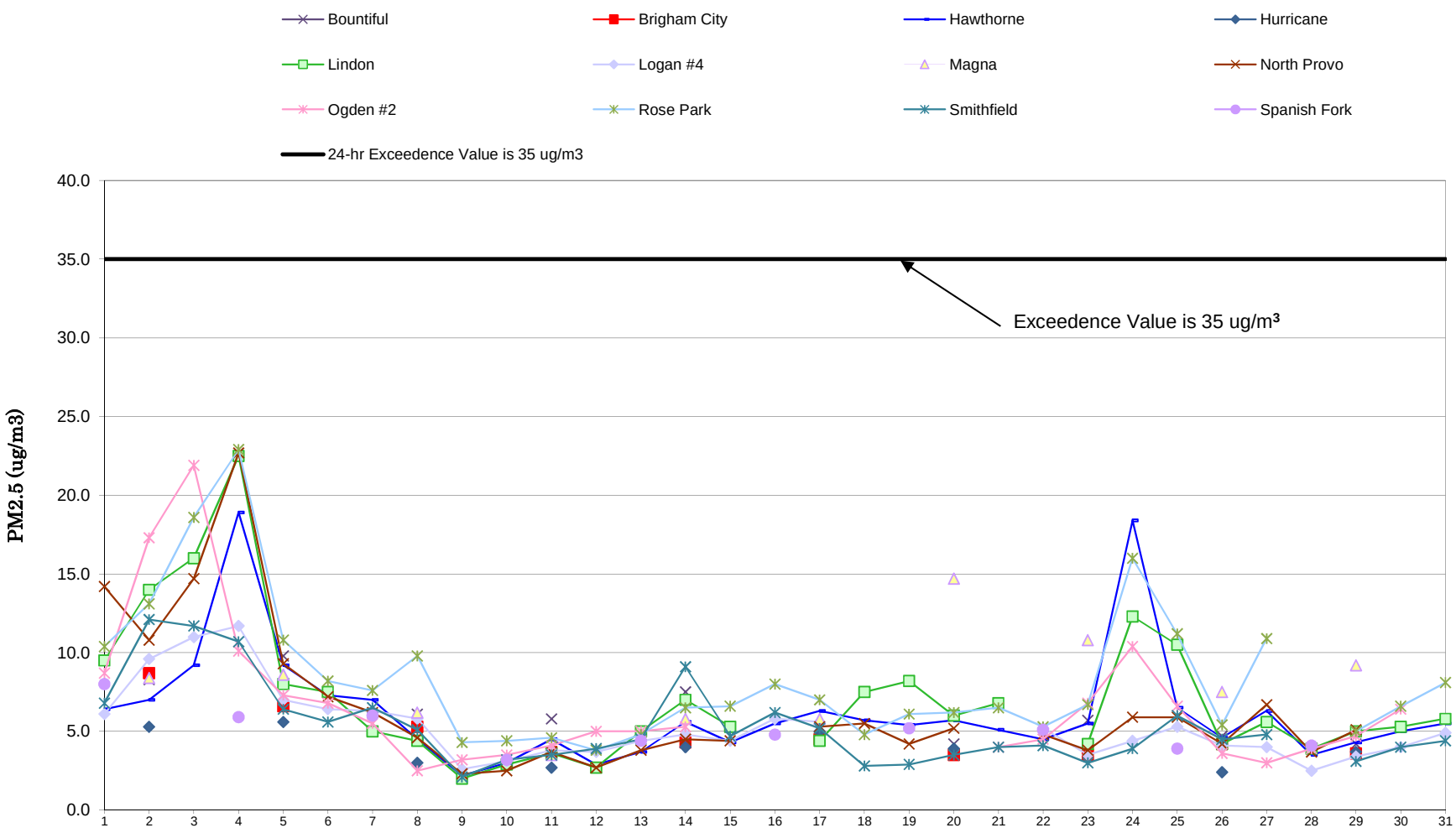
Compliance Advisories Issued:..... 3

Settlement Agreements Reached: 2

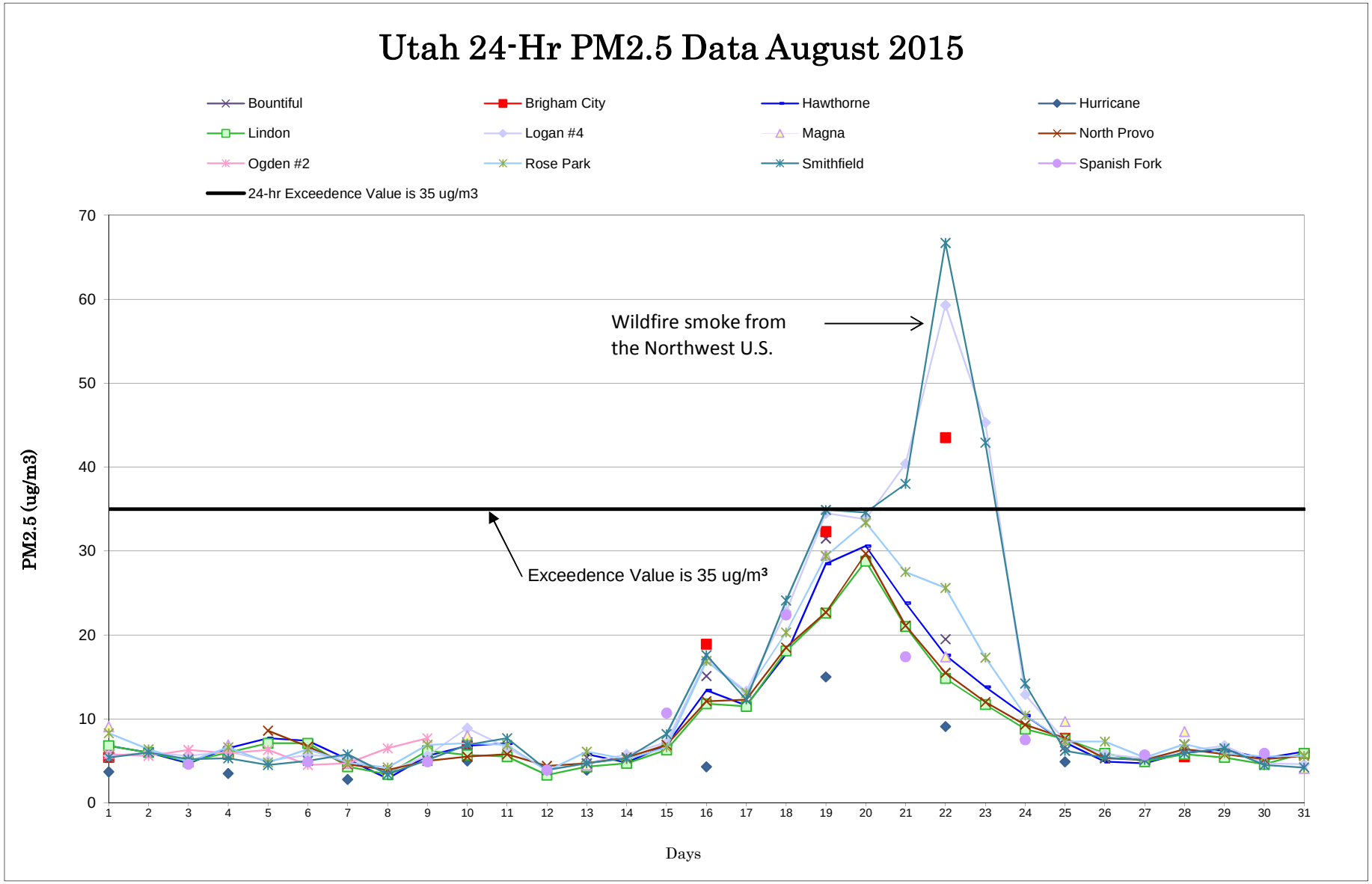
RN Industries..... $84,000
Steve Byl $100

[1]Miscellaneous inspections include, e.g., surveillance, level I inspections, VOC inspections, complaints, on-site training, dust patrol, smoke patrol, open burning, etc.

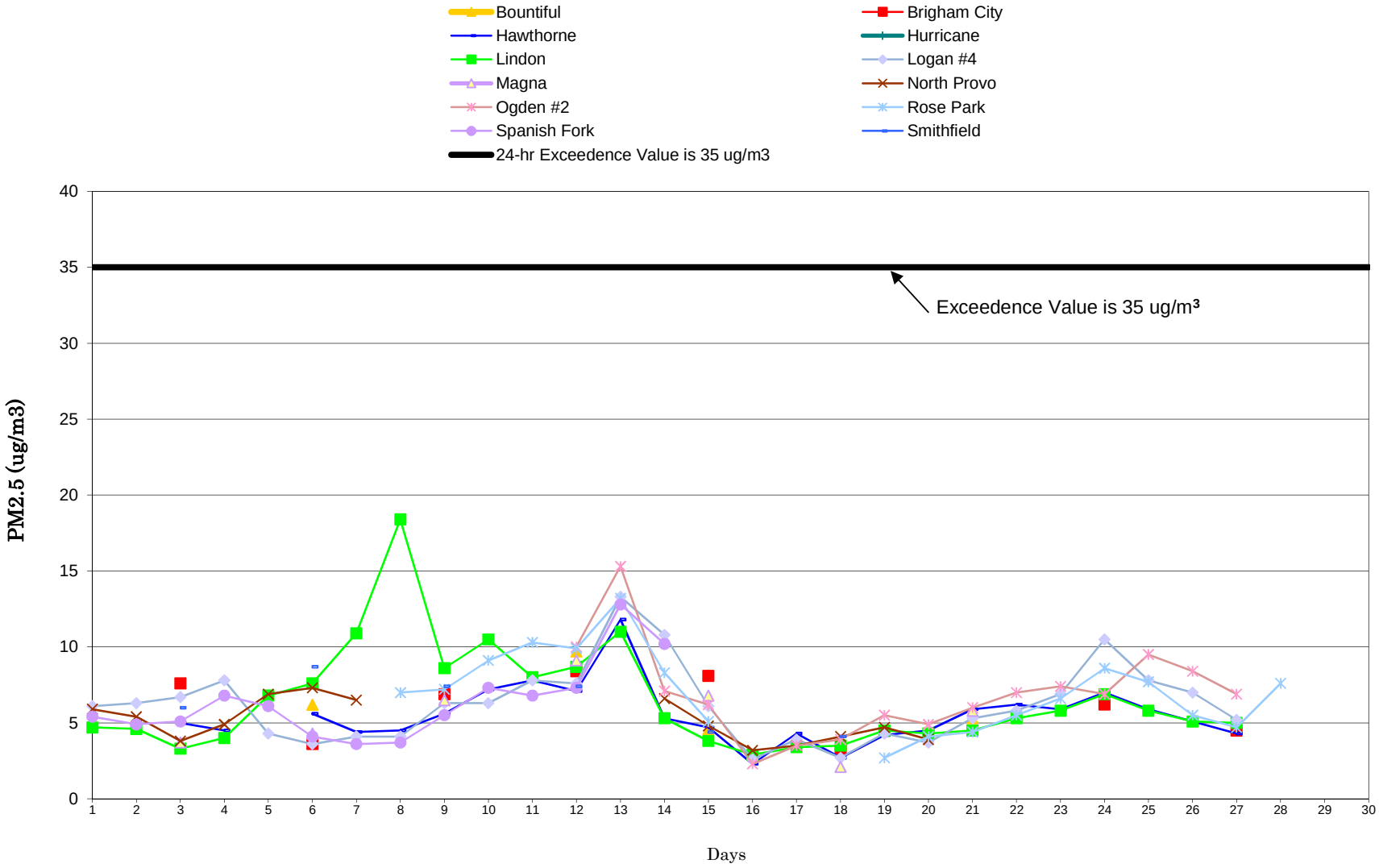
Utah 24-Hr PM2.5 Data July 2015



Utah 24-Hr PM2.5 Data August 2015

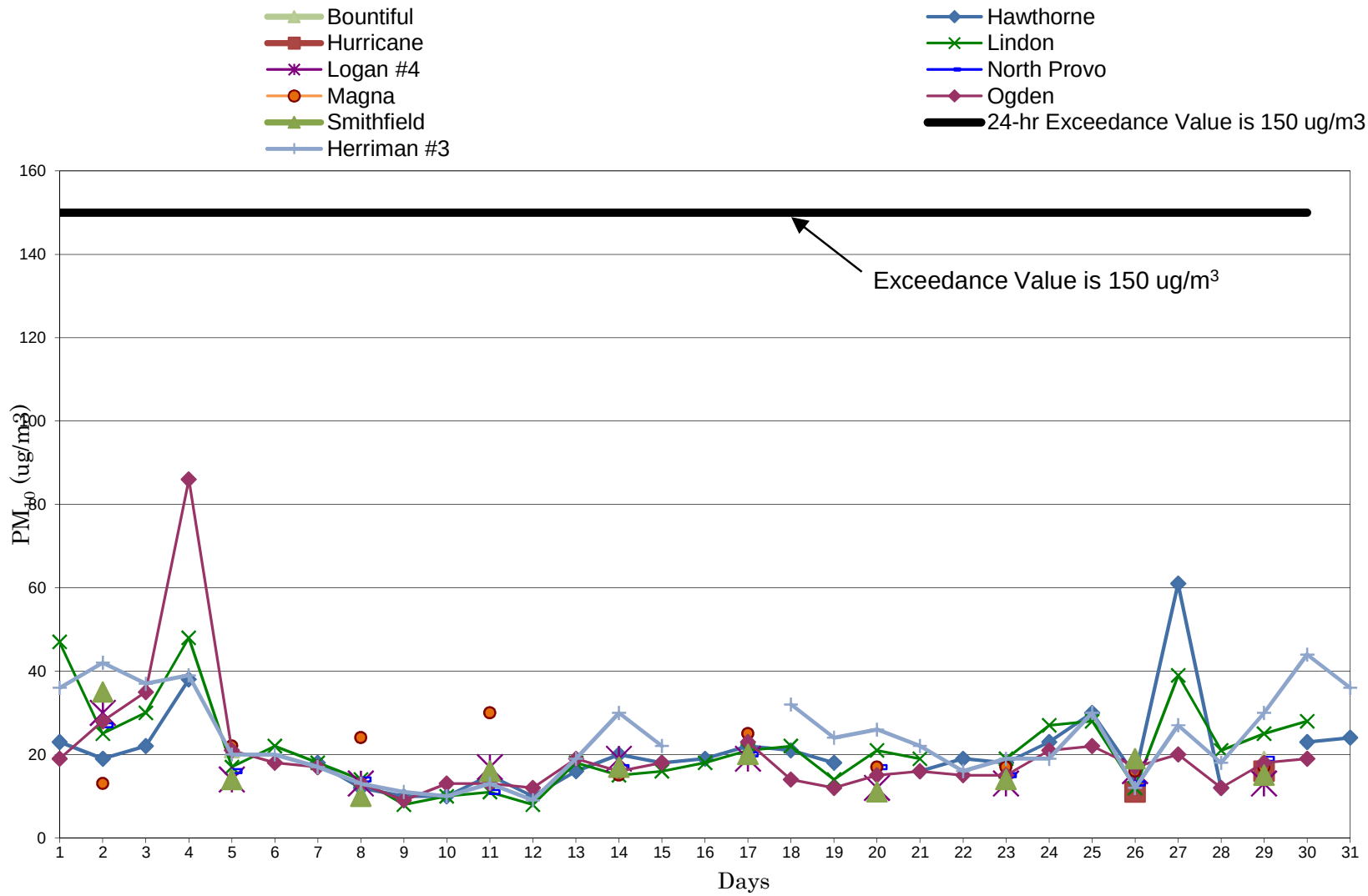


Utah 24-Hr PM2.5 Data September 2015



Utah Division of Air Quality

Utah 24-hr PM_{10} Data July 2015



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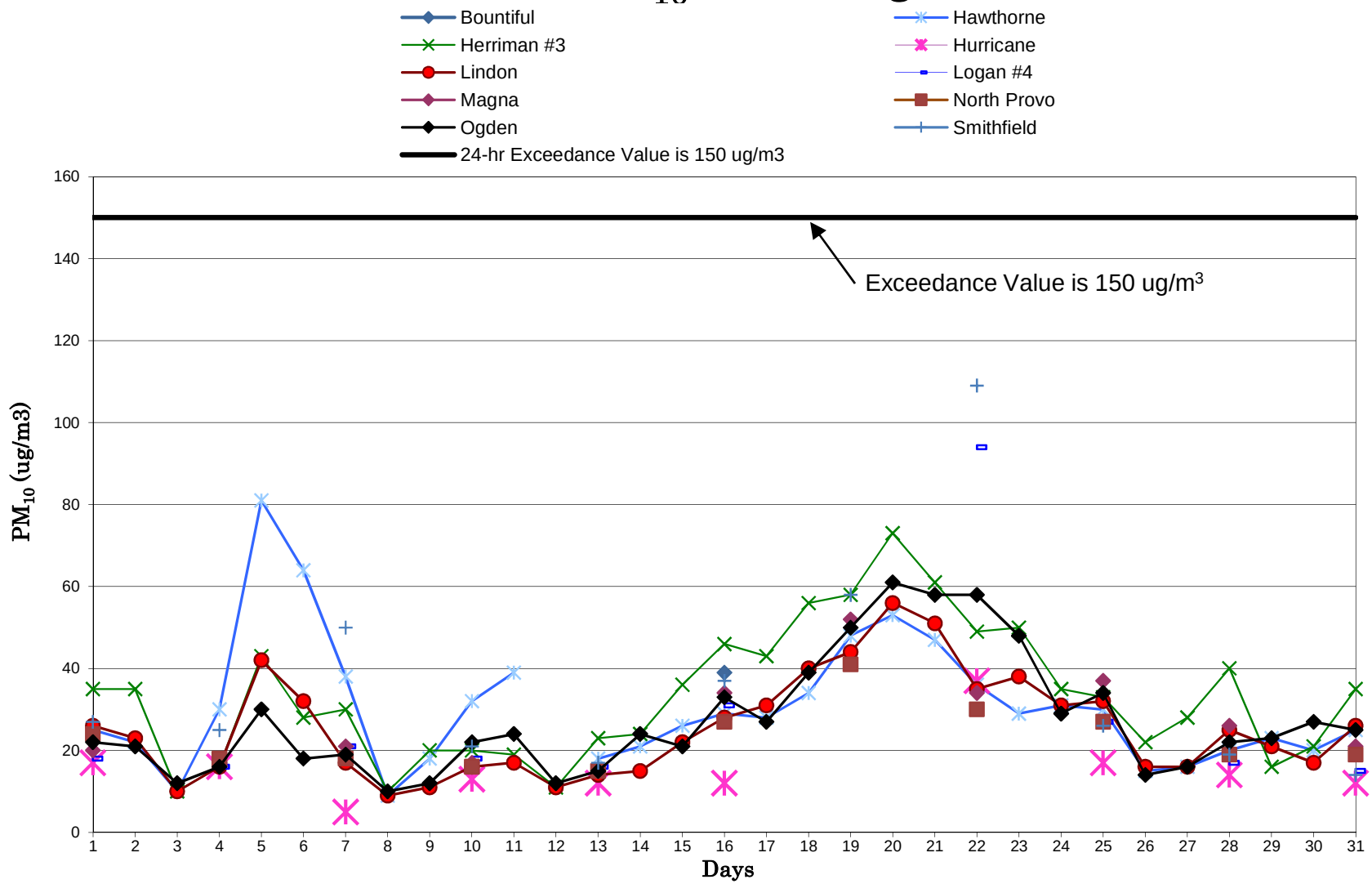
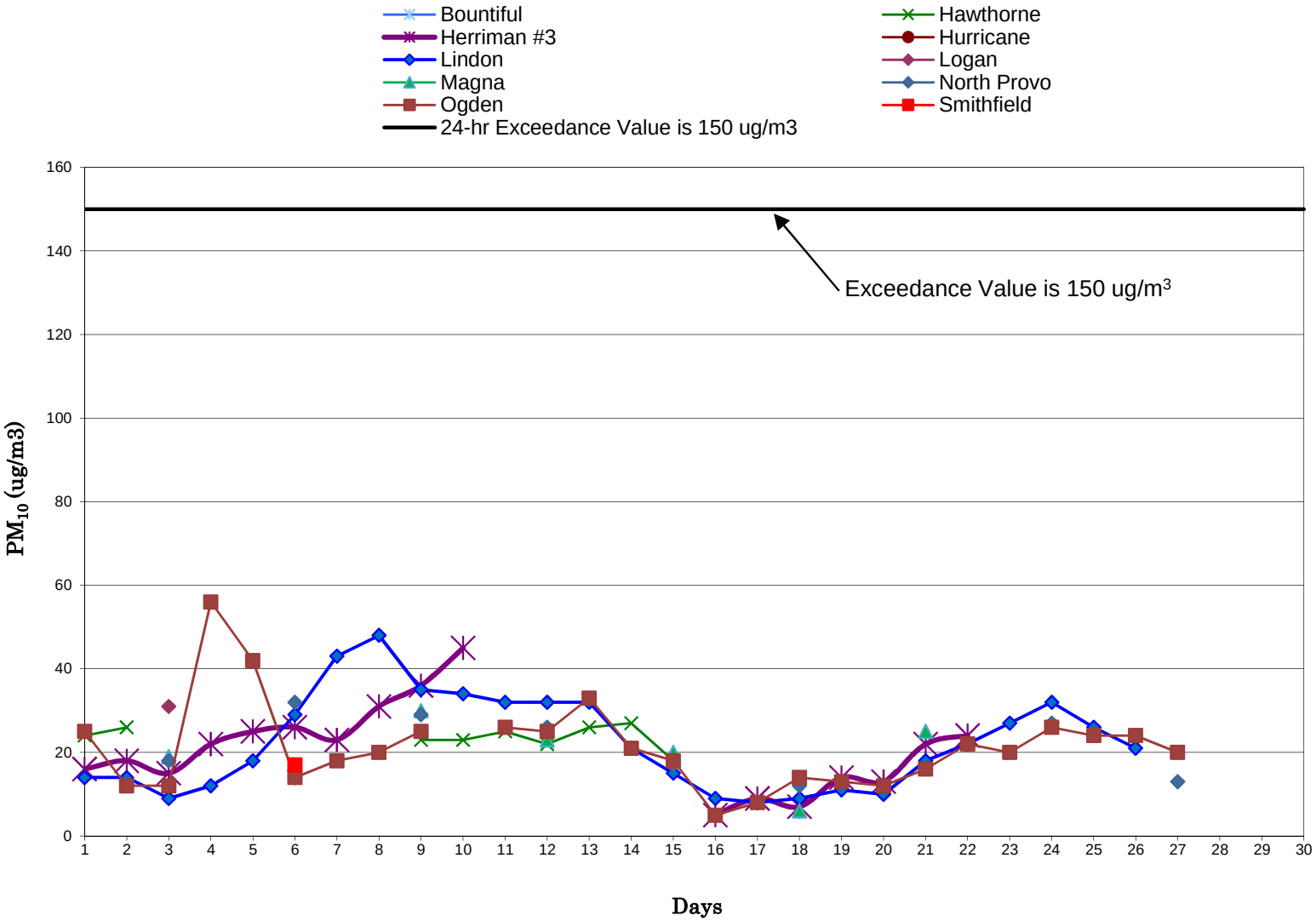
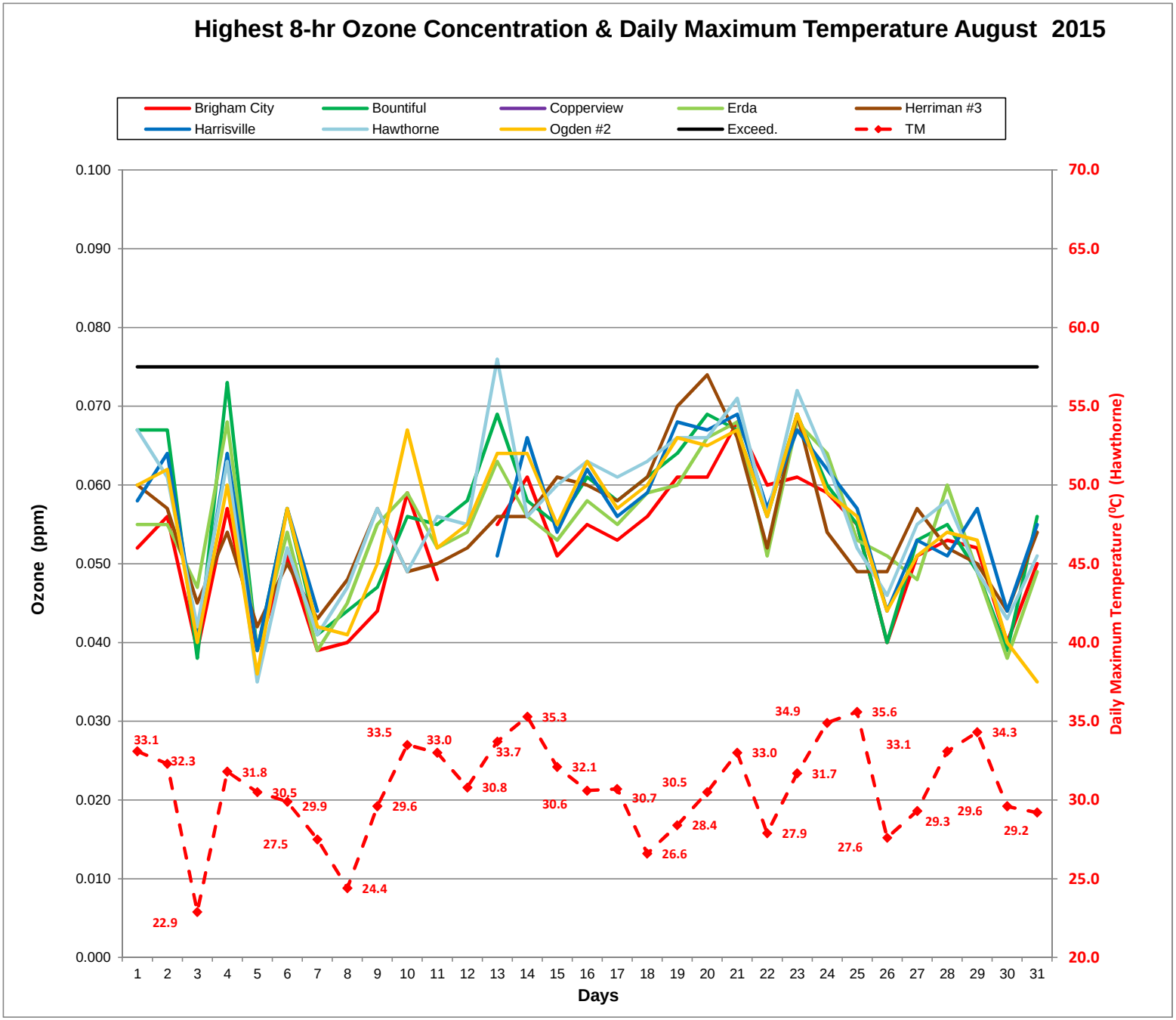
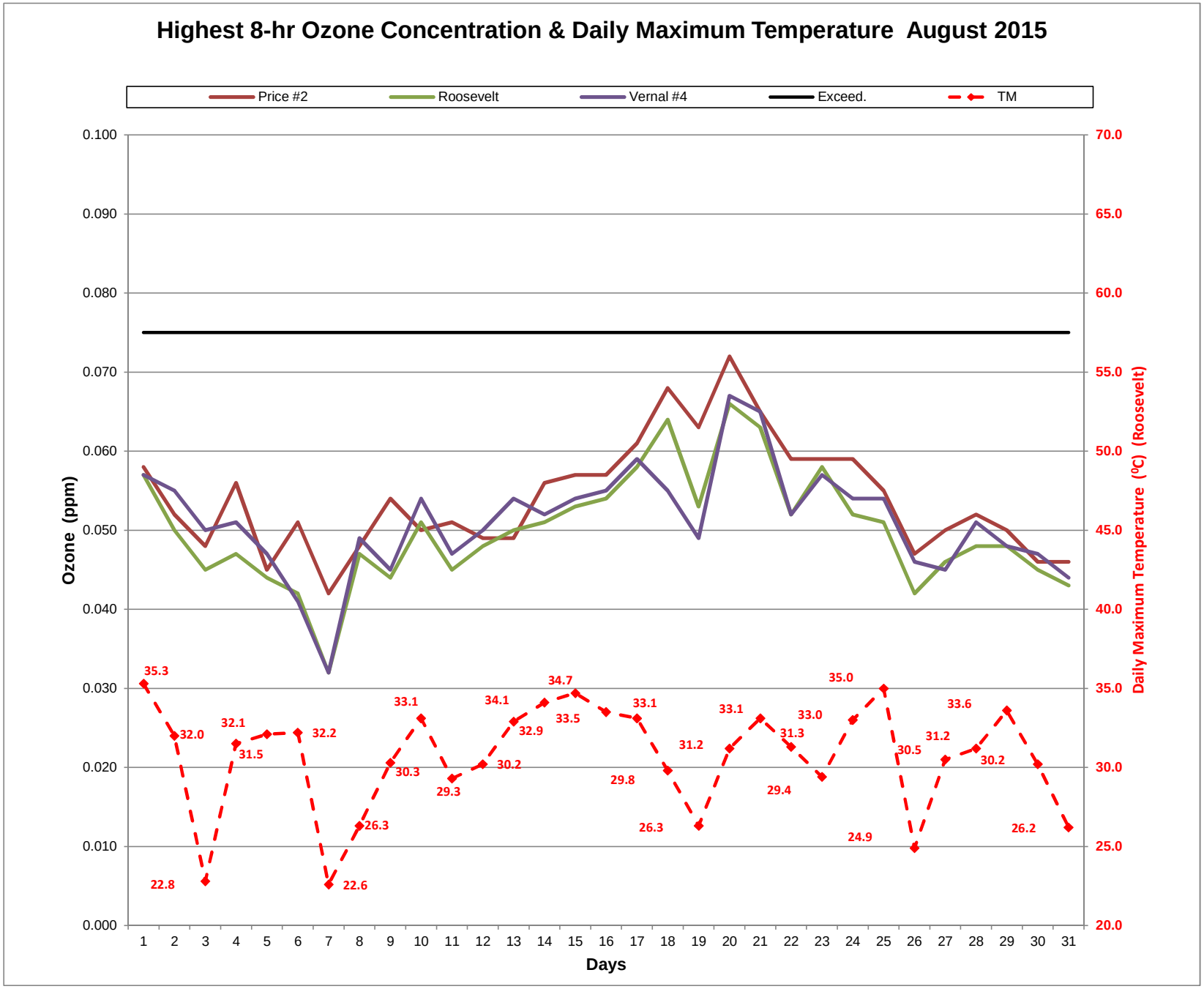
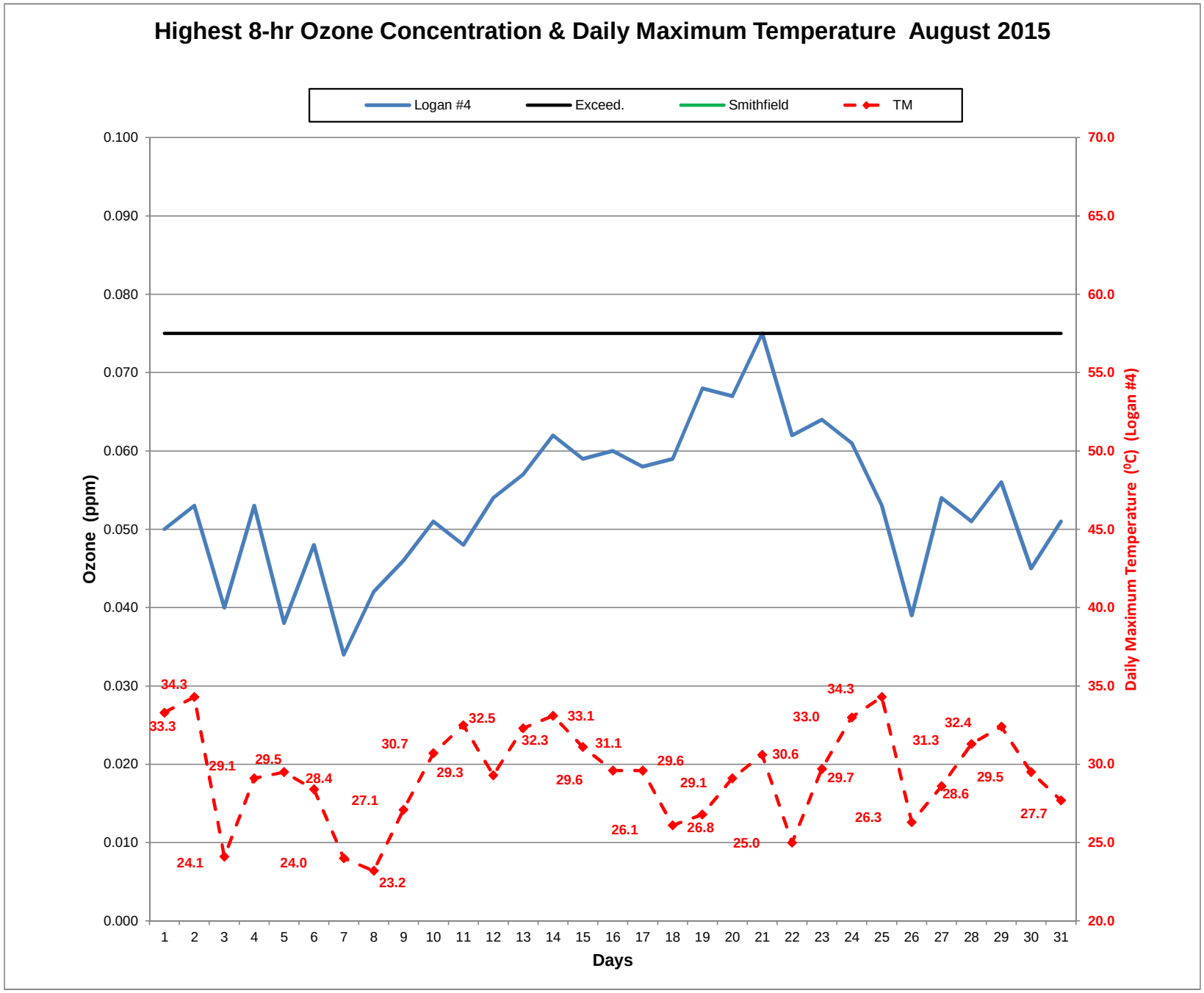


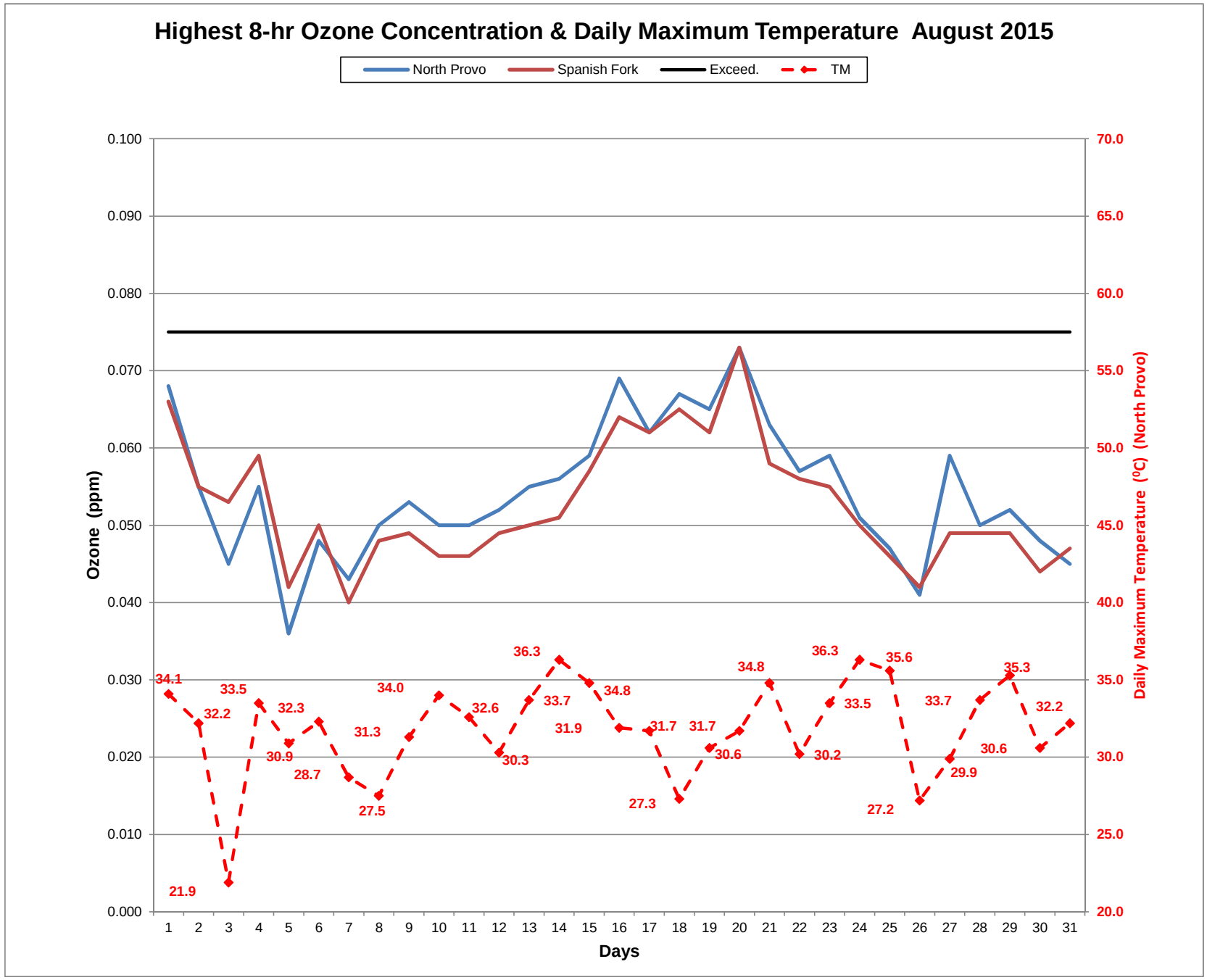
Utah 24-hr PM_{10} Data September 2015




Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2015
Brigham City
Bountiful
Copperview
Erda
Herriman #3
Harrisville
Hawthorne
Ogden #2
Exceed.
TM
Ozone (ppm)
Daily Maximum Temperature (°C) (Hawthorne)
Days
0.100
0.090
0.080
0.070
0.060
0.050
0.040
0.030
0.020
0.010
0.000
70.0
65.0
60.0
55.0
50.0
45.0
40.0
35.0
30.0
25.0
20.0
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
33.1 32.3 22.9 31.8 30.5 29.9 27.5 24.4 33.5 29.6 33.0 30.8 33.7 35.3 30.6 32.1 30.7 26.6 30.5 28.4 33.0 27.9 34.9 31.7 35.6 27.6 33.1 29.3 29.6 34.3 29.2


Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2015
Price #2
Roosevelt
Vernal #4
Exceed.
TM
Ozone (ppm)
Daily Maximum Temperature (ºC) (Roosevelt)
Days
0.100
0.090
0.080
0.070
0.060
0.050
0.040
0.030
0.020
0.010
0.000
70.0
65.0
60.0
55.0
50.0
45.0
40.0
35.0
30.0
25.0
20.0
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
35.3
32.0
22.8
32.1
31.5
32.2
22.6
26.3
30.3
33.1
29.3
30.2
34.1
32.9
33.5
34.7
29.8
33.1
26.3
31.2
33.1
29.4
33.0
31.3
35.0
24.9
30.5
31.2
33.6
30.2
26.2


Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2015
Logan #4
Exceed.
Smithfield
TM
Ozone (ppm)
Daily Maximum Temperature (°C) (Logan #4)
Days
0.100
0.090
0.080
0.070
0.060
0.050
0.040
0.030
0.020
0.010
0.000
70.0
65.0
60.0
55.0
50.0
45.0
40.0
35.0
30.0
25.0
20.0
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
34.3
33.3
29.1
24.1
29.5
28.4
24.0
27.1
23.2
30.7
29.3
32.5
32.3
29.6
33.1
31.1
26.1
29.6
29.1
26.8
30.6
25.0
33.0
29.7
34.3
26.3
31.3
28.6
32.4
29.5
27.7


Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2015
North Provo
Spanish Fork
Exceed.
TM
Ozone (ppm)
Daily Maximum Temperature (°C) (North Provo)
Days
0.100
0.090
0.080
0.070
0.060
0.050
0.040
0.030
0.020
0.010
0.000
70.0
65.0
60.0
55.0
50.0
45.0
40.0
35.0
30.0
25.0
20.0
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
34.1
32.2
21.9
33.5
30.9
32.3
28.7
31.3
27.5
34.0
32.6
30.3
36.3
33.7
31.9
34.8
31.7
27.3
31.7
30.6
34.8
30.2
36.3
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27.2
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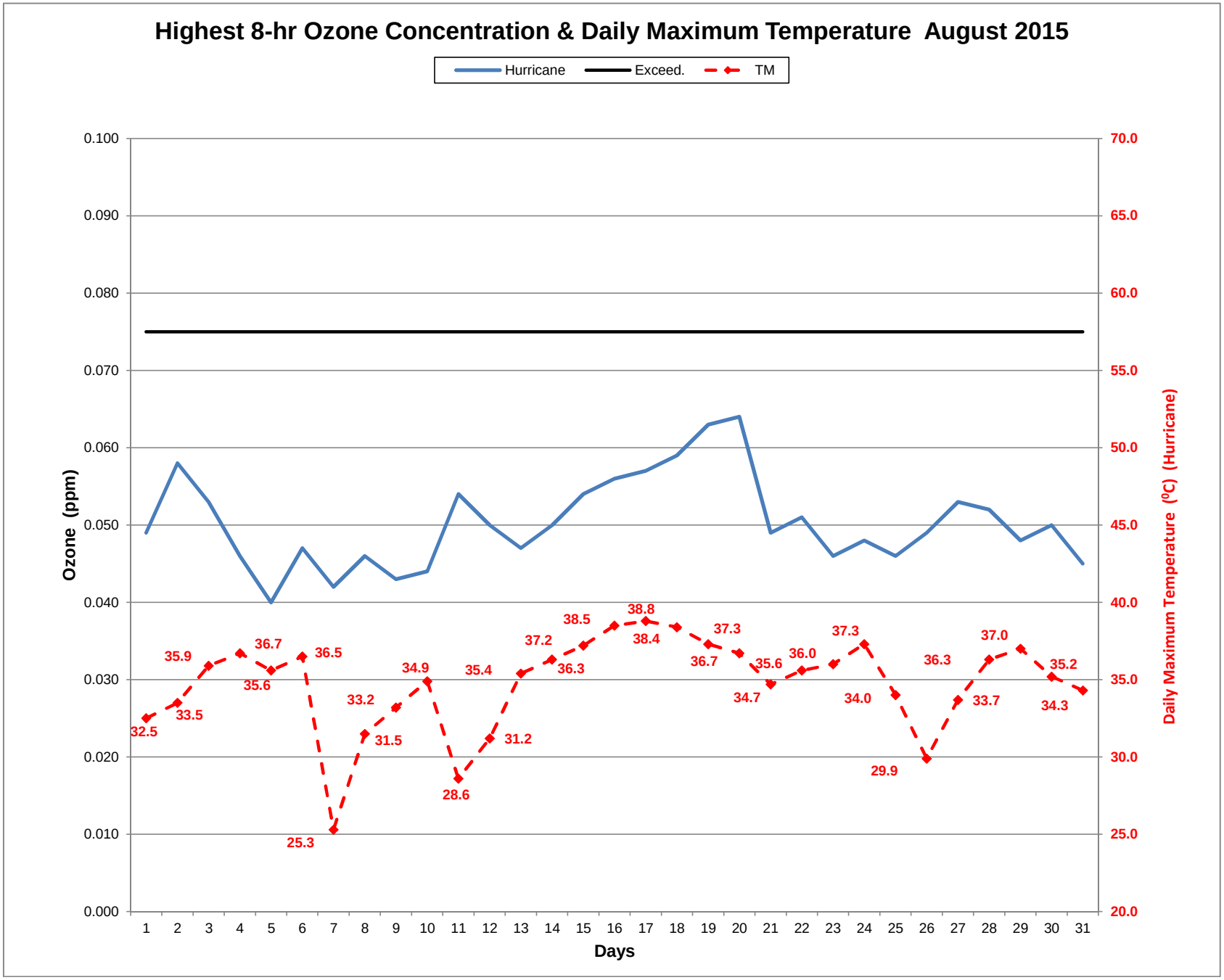
33.7
29.9
30.6
35.3
32.2


Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2015
Hurricane
Exceed.
TM
Ozone (ppm)
Daily Maximum Temperature (ºC) (Hurricane)
Days
0.100
0.090
0.080
0.070
0.060
0.050
0.040
0.030
0.020
0.010
0.000
70.0
65.0
60.0
55.0
50.0
45.0
40.0
35.0
30.0
25.0
20.0
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
32.5
33.5
35.9
35.6
36.7
36.5
25.3
33.2
31.5
34.9
28.6
35.4
31.2
37.2
36.3
38.5
38.4
38.8
36.7
37.3
34.7
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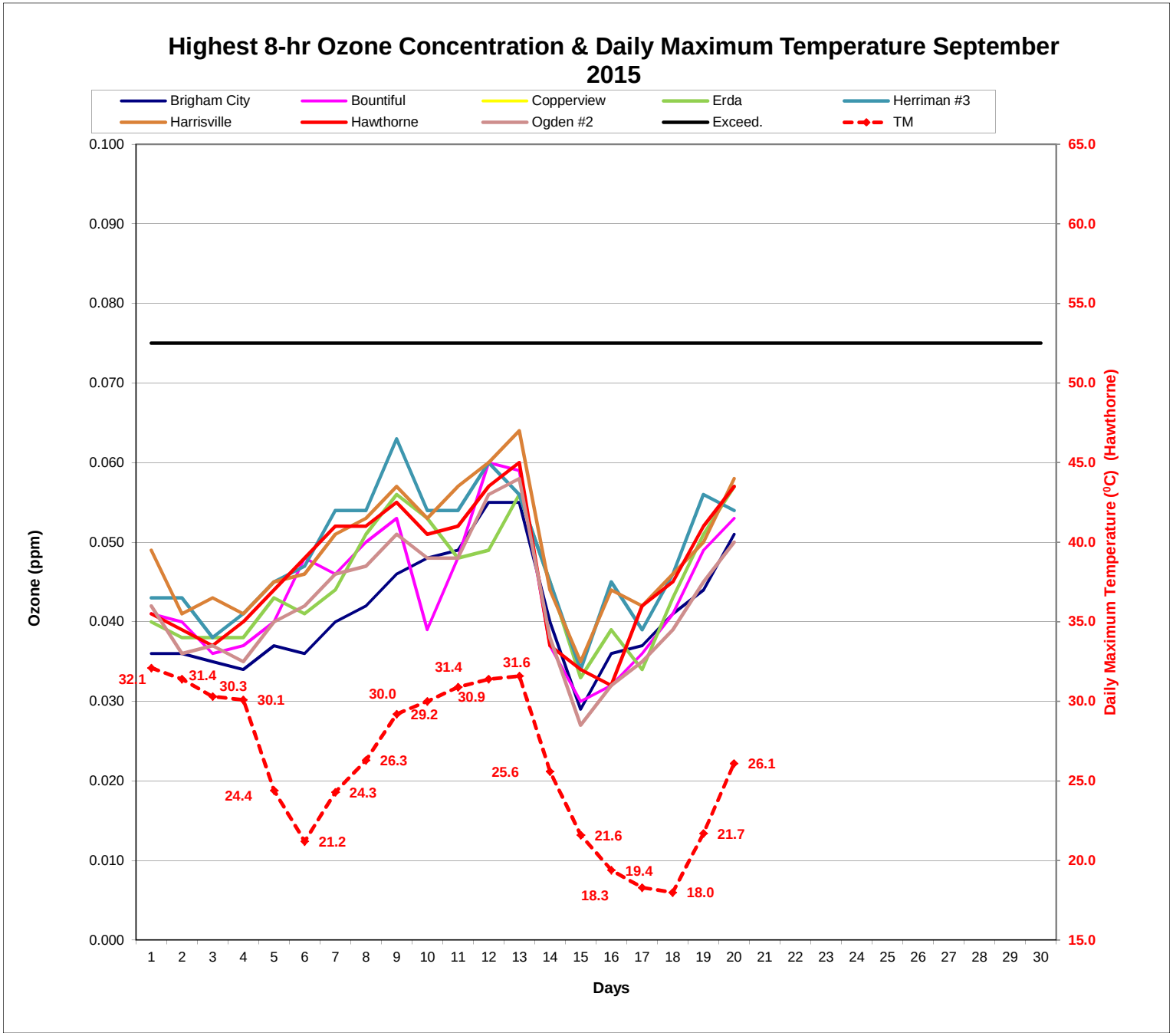
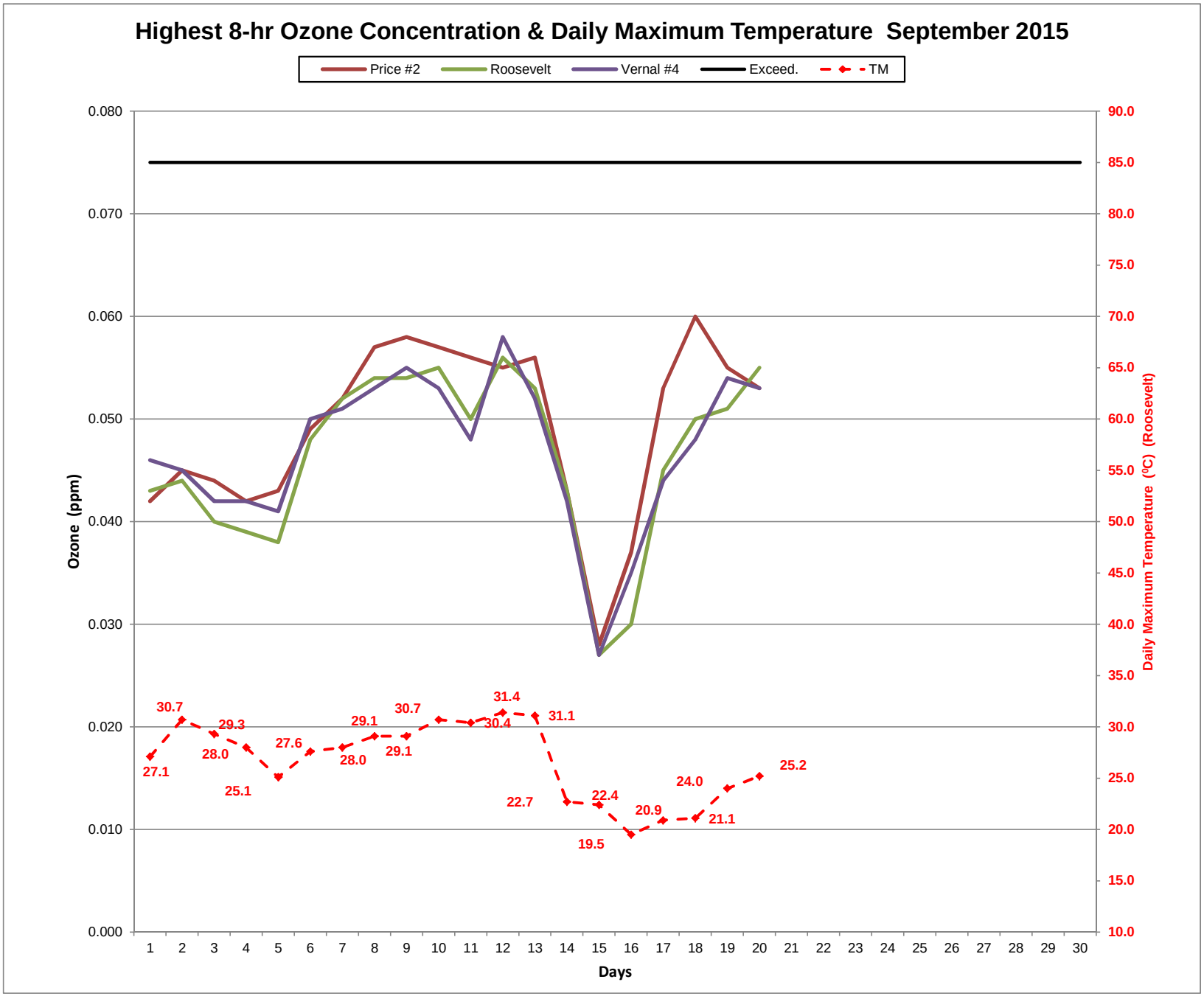
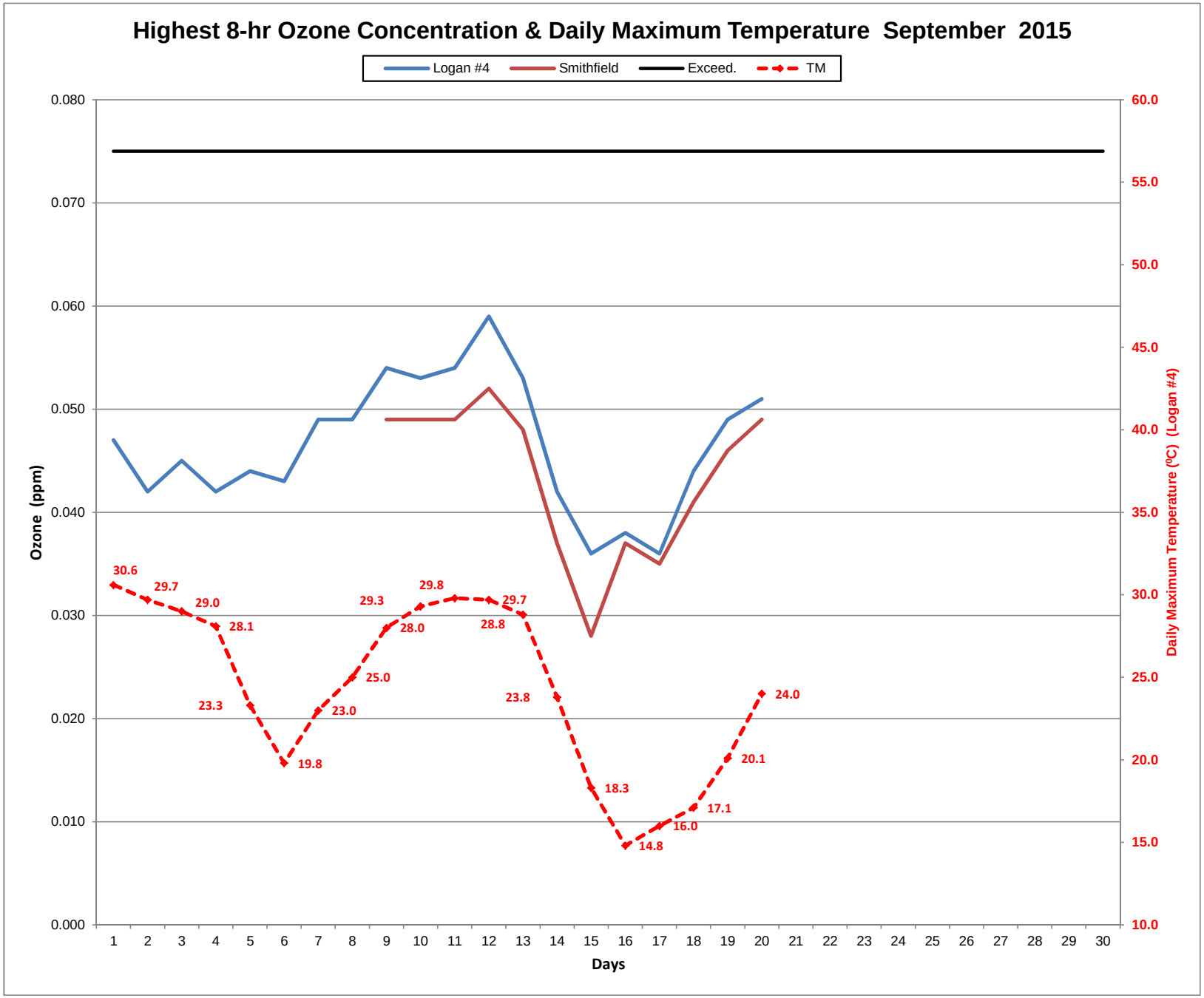
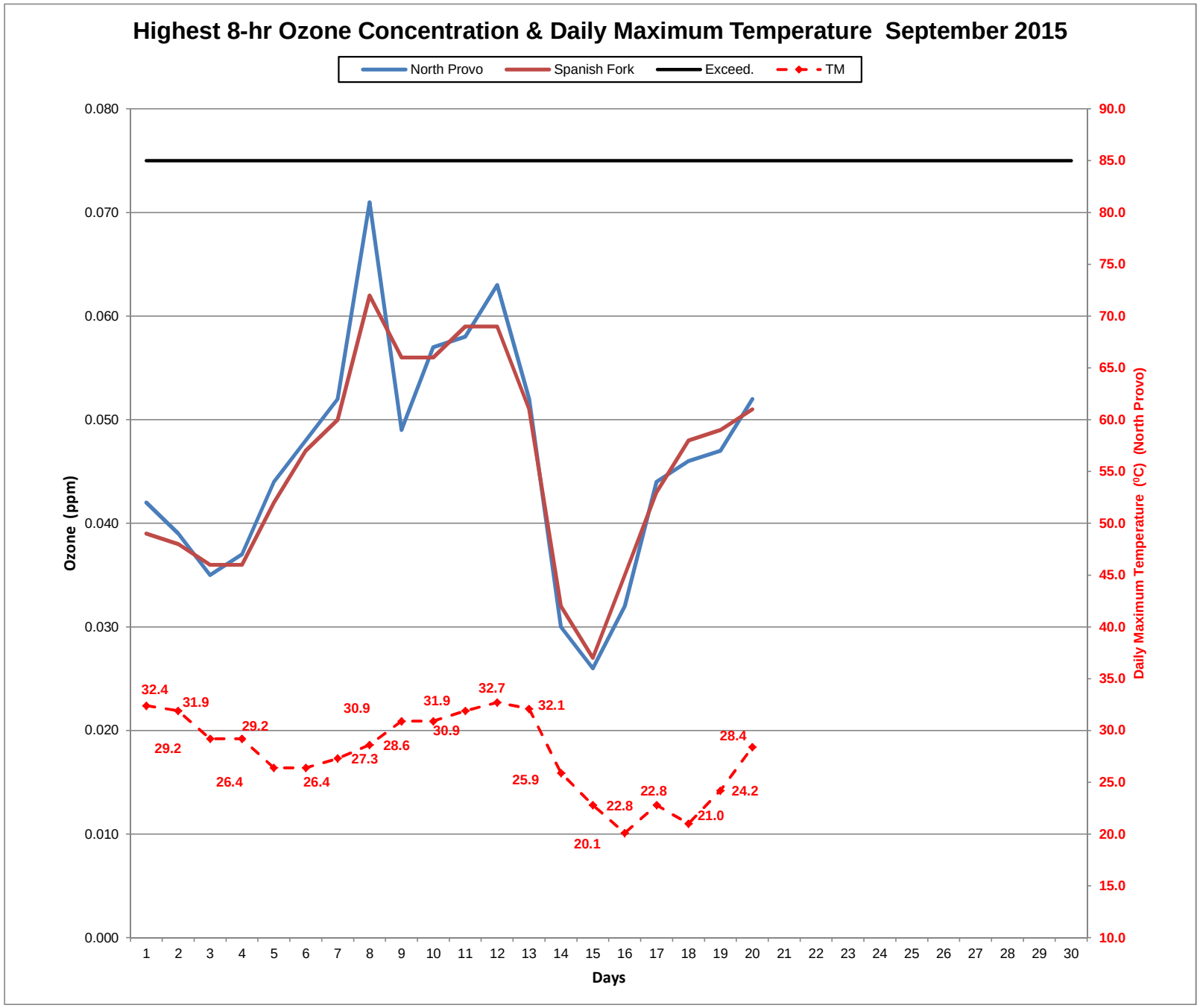
37.3
34.0
29.9
36.3
33.7
37.0
34.3
35.2


Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2015
Brigham City
Bountiful
Copperview
Erda
Herriman #3
Harrisville
Hawthorne
Ogden #2
Exceed.
TM
Ozone (ppm)
Daily Maximum Temperature (°C) (Hawthorne)
Days
0.100
0.090
0.080
0.070
0.060
0.050
0.040
0.030
0.020
0.010
0.000
65.0
60.0
55.0
50.0
45.0
40.0
35.0
30.0
25.0
20.0
15.0
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
32.1
31.4
30.3
30.1
24.4
21.2
24.3
26.3
30.0
29.2
31.4
30.9
31.6
25.6
21.6
19.4
18.3
18.0
21.7
26.1


Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2015
Price #2
Roosevelt
Vernal #4
Exceed.
TM
Ozone (ppm)
Daily Maximum Temperature (°C) (Roosevelt)
Days
0.080
0.070
0.060
0.050
0.040
0.030
0.020
0.010
0.000
90.0
85.0
80.0
75.0
70.0
65.0
60.0
55.0
50.0
45.0
40.0
35.0
30.0
25.0
20.0
15.0
10.0
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
27.1
30.7
28.0
29.3
25.1
27.6
28.0
29.1
29.1
30.7
30.4
31.4
31.1
22.7
22.4
19.5
20.9
21.1
24.0
25.2


Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2015
Logan #4
Smithfield
Exceed.
TM
Ozone (ppm)
Daily Maximum Temperature (°C) (Logan #4)
Days
0.080
0.070
0.060
0.050
0.040
0.030
0.020
0.010
0.000
60.0
55.0
50.0
45.0
40.0
35.0
30.0
25.0
20.0
15.0
10.0
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
30.6
29.7
29.0
28.1
23.3
19.8
23.0
25.0
29.3
28.0
29.8
28.8
29.7
23.8
18.3
14.8
16.0
17.1
20.1
24.0


Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2015
North Provo
Spanish Fork
Exceed.
TM
Ozone (ppm)
Daily Maximum Temperature (°C) (North Provo)
Days
0.080
0.070
0.060
0.050
0.040
0.030
0.020
0.010
0.000
90.0
85.0
80.0
75.0
70.0
65.0
60.0
55.0
50.0
45.0
40.0
35.0
30.0
25.0
20.0
15.0
10.0
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32.4
31.9
29.2
29.2
26.4
26.4
30.9
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22.8
21.0
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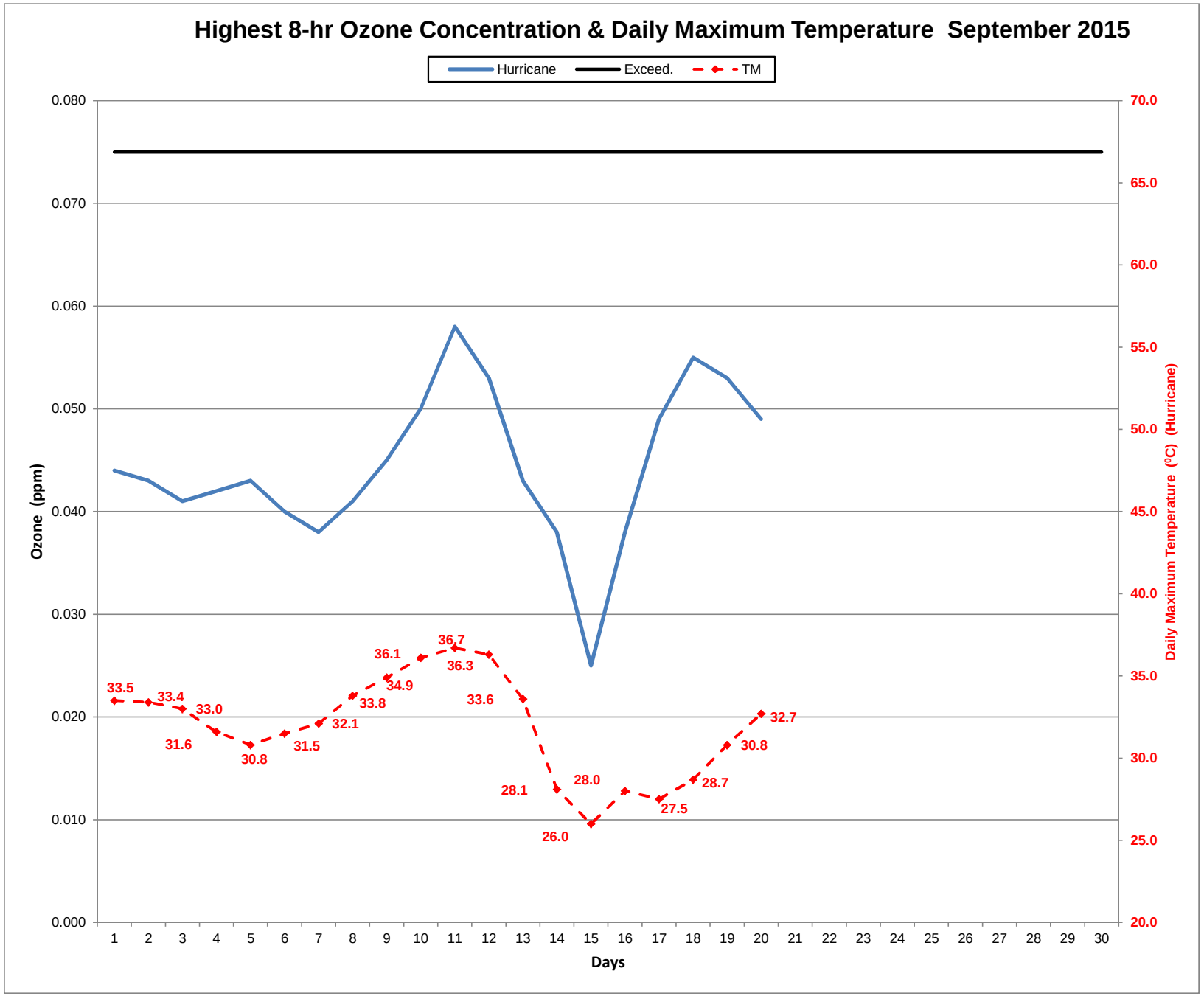
28.4


Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2015
Hurricane
Exceed.
TM
Ozone (ppm)
Daily Maximum Temperature (°C) (Hurricane)
Days
0.080
0.070
0.060
0.050
0.040
0.030
0.020
0.010
0.000
70.0
65.0
60.0
55.0
50.0
45.0
40.0
35.0
30.0
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20.0
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
33.5
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