



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

Air Quality Board

Cassady Kristensen, *Chair*
Kim Frost, *Vice-Chair*
Michelle Bujdoso
Kevin R. Cromar
Randal S. Martin
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John Rasband
Kimberly D. Shelley
Jeff Silvestrini
Bryce C. Bird,
Executive Secretary

DAQ-087-23

UTAH AIR QUALITY BOARD MEETING FINAL AGENDA

Wednesday, November 1, 2023 - 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

Board members may be participating electronically. Interested persons can participate telephonically by dialing 1-505-738-2229 using access code: 201-631-777#, or via the Internet at the Google's meeting access link: <https://meet.google.com/sfz-jeny-tvp>

- I. Call-to-Order
- II. Date of the Next Air Quality Board Meeting: December 6, 2023
- III. Approval of the Minutes for the September 12, 2023, Board Meeting.
- IV. Five-Year Reviews: R307-101. General Requirements; R307-150. Emission Inventories; R307-405. Permits: Major Sources in Attainment or Unclassified Areas (PSD); and R307-840. Lead-Based Paint Program Purpose, Applicability, and Definitions. Presented by Becky Close.
- V. Propose for Public Comment: Amendment to R307-415. Permits: Operating Permit Requirements. Presented by David Beatty
- VI. Propose for Public Comment. Amend Incorporation of Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability; and Part B, Davis County; R307-110-31. Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability; and R307-110-32. Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County. Presented by Mat Carlile.
- VII. Discretionary Federal Funding Letter to the Governor's Office of Planning and Budget. Presented by Kevin Cromar.

VIII. Informational Items.

- A. Air Toxics. Presented by Leonard Wright.
- B. Compliance. Presented by Harold Burge, Rik Ombach, and Chad Gilgen.
- C. Monitoring. Presented by Bart Cubrich.
- D. Other Items to be Brought Before the Board.
- E. Board Meeting Follow-up Items.

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Larene Wyss, Office of Human Resources at (801) 503-5618, TDD (801) 536-4284 or by email at lwyss@utah.gov.

ITEM 4



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DAQ-081-23

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Erica Pryor, Rules Coordinator

DATE: October 12, 2023

SUBJECT: Five-Year Reviews: R307-101. General Requirements; R307-150. Emission Inventories; R307-405. Permits: Major Sources in Attainment or Unclassified Areas (PSD); and R307-840. Lead-Based Paint Program Purpose, Applicability, and Definitions.

Utah Code 63G-3-305 requires each agency to review and justify each of its rules within five years of a rule's original effective date or within five years of the filing of the last five-year review. This review process is not a time to revise or amend the rules, but only to verify that the rule is still necessary and allowed under state and federal law. As part of this process, we are required to identify any comments received since the last five-year review of each rule. This process is not the time to revisit those comments or to respond to them.

DAQ has completed a five-year review of R307-101, General Requirements; R307-150, Emission Inventories; R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD); and R307-840, Lead-Based Paint Program Purpose, Applicability, and Definitions.

The results of these reviews are found in the attached Five-Year Notice of Review and Statement of Continuation forms.

Recommendation: Staff recommends that the Board continue these rules, by approving the attached forms to be filed with the Office of Administrative Rules.

State of Utah
Administrative Rule Analysis
Revised May 2023

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Title No. - Rule No.

Rule Number:	R307-101	Filing ID: Office Use Only
Effective Date:	Office Use Only	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room number:		
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City	
Mailing address:	PO BOX 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Erica Pryor	385-499-3416	epryor1@utah.gov
Becky Close	801-536-4013	bclose@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:
R307-101. General Requirements.
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules "...regarding the control, abatement, and prevention of air pollution from all sources..." Rule R307-101 includes definitions used throughout all the rules contained in R307 that are written under Section 19-2-104. Without these definitions, the remaining rules would be unenforceable.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received on this rule since the previous 5 year review in 2018.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Section R307-101-2 includes all the definitions that apply throughout all the rules contained in R307. Without them, the remaining rules would be unenforceable, so this rule should be continued. Section R307-101-3 incorporates by reference the most current version of the Code of Federal Regulations cited in many of the Air Quality Rules. In addition, R307-101 is also a component of Utah's State Implementation Plan, which has been federally approved.

Agency Authorization Information

To the agency: Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*.

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	09/27/2023
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Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or a nonsubstantive change.

1 **R307. Environmental Quality, Air Quality.**

2 **R307-101. General Requirements.**

3 **R307-101-1. Foreword.**

4 Chapter 19-2 and the rules adopted by the Air Quality Board constitute the basis for control
5 of air pollution sources in the state. These rules apply and will be enforced throughout the state, and
6 are recommended for adoption in local jurisdictions where environmental specialists are available to
7 cooperate in implementing rule requirements.

8 National Ambient Air Quality Standards (NAAQS), National Standards of Performance for
9 New Stationary Sources (NSPS), National Prevention of Significant Deterioration of Air Quality
10 (PSD) standards, and the National Emission Standards for Hazardous Air Pollutants (NESHAPS)
11 apply throughout the nation and are legally enforceable in Utah.

12
13 **R307-101-2. Definitions.**

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

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

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

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

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

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

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

42 "Air pollutant" means a substance that qualifies as an air pollutant as defined in 42 U.S.C.
43 Sec. 7602.

44 "Air Pollutant Source" means private and public sources of emissions of air pollutants.

45 "Air Pollution" means the presence of an air pollutant in the ambient air in such quantities
46 and duration and under conditions and circumstances, that are injurious to human health or welfare,
47 animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or use
48 of property as determined by the standards, rules and regulations adopted by the Air Quality Board
49 (Section 19-2-104).

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

5 "Ambient Air" means that portion of the atmosphere, external to buildings, to which the
6 general public has access. (Section 19-2-102(4)).

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

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

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

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

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

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

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

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

27 "Carcinogenic Hazardous Air Pollutant" means any hazardous air pollutant that is classified
28 as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American
29 Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for
30 Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

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

32 (1) carbon monoxide;

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

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

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

43 "Clean Air Act" means federal Clean Air Act as found in 42 U.S.C. Chapter 85.

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

49 "Clean Coal Technology Demonstration Project" means a project using funds appropriated

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

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

7 "Coating" means a material that can be applied to a substrate and which cures to form a
8 continuous solid film for protective, decorative, or functional purposes. Such materials include, but
9 are not limited to, paints, varnishes, sealants, adhesives, caulks, maskants, inks, and temporary
10 protective coatings.

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

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

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

18 "Composite vapor pressure" means the sum of the partial pressures of the compounds
19 defined as VOCs.

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

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

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

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

30 "Department" means Utah State Department of Environmental Quality. See Section 19-1-
31 103(1).

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

33 "Division" means the Division of Air Quality.

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

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

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

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

47 (2) information necessary to determine the identity, amount, frequency, concentration, or
48 other characteristics (to the extent related to air quality) of any air pollutant which, under an
49 applicable standard or limitation, the source operation was authorized to emit (including, to the

1 extent necessary for such purposes, a description of the manner or rate of operation of the source
2 operation), or any combination of the foregoing; and

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

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

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

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

17 "EPA" means Environmental Protection Agency.

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

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

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

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

28 "Fireplace" means all devices both masonry or factory built units (free standing fireplaces)
29 with a hearth, fire chamber or similarly prepared device connected to a chimney which provides the
30 operator with little control of combustion air, leaving its fire chamber fully or at least partially open
31 to the room. Fireplaces include those devices with circulating systems, heat exchangers, or draft
32 reducing doors with a net thermal efficiency of no greater than twenty percent and are used for
33 aesthetic purposes.

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

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

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

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

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

48 "Household Waste" means any solid or liquid material normally generated by the family in a
49 residence in the course of ordinary day-to-day living, including but not limited to garbage, paper

1 products, rags, leaves and garden trash.

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

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

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

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

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

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

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

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

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

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

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

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

20 (i) Salt Lake County, effective on the date that EPA approves the maintenance plan that was
21 adopted by the Board on December 2, 2015;

22 (ii) Utah County, effective on the date that EPA approves the maintenance plan that was
23 adopted by the Board on December 2, 2015; and

24 (iii) Ogden City, effective on the date that EPA approves the maintenance plan that was
25 adopted by the Board on December 2, 2015.

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

29 (e) The following areas are considered maintenance areas for PM_{2.5}:

30 (i) the Salt Lake City, Utah 24-hr PM_{2.5} nonattainment area, as defined in the July 1,
31 2019 version of 40 CFR 81.345, effective on the date that EPA redesignates the area to attainment
32 for PM_{2.5};

33 (ii) the Provo, Utah 24-hr PM_{2.5} nonattainment area, as defined in the July 1, 2019
34 version of 40 CFR 81.345, effective on the date that EPA redesignates the area to attainment for
35 PM_{2.5}; and

36 (iii) the Utah portion of the Logan, Utah-Idaho 24-hr PM_{2.5} nonattainment area, as
37 defined in the July 1, 2019 version of 40 CFR 81.345, effective on the date that EPA
38 redesignates the area to attainment for PM_{2.5}.

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

47 (1) routine maintenance, repair and replacement;

48 (2) use of an alternative fuel or raw material by reason of an order under section 2(a) and
49 (b) of the Energy Supply and Environmental Coordination Act of 1974, or by reason of a natural gas

1 curtailment plan pursuant to the Federal Power Act;

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

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

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

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

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

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

12 (7) any change in ownership at a source;

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

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

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

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

24 (a) the Utah State Implementation Plan; and

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

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

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

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

35 (b) any source located in Salt Lake or Davis Counties or in a nonattainment area for ozone
36 which emits, or has the potential to emit, VOC or nitrogen oxides in the amounts outlined in Section
37 182 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in
38 Section 182 of the federal Clean Air Act; or

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

43 (2) any physical change that would occur at a source not qualifying under subpart 1 as a
44 major source, if the change would constitute a major source by itself;

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

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

49 (b) Kraft pulp mills;

- 1 (c) Portland cement plants;
2 (d) Primary zinc smelters;
3 (e) Iron and steel mills;
4 (f) Primary aluminum or reduction plants;
5 (g) Primary copper smelters;
6 (h) Municipal incinerators capable of charging more than 250 tons of refuse per day;
7 (i) Hydrofluoric, sulfuric, or nitric acid plants;
8 (j) Petroleum refineries;
9 (k) Lime plants;
10 (l) Phosphate rock processing plants;
11 (m) Coke oven batteries;
12 (n) Sulfur recovery plants;
13 (o) Carbon black plants (furnace process);
14 (p) Primary lead smelters;
15 (q) Fuel conversion plants;
16 (r) Sintering plants;
17 (s) Secondary metal production plants;
18 (t) Chemical process plants;
19 (u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British
20 Thermal Units per hour heat input;
21 (v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000
22 barrels;
23 (w) Taconite ore processing plants;
24 (x) Glass fiber processing plants;
25 (y) Charcoal production plants;
26 (z) Fossil fuel-fired steam electric plants of more than 250 million British Thermal Units
27 per hour heat input; or
28 (aa) Any other stationary source category which, as of August 7, 1980, is being regulated
29 under section 111 or 112 of the federal Clean Air Act.
- 30 "Modification" means any planned change in a source which results in a potential increase
31 of emission.
- 32 "National Ambient Air Quality Standards (NAAQS)" means the allowable concentrations of
33 air pollutants in the ambient air specified by the Federal Government (Title 40, Code of Federal
34 Regulations, Part 50).
- 35 "Net Emissions Increase" means the amount by which the sum of the following exceeds
36 zero:
- 37 (1) any increase in actual emissions from a particular physical change or change in method
38 of operation at a source; and
39 (2) any other increases and decreases in actual emissions at the source that are
40 contemporaneous with the particular change and are otherwise creditable. For purposes of
41 determining a "net emissions increase":
- 42 (a) An increase or decrease in actual emissions is contemporaneous with the increase from
43 the particular change only if it occurs between the date five years before construction on the
44 particular change commences; and the date that the increase from the particular change occurs.
- 45 (b) An increase or decrease in actual emissions is creditable only if it has not been relied on
46 in issuing a prior approval for the source which approval is in effect when the increase in actual
47 emissions for the particular change occurs.
- 48 (c) An increase or decrease in actual emission of sulfur dioxide, nitrogen oxides or
49 particulate matter which occurs before an applicable minor source baseline date is creditable only if

1 it is required to be considered in calculating the amount of maximum allowable increases remaining
2 available. With respect to particulate matter, only PM10 emissions will be used to evaluate this
3 increase or decrease.

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

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

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

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

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

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

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

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

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

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

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

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

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

31 "PSD" Area means an area designated as attainment or unclassifiable under section
32 107(d)(1)(D) or (E) of the federal Clean Air Act.

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

35 "PM2.5 Precursor" means any chemical compound or substance which, after it has been
36 emitted into the atmosphere, undergoes chemical or physical changes that convert it into particulate
37 matter, specifically PM2.5.

38 (1) Specifically, Sulfur dioxide, Nitrogen oxides, Volatile organic compounds and
39 Ammonia are precursors to PM2.5 in any PM2.5 nonattainment area, except where the
40 Administrator of the EPA has approved a demonstration satisfying 40 CFR 51.1006(a)(3) which
41 has, for a particular PM2.5 nonattainment area, determined otherwise.

42 (2) The following subparagraphs denote specific nonattainment areas (as defined in the July
43 1, 2017 version of 40 CFR 81.345), within which certain pollutants identified in paragraph (1) are
44 exempted from the definition of PM2.5 precursor for the purposes of 40 CFR 51.165

45 (a) In the Logan UT-ID PM2.5 nonattainment area - Ammonia is exempted.

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

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

1 matter, specifically PM10.

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

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

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

9 (1) the installation of conventional or innovative pollution control technology, including but
10 not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen
11 oxides controls and electrostatic precipitators;

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

15 (3) a permanent clean coal technology demonstration project conducted under Title II, sec.
16 101(d) of the Further Continuing Appropriations Act of 1985 (sec. 5903(d) of title 42 of the United
17 States Code), or subsequent appropriations, up to a total amount of \$2,500,000,000 for commercial
18 demonstration of clean coal technology, or similar projects funded through appropriations for the
19 Environmental Protection Agency; or

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

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

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

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

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

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

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

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

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

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

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

1 State Implementation Plan.

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

3 "Regulated air pollutant" means any of the following:

4 (a) nitrogen oxides or any volatile organic compound;

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

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

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

10 (e) any pollutant subject to a standard promulgated under Section 112, Hazardous Air
11 Pollutants, or other requirements established under Section 112 of the Act, including Sections
12 112(g), (j), and (r) of the Act, including any of the following:

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

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

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

29 (1) Repowering shall also include any oil and/or gas-fired unit which has been awarded
30 clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.

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

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

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

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

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

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

12 "Road" means any public or private road.

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

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

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

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

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

30 "Significant" means:

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

33 Carbon monoxide:	100 ton per year (tpy);
34 Nitrogen oxides:	40 tpy;
35 Sulfur dioxide:	40 tpy;
36 PM10:	15 tpy;
37 PM2.5:	10 tpy;
38 Particulate matter:	25 tpy;
39 Ozone:	40 tpy of volatile organic compounds;
40 Lead:	0.6 tpy.

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

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

45 "Source" means any structure, building, facility, or installation which emits or may emit any
46 air pollutant subject to regulation under the Clean Air Act and which is located on one or more
47 continuous or adjacent properties and which is under the control of the same person or persons
48 under common control. A building, structure, facility, or installation means all of the pollutant-
49 emitting activities which belong to the same industrial grouping. Pollutant-emitting activities shall

1 be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e.
2 which have the same two-digit code) as described in the Standard Industrial Classification Manual,
3 1972, as amended by the 1977 Supplement (US Government Printing Office stock numbers 4101-
4 0065 and 003-005-00176-0, respectively).

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

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

9 "State" means Utah State.

10 "Temporary" means not more than 180 calendar days.

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

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

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

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

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

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

31 "VOC content" means the weight of VOC per volume of material and is calculated by the
32 following equation in gram/liter (or alternately in pound/gallon, or pound/pound):

$$33 \text{ Grams of VOC per Liter of Material} = \frac{W_s - W_w - W_{es}}{V_m}$$

34 Where:

35 W_s = weight of volatile organic compounds

36 W_w = weight of water

37 W_{es} = weight of exempt compounds

38 V_m = volume of material

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

41 "Waste" means all solid, liquid or gaseous material, including, but not limited to, garbage,
42 trash, household refuse, construction or demolition debris, or other refuse including that resulting
43 from the prosecution of any business, trade or industry.

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

47 **R307-101-3. Version of Code of Federal Regulations Incorporated by Reference.**

48 Except as specifically identified in an individual rule, the version of the Code of Federal
49 Regulations (CFR) incorporated throughout Title R307 is dated July 1, 2020.

1

2 **KEY: air pollution, definitions**

3 **Date of Enactment or Last Substantive Amendment: May 6, 2021**

4 **Notice of Continuation: November 13, 2018**

5 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)**

State of Utah
Administrative Rule Analysis
 Revised May 2023

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Title No. - Rule No.

Rule Number:	R307-150	Filing ID: Office Use Only
Effective Date:	Office Use Only	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room number:		
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City	
Mailing address:	PO BOX 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Erica Pryor	385-499-3416	epryor1@utah.gov
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Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:
R307-150. Emission Inventories.
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 19-2-104(1)(c) allows the Air Quality Board to make rules "...requiring persons engaged in operations which result in air pollution to ...file periodic reports containing information relating to the rate, period of emission, and composition of the air contaminant..." Rule R307-150 implements that statute by specifying the sources that must submit information, the information that must be submitted, and the due date for submissions. Rule R307-150 meets the requirements of the federal Consolidated Emissions Reporting Rule, 40 CFR 51.30(e) (67 FR 39602).
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received on this rule since its previous 5 year review in 2018.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The State of Utah is required under the federal Consolidated Emissions Reporting Rule (CERR), 40 CFR 51.30(e), to submit inventories of emissions from a variety of sources to the federal Environmental Protection Agency on a schedule specified in the federal rule. Rule R307-150 specifies the kinds of sources that must submit inventory information to the state in order for the state to meet its responsibilities under the CERR. In addition, the inventory information is required in order to determine the fees paid by sources subject to 40 CFR Part 70 and Rule R307-415, the Operating Permit Program, and for determining where emission reductions can be achieved if needed for Utah to remain in attainment of the federal health standards for air quality. Therefore, the rule should be continued.

Agency Authorization Information

To the agency: Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*.

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	09/27/2023
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Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or a nonsubstantive change.

1 **R307. Environmental Quality, Air Quality.**

2 **R307-150. Emission Inventories.**

3 **R307-150-1. Purpose and General Requirements.**

4 (1) The purpose of Rule R307-150 is:

5 (a) to establish by rule the time frame, pollutants, and information that sources must include
6 in inventory submittals; and

7 (b) to establish consistent reporting requirements for stationary sources in Utah to determine
8 whether sulfur dioxide emissions remain below the sulfur dioxide milestones established in the State
9 Implementation Plan for Regional Haze, section XX.E.1.a, incorporated by reference in Section
10 R307-110-28.

11 (2) The requirements of Rule R307-150 replace any annual inventory reporting
12 requirements in approval orders or operating permits issued prior to December 4, 2003.

13 (3) Emission inventories shall be submitted on or before April 15 of each year following the
14 calendar year for which an inventory is required. The inventory shall be submitted in a format
15 specified by the Division of Air Quality following consultation with each source.

16 (4) The executive secretary may require at any time a full or partial year inventory upon
17 reasonable notice to affected sources when it is determined that the inventory is necessary to
18 develop a state implementation plan, to assess whether there is a threat to public health or safety or
19 the environment, or to determine whether the source is in compliance with Title R307.

20 (5) Recordkeeping Requirements.

21 (a) Each owner or operator of a stationary source subject to this rule shall maintain a copy
22 of the emission inventory submitted to the Division of Air Quality and records indicating how the
23 information submitted in the inventory was determined, including any calculations, data,
24 measurements, and estimates used. The records under Section R307-150-4 shall be kept for ten
25 years. Other records shall be kept for a period of at least five years from the due date of each
26 inventory.

27 (b) The owner or operator of the stationary source shall make these records available for
28 inspection by any representative of the Division of Air Quality during normal business hours.
29

30 **R307-150-2. Definitions.**

31 The following additional definitions apply to Rule R307-150, and all references to the
32 "Threshold Limit Values for chemical Substances and Physical Agents and Biological Exposure
33 Indices" adopted by the American Conference of Governmental Industrial Hygienists refers to the
34 2003 version, which is hereby incorporated by reference.

35 "Acute pollutant" means any noncarcinogenic air pollutant for which a threshold limit value
36 - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial
37 Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and
38 Biological Exposure Indices," 2003 edition.

39 "Carcinogenic pollutant" means any air pollutant that is classified as a known human
40 carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of
41 Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and
42 Physical Agents and Biological Exposure Indices," 2003 edition.

43 "Chronic Pollutant" means any noncarcinogenic air pollutant for which a threshold limit
44 value - time weighted average (TLV-TWA) having no threshold limit value - ceiling (TLV-C) has
45 been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold
46 Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices," 2003
47 edition.

48 "Dioxins" and "Furans" mean total tetra- through octachlorinated dibenzo-p-dioxins and
49 dibenzofurans.

1 "Emissions unit" means emissions unit as defined in Section R307-415-3.

2 "Large Major Source" means a major source that emits or has the potential to emit 2500 tons
3 or more per year of oxides of sulfur, oxides of nitrogen, or carbon monoxide, or that emits or has the
4 potential to emit 250 tons or more per year of PM₁₀, PM_{2.5}, volatile organic compounds, or
5 ammonia.

6 "Lead" means elemental lead and the portion of its compounds measured as elemental lead.

7 "Major Source" means major source as defined in Section R307-415-3.

8
9 **R307-150-3. Applicability.**

10 (1) Section R307-150-4 applies to stationary sources with actual emissions of 100 tons or
11 more per year of sulfur dioxide in calendar year 2000 or any subsequent year unless exempted in
12 Subsection R307-150-3(1)(a). Sources subject to Subsection R307-150-4 may be subject to other
13 sections of Rule R307-150.

14 (a) A stationary source that meets the requirements of Subsection R307-150-3(1) that has
15 permanently ceased operation is exempt from the requirements of Section R307-150-4 for the years
16 during which the source did not operate at any time during the year.

17 (b) Notwithstanding Subsection R307-150-3(1)(a), beginning with 2016 emissions, the
18 Division of Air Quality will include emissions of 8,005 tons per year of sulfur dioxide for the
19 Carbon Power Plant in the annual regional sulfur dioxide milestone report required as part of the
20 Regional Haze State Implementation Plan.

21 (c) Except as provided in Subsection R307-150-3(1)(a), any source that meets the criteria of
22 Subsection R307-150-3(1) and that emits less than 100 tons per year of sulfur dioxide in any
23 subsequent year shall remain subject to the requirements of Section R307-150-4 until 2018 or until
24 the first control period under the Western Backstop Sulfur Dioxide Trading Program as established
25 in Subsection R307-250-12(1)(a), whichever is earlier.

26 (2) Section R307-150-5 applies to large major sources.

27 (3) Section R307-150-6 applies to:

28 (a) each major source that is not a large major source;

29 (b) each source with the potential to emit 5 tons or more per year of lead;

30 (c) each source not included in Subsections R307-150-3(2), R307-150-3(3)(a), or R307-
31 150-3(3)(b) that is located in Davis, Salt Lake, Utah, or Weber Counties and that has the potential to
32 emit 25 tons or more per year of any combination of oxides of nitrogen, oxides of sulfur and PM₁₀,
33 or the potential to emit 10 tons or more per year of volatile organic compounds; and

34 (d) each Part 70 source not included in Subsections R307-150-3(2), R307-150-3(3)(a),
35 R307-150-3(3)(b), or R307-150-3(3)(c).

36 (4) Section R307-150-8 applies to sources with Standard Industrial Classification codes in
37 the major group 13 that have uncontrolled actual emissions greater than one ton per year for a single
38 pollutant of PM₁₀, PM_{2.5}, oxides of nitrogen, oxides of sulfur, carbon monoxide or volatile organic
39 compounds. These sources include, but are not limited to, industries involved in oil and natural gas
40 exploration, production, and transmission operations; well production facilities; natural gas
41 compressor stations; and natural gas processing plants and commercial oil and gas disposal wells,
42 and ponds.

43 (a) Sources that require inventory submittals under Subsections R307-150-3(1) through
44 R307-150-3(3) are excluded from the requirements of Section R307-150-8.

45 (5) Section R307-150-9 applies to stationary sources located in a designated ozone
46 nonattainment area that have the potential to emit oxides of nitrogen or volatile organic compounds
47 greater than 25 tons per year.

1 **R307-150-4. Sulfur Dioxide Milestone Inventory Requirements.**

2 (1) Annual Sulfur Dioxide Emission Report.

3 (a) Sources identified in Subsection R307-150-3(1) shall submit an annual inventory of
4 sulfur dioxide emissions beginning with calendar year 2003 for emissions units including fugitive
5 emissions.

6 (b) The inventory shall include the rate and period of emissions, excess or breakdown
7 emissions, startup and shut down emissions, the specific emissions unit that is the source of the air
8 pollution, type and efficiency of the air pollution control equipment, percent of sulfur content in fuel
9 and how the percent is calculated, and other information necessary to quantify operation and
10 emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be
11 calculated using the source's actual operating hours, production rates, and types of materials
12 processed, stored, or combusted during the inventoried time period.

13 (2) Each source subject to Section R307-150-4 that is also subject to 40 CFR Part 75
14 reporting requirements shall submit a summary report of annual sulfur dioxide emissions that were
15 reported to the Environmental Protection Agency under 40 CFR Part 75 in lieu of the reporting
16 requirements in (1) above.

17 (3) Changes in Emission Measurement Techniques. Each source subject to Section R307-
18 150-4 that uses a different emission monitoring or calculation method than was used to report their
19 sulfur dioxide emissions in 2006 under Rule R307-150 or 40 CFR Part 75 shall adjust their reported
20 emissions to be comparable to the emission monitoring or calculation method that was used in 2006.
21 The calculations that are used to make this adjustment shall be included with the annual emission
22 report.

23
24 **R307-150-5. Sources Identified in R307-150-3(2), Large Major Source Inventory**
25 **Requirements.**

26 (1) Each large major source shall submit an emission inventory annually beginning with
27 calendar year 2002. The inventory shall include PM₁₀, PM_{2.5}, oxides of sulfur, oxides of nitrogen,
28 carbon monoxide, volatile organic compounds, and ammonia for emissions units including fugitive
29 emissions.

30 (2) For every third year beginning with 2005, the inventory shall also include all other
31 chargeable pollutants and hazardous air pollutants not exempted in Section R307-150-7.

32 (3) For each pollutant specified in (1) or (2) above, the inventory shall include the rate and
33 period of emissions, excess or breakdown emissions, startup and shut down emissions, the specific
34 emissions unit that is the source of the air pollution, composition of air pollutant, type and efficiency
35 of the air pollution control equipment, and other information necessary to quantify operation and
36 emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be
37 calculated using the source's actual operating hours, production rates, and types of materials
38 processed, stored, or combusted during the inventoried time period.

39
40 **R307-150-6. Sources Identified in R307-150-3(3).**

41 (1) Each source identified in Subsection R307-150-3(3) shall submit an inventory every
42 third year beginning with calendar year 2002 for emissions units including fugitive emissions.

43 (a) The inventory shall include PM₁₀, PM_{2.5}, oxides of sulfur, oxides of nitrogen, carbon
44 monoxide, volatile organic compounds, ammonia, other chargeable pollutants, and hazardous air
45 pollutants not exempted in Section R307-150-7.

46 (b) For each pollutant, the inventory shall include the rate and period of emissions, excess
47 or breakdown emissions, startup and shut down emissions, the specific emissions unit which is the
48 source of the air pollution, composition of air pollutant, type and efficiency of the air pollution
49 control equipment, and other information necessary to quantify operation and emissions and to

1 evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the
2 source's actual operating hours, production rates, and types of materials processed, stored, or
3 combusted during the inventoried time period.

4 (2) Sources identified in Subsection R307-150-3(3) shall submit an inventory for each year
5 after 2002 in which the total amount of PM10, oxides of sulfur, oxides of nitrogen, carbon
6 monoxide, or volatile organic compounds increases or decreases by 40 tons or more per year from
7 the most recently submitted inventory. For each pollutant, the inventory shall meet the
8 requirements of Subsections R307-150-6(1)(a) and R307-150-6(1)(b).

9
10 **R307-150-7. Exempted Hazardous Air Pollutants.**

11 (1) The following air pollutants are exempt from this rule if they are emitted in an amount
12 less than that listed in Table 1.

13
14 TABLE 1

15

POLLUTANT	Pounds/year
Arsenic	0.21
Benzene	33.90
Beryllium	0.04
Ethylene oxide	38.23
Formaldehyde	5.83

22

23 (2) Hazardous air pollutants, except for dioxins or furans, are exempt from being reported if
24 they are emitted in an amount less than the smaller of the following:

25 (a) 500 pounds per year; or

26 (b) for acute pollutants, the applicable TLV-C expressed in milligrams per cubic meter and
27 multiplied by 15.81 to obtain the pounds-per-year threshold; or

28 (c) for chronic pollutants, the applicable TLV-TWA expressed in milligrams per cubic
29 meter and multiplied by 21.22 to obtain the pounds-per-year threshold; or

30 (d) for carcinogenic pollutants, the applicable TLV-C or TLV-TWA expressed in
31 milligrams per cubic meter and multiplied by 7.07 to obtain the pounds-per-year threshold.

32
33 **R307-150-8. Crude Oil and Natural Gas Source Category.**

34 (1) Sources identified in Subsection R307-150-3(4) shall submit an inventory every third
35 year beginning with the 2017 calendar year for emission units.

36 (a) The inventory shall include the total emissions for PM₁₀, PM_{2.5}, oxides of sulfur, oxides
37 of nitrogen, carbon monoxide and volatile organic compounds for each emission unit at the source.
38 The emissions of a pollutant shall be calculated using the emission unit's actual operating hours,
39 product rates, and types of materials processed, stored, or combusted during the inventoried time
40 period.

41 (b) The inventory shall include the type and efficiency of air pollution control equipment.

42 (c) The inventory shall be submitted in an electronic format determined by the Director
43 specific to this source category.

44
45 **R307-150-9. Annual Ozone Emission Statement.**

46 (1) Beginning in the year 2021, sources identified in Subsection R307-150-3(5) shall
47 submit an ozone emission statement to the Division of Air Quality annually by April 15 of each
48 year for the previous year's emissions.

1 (2) A source required to submit an emission statement shall provide the following minimum
2 information:

3 (a) a certification that the information contained in the statement is accurate to the best
4 knowledge of the individual certifying the statement;

5 (b) the physical location where actual emissions occurred;

6 (c) the name and address of person or entity operating or owning the source;

7 (d) the nature of the source; and

8 (e) the total actual emissions of oxides of nitrogen and volatile organic compounds in tons
9 per year for each emission unit.

10 (3) Emission statements shall be submitted in an electronic format determined by the
11 Director.

12
13 **KEY: air pollution, reports, inventories**

14 **Date of Enactment or Last Substantive Amendment: September 3, 2020**

15 **Notice of Continuation: November 13, 2018**

16 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(c)**

State of Utah
Administrative Rule Analysis
 Revised May 2023

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Title No. - Rule No.

Rule Number:	R307-405	Filing ID: Office Use Only
Effective Date:	Office Use Only	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room number:		
Building:	MASOB	
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Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:
R307-405. Permits: Major Sources in Attainment or Unclassified Areas (PSD)
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 19-2-108 states that, "Notice shall be given to the director by any person planning to construct a new installation which will or might reasonably be expected to be a source or indirect source of air pollution or to make modifications to an existing installation which will or might reasonably be expected to increase the amount of or change the character or effect of air contaminants discharged..." Rule R307-405 implements the federal Prevention of Significant Deterioration (PSD) permitting program for major sources and major modifications in attainment areas and maintenance areas as required by 40 CFR 51.166. Subsection 19-2-104(3)(q) states that the Air Quality Board may meet the requirements of federal laws. Rule R307-405 is also required by Section VIII, Prevention of Significant Deterioration of the State Implementation Plan. This plan is required under Clean Air Act (CAA), 42 U.S.C. 7410 and 40 CFR 51.166.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received on this rule since its previous 5 year review in 2018.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R307-405 is required by Section 19-2-108. Rule R307-405 is also required by Section VIII, Prevention of Significant Deterioration of the State Implementation Plan, which is incorporated by reference under Rule R307-110. This plan is required under the CAA, 42 U.S.C. 7410 and 40 CFR 51.166. Without this plan, the Environmental Protection Agency would be required to impose a federal implementation plan.

Agency Authorization Information

To the agency: Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*.

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	09/27/2023
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Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or a nonsubstantive change.

1 **R307. Environmental Quality, Air Quality.**

2 **R307-405. Permits: Major Sources in Attainment or Unclassified Areas (PSD).**

3 **R307-405-1. Purpose.**

4 This rule implements the federal Prevention of Significant Deterioration (PSD) permitting
5 program for major sources and major modifications in attainment areas and maintenance areas as
6 required by 40 CFR 51.166. This rule does not include the routine maintenance, repair and
7 replacement provisions that were vacated by the DC Circuit Court of Appeals on March 17, 2006.
8 This rule supplements, but does not replace, the permitting requirements of R307-401.

9
10 **R307-405-2. Applicability.**

11 (1) The provisions of 40 CFR 52.21(a)(2) are hereby incorporated by reference.

12 (2) Notwithstanding the exemptions in R307-401, any source that is subject to R307-405 is
13 subject to the requirement to obtain an approval order in Sections R307-401-5 through 8.

14
15 **R307-405-3. Definitions.**

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

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

20 (b) "Reviewing Authority" means the director.

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

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

25 (A) 40 CFR 52.21(b)(17),

26 (B) 40 CFR 52.21(b)(37)(i),

27 (C) 40 CFR 52.21(b)(43),

28 (D) 40 CFR 52.21(b)(48)(ii)(c),

29 (E) 40 CFR 52.21(b)(50)(i),

30 (F) 40 CFR 52.21(l)(2),

31 (G) 40 CFR 52.21(p)(2), and

32 (H) 40 CFR 51.166(q)(2)(iv).

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

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

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

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

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

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

42 (e) In the definition of "Regulated NSR pollutant" in 40 CFR 52.21(b)(50), subparagraph
43 (iv) shall be changed to read, "Any pollutant that otherwise is subject to regulation under the Act."
44 A new subparagraph (v) shall be added that reads, "The term regulated NSR pollutant shall not
45 include any or all hazardous air pollutants either listed in section 112 of the federal Clean Air Act,
46 or added to the list pursuant to section 112(b)(2) of the federal Clean Air Act, and which have not
47 been delisted pursuant to section 112(b)(3) of the federal Clean Air Act, unless the listed hazardous
48 air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section
49 108 of the federal Clean Air Act."

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

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

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

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

9 (7) The definition of "Good Engineering Practice (GEP) Stack Height" as defined in R307-
10 410 shall apply in this rule.

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

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

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

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

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

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

32 (c) The term "emissions increase" as used in paragraph (d) of this section shall mean that
33 both a significant emissions increase (as calculated using the procedures in 40 CFR 52.21 (a)(2)(iv)
34 that is incorporated by reference in R307-405-2) and a significant net emissions increase (as defined
35 in paragraphs 40 CFR 52.21(b)(3) and (b)(23) that is incorporated by reference in R307-405-3)
36 occur. For the pollutant GHGs, an emissions increase shall be based on tpy CO₂e, and shall be
37 calculated assuming the pollutant GHGs is a regulated NSR pollutant, and "significant" is defined as
38 75,000 tpy CO₂e instead of applying the value in paragraph 40 CFR 52.21(b)(23)(ii).

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

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

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

45 **R307-405-4. Area Designations.**

46 (1) Pursuant to section 162(a) of the federal Clean Air Act, the following areas are
47 designated as mandatory Class I areas:

48 (a) Arches National Park,
49

- 1 (b) Bryce Canyon National Park,
- 2 (c) Canyonlands National Park,
- 3 (d) Capitol Reef National Park, and
- 4 (e) Zion National Park.

5 (2) Pursuant to section 162(b) of the federal Clean Air Act, all other areas in Utah are
6 designated as Class II unless designated as nonattainment areas.

- 7 (3) No areas in Utah are designated as Class III.

8 9 **R307-405-5. Area Redesignation.**

10 Any person may petition the Board to change the classification of an area designated under
11 R307-405-4, except for mandatory Class I areas designated under R307-405-4(1).

12 (1) The petition shall contain a discussion of the reasons for the proposed redesignation,
13 including a satisfactory description and analysis of the health, environmental, economic and social
14 and energy effects of the proposed redesignation.

15 (2) The petition shall contain a demonstration that the proposed redesignation meets the
16 criteria outlined in Section VIII of the State Implementation Plan and 40 CFR 51.166(e) and (g),
17 that is hereby incorporated by reference.

18 19 **R307-405-6. Ambient Air Increments.**

20 The provisions of 40 CFR 52.21(c) are hereby incorporated by reference.

21 22 **R307-405-7. Ambient Air Ceilings.**

23 The provisions of 40 CFR 52.21(d) are hereby incorporated by reference.

24 25 **R307-405-8. Exclusions from Increment Consumption.**

26 (1) The following concentrations shall be excluded in determining compliance with a
27 maximum allowable increase:

28 (a) concentrations attributable to the increase in emissions from stationary sources which
29 have converted from the use of petroleum products, natural gas, or both by reason of an order in
30 effect under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974
31 (or any superseding legislation) over the emissions from such sources before the effective date of
32 such an order;

33 (b) concentrations attributable to the increase in emissions from sources which have
34 converted from using natural gas by reason of a natural gas curtailment plan in effect pursuant to the
35 Federal Power Act over the emissions from such sources before the effective date of such plan;

36 (c) concentrations of particulate matter attributable to the increase in emissions from
37 construction or other temporary emission-related activities of new or modified sources;

38 (d) the increase in concentrations attributable to new sources outside the United States over
39 the concentrations attributable to existing sources which are included in the baseline concentration;
40 and

41 (e) concentrations attributable to the temporary increase in emissions of sulfur dioxide,
42 particulate matter, or nitrogen dioxides from stationary sources which are affected by plan revisions
43 approved by the EPA Administrator as meeting the criteria specified in 40 CFR 51.166(f)(4). The
44 temporary increase shall not exceed 2 years in duration unless a longer time is approved by the EPA
45 Administrator. This exclusion is not renewable.

46 (2) No exclusion of concentration under (1)(a) or (b) above shall apply more than five years
47 after the effective date of the order to which paragraph (1)(a) refers or the plan to which paragraph
48 (1)(b) refers, whichever is applicable. If both such order and plan are applicable, no such exclusion
49 shall apply more than five years after the later of such effective dates.

1 (3) No exclusion under (1)(e) shall apply to an emission increase from a stationary source
2 which would:

- 3 (a) impact a Class I area or an area where an applicable increment is known to be violated;
4 or
5 (b) cause or contribute to a violation of the national ambient air quality standards.
6

7 **R307-405-9. Stack Heights.**

8 The provisions of 40 CFR 52.21(h) are hereby incorporated by reference.
9

10 **R307-405-10. Exemptions.**

11 (1) The provisions of 40 CFR 52.21(i)(1)(vi) through (viii) are hereby incorporated by
12 reference.

13 (2) The provisions of 40 CFR 52.21(i)(2) through (5) are hereby incorporated by reference.
14

15 **R307-405-11. Control Technology Review.**

16 The provisions of 40 CFR 52.21(j) are hereby incorporated by reference.
17

18 **R307-405-12. Source Impact Analysis.**

19 The provisions of 40 CFR 52.21(k) are hereby incorporated by reference.
20

21 **R307-405-13. Air Quality Models.**

22 The provisions of 40 CFR 52.21(l) are hereby incorporated by reference.
23

24 **R307-405-14. Air Quality Analysis.**

25 (1) The provisions of 40 CFR 52.21(m)(1)(i) through (iv), (vi), and (viii) are hereby
26 incorporated by reference.

27 (2) The provisions of 40 CFR 52.21(m)(2) and (3) are hereby incorporated by reference.
28

29 **R307-405-15. Source Information.**

30 The provisions of 40 CFR 52.21(n) are hereby incorporated by reference.
31

32 **R307-405-16. Additional Impact Analysis.**

33 The provisions of 40 CFR 52.21(o) are hereby incorporated by reference.
34

35 **R307-405-17. Sources Impacting Federal Class I Areas: Additional Requirements.**

36 (1) The provisions of 40 CFR 52.21(p) are hereby incorporated by reference.

37 (2) The director will transmit to the EPA Administrator a copy of each permit application
38 relating to a major stationary source or major modification and provide notice to the EPA
39 Administrator of every action related to the consideration of such permit.
40

41 **R307-405-18. Public Participation.**

42 (1) Except as provided in (2), the provisions of 40 CFR 51.166(q)(1) and (2) are hereby
43 incorporated by reference.

44 (2) The phrase "within a specified time period" in 40 CFR 51.166(q)(1) shall be replaced
45 with the phrase "within 30 days of receipt of the PSD permit application".
46

47 **R307-405-19. Source Obligation.**

48 The provisions of 40 CFR 52.21(r) are hereby incorporated by reference.
49

1 **R307-405-20. Innovative Control Technology.**

2 (1) Except as provided in (2), the provisions of 40 CFR 52.21(v) are hereby incorporated by
3 reference.

4 (2)(a) The reference to "40 CFR 124.10" in 40 CFR 52.21(v)(1) shall be changed to "R307-
5 405-18".

6 (b) 40 CFR 52.21(v)(2) shall be changed to read "The director shall, with the consent of the
7 governors of other affected states, determine that the source or modification may employ a system
8 of innovative control technology, if:".

9
10 **R307-405-21. Actuals PALs.**

11 (1) Except as provided in (2), the provisions of 40 CFR 52.21(aa) are hereby incorporated
12 by reference.

13 (2) (a) The reference to "51.165(a)(3)(ii) of this chapter" in 40 CFR 52.21(aa)(4)(ii) shall
14 be changed to "R307-403".

15 (b) The reference to "51.165(a)(3)(ii) of this chapter" in 40 CFR 52.21(aa)(8)(ii)(2) shall be
16 changed to "R307-403".

17 (c) The references to "70.6(a)(3)(iii)(B) of this chapter" in 40 CFR 52.21(aa)(14)(ii) shall be
18 changed to "R307-415-6a(3)(c)(ii)".

19 (d) The date of "March 3, 2003" in 40 CFR 52.21(aa)(15)(i) and (ii) shall be changed to
20 "June 16, 2006".

21
22 **R307-405-22. Banking of Emission Offset Credit in PSD Areas.**

23 Banking of emission offset credits in PSD areas will be permitted. To preserve banked
24 emission reductions the director must identify them in either the Utah SIP or an order. The director
25 will provide a registry to identify the person, private entity, or government authority that has the
26 right to use or allocate the banked emission reduction and to record any transfer of or lien on these
27 rights.

28
29 **KEY: air pollution, PSD, Class I area, greenhouse gases**

30 **Date of Enactment or Last Substantive Amendment: June 4, 2020**

31 **Notice of Continuation: November 13, 2018**

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

State of Utah
Administrative Rule Analysis
Revised May 2023

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Title No. - Rule No.

Rule Number:	R307-840	Filing ID: Office Use Only
Effective Date:	Office Use Only	

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room number:		
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City	
Mailing address:	PO BOX 144820	
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Leonard Wright	801-707-8032	leonardwright@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule catchline:
R307-840. Lead-Based Paint Program Purpose, Applicability, and Definitions
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Rule R307-840 is one of three Air Quality rules that implements Subsection 19-2-104(1)(i) which authorizes the Air Quality Board to make rules to "implement the lead-based paint requirements for training, certification, and performance of 15 U.S.C. 2601 et seq., Toxic Substances Control Act, Subchapter IV--Lead Exposure Reduction, Sections 402 and 404."
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received on this rule since its previous 5 year review in 2018.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Without Rule R307-840, Utah would not have authority to implement the federal requirements; implementation would be carried out by the Environmental Protection Agency. Therefore, this rule should be continued.

Agency Authorization Information

To the agency: Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*.

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	09/27/2023
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Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or a nonsubstantive change.

1 **R307. Environmental Quality, Air Quality.**

2 **R307-840. Lead-Based Paint Program Purpose, Applicability, and Definitions.**

3 **R307-840-1. Purpose and Applicability.**

4 (1) Rule R307-840, R307-841, and R307-842 establish procedures and requirements for the
5 accreditation of training programs for lead-based paint activities and renovations, procedures and
6 requirements for the certification of individuals and firms engaged in lead-based paint activities and
7 renovations, and work practice standards for performing such activities. These rules also require
8 that, except as outlined in R307-840-1(2), all lead-based paint activities and renovations, as defined
9 in these rules, must be performed by certified individuals and firms.

10 (2) R307-840, R307-841, and R307-842 apply to all individuals and firms who are engaged
11 in lead-based paint activities and renovations as defined in R307-840-2, except persons who
12 perform these activities within residential dwellings that they own, unless the residential dwelling is
13 occupied by a person or persons other than the owner or the owner's immediate family while these
14 activities are being performed, or a child residing in the building has been identified as having an
15 elevated blood lead level.

16 (3) R307-840, R307-841, and R307-842 identify lead-based paint hazards. The standards
17 for lead-based paint hazards apply to target housing and child-occupied facilities.

18 (4) R307-840, R307-841, and R307-842 do not require the owner of the property or
19 properties subject to these rules to evaluate the property or properties for the presence of lead-based
20 paint hazards or take any action to control these conditions if one or more of them is identified.

21 (5) While R307-840, R307-841, and R307-842 establish specific requirements for
22 performing lead-based paint activities and renovations should they be undertaken, these rules do not
23 require that the owner or occupant undertake any particular lead-based paint activity or renovation.

24 (6) Individuals or firms wishing to deviate from the certification, notification, work
25 practice, or other requirements of R307-840, R307-841, and/or R307-842 may do so only after
26 requesting and obtaining written approval from the director.

27
28 **R307-840-2. Definitions.**

29 The following definitions apply to R307-840, R307-841, and R307-842, in addition to the
30 definitions found in R307-101-2.

31 "Abatement" means any measure or set of measures designed to permanently eliminate lead-
32 based paint hazards. Abatement includes, but is not limited to:

33 (1) The removal of paint and dust, the permanent enclosure or encapsulation of lead-based
34 paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil,
35 when lead-based paint hazards are present in such paint, dust, or soil; and

36 (2) All preparation, cleanup, disposal, and post-abatement clearance testing activities
37 associated with such measures.

38 (3) Specifically, abatement includes, but is not limited to:

39 (a) Projects for which there is a written contract or other documentation, which provides
40 that an individual or firm will be conducting activities in or to a residential dwelling or child-
41 occupied facility that:

42 (i) Shall result in the permanent elimination of lead-based paint hazards; or

43 (ii) Are designed to permanently eliminate lead-based paint hazards and are described in
44 paragraphs (1) and (2) of this definition.

45 (b) Projects resulting in the permanent elimination of lead-based paint hazards, conducted
46 by firms or individuals certified in accordance with R307-842-2, unless such projects are covered by
47 paragraph (4) of this definition;

48 (c) Projects resulting in the permanent elimination of lead-based paint hazards, conducted
49 by firms or individuals who, through their company name or promotional literature, represent,

1 advertise, or hold themselves out to be in the business of performing lead-based paint activities as
2 identified and defined by this section, unless such projects are covered by paragraph (4) of this
3 definition; or

4 (d) Projects resulting in the permanent elimination of lead-based paint hazards that are
5 conducted in response to State of Utah or local abatement orders.

6 (4) Abatement does not include renovation, remodeling, landscaping or other activities,
7 when such activities are not designed to permanently eliminate lead-based paint hazards, but,
8 instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these
9 activities may incidentally result in a reduction or elimination of lead-based paint hazards.
10 Furthermore, abatement does not include interim controls, operations and maintenance activities, or
11 other measures and activities designed to temporarily, but not permanently, reduce lead-based paint
12 hazards.

13 "Accredited Training Program" means a training program that has been accredited by the
14 director pursuant to R307-842-1 to provide training for individuals engaged in lead-based paint
15 activities.

16 "Adequate Quality Control" means a plan or design which ensures the authenticity, integrity,
17 and accuracy of samples, including dust, soil, and paint chip or paint film samples. Adequate
18 quality control also includes provisions for representative sampling.

19 "Arithmetic Mean" means the algebraic sum of data values divided by the number of data
20 values (e.g., the sum of the concentration of lead in several soil samples divided by the number of
21 samples).

22 "Business Day" means Monday through Friday with the exception of federal and State of
23 Utah holidays.

24 "Certificate of Mailing" means Certificate of Mailing as defined by the United States Postal
25 Service.

26 "Certified Abatement Worker" means an individual who has been trained by an accredited
27 training program and certified by the director pursuant to R307-842-2 to perform abatements.

28 "Certified Dust Sampling Technician" means an individual who has been trained by an
29 accredited training program and certified by the director pursuant to R307-841-8(1) and R307-842-2
30 to collect dust samples.

31 "Certified Firm" means a company, partnership, corporation, sole proprietorship or
32 individual doing business, association, or other business entity; a federal, state, tribal, or local
33 government agency; or a nonprofit organization that performs lead-based paint activities,
34 renovations, or dust sampling to which the director has issued a certificate of approval pursuant to
35 R307-842-2(5).

36 "Certified Inspector" means an individual who has been trained by an accredited training
37 program and certified by the director pursuant to R307-842-2 to conduct inspections. A certified
38 inspector also samples for the presence of lead in dust and soil for the purposes of abatement
39 clearance testing.

40 "Certified Project Designer" means an individual who has been trained by an accredited
41 training program and certified by the director pursuant to R307-842-2 to prepare abatement project
42 designs, occupant protection plans, and abatement reports.

43 "Certified Renovator" means an individual who has been trained by an accredited training
44 program and certified by the director pursuant to R307-841-8(1) and R307-842-2 to conduct
45 renovations.

46 "Certified Risk Assessor" means an individual who has been trained by an accredited
47 training program and certified by the director pursuant to R307-842-2 to conduct risk assessments.
48 A risk assessor also samples for the presence of lead in dust and soil for the purposes of abatement
49 clearance testing.

1 "Certified Supervisor" means an individual who has been trained by an accredited training
2 program and certified by the director pursuant to R307-842-2 to supervise and conduct abatements,
3 and to prepare occupant protection plans and abatement reports.

4 "Chewable Surface" means an interior or exterior surface painted with lead-based paint that
5 a young child can mouth or chew. A chewable surface is the same as an "accessible surface" as
6 defined in 42 U.S.C. 4851b(2). Hard metal substrates and other materials that can not be dented by
7 the bite of a young child are not considered chewable.

8 "Child-Occupied Facility" means a building, or portion of a building, constructed prior to
9 1978, visited regularly by the same child, under 6 years of age, on at least two different days within
10 any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and
11 the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60
12 hours. Child-occupied facilities may include, but are not limited to, day care centers, preschools
13 and kindergarten classrooms. Child-occupied facilities may be located in target housing or in public
14 or commercial buildings. With respect to common areas in public or commercial buildings that
15 contain child-occupied facilities, the child-occupied facility encompasses only those common areas
16 that are routinely used by children under age 6, such as restrooms and cafeterias. Common areas
17 that children under age 6 only pass through, such as hallways, stairways, and garages are not
18 included. In addition, with respect to exteriors of public or commercial buildings that contain child-
19 occupied facilities, the child-occupied facility encompasses only the exterior sides of the building
20 that are immediately adjacent to the child-occupied facility or the common areas routinely used by
21 children under age 6.

22 "Cleaning Verification Card" means a card developed and distributed, or otherwise
23 approved, by EPA for the purpose of determining, through comparison of wet and dry disposable
24 cleaning cloths with the card, whether post-renovation cleaning has been properly completed.

25 "Clearance Levels" are values that indicate the amount of lead in dust on a surface following
26 completion of an abatement activity. To achieve clearance when dust sampling is required, values
27 below these levels must be achieved.

28 "Common Area" means a portion of a building that is generally accessible to all occupants.
29 Such an area may include, but is not limited to, hallways, stairways, laundry and recreational rooms,
30 playgrounds, community centers, garages, and boundary fences.

31 "Common Area Group" means a group of common areas that are similar in design,
32 construction, and function. Common area groups include, but are not limited to hallways, stairways,
33 and laundry rooms.

34 "Component or Building Component" means specific design or structural elements or
35 fixtures of a building or residential dwelling that are distinguished from each other by form,
36 function, and location. These include, but are not limited to, interior components such as ceilings,
37 crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating
38 units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps,
39 balustrades, windows and trim (including sashes, window heads, jambs, sills or stools and troughs),
40 built in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners, and exterior
41 components such as painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits,
42 fascias, rake boards, cornerboards, bulkheads, doors and door trim, fences, floors, joists, lattice
43 work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns,
44 balustrades, window sills or stools and troughs, casings, sashes and wells, and air conditioners.

45 "Concentration" means the relative content of a specific substance contained within a larger
46 mass, such as the amount of lead (in micrograms per gram or parts per million by weight) in a
47 sample of dust or soil.

48 "Containment" means a process to protect workers and the environment by controlling
49 exposures to the lead-contaminated dust and debris created during an abatement.

1 "Course Agenda" means an outline of the key topics to be covered during a training course,
2 including the time allotted to teach each topic.

3 "Course Test" means an evaluation of the overall effectiveness of the training which shall
4 test the trainees' knowledge and retention of the topics covered during the course.

5 "Course Test Blue Print" means written documentation identifying the proportion of course
6 test questions devoted to each major topic in the course curriculum.

7 "Deteriorated Paint" means any interior or exterior paint or other coating that is flaking,
8 peeling, chipping, chalking, or cracking, or any other paint or coating located on an interior or
9 exterior surface or fixture that is otherwise damaged or separated from the substrate.

10 "Discipline" means one of the specific types or categories of lead-based paint activities
11 identified in this rule for which individuals may receive training from accredited programs and
12 become certified by the director. Disciplines include Abatement Worker, Dust Sampling
13 Technician, Inspector, Project Designer, Renovator, Risk Assessor, and Supervisor.

14 "Distinct Painting History" means the application history, as indicated by its visual
15 appearance or a record of application, over time, of paint or other surface coatings to a component
16 or room.

17 "Documented Methodologies" are methods or protocols used to sample for the presence of
18 lead in paint, dust, and soil.

19 "Dripline" means the area within 3 feet surrounding the perimeter of the building.

20 "Dry Disposable Cleaning Cloth" means a commercially available dry, electrostatically
21 charged, white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted
22 floors or counter tops.

23 "Dust-lead hazard" means surface dust in a residential dwelling or child-occupied facility
24 that contains a mass-per-area concentration of lead equal to or exceeding 10 ug/ft² on floors or 100
25 ug/ft² on interior window sills based on wipe samples.

26 "Elevated Blood Lead Level (EBL)" means an excessive absorption of lead that is a
27 confirmed concentration of lead in whole blood of ≥ 5 micrograms of lead per deciliter of whole
28 blood (ug/dl) for a single venous blood test or two capillary blood tests drawn within 12 weeks of
29 each other.

30 "Emergency Renovation Operations" means renovation activities, such as operations
31 necessitated by non-routine failures of equipment, that were not planned but result from a sudden,
32 unexpected event that, if not immediately attended to, presents a safety or public health hazard, or
33 threatens equipment and/or property with significant damage.

34 "Encapsulant" means a substance that forms a barrier between lead-based paint and the
35 environment using a liquid-applied coating (with or without reinforcement materials) or an
36 adhesively bonded covering material.

37 "Encapsulation" means the application of an encapsulant.

38 "Enclosure" means the use of rigid, durable construction materials that are mechanically
39 fastened to the substrate in order to act as a barrier between lead-based paint and the environment.

40 "EPA" means the United States Environmental Protection Agency.

41 "Friction Surface" means an interior or exterior surface that is subject to abrasion or friction,
42 including, but not limited to, certain window, floor, and stair surfaces.

43 "Guest Instructor" means an individual designated by the training program manager or
44 principal instructor to provide instruction specific to the lecture, hands-on activities, or work
45 practice components of a course.

46 "Hands-On Skills Assessment" means an evaluation which tests the trainees' ability to
47 satisfactorily perform the work practices and procedures identified in R307-842-1(4), as well as any
48 other skill taught in a training course.

49 "Hazardous Waste" means any waste as defined in 40 CFR 261.3.

1 "HEPA Vacuum" means a vacuum cleaner which has been designed with a high-efficiency
2 particulate air (HEPA) filter as the last filtration stage. A HEPA filter is a filter that is capable of
3 capturing particulates of 0.3 microns with 99.97% efficiency. The vacuum cleaner must be
4 designed so that all the air drawn into the machine is expelled through the HEPA filter with none of
5 the air leaking past it. HEPA vacuums must be operated and maintained in accordance with the
6 manufacturer's instructions.

7 "Housing for the Elderly" means retirement communities or similar types of housing
8 reserved for households composed of one or more persons 62 years of age or more at the time of
9 initial occupancy.

10 "HUD" means the United States Department of Housing and Urban Development.

11 "Impact Surface" means an interior or exterior surface that is subject to damage by repeated
12 sudden force such as certain parts of door frames.

13 "Inspection" means a surface-by-surface investigation to determine the presence of lead-
14 based paint and the provision of a report explaining the results of the investigation.

15 "Interim Certification" means the status of an individual who has successfully completed the
16 appropriate training course in a discipline from an accredited training program, as defined by this
17 section, but has not yet received formal certification in that discipline from the director pursuant to
18 R307-842-2. Interim certification expires 6 months after the completion of the training course, and
19 is equivalent to a certificate for the 6-month period.

20 "Interim Controls" means a set of measures designed to temporarily reduce human exposure
21 or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance,
22 painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential
23 hazards, and the establishment and operation of management and resident education programs.

24 "Interior Window Sill" means the portion of the horizontal window ledge that protrudes into
25 the interior of the room.

26 "Lead-Based Paint" means paint or other surface coatings that contain lead equal to or in
27 excess of 1.0 milligrams per square centimeter or more than 0.5% by weight.

28 "Lead-Based Paint Activities" means, in the case of target housing and child-occupied
29 facilities, inspection, risk assessment, and abatement.

30 "Lead-Based Paint Activities Courses" means initial and refresher training courses (worker,
31 supervisor, inspector, risk assessor, project designer) provided by accredited training programs.

32 "Lead-Based Paint Hazard" means, for the purposes of lead-based paint activities, any
33 condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-
34 contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact
35 surfaces that would result in adverse human health effects as identified by the Administrator of the
36 EPA pursuant to TSCA Section 403, and for the purposes of renovation, means hazardous lead-
37 based paint, dust-lead hazard, or soil-lead hazard as identified in R307-840-2.

38 "Lead-Hazard Screen" means a limited risk assessment activity that involves limited paint
39 and dust sampling as described in R307-842-3(3).

40 "Living Area" means any area of a residential dwelling used by one or more children age 6
41 and under, including, but not limited to, living rooms, kitchen areas, dens, play rooms, and
42 children's bedrooms.

43 "Loading" means the quantity of a specific substance present per unit of surface area, such
44 as the amount of lead in micrograms contained in the dust collected from a certain surface area
45 divided by the surface area in square feet or square meters.

46 "Local Government" means a county, city, town, borough, parish, district, association, or
47 other public body (including an agency comprised of two or more of the foregoing entities) created
48 under state law.

1 "Mid-Yard" means an area of a residential yard approximately midway between the dripline
2 of a residential building and the nearest property boundary or between the driplines of a residential
3 building and another building on the same property.

4 "Minor Repair and Maintenance Activities" are activities, including minor heating,
5 ventilation, or air conditioning work, electrical work, and plumbing, that disrupt 6 square feet or less
6 of painted surface per room for interior activities or 20 square feet or less of painted surface for
7 exterior activities where none of the work practices prohibited or restricted by R307-841-5(1)(c) are
8 used and where the work does not involve window replacement or demolition of painted surface
9 areas. When removing painted components, or portions of painted components, the entire surface
10 area removed is the amount of painted surface disturbed. Jobs, other than emergency renovations,
11 performed in the same room within the same 30 days must be considered the same job for the
12 purpose of determining whether the job is a minor repair and maintenance activity.

13 "Multi-Family Dwelling" means a structure that contains more than one separate residential
14 dwelling unit which is used or occupied, or intended to be used or occupied, in whole or in part, as
15 the home or residence of one or more persons.

16 "Multi-Family Housing" means a housing property consisting of more than four dwelling
17 units.

18 "Nonprofit" means an entity which has demonstrated to any branch of the federal
19 government or to a state, municipal, tribal or territorial government, that no part of its net earnings
20 inure to the benefit of any private shareholder or individual.

21 "Owner" means any entity that has legal title to target housing, including but not limited to
22 individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes,
23 and nonprofit organizations, except where a mortgagee holds legal title to property serving as
24 collateral for a mortgage loan, in which case the owner would be the mortgagor.

25 "Paint In Poor Condition" means more than 10 square feet of deteriorated paint on exterior
26 components with large surface areas, or more than 2 square feet of deteriorated paint on interior
27 components with large surface areas (e.g., walls, ceilings, floors, doors), or more than 10% of the
28 total surface area of the component is deteriorated on interior or exterior components with small
29 surface areas (window sills, baseboards, soffits, trim).

30 "Paint-lead hazard" means any of the following:

31 (a) Any lead-based paint on a friction surface that is subject to abrasion and where the lead
32 dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill or
33 floor) are equal to or greater than the dust-lead hazard levels identified in the definition of "Dust-
34 lead hazard".

35 (b) Any damaged or otherwise deteriorated lead-based paint on an impact surface that is
36 caused by impact from a related building component (such as a door knob that knocks into a wall or
37 a door that knocks against its door frame).

38 (c) Any chewable lead-based painted surface on which there is evidence of teeth marks.

39 (d) Any other deteriorated lead-based paint in any residential building or child-occupied
40 facility or on the exterior of any residential building or child-occupied facility.

41 "Painted surface" means a component surface covered in whole or in part with paint or other
42 surface coatings.

43 "Pamphlet" means the EPA pamphlet titled "Renovate Right: Important Lead Hazard
44 Information for Families, Child Care Providers and Schools" developed under Section 406(a) of
45 TSCA for use in complying with section 406(b) of TSCA. This includes reproductions of the
46 pamphlet when copied in full and without revision or deletion of material from the pamphlet (except
47 for the addition or revision of state or local sources of information).

1 "Permanently Covered Soil" means soil which has been separated from human contact by
2 the placement of a barrier consisting of solid, relatively impermeable materials, such as pavement or
3 concrete. Grass, mulch, and other landscaping materials are not considered permanent covering.

4 "Person" means any natural or judicial person including any individual, corporation,
5 partnership, or association, any Indian tribe, state, or political subdivision thereof, any interstate
6 body, and any department, agency, or instrumentality of the federal government.

7 "Play Area" means an area of frequent soil contact by children of less than 6 years of age as
8 indicated by, but not limited to, such factors including the presence of play equipment (e.g.,
9 sandboxes, swing sets, and sliding boards), toys, or other children's possessions, observations of
10 play patterns, or information provided by parents, residents, care givers, or property owners.

11 "Principal Instructor" means the individual who has the primary responsibility for
12 organizing and teaching a particular course.

13 "Recognized Laboratory" means an environmental laboratory recognized by EPA pursuant
14 to TSCA Section 405(b) as being capable of performing an analysis for lead compounds in paint,
15 soil, and dust.

16 "Recognized Test Kit" means a commercially available kit recognized by EPA under 40
17 CFR 745.88 as being capable of allowing a user to determine the presence of lead at levels equal to
18 or in excess of 1.0 milligrams per square centimeter, or more than 0.5% lead by weight, in a paint
19 chip, paint powder, or painted surface.

20 "Reduction" means measures designed to reduce or eliminate human exposure to lead-based
21 paint hazards through methods including interim controls and abatement.

22 "Renovation" means the modification of an existing structure, or portion thereof, that results
23 in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as
24 defined by R307-840-2. The term renovation includes, but is not limited to, the removal,
25 modification, or repair of painted surfaces or painted components (e.g., modification of painted
26 doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or
27 other such activities that may generate paint dust)), the removal of building components (e.g., walls,
28 ceilings, plumbing, windows), weatherization projects (e.g., cutting holes in painted surfaces to
29 install blown-in insulation or to gain access to attics, planing thresholds to install weather-stripping),
30 and interim controls that disturb painted surfaces. A renovation performed for the purpose of
31 converting a building, or part of a building, into target housing or a child-occupied facility is a
32 renovation under this rule. The term renovation does not include minor repair and maintenance
33 activities.

34 "Renovator" means an individual who either performs or directs workers who perform
35 renovations.

36 "Residential Building" means a building containing one or more residential dwellings.

37 "Residential Dwelling" means (1) a detached single family dwelling unit, including attached
38 structures such as porches and stoops; or (2) a single family dwelling unit in a structure that contains
39 more than one separate residential dwelling unit, which is used or occupied, or intended to be used
40 or occupied, in whole or in part, as the home or residence of one or more persons.

41 "Risk Assessment" means (1) an on-site investigation to determine the existence, nature,
42 severity, and location of lead-based paint hazards, and (2) the provision of a report by the individual
43 or firm conducting the risk assessment, explaining the results of the investigation and options for
44 reducing lead-based paint hazards.

45 "Room" means a separate part of the inside of a building, such as a bedroom, living room,
46 dining room, kitchen, bathroom, laundry room, or utility room. To be considered a separate room,
47 the room must be separated from adjoining rooms by built-in walls or archways that extend at least
48 6 inches from an intersecting wall. Half walls or bookcases count as room separators if built-in.

1 Movable or collapsible partitions or partitions consisting solely of shelves or cabinets are not
2 considered built-in walls. A screened in porch that is used as a living area is a room.

3 "Soil Sample" means a sample collected in a representative location using ASTM E1727,
4 "Standard Practice for Field Collection of Soil Samples for Lead Determination by Atomic
5 Spectrometry Techniques," or equivalent method.

6 "Soil-lead hazard" means bare soil on residential real property or on the property of a child-
7 occupied facility that contains total lead equal to or exceeding 400 parts per million (ug/g) in a play
8 area or average 1,200 parts per million of bare soil in the rest of the yard based on soil samples.

9 "Start Date" means the first day of any lead-based paint activities training course or lead-
10 based paint abatement activity.

11 "Start Date Provided to the director" means the start date included in the original notification
12 or the most recent start date provided to the director in an updated notification.

13 "State" means any state of the United States, the District of Columbia, the Commonwealth
14 of Puerto Rico, the United States Virgin Islands, Guam, the Canal Zone, American Samoa, the
15 Northern Mariana Islands, or any other territory or possession of the United States.

16 "Target housing" means any housing constructed prior to 1978, except housing for the
17 elderly or persons with disabilities (unless any one or more children age 6 years or under resides or
18 is expected to reside in such housing for the elderly or persons with disabilities) or any 0-bedroom
19 dwelling.

20 "Training curriculum" means an established set of course topics for instruction in an
21 accredited training program for a particular discipline designed to provide specialized knowledge
22 and skills.

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

26 "TSCA" means the Toxic Substances Control Act, 15 U.S.C. 2601.

27 "Training Manager" means the individual responsible for administering a training program
28 and monitoring the performance of principal instructors and guest instructors.

29 "Training Provider" means any organization or entity accredited under R307-842-1 to offer
30 lead-based paint activities, renovator, or dust sampling technician courses.

31 "Vertical containment" means a vertical barrier consisting of plastic sheeting or other
32 impermeable material over scaffolding or a rigid frame, or an equivalent system of containing the
33 work area. Vertical containment is required for some exterior renovations but it may be used on any
34 renovation.

35 "Visual Inspection for Clearance Testing" means the visual examination of a residential
36 dwelling or a child-occupied facility following abatement to determine whether or not the abatement
37 has been successfully completed.

38 "Visual Inspection for Risk Assessment" means the visual examination of a residential
39 dwelling or a child-occupied facility to determine the existence of deteriorated lead-based paint or
40 other potential sources of lead-based paint hazards.

41 "Weighted Arithmetic Mean" means the arithmetic mean of sample results weighted by the
42 number of subsamples in each sample. Its purpose is to give influence to a sample relative to the
43 surface area it represents. A single surface sample is comprised of a single subsample. A
44 composite sample may contain from two to four subsamples of the same area as each other and of
45 each single surface sample in the composite. The weighted arithmetic mean is obtained by
46 summing, for all samples, the product of the sample's result multiplied by the number of subsamples
47 in the sample, and dividing the sum by the total number of subsamples contained in all samples.
48 For example, the weighted arithmetic mean of a single surface sample containing 60 ug/ft², a
49 composite sample (3 subsamples) containing 100 ug/ft², and a composite sample (4 subsamples)

1 containing 110 ug/ft² is 100 ug/ft². This result is based on the equation
2 $(60+(3*100)+(4*110))/(1+3+4)$.

3 "Wet Disposable Cleaning Cloth" means a commercially available, pre-moistened white
4 disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter
5 tops.

6 "Wet Mopping System" means a device with the following characteristics: A long handle, a
7 mop head designed to be used with disposable absorbent cleaning pads, a reservoir for cleaning
8 solution, and a built-in mechanism for distributing or spraying the cleaning solution onto a floor, or
9 a method of equivalent efficacy.

10 "Window Trough" means, for a typical double-hung window, the portion of the exterior
11 window sill between the interior window sill (or stool) and the frame of the storm window. If there
12 is no storm window, the window trough is the area that receives both the upper and lower window
13 sashes when they are both lowered. The window trough is sometimes referred to as the window
14 "well."

15 "Wipe Sample" means a sample collected by wiping a representative surface of known area,
16 as determined by ASTM E1728, "Standard Practice for Field Collection of Settled Dust Samples
17 Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques", or
18 equivalent method, with an acceptable wipe material as defined in ASTM E1792, "Standard
19 Specification for Wipe Sampling Materials for Lead in Surface Dust."

20 "Work Area" means the area that the certified renovator establishes to contain the dust and
21 debris generated by a renovation.

22 "0-Bedroom Dwelling" means any residential dwelling in which the living area is not
23 separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory
24 housing, military barracks, and rentals of individual rooms in residential dwellings.

25
26 **KEY: definitions, paint, lead-based paint**

27 **Date of Last Change: September 1, 2021**

28 **Notice of Continuation: November 13, 2018**

29 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(i)**

ITEM 5



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-080-23

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

THROUGH: Erica Pryor, Rules Coordinator

FROM: David Beatty, Operating Permits Section Manager

DATE: October 12, 2023

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amendment to R307-415. Permits: Operating Permit Requirements.

The Environmental Protection Agency modified 40 CFR 70, published in the Federal Register / Vol. 88, No. 139 / Friday, July 21, 2023 / Rules and Regulations, with a rule effective date of August 21, 2023. The rule change removed Section 40 CFR 70.6(g). Emergency provision.

Subsection R307-415-6(g) was established under 40 CFR 70, and therefore to continue to be in alignment with the federal rule, the Division of Air Quality (DAQ) is proposing to remove Subsection R307-415-6(g) from Rule R307-415.

Additionally, these provisions are included in Section I of each issued Title V permit; however, the amended rule allows for the individual permits to be changed over time as each permit is modified or renewed. After this rule amendment becomes effective, the DAQ will remove Subsection 6(g) from each issued Title V permit going forward.

Recommendation: Staff recommends that the Board approve the proposed amendment to R307-415 for public comment.

State of Utah
Administrative Rule Analysis
Revised May 2023

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Title No. - Rule No. - Section No.

Rule or Section Number:

R307-415

Filing ID: Office Use Only

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room number:		
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO BOX 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
David Beatty	385-306-6532	dbeatty@utah.gov
Erica Pryor	385-499-3416	epryor1@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R307-415. Permits: Operating Permit Requirements.

3. Purpose of the new rule or reason for the change:

The Environmental Protection Agency modified 40 CFR 70, published in the Federal Register / Vol. 88, No. 139 / Friday, July 21, 2023/ Rules and Regulations, with a rule effective date of August 21, 2023. The rule change removed Section 40 CFR 70.6(g). Emergency provision. Subsection R307-415-6(g) was established under 40 CFR 70, and therefore to continue to be in alignment with the federal rule, the Division of Air Quality is proposing to remove Subsection R307-415-6(g). from Rule R307-415. Additionally, these provisions are included in Section I of each issued Title V permit; however, the new rule allows for the individual permits to be changed over time as each permit is modified or renewed. After this rule change becomes effective UDAQ will remove Subsection 6(g) from each issued Title V permit going forward.

4. Summary of the new rule or change:

The Division of Air Quality is proposing to amend Rule R307-415 by removing Subsection R307-415-6(g) to align with the federal rule Section 40 CFR 70.6(g).

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

There are no anticipated costs or savings to the state budget as this rule will have no impact on the Department of Environmental Quality or any potentially involved parties.

B) Local governments:

This proposed rule change is not expected to have a fiscal impact on local government revenues or expenditures.

C) Small businesses ("small business" means a business employing 1-49 persons):

This proposed rule change is not expected to have a fiscal impact on small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This proposed rule change does not have a fiscal impact on non-small businesses.

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

This proposed rule change does not have a fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities.

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

There are no direct compliance costs for affected persons.

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

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

The Executive Director of Environmental Quality, Kim C. Shelley, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Utah Code Section 19-2-109.1.	40 CFR 70.6(g).	

Incorporations by Reference Information

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

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

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

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

Official Title of Materials Incorporated (from title page)	
Publisher	

Issue Date	
Issue or Version	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)		
A) Comments will be accepted until:	12/15/2023	
B) A public hearing (optional) will be held:		
Date (mm/dd/yyyy):	Time (hh:mm AM/PM):	Place (physical address or URL):
To the agency: If more space is needed for a physical address or URL, refer readers to Box 4 in General Information. If more than two hearings will take place, continue to add rows.		

9. This rule change MAY become effective on:	02/07/2024
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> and delaying the first possible effective date.			
Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	10/02/2023

1 **R307. Environmental Quality, Air Quality.**

2 **R307-415. Permits: Operating Permit Requirements.**

3 **R307-415-1. Purpose.**

4 Title V of the Clean Air Act (the Act) requires states to develop and implement a comprehensive air
5 quality permitting program. Title V of the Act does not impose new substantive requirements. Title V does
6 require that sources subject to R307-415 pay a fee and obtain a renewable operating permit that clarifies, in a
7 single document, which requirements apply to a source and assures the source's compliance with those
8 requirements. The purpose of R307-415 is to establish the procedures and elements of such a program.
9

10 **R307-415-2. Authority.**

11 (1) R307-415 is required by Title V of the Act and 40 Code of Federal Regulations (CFR) Part 70,
12 and is adopted under the authority of Section 19-2-104.

13 (2) All references to 40 CFR in R307-415, except when otherwise specified, are effective as of the
14 date referenced in R307-101-3.
15

16 **R307-415-3. Definitions.**

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

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

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

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

22 "Affected States" are all states:

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

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

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

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

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

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

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

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

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

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

40 (h) Any standard or other requirement for consumer and commercial products, under Section 183(e)
41 of the Act;

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

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

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

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

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

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

54 "Emissions allowable under the permit" means a federally-enforceable permit term or condition

1 determined at issuance to be required by an applicable requirement that establishes an emissions limit,
2 including a work practice standard, or a federally-enforceable emissions cap that the source has assumed to
3 avoid an applicable requirement to which the source would otherwise be subject.

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

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

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

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

12 "Major source" means any stationary source (or any group of stationary sources that are located on
13 one or more contiguous or adjacent properties, and are under common control of the same person (or persons
14 under common control)) belonging to a single major industrial grouping and that are described in paragraphs
15 (a), (b), or (c) of this definition. For the purposes of defining "major source," a stationary source or group of
16 stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting
17 activities at such source or group of sources on contiguous or adjacent properties belong to the same Major
18 Group (all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.
19 Emissions resulting directly from an internal combustion engine for transportation purposes or from a non-
20 road vehicle shall not be considered in determining whether a stationary source is a major source under this
21 definition.

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

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

- 36 (i) Coal cleaning plants with thermal dryers;
- 37 (ii) Kraft pulp mills;
- 38 (iii) Portland cement plants;
- 39 (iv) Primary zinc smelters;
- 40 (v) Iron and steel mills;
- 41 (vi) Primary aluminum ore reduction plants;
- 42 (vii) Primary copper smelters;
- 43 (viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- 44 (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- 45 (x) Petroleum refineries;
- 46 (xi) Lime plants;
- 47 (xii) Phosphate rock processing plants;
- 48 (xiii) Coke oven batteries;
- 49 (xiv) Sulfur recovery plants;
- 50 (xv) Carbon black plants, furnace process;
- 51 (xvi) Primary lead smelters;
- 52 (xvii) Fuel conversion plants;
- 53 (xviii) Sintering plants;
- 54 (xix) Secondary metal production plants;

- 1 (xx) Chemical process plants;
2 (xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units
3 per hour heat input;
4 (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
5 (xxiii) Taconite ore processing plants;
6 (xxiv) Glass fiber processing plants;
7 (xxv) Charcoal production plants;
8 (xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour
9 heat input;
10 (xxvii) Any other stationary source category, which as of August 7, 1980 is being regulated under
11 Section 111 or Section 112 of the Act.
- 12 (c) A major stationary source as defined in part D of Title I of the Act, Plan Requirements for
13 Nonattainment Areas, including:
- 14 (i) For ozone nonattainment areas, sources with the potential to emit 100 tons per year or more of
15 volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tons per
16 year or more in areas classified as "serious," 25 tons per year or more in areas classified as "severe," and 10
17 tons per year or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50,
18 25, and 10 tons per year of nitrogen oxides shall not apply with respect to any source for which the
19 Administrator has made a finding, under Section 182(f)(1) or (2) of the Act, that requirements under Section
20 182(f) of the Act do not apply;
- 21 (ii) For ozone transport regions established pursuant to Section 184 of the Act, sources with the
22 potential to emit 50 tons per year or more of volatile organic compounds;
- 23 (iii) For carbon monoxide nonattainment areas that are classified as "serious" and in which
24 stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the
25 Administrator, sources with the potential to emit 50 tons per year or more of carbon monoxide;
- 26 (iv) For PM-10 particulate matter nonattainment areas classified as "serious," sources with the
27 potential to emit 70 tons per year or more of PM-10 particulate matter.
- 28 "Non-Road Vehicle" means a vehicle that is powered by an internal combustion engine (including
29 the fuel system), that is not a self-propelled vehicle designed for transporting persons or property on a street
30 or highway or a vehicle used solely for competition, and is not subject to standards promulgated under
31 Section 111 of the Act (New Source Performance Standards) or Section 202 of the Act (Motor Vehicle
32 Emission Standards).
- 33 "Operating permit" or "permit," unless the context suggests otherwise, means any permit or group of
34 permits covering a Part 70 source that is issued, renewed, amended, or revised pursuant to these rules.
- 35 "Part 70 Source" means any source subject to the permitting requirements of R307-415, as provided
36 in R307-415-4.
- 37 "Permit modification" means a revision to an operating permit that meets the requirements of R307-
38 415-7f.
- 39 "Permit revision" means any permit modification or administrative permit amendment.
- 40 "Permit shield" means the permit shield as described in R307-415-6f.
- 41 "Proposed permit" means the version of a permit that the director proposes to issue and forwards to
42 EPA for review in compliance with R307-415-8.
- 43 "Renewal" means the process by which a permit is reissued at the end of its term.
- 44 "Responsible official" means one of the following:
- 45 (a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge
46 of a principal business function, or any other person who performs similar policy or decision-making
47 functions for the corporation, or a duly authorized representative of such person if the representative is
48 responsible for the overall operation of one or more manufacturing, production, or operating facilities
49 applying for or subject to a permit and either:
- 50 (i) the operating facilities employ more than 250 persons or have gross annual sales or expenditures
51 exceeding \$25 million in second quarter 1980 dollars; or
- 52 (ii) the delegation of authority to such representative is approved in advance by the director;
- 53 (b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
- 54 (c) For a municipality, State, Federal, or other public agency: either a principal executive officer or

1 ranking elected official. For the purposes of R307-415, a principal executive officer of a Federal agency
2 includes the chief executive officer having responsibility for the overall operations of a principal geographic
3 unit of the agency;

4 (d) For Title IV affected sources:

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

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

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

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

12 13 **R307-415-4. Applicability.**

14 (1) Part 70 sources. All of the following sources are subject to the permitting requirements of R307-
15 415, and unless exempted under (2) below are required to submit an application for an operating permit:

16 (a) Any major source;

17 (b) Any source, including an area source, subject to a standard, limitation, or other requirement
18 under Section 111 of the Act, Standards of Performance for New Stationary Sources;

19 (c) Any source, including an area source, subject to a standard or other requirement under Section
20 112 of the Act, Hazardous Air Pollutants, except that a source is not required to obtain a permit solely
21 because it is subject to regulations or requirements under Section 112(r) of the Act, Prevention of Accidental
22 Releases;

23 (d) Any Title IV affected source.

24 (2) Exemptions.

25 (a) All source categories that would be required to obtain an operating permit solely because they
26 are subject to 40 CFR Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters,
27 are exempted from the requirement to obtain a permit.

28 (b) All source categories that would be required to obtain an operating permit solely because they
29 are subject to 40 CFR Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for
30 Asbestos, Section 61.145, Standard for Demolition and Renovation, are exempted from the requirement to
31 obtain a permit. For Part 70 sources, demolition and renovation activities within the source under 40 CFR
32 61.145 shall be treated as a separate source for the purpose of R307-415.

33 (c) An area source subject to a regulation under Section 111 or 112 of the Act (42 U.S.C. 7411 or
34 7412) promulgated after July 21, 1992 is exempt from the obligation to obtain a Part 70 permit if:

35 (i) the regulation specifically exempts the area source category from the obligation to obtain a Part
36 70 permit, and

37 (ii) the source is not required to obtain a permit under R307-415-4(1) for a reason other than its
38 status as an area source under the Section 111 or 112 regulation containing the exemption.

39 (3) Emissions units and Part 70 sources.

40 (a) For major sources, the director shall include in the permit all applicable requirements for all
41 relevant emissions units in the major source.

42 (b) For any area source subject to the operating permit program under R307-415-4(1), the director
43 shall include in the permit all applicable requirements applicable to emissions units that cause the source to be
44 subject to the operating permit program.

45 (4) Fugitive emissions. Fugitive emissions and fugitive dust from a Part 70 source shall be included
46 in the permit application and the operating permit in the same manner as stack emissions, regardless of
47 whether the source category in question is included in the list of source categories contained in the definition
48 of major source.

49 (5) Control requirements. R307-415 does not establish any new control requirements beyond those
50 established by applicable requirements, but may establish new monitoring, recordkeeping, and reporting
51 requirements.

52 (6) Synthetic minors. An existing source that wishes to avoid designation as a major Part 70 source
53 under R307-415, must obtain federally-enforceable conditions which reduce the potential to emit, as defined
54 in R307-101-2, to less than the level established for a major Part 70 source. Such federally-enforceable

1 conditions may be obtained by applying for and receiving an approval order under R307-401. The approval
2 order shall contain periodic monitoring, recordkeeping, and reporting requirements sufficient to verify
3 continuing compliance with the conditions which would reduce the source's potential to emit.
4

5 **R307-415-5a. Permit Applications: Duty to Apply.**

6 For each Part 70 source, the owner or operator shall submit a timely and complete permit application.
7 A pre-application conference may be held at the request of a Part 70 source or the director to assist a source in
8 submitting a complete application.

9 (1) Timely application.

10 (a) Except as provided in the transition plan under (3) below, a timely application for a source
11 applying for an operating permit for the first time is one that is submitted within 12 months after the source
12 becomes subject to the permit program.

13 (b) Except as provided in the transition plan under (3) below, any Part 70 source required to meet the
14 requirements under Section 112(g) of the Act, Hazardous Air Pollutant Modifications, or required to receive
15 an approval order to construct a new source or modify an existing source under R307-401, shall file a
16 complete application to obtain an operating permit or permit revision within 12 months after commencing
17 operation of the newly constructed or modified source. Where an existing operating permit would prohibit
18 such construction or change in operation, the source must obtain a permit revision before commencing
19 operation.

20 (c) For purposes of permit renewal, a timely application is one that is submitted by the renewal date
21 established in the permit. The director shall establish a renewal date for each permit that is at least six months
22 and not greater than 18 months prior to the date of permit expiration. A source may submit a permit
23 application early for any reason, including timing of other application requirements.

24 (2) Complete application.

25 (a) To be deemed complete, an application must provide all information sufficient to evaluate the
26 subject source and its application and to determine all applicable requirements pursuant to R307-415-5c.
27 Applications for permit revision need supply such information only if it is related to the proposed change. A
28 responsible official shall certify the submitted information consistent with R307-415-5d.

29 (b) Unless the director notifies the source in writing within 60 days of receipt of the application that
30 an application is not complete, such application shall be deemed to be complete. A completeness
31 determination shall not be required for minor permit modifications. If, while processing an application that
32 has been determined or deemed to be complete, the director determines that additional information is
33 necessary to evaluate or take final action on that application, the director may request such information in
34 writing and set a reasonable deadline for a response. The source's ability to operate without a permit, as set
35 forth in R307-415-7b(2), shall be in effect from the date the application is determined or deemed to be
36 complete until the final permit is issued, provided that the applicant submits any requested additional
37 information by the deadline specified in writing by the director.

38 (3) Transition Plan. A timely application under the transition plan is an application that is submitted
39 according to the following schedule:

40 (a) All Title IV affected sources shall submit an operating permit application as well as an acid rain
41 permit application in accordance with the date required by 40 CFR Part 72 effective April 11, 1995, Subpart
42 C-Acid Rain Permit Applications;

43 (b) All major Part 70 sources operating as of July 10, 1995, except those described in (a) above, and
44 all solid waste incineration units operating as of July 10, 1995, that are required to obtain an operating permit
45 pursuant to 42 U.S.C. Sec. 7429(e) shall submit a permit application by October 10, 1995.

46 (c) Area sources.

47 (i) Except as provided in (c)(ii) and (c)(iii) below, each Part 70 source that is not a major source, a
48 Title IV affected source, or a solid waste incineration unit required to obtain a permit pursuant to section
49 129(e) (42 U.S.C. 7429), is deferred from the obligation to submit an application until 12 months after the
50 Administrator completes a rulemaking to determine how the program should be structured for area sources
51 and the appropriateness of any permanent exemptions in addition to those provided in R307-415-4(2).

52 (ii) General Permits.

53 (A) The director shall develop general permits and application forms for area source categories.

54 (B) After a general permit has been issued for a source category, the director shall establish a due

1 date for permit applications from all area sources in that source category.

2 (C) The director shall provide at least six months notice that the application is due for a source
3 category.

4 (iii) Regulation-specific Requirements.

5 (A) If a regulation promulgated under Section 111 or 112 (42 U.S.C. 7411 or 7412) requires an area
6 source category to submit an application for a Part 70 permit, each area source covered by the requirement
7 must submit an application in accordance with the regulation.

8 (d) Extensions. The owner or operator of any Part 70 source may petition the director for an
9 extension of the application due date for good cause. The due date for major Part 70 sources shall not be
10 extended beyond July 10, 1996. The due date for an area source shall not be extended beyond twelve months
11 after the due date in (c)(i) above.

12 (e) Application shield. If a source submits a timely and complete application under this transition
13 plan, the application shield under R307-415-7b(2) shall apply to the source. If a source submits a timely
14 application and is making sufficient progress toward correcting an application determined to be incomplete,
15 the director may extend the application shield under R307-415-7b(2) to the source when the application is
16 determined complete. The application shield shall not be extended to any major source that has not submitted
17 a complete application by July 10, 1996, or to any area source that has not submitted a complete application
18 within twelve months after the due date in (c)(i) above.

19 (4) Confidential information. Claims of confidentiality on information submitted to EPA may be
20 made pursuant to applicable federal requirements. Claims of confidentiality on information submitted to the
21 Department shall be made and governed according to Section 19-1-306. In the case where a source has
22 submitted information to the Department under a claim of confidentiality that also must be submitted to the
23 EPA, the director shall either submit the information to the EPA under Section 19-1-306, or require the
24 source to submit a copy of such information directly to EPA.

25 (5) Late applications. An application submitted after the deadlines established in R307-415-5a shall
26 be accepted for processing, but shall not be considered a timely application. Submitting an application shall
27 not relieve a source of any enforcement actions resulting from submitting a late application.
28

29 **R307-415-5b. Permit Applications: Duty to Supplement or Correct Application.**

30 Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a
31 permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such
32 supplementary facts or corrected information. In addition, an applicant shall provide additional information
33 as necessary to address any requirements that become applicable to the source after the date it filed a
34 complete application but prior to release of a draft permit.
35

36 **R307-415-5c. Permit Applications: Standard Requirements.**

37 Information as described below for each emissions unit at a Part 70 source shall be included in the
38 application except for insignificant activities and emissions levels under R307-415-5e. The operating permit
39 application shall include the elements specified below:

40 (1) Identifying information, including company name, company address, plant name and address if
41 different from the company name and address, owner's name and agent, and telephone number and names of
42 plant site manager or contact.

43 (2) A description of the source's processes and products by Standard Industrial Classification Code,
44 including any associated with each alternate scenario identified by the source.

45 (3) The following emissions-related information:

46 (a) A permit application shall describe the potential to emit of all air pollutants for which the source
47 is major, and the potential to emit of all regulated air pollutants and hazardous air pollutants from any
48 emissions unit, except for insignificant activities and emissions under R307-415-5e. For emissions of
49 hazardous air pollutants under 1,000 pounds per year, the following ranges may be used in the application: 1-
50 10 pounds per year, 11-499 pounds per year, 500-999 pounds per year. The mid-point of the range shall be
51 used to calculate the emission fee under R307-415-9 for hazardous air pollutants reported as a range.

52 (b) Identification and description of all points of emissions described in (a) above in sufficient detail
53 to establish the basis for fees and applicability of applicable requirements.

54 (c) Emissions rates in tons per year and in such terms as are necessary to establish compliance with

1 applicable requirements consistent with the applicable standard reference test method.

2 (d) The following information to the extent it is needed to determine or regulate emissions: fuels,
3 fuel use, raw materials, production rates, and operating schedules.

4 (e) Identification and description of air pollution control equipment and compliance monitoring
5 devices or activities.

6 (f) Limitations on source operation affecting emissions or any work practice standards, where
7 applicable, for all regulated air pollutants and hazardous air pollutants at the Part 70 source.

8 (g) Other information required by any applicable requirement, including information related to stack
9 height limitations developed pursuant to Section 123 of the Act.

10 (h) Calculations on which the information in items (a) through (g) above is based.

11 (4) The following air pollution control requirements:

12 (a) Citation and description of all applicable requirements, and

13 (b) Description of or reference to any applicable test method for determining compliance with each
14 applicable requirement.

15 (5) Other specific information that may be necessary to implement and enforce applicable
16 requirements or to determine the applicability of such requirements.

17 (6) An explanation of any proposed exemptions from otherwise applicable requirements.

18 (7) Additional information as determined to be necessary by the director to define alternative
19 operating scenarios identified by the source pursuant to R307-415-6a(9) or to define permit terms and
20 conditions implementing emission trading under R307-415-7d(1)(c) or R307-415-6a(10).

21 (8) A compliance plan for all Part 70 sources that contains all of the following:

22 (a) A description of the compliance status of the source with respect to all applicable requirements.

23 (b) A description as follows:

24 (i) For applicable requirements with which the source is in compliance, a statement that the source
25 will continue to comply with such requirements.

26 (ii) For applicable requirements that will become effective during the permit term, a statement that
27 the source will meet such requirements on a timely basis.

28 (iii) For requirements for which the source is not in compliance at the time of permit issuance, a
29 narrative description of how the source will achieve compliance with such requirements.

30 (c) A compliance schedule as follows:

31 (i) For applicable requirements with which the source is in compliance, a statement that the source
32 will continue to comply with such requirements.

33 (ii) For applicable requirements that will become effective during the permit term, a statement that
34 the source will meet such requirements on a timely basis. A statement that the source will meet in a timely
35 manner applicable requirements that become effective during the permit term shall satisfy this provision,
36 unless a more detailed schedule is expressly required by the applicable requirement.

37 (iii) A schedule of compliance for sources that are not in compliance with all applicable
38 requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures,
39 including an enforceable sequence of actions with milestones, leading to compliance with any applicable
40 requirements for which the source will be in noncompliance at the time of permit issuance. This compliance
41 schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or
42 administrative order to which the source is subject. Any such schedule of compliance shall be supplemental
43 to, and shall not sanction noncompliance with, the applicable requirements on which it is based.

44 (d) A schedule for submission of certified progress reports every six months, or more frequently if
45 specified by the underlying applicable requirement or by the director, for sources required to have a schedule
46 of compliance to remedy a violation.

47 (e) The compliance plan content requirements specified in this paragraph shall apply and be
48 included in the acid rain portion of a compliance plan for a Title IV affected source, except as specifically
49 superseded by regulations promulgated under Title IV of the Act, Acid Deposition Control, with regard to the
50 schedule and methods the source will use to achieve compliance with the acid rain emissions limitations.

51 (9) Requirements for compliance certification, including all of the following:

52 (a) A certification of compliance with all applicable requirements by a responsible official consistent
53 with R307-415-5d and Section 114(a)(3) of the Act, Enhanced Monitoring and Compliance Certification.

54 (b) A statement of methods used for determining compliance, including a description of monitoring,

1 recordkeeping, and reporting requirements and test method.

2 (c) A schedule for submission of compliance certifications during the permit term, to be submitted
3 annually, or more frequently if specified by the underlying applicable requirement or by the director.

4 (d) A statement indicating the source's compliance status with any applicable enhanced monitoring
5 and compliance certification requirements of the Act.

6 (10) Nationally-standardized forms for acid rain portions of permit applications and compliance
7 plans, as required by regulations promulgated under Title IV of the Act, Acid Deposition Control.

8
9 **R307-415-5d. Permit Applications: Certification.**

10 Any application form, report, or compliance certification submitted pursuant to R307-415 shall
11 contain certification by a responsible official of truth, accuracy, and completeness. This certification and any
12 other certification required under R307-415 shall state that, based on information and belief formed after
13 reasonable inquiry, the statements and information in the document are true, accurate, and complete.

14
15 **R307-415-5e. Permit Applications: Insignificant Activities and Emissions.**

16 An application may not omit information needed to determine the applicability of, or to impose, any
17 applicable requirement, or to evaluate the fee amount required under R307-415-9. The following lists apply
18 only to operating permit applications and do not affect the applicability of R307-415 to a source, do not affect
19 the requirement that a source receive an approval order under R307-401, and do not relieve a source of the
20 responsibility to comply with any applicable requirement.

21 (1) The following insignificant activities and emission levels are not required to be included in the
22 permit application.

23 (a) Exhaust systems for controlling steam and heat that do not contain combustion products, except
24 for systems that are subject to an emission standard under any applicable requirement.

25 (b) Air pollutants that are present in process water or non-contact cooling water as drawn from the
26 environment or from municipal sources, or air pollutants that are present in compressed air or in ambient air,
27 which may contain air pollution, used for combustion.

28 (c) Air conditioning or ventilating systems not designed to remove air pollutants generated by or
29 released from other processes or equipment.

30 (d) Disturbance of surface areas for purposes of land development, not including mining operations
31 or the disturbance of contaminated soil.

32 (e) Brazing, soldering, or welding operations.

33 (f) Aerosol can usage.

34 (g) Road and parking lot paving operations, not including asphalt, sand and gravel, and cement batch
35 plants.

36 (h) Fire training activities that are not conducted at permanent fire training facilities.

37 (i) Landscaping, janitorial, and site housekeeping activities, including fugitive emissions from
38 landscaping activities.

39 (j) Architectural painting.

40 (k) Office emissions, including cleaning, copying, and restrooms.

41 (l) Wet wash aggregate operations that are solely dedicated to this process.

42 (m) Air pollutants that are emitted from personal use by employees or other persons at the source,
43 such as foods, drugs, or cosmetics.

44 (n) Air pollutants that are emitted by a laboratory at a facility under the supervision of a technically
45 qualified individual as defined in 40 CFR 720.3(ee); however, this exclusion does not apply to specialty
46 chemical production, pilot plant scale operations, or activities conducted outside the laboratory.

47 (o) Maintenance on petroleum liquid handling equipment such as pumps, valves, flanges, and
48 similar pipeline devices and appurtenances when purged and isolated from normal operations.

49 (p) Portable steam cleaning equipment.

50 (q) Vents on sanitary sewer lines.

51 (r) Vents on tanks containing no volatile air pollutants, e.g., any petroleum liquid, not containing
52 Hazardous Air Pollutants, with a Reid Vapor Pressure less than 0.05 psia.

53 (2) The following insignificant activities are exempted because of size or production rate and a list
54 of such insignificant activities must be included in the application. The director may require information to

1 verify that the activity is insignificant.

2 (a) Emergency heating equipment, using coal, wood, kerosene, fuel oil, natural gas, or LPG for fuel,
3 with a rated capacity less than 50,000 BTU per hour.

4 (b) Individual emissions units having the potential to emit less than one ton per year per pollutant of
5 PM10 particulate matter, nitrogen oxides, sulfur dioxide, volatile organic compounds, or carbon monoxide,
6 unless combined emissions from similar small emission units located within the same Part 70 source are
7 greater than five tons per year of any one pollutant. This does not include emissions units that emit air
8 pollutants other than PM10 particulate matter, nitrogen oxides, sulfur dioxide, volatile organic compounds, or
9 carbon monoxide.

10 (c) Petroleum industry flares, not associated with refineries, combusting natural gas containing no
11 hydrogen sulfide except in amounts less than 500 parts per million by weight, and having the potential to emit
12 less than five tons per year per air pollutant.

13 (d) Road sweeping.

14 (e) Road salting and sanding.

15 (f) Unpaved public and private roads, except unpaved haul roads located within the boundaries of a
16 stationary source. A haul road means any road normally used to transport people, livestock, product or
17 material by any type of vehicle.

18 (g) Non-commercial automotive (car and truck) service stations dispensing less than 6,750 gal. of
19 gasoline/month

20 (h) Hazardous Air Pollutants present at less than 1% concentration, or 0.1% for a carcinogen, in a
21 mixture used at a rate of less than 50 tons per year, provided that a National Emission Standards for
22 Hazardous Air Pollutants standard does not specify otherwise.

23 (i) Fuel-burning equipment, in which combustion takes place at no greater pressure than one inch of
24 mercury above ambient pressure, with a rated capacity of less than five million BTU per hour using no other
25 fuel than natural gas, or LPG or other mixed gas distributed by a public utility.

26 (j) Comfort heating equipment (i.e., boilers, water heaters, air heaters and steam generators) with a
27 rated capacity of less than one million BTU per hour if fueled only by fuel oil numbers 1 - 6.

28 (3) Any person may petition the Board to add an activity or emission to the list of Insignificant
29 Activities and Emissions which may be excluded from an operating permit application under (1) or (2) above
30 upon a change in the rule and approval of the rule change by EPA. The petition shall include the following
31 information:

32 (a) A complete description of the activity or emission to be added to the list.

33 (b) A complete description of all air pollutants that may be emitted by the activity or emission,
34 including emission rate, air pollution control equipment, and calculations used to determine emissions.

35 (c) An explanation of why the activity or emission should be exempted from the application
36 requirements for an operating permit.

37 (4) The director may determine on a case-by-case basis, insignificant activities and emissions for an
38 individual Part 70 source that may be excluded from an application or that must be listed in the application,
39 but do not require a detailed description. No activity with the potential to emit greater than two tons per year
40 of any criteria pollutant, five tons of a combination of criteria pollutants, 500 pounds of any hazardous air
41 pollutant or one ton of a combination of hazardous air pollutants shall be eligible to be determined an
42 insignificant activity or emission under this subsection (4).

43 **R307-415-6a. Permit Content: Standard Requirements.**

44 Each permit issued under R307-415 shall include the following elements:

45 (1) Emission limitations and standards, including those operational requirements and limitations that
46 assure compliance with all applicable requirements at the time of permit issuance;

47 (a) The permit shall specify and reference the origin of and authority for each term or condition, and
48 identify any difference in form as compared to the applicable requirement upon which the term or condition
49 is based.

50 (b) The permit shall state that, where an applicable requirement is more stringent than an applicable
51 requirement of regulations promulgated under Title IV of the Act, Acid Deposition Control, both provisions
52 shall be incorporated into the permit.

53 (c) If the State Implementation Plan allows a determination of an alternative emission limit at a Part
54

1 70 source, equivalent to that contained in the State Implementation Plan, to be made in the permit issuance,
2 renewal, or significant modification process, and the director elects to use such process, any permit
3 containing such equivalency determination shall contain provisions to ensure that any resulting emissions
4 limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

5 (2) Permit duration. Except as provided by Section 19-2-109.1(3), the director shall issue permits
6 for a fixed term of five years.

7 (3) Monitoring and related recordkeeping and reporting requirements.

8 (a) Each permit shall contain the following requirements with respect to monitoring:

9 (i) All monitoring and analysis procedures or test methods required under applicable monitoring and
10 testing requirements, including 40 CFR Part 64 and any other procedures and methods that may be
11 promulgated pursuant to sections 114(a)(3) or 504(b) of the Act. If more than one monitoring or testing
12 requirement applies, the permit may specify a streamlined set of monitoring or testing provisions provided
13 the specified monitoring or testing is adequate to assure compliance at least to the same extent as the
14 monitoring or testing applicable requirements that are not included in the permit as a result of such
15 streamlining;

16 (ii) Where the applicable requirement does not require periodic testing or instrumental or
17 noninstrumental monitoring, which may consist of recordkeeping designed to serve as monitoring, periodic
18 monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's
19 compliance with the permit, as reported pursuant to (3)(c) below. Such monitoring requirements shall assure
20 use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the
21 applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this
22 paragraph;

23 (iii) As necessary, requirements concerning the use, maintenance, and, where appropriate,
24 installation of monitoring equipment or methods.

25 (b) With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping
26 requirements and require, where applicable, the following:

27 (i) Records of required monitoring information that include the following:

28 (A) The date, place as defined in the permit, and time of sampling or measurements;

29 (B) The dates analyses were performed;

30 (C) The company or entity that performed the analyses;

31 (D) The analytical techniques or methods used;

32 (E) The results of such analyses;

33 (F) The operating conditions as existing at the time of sampling or measurement;

34 (ii) Retention of records of all required monitoring data and support information for a period of at
35 least five years from the date of the monitoring sample, measurement, report, or application. Support
36 information includes all calibration and maintenance records and all original strip-chart recordings for
37 continuous monitoring instrumentation, and copies of all reports required by the permit.

38 (c) With respect to reporting, the permit shall incorporate all applicable reporting requirements and
39 require all of the following:

40 (i) Submittal of reports of any required monitoring every six months, or more frequently if specified
41 by the underlying applicable requirement or by the director. All instances of deviations from permit
42 requirements must be clearly identified in such reports. All required reports must be certified by a
43 responsible official consistent with R307-415-5d.

44 (ii) Prompt reporting of deviations from permit requirements including those attributable to upset
45 conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or
46 preventive measures taken. The director shall define "prompt" in relation to the degree and type of deviation
47 likely to occur and the applicable requirements. Deviations from permit requirements due to unavoidable
48 breakdowns shall be reported according to the unavoidable breakdown provisions of R307-107. The director
49 may establish more stringent reporting deadlines if required by the applicable requirement.

50 (d) Claims of confidentiality shall be governed by Section 19-1-306.

51 (4) Acid Rain Allowances. For Title IV affected sources, a permit condition prohibiting emissions
52 exceeding any allowances that the source lawfully holds under Title IV of the Act or the regulations
53 promulgated thereunder.

54 (a) No permit revision shall be required for increases in emissions that are authorized by allowances

1 acquired pursuant to the Acid Rain Program, provided that such increases do not require a permit revision
2 under any other applicable requirement.

3 (b) No limit shall be placed on the number of allowances held by the source. The source may not,
4 however, use allowances as a defense to noncompliance with any other applicable requirement.

5 (c) Any such allowance shall be accounted for according to the procedures established in regulations
6 promulgated under Title IV of the Act.

7 (5) A severability clause to ensure the continued validity of the various permit requirements in the
8 event of a challenge to any portions of the permit.

9 (6) Standard provisions stating the following:

10 (a) The permittee must comply with all conditions of the operating permit. Any permit
11 noncompliance constitutes a violation of the Air Conservation Act and is grounds for any of the following:
12 enforcement action; permit termination; revocation and reissuance; modification; denial of a permit renewal
13 application.

14 (b) Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an
15 enforcement action that it would have been necessary to halt or reduce the permitted activity in order to
16 maintain compliance with the conditions of this permit.

17 (c) The permit may be modified, revoked, reopened, and reissued, or terminated for cause. The
18 filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of
19 a notification of planned changes or anticipated noncompliance does not stay any permit condition, except as
20 provided under R307-415-7f(1) for minor permit modifications.

21 (d) The permit does not convey any property rights of any sort, or any exclusive privilege.

22 (e) The permittee shall furnish to the director, within a reasonable time, any information that the
23 director may request in writing to determine whether cause exists for modifying, revoking and reissuing, or
24 terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also
25 furnish to the director copies of records required to be kept by the permit or, for information claimed to be
26 confidential, the permittee may furnish such records directly to EPA along with a claim of confidentiality.

27 (7) Emission fee. A provision to ensure that a Part 70 source pays fees to the director consistent
28 with R307-415-9.

29 (8) Emissions trading. A provision stating that no permit revision shall be required, under any
30 approved economic incentives, marketable permits, emissions trading and other similar programs or
31 processes for changes that are provided for in the permit.

32 (9) Alternate operating scenarios. Terms and conditions for reasonably anticipated operating
33 scenarios identified by the source in its application as approved by the director. Such terms and conditions:

34 (a) Shall require the source, contemporaneously with making a change from one operating scenario
35 to another, to record in a log at the permitted facility a record of the scenario under which it is operating;

36 (b) Shall extend the permit shield to all terms and conditions under each such operating scenario;
37 and

38 (c) Must ensure that the terms and conditions of each such alternative scenario meet all applicable
39 requirements and the requirements of R307-415.

40 (10) Emissions trading. Terms and conditions, if the permit applicant requests them, for the trading
41 of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements
42 provide for trading such increases and decreases without a case-by-case approval of each emissions trade.
43 Such terms and conditions:

44 (a) Shall include all terms required under R307-415-6a and 6c to determine compliance;

45 (b) Shall extend the permit shield to all terms and conditions that allow such increases and decreases
46 in emissions; and

47 (c) Must meet all applicable requirements and requirements of R307-415.

48
49 **R307-415-6b. Permit Content: Federally-Enforceable Requirements.**

50 (1) All terms and conditions in an operating permit, including any provisions designed to limit a
51 source's potential to emit, are enforceable by EPA and citizens under the Act.

52 (2) Notwithstanding (1) above, applicable requirements that are not required by the Act or
53 implementing federal regulations shall be included in the permit but shall be specifically designated as being
54 not federally enforceable under the Act and shall be designated as "state requirements." Terms and

1 conditions so designated are not subject to the requirements of R307-415-7a through 7i and R307-415-8 that
2 apply to permit review by EPA and affected states. The director shall determine which conditions are "state
3 requirements" in each operating permit.
4

5 **R307-415-6c. Permit Content: Compliance Requirements.**

6 All operating permits shall contain all of the following elements with respect to compliance:

7 (1) Consistent with R307-415-6a(3), compliance certification, testing, monitoring, reporting, and
8 recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any
9 document, including any report, required by an operating permit shall contain a certification by a responsible
10 official that meets the requirements of R307-415-5d;

11 (2) Inspection and entry requirements that require that, upon presentation of credentials and other
12 documents as may be required by law, the permittee shall allow the director or an authorized representative to
13 perform any of the following:

14 (a) Enter upon the permittee's premises where a Part 70 source is located or emissions-related
15 activity is conducted, or where records must be kept under the conditions of the permit;

16 (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions
17 of the permit;

18 (c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution
19 control equipment), practices, or operations regulated or required under the permit;

20 (d) Sample or monitor at reasonable times substances or parameters for the purpose of assuring
21 compliance with the permit or applicable requirements;

22 (e) Claims of confidentiality on the information obtained during an inspection shall be made
23 pursuant to Section 19-1-306;

24 (3) A schedule of compliance consistent with R307-415-5c(8);

25 (4) Progress reports consistent with an applicable schedule of compliance and R307-415-5c(8) to be
26 submitted semiannually, or at a more frequent period if specified in the applicable requirement or by the
27 director. Such progress reports shall contain all of the following:

28 (a) Dates for achieving the activities, milestones, or compliance required in the schedule of
29 compliance, and dates when such activities, milestones or compliance were achieved;

30 (b) An explanation of why any dates in the schedule of compliance were not or will not be met, and
31 any preventive or corrective measures adopted;

32 (5) Requirements for compliance certification with terms and conditions contained in the permit,
33 including emission limitations, standards, or work practices. Permits shall include all of the following:

34 (a) Annual submission of compliance certification, or more frequently if specified in the applicable
35 requirement or by the director;

36 (b) In accordance with R307-415-6a(3), a means for monitoring the compliance of the source with
37 its emissions limitations, standards, and work practices;

38 (c) A requirement that the compliance certification include all of the following (provided that the
39 identification of applicable information may reference the permit or previous reports, as applicable):

40 (i) The identification of each term or condition of the permit that is the basis of the certification;

41 (ii) The identification of the methods or other means used by the owner or operator for determining
42 the compliance status with each term and condition during the certification period. Such methods and other
43 means shall include, at a minimum, the methods and means required under R307-415-6a(3). If necessary, the
44 owner or operator also shall identify any other material information that must be included in the certification
45 to comply with section 113(c)(2) of the Act, which prohibits knowingly making a false certification or
46 omitting material information;

47 (iii) The status of compliance with the terms and conditions of the permit for the period covered by
48 the certification, including whether compliance during the period was continuous or intermittent. The
49 certification shall be based on the method or means designated in (ii) above. The certification shall identify
50 each deviation and take it into account in the compliance certification. The certification shall also identify as
51 possible exceptions to compliance any periods during which compliance is required and in which an
52 excursion or exceedance as defined under 40 CFR Part 64 occurred; and

53 (iv) Such other facts as the director may require to determine the compliance status of the source;

54 (d) A requirement that all compliance certifications be submitted to the EPA as well as to the

1 director;

2 (e) Such additional requirements as may be specified pursuant to Section 114(a)(3) of the Act,
3 Enhanced Monitoring and Compliance Certification, and Section 504(b) of the Act, Monitoring and Analysis;

4 (6) Such other provisions as the director may require.
5

6 **R307-415-6d. Permit Content: General Permits.**

7 (1) The director may, after notice and opportunity for public participation provided under R307-415-
8 7i, issue a general permit covering numerous similar sources. Any general permit shall comply with all
9 requirements applicable to other operating permits and shall identify criteria by which sources may qualify
10 for the general permit. To sources that qualify, the director shall grant the conditions and terms of the general
11 permit. Notwithstanding the permit shield, the source shall be subject to enforcement action for operation
12 without an operating permit if the source is later determined not to qualify for the conditions and terms of the
13 general permit. General permits shall not be issued for Title IV affected sources under the Acid Rain
14 Program unless otherwise provided in regulations promulgated under Title IV of the Act.

15 (2) Part 70 sources that would qualify for a general permit must apply to the director for coverage
16 under the terms of the general permit or must apply for an operating permit consistent with R307-415-5a
17 through 5e. The director may, in the general permit, provide for applications which deviate from the
18 requirements of R307-415-5a through 5e, provided that such applications meet the requirements of Title V of
19 the Act, and include all information necessary to determine qualification for, and to assure compliance with,
20 the general permit. Without repeating the public participation procedures required under R307-415-7i, the
21 director may grant a source's request for authorization to operate under a general permit, but such a grant to a
22 qualified source shall not be a final permit action until the requirements of R307-415-5a through 5e have
23 been met.
24

25 **R307-415-6e. Permit Content: Temporary Sources.**

26 The owner or operator of a permitted source may temporarily relocate the source for a period not to
27 exceed that allowed by R307-401-7. A permit modification is required to relocate the source for a period
28 longer than that allowed by R307-401-7. No Title IV affected source may be permitted as a temporary
29 source. Permits for temporary sources shall include all of the following:

30 (1) Conditions that will assure compliance with all applicable requirements at all authorized
31 locations;

32 (2) Requirements that the owner or operator receive approval to relocate under R307-401-7 before
33 operating at the new location;

34 (3) Conditions that assure compliance with all other provisions of R307-415.
35

36 **R307-415-6f. Permit Content: Permit Shield.**

37 (1) Except as provided in R307-415, the director shall include in each operating permit a permit
38 shield provision stating that compliance with the conditions of the permit shall be deemed compliance with
39 any applicable requirements as of the date of permit issuance, provided that:

40 (a) Such applicable requirements are included and are specifically identified in the permit; or

41 (b) The director, in acting on the permit application or revision, determines in writing that other
42 requirements specifically identified are not applicable to the source, and the permit includes the determination
43 or a concise summary thereof.

44 (2) An operating permit that does not expressly state that a permit shield exists shall be presumed
45 not to provide such a shield.

46 (3) Nothing in this paragraph or in any operating permit shall alter or affect any of the following:

47 (a) The emergency provisions of Section 19-1-202 and Section 19-2-112, and the provisions of
48 Section 303 of the Act, Emergency Orders, including the authority of the Administrator under that Section;

49 (b) The liability of an owner or operator of a source for any violation of applicable requirements
50 under Section 19-2-107(2)(a)(xiii) and Section 19-2-110 prior to or at the time of permit issuance;

51 (c) The applicable requirements of the Acid Rain Program, consistent with Section 408(a) of the
52 Act;

53 (d) The ability of the director to obtain information from a source under Section 19-2-120, and the
54 ability of EPA to obtain information from a source under Section 114 of the Act, Inspection, Monitoring, and

1 Entry.

2
3 **~~R307-415-6g. Permit Content: Emergency Provision.~~**

4 ~~———— (1) Emergency. An "emergency" is any situation arising from sudden and reasonably unforeseeable~~
5 ~~events beyond the control of the source, including acts of God, which situation requires immediate corrective~~
6 ~~action to restore normal operation, and that causes the source to exceed a technology based emission~~
7 ~~limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An~~
8 ~~emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of~~
9 ~~preventative maintenance, careless or improper operation, or operator error.~~

10 ~~———— (2) Effect of an emergency. An emergency constitutes an affirmative defense to an action brought~~
11 ~~for noncompliance with such technology based emission limitations if the conditions of (3) below are met.~~

12 ~~———— (3) The affirmative defense of emergency shall be demonstrated through properly signed,~~
13 ~~contemporaneous operating logs, or other relevant evidence that:~~

14 ~~———— (a) An emergency occurred and that the permittee can identify the causes of the emergency;~~

15 ~~———— (b) The permitted facility was at the time being properly operated;~~

16 ~~———— (c) During the period of the emergency the permittee took all reasonable steps to minimize levels of~~
17 ~~emissions that exceeded the emission standards, or other requirements in the permit; and~~

18 ~~———— (d) The permittee submitted notice of the emergency to the director within two working days of the~~
19 ~~time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of~~
20 ~~R307-415-6a(3)(c)(ii). This notice must contain a description of the emergency, any steps taken to mitigate~~
21 ~~emissions, and corrective actions taken.~~

22 ~~———— (4) In any enforcement proceeding, the permittee seeking to establish the occurrence of an~~
23 ~~emergency has the burden of proof.~~

24 ~~———— (5) This provision is in addition to any emergency or upset provision contained in any applicable~~
25 ~~requirement.]~~

26
27 **R307-415-7a. Permit Issuance: Action on Application.**

28 (1) A permit, permit modification, or renewal may be issued only if all of the following conditions
29 have been met:

30 (a) The director has received a complete application for a permit, permit modification, or permit
31 renewal, except that a complete application need not be received before issuance of a general permit;

32 (b) Except for modifications qualifying for minor permit modification procedures under R307-415-
33 7f(1) and (2), the director has complied with the requirements for public participation under R307-415-7i;

34 (c) The director has complied with the requirements for notifying and responding to affected States
35 under R307-415-8(2);

36 (d) The conditions of the permit provide for compliance with all applicable requirements and the
37 requirements of R307-415;

38 (e) EPA has received a copy of the proposed permit and any notices required under R307-415-8(1)
39 and (2), and has not objected to issuance of the permit under R307-415-8(3) within the time period specified
40 therein.

41 (2) Except as provided under the initial transition plan provided for under R307-415-5a(3) or under
42 regulations promulgated under Title IV of the Act for the permitting of Title IV affected sources under the
43 Acid Rain Program, the director shall take final action on each permit application, including a request for
44 permit modification or renewal, within 18 months after receiving a complete application.

45 (3) The director shall promptly provide notice to the applicant of whether the application is
46 complete. Unless the director requests additional information or otherwise notifies the applicant of
47 incompleteness within 60 days of receipt of an application, the application shall be deemed complete. A
48 completeness determination shall not be required for minor permit modifications.

49 (4) The director shall provide a statement that sets forth the legal and factual basis for the draft
50 permit conditions, including references to the applicable statutory or regulatory provisions. The director shall
51 send this statement to EPA and to any other person who requests it.

52 (5) The submittal of a complete application shall not affect the requirement that any source have an
53 approval order under R307-401.
54

1 **R307-415-7b. Permit Issuance: Requirement for a Permit.**

2 (1) Except as provided in R307-415-7d and R307-415-7f(1)(f)and 7f(2)(e), no Part 70 source may
3 operate after the time that it is required to submit a timely and complete application, except in compliance
4 with a permit issued under these rules.

5 (2) Application shield. If a Part 70 source submits a timely and complete application for permit
6 issuance, including for renewal, the source's failure to have an operating permit is not a violation of R307-415
7 until the director takes final action on the permit application. This protection shall cease to apply if,
8 subsequent to the completeness determination made pursuant to R307-415-7a(3), and as required by R307-
9 415-5a(2), the applicant fails to submit by the deadline specified in writing by the director any additional
10 information identified as being needed to process the application.
11

12 **R307-415-7c. Permit Renewal and Expiration.**

13 (1) Permits being renewed are subject to the same procedural requirements, including those for
14 public participation, affected State and EPA review, that apply to initial permit issuance.

15 (2) Permit expiration terminates the source's right to operate unless a timely and complete renewal
16 application has been submitted consistent with R307-415-7b and R307-415-5a(1)(c).

17 (3) If a timely and complete renewal application is submitted consistent with R307-415-7b and
18 R307-415-5a(1)(c)and the director fails to issue or deny the renewal permit before the end of the term of the
19 previous permit, then all of the terms and conditions of the permit, including the permit shield, shall remain in
20 effect until renewal or denial.
21

22 **R307-415-7d. Permit Revision: Changes That Do Not Require a Revision.**

23 (1) Operational Flexibility.

24 (a) A Part 70 source may make changes that contravene an express permit term if all of the
25 following conditions have been met:

26 (i) The source has obtained an approval order, or has met the exemption requirements under R307-
27 401;

28 (ii) The change would not violate any applicable requirements or contravene any federally
29 enforceable permit terms and conditions for monitoring, including test methods, recordkeeping, reporting, or
30 compliance certification requirements;

31 (iii) The changes are not modifications under any provision of Title I of the Act; and the changes do
32 not exceed the emissions allowable under the permit, whether expressed therein as a rate of emissions or in
33 terms of total emissions.

34 (iv) For each such change, the source shall provide written notice to the director and send a copy of
35 the notice to EPA at least seven days before implementing the proposed change. The seven-day requirement
36 may be waived by the director in the case of an emergency. The written notification shall include a brief
37 description of the change within the permitted facility, the date on which the change will occur, any change in
38 emissions, and any permit term or condition that is no longer applicable as a result of the change. The permit
39 shield shall not apply to these changes. The source, the EPA, and the director shall attach each such notice to
40 their copy of the relevant permit.

41 (b) Emission trading under the State Implementation Plan. Permitted sources may trade increases
42 and decreases in emissions in the permitted facility, where the State Implementation Plan provides for such
43 emissions trades, without requiring a permit revision provided the change is not a modification under any
44 provision of Title I of the Act, the change does not exceed the emissions allowable under the permit, and the
45 source notifies the director and the EPA at least seven days in advance of the trade. This provision is
46 available in those cases where the permit does not already provide for such emissions trading.

47 (i) The written notification required above shall include such information as may be required by the
48 provision in the State Implementation Plan authorizing the emissions trade, including at a minimum, when
49 the proposed change will occur, a description of each such change, any change in emissions, the permit
50 requirements with which the source will comply using the emissions trading provisions of the State
51 Implementation Plan, and the pollutants emitted subject to the emissions trade. The notice shall also refer to
52 the provisions with which the source will comply in the State Implementation Plan and that provide for the
53 emissions trade.

54 (ii) The permit shield shall not extend to any change made under this paragraph. Compliance with

1 the permit requirements that the source will meet using the emissions trade shall be determined according to
2 requirements of the State Implementation Plan authorizing the emissions trade.

3 (c) If a permit applicant requests it, the director shall issue permits that contain terms and conditions,
4 including all terms required under R307-415-6a and 6c to determine compliance, allowing for the trading of
5 emissions increases and decreases in the permitted facility solely for the purpose of complying with a
6 federally-enforceable emissions cap that is established in the permit independent of otherwise applicable
7 requirements. Such changes in emissions shall not be allowed if the change is a modification under any
8 provision of Title I of the Act or the change would exceed the emissions allowable under the permit. The
9 permit applicant shall include in its application proposed replicable procedures and permit terms that ensure
10 the emissions trades are quantifiable and enforceable. The director shall not include in the emissions trading
11 provisions any emissions units for which emissions are not quantifiable or for which there are no replicable
12 procedures to enforce the emissions trades. The permit shall also require compliance with all applicable
13 requirements, and shall require the source to notify the director and the EPA in writing at least seven days
14 before making the emission trade.

15 (i) The written notification shall state when the change will occur and shall describe the changes in
16 emissions that will result and how these increases and decreases in emissions will comply with the terms and
17 conditions of the permit.

18 (ii) The permit shield shall extend to terms and conditions that allow such increases and decreases in
19 emissions.

20 (2) Off-permit changes. A Part 70 source may make changes that are not addressed or prohibited by
21 the permit without a permit revision, unless such changes are subject to any requirements under Title IV of
22 the Act or are modifications under any provision of Title I of the Act.

23 (a) Each such change shall meet all applicable requirements and shall not violate any existing permit
24 term or condition.

25 (b) Sources must provide contemporaneous written notice to the director and EPA of each such
26 change, except for changes that qualify as insignificant under R307-415-5e. Such written notice shall
27 describe each such change, including the date, any change in emissions, pollutants emitted, and any
28 applicable requirements that would apply as a result of the change.

29 (c) The change shall not qualify for the permit shield.

30 (d) The permittee shall keep a record describing changes made at the source that result in emissions
31 of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit,
32 and the emissions resulting from those changes.

33 (e) The off-permit provisions do not affect the requirement for a source to obtain an approval order
34 under R307-401.

35
36 **R307-415-7e. Permit Revision: Administrative Amendments.**

37 (1) An "administrative permit amendment" is a permit revision that:

38 (a) Corrects typographical errors;

39 (b) Identifies a change in the name, address, or phone number of any person identified in the permit,
40 or provides a similar minor administrative change at the source;

41 (c) Requires more frequent monitoring or reporting by the permittee;

42 (d) Allows for a change in ownership or operational control of a source where the director
43 determines that no other change in the permit is necessary, provided that a written agreement containing a
44 specific date for transfer of permit responsibility, coverage, and liability between the current and new
45 permittee has been submitted to the director;

46 (e) Incorporates into the operating permit the requirements from an approval order issued under
47 R307-401, provided that the procedures for issuing the approval order were substantially equivalent to the
48 permit issuance or modification procedures of R307-415-7a through 7i and R307-415-8, and compliance
49 requirements are substantially equivalent to those contained in R307-415-6a through 6g;

50 (2) Administrative permit amendments for purposes of the acid rain portion of the permit shall be
51 governed by regulations promulgated under Title IV of the Act.

52 (3) Administrative permit amendment procedures. An administrative permit amendment may be
53 made by the director consistent with the following:

54 (a) The director shall take no more than 60 days from receipt of a request for an administrative

1 permit amendment to take final action on such request, and may incorporate such changes without providing
2 notice to the public or affected States provided that the director designates any such permit revisions as
3 having been made pursuant to this paragraph. The director shall take final action on a request for a change in
4 ownership or operational control of a source under (1)(d) above within 30 days of receipt of a request.

5 (b) The director shall submit a copy of the revised permit to EPA.

6 (c) The source may implement the changes addressed in the request for an administrative
7 amendment immediately upon submittal of the request.

8 (4) The director shall, upon taking final action granting a request for an administrative permit
9 amendment, allow coverage by the permit shield for administrative permit amendments made pursuant to
10 (1)(e) above which meet the relevant requirements of R307-415-6a through 6g, 7 and 8 for significant permit
11 modifications.

12 **R307-415-7f. Permit Revision: Modification.**

13 The permit modification procedures described in R307-415-7f shall not affect the requirement that a
14 source obtain an approval order under R307-401 before constructing or modifying a source of air pollution.
15 A modification not subject to the requirements of R307-401 shall not require an approval order in addition to
16 the permit modification as described in this section. A permit modification is any revision to an operating
17 permit that cannot be accomplished under the program's provisions for administrative permit amendments
18 under R307-415-7e. Any permit modification for purposes of the acid rain portion of the permit shall be
19 governed by regulations promulgated under Title IV of the Act.

20 (1) Minor permit modification procedures.

21 (a) Criteria. Minor permit modification procedures may be used only for those permit modifications
22 that:

23 (i) Do not violate any applicable requirement or require an approval order under R307-401;

24 (ii) Do not involve significant changes to existing monitoring, reporting, or recordkeeping
25 requirements in the permit;

26 (iii) Do not require or change a case-by-case determination of an emission limitation or other
27 standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or
28 increment analysis;

29 (iv) Do not seek to establish or change a permit term or condition for which there is no
30 corresponding underlying applicable requirement and that the source has assumed to avoid an applicable
31 requirement to which the source would otherwise be subject. Such term or condition would include a
32 federally enforceable emissions cap assumed to avoid classification as a modification under any provision of
33 Title I or an alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5)
34 of the Act, Early Reduction; and

35 (v) Are not modifications under any provision of Title I of the Act.

36 (b) Notwithstanding (1)(a) above and (2)(a) below, minor permit modification procedures may be
37 used for permit modifications involving the use of economic incentives, marketable permits, emissions
38 trading, and other similar approaches, to the extent that such minor permit modification procedures are
39 explicitly provided for in the State Implementation Plan or an applicable requirement.

40 (c) Application. An application requesting the use of minor permit modification procedures shall
41 meet the requirements of R307-415-5c and shall include all of the following:

42 (i) A description of the change, the emissions resulting from the change, and any new applicable
43 requirements that will apply if the change occurs;

44 (ii) The source's suggested draft permit;

45 (iii) Certification by a responsible official, consistent with R307-415-5d, that the proposed
46 modification meets the criteria for use of minor permit modification procedures and a request that such
47 procedures be used;

48 (iv) Completed forms for the director to use to notify EPA and affected States as required under
49 R307-415-8.

50 (d) EPA and affected State notification. Within five working days of receipt of a complete permit
51 modification application, the director shall notify EPA and affected States of the requested permit
52 modification. The director promptly shall send any notice required under R307-415-8(2)(b) to EPA.

53 (e) Timetable for issuance. The director may not issue a final permit modification until after EPA's
54

1 45-day review period or until EPA has notified the director that EPA will not object to issuance of the permit
2 modification, whichever is first. Within 90 days of the director's receipt of an application under minor permit
3 modification procedures or 15 days after the end of EPA's 45-day review period under R307-415-8(3),
4 whichever is later, the director shall:

- 5 (i) Issue the permit modification as proposed;
- 6 (ii) Deny the permit modification application;
- 7 (iii) Determine that the requested modification does not meet the minor permit modification criteria
8 and should be reviewed under the significant modification procedures; or
- 9 (iv) Revise the draft permit modification and transmit to EPA the new proposed permit modification
10 as required by R307-415-8(1).

11 (f) Source's ability to make change. A Part 70 source may make the change proposed in its minor
12 permit modification application immediately after it files such application if the source has received an
13 approval order under R307-401 or has met the approval order exemption requirements under R307-413-1
14 through 6. After the source makes the change allowed by the preceding sentence, and until the director takes
15 any of the actions specified in (1)(e)(i) through (iii) above, the source must comply with both the applicable
16 requirements governing the change and the proposed permit terms and conditions. During this time period,
17 the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the
18 source fails to comply with its proposed permit terms and conditions during this time period, the existing
19 permit terms and conditions it seeks to modify may be enforced against it.

20 (g) Permit shield. The permit shield under R307-415-6f shall not extend to minor permit
21 modifications.

22 (2) Group processing of minor permit modifications. Consistent with this paragraph, the director
23 may modify the procedure outlined in (1) above to process groups of a source's applications for certain
24 modifications eligible for minor permit modification processing.

- 25 (a) Criteria. Group processing of modifications may be used only for those permit modifications:
 - 26 (i) That meet the criteria for minor permit modification procedures under (1)(a) above; and
 - 27 (ii) That collectively are below the following threshold level: 10 percent of the emissions allowed
28 by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition
29 of major source in R307-415-3, or five tons per year, whichever is least.

30 (b) Application. An application requesting the use of group processing procedures shall meet the
31 requirements of R307-415-5c and shall include the following:

- 32 (i) A description of the change, the emissions resulting from the change, and any new applicable
33 requirements that will apply if the change occurs.
- 34 (ii) The source's suggested draft permit.
- 35 (iii) Certification by a responsible official, consistent with R307-415-5d, that the proposed
36 modification meets the criteria for use of group processing procedures and a request that such procedures be
37 used.
- 38 (iv) A list of the source's other pending applications awaiting group processing, and a determination
39 of whether the requested modification, aggregated with these other applications, equals or exceeds the
40 threshold set under R307-415-7e(2)(a)(ii).
- 41 (v) Certification, consistent with R307-415-5d, that the source has notified EPA of the proposed
42 modification. Such notification need only contain a brief description of the requested modification.
- 43 (vi) Completed forms for the director to use to notify EPA and affected States as required under
44 R307-415-8.

45 (c) EPA and affected State notification. On a quarterly basis or within five business days of receipt
46 of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the
47 threshold level set under (2)(a)(ii) above, whichever is earlier, the director shall notify EPA and affected
48 States of the requested permit modifications. The director shall send any notice required under R307-415-
49 8(2)(b) to EPA.

50 (d) Timetable for issuance. The provisions of (1)(e) above shall apply to modifications eligible for
51 group processing, except that the director shall take one of the actions specified in (1)(e)(i) through (iv) above
52 within 180 days of receipt of the application or 15 days after the end of EPA's 45-day review period under
53 R307-415-8(3), whichever is later.

54 (e) Source's ability to make change. The provisions of (1)(f) above shall apply to modifications

1 eligible for group processing.

2 (f) Permit shield. The provisions of (1)(g) above shall also apply to modifications eligible for group
3 processing.

4 (3) Significant modification procedures.

5 (a) Criteria. Significant modification procedures shall be used for applications requesting permit
6 modifications that do not qualify as minor permit modifications or as administrative amendments. Every
7 significant change in existing monitoring permit terms or conditions and every relaxation of reporting or
8 recordkeeping permit terms or conditions shall be considered significant. Nothing herein shall be construed
9 to preclude the permittee from making changes consistent with R307-415 that would render existing permit
10 compliance terms and conditions irrelevant.

11 (b) Significant permit modifications shall meet all requirements of R307-415, including those for
12 applications, public participation, review by affected States, and review by EPA, as they apply to permit
13 issuance and permit renewal. The director shall complete review on the majority of significant permit
14 modifications within nine months after receipt of a complete application.

15
16 **R307-415-7g. Permit Revision: Reopening for Cause.**

17 (1) Each issued permit shall include provisions specifying the conditions under which the permit
18 will be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of
19 the following circumstances:

20 (a) New applicable requirements become applicable to a major Part 70 source with a remaining
21 permit term of three or more years. Such a reopening shall be completed not later than 18 months after
22 promulgation of the applicable requirement. No such reopening is required if the effective date of the
23 requirement is later than the date on which the permit is due to expire, unless the terms and conditions of the
24 permit have been extended pursuant to R307-415-7c(3).

25 (b) Additional requirements, including excess emissions requirements, become applicable to an Title
26 IV affected source under the Acid Rain Program. Upon approval by EPA, excess emissions offset plans shall
27 be deemed to be incorporated into the permit.

28 (c) The director or EPA determines that the permit contains a material mistake or that inaccurate
29 statements were made in establishing the emissions standards or other terms or conditions of the permit.

30 (d) EPA or the director determines that the permit must be revised or revoked to assure compliance
31 with the applicable requirements.

32 (e) Additional applicable requirements are to become effective before the renewal date of the permit
33 and are in conflict with existing permit conditions.

34 (2) Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial
35 permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such
36 reopening shall be made as expeditiously as practicable.

37 (3) Reopenings under (1) above shall not be initiated before a notice of such intent is provided to the
38 Part 70 source by the director at least 30 days in advance of the date that the permit is to be reopened, except
39 that the director may provide a shorter time period in the case of an emergency.

40
41 **R307-415-7h. Permit Revision: Reopenings for Cause by EPA.**

42 The director shall, within 90 days after receipt of notification that EPA finds that cause exists to
43 terminate, modify or revoke and reissue a permit, forward to EPA a proposed determination of termination,
44 modification, or revocation and reissuance, as appropriate. The director may request a 90-day extension if a
45 new or revised permit application is necessary or if the director determines that the permittee must submit
46 additional information.

47
48 **R307-415-7i. Public Participation.**

49 The director shall provide for public notice, comment and an opportunity for a hearing on initial
50 permit issuance, significant modifications, reopenings for cause, and renewals, including the following
51 procedures:

52 (1) The director shall give notice by publishing a legal notice on the public legal notice website
53 under Subsection 42-1-101(2) and by posting the notice and the draft permit on the Division's website for the
54 duration of the public comment period. The director shall give notice to persons on a mailing list developed

1 by the director, including those who request in writing to be on the list, and by other means if necessary to
2 assure adequate notice to the affected public.

3 (2) The notice shall identify:

4 (a) the Part 70 source;

5 (b) the name and address of the permittee;

6 (c) the name and address of the director;

7 (d) the activity or activities involved in the permit action;

8 (e) the emissions change involved in any permit modification;

9 (f) the name, address, and telephone number of a person from whom interested persons may obtain
10 additional information, including copies of the permit draft, the application, all relevant supporting materials,
11 including any compliance plan or compliance and monitoring certification, and all other materials available to
12 the director that are relevant to the permit decision;

13 (g) a brief description of the comment procedures; and

14 (h) the time and place of any hearing that may be held, including a statement of procedures to
15 request a hearing, unless a hearing has already been scheduled.

16 (3) The director shall provide such notice and opportunity for participation by affected States as is
17 provided for by Section R307-415-8.

18 (4) The director shall provide at least 30 days for public comment and shall give notice of any public
19 hearing at least 30 days in advance of the hearing.

20 (5) The director shall keep a record of the commenters and also of the issues raised during the public
21 participation process, and such records shall be available to the public and to EPA.

22 23 **R307-415-8. Permit Review by EPA and Affected States.**

24 (1) Transmission of information to EPA.

25 (a) The director shall provide to EPA a copy of each permit application, including any application
26 for permit modification, each proposed permit, and each final operating permit, unless the Administrator has
27 waived this requirement for a category of sources, including any class, type, or size within such category.
28 The applicant may be required by the director to provide a copy of the permit application, including the
29 compliance plan, directly to EPA. Upon agreement with EPA, the director may submit to EPA a permit
30 application summary form and any relevant portion of the permit application and compliance plan, in place of
31 the complete permit application and compliance plan. To the extent practicable, the preceding information
32 shall be provided in computer-readable format compatible with EPA's national database management system.

33 (b) The director shall keep for five years such records and submit to EPA such information as EPA
34 may reasonably require to ascertain whether the Operating Permit Program complies with the requirements of
35 the Act or of 40 CFR Part 70.

36 (2) Review by affected States.

37 (a) The director shall give notice of each draft permit to any affected State on or before the time that
38 the director provides this notice to the public under R307-415-7i, except to the extent R307-415-7f(1) or (2)
39 requires the timing to be different, unless the Administrator has waived this requirement for a category of
40 sources, including any class, type, or size within such category.

41 (b) The director, as part of the submittal of the proposed permit to EPA, or as soon as possible after
42 the submittal for minor permit modification procedures allowed under R307-415-7f(1) or (2), shall notify
43 EPA and any affected State in writing of any refusal by the director to accept all recommendations for the
44 proposed permit that the affected State submitted during the public or affected State review period. The
45 notice shall include the director's reasons for not accepting any such recommendation. The director is not
46 required to accept recommendations that are not based on applicable requirements or the requirements of
47 R307-415.

48 (3) EPA objection. If EPA objects to the issuance of a permit in writing within 45 days of receipt of
49 the proposed permit and all necessary supporting information, then the director shall not issue the permit. If
50 the director fails, within 90 days after the date of an objection by EPA, to revise and submit a proposed
51 permit in response to the objection, EPA may issue or deny the permit in accordance with the requirements of
52 the Federal program promulgated under Title V of the Act.

53 (4) Public petitions to EPA. If EPA does not object in writing under R307-415-8(3), any person
54 may petition EPA under the provisions of 40 CFR 70.8(d) within 60 days after the expiration of EPA's 45-

1 day review period to make such objection. If EPA objects to the permit as a result of a petition, the director
2 shall not issue the permit until EPA's objection has been resolved, except that a petition for review does not
3 stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day
4 review period and prior to an EPA objection. If the director has issued a permit prior to receipt of an EPA
5 objection under this paragraph, EPA may modify, terminate, or revoke such permit, consistent with the
6 procedures in 40 CFR 70.7(g) except in unusual circumstances, and the director may thereafter issue only a
7 revised permit that satisfies EPA's objection. In any case, the source will not be in violation of the
8 requirement to have submitted a timely and complete application.

9 (5) Prohibition on default issuance. The director shall not issue an operating permit, including a
10 permit renewal or modification, until affected States and EPA have had an opportunity to review the
11 proposed permit as required under this Section.

12 **R307-415-9. Fees for Operating Permits.**

13 (1) Definitions. The following definition applies only to Subsection R307-415-9: "Allowable
14 emissions" are emissions based on the potential to emit stated by the director in an approval order, the State
15 Implementation Plan or an operating permit.

16 (2) Applicability. As authorized by Section 19-1-201, all Part 70 sources must pay annual fees to
17 support the operating permit program.

18 (3) Calculation of Annual Emission Fee for a Part 70 Source.

19 (a) The emission fee shall be calculated for all chargeable pollutants emitted from a Part 70 source,
20 even if only one unit or one chargeable pollutant triggers the applicability of Rule R307-415 to the source.

21 (i) Fugitive emissions and fugitive dust shall be counted when determining the emission fee for a
22 Part 70 source.

23 (ii) An emission fee shall not be charged for emissions of any amount of a chargeable pollutant if the
24 emissions are already accounted for within the emissions of another chargeable pollutant.

25 (iii) An emission fee shall not be charged for emissions of any one chargeable pollutant from any
26 one Part 70 source in excess of 4,000 tons per year.

27 (iv) Emissions resulting directly from an internal combustion engine for transportation purposes or
28 from a non-road vehicle shall not be counted when calculating chargeable emissions for a Part 70 source.

29 (b) The emission fee portion of the total fee for an existing source prior to the issuance of an
30 operating permit, shall be based on the most recent emission inventory available unless a Part 70 source
31 elected, prior to July 1, 1992, to base the fee for one or more pollutants on allowable emissions established in
32 an approval order or the State Implementation Plan.

33 (c) The emission fee portion of the total fee after the issuance or renewal of an operating permit shall
34 be based on the most recent emission inventory available unless a Part 70 source elects, prior to the issuance
35 or renewal of the permit, to base the fee for one or more chargeable pollutants on allowable emissions for the
36 entire term of the permit.

37 (d) When a new Part 70 source begins operating, it shall pay the emission fee portion of the total fee
38 for that fiscal year, prorated from the date the source begins operating plus any additional Part 70 fees. The
39 emission fee portion of the total fee for a new Part 70 source shall be based on allowable emissions until that
40 source has been in operation for a full calendar year, and has submitted an inventory of actual emissions. If a
41 new Part 70 source is not billed in the first billing cycle of its operation, the emission fee plus any additional
42 fees shall be calculated using the emissions that would have been used had the source been billed at that time.
43 This fee shall be in addition to any subsequent emission fees.

44 (e) When a Part 70 source is no longer subject to Part 70, the emission fee portion of the total fee
45 shall be prorated to the date that the source ceased to be subject to Part 70. If the Part 70 source has already
46 paid an emission fee that is greater than the prorated fee, the balance of the emission fee will be refunded. No
47 other Part 70 fees shall be refunded.

48 (i) If that Part 70 source again becomes subject to the emission fee requirements, it shall pay an
49 emission fee for that fiscal year prorated from the date the source again became subject to the emission fee
50 requirements plus any additional fees typically charged for Part 70 sources for that year. The fee shall be
51 based on the emission inventory during the last full year of operation. The emission fee shall continue to be
52 based on actual emissions reported for the last full calendar year of operation until that source has been in
53 operation for a full calendar year and has submitted an updated inventory of actual emissions.
54

1 (ii) If a Part 70 source has chosen to base the emission fee on allowable emissions, then the prorated
2 fee shall be calculated using allowable emissions.

3 (f) Modifications. The method for calculating the emission fee for a source shall not be affected by
4 modifications at that source, unless the source demonstrates to the director that another method for
5 calculating chargeable emissions is more representative of operations after the modification has been made.

6 (g) The director may presume that potential emissions of any chargeable pollutant for the source are
7 equivalent to the actual emissions for the source if recent inventory data are not available.

8 (4) Collection of Fees.

9 (a) The Part 70 fees are due on October 1 of each calendar year or 45 days after the source has
10 received notice of the amount of the fee, whichever is later.

11 (b) The director may require any owner or operator of the source who fails to pay the annual fees by
12 the due date to pay interest on the fee and a penalty under Subsection 19-2-109.1(4)(a) or revoke the
13 operating permit under Subsection 19-2-109.1(4)(b).

14 (c) An owner or operator may contest a Part 70 fee assessment, or associated penalty, under 19-2-
15 109.1(5).

16 (d) To reinstate the permit revoked under Subsection 19-2-109.1(4)(b), an owner or operator shall
17 pay the outstanding fees, a penalty of not more than 50% of outstanding fees, and interests on the outstanding
18 fees computed at 12% annually.

19
20 **KEY: air pollution, greenhouse gases, operating permit, emission fees**

21 **Date of Last Change: January 15, 2022**

22 **Notice of Continuation: May 4, 2022**

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

ITEM 6



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-085-23

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

THROUGH: Erica Pryor, Rules Coordinator

FROM: Mat Carlile, Environmental Planning Consultant

DATE: October 17, 2023

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend Incorporation of Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability; and Part B, Davis County; R307-110-31. Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability; and R307-110-32. Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County.

Utah Code Annotated 41-6a-1642 gives authority to each county to design and manage a vehicle inspection and maintenance (I/M) program when it is required to attain and maintain any National Ambient Air Quality Standard (NAAQS). State Implementation Plan (SIP) Section X incorporates these county programs into the SIP. Section X, Part A summarizes I/M requirements that are common among all I/M programs. Parts B through F contain the requirements for each county's unique I/M program. Section X, Part B is unique to Davis County's I/M program. Amendments to Section X, Part A was last adopted by the Board on September 4, 2019, and Section X, Part B was last adopted by the Board on March 4, 2020.

The Division of Air Quality is requesting the Air Quality Board (Board) to propose for public comment amendments to SIP Section X Parts A and B of the SIP. The amendments to Part A update the legislative changes to the I/M programs and detail how out-of-state exemptions are handled. Amendments to Part B update Davis County's ordinances/regulations to reflect the activities of the current programs, provide clarity, and ensure that the programs conform to federal requirements.

Davis County made the following changes to their I/M ordinance:

- changed the authority to administer and enforce Davis County Ordinance Chapter from the Environmental Health Division to the Davis County Health Department, giving the Health Director final authority;
- aligned its I/M program to match other programs within the state by:
 - removing the requirement to have medium-duty diesel motor vehicles tested at the Davis County Testing Center. Any permitted I/M station is now able to test diesel vehicles less than 14,001 lbs. GVWR that are 1998 and newer;
 - exempting heavy-duty diesel motor vehicles from a required inspection;
 - exempting all diesel vehicles with model years 1997 and older; and
 - allowing readiness monitors to be “not ready” under certain circumstances and still pass the inspection.
- extended the validity of inspector permits upon renewal from one year to two years;
- simplified the fee schedule as follows:
 - added a plan review fee of \$50 for first permit, instead of an initial permit fee of \$300;
 - changed the permit fee for stations to \$200 a year, instead of \$300 for the first year and \$60 every year after;
 - moved inspector permit renewal times from one to two years and increased the fee from \$25 to \$50;
 - added an exam fee of \$25;
 - added a fee for a Referee or Waiver Inspection which would only be assessed if no charges were assessed for a test at another location;
 - removed fees for permitting station at new location, changing the name of a station, changing permit type, refresher training, study guides, duplicate certificates of compliance, and chapter copies.
- removed repair station and repair technician permits and requirements;
- simplified the “no idling” requirements; and
- moved diesel testing and inspection procedures from the appendix into the body of the rules.

Staff worked closely with Environmental Protection Agency (EPA) and Davis County to ensure that these amendments accurately reflect the current I/M programs and are approvable by the EPA.

Recommendation: Staff recommends the Board approve for public comment the amendments to incorporation of Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability, and Part B, Davis County; and R307-110-31 and 32, Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability, and Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County.

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UTAH STATE IMPLEMENTATION PLAN

SECTION X

VEHICLE INSPECTION AND MAINTENANCE PROGRAM

PART A

GENERAL REQUIREMENTS AND APPLICABILITY

Adopted by the Utah Air Quality Board
February 7, 2024

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UTAH STATE IMPLEMENTATION PLAN
SECTION X
VEHICLE INSPECTION AND MAINTENANCE PROGRAM
PART A
GENERAL REQUIREMENTS AND APPLICABILITY

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1. General Requirements

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Federal I/M Program requirements: Utah was previously required by Section 182 and Section 187 of the Clean Air Act (CAA) to implement and maintain an Inspection and Maintenance (I/M) program in Davis, Salt Lake, Utah, and Weber counties that met the minimum requirements of 40 Code of Federal Regulation (CFR) Part 51 Subpart S and was at least as effective as the Environmental Protection Agency's (EPA's) Basic Performance Standard as specified in 40 CFR 51.352. The Basic Performance Standard requirement is no longer applicable as the relevant nonattainment areas in Davis, Salt Lake, Utah, and Weber counties have been redesignated to attainment / maintenance for the carbon monoxide (CO) National Ambient Air Quality Standards (NAAQS) and the 1-hour ozone NAAQS. Parts A, B, C, D, and E of Section X, together with the referenced appendices, continue to demonstrate compliance with the 40 CFR Part 51 provisions for Inspection and Maintenance Program Requirements for Davis, Salt Lake, Utah, and Weber counties and produce mobile source emission reductions that are sufficient to demonstrate continued maintenance of the applicable CO and 1-hour ozone NAAQS. In addition, the Cache, Davis, Salt Lake, Utah, and Weber counties' I/M programs are also utilized as a control measure to attain and maintain EPA's particulate NAAQS (PM_{2.5} and PM₁₀).

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On-Board Diagnostics (OBD) Checks: By January 1, 2002, OBD checks and OBD-related repairs are required as a routine component of Utah I/M programs on model year 1996 and newer light-duty vehicles and light-duty trucks equipped with certified on-board diagnostic systems. The federal performance standard requires repair of malfunctions or system deterioration identified by or affecting OBD systems.

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Utah I/M program history and general authority: The legal authority for Utah's I/M programs, Utah Code Annotated Section 41-6-163.6¹, was enacted during the First Special Session of the Utah Legislature in 1983. I/M programs were initially implemented by Davis and Salt Lake counties in 1984, Utah County in 1986, and Weber County in 1990.

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In 1990, the Legislature enacted Section 41-6-163.7² that requires counties with I/M programs use computerized I/M testing equipment, adopt standardized emission standards, and provide for reciprocity. Those requirements were fully implemented by Davis, Salt Lake, and Utah counties on September 1, 1991, and Weber County on

1 Renumbered and recodified in 2005 at Utah Code Annotated 41-6a-1642

2 Renumbered and recodified in 2005 at Utah Code Annotated 41-6a-1643

1 January 1, 1992.

2
3 Section 41-6-163.6 was again amended by the Legislature in 1992 to include vehicles
4 owned and operated by the federal government, federal employees, and students and
5 employees of colleges and universities. The 1992 revision of 41-6-163.6 also established
6 more stringent restrictions for vehicles that qualify for a farm truck exemption.
7

8 Section 41-6-163.6 requires that, if identified as necessary to attain or maintain any
9 NAAQS, a county must create an I/M program that follows the criteria outlined in
10 Section 41-6-163.6. Once a county enacts regulations or ordinances, amendments to
11 Section 19-2-104 in 1992 authorized the Utah Air Quality Board to formally establish
12 those requirements for county I/M programs after obtaining agreement from the affected
13 counties. Section 41-6-163.6 was also amended to allow the counties to subject
14 individual motor vehicles to inspection and maintenance at times other than the annual
15 inspection.
16

17 Section 41-6-163.6 was amended in 1994 to authorize implementation of I/M programs
18 stricter than minimum federal requirements in counties where it is necessary to attain or
19 maintain ambient air quality standards. Section 41-6-163.6 requires preference be given
20 to a decentralized program to the extent that a decentralized program will attain and
21 maintain ambient air quality standards and meet federal requirements. It also requires
22 affected counties and the Air Quality Board to give preference to the most cost-effective
23 means to achieve and maintain the maximum benefit for air quality standards and to meet
24 federal air quality requirements related to motor vehicles. The Legislature indicated
25 preference for a reasonable phase-out period for replacement of air pollution test
26 equipment made obsolete by an I/M program in accordance with applicable federal
27 requirements and if such a phase-out does not otherwise interfere with attainment of
28 ambient air quality standards.
29

30 House Concurrent Resolution No. 9 of the 1994 General Session of the Legislature
31 (H.C.R. 9) was a concurrent resolution of the Legislature and the Governor expressing
32 opposition to the EPA's position regarding the implementation of enhanced vehicle
33 inspection. Additionally, H.C.R. 9 urged the EPA to recognize the benefits of other
34 vehicle inspection program options and to work with the state to develop workable plans
35 for attaining ambient air quality standards and protecting public health.
36

37 In 1995, the Legislature amended Section 41-6-163.7 to rescind the requirement for I/M
38 program standardization and reciprocity between counties. While advantageous,
39 standardization and reciprocity between I/M counties is no longer required, and each I/M
40 county is free to develop an I/M program that best meets the respective county's needs.
41

42 In 2002, the Legislature amended Section 41-6-163.7 to allow for inspection every other
43 year for cars that are six years old or newer on January 1 each year. This provision is
44 applicable to the extent allowed under the current state implementation plan for each
45 area.
46

1 In 2005, the Legislature renumbered Section 41-6-163.6 and re-codified it as Section 41-
2 6a-1642. The Legislature also amended Section 41-6a-1642 to allow counties with an
3 I/M program to require college students and employees who park a motor vehicle on
4 college or university campus that is not registered in a county subject to emission
5 inspection, to provide proof of compliance with an emission inspection.
6

7 Section 41 6a-1642 was amended in 2008 to provide an exemption for vintage vehicles,
8 which are defined in Section 41-21-1. Section 41 6a-1642 was again amended in 2009 to
9 provide an exemption for custom vehicles, which are defined in Section 41-6a-1507.
10

11 In 2010, the Legislature enacted Section 41-1a-1223 that allows counties with an I/M
12 program to impose a local emissions compliance fee of up to three dollars. This same bill
13 amended Section 41-6a-1642 to require I/M counties that impose the fee to use revenues
14 generated from the fee to establish and enforce an emission inspection and maintenance
15 program.
16

17 Section 41-6a-1642 was amended in 2011 to require I/M counties' regulations and
18 ordinances to be compliant with the analyzer design and certification requirements
19 contained in the SIP.
20

21 In 2012, the Legislature amended Section 41-6a-1642 to allow a motor vehicle that is less
22 than two years old as of January 1, of any given year, to be exempt from being required
23 to obtain an emission inspection. This provision is applicable to the extent allowed under
24 the current SIP for each area. This bill went into effect on October 1, 2012. In addition,
25 the Legislature also amended Section 41-1a-205 to allow a safety and emissions
26 inspection issued for a motor vehicle during the previous 11 months may be used to
27 satisfy the safety and emissions inspection requirements³. The effective date of this bill is
28 January 1, 2013. The Legislature also amended Section 41-1a-1223 to allow the counties
29 to collect a \$2.25 fee for those vehicles that are registered for a six-month period under
30 Utah Code Annotated 41-1a-215.5. The effective date of this bill is July 1, 2013.
31

32 Section 41-6a-1642 was amended in 2013 to include the date that notice is required and
33 the date the enactment, change, or repeal will take effect if a county legislative body
34 enacts, changes, or repeals the local emissions compliance fee. Section 41-6a-1642
35 provides that for a county required to implement a new vehicle emissions inspection and
36 maintenance program, but for which no current federally approved state implementation
37 plan exists, a vehicle shall be tested at a frequency determined by the county legislative
38 body, in consultation with the Air Quality Board, that is necessary to comply with federal
39 law or attain or maintain any national ambient air quality standard and establishes
40 procedures and notice requirements for a county legislative body to establish or change
41 the frequency of a vehicle emissions inspection and maintenance program.
42

43 In 2017, the Legislature amended Section 41-6a-1642 to allow a county that imposes a

³ Utah Code 41-6a-1642(7) states that "the emissions inspection shall be required within the same time limit applicable to a safety inspection under Section 41-1a-205."

1 local emissions compliance fee to use revenue generated from the fee to promote
2 programs to maintain a national ambient air quality standard. At that time, the Legislature
3 also amended 41-6a-1642 to state that vehicles may not be denied registration based
4 solely on the presence of a defeat device covered in the Volkswagen partial consent
5 decrees or an EPA-approved vehicle modification.
6

7 In 2020, the Legislature amended Section 41-1a-1223 to exempt electric motor vehicles
8 from local emissions compliance fees. Section 41-6a-1642 was amended in 2022 to allow
9 a county to investigate and determine if a vehicle owner has provided a false or an
10 improper address to register a vehicle to avoid an emissions inspection and subsequently
11 allows a county to impose a civil penalty. The Legislature also amended Utah Code in
12 2023 to add a definition for restored modified vehicle. This amendment also requires an
13 emissions inspection as a prerequisite to registration of a restored-modified vehicle and
14 prohibits a county emissions program from refusing to perform an emissions test based
15 solely on the status of a vehicle as a restored-modified vehicle.
16

17 *Notification of Programmatic Changes:* The legislative body of a county identified in
18 Utah Code 41-6a-1642 (1) shall consult with the Director of the Utah Division of Air
19 Quality prior to their public comment process for any amendments to their I/M
20 regulations or ordinances. Consultation should include a written notice describing the
21 proposed changes to the I/M program.
22

23 **2. Applicability**

24
25 *General Applicability:* Utah Code Annotated 41-6a-1642 gives authority to each county
26 to implement and manage an I/M program to attain and maintain any NAAQS. Davis,
27 Salt Lake, Utah, and Weber counties were required under Section 182 and 187 of the
28 CAA to implement an I/M program to attain and maintain the ozone and carbon
29 monoxide NAAQS. All of Utah's ozone and carbon monoxide maintenance areas are
30 located in Davis, Salt Lake, Utah, and Weber counties. In addition, a motor vehicle I/M
31 program is a control measure for attaining the particulate matter NAAQS in Cache,
32 Davis, Salt Lake, Utah, and Weber counties. Utah's SIP for I/M is applicable county-
33 wide in Cache, Davis, Salt Lake, Utah, and Weber counties.
34

35 **3. General Summary**

36 Below is a general summary of Utah's I/M programs. Part B, C, D, E and F of this
37 section of the SIP provide a more specific summary of I/M programs for Cache, Davis,
38 Salt Lake, Utah, and Weber counties. These parts also incorporate the individual county
39 I/M ordinances/regulations and policies that provide for the enforceability of the
40 respective I/M programs.
41

42 *Network Type:* All Utah I/M programs are comprised of a decentralized, test-and-repair
43 network.

1
2 *I/M program funding requirements:* Counties with I/M programs allocate funding as
3 needed to comply with the relevant requirements specified in Utah's SIP, the Utah
4 statutes, county ordinances, regulations and policies, and the federal I/M program
5 regulation. Program budgets include funding for resources necessary to adequately
6 manage the programs and those who conduct covert and overt audits, including:

- 7 • necessary repairs;
- 8 • assistance and education for inspectors, station owners, and the public;
- 9 • management for the analysis and reporting of data;
- 10 • ensuring program compliance by inspectors, stations, and vehicle owners; and
- 11 • evaluation and upgrades to the programs.

12
13 *Funding mechanisms:* Utah's I/M programs are funded through several mechanisms
14 including, but not limited to, a fee which is collected at the time of registration by the
15 Utah Tax Commission Division of Motor Vehicles or the county Assessor's Office. Those
16 monies are remitted to the county where the vehicle is registered. The collection of fees
17 for various permitting activities and the selling inspection certificates to inspection
18 stations are the other mechanisms. A fee schedule can be found in an appendix to each
19 county I/M ordinance or regulation.

20
21 *Government fleet:* Section 41-6a-1642(1)(b) of the Utah Code requires that all vehicles
22 owned or operated in the I/M counties by federal, state, or local government entities
23 comply with the I/M programs.

24
25 *Vehicles owned by students and federal employees:* Section 41-6a-1642(5) provides a
26 provision that counties may require universities and colleges located in Utah's I/M areas
27 to require proof of compliance with the I/M program for vehicles which are permitted to
28 park on campus regardless of where the vehicle is registered. Vehicles operated by
29 federal employees and operated on a federal installation located within an I/M program
30 area are also subject to the I/M program regardless of where they are registered. Proof of
31 compliance consists of a current vehicle registration in an I/M program area, an I/M
32 certificate of compliance or waiver, or evidence of exempt vehicle status.

33
34 *Rental vehicles:* All vehicles available for rent or use in an I/M county are subject to the
35 county I/M program. To the extent practicable, all vehicles principally operated in the
36 county are subject to the I/M program.

37
38 *Farm truck exemption:* Eligibility for the farm truck exemption from the I/M programs is
39 specified in Section 41-6a-1642(4) and must be verified in writing by county I/M
40 program staff.

41
42 *Out-of-state exemption:* Vehicles registered in an I/M county but operated out-of-state
43 are eligible for an exemption. The owner must [~~complete Utah State Tax Commission~~
44 ~~form TC-810~~] receive a deferment from the county prior to a registration being

1 completed. ~~[in order to be registered without inspection documentation]~~. The owner must
2 explain why the vehicle is unavailable for inspection in Utah. Common situations
3 include Utah citizens that are military personnel stationed outside of the state, students
4 attending institutions of higher education elsewhere, and people serving religious
5 assignments outside the area. If the temporary address of the owner is located within
6 another I/M program area listed on the back of the form, the owner must submit proof of
7 compliance with that I/M program at the time of, and as a condition precedent to,
8 registration or renewal of registration. The vehicle owner must identify their anticipated
9 date of return to the state and is required to have the vehicle inspected within ten days
10 after the vehicle is back in Utah.

11
12 *Motorist Compliance Enforcement Mechanism:* The I/M programs are registration-
13 enforced on a county-wide basis. A certificate of emissions inspection or a waiver or
14 other evidence that the vehicle is exempt from the I/M program requirements must be
15 presented at the time of, and as a condition precedent to, registration or renewal of
16 registration of a motor vehicle as specified in Section 41-6a-1642(1)(a). Owners of
17 vehicles operated without valid license plates or with expired license plates are subject to
18 ticketing by peace officers at any time. Proof of compliance consists of a current vehicle
19 registration in an I/M program area or an I/M certificate of compliance or waiver, or
20 evidence of exempt vehicle status.

21
22 *Valid registration required:* A certificate of emissions inspection, a waiver, or other
23 evidence that the vehicle is exempt from the I/M program requirements must be
24 presented at the time of, and as a condition precedent to, registration or renewal of
25 registration of a motor vehicle as specified in Section 41-6a-1642 and 41-1a-203(~~1~~
26 2)(~~e~~)b). The I/M inspection is required within two months prior to the month the
27 registration renewal is due as specified in Section 41-6a-1642(~~7~~)9 ~~and 41-1a-~~
28 ~~205(2)(a)~~. Owners of vehicles operated without valid license plates or with expired
29 license plates are subject to ticketing by peace officers at any time. Registration status is
30 also checked on a random basis at roadblocks and in parking lots at various locations
31 around the state. Per Section 41-1a-402, Utah license plates indicate the expiration date
32 of the registration. Per Section 41-1a-13035, it is a Class C misdemeanor for a person to
33 drive or move, or for an owner knowingly to permit to be driven or moved, upon any
34 highway any vehicle of a type that is required to be registered in the state that is not
35 registered in the state. Section 41-1a-1315 specifies that it is a third-degree felony to
36 falsify evidence of title and registration.

37
38 *Change of ownership:* Vehicle owners are not able to avoid the I/M inspection program
39 by changing ownership of the vehicle. Upon change of vehicle ownership, the vehicle
40 must be re-registered by the new owner. The new owner must present an emissions
41 certificate, waiver, or proof of exemption from the I/M program as a condition precedent
42 to registration⁴. The new annual registration and I/M inspection dates for the vehicle will
43 be the date of registration.

4 See Utah Code Section 41-6a-1642 (7) and 41-1a-205(2)(b) and (c)
Section X, Part A, page 6

1
2 *Utah Tax Commission, and County Assessors roles:* The Utah Tax Commission Motor
3 Vehicle Division and county assessor deny applications for vehicle registration or
4 renewal of registration without submittal of a valid certificate of compliance, waiver, or
5 verified evidence of exemption. Altered or hand-written documents are not accepted. All
6 certificate data is collected by county I/M program auditors and subjected to scrutiny for
7 evidence of any improprieties.

8
9 *Database quality assurance:* The vehicle registration database is maintained, and quality
10 assured by the Utah Division of Motor Vehicle (DMV). Each county I/M inspection
11 database is maintained, and quality assured by the county I/M program staff. The county
12 I/M program has access to the DMV database and utilizes it for quality assurance
13 purposes. All databases are subject to regular auditing, cross-referencing, and analysis.
14 The databases are also evaluated using data obtained during roadblocks and parking lot
15 surveys. Evidence of program effectiveness may trigger additional joint enforcement
16 activities.

17
18 *Oversight provisions:* The oversight program includes verification of exempt vehicle
19 status through inspection, data accuracy through automatic and redundant data entry for
20 most data elements, an audit trail for program documentation to ensure control and
21 tracking of enforcement documents, identification, and verification of exemption-
22 triggering changes in registration data, and regular audits of I/M inspection records, I/M
23 program databases, and the DMV database.

24
25 *Enforcement staff quality assurance:* County I/M program auditors and DMV clerks
26 involved in vehicle registration are subject to regular performance audits by their
27 supervisors. All enforcement personnel, direct and indirect, involved in the motorist
28 enforcement program are subject to disciplinary action, additional training, and
29 termination for deviation from procedures. Specific provisions are outlined in the DMV
30 procedures manual which is available upon request. The county I/M audit policy
31 documents are provided in their respective part of this section.

32
33 *Quality Control:* The I/M counties maintain records regarding inspections, equipment
34 maintenance, and the required quality assurance activities. The I/M counties analyze I/M
35 program data and submit annual reports to the EPA and UDAQ upon request.

36
37 *Analyzer data collection:* Each county's I/M analyzer data collection system meets the
38 requirements specified under 40 CFR 51.365.

39
40 *Data analysis and reporting- Annual:* The I/M counties analyze and submit to EPA and
41 UDAQ an annual report for January through December of the previous year, which
42 includes all the data elements listed in 40 CFR Subpart S 51.366 by July of each year. If
43 a report is required earlier than annually, the counties will accommodate the request.
44

1 *General enforcement provisions:* The county I/M programs are responsible for
2 enforcement action against incompetent or dishonest stations and inspectors. Each county
3 I/M ordinance or regulation includes a penalty schedule.
4

5 *General public information:* The I/M counties have comprehensive public education and
6 protection programs, including providing the following strategies for:
7

- 8 • public education on Utah’s air quality problems;
- 9 • ways that people can reduce emissions;
- 10 • the requirements of state and federal law;
- 11 • the role of motor vehicles in the air quality problems;
- 12 • the need for and benefits of a vehicle emissions inspection program;
- 13 • ways to operate and maintain a vehicle in a low-emission conditions;
- 14 • how to find a qualified repair technician; and
- 15 • the requirements of the I/M program.
16

17 Information is provided via county websites and direct response to inquiries for
18 information, reports, classes, pamphlets, fairs, school presentations, workshops, news
19 releases, posters, signs, and public meetings. Utah Department of Environmental Quality
20 also provides information on its website about ways to operate and maintain a vehicle in
21 a low-emission condition.
22

23 *County I/M technical centers:* Each I/M county operates an I/M technical center staffed
24 with trained auditors and capable of performing emissions tests. A major function of the
25 I/M technical centers is to serve as a referee station to resolve conflicts between permitted
26 I/M inspectors, stations, and motorists. Auditors actively protect consumers against fraud
27 and abuse by inspectors, mechanics, and others involved in the I/M program. Complaints
28 received are investigated fully. Auditors advise motorists regarding emissions warranty
29 provisions and assist the owners in obtaining warranty covered repairs for eligible
30 vehicles. The I/M technical centers also provide motorists with information regarding the
31 I/M program, general air pollution issues, and emissions-related vehicle repairs.
32

33 *Vehicle inspection report:* A Vehicle Inspection Report (VIR) will be issued to the
34 motorist after each vehicle inspection. The VIR includes a public awareness statement
35 about vehicle emissions and lists additional ways that the public can reduce air pollution.
36 The test results are detailed on the VIR. Information about vehicle emissions warranties
37 and the benefits of emissions-related repairs are printed for vehicles that failed the test. If
38 the vehicle fails a retest, information about wavier requirements, application procedures,
39 and the address and telephone number of the applicable I/M technical center are printed
40 on the VIR.
41

42 *Reciprocity between County I/M programs:* Utah I/M programs are conducting the same
43 test procedures and thereby agreed to recognize the validity of a certificate granted by
44 any Utah I/M program.

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UTAH STATE IMPLEMENTATION PLAN

SECTION X

**VEHICLE INSPECTION
AND MAINTENANCE PROGRAM**

PART B

DAVIS COUNTY

Adopted by the Utah Air Quality Board
[~~March 4, 2020~~] February 7, 2024

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SECTION X, PART B
DAVIS COUNTY
Appendices

- 1 Davis County Ordinance 10.12.1 Davis County Vehicle Emissions
2 Inspection/Maintenance Program, approved and adopted [~~October 1,~~
3 ~~2019~~] June 13, 2023 effective date July 1, 2023.
4 [~~2 — Quality Division Operating Procedures 10/30/19]~~

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UTAH STATE IMPLEMENTATION PLAN
SECTION X
AUTOMOTIVE INSPECTION AND MAINTENANCE (I/M) PROGRAM
PART B
DAVIS COUNTY

7

1. Applicability

8 *Davis County Inspection and Maintenance (I/M) Program Requirements:* The Utah Air Quality
9 Board adopted an ozone maintenance plan for Salt Lake and Davis counties on November 5,
10 1993, to address the 1979 1-hour Ozone National Ambient Air Quality Standard (NAAQS). The
11 plan was reorganized and adopted on January 5, 1995. Revisions to the ozone maintenance plan
12 were adopted by the Board on June 5, 1996, and June 7, 1997. The Environmental Protection
13 Agency (EPA) approved the plan on July 17, 1997 (62 FR 38213, July 17, 1997). The ozone
14 maintenance plan required implementation of an improved I/M program no later than January 1,
15 1998. The ozone maintenance plan established a performance standard that was more stringent
16 than the federal Basic I/M Performance Standard.

17 On July 17, 1997, EPA approved the state's request to redesignate Salt Lake and Davis counties
18 to attainment for the 1979 1-hour ozone standard. As part of that action, EPA approved the
19 state's 1-hour ozone maintenance plan (62 FR 38213). On July 18, 1997, EPA promulgated an 8-
20 hour ozone NAAQS of 0.08 ppm (62 FR 38894). This standard was intended to replace the 1-
21 hour ozone standard. On April 30, 2004, EPA designated areas of the United States for the 1997
22 8-hour ozone standard (69 FR 23857). EPA designated all areas in Utah, including Salt Lake
23 County and Davis County, as unclassifiable/attainment for the 1997 8-hour ozone NAAQS (69
24 FR 23940).

25 On April 30, 2004, EPA revoked the 1979 1-hour ozone NAAQS (69 FR23951, 23996; 40 CFR
26 50.9(b)). As part of that rulemaking, EPA established certain requirements to prevent backsliding
27 in the areas that were redesignated to "attainment" but subject to a maintenance plan, as is the
28 case for Salt Lake and Davis County. These requirements are codified at 40 CFR 51.905. In the
29 case of Utah, one of these requirements was to submit a maintenance plan for the 1997 8-hour
30 ozone standard. On March 22, 2007, the Governor of Utah submitted a maintenance plan for the
31 1997 8-hour ozone standard for Salt Lake and Davis County, and associated rule revisions,
32 which included an I/M program as a control measure. This plan was approved by EPA on
33 September 26, 2013 (78 FR 59242).

34 On October 26, 2015, the EPA promulgated a revision to the primary NAAQS for ground level
35 ozone (80 FR 65292), lowering the standard to 0.070 ppm for the 4th highest daily 8-hour
36 concentration. Davis County was designated as a "marginal" nonattainment area for the 2015 8-
37 hour ozone standard effective August 3, 2018 (83 FR 25776, June 4, 2018).

1 On October 7, 2022, the EPA finalized the reclassification of the Northern Wasatch Front
2 nonattainment area, including Davis County, from marginal to moderate status for the 2015
3 standard. The reclassification to moderate status became effective on November 7, 2022 (87 FR
4 60897). With this redesignation to moderate nonattainment, Davis County is required [~~Utah was~~
5 ~~previously required~~] by Sections 182 and 187 of the CAA to implement and maintain an I/M
6 program in Davis County that met the minimum requirements of 40 CFR Part 51 Subpart S and
7 that was at least as effective as the EPA's Basic Performance Standard as specified in 40 CFR
8 51.352. [~~However, the Basic Performance Standard requirement is no longer applicable as the~~
9 ~~nonattainment area in Davis County has been redesignated to attainment / maintenance for the~~
10 ~~1979 1-hour ozone NAAQS.~~]Parts A and B of Section X, together with the referenced
11 appendices, [~~continue to~~]demonstrate compliance with the CAA and 40 CFR Part 51 provisions
12 for Basic I/M Performance Program Requirements for Davis County [~~and produce mobile source~~
13 ~~emission reductions that are sufficient to demonstrate continued maintenance of the 1997 8-hour~~
14 ~~ozone NAAQS~~]. In addition, the Davis County I/M program is a control measure included in the
15 Salt Lake City 24-hour particulate Serious SIP submitted to EPA on February 15, 2019.

16 **2. Summary of Davis County I/M Program**

17
18 Below is a summary of Davis County's I/M program. Section X, Part D Appendix[s]1[~~—2~~
19]contain the essential documents for Davis County's I/M program.

20
21 *Network Type:* Davis County's I/M program is a decentralized, test-and-repair network.

22
23 *Test Convenience:* There are approximately 140 permitted I/M stations within Davis
24 County. Specific operating hours are not specified by the county. Some stations that test
25 and/or service only one type of vehicle are permitted. There are also government and
26 private fleet permitted stations that are not open to the public.

27
28 *Subject Fleet:* All model year 1968 and newer vehicles registered or principally-operated
29 in Davis County, are subject to the I/M program except for exempt vehicles.

30
31 *Test Frequency:* Vehicles less than two years old as of January 1 on any given year are
32 exempt from an emissions inspection. Vehicles two years old and less than six years old
33 as of January 1 on any given year, are inspected every other year as per Utah Code 41-6a-
34 1642(6). All vehicles six years or older as of January 1 on any given year, are inspected
35 annually.

36
37 *Station/Inspector Audits:* Davis County's I/M program will regularly audit all permitted
38 I/M inspectors and stations to ensure compliance with county I/M ordinance and policies.
39 Particular attention will be given to identifying and correcting any fraud or incompetence
40 with respect to vehicle emissions inspections. Compliance with recordkeeping, document
41 security, analyzer maintenance, and program security requirements will be scrutinized.

1 Davis County I/M program will have an active covert compliance program to minimize
2 potential fraudulent testing. ~~Davis County audit procedures are provided in Appendix 2~~
3 ~~of this part of Section X.~~

4
5 *Waivers:* Davis County's I/M program may issue waivers under limited circumstances.
6 The wavier procedure can be found in Davis County's I/M ordinance provided in
7 Appendix 1. Davis County will take corrective action, as needed, to maintain a maximum
8 waiver rate of 1% of the initially failed vehicles, or the Utah Air Quality Board will
9 revise the SIP and emission reductions claimed based on the actual waiver rate. The
10 conditions for issuing waivers are specified in Davis County's I/M ordinance and meet
11 the minimum waiver issuance criteria specified in 40 CFR Subparts 51.360.

12
13 *Test Equipment:* Specifications for Davis County's emission analyzer and its I/M test
14 procedures, standards, and analyzers are provided in Davis County's I/M ordinance
15 provided in Appendix 1. Test equipment and procedures were developed according to
16 good engineering practices to ensure test accuracy. Analyzer calibration specifications
17 and emissions test procedures meet the minimum standards established in Appendix A of
18 the EPA's I/M Guidance Program Requirements, 40 CFR Part 51 Subpart S.

19
20 *Test Procedures:*

- 21
- 22 • The following vehicles are subject to an OBD II inspection:
 - 23 ○ 1996 and newer ~~light duty~~ non-diesel motor vehicles <8501 lbs. Gross
24 Vehicle Weight Rating (GVWR);¹ and
 - 25 ○ 2008 and newer ~~medium duty~~ non-diesel motor vehicles between 8,501-
26 14,000 lbs. GVWR; and²
 - 27 ○ 1998 and newer diesel-powered motor vehicles <14,000 lbs. GVWR, if
28 equipped with OBDII.
 - 29 • The following vehicles are subject to a two-speed idle test that is compatible with
30 Section VI (Preconditioned Two Speed Idle Test) in Appendix B of the EPA I/M
31 Guidance Program Requirements, 40 CFR 51, Subpart S:
 - 32 ○ 1995 and older non-diesel motor vehicles,
 - 33 ○ 1996 to 2007 non-diesel motor vehicle >8,500 lbs. GVWR~~medium and~~
34 heavy-duty vehicles³; and
 - 35 ○ ~~Heavy duty~~ 2008 and newer non-diesel motor vehicles > 14,000 lbs.
36 GVWR. ~~2007 and older.~~
 - 37 ○ 2008 and newer heavy-duty vehicles.
- 38
39
40

1 ¹ [Light duty vehicles have a Gross Vehicle Weight of 8500 lbs or less.

2 ² Medium duty vehicles have a Gross Vehicle Weight greater than 8500 lbs but less than 14,000 lbs]

3 ³ Heavy Duty vehicles have a Gross Vehicle Weight greater 14,000 lbs]

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- The following vehicles are subject only to a visual inspection:
 - 1998- 2007 diesel powered motor vehicles < 14,000 lbs. GVWR, if not equipped with OBDII.

3. I/M SIP Implementation

The I/M program ordinance, policies, procedures, and activities specified in this I/M SIP revision have been implemented and shall continue until a maintenance plan without an I/M program is approved by the EPA in accordance with Section 175 of the Clean Air Act as amended.

State of Utah
Administrative Rule Analysis
Revised May 2023

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Title No. - Rule No. - Section No.

Rule or Section Number:

R307-110-31 & -32

Filing ID: Office Use Only

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room number:		
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City	
Mailing address:	PO BOX 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Mat Carlile	385-306-6535	mcarlile@utah.gov
Erica Pryor	385-499-3416	epryor1@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R307-110. General Requirements: State Implementation Plan

3. Purpose of the new rule or reason for the change:

The Utah Air Quality Board (Board) has proposed for public comment amended Utah State Implementation Plan (SIP), Section X, Parts A and B. R307-110-31 and R307-110-32 incorporate SIP Section X, Parts A and B respectively, into the rule and must be amended to change the Board adoption date to the anticipated adoption date of the amended plan.

4. Summary of the new rule or change:

Section R307-110-31 incorporates Section X Part A of the Utah State Implementation Plan (SIP). Part A summarizes Inspection and Maintenance (I/M) requirements that are common among all I/M programs. Part A was modified by adding a paragraph summarizing recent legislative changes to the emissions programs. It was also modified to update the process of handling out-of-state exemptions for the emission programs. Section R307-110-32 incorporates Section X Part B of the Utah SIP. Part B contains the requirements of Davis County's I/M program. Amendments to Part B update the plan to incorporate changes to Davis County's I/M ordinance to ensure that the SIP reflects the current program. Sections R307-110-31 and 32 are amended by changing the date of the last adoption by the Air Quality Board to February 7, 2024.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

This rule change will not have any fiscal impact on the state budget because it does not enact or remove any new requirements.

B) Local governments:

This rule change will not have any fiscal impact on the local governments because it does not enact or remove any new requirements.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change will not have any fiscal impact on small businesses because it does not enact or remove any new requirements.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

This rule change will not have any fiscal impact on non- small businesses because it does not enact or remove any new requirements.

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

This rule change will have not any fiscal impact on other persons because it does not enact or remove any new requirements.

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

No additional costs for affected persons are anticipated due to this rule change because it does not enact or remove any new requirements.

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

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

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

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

Citation Information

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

19-6a-1642	40 CFR Part 51 Subpart S Inspection and Maintenance Program Requirements	

Incorporations by Reference Information

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

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

Official Title of Materials Incorporated (from title page)	UTAH STATE IMPLEMENTATION PLAN SECTION X VEHICLE INSPECTION AND MAINTENANCE PROGRAM PART A GENERAL REQUIREMENTS AND APPLICABILITY.
	UTAH STATE IMPLEMENTATION PLAN SECTION X VEHICLE INSPECTION AND MAINTENANCE PROGRAM PART B DAVIS COUNTY

Publisher	Division of Air Quality, Utah Department of Environmental Quality
Issue Date	February 7, 2024
Issue or Version	

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

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

Public Notice Information

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

A) Comments will be accepted until: 12/15/2023

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

Date (mm/dd/yyyy):	Time (hh:mm AM/PM):	Place (physical address or URL):
12/19/2023	3:00-4:00pm	<p>MASOB:</p> <p>DEQ Board room, 1st floor, room 1020</p> <p>195 N 1950 W, Salt Lake City, UT 84116</p> <p>To attend virtually through Google Meets:</p> <p>Public Hearing R307-110-31/32 (3pm-4pm) Tuesday, December 19 · 2:30 – 4:30pm Time zone: America/Denver</p> <p>Google Meet joining info Video call link: https://meet.google.com/vkh-nadu-bpb Or dial: (US) +1 929-324-9942 PIN: 529 143 528#</p> <p>More phone numbers: https://tel.meet/vkh-nadu-bpb?pin=4209740534480</p> <p>Please note: A public hearing is scheduled for December 19, 2023. The hearing will be canceled should no request for one be made by Friday, December 15, 2023, at 10:00 AM MST. The final status of the public hearing will be posted on Friday, December 15, 2023, after 10:00 AM MST. The status of the public hearing may be checked at the following website location under the corresponding rule.</p> <p>https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment</p>

To the agency: If more space is needed for a physical address or URL, refer readers to Box 4 in General Information. If more than two hearings will take place, continue to add rows.

9. This rule change MAY become effective on:	02/07/2024
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> and delaying the first possible effective date.			
Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	10/12/2023

1 **R307. Environmental Quality, Air Quality.**

2 **R307-110. General Requirements: State Implementation Plan.**

3 ...

4 **R307-110-31. Section X, Vehicle Inspection and Maintenance Program, Part A, General**
5 **Requirements and Applicability.**

6 The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance
7 Program, Part A, General Requirements and Applicability, as most recently amended by the Utah
8 Air Quality Board on [~~September 4, 2019~~February 7, 2024, pursuant to Section 19-2-104, is
9 incorporated by reference and made a part of this rule.

10
11 **R307-110-32. Section X, Vehicle Inspection and Maintenance Program, Part B, Davis**
12 **County.**

13 The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance
14 Program, Part B, Davis County, as most recently amended by the Utah Air Quality Board on
15 [~~March 4, 2020~~February 7, 2024, pursuant to Section 19-2-104, is incorporated by reference and
16 made a part of this rule.

17
18

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

20 **Date of Last Change: July 7, 2022**

21 **Notice of Continuation: December 1, 2021**

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

ITEM 8

Air Toxics



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQA-515-23

MEMORANDUM

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: September 5, 2023

SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – August 2023

Asbestos Demolition/Renovation NESHAP Inspections	23
Asbestos AHERA Inspections	20
Asbestos State Rules Only Inspections	6
Asbestos Notification Forms Accepted	216
Asbestos Telephone Calls	382
Asbestos Individuals Certifications Approved	85
Asbestos Company Certifications	6
Asbestos Alternate Work Practices Approved	4
Lead-Based Paint (LBP) Inspections	2
LBP Notification Forms Approved	3
LBP Telephone Calls	49
LBP Letters Prepared and Mailed	1
LBP Courses Reviewed/Approved	0
LBP Course Audits	0
LBP Individual Certifications Approved	21

DAQA-515-23

Page 2

LBP Firm Certifications	19
Notices of Violation Sent	0
Compliance Advisories Sent	19
Warning Letters Sent	6
Settlement Agreements Finalized	0



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQA-571-23

MEMORANDUM

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: October 3, 2023

SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – September 2023

Asbestos Demolition/Renovation NESHAP Inspections	32
Asbestos AHERA Inspections	15
Asbestos State Rules Only Inspections	3
Asbestos Notification Forms Accepted	120
Asbestos Telephone Calls	256
Asbestos Individuals Certifications Approved	93
Asbestos Company Certifications	2
Asbestos Alternate Work Practices Approved	1
Lead-Based Paint (LBP) Inspections	1
LBP Notification Forms Approved	2
LBP Telephone Calls	30
LBP Letters Prepared and Mailed	0
LBP Courses Reviewed/Approved	0
LBP Course Audits	0
LBP Individual Certifications Approved	3
LBP Firm Certifications	2

Notices of Violation Sent	0
Compliance Advisories Sent	6
Warning Letters Sent	2
Settlement Agreements Finalized	2
Penalties Agreed to:	
Grant Mackay/Bryce Christensen	5,062.50
Pure Maintenance/Brandon Adams	750.00
Total:	5,812.50

Compliance



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQC-988-23

MEMORANDUM

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: September 13, 2023

SUBJECT: Compliance Activities – August 2023

ACTIVITIES:

Activity	Monthly Total	36-Month Average
Inspections	75	57
On-Site Stack Test & CEM Audits	8	4
Stack Test & RATA Report Reviews	27	33
Emission Report Reviews	18	16
Temporary Relocation Request Reviews	7	6
Fugitive Dust Control Plan Reviews	136	133
Soil Remediation Report Reviews	4	1
Open Burn Permits Issued	0	0
Miscellaneous Inspections ¹	16	18
Complaints Received	35	16
Wood Burning Complaints Received	0	1
Breakdown Reports Received	1	1
Compliance Actions Resulting from a Breakdown	0	0
VOC Inspections	0	0
Warning Letters Issued	1	2
Notices of Violation Issued	6	0
Compliance Advisories Issued	21	5
No Further Action Letters Issued	1	2
Settlement Agreements Reached	2	2
Penalties Assessed	\$22,111.00	\$114,821.92

¹Miscellaneous inspections include, e.g., surveillance, complaint, on-site training, dust patrol, smoke patrol, open burning, etc.

SETTLEMENT AGREEMENTS:

Party	Amount
Pitman Farms	\$1,116.00
Energy Fuels – White Mesa Mill	\$20,995.00

UNRESOLVED NOTICES OF VIOLATION:

Party	Date Issued
US Magnesium (in litigation)	08/27/2015
US Magnesium (in litigation)	03/02/2018
Citation Oil and Gas (in administrative litigation)	01/15/2020
Ovintiv Production Inc.	07/14/2020
Uinta Wax Operating (formerly CH4 Finley)	07/24/2020
US Magnesium (in administrative litigation)	11/16/2021
Finley Resources	09/15/2022
Paradox Midstream (claim filed with bankruptcy court)	06/06/2023
Paradox Midstream (claim filed with bankruptcy court)	08/15/2023



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQC-1095-23

MEMORANDUM

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: October 6, 2023

SUBJECT: Compliance Activities – September 2023

ACTIVITIES:

Activity	Monthly Total	36-Month Average
Inspections	43	57
On-Site Stack Test & CEM Audits	5	4
Stack Test & RATA Report Reviews	71	33
Emission Report Reviews	15	16
Temporary Relocation Request Reviews	6	6
Fugitive Dust Control Plan Reviews	126	133
Soil Remediation Report Reviews	0	1
Open Burn Permits Issued	562	357
Miscellaneous Inspections ¹	9	18
Complaints Received	8	16
Wood Burning Complaints Received	4	1
Breakdown Reports Received	1	1
Compliance Actions Resulting from a Breakdown	0	0
VOC Inspections	0	0
Warning Letters Issued	3	2
Notices of Violation Issued	0	0
Compliance Advisories Issued	7	5
No Further Action Letters Issued	6	2
Settlement Agreements Reached	6	2
Penalties Assessed	\$444,523.00	\$114,821.92

¹Miscellaneous inspections include, e.g., surveillance, complaint, on-site training, dust patrol, smoke patrol, open burning, etc.

SETTLEMENT AGREEMENTS:

Party	Amount
Javelin Energy Management Partners	\$4,960.00
Javelin Energy Management Partners	\$2,800.00
Javelin Energy Management Partners	\$2,480.00
Javelin Energy Management Partners	\$2,800.00
UGC Midstream	\$583.00
US Magnesium	\$430,900.00

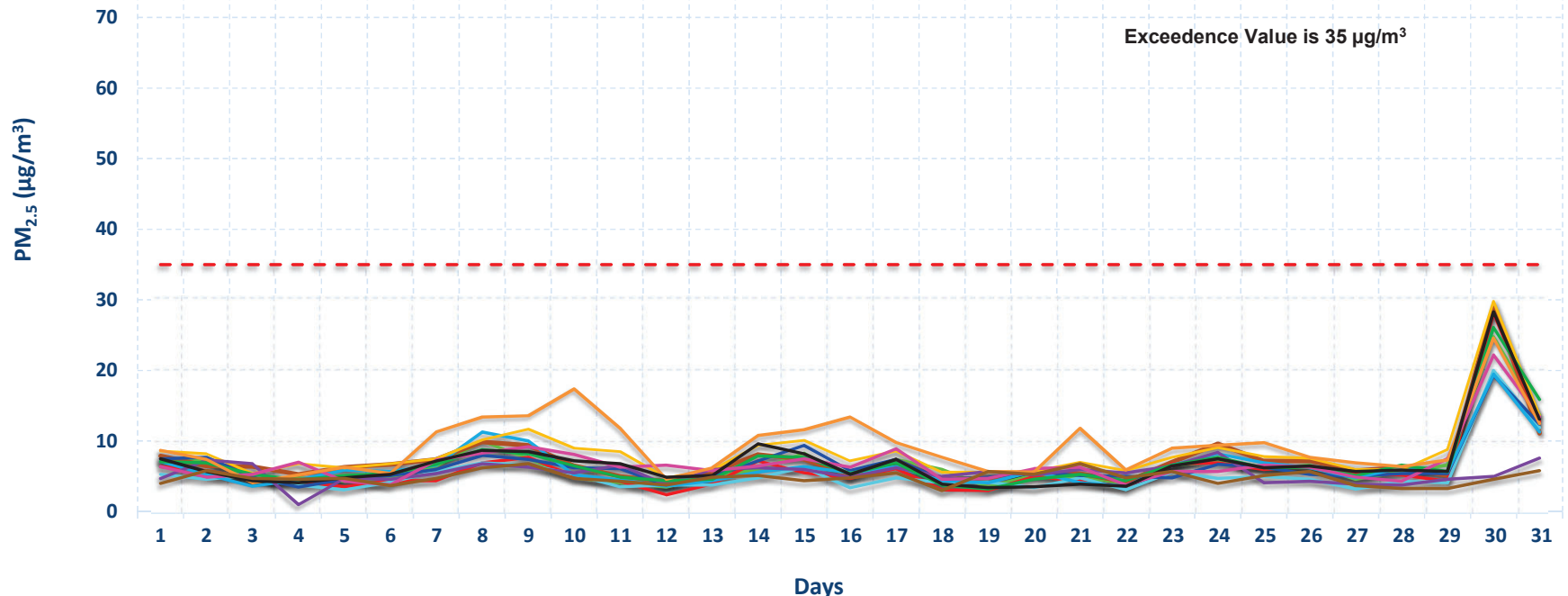
UNRESOLVED NOTICES OF VIOLATION:

Party	Date Issued
Citation Oil and Gas (in administrative litigation)	01/15/2020
Ovintiv Production Inc.	07/14/2020
Uinta Wax Operating (formerly CH4 Finley)	07/24/2020
Finley Resources	09/15/2022

Air Monitoring

Utah 24-Hr PM_{2.5} Data August 2023

	BV	CV	ED	HV	HW	LN	NR	RS	RP	SM	SF	EQ	V4
Arith Mean	7	7	6	5	6	6	8	5	7	7	9	7	5
Max 24-hr Avg	25	29	28	20	19	20	30	8	26	22	25	28	7
98th percentile	16	18	16	12	14	15	19	8	16	15	20	17	7
Days of Data	31	31	31	31	31	31	31	31	31	31	31	31	31
Days >35 µg/m ³	0	0	0	0	0	0	0	0	0	0	0	0	0

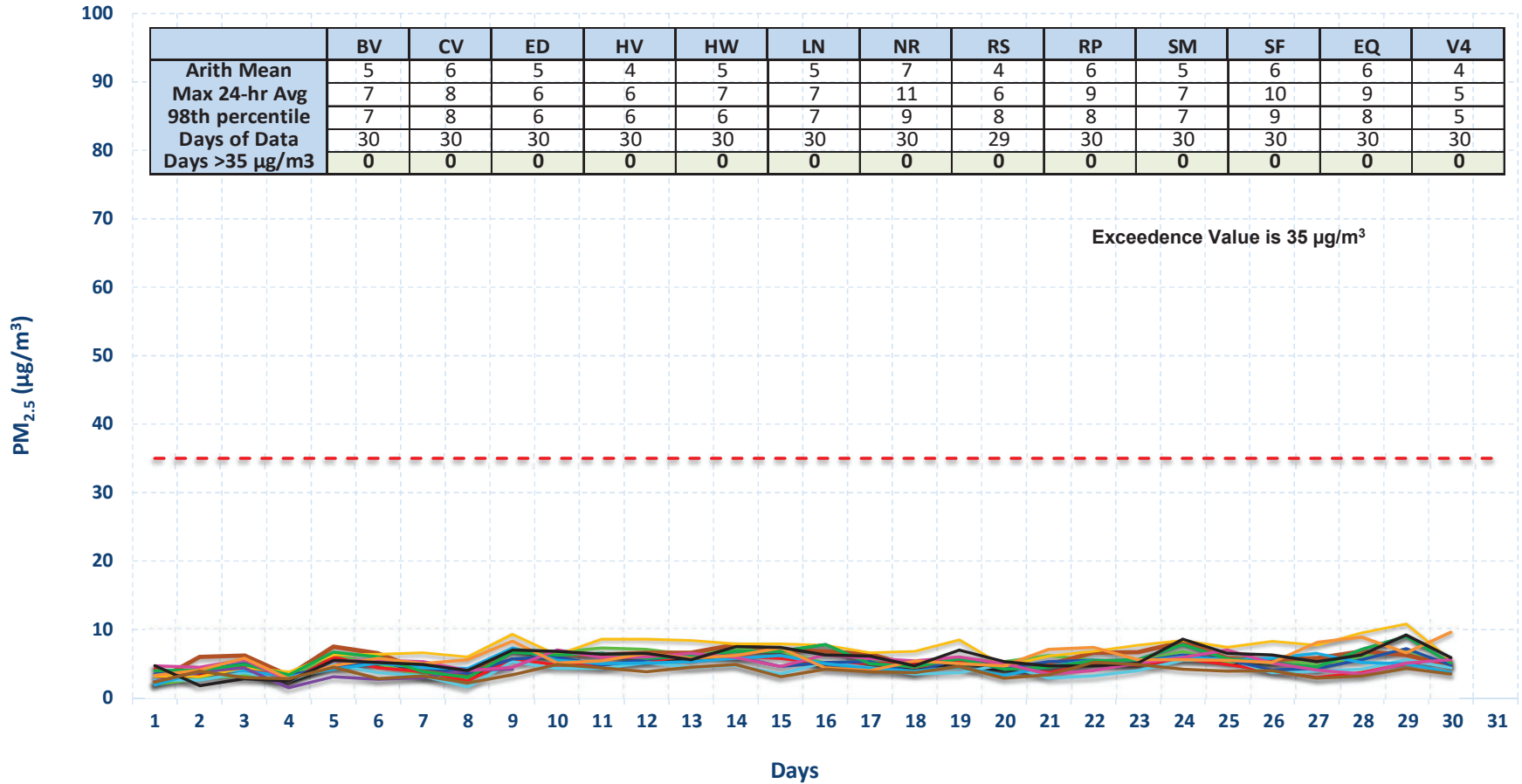


- Bountiful
- Copperview
- Erda
- Harrisville
- Hawthorne
- Lindon
- Near Road
- Roosevelt
- Rose Park
- Smithfield
- Spanish Fork
- Environmental Quality *
- Vernal
- - - 24-hr Exceedence Value is 35 µg/m³

* Environmental Quality (EQ) previously named Technical Support Center (TSC)

Utah 24-Hr PM_{2.5} Data September 2023

	BV	CV	ED	HV	HW	LN	NR	RS	RP	SM	SF	EQ	V4
Arith Mean	5	6	5	4	5	5	7	4	6	5	6	6	4
Max 24-hr Avg	7	8	6	6	7	7	11	6	9	7	10	9	5
98th percentile	7	8	6	6	6	7	9	8	8	7	9	8	5
Days of Data	30	30	30	30	30	30	30	29	30	30	30	30	30
Days >35 µg/m3	0	0	0	0	0	0	0	0	0	0	0	0	0

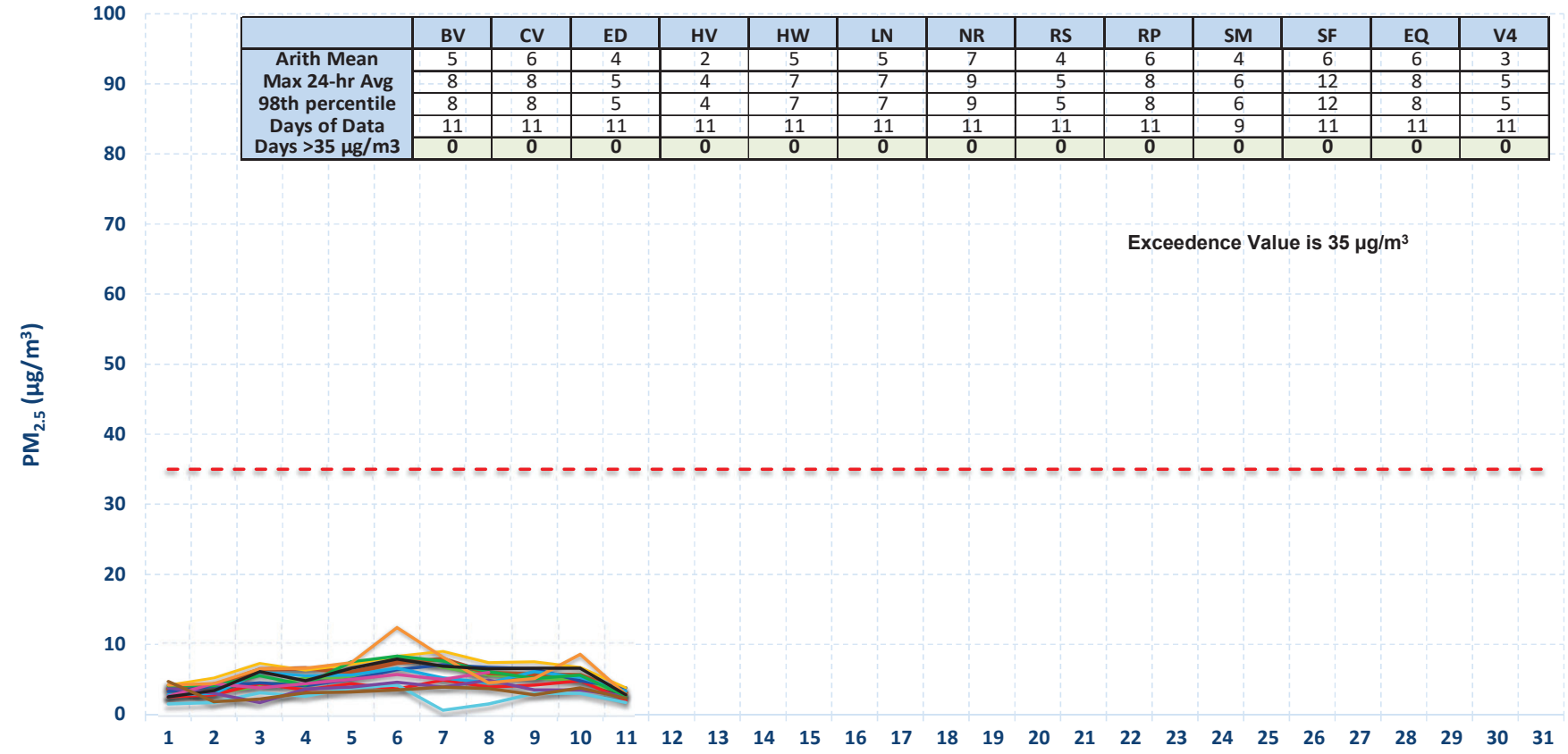


- Bountiful
- Copperview
- Erda
- Harrisville
- Hawthorne
- Lindon
- Near Road
- Roosevelt
- Rose Park
- Smithfield
- Spanish Fork
- Environmental Quality *
- Vernal
- - - 24-hr Exceedance Value is 35 µg/m3

* Environmental Quality (EQ) previously named Technical Support Center (TSC)

Utah 24-Hr PM_{2.5} Data October 2023

	BV	CV	ED	HV	HW	LN	NR	RS	RP	SM	SF	EQ	V4
Arith Mean	5	6	4	2	5	5	7	4	6	4	6	6	3
Max 24-hr Avg	8	8	5	4	7	7	9	5	8	6	12	8	5
98th percentile	8	8	5	4	7	7	9	5	8	6	12	8	5
Days of Data	11	11	11	11	11	11	11	11	11	9	11	11	11
Days >35 µg/m ³	0	0	0	0	0	0	0	0	0	0	0	0	0



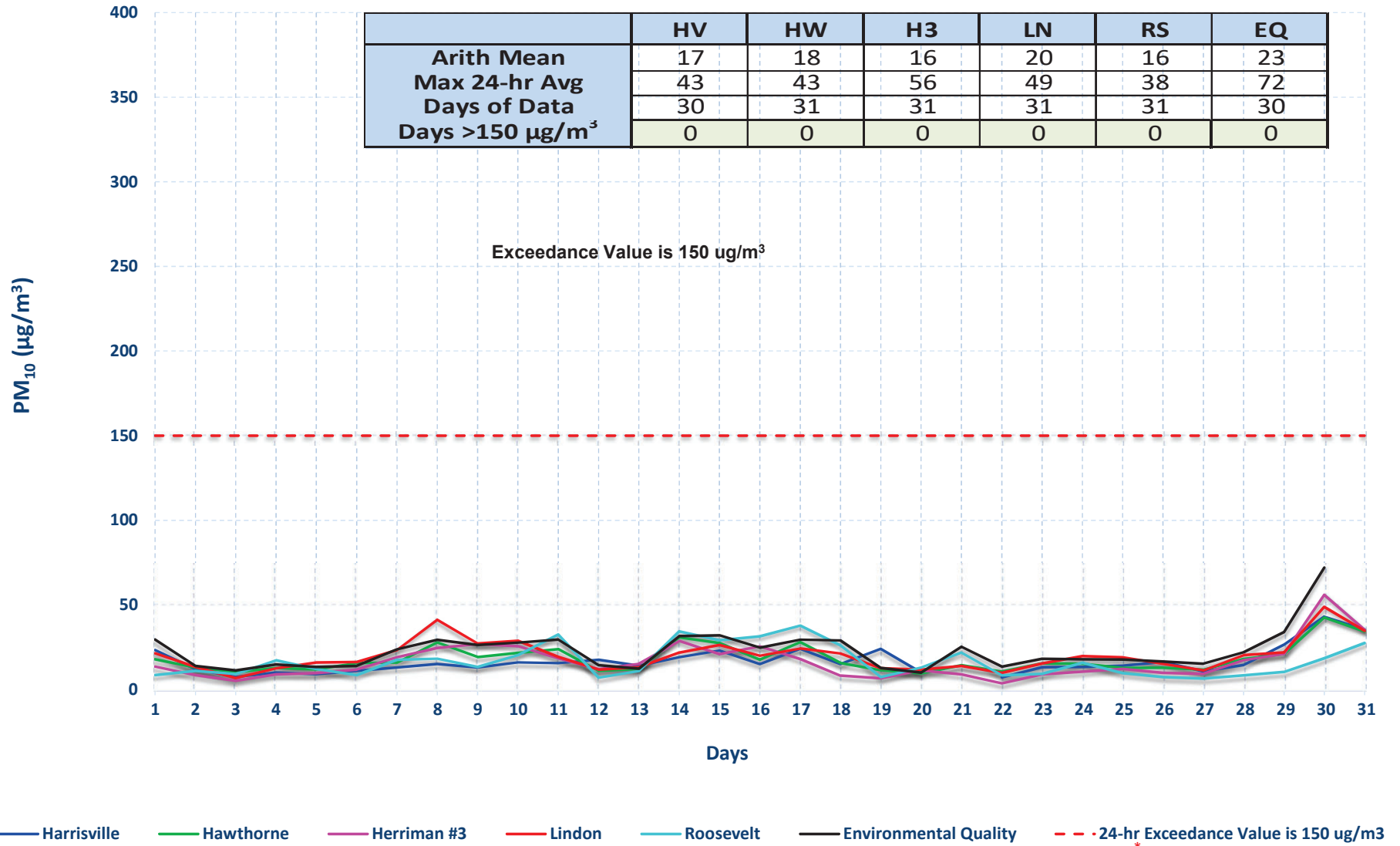
Exceedence Value is 35 µg/m³

- Bountiful
- Copperview
- Erda
- Harrisville
- Hawthorne
- Lindon
- Near Road
- Roosevelt
- Rose Park
- Smithfield
- Spanish Fork
- Environmental Quality *
- - - 24-hr Exceedence Value is 35 µg/m³

* Environmental Quality (EQ) previously named Technical Support Center (TSC)

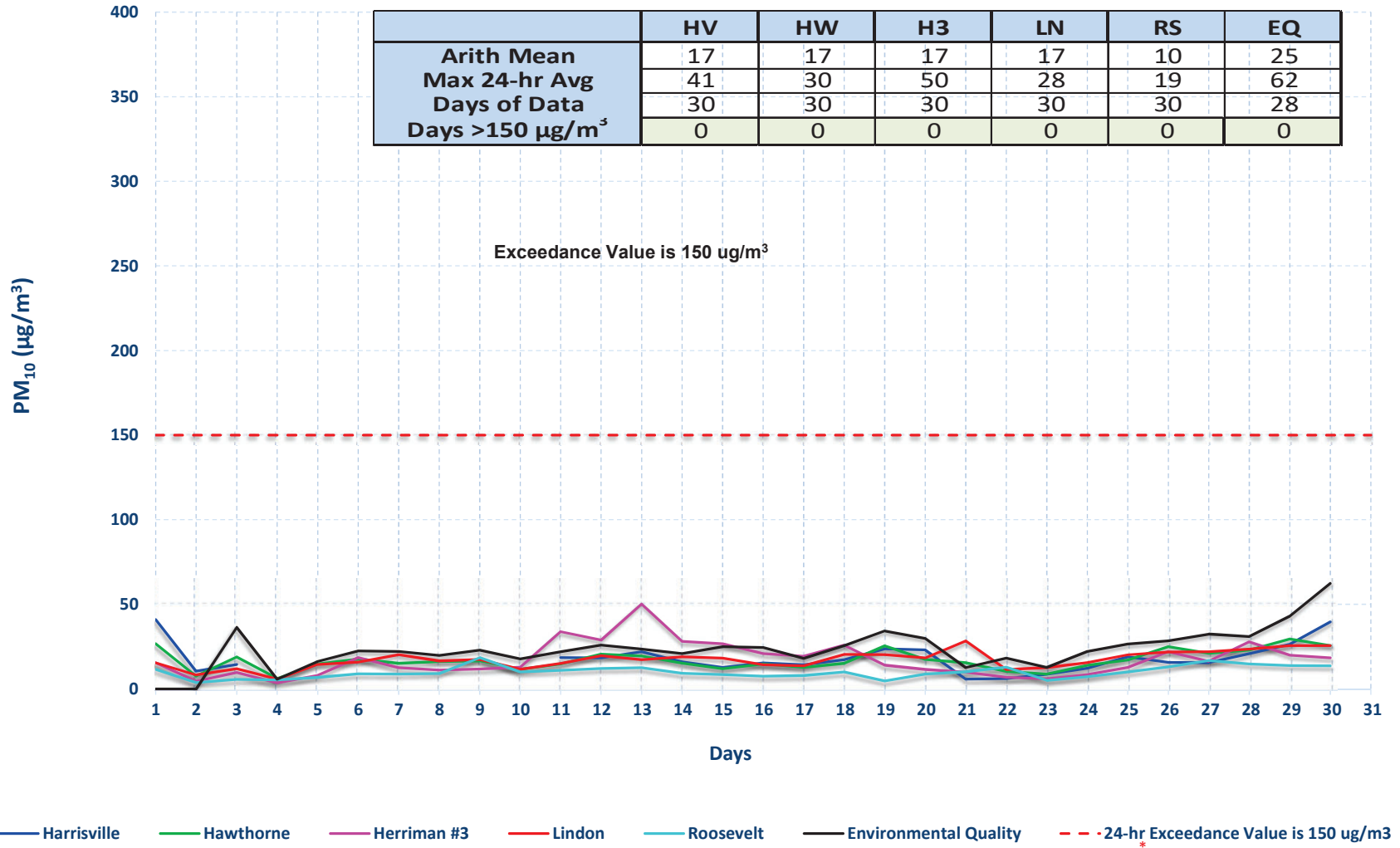
Utah 24-hr PM₁₀ Data August 2023

	HV	HW	H3	LN	RS	EQ
Arith Mean	17	18	16	20	16	23
Max 24-hr Avg	43	43	56	49	38	72
Days of Data	30	31	31	31	31	30
Days >150 µg/m ³	0	0	0	0	0	0



* Environmental Quality (EQ) previously named Technical Support Center (TSC)

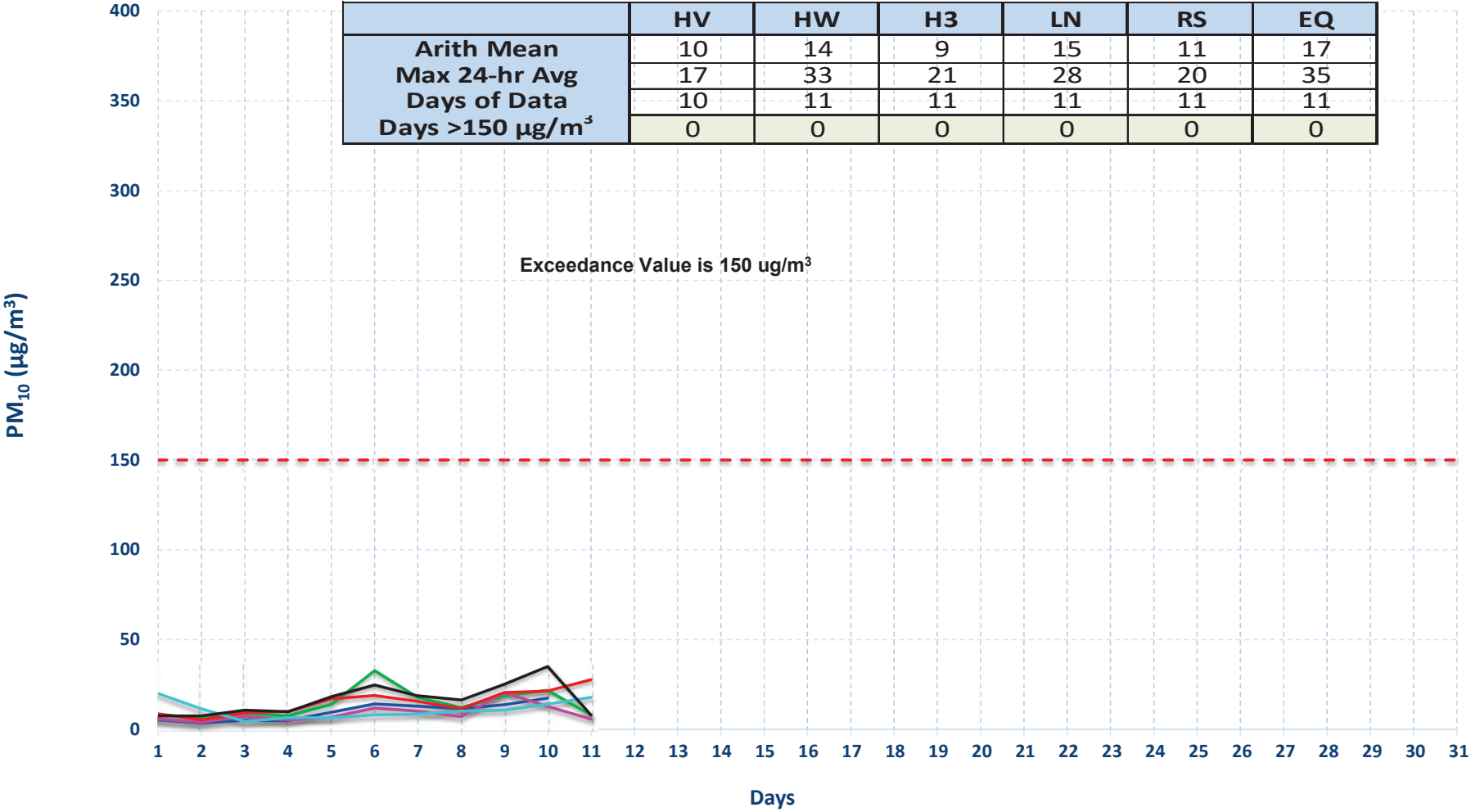
Utah 24-hr PM₁₀ Data September 2023



* Environmental Quality (EQ) previously named Technical Support Center (TSC)

Utah 24-hr PM₁₀ Data October 2023

	HV	HW	H3	LN	RS	EQ
Arith Mean	10	14	9	15	11	17
Max 24-hr Avg	17	33	21	28	20	35
Days of Data	10	11	11	11	11	11
Days >150 µg/m ³	0	0	0	0	0	0

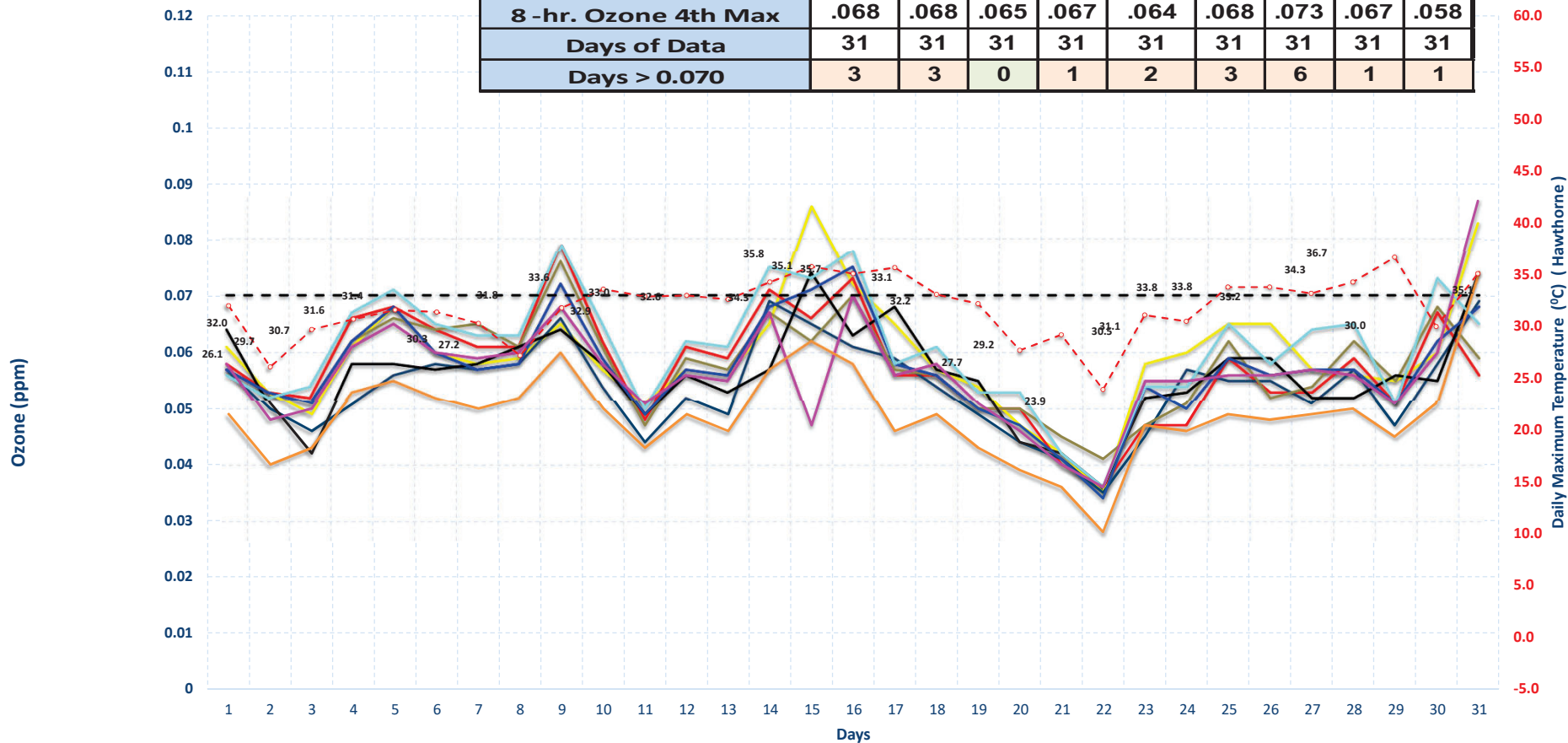


— Harrisville
 — Hawthorne
 — Herriman #3
 — Lindon
 — Roosevelt
 — Environmental Quality
 - - - 24-hr Exceedance Value is 150 ug/m³

* Environmental Quality (EQ) previously named Technical Support Center (TSC)

Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2023

	BV	CV	ED	H3	HV	HW	NR	RP	EQ
Arith Mean	.059	.057	.054	.058	.056	.057	.061	.057	.049
8-hr. Ozone 4th Max	.068	.068	.065	.067	.064	.068	.073	.067	.058
Days of Data	31	31	31	31	31	31	31	31	31
Days > 0.070	3	3	0	1	2	3	6	1	1



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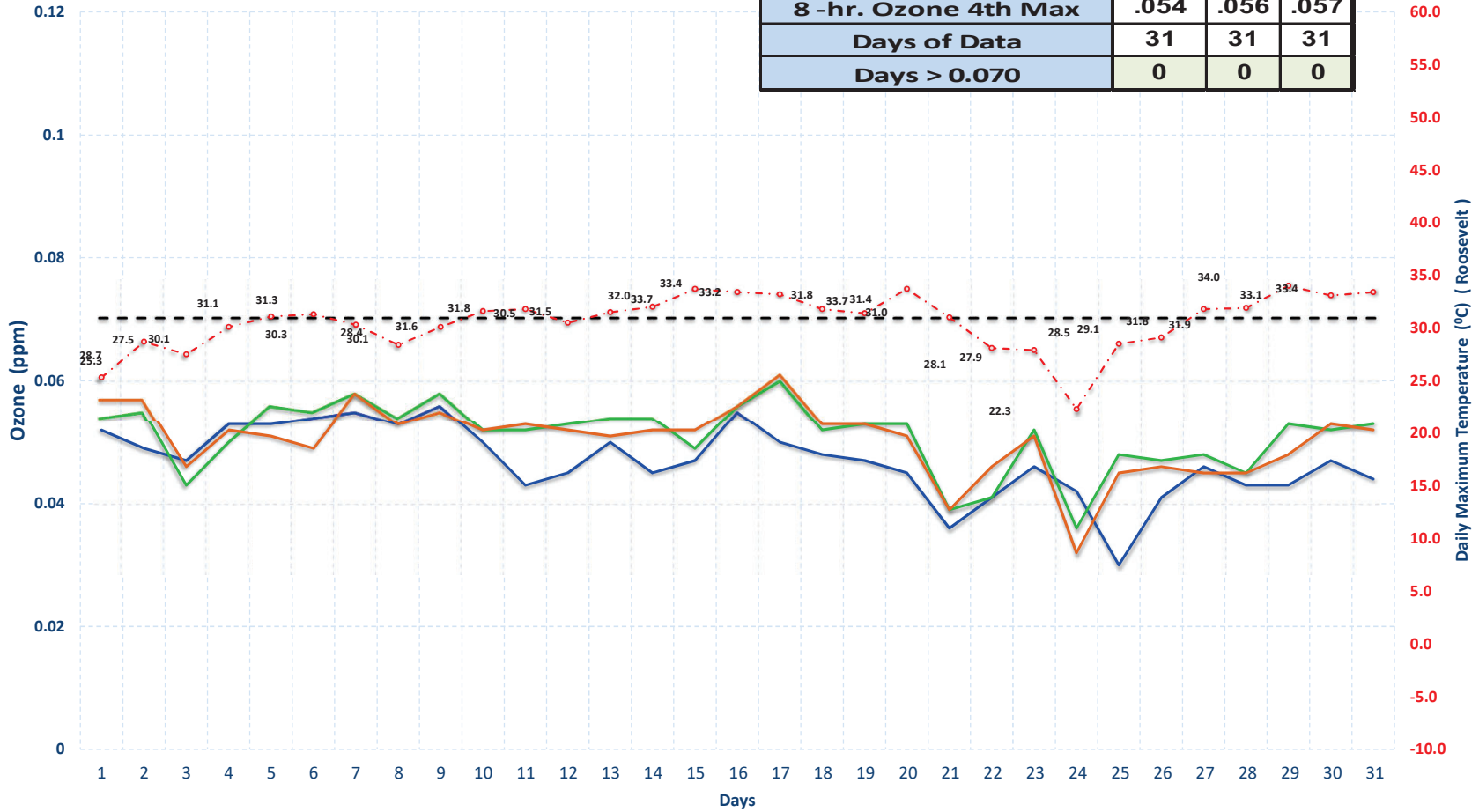
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— Bountiful
 — Copperview
 — Erda
 — Herriman #3
 — Harrisville
 — Hawthorne
 — Near Road
 — Rose Park
 — Environmental Quality
 - - Exceed.
 - -◇- TM

* Environmental Quality (EQ) previously named Technical Support Center (TSC)
 ** Controlling Monitor

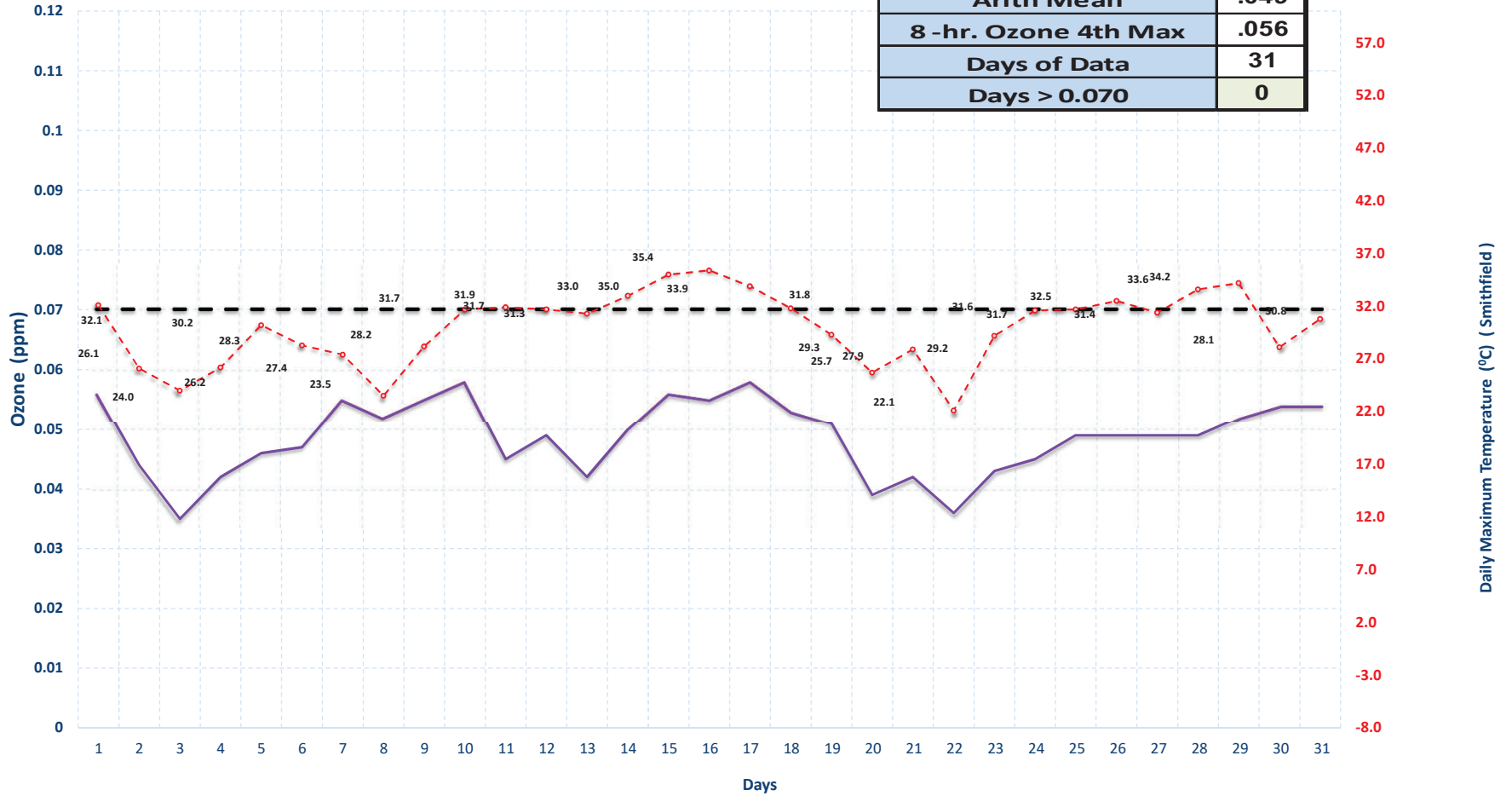
Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2023

	P2	RS	V4
Arith Mean	.047	.051	.051
8-hr. Ozone 4th Max	.054	.056	.057
Days of Data	31	31	31
Days > 0.070	0	0	0



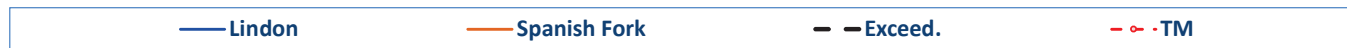
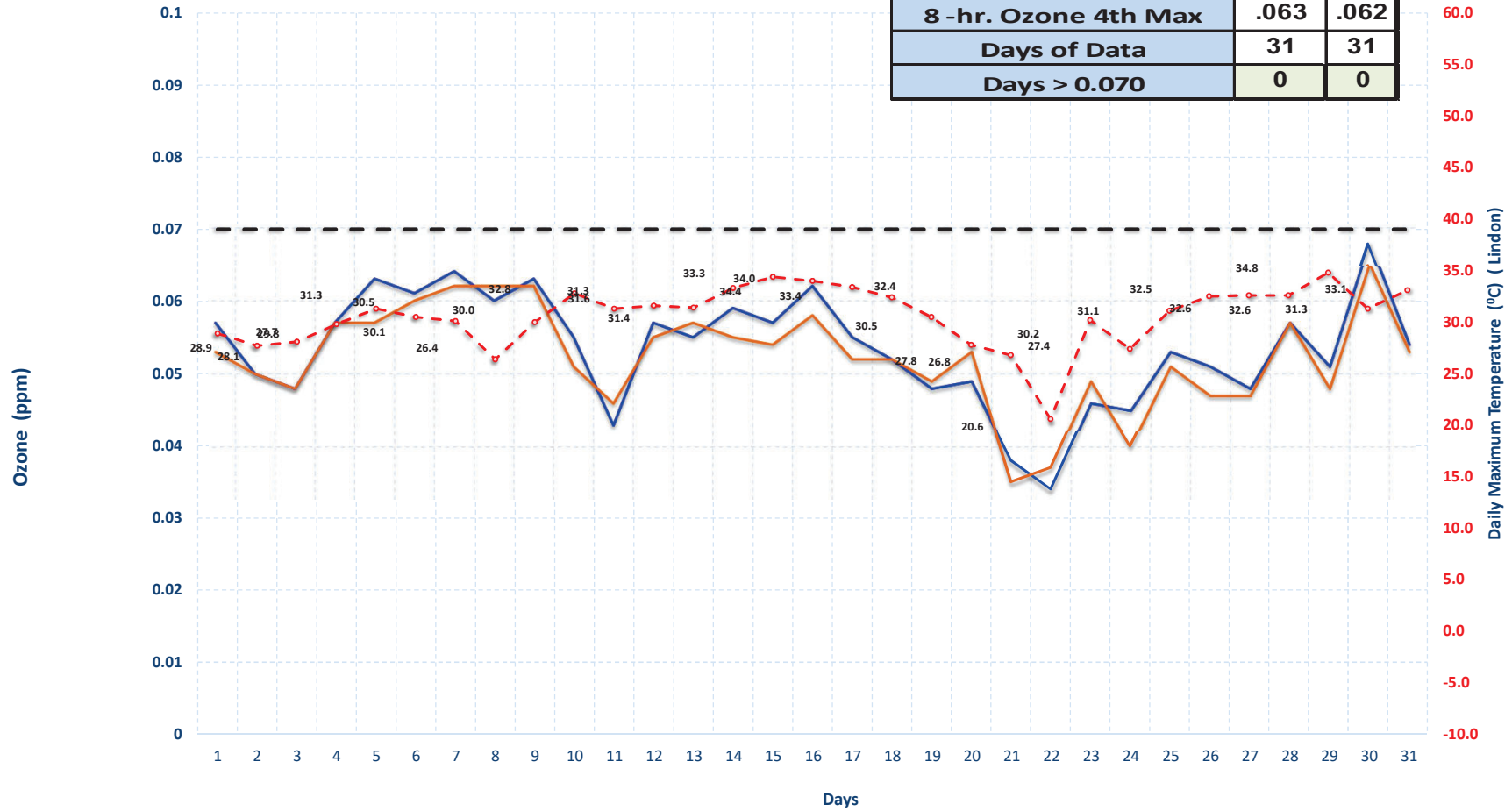
Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2023

	SM
Arith Mean	.049
8 -hr. Ozone 4th Max	.056
Days of Data	31
Days > 0.070	0



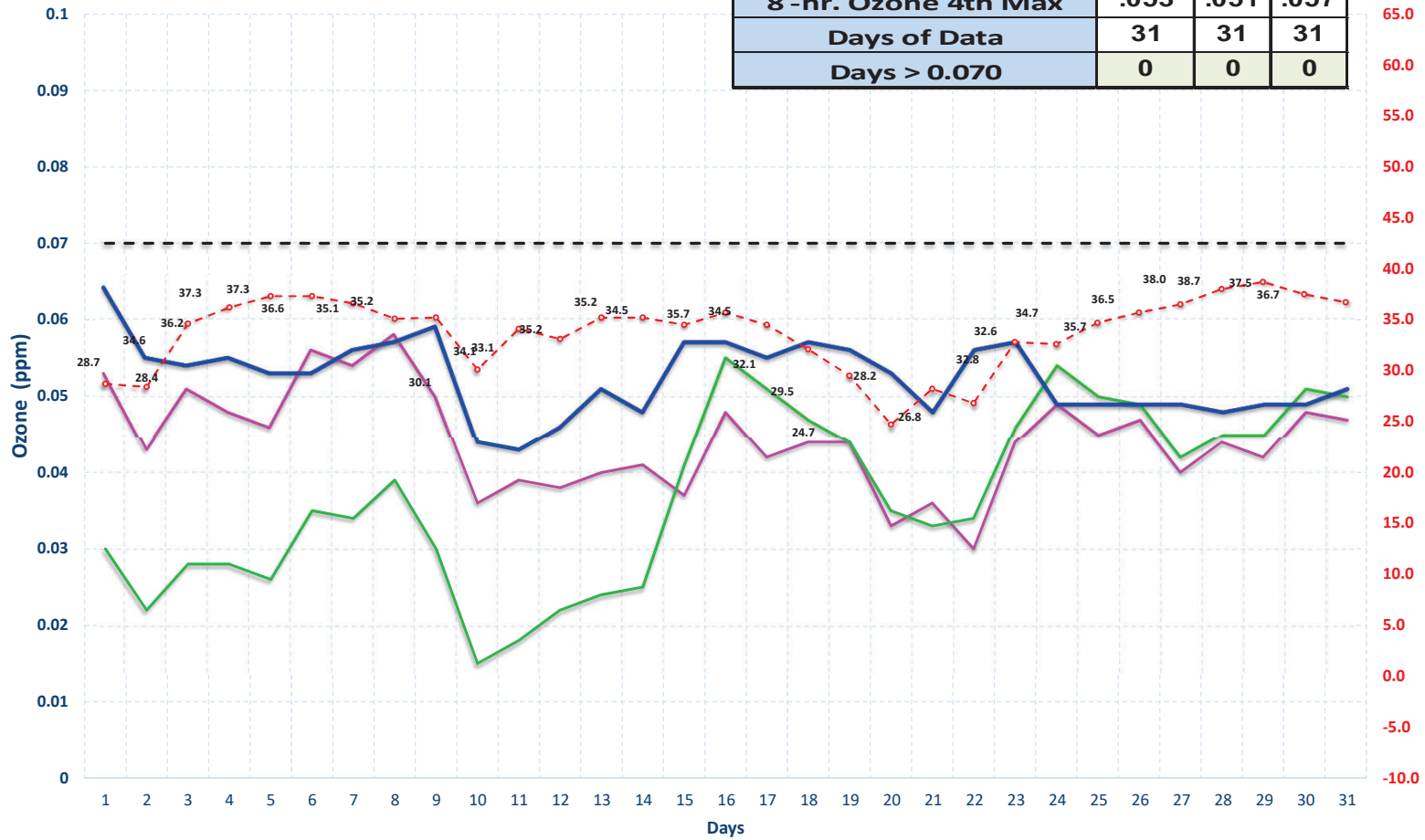
Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2023

	LN	SF
Arith Mean	.054	.052
8-hr. Ozone 4th Max	.063	.062
Days of Data	31	31
Days > 0.070	0	0



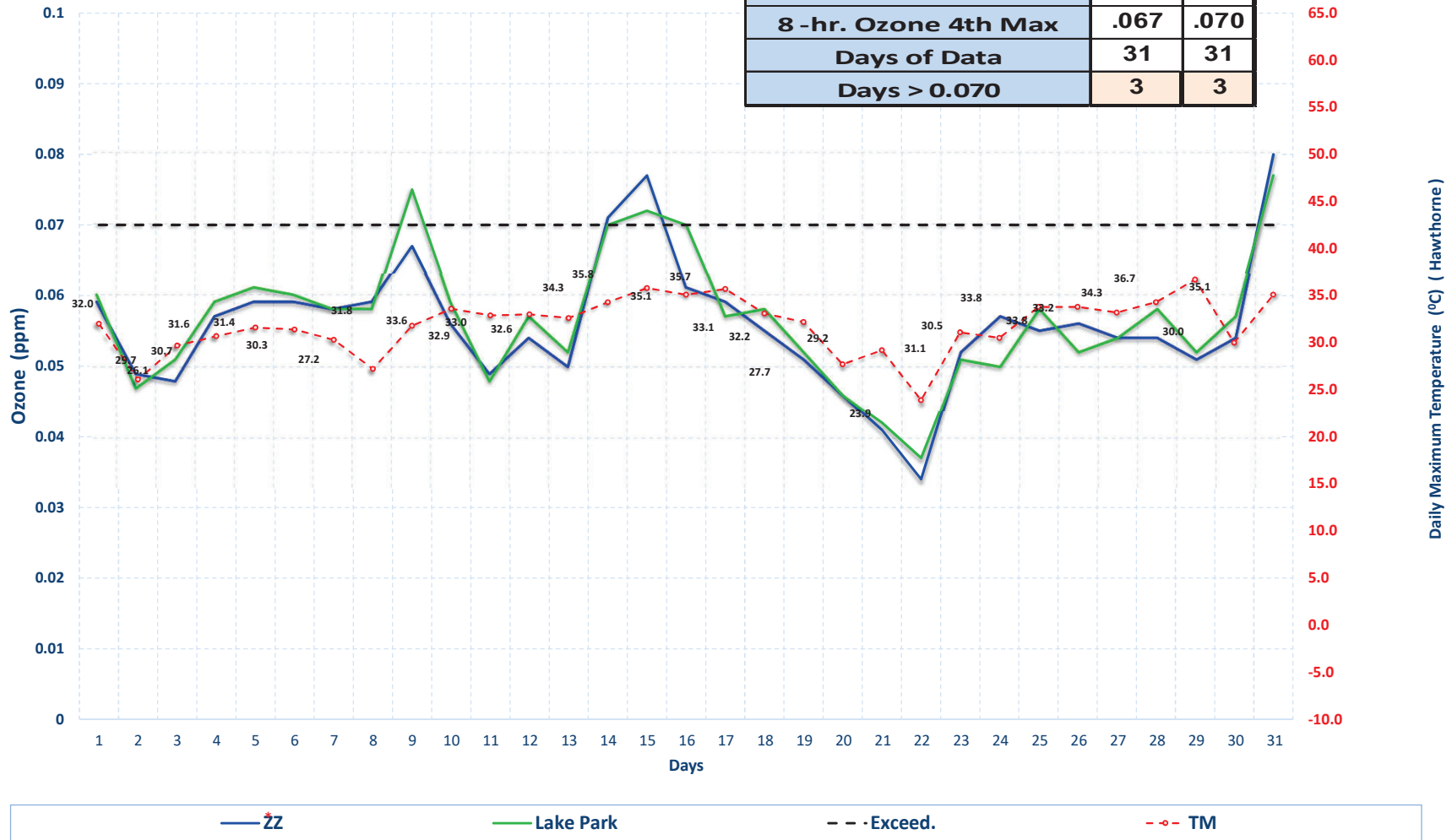
Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2023

	EN	HC	M7
Arith Mean	.044	.037	.053
8-hr. Ozone 4th Max	.053	.051	.057
Days of Data	31	31	31
Days > 0.070	0	0	0



Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2023 Stations monitoring the Inland Port development

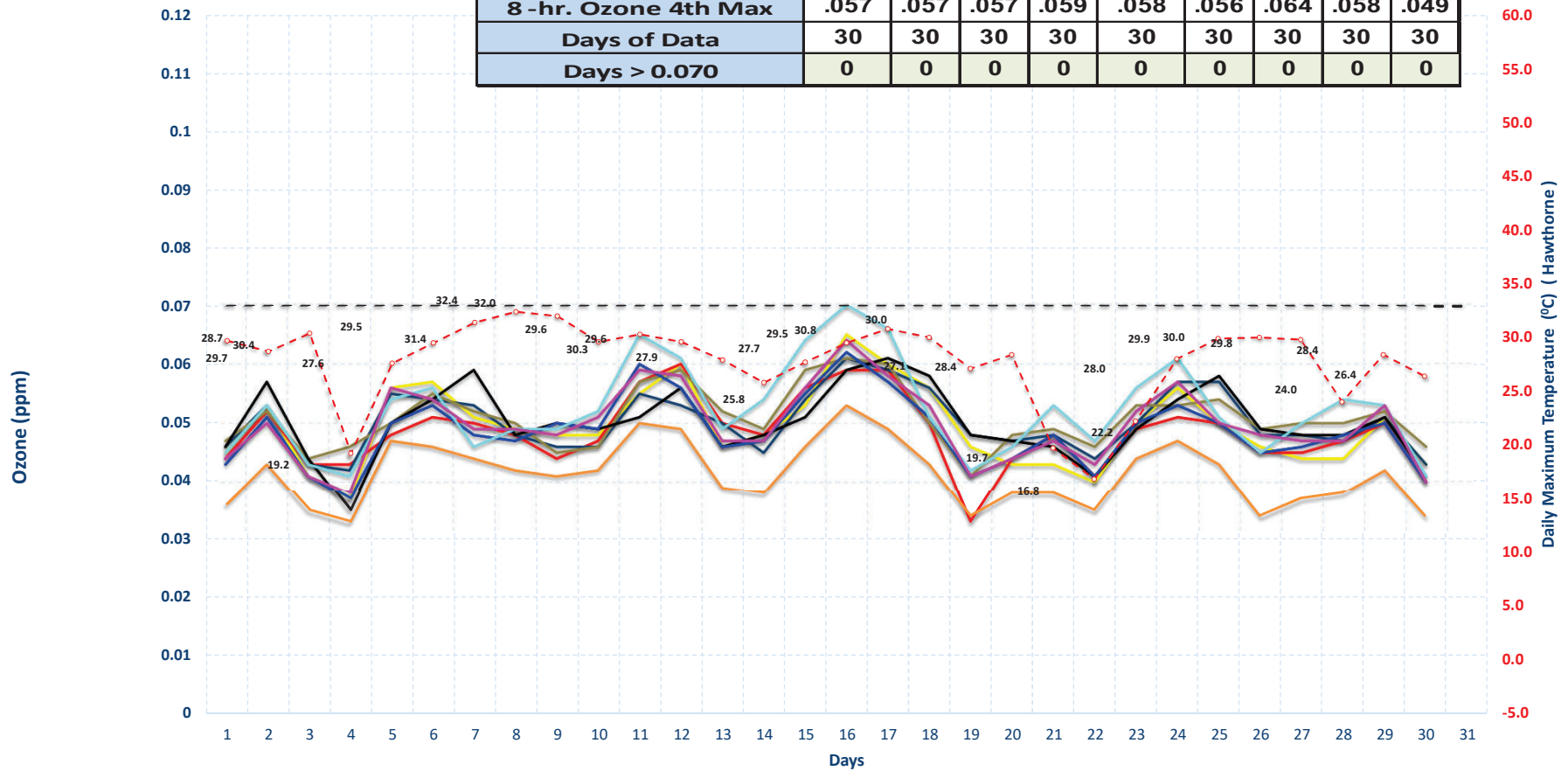
	ZZ	LP
Arith Mean	.056	.057
8 -hr. Ozone 4th Max	.067	.070
Days of Data	31	31
Days > 0.070	3	3



* ZZ is located at the New Utah State Prison (1480 North 8000 West, SLC).
This site was previously named IP

Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2023

	BV	CV	ED	H3	HV	HW	NR	RP	EQ
Arith Mean	.049	.048	.050	.051	.050	.049	.052	.050	.041
8-hr. Ozone 4th Max	.057	.057	.057	.059	.058	.056	.064	.058	.049
Days of Data	30	30	30	30	30	30	30	30	30
Days > 0.070	0	0	0	0	0	0	0	0	0



**

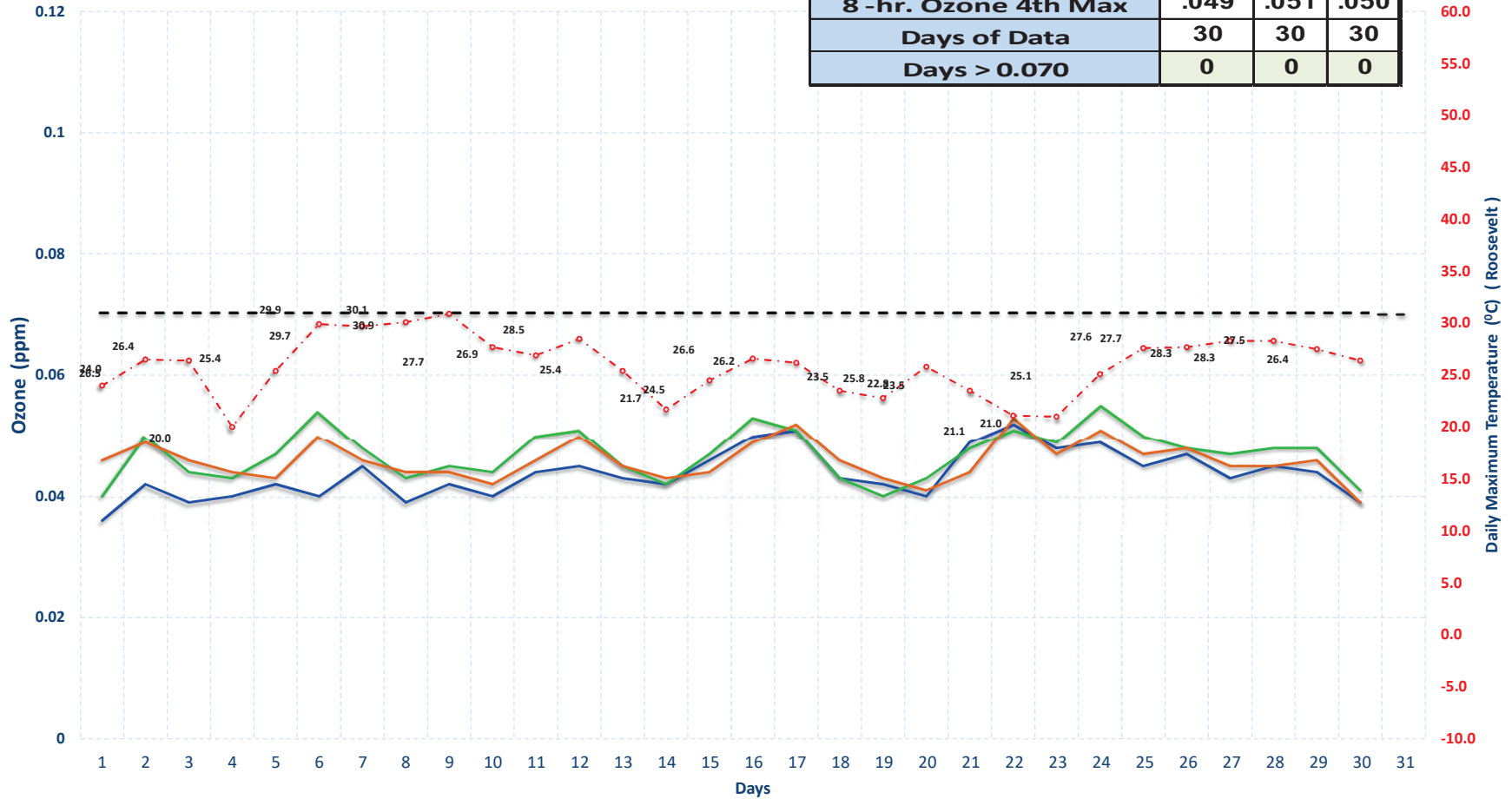
*

— Bountiful
 — Copperview
 — Erda
 — Herriman #3
 — Harrisville
 — Hawthorne
 — Near Road
 — Rose Park
 — Environmental Quality
 - - - Exceed.
 - - - o - - - TM

* Environmental Quality (EQ) previously named Technical Support Center (TSC)
 ** Controlling Monitor

Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2023

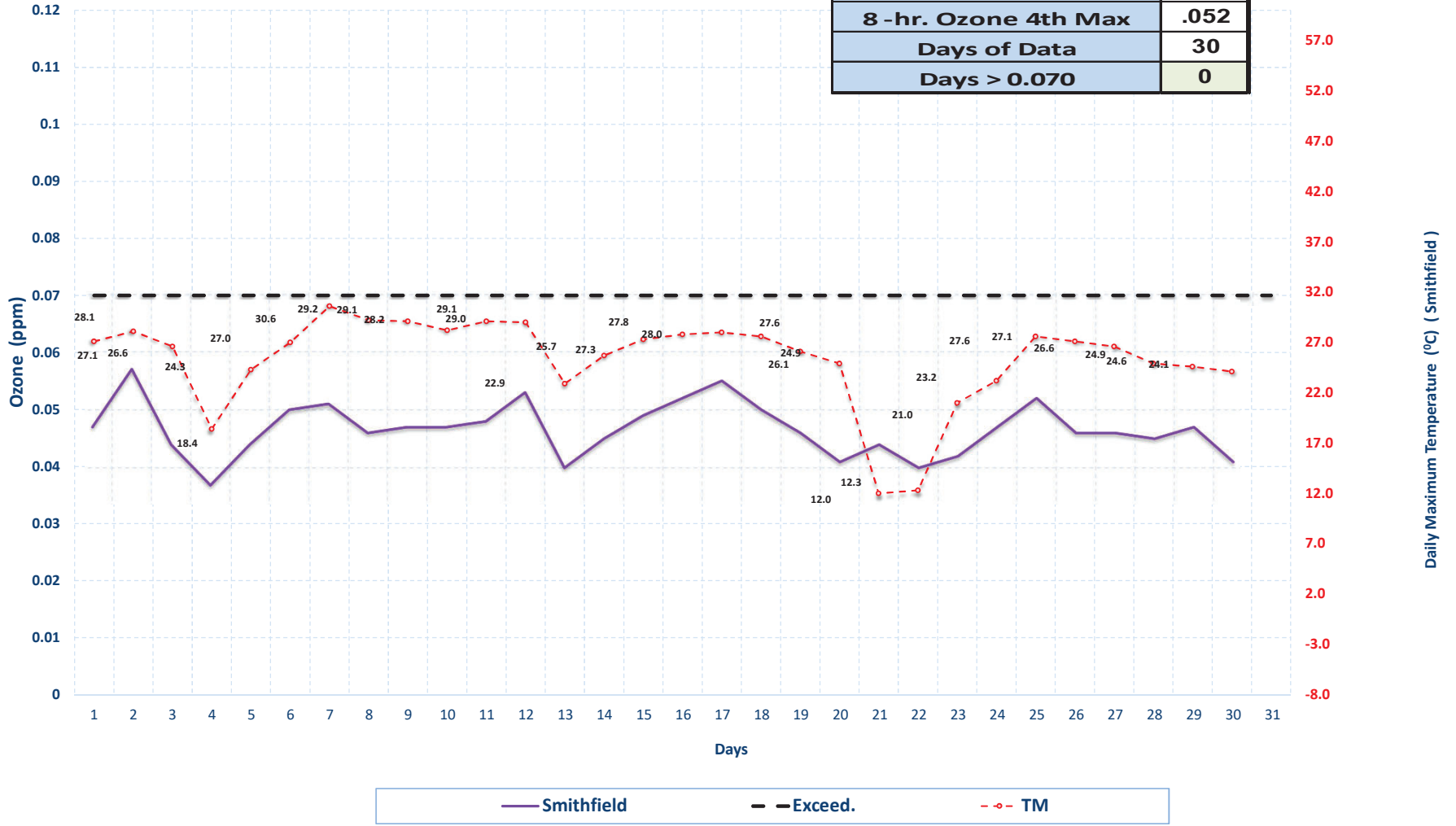
	P2	RS	V4
Arith Mean	.044	.047	.046
8-hr. Ozone 4th Max	.049	.051	.050
Days of Data	30	30	30
Days > 0.070	0	0	0



— Price #2
 — Roosevelt
 — Vernal #4
 - - - Exceed.
 - - - ○ - TM

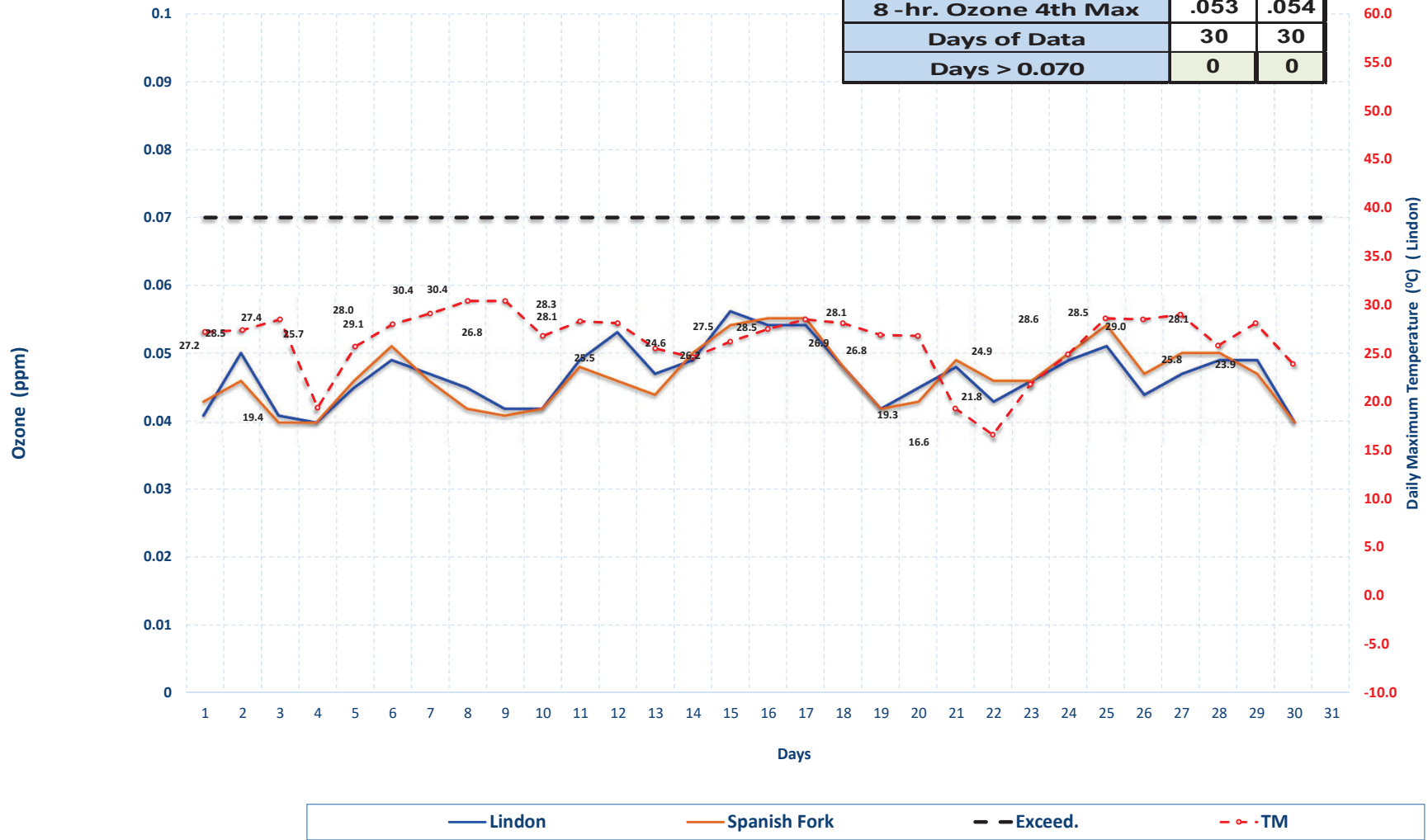
Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2023

	SM
Arith Mean	.047
8-hr. Ozone 4th Max	.052
Days of Data	30
Days > 0.070	0



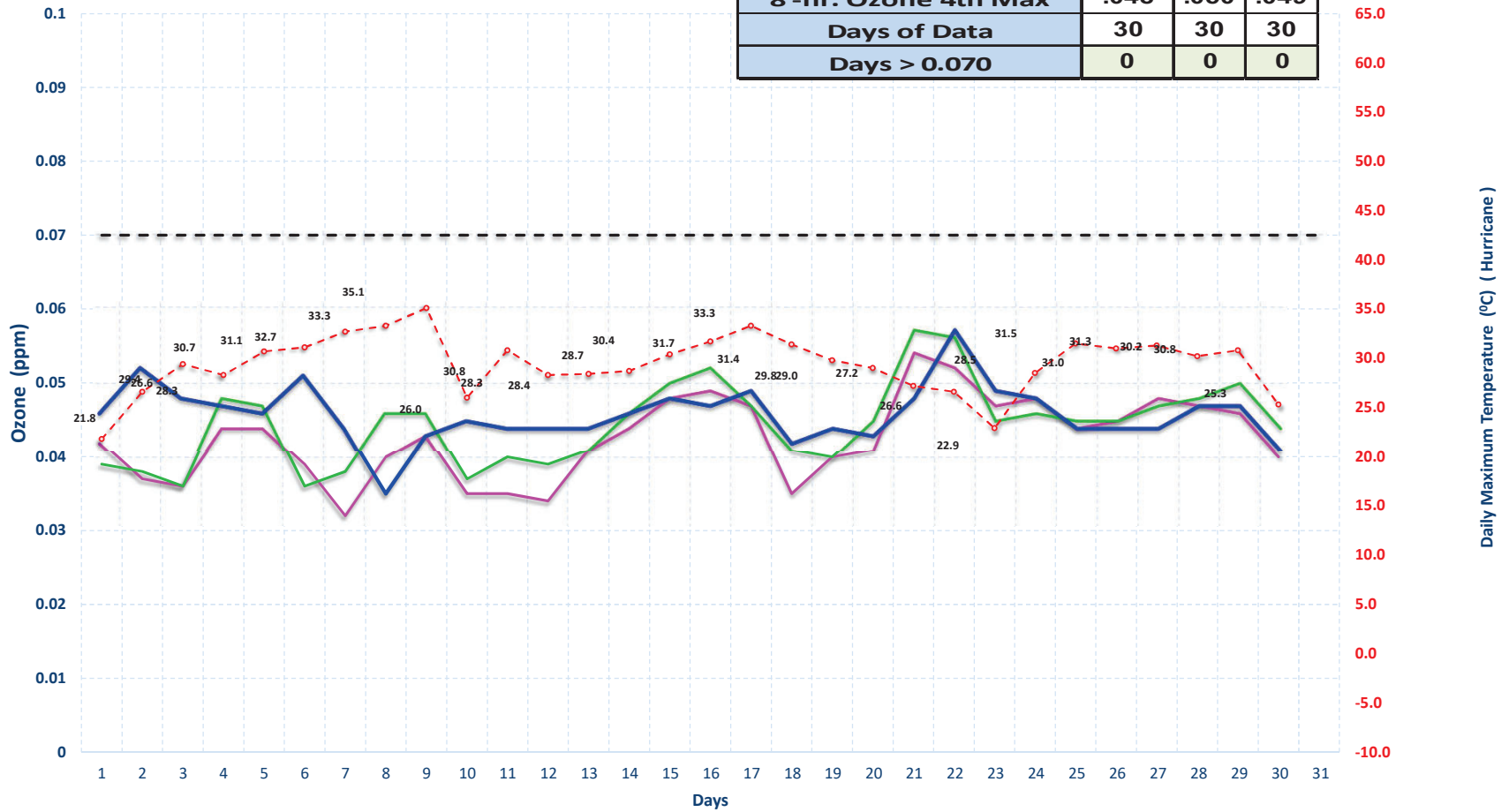
Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2023

	LN	SF
Arith Mean	.047	.047
8-hr. Ozone 4th Max	.053	.054
Days of Data	30	30
Days > 0.070	0	0



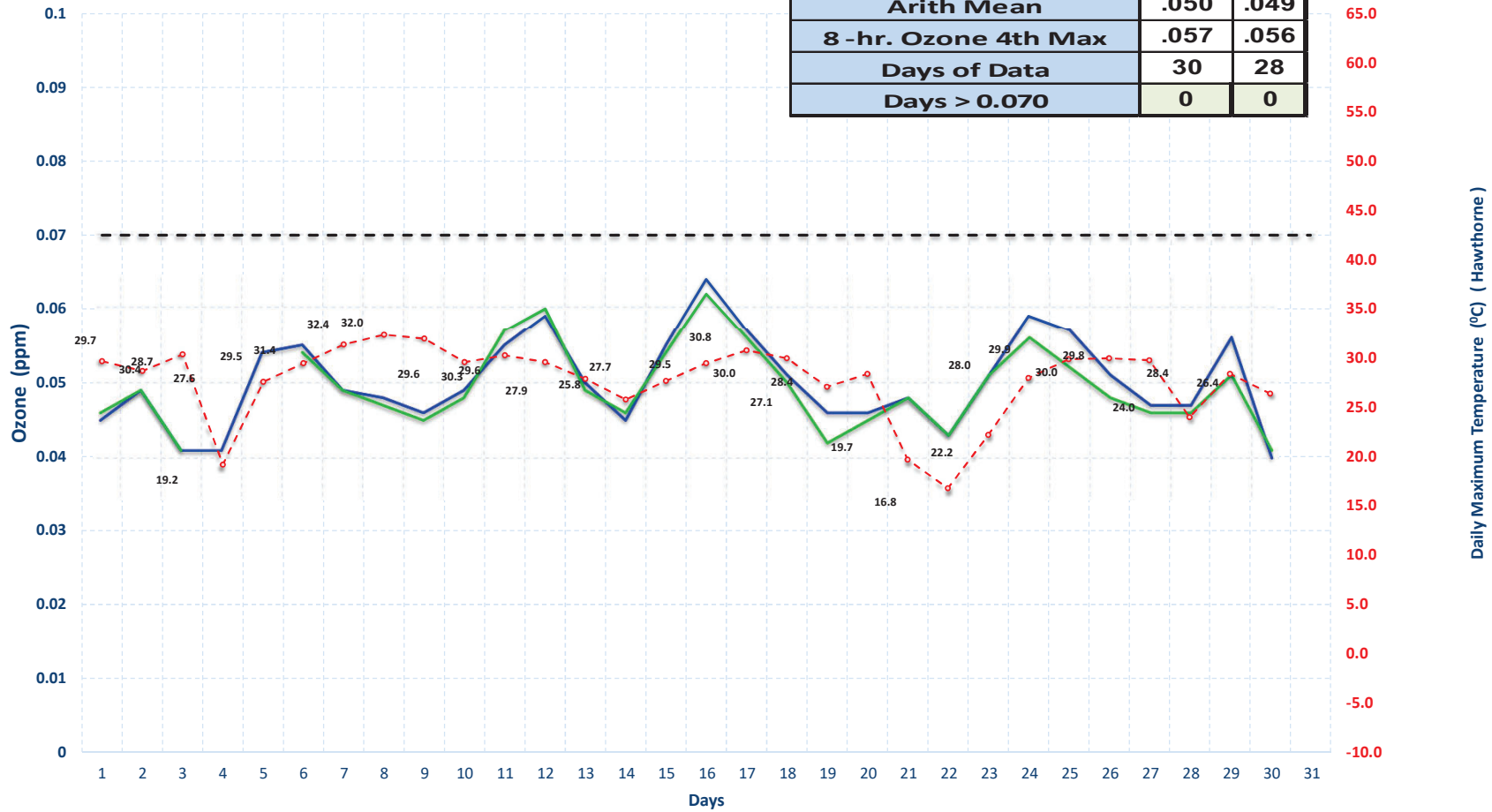
Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2023

	EN	HC	M7
Arith Mean	.043	.045	.046
8 -hr. Ozone 4th Max	.048	.050	.049
Days of Data	30	30	30
Days > 0.070	0	0	0



Highest 8-hr Ozone Concentration & Daily Maximum Temperature September 2023 Stations monitoring the Inland Port development

	ZZ	LP
Arith Mean	.050	.049
8-hr. Ozone 4th Max	.057	.056
Days of Data	30	28
Days > 0.070	0	0

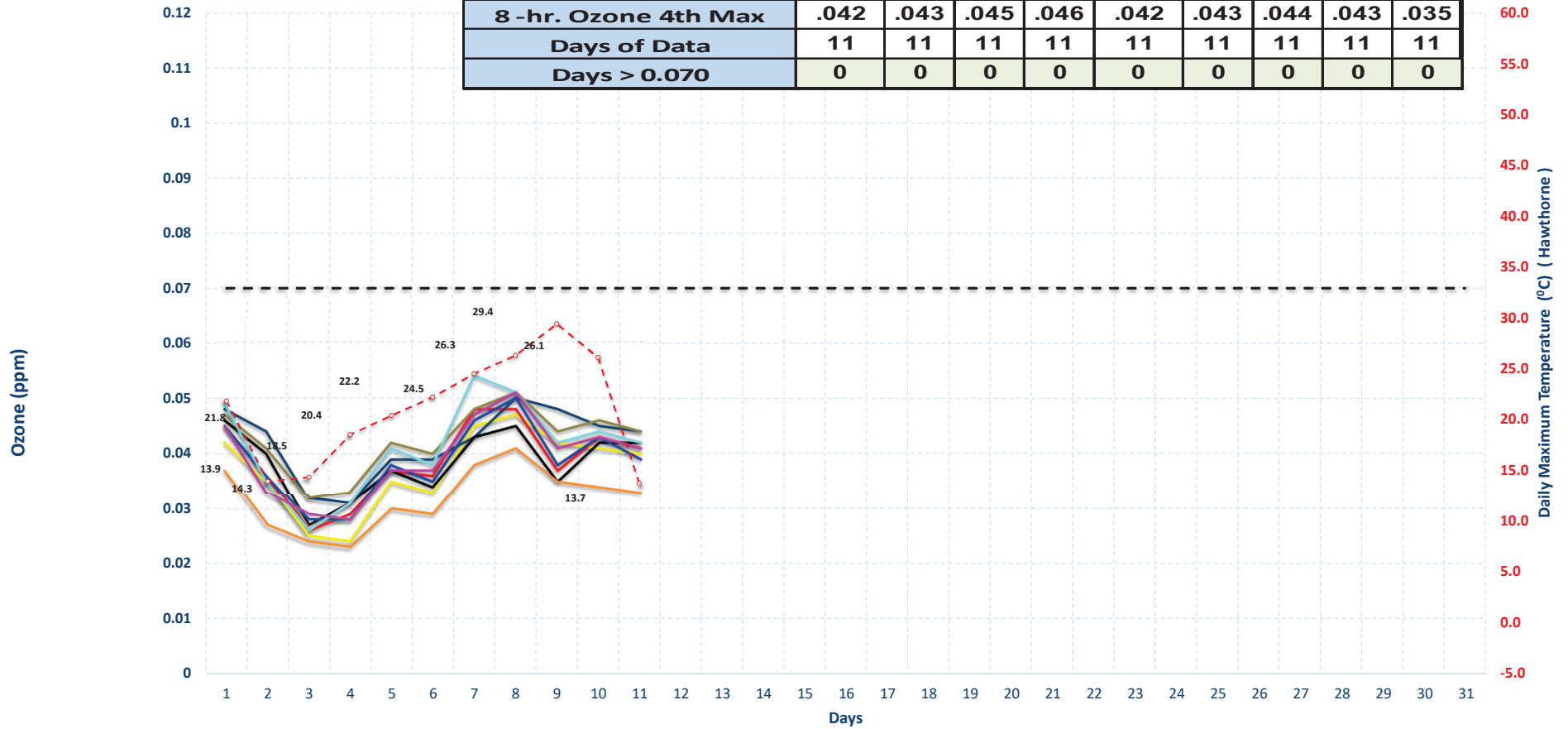


— ZZ
 — Lake Park
 - - - Exceed.
 - - - TM

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This site was previously named IP

Highest 8-hr Ozone Concentration & Daily Maximum Temperature October 2023

	BV	CV	ED	H3	HV	HW	NR	RP	EQ
Arith Mean	.037	.039	.042	.043	.038	.039	.041	.039	.032
8-hr. Ozone 4th Max	.042	.043	.045	.046	.042	.043	.044	.043	.035
Days of Data	11	11	11	11	11	11	11	11	11
Days > 0.070	0	0	0	0	0	0	0	0	0



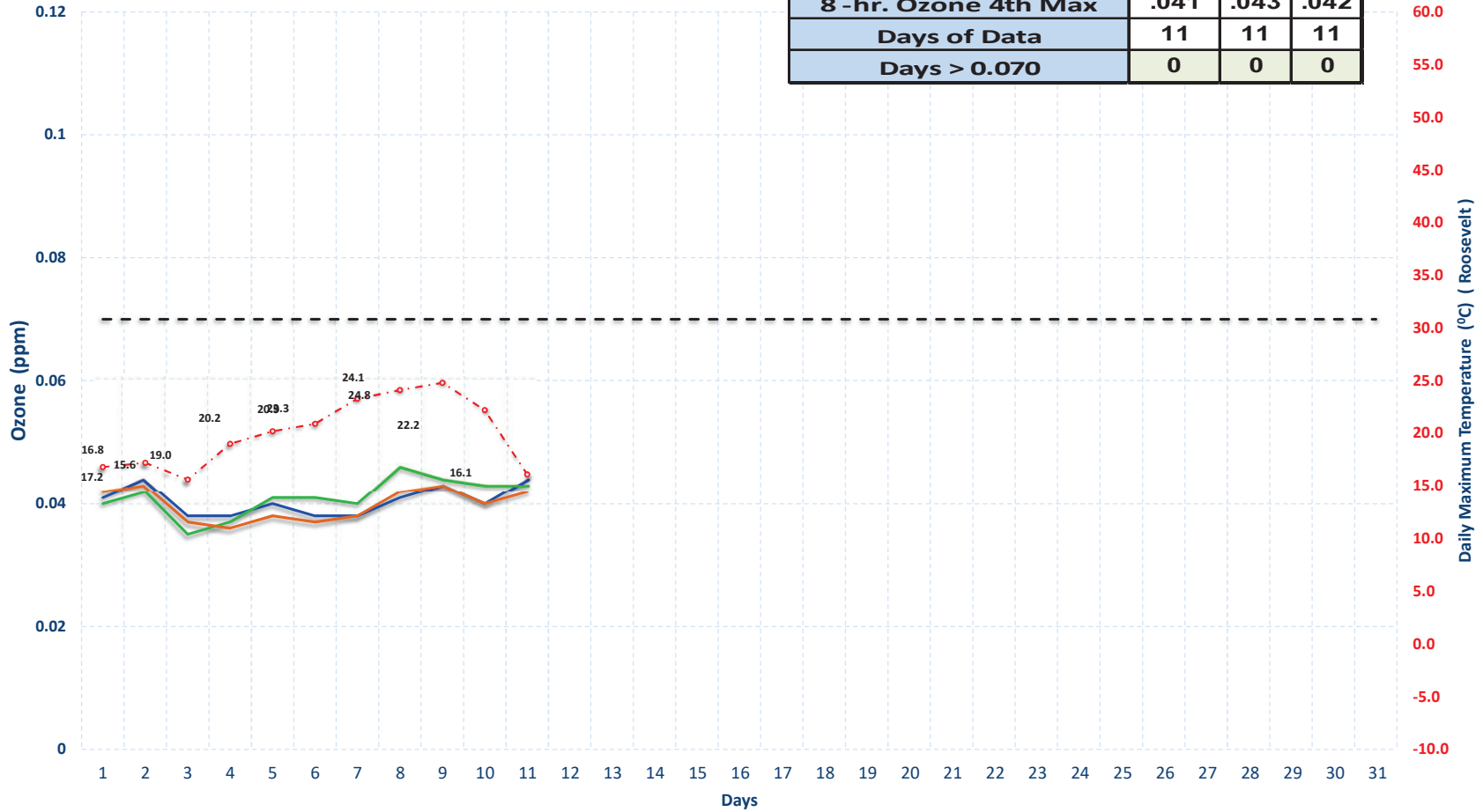
— Bountiful
 — Copperview
 — Erda
 — Herriman #3
 — Harrisville
 — Hawthorne
 — Near Road
 — Rose Park
 — Environmental Quality
 - - Exceed.
 - - o - - TM

* Environmental Quality (EQ) previously named Technical Support Center (TSC)

** Controlling Monitor

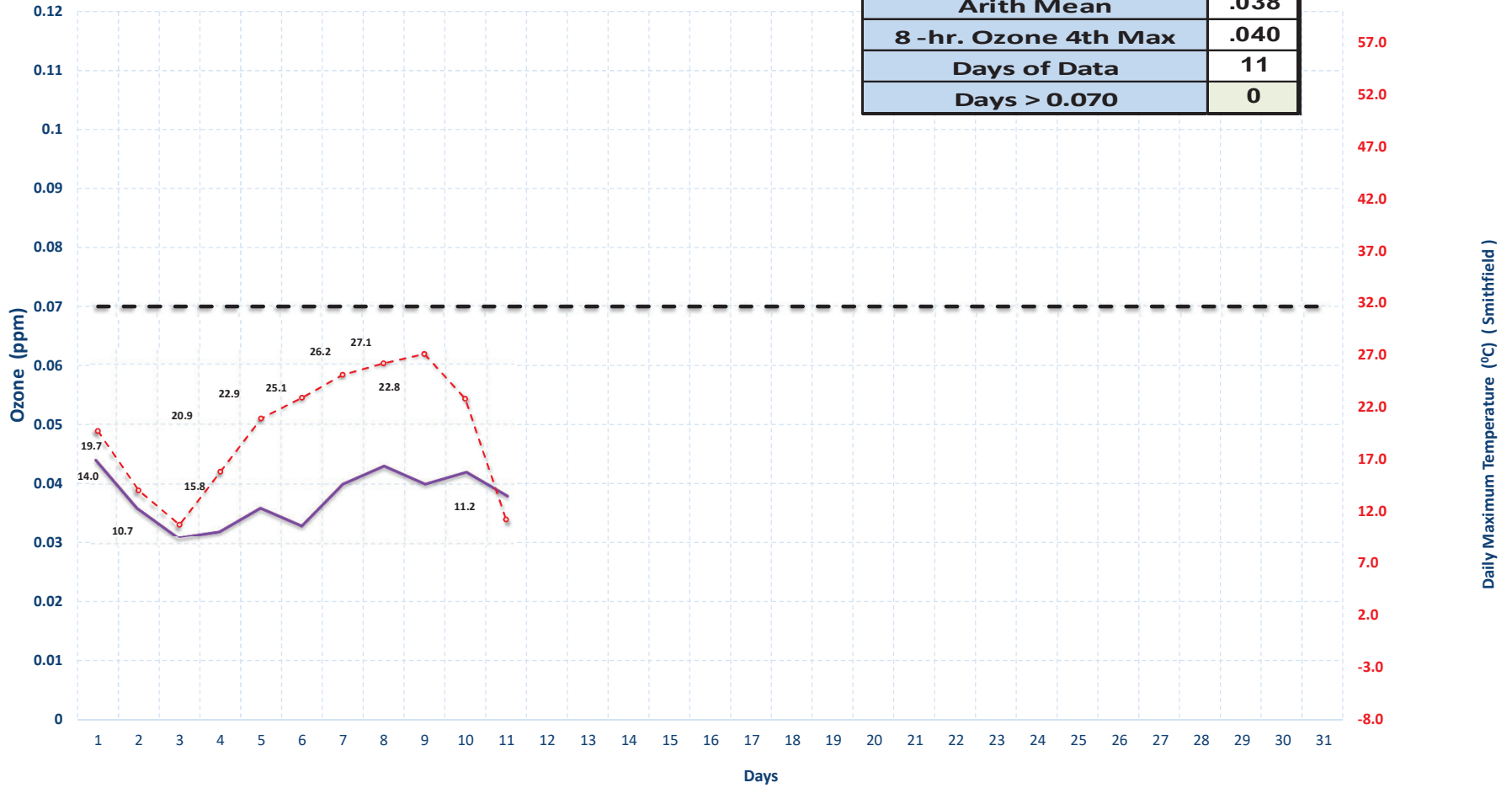
Highest 8-hr Ozone Concentration & Daily Maximum Temperature October 2023

	P2	RS	V4
Arith Mean	.040	.041	.040
8-hr. Ozone 4th Max	.041	.043	.042
Days of Data	11	11	11
Days > 0.070	0	0	0



Highest 8-hr Ozone Concentration & Daily Maximum Temperature October 2023

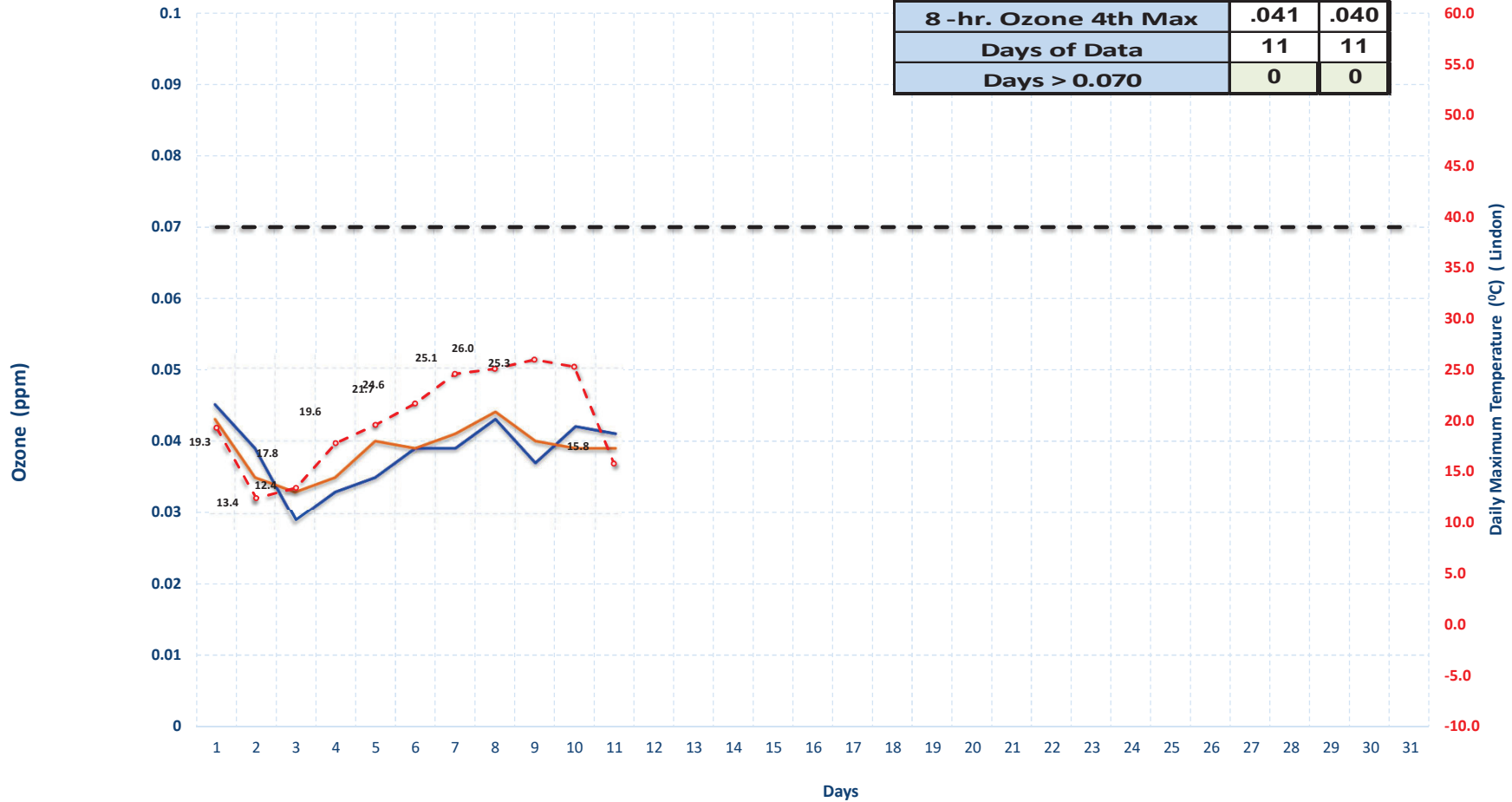
	SM
Arith Mean	.038
8 -hr. Ozone 4th Max	.040
Days of Data	11
Days > 0.070	0



— Smithfield - - Exceed. - - - TM

Highest 8-hr Ozone Concentration & Daily Maximum Temperature October 2023

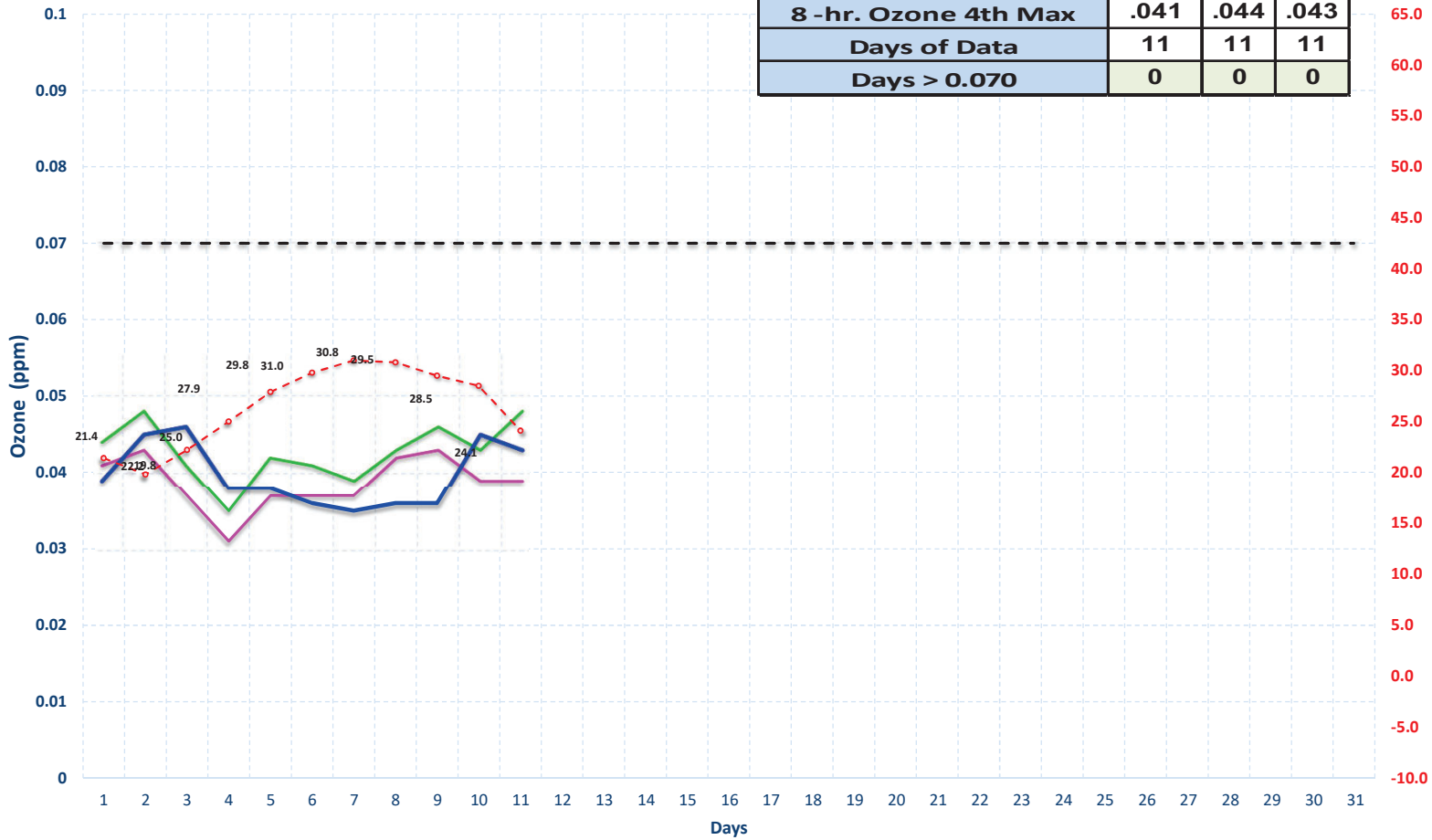
	LN	SF
Arith Mean	.038	.039
8-hr. Ozone 4th Max	.041	.040
Days of Data	11	11
Days > 0.070	0	0



— Lindon — Spanish Fork - - Exceed. - - - TM

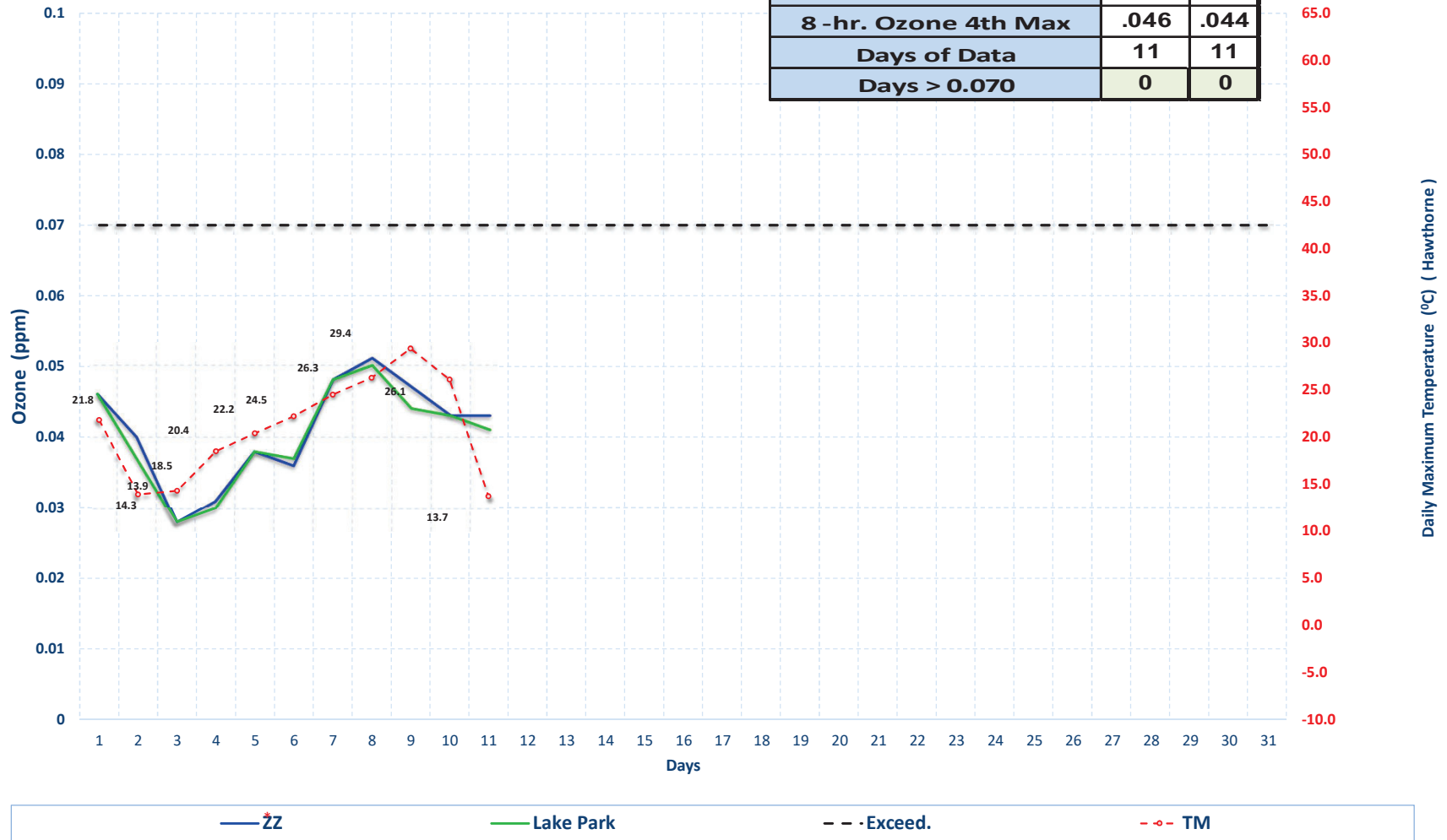
Highest 8-hr Ozone Concentration & Daily Maximum Temperature October 2023

	EN	HC	M7
Arith Mean	.039	.043	.040
8 -hr. Ozone 4th Max	.041	.044	.043
Days of Data	11	11	11
Days > 0.070	0	0	0



Highest 8-hr Ozone Concentration & Daily Maximum Temperature October 2023 Stations monitoring the Inland Port development

	ZZ	LP
Arith Mean	.041	.040
8-hr. Ozone 4th Max	.046	.044
Days of Data	11	11
Days > 0.070	0	0



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