

Department of Environmental Quality

L. Scott Baird
Executive Director

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DAQ-049-20

UTAH AIR QUALITY BOARD MEETING

FINAL AGENDA

Wednesday, June 3, 2020 - 1:30 p.m.

This is an electronic meeting. No anchor location. Interested persons can view electronically, via the Internet at meeting link:

 $\frac{https://meetingsamer15.webex.com/meetingsamer15/j.php?MTID=m791a90d755c4a1a05aa73b69b488}{7aed}$

Meeting number: 126 245 6604 Password: y8tHw3xcuv5 (98849392 from phones and video systems) Join by phone: +1-408-418-9388 United States Toll (access code: 126 245 6604)

This meeting is being held in accordance with Governor Gary Herbert's EXECUTIVE ORDER Suspending the Enforcement of Provisions of Utah Code §§ 52-4-202 and 52-4-207, and Related State Agency Orders, Rules, and Regulations, Due to Infectious Disease COVID-19 Novel Coronavirus.

- I. Call-to-Order
- II. Date of the Next Air Quality Board Meeting: August 5, 2020
- III. Approval of the Minutes for the May 6, 2020, Board Meeting.
- IV. Propose for Final Adoption: R307-101-3. General Requirements. Version of the Code of Federal Regulations Incorporated by Reference; R307-210. Standards of Performance for New Stationary Sources; R307-214. National Emissions Standards for Hazardous Air Pollutants; R307-405-2. Permits: Major Sources in Attainment or Unclassified Areas (PSD). Applicability; and R307-410. Permits: Emission Impact Analysis. Presented by Liam Thrailkill.
- V. <u>Propose for Final Adoption: Repeal R307-165.</u> Emission Testing. Reenact R307-165. Stack Testing. Presented by Liam Thrailkill and Sarah Foran.
- VI. <u>Propose for Public Comment: R307-150. Emission Inventories.</u> Presented by Liam Thrailkill, Catherine Williams, Sheila Vance, and Cate Youatt.

- VII. <u>Propose for Public Comment: R307-101-2.</u> General Requirements: Definitions. Presented by Liam Thrailkill and Becky Close.
- VIII. <u>Propose for Public Comment: R307-401. Permits:</u> New and Modified Sources, R307-415-9. Permits: Operating Permits Requirements: Fees for Operating Permits, and R307-801. Utah Asbestos Rule: Purpose and Authority. Presented by Liam Thrailkill, Alan Humphreys, and David Beatty.
- IX. Informational Items.
 - A. R307-422. Permits: Emission Offset Requirements in PM2.5 Maintenance Areas Update. Presented by Becky Close.
 - B. Recent Progress in Air Quality Modeling. Presented by Chris Pennell.
 - C. Air Toxics. Presented by Leonard Wright.
 - D. Compliance. Presented by Harold Burge and Rik Ombach.
 - E. Monitoring. Presented by Bo Call.
 - F. Other Items to be Brought Before the Board.
 - G. 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) 536-4281, TDD (801) 536-4284 or by email at lwyss@utah.gov.

ITEM 4



Department of Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF AIR QUALITY Bryce C. Bird Director

DAQ-048-20

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Liam Thrailkill, Rules Coordinator

DATE: May 21, 2020

SUBJECT: PROPOSE FOR FINAL ADOPTION: Amend R307-101-3. Version of Code of Federal

Regulations Incorporated by Reference; R307-210. Standards of Performance for New and

Stationary Sources; R307-214. National Emissions Standards for Hazardous Air Pollutants; R307-405-2. Permits: Major sources in Attainment or Unclassified Areas

(PSD). Applicability; and R307-410. Permits: Emissions Impact Analysis.

On March 4, 2020, the Utah Air Quality Board proposed for public comment amendments to R307-101-3, Version of Code of Federal Regulations Incorporated by Reference; R307-210, Standards of Performance for New Stationary Sources (NSPS); R307-214, National Emission Standards for Hazardous Air Pollutants (NESHAP); R307-405-2, Permits: Major Sources in Attainment or Unclassified Areas (PSD), Applicability; and R307-410, Permits: Emissions Impact Analysis.

The amendments to R307-101-3, R307-210, and R307-214 update the most recent version of the Code of Federal Regulations (CFR) to July 1, 2019. R307-101-3 is the general version of the CFR incorporation which applies throughout Title R307 unless otherwise specified in a rule. The published changes to 40 CFR that are relevant to the Utah Air Quality Rules from July 1, 2017, to July 1, 2019, are listed in the attached document named *Summary of Changes for R307-101-3*.

R307-210, Standards of Performance for New Stationary Sources (NSPS), incorporates air quality regulations found in Title 40 of the CFR Part 60. The reference to the version of the CFR in R307-210 is specific to R307-210 only. All published changes to 40 CFR Part 60 from July 1, 2017, to July 1, 2019, are listed in the attached document named *Summary of Changes for R307-210*.

DAQ-048-20 Page 2

R307-214, National Emission Standards for Hazardous Air Pollutants (NESHAPs), incorporates changes to NESHAPs as published in Title 40 of the CFR Parts 61 and 63. All published changes to 40 CFR Parts 61 and 63 from July 1, 2017, to July 1, 2019, are listed in the attached document named *Summary of Changes for R307-214*. To reflect these changes, R307-214 was amended.

R307-405-2, Permits: Major sources in Attainment or Unclassified Areas (PSD), Applicability; and R307-410, Permits: Emissions Impact Analysis, needed to be amended individually to incorporate the most recent version of the CFR. To streamline the process, DAQ staff amended both rules for future rulemaking. With the amended changes, R307-405-2 and R307-410 no longer need to be amended individually to update their CFR incorporation, but will now fall under R307-101-3. Since both R307-405-2 and R307-410 were amended recently to update their incorporation of the CFR, there are no changes to be noted.

The public comment period ran from April 1, 2020, through May 4, 2020. No comments were received. The public hearing tentatively scheduled for May 4th was cancelled because a hearing was not requested.

Recommendation: Staff recommends that the Board adopt R307-101-3, R307-210, R307-214, R307-405-2, and R307-410 as proposed.

R307-101-3 May 21, 2020 Page 1 of 1

R307. Environmental Quality, Air Quality.

R307-101. General Requirements.

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4 R307-101-3. Version of Code of Federal Regulations Incorporated by 5 Reference.

Except as specifically identified in an individual rule, the version of the Code of Federal Regulations (CFR) incorporated throughout R307 is dated July 1, 2019.

- 10 KEY: air pollution, definitions
- 11 Date of Enactment or Last Substantive Amendment: February 7, 2019
- 12 Notice of Continuation: November 13, 2018
- 13 Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

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Rule	CFR Section Incorporated	Summary of Changes to CFR
R307-101-2	40 CFR 51.100(s)	40 CFR 51.100(s)(1) was revised by amending the introductory text. This final action revised the regulatory definition of VOC under the Clean Air Act (CAA). This final action added HFO-1336mzz-Z to the list of compounds excluded from the regulatory definition of VOC on the basis that this compound makes a negligible contribution to tropospheric ozone (O3) formation. 83 Fed. Reg. 61127 (November 28, 2018)
	40 CFR 93, Subpart B	No Change
R307-170-7	40 CFR 75, Appendix A, Section 6.2	No Change
R307-221-2	Definitions 40 CFR 60.751	No Change
R307-221-3	40 CFR 60.752 through 60.759, including Appendix A	Appendix A-1 Method 2B In Method 2B, in section 12.1, the definition of ambient carbon dioxide concentration was revised to read "(CO ₂) _a = Ambient carbon dioxide concentration, ppm (if not measured during the test period, may be assumed to equal the global monthly mean CO ₂ concentration posted at http://www.esrl.noaa.gov/gmd/ccgg/trends/global.html#global_data)." The agency continues to believe that the global monthly mean (CO ₂) _a concentration varies over time. Also, a website link is added to the definition as specified at proposal.
		Appendix A-3 Method 5 Section 6.1.1.9 is revised to allow the use of a single temperature sensor in lieu of two temperature sensors on the dry gas meter as allowed by Technical Information Document 19 (TID–19) and the approved broadly applicable alternative, ALT–117 (see https://www.epa.gov/emc). Consistent with allowing flexibility for the weighing container in section 11.2.1, Method 5B, the first sentence in section 11.2.1, Method 5 is revised similarly.
		Method 5B Section 11.0 is revised to replace the reference to Method 5, section 11.0 with specific analytical procedures and to report the results using Figure 5B–1 for complete data review. Section 17.0 is revised as proposed to delete the word "Reserved" from the title, and Figure 5B–1 (Analytical Data Sheet) is added.
		Appendix A-4 Method 7 In Method 7, sections 10.1.2 and 11.3 reference erroneous sections; the correct section was inserted. The referenced section 10.1.1.2 is changed to 10.1.1 to include procedures in both sections 10.1.1.1 and 10.1.1.2.
		Method 8 Method 8, sections 6.1.1.1 through 6.1.1.4 are renumbered to 6.1.1.2 through 6.1.1.5; a new section 6.1.1.1 is added to clarify the requirements that apply to the probe nozzle; and, in response to comments, Figure 8–1 (Sulfuric Acid Sampling Train) was corrected by: (1) Modifying the impinger graphics to make it consistent with the text in section 6.1.1.4 and (2) revising the proposed label S-Type Pitot Tube to Type S Pitot Tube for

Rule	CFR Section Incorporated	Summary of Changes to CFR
		consistency. The first sentence in section 6.1.1.1 was revised to "Borosilicate or quartz glass with a sharp, tapered leading edge and coupled to the probe liner using a polytetrafluoroethylene (PTFE) or glasslined union (e.g., fused silica, Silico, or equivalent)." Based on a public comment that recommended adding Silco coated stainless steel unions as an option for Teflon unions, and for consistency with other test methods, we have replaced Teflon with the generic option polytetrafluoroethylene (PTFE).
		Appendix A-6 Method 18 In Method 18, in section 13.1, the erroneous paragraph (c) designation was re-designated as (b).
		Appendix A-7 Method 22 In Method 22, sections 11.2.1 and 11.2.2 were revised to allow digital photography to be used for a subset of the recordkeeping requirements. Section 11.2.3 is added to specify the requirements for digital photographic records. In response to comments on the proposal, the next to the last sentence in section 11.2.3 regarding photographs that must be taken within 15 minutes of the observation period was revised from the proposal, and another sentence was added to provide clarity. The revised and new sentences read: "The photograph(s) representing the environmental conditions including the sky conditions and the position of the sun relative to the observer and the emission point must be taken within a reasonable time of the observation (i.e., 15 minutes). When observations are taken from exactly the same observation point on a routine basis (e.g., daily) and as long as there are no modifications to the units depicted, only a single photograph each day is necessary to document the observer's location relative to the emissions source, the process unit being observed, and the location of potential and actual emission points." The agency notes that ALT–109 (see https://www.epa.gov/emc) is the associated broadly applicable alternative that allows the use of digital photographs for specific recordkeeping requirements.
		Appendix A-8 Method 26 Method 26, section 6.2.2 was revised to allow the use of glass sample storage containers as an option to allow flexibility and to be consistent with Method 26A. The proposed title of section 6.2.2, "Storage Bottles," was changed to "Storage Containers" to be consistent with the language in section 6.2.2.
		Method 26A Method 26A, section 6.2.1 was revised to remove the language regarding sample storage containers. In response to comments on the proposal, EPA determined that high-density polyethylene is an acceptable material for sample storage containers in addition to the currently allowed glass. Therefore, in a new section 6.2.4., EPA specified that both high-density polyethylene and glass are acceptable sample storage containers.

Rule	CFR Section Incorporated	Summary of Changes to CFR
		Method 28WHH In Test Method 28WHH, equation 8 in section 13.5.1 was corrected.
		83 FR 56922 (November 14, 2018)
R307-221-4	Section 40 CFR Part 60.18	No Change
R307-222-2	40 CFR 60.31e	No Change
R307-222-2	40 CFR 60.51c	No Change
R307-222-3	40 CFR 60.52c(b), 40 CFR 60.53c, 40 CFR 60.55c, 40 CFR 60.58c(b) excluding (b)(2)(ii) and (b)(7), and 40 CFR 60.58c(c) through (f)	No Change
R307-222-4	Table 1A and Table 1B in 40 CFR Part 60, Subpart Ce; 40 CFR 60.57c; and 40 CFR 60.56c, excluding 56c(b)(12) and 56c(c)(3)	No Change
R307-222-5(2)	Table 2 in 40 CFR Part 60, Subpart Ce (40CFR60.30e-39e)	No Change
R307-222-5(3)	40 CFR 60.36e(a)(1) and (a)(2)	No Change
R307-222-5(4)	Testing requirements of 40 CFR 60.37e(b)(1) through (b)(5)	No Change
R307-222-5(5)	40 CFR 60.37e(d)(1) through (d)(3)	No Change
R307-222-5(6)	40 CFR 60.38e(b)(1) and (b)(2)	No Change
R307-223-1(2)	40 CFR 60.1555(a) through (k) 40 CFR 60.1940	No Change
R307-223-2(1)	40 CFR 60.1940 Equations found in 40 CFR 60.1935	No Change
R307-223-2(2)	Equations found in 40 CFR 60.1935 40 CFR 60.1540 and 60.1585 through 60.1905, and with the requirements and schedules set forth in Tables 2 through 8 that	No Change

Rule	CFR Section Incorporated	Summary of Changes to CFR
	are found following 40 CFR 60.1940 for operator training and certification	
R307-223-3(1)	40 CFR 60.1540 and 60.1585 through 60.1905, and with the requirements and schedules set forth in Tables 2 through 8 that are found following 40 CFR 60.1940 for operator training and certification	No Change
	40 CFR Part 60, subpart HHHH, Sections 60.4101 through 60.4124; (b) Sections 60.4142 paragraph (c)(2) through paragraph (c)(4); (c) Sections 60.4150 through 60.4176.	
R307-224-2	40 CFR Part 60, subpart HHHH, Sections 60.4101 through 60.4124; (b) Sections 60.4142 paragraph (c)(2) through paragraph (c)(4); (c) Sections 60.4150 through 60.4176. Definitions contained in 40 CFR 93.101	No Change
R307-310-2	40 CFR Part 93.101	No Change
R307-328	40 CFR Parts 63.421, 63.425(e), 63.425(i), and Reference Methods of 40 CFR Part 60.,	No Change
R307-415	40 CFR Parts 72.2, 72, 61.145, 720.3(ee), 70.8(d), 70.7(g), 72.421	No Change
R307-417-1	40 CFR Part 72	No Change
R307-417-2	40 CFR Part 75	No Change
R307-417-3	40 CFR Part 76	No Change
R307-801-4	40 CFR 763 Subpart E, and appendices	No Change

- R307. Environmental Quality, Air Quality.
- 2 R307-210. Standards of Performance for New Stationary Sources.
 - R307-210-1. Standards of Performance for New Stationary Sources.

The provisions of 40 Code of Federal Regulations (CFR) Part 60, effective on July 1, 2019, except for Subparts Cb, Cc, Cd, Ce, BBBB, DDDD, and HHHH, are incorporated by reference into these rules with the exception that references in 40 CFR to "Administrator" shall mean "director" unless by federal law the authority referenced is specific to the Administrator and cannot be delegated.

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- KEY: air pollution, stationary sources, new source review
- 12 Date of Enactment or Last Substantive Amendment: May 23, 2018
- 13 Notice of Continuation: May 12, 2016
- 14 Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(q);
- 15 **19-2-108**

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CFR Reference	Summary of Changes to CFR
40 CFR 60.17	In § 60.17, revised paragraph (h)(177) to read as follows: § 60.17 Incorporations by reference. * * * * * (h) * * * (177) ASTM D6216–12, Standard Practice for Opacity Monitor Manufacturers to Certify Conformance with Design and Performance Specifications, approved October 1, 2012; IBR approved for appendix B to part 60. * 83 FR No. 220 (November 14, 2018)
	Section 60.17 was amended by revising paragraph (g)(14) to read as follows: § 60.17 Incorporations by reference. * * * * * (g) * * * (14) ASME/ANSI PTC 19.10–1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], (Issued August 31, 1981), IBR approved for §§ 60.56c(b), 60.63(f), 60.106(e), 60.104a(d), (h), (i), and (j), 60.105a(b), (d), (f), and (g), 60.106a(a), 60.107a(a), (c), and (d), tables 1 and 3 to subpart EEEE, tables 2 and 4 to subpart FFFF, table 2 to subpart JJJJ, §§ 60.285a(f), 60.4415(a), 60.2145(s) and (t), 60.2710(s), (t), and (w), 60.2730(q), 60.4900(b), 60.5220(b), tables 1 and 2 to subpart LLLL, tables 2 and 3 to subpart MMMM, §§ 60.5406(c), 60.5406a(c), 60.5407a(g), 60.5413(b), 60.5413a(b), and 60.5413a(d).
	Amended § 60.17 by: a. In paragraph (g)(14), by removing "60.2710(s), (t), and (w)," and adding, it its place, "60.2710(s) and (t),"; and b. In paragraph (h)(190), by removing "tables 1, 5," and adding, in its place, "tables 5,". 84 FR No. 73 (April 16, 2019)
40 CFR 60.48Da (f)	No Changes
40 CFR 60.61-60.64	No Changes
40 CFR 60.100a-60.107a	Section 60.105a was amended by revising paragraph (b)(2)(ii) to read as follows: § 60.105a Monitoring of emissions and operations for fluid catalytic cracking units (FCCU) and fluid coking units (FCU). * * * * * * * (b) * * * * (2) * * * (ii) The owner or operator shall conduct performance evaluations of each CO2 and O2 monitor according to the requirements in § 60.13(c) and Performance Specification 3 of appendix B to this part. The owner or operator shall use Method 3, 3A or 3B of appendix A–2 to this part for conducting the relative accuracy evaluations. The method ANSI/ASME PTC 19.10–1981, "Flue and Exhaust Gas Analyses," (incorporated by reference— see § 60.17) is an acceptable alternative to EPA Method 3B of appendix A–2 to part 60. * * * * * 4. Section 60.106a was amended by revising paragraph (a)(1)(iii) to read as follows: § 60.106a Monitoring of emissions and operations for sulfur recovery plants. (a) * * * (1) * * * (iii) The owner or operator shall conduct performance evaluations of each SO2 monitor according to the requirements in § 60.13(c) and Performance Specification 2 of appendix B to part 60. The owner or operator shall use Method 6 or 6C of appendix A–4 to part 60. The method ANSI/ASME PTC 19.10–1981, "Flue and Exhaust Gas Analyses," (incorporated by reference—see § 60.17) is an acceptable alternative to EPA Method 6. 83 FR No.227
40 CFR 60.200; 60.201;	No Change
60.203; 60.205; 60.210;	
62.211; 60.213 60.215;	
60.223-60.225; 60.230;	
60.233; 60.235; 60.243; 60.245.	
60.332; 60.543; 60.562-1;	No Change
60.614; 60.643; 60.664.	

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CFR Reference	Summary of Changes to CFR
40 CFR 60.2000-60.2265 (Subpart CCCC)	This action finalized amendments, which provide clarity and address implementation issues in the final commercial and industrial solid waste incineration (CISWI) NSPS and emission guidelines (EG), as well as correcting inconsistencies and errors in these provisions. 84 FR No. 73 (April 16, 2019)
40 CFR 60.4300-60.4420 (Subpart KKKK)	No Change
40 CFR 60.5360-60.5499 (Subpart OOOO)	No Change
40 CFR 60.5360a- 60.5499a (Subpart OOOOa)	No Change
40 CFR 60.5508-60.5580 (Subpart TTTT)	No Change
40 CFR 60.5700-60.5880 (Subpart UUUU)	No Change
40 CFR 60. Appendix B	In appendix B to part 60, in "Performance Specification 2- Specifications and Test Procedures for SO2 and NOX Continuous Emission Monitoring Systems in Stationary Sources" remove sections 6.1.1.1, 6.1.1.2, 6.1.1.3, and 6.1.1.4. 82 FR No. 150 (August 7, 2017) 11. In appendix B to part 60: ■ a. Add the following entries to the list of Performance Specifications in numeric order: ■ i. Performance Specification 12B— Specifications and Test Procedures for Monitoring Total Vapor Phase Mercury Emissions From Stationary Sources Using A Sorbent Trap Monitoring System ■ ii. Performance Specification 17 [Reserved] ■ iii. Performance Specification 18— Performance Specifications and Test Procedures for Gaseous Hydrogen Chloride (HCl)
	Continuous Emission Monitoring Systems at Stationary Sources • iv. PS-18—Appendix A Standard Addition Procedures

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CFR Reference	Summary of Changes to CFR	
	■ b. In Performance Specification 1, remove "D 6216–98" wherever it appears and add in its place "D6216–12", and revise section 2.1, the introductory text of section 13.0, sections 13.1 and 13.2, and paragraph 8. of section 16.0.	
	2.1 ASTM D6216–12 (incorporated by reference, see § 60.17) is the reference for design specifications, manufacturer's performance specifications, and test procedures. The opacity monitor manufacturer must periodically select and test an opacity monitor, that is representative of a group of monitors produced during a specified period or lot, for conformance with the design specifications in ASTM D6216–12. The opacity monitor manufacturer must test each opacity monitor for conformance with the manufacturer's performance specifications in ASTM D6216–12. Note: If the initial certification of the opacity monitor occurred before November 14, 2018 using D6216–98, D6216–03, or D6216–07, it is not necessary to recertify using D6216-12.	
	13.0 What Specifications Does a COMS Have to Meet for Certification? A COMS must meet the following design, manufacturer's performance, and field audit performance specifications: Note: If the initial certification of the opacity monitor occurred before November 14, 2018 using D6216–98, D6216–03, or D6216–07, it is not necessary to recertify using D6216–12.A. COMS must meet the following design, manufacturer's performance, and field audit performance specifications.	
	13.1 Design Specifications. The opacity monitoring equipment must comply with the design specifications of ASTM D6216–12.	
	13.2 Manufacturer's Performance Specifications. The opacity monitor must comply with the manufacturer's performance specifications of ASTM D6216–12.	
	16.0 * * * 8 . ASTM D6216–12: Standard Practice for Opacity Monitor Manufacturers to Certify Conformance with Design and Performance Specifications. ASTM. October 2012.	
	■ c. In Performance Specification 2, revise section 13.2.	
	13.2 Relative Accuracy Performance Specification.	
	■ d. In Performance Specification 3, revise sections 12.0 and 13.2.	
	12.0 Calculations and Data Analysis Calculate the RA using equations 3–1 and 3–2. Summarize the results on a data sheet similar to that shown in Figure 2.2 of PS2.	
	13.2 CEMS Relative Accuracy Performance Specification. The RA of the CEMS must be no greater than 20.0 percent of the mean value of the reference method (RM) data when calculated using equation 3–1. The results are also acceptable if the result of Equation 3–2 is less than or equal to 1.0 percent O2 (or CO2).	
	■ e. In Performance Specification 11, revise section 13.1.	

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CFR Reference	1101110	Summary of Changes to CFR	
	daily drift of your PM CEMS does not technology-suitable reference standard monitors (for temperature, pressure, an determine the calibration drift separatel	ormance specification? Your daily PM CEMS internal drift checks must demonstrate that deviate from the value of the reference light, optical filter, Beta attenuation signal, or other by more than 2 percent of the response range. If your CEMS includes diluent and/or auxid/or moisture) that are employed as a necessary part of this performance specification, you you for each ancillary monitor in terms of its respective output (see the appropriate performance specification). None of the calibration drifts may exceed their individual specification.	er liary ou must
	■ f. In Performance Specification 15, a	dd reserved section 13.0.	
	13.0 Method Performance [Reserved]		
	■ g. In Performance Specification 18, r	evise section 11.8.7 and table 1 in section 17.0, and add reserved section 12.0 to PS-18.	
	11.8.7 The zero-level and mid-level CI PS. You must meet this criterion for 7 of	O for each day must be less than 5.0 percent of the span value as specified in section 13.2 consecutive operating days.	of this
	TAI	BLE 1—INTERFERENCE TEST GAS CONCENTRATIONS	
	Potential Interferent gas ¹	Approximate concentration (balance N ₂)	
	CO_2	$15\% \pm 1\% \text{ CO}_2.^2$	
	CO	100 ± 20 ppm.	
	CH ₂ O	20 ± 5 ppm.	
	CH ₄	100 ± 20 ppm.	
	NH ₃	10 ± 5 ppm (extractive CEMS only)	
	NO	$250 \pm 50 \text{ ppm.}$	
	SO_2	200 ± 20 ppm.	
	O ₂	$3\% \pm 1\% O_2$.	
	H ₂ O	$10\% \pm 1\% \text{ H}_2\text{O}.^2$	
	N ₂	Balance. ²	
		ed at a lower level if the manufacturer has provided reliable means for limiting or scrubbi	ing that
	gas to a specified level in CEMS field i	nstallations. e tests cannot be added above 100 percent stack equivalent concentration. Add these gase	ag at the
	indicated percentages to make up the re		es at me
	marcated percentages to make up the re	maining cen volume.	
	12.0 [Reserved]		
	83 FR No. 220 (November 14, 2018)		

R307. Environmental Quality, Air Quality.

R307-214. National Emission Standards for Hazardous Air Pollutants. R307-214-1. Pollutants Subject to Part 61.

The provisions of Title 40 of the Code of Federal Regulations (40 CFR) Part 61, National Emission Standards for Hazardous Air Pollutants, effective as of July 1, 2019, are incorporated into these rules by reference. For pollutant emission standards delegated to the State, references in 40 CFR Part 61 to "the Administrator" shall refer to the director.

R307-214-2. Sources Subject to Part 63.

The provisions listed below of 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories, effective as of July 1, 2019, are incorporated into these rules by reference. References in 40 CFR Part 63 to "the Administrator" shall refer to the director, unless by federal law the authority is specific to the Administrator and cannot be delegated.

- (1) 40 CFR Part 63, Subpart A, General Provisions.
- (2) 40 CFR Part 63, Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance with 42 U.S.C. 7412(q) and (j).
- (3) 40 CFR Part 63, Subpart F, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.
- (4) 40 CFR Part 63, Subpart G, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.
- (5) 40 CFR Part 63, Subpart H, National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.
- (6) 40 CFR Part 63, Subpart I, National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.
- (7) 40 CFR Part 63, Subpart J, National Emission Standards for Polyvinyl Chloride and Copolymers Production.
- (8) 40 CFR Part 63, Subpart L, National Emission Standards for Coke Oven Batteries.
- (9) 40 CFR Part 63, Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.
- (10) 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.
- (11) 40 CFR Part 63, Subpart O, National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations.
- (12) 40 CFR Part 63, Subpart Q, National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.
- (13) 40 CFR Part 63, Subpart R, National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).
- (14) 40 CFR Part 63, Subpart T, National Emission Standards for Halogenated Solvent Cleaning.

(15) 40 CFR Part 63, Subpart U, National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.

- (16) 40 CFR Part 63, Subpart AA, National Emission Standards for Hazardous Air Pollutants for Phosphoric Acid Manufacturing.
- (17) 40 CFR Part 63, Subpart BB, National Emission Standards for Hazardous Air Pollutants for Phosphate Fertilizer Production.
- (18) 40 CFR Part 63, Subpart CC, National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.
- (19) 40 CFR Part 63, Subpart DD, National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.
- (20) 40 CFR Part 63, Subpart EE, National Emission Standards for Magnetic Tape Manufacturing Operations.
- (21) 40 CFR Part 63, Subpart GG, National Emission Standards for Aerospace Manufacturing and Rework Facilities.
- (22) 40 CFR Part 63, Subpart HH, National Emission Standards for Hazardous Air Pollutants for Oil and Natural Gas Production.
- (23) 40 CFR Part 63, Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations.
- (24) 40 CFR Part 63, Subpart KK, National Emission Standards for the Printing and Publishing Industry.
- (25) 40 CFR Part 63, Subpart MM, National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills.
- (26) 40 CFR Part 63, Subpart OO, National Emission Standards for Tanks Level 1.
- (27) 40 CFR Part 63, Subpart PP, National Emission Standards for Containers.
- (28) 40 CFR Part 63, Subpart QQ, National Emission Standards for Surface Impoundments.
- (29) 40 CFR Part 63, Subpart RR, National Emission Standards for Individual Drain Systems.
- (30) 40 CFR Part 63, Subpart SS, National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process (Generic MACT).
- (31) 40 CFR Part 63, Subpart TT, National Emission Standards for Equipment Leaks- Control Level 1 (Generic MACT).
- (32) 40 CFR Part 63, Subpart UU, National Emission Standards for Equipment Leaks-Control Level 2 Standards (Generic MACT).
- (33) 40 CFR Part 63, Subpart VV, National Emission Standards for Oil-Water Separators and Organic-Water Separators.
- (34) 40 CFR Part 63, Subpart WW, National Emission Standards for Storage Vessels (Tanks)-Control Level 2 (Generic MACT).
- (35) 40 CFR Part 63, Subpart XX, National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.
- (36) 40 CFR Part 63, Subpart YY, National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic MACT.
- (37) 40 CFR Part 63, Subpart CCC, National Emission Standards for Hazardous Air Pollutants for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants.
 - (38) 40 CFR Part 63, Subpart DDD, National Emission Standards

for Hazardous Air Pollutants for Mineral Wool Production.

- (39) 40 CFR Part 63, Subpart EEE, National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.
- (40) 40 CFR Part 63, Subpart GGG, National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production.
- (41) 40 CFR Part 63, Subpart HHH, National Emission Standards for Hazardous Air Pollutants for Natural Gas Transmission and Storage.
- (42) 40 CFR Part 63, Subpart III, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.
- (43) 40 CFR Part 63, Subpart JJJ, National Emission Standards for Hazardous Air Pollutants for Group IV Polymers and Resins.
- (44) 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants for Portland Cement Manufacturing Industry.
- (45) 40 CFR Part 63, Subpart MMM, National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.
- (46) 40 CFR Part 63, Subpart NNN, National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.
- (47) 40 CFR Part 63, Subpart OOO, National Emission Standards for Hazardous Air Pollutants for Amino/Phenolic Resins Production (Resin III).
- (48) 40 CFR Part 63, Subpart PPP, National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production.
- (49) 40 CFR Part 63, Subpart QQQ, National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelters.
- (50) 40 CFR Part 63, Subpart RRR, National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.
- (51) 40 CFR Part 63, Subpart TTT, National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.
- (52) 40 CFR Part 63, Subpart UUU, National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.
- (53) 40 CFR Part 63, Subpart VVV, National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.
- (54) 40 CFR Part 63, Subpart AAAA, National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills.
- (55) 40 CFR Part 63, Subpart CCCC, National Emission Standards for Manufacturing of Nutritional Yeast.
- (56) 40 CFR Part 63, Subpart DDDD, National Emission Standards for Hazardous Air Pollutants for Plywood and Composite Wood Products.
- (57) 40 CFR Part 63, Subpart EEEE, National Emission Standards for Hazardous Air Pollutants for Organic Liquids Distribution (non-gasoline).
- (58) 40 CFR Part 63, Subpart FFFF, National Emission Standards for Hazardous Air Pollutants for Miscellaneous Organic Chemical Manufacturing.
- (59) 40 CFR Part 63, Subpart GGGG, National Emission Standards for Vegetable Oil Production; Solvent Extraction.
- (60) 40 CFR Part 63, Subpart HHHH, National Emission Standards for Wet-Formed Fiberglass Mat Production.

(61) 40 CFR Part 63, Subpart IIII, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Automobiles and Light-Duty Trucks.

- (62) 40 CFR Part 63, Subpart JJJJ, National Emission Standards for Hazardous Air Pollutants for Paper and Other Web Surface Coating Operations.
- (63) 40 CFR Part 63, Subpart KKKK, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Metal Cans.
- (64) 40 CFR Part 63, Subpart MMMM, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.
- (65) 40 CFR Part 63, Subpart NNNN, National Emission Standards for Large Appliances Surface Coating Operations.
- (66) 40 CFR Part 63, Subpart 0000, National Emission Standards for Hazardous Air Pollutants for Fabric Printing, Coating and Dyeing Surface Coating Operations.
- (67) 40 CFR Part 63, Subpart PPPP, National Emissions Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.
- (68) 40 CFR Part 63, Subpart QQQQ, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Wood Building Products.
- (69) 40 CFR Part 63, Subpart RRRR, National Emission Standards for Hazardous Air Pollutants for Metal Furniture Surface Coating Operations.
- (70) 40 CFR Part 63, Subpart SSSS, National Emission Standards for Metal Coil Surface Coating Operations.
- (71) 40 CFR Part 63, Subpart TTTT, National Emission Standards for Leather Tanning and Finishing Operations.
- (72) 40 CFR Part 63, Subpart UUUU, National Emission Standards for Cellulose Product Manufacturing.
- (73) 40 CFR Part 63, Subpart VVVV, National Emission Standards for Boat Manufacturing.
- (74) 40 CFR Part 63, Subpart WWWW, National Emissions Standards for Hazardous Air Pollutants for Reinforced Plastic Composites Production.
- $\,$ (75) 40 CFR Part 63, Subpart XXXX, National Emission Standards for Tire Manufacturing.
- (76) 40 CFR Part 63, Subpart YYYY, National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.
- (77) 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.
 - (78) 40 CFR Part 63, Subpart AAAAA, National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.
 - (79) 40 CFR Part 63, Subpart BBBBB, National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.
- (80) 40 CFR Part 63, Subpart CCCCC, National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.
- (81) 40 CFR Part 63, Subpart DDDDD, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and

Institutional Boilers and Process Heaters.

- (82) 40 CFR Part 63, Subpart EEEEE, National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.
- (83) 40 CFR Part 63, Subpart FFFFF, National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing.
- (84) 40 CFR Part 63, Subpart GGGGG, National Emission Standards for Hazardous Air Pollutants for Site Remediation.
- (85) 40 CFR Part 63, Subpart HHHHH, National Emission Standards for Hazardous Air Pollutants for Miscellaneous Coating Manufacturing.
- (86) 40 CFR Part 63, Subpart IIIII, National Emission Standards for Hazardous Air Pollutants for Mercury Emissions from Mercury Cell Chlor-Alkali Plants.
- (87) 40 CFR Part 63, Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.
- (88) 40 CFR Part 63, Subpart KKKKK, National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.
- (89) 40 CFR Part 63, Subpart LLLLL, National Emission Standards for Hazardous Air Pollutants for Asphalt Processing and Asphalt Roofing Manufacturing.
- (90) 40 CFR Part 63, Subpart MMMMM, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Fabrication Operations.
- (91) 40 CFR Part 63, Subpart NNNNN, National Emission Standards for Hazardous Air Pollutants for Hydrochloric Acid Production.
- (92) 40 CFR Part 63, Subpart PPPPP, National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands.
- (93) 40 CFR Part 63, Subpart QQQQQ, National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.
- (94) 40 CFR Part 63, Subpart RRRRR, National Emission Standards for Hazardous Air Pollutants for Taconite Iron Ore Processing.
- (95) 40 CFR Part 63, Subpart SSSSS, National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.
- (96) 40 CFR Part 63, Subpart TTTTT, National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining.
- (97) 40 CFR Part 63, Subpart UUUUU, National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Utility Steam Generating Units.
- (98) 40 CFR Part 63, Subpart WWWWW, National Emission Standards for Hospital Ethylene Oxide Sterilizers.
- (99) 40 CFR Part 63, Subpart YYYYY, National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities.
- (100) 40 CFR Part 63, Subpart ZZZZZ, National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.
- (101) 40 CFR Part 63 Subpart BBBBBB National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities
- (102) 40 CFR Part 63 Subpart CCCCCC National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing

Facilities.

- (103) 40 CFR Part 63, Subpart DDDDDD, National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.
- (104) 40 CFR Part 63, Subpart EEEEEE, National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources.
- (105) 40 CFR Part 63, Subpart FFFFFF, National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources.
- (106) 40 CFR Part 63, Subpart GGGGGG, National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources--Zinc, Cadmium, and Beryllium.
- (107) 40 CFR Part 63, Subpart JJJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.
- (108) 40 CFR Part 63, Subpart LLLLLL, National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.
- (109) 40 CFR Part 63, Subpart MMMMMM, National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources.
- (110) 40 CFR Part 63, Subpart NNNNNN, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds.
- (111) 40 CFR Part 63, Subpart 000000, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.
- (112) 40 CFR Part 63, Subpart PPPPPP, National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources.
- (113) 40 CFR Part 63, Subpart QQQQQQ, National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.
- (114) 40 CFR Part 63, Subpart RRRRRR, National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources.
- (115) 40 CFR Part 63, Subpart SSSSSS, National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources.
- (116) 40 CFR Part 63, Subpart VVVVVV, National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources.
- (117) 40 CFR Part 63, Subpart TTTTTT, National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources.
- (118) 40 CFR Part 63, Subpart WWWWW, National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.
- (119) 40 CFR Part 63, Subpart XXXXXX, National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

- (120) 40 CFR Part 63, Subpart YYYYYY, National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities.
- (121) 40 CFR Part 63, Subpart ZZZZZZ, National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.
- (122) 40 CFR Part 63, Subpart AAAAAA, National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing.
- (123) 40 CFR Part 63, Subpart BBBBBBB, National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry.
- (124) 40 CFR Part 63, Subpart CCCCCCC, National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing.
- (125) 40 CFR Part 63, Subpart DDDDDDD, National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.
- 19 (126) 40 CFR Part 63, Subpart EEEEEEE, National Emission 20 Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and 21 Production Area Source Category.

KEY: air pollution, hazardous air pollutant, MACT, NESHAP

- 24 Date of Enactment or Last Substantive Amendment: May 23, 2018
- Notice of Continuation: September 8, 2017

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

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CFR Reference	Summary of Changes to CFR
40 CFR 61	40 CFR 61 This document notified affected sources and other interested parties that the Connecticut Department of Energy and Environmental Protection (CT DEEP) had voluntarily and partially withdrawn from the delegation of authority to implement and enforce the federal asbestos program provisions at 40 CFR part 61, subpart M. 82 FR No. 218 (November 14, 2017)
	The States of Iowa, Kansas, Missouri, and Nebraska and the local agencies of Lincoln-Lancaster County, Nebraska, and the city of Omaha, Nebraska, submitted updated regulations for delegation of EPA authority for implementation and enforcement of NSPS, NESHAP, and MACT standards. 83 FR No. 106 (June 1, 2018)
	8. Section 61.04 was amended by: a. Redesignating paragraphs (b)(A) through (EEE) as paragraphs (b)(1) through (57). b. Revising newly redesignated paragraphs (b)(19), (35), and (44) to update the addresses of State Environmental agencies. 82 FR No. 135 (July 17, 2017)
	Section 61.04 was amended by revising paragraphs (b)(33) introductory text and (c)(6)(iii) to read as follows: § 61.04 Address. * * * * * (b) * * (33) State of New Mexico: New Mexico Environment Department, 525 Camino de los Marquez, Suite I, Santa Fe, New Mexico 87505. For a list of delegated standards for New Mexico (excluding Bernalillo County and Indian country), see paragraph (c)(6) of this section. * * * * * (c) * * * (6) * * * (iii) New Mexico. The New Mexico Environment Department (NMED) has been delegated the following part 61 standards promulgated by the EPA, as amended in the Federal Register through January 15, 2017. The (X) symbol is used to indicate each subpart that has been delegated. The delegations are subject to all of the conditions and limitations set forth in Federal law and regulations. 83 FR No. 72 (April 13, 2018)
	On April 13, 2018, the Environmental Protection Agency (EPA) published a direct final rule approving the updated delegation of EPA authority for implementation and enforcement of certain New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs) for all sources (both part 70 and non-part 70 sources) to the New Mexico Environmental Department (NMED). EPA stated in the direct final rule that if EPA received relevant adverse comments by May 14, 2018, EPA would publish a timely withdrawal in the Federal Register. EPA received an adverse comment on May 14, 2018, and accordingly is withdrawing the direct final rule. 83 FR No. 108 (June 5, 2018)
	Section 61.04 was amended by revising paragraphs (b)(33) and (c)(6)(iii) to read as follows: § 61.04 Address. (b) * * * (33) State of New Mexico: New Mexico Environment Department, P.O. Box 5469, Santa Fe, New Mexico 87502–5469. For a list of delegated standards for New Mexico (excluding Bernalillo County and Indian country), see paragraph (c)(6) of this section. * * * * * * (c) * * * (6) * * * (iii) New Mexico. The New Mexico Environment Department (NMED) has been delegated the following part 61 standards promulgated by the EPA, as amended in the Federal Register through January 15, 2017. The (X) symbol is used to indicate each subpart that has been delegated. The delegations are subject to all of the conditions and limitations set forth in Federal law and regulations.

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CFR Reference	ence Summary of Changes to CFR	
	83 FR No. 177 (September 12, 2018)	
	Section 61.04 was amended by revising paragraphs (b)(38) and (c)(6)(iv) to read as follows: § 61.04 Address. * * * * * (b) * * * (38) State of Oklahoma, Oklahoma Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, OK 73101–1677. For a list of delegated standards for Oklahoma see paragraph (c)(6) of this section. * * * * * (c) * * * (6) * * * (iv) Oklahoma. The Oklahoma Department of Environmental Quality (ODED) has been delegated the following part 61 standards promulgated by EPA, as amended in the Federal Register through September 1, 2016. The (X) symbol is used to indicate each subpart that has been delegated. 83 FR No. 204 (October 22, 2018)	
	Section 61.04 was amended by revising paragraph (c)(1)(ii) to read as follows: § 61.04 Address. * * * * * (c) * * * (1) * * * (ii) The remainder of the sources subject to the asbestos provisions in subpart M of this part, except for those listed under paragraph (c)(1)(i) of this section, must comply with the New Hampshire Code of Administrative Rules: Chapter Env-A 1800, Asbestos Management and Control, effective as of May 5, 2017 as incorporated by reference, see § 61.18. * * * * *	
	■ 3. Section 61.18 was amended by revising paragraph (e)(1)(ii) to read as follows: § 61.18 Incorporation by reference. * * * * * (e) * * * (1) * * (ii) New Hampshire Code of Administrative Rules: Chapter Env-A 1800, Asbestos Management and Control, effective as of May 5, 2017 (certified with June 23, 2017 letter from Clark B. Freise, Assistant Commissioner, Department of Environmental Services, State of New Hampshire), as follows: Revision Notes #1 and #2; Part Env-A 1801–1807, excluding Env-A 1801.02(e), Env-A 1801.07, Env-A 1802.02, Env-A 1802.04, Env-A 1802.07–1802.09, Env-A 1802.13, Env-A 1802.15–1802.17, Env-A 1802.25, Env-A 1802.31, Env-A 1802.37, Env-A 1802.40, Env-A 1802.44, and Env-A 1803.05–1803.09; and Appendices B, C, and D; IBR approved for § 61.04(c). 83 FR No. 185 (September 24, 2018)	
	Section 61.04 was amended by revising paragraphs (b)(36) and (c)(8) to read as follows: § 61.04 Address. * * * * * (b) * * * (36) State of North Dakota, North Dakota Department of Environmental Quality, 918 East Divide Avenue, Bismarck, ND 58501–1947. Note: For a table listing Region VIII's NESHAP delegation status, see paragraph (c) of this section. * * * * * (c) * * * (8) The most current delegation status table for National Emissions Standards for Hazardous Air Pollutants for Region VIII can be found online at http:// www.epa.gov/region8/air-program. The following is a table indicating the delegation status of National Emissions Standards for Hazardous Air Pollutants in Region VIII. The recodification and delegation for North Dakota's August 6, 2018 submittal is effective as of March 15, 2019, as detailed in EPA's delegation letter of December 17, 2018. 84 FR No. 28 (February 11, 2019)	
	Due to unforeseen delays resulting from the lapse in appropriations for the Environmental Protection Agency (EPA), the EPA's final approvals concerning revisions to North Dakota's environmental protection programs that have the effect of transferring authority from the North Dakota Department of Health (NDDH) to the newly-created North Dakota Department of Environmental Quality (NDDEQ) were delayed until April 30, 2019. This action delayed the effective dates of the four relevant rules, published in the Federal Register between December 19, 2018 and February 11, 2019. In § 61.04(c)(8), remove "March 15, 2019" and add in its place "April 30, 2019" and remove "December 17, 2018" and add in its place "February 26, 2019". 84 FR No. 45 (March 7, 2019)	

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CFR Reference	Summary of Changes to CFR
40 CFR 63.600-	2. Section 63.605(d)(1)(ii)(A) was revised to read as follows: § 63.605 Operating and monitoring requirements. * * * * * (d) * * * (1) * * * (ii) *
63.611 (Subpart	** (A) The allowable range for the daily averages of the pressure drop across an absorber and of the flow rate of the absorber liquid to each
AA)	absorber in the process absorbing system, or secondary voltage for a wet electrostatic precipitator, is ±20 percent of the baseline average value determined in paragraph (d)(1)(i) of this section. The Administrator retains the right to reduce the ±20 percent adjustment to the baseline average values of operating ranges in those instances where performance test results indicate that a source's level of emissions is near the value of an applicable emissions standard. However, the adjustment must not be reduced to less than ±10 percent under any instance. * * * * * 3. Section 63.608 was amended by adding paragraphs (e) and (f) to read as follows: § 63.608 General requirements and applicability of general provisions of this part. * * * * * (e) If you use blower design capacity to determine the gas flow rate through the absorber for use in the liquid-to-gas ratio as specified in Table 3 to this subpart, then you must include in the site-specific monitoring plan specified in paragraph (c) of this section calculations showing how you determined the maximum possible gas flow rate through the absorber based on the blower's specifications (including any adjustments you made for pressure drop). (f) If you use a regression model to determine the gas flow rate through the absorber for use in the liquid-to-gas ratio as specified in Table 3 to this subpart, then you must include in the sitespecific monitoring plan
	specified in paragraph (c) of this section the calculations that were used to develop the regression model, including the calculations you use to convert amperage of the blower to brake horsepower. You must describe any constants included in the equations (e.g., efficiency, power factor), and describe how these constants were determined. If you want to change a constant in your calculation, then you must conduct a regression model verification to confirm the new value of the constant. In addition, the sitespecific monitoring plan must be updated annually to reflect the data used in the annual regression model verification that is described in Table 3 to this subpart. Table 1 to Subpart AA of Part 63 [Amended] 4. Table 1 to Subpart AA of Part 63, footnote "c" is amended by removing the text "August 19, 2016," and adding the text "August 19, 2018," in its place. Table 2 to Subpart AA of Part 63 [Amended]
	 5. Table 2 to Subpart AA of Part 63, footnote "c" is amended by removing the text "August 19, 2016," and adding the text "August 19, 2018," in its place. 6. Table 3 to subpart AA of part 63 is amended by: a. Revising the column headings for "And you must monitor" and "And"; b. Revising the entry for "Install CPMS for liquid and gas flow at the inlet of the absorber"; and c. Adding footnotes "a" through "d" at the end of the table. The revisions and additions read as follows:
	■7. Table 4 to subpart AA of part 63 is amended by revising the entry for "Influent liquid flow rate and gas stream flow rate" and adding footnote "a" at the end of the table 82FR No.187 (September 28, 2017)
63.62063.632 (Subpart BB)	8. Section 63.625(d)(1)(ii)(A) was revised to read as follows: § 63.625 Operating and monitoring requirements. * * * * * (d) * * * (1) * * * (ii) * * * (A) The allowable range for the daily averages of the pressure drop across an absorber and of the flow rate of the absorber liquid to each absorber in the process absorbing system, or secondary voltage for a wet electrostatic precipitator, is ±20 percent of the baseline average value determined in paragraph (d)(1)(i) of this section. The Administrator retains the right to reduce the ±20 percent adjustment to the baseline average values of operating ranges in those instances where performance test results indicate that a source's level of emissions is near the value of an applicable emissions standard. However, the adjustment must not be reduced to less than ±10 percent under any instance. * * * * *

CFR Reference	Summary of Changes to CFR
	■ 9. Section 63.628 was amended by adding paragraphs (e) and (f) to read as follows: § 63.628 General requirements and applicability of general provisions of this part. * * * * * * (e) If you use blower design capacity to determine the gas flow rate through the absorber for use in the liquid-to-gas ratio as specified in Table 3 to this subpart, then you must include in the site-specific monitoring plan specified in paragraph (c) of this section calculations showing how you determined the maximum possible gas flow rate through the absorber based on the blower's specifications (including any adjustments you made for pressure drop). (f) If you use a regression model to determine the gas flow rate through the absorber for use in the liquid-to-gas ratio as specified in Table 3 to this subpart, then you must include in the sitespecific monitoring plan specified in paragraph (c) of this section the calculations that were used to develop the regression model, including the calculations you use to convert amperage of the blower to brake horsepower. You must describe any constants included in the equations (e.g., efficiency, power factor), and describe how these constants were determined. If you want to change a constant in your calculation, then you must conduct a regression model verification to confirm the new value of the constant. In addition, the sitespecific monitoring plan must be updated annually to reflect the data used in the annual regression model verification that is described in Table 3 to this subpart. ■ 10. Table 3 to subpart BB of part 63 was amended by: ■ a. Revised the column headings for "And you must monitor" and "And"; ■ b. Revised the entry for "Install CPMS for liquid and gas flow at the inlet of the absorber"; and ■ c. Added footnotes "a" through "d" at the end of the table. ■ 11. Table 4 to subpart BB of part 63 was revised 82 FR No. 187 (September 28, 2017)
40 CFR 63.640-63.679 (Subpart CC)	■ 6. Section 63.641 was amended by: ■ a. Revised the definitions of "Flare purge gas" and "Flare supplemental gas"; to read: Flare purge gas means gas introduced between a flare header's water seal and the flare tip to prevent oxygen infiltration (backflow) into the flare tip or for other safety reasons. For a flare with no water seal, the function of flare purge gas is performed by flare sweep gas and, therefore, by definition, such a flare has no flare purge gas. Flare supplemental gas means all gas introduced to the flare to improve the heat content of combustion zone gas. Flare supplemental gas does not include assist air or assist steam. ■ b. Added a definition of "Pressure relief device" in alphabetical order; Pressure relief device means a valve, rupture disk, or similar device used only to release an unplanned, nonroutine discharge of gas from process equipment in order to avoid safety hazards or equipment damage. A pressure relief device discharge can result from an operator error, a malfunction such as a power failure or equipment failure, or other unexpected cause. Such devices include conventional, spring-actuated relief valves, balanced bellows relief valves, pilot-operated relief valves, rupture disks, and breaking, buckling, or shearing pin devices. ■ c. Revised the introductory text and adding paragraphs (1)(i) and (ii) to the definition of "Reference control technology for storage vessels means either: (1) * * * (i) An internal floating roof, including an external floating roof converted to an internal floating roof, meeting the specifications of § 63.1063(a)(1)(ii), (a)(2), and (b) and § 63.660(b)(2); (ii) An external floating roof meeting the specifications of § 63.1063(a)(1)(ii), (a)(2), and (b) and § 63.660(b)(2); or ■ d. Revised the definition of "Relief valve" Relief valve means a type of pressure relief device that is designed to re-close after the pressure relief.

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	■ 7. Section 63.643 was amended by: ■ a. Revised paragraphs (c) introductory text, (c)(1) introductory text, and (c)(1)(ii) through (iv); and (c) An owner or operator may designate a process vent as a maintenance vent if the vent is only used as a result of startup, shutdown, maintenance, or inspection of equipment where equipment is emptied, depressurized, degassed or placed into service. The owner or operator does not need to designate a maintenance vent as a Group 1 or Group 2 miscellaneous process vent nor identify maintenance vents in a Notification of Compliance Status report. The owner or operator must comply with the applicable requirements in paragraphs (c)(1) through (3) of this section for each maintenance vent according to the compliance dates specified in table 11 of this subpart, unless an extension is requested in accordance with the provisions in § 63.6(i). (1) Prior to venting to the atmosphere, process liquids are removed from the equipment as much as practical and the equipment is depressured to a control device meeting requirements in paragraphs (a)(1) or (2) of this section, a fuel gas system, or back to the process until one of the following conditions, as applicable, is met. * * * * * * * * * * * * * * * * * * *
	■ 8. Section 63.644 is amended by: ■ a. Revised paragraph (c) introductory text; ■ b. Removed the period at the end of paragraph (c)(2) and adding "; or" in its place; and (c) The owner or operator of a Group 1 miscellaneous process vent using a vent system that contains bypass lines that could divert a vent stream away from the control device used to comply with paragraph (a) of this section either directly to the atmosphere or to a control device that does not comply with the requirements in § 63.643(a) shall comply with either paragraph (c)(1), (2), or (3) of this section. Use of the bypass at any time to divert a Group 1 miscellaneous process vent stream to the atmosphere or to a control device that does not comply with the requirements in § 63.643(a) is an emissions standards violation. Equipment such as low leg drains and equipment subject to § 63.648 are not subject to this paragraph (c). ■ c. Added paragraph (c)(3) (3) Use a cap, blind flange, plug, or a second valve for an open-ended valve or line following the requirements specified in § 60.482–6(a)(2), (b) and (c).

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CFR Reference Summary of Changes to CFR ■ 9. Section 63.648 was amended by: ■ a. Revised the introductory text of paragraphs (a), (c), and (j); and (a) Each owner or operator of an existing source subject to the provisions of this subpart shall comply with the provisions of 40 CFR part 60, subpart VV, and paragraph (b) of this section except as provided in paragraphs (a)(1) through (3), and (c) through (j) of this section. Each owner or operator of a new source subject to the provisions of this subpart shall comply with subpart H of this part except as provided in paragraphs (c) through (j) of this section. * * * * * * (c) In lieu of complying with the existing source provisions of paragraph (a) in this section, an owner or operator may elect to comply with the requirements of §§ 63.161 through 63.169, 63.171, 63.172, 63.175, 63.176, 63.177, 63.179, and 63.180 except as provided in paragraphs (c)(1) through (12) and (e) through (j) of this section. * * * * * (j) Except as specified in paragraph (j)(4) of this section, the owner or operator must comply with the requirements specified in paragraphs (j)(1) and (2) of this section for pressure relief devices, such as relief valves or rupture disks, in organic HAP gas or vapor service instead of the pressure relief device requirements of § 60.482-4 or § 63.165, as applicable. Except as specified in paragraphs (j)(4) and (5) of this section, the owner or operator must also comply with the requirements specified in paragraph (i)(3) of this section for all pressure relief devices in organic HAP service. * * * * * ■ b. Revised paragraphs (j)(3)(ii)(A) and (E), (j)(3)(iv), (j)(3)(v) introductory text, and (j)(4). (3) * * * (ii) * * * (A) Flow, temperature, liquid level and pressure indicators with deadman switches, monitors, or automatic actuators. Independent, non-duplicative systems within this category count as separate redundant prevention measures. * * * * * (E) Staged relief system where initial pressure relief device (with lower set release pressure) discharges to a flare or other closed vent system and control device. * * * * * (iv) The owner or operator shall determine the total number of release events occurred during the calendar year for each affected pressure relief device separately. The owner or operator shall also determine the total number of release events for each pressure relief device for which the root cause analysis concluded that the root cause was a force majeure event, as defined in this subpart. (v) Except for pressure relief devices described in paragraphs (j)(4) and (5) of this section, the following release events from an affected pressure relief device are a violation of the pressure release management work practice standards: (4) Pressure relief devices routed to a control device. (i) If all releases and potential leaks from a pressure relief device are routed through a closed vent system to a control device, back into the process or to the fuel gas system, the owner or operator is not required to comply with paragraph (i)(1), (2), or (3) (if applicable) of this section. (ii) If a pilot-operated pressure relief device is used and the primary release valve is routed through a closed vent system to a control device, back into the process or to the fuel gas system, the owner or operator is required to comply only with paragraphs (j)(1) and (2) of this section for the pilot discharge vent and is not required to comply with paragraph (j)(3) of this section for the pilot-operated pressure relief device. (iii) If a balanced bellows pressure relief device is used and the primary release valve is routed through a closed vent system to a control device, back into the process or to the fuel gas system, the owner or operator is required to comply only with paragraphs (j)(1) and (2) of this section for the bonnet vent and is not required to comply with paragraph (j)(3) of this section for the balanced bellows pressure relief device. (iv) Both the closed vent system and control device (if applicable) referenced in paragraphs (j)(4)(i) through (iii) of this section must meet the requirements of § 63.644. When complying with this paragraph (j)(4), all references to "Group 1 miscellaneous process vent" in § 63.644 mean "pressure relief device." (v) If a pressure relief device complying with this paragraph (i)(4) is routed to the fuel gas system, then on and after January 30, 2019, any flares receiving gas from that fuel gas system must be in compliance with § 63.670.

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	■ 10. Section 63.655 was amended by:
	■ a. Revised paragraphs (f)(1)(i)(A)(1) through (3), (f)(1)(i)(B)(3), (f)(1)(i)(C)(2), (f)(1)(iii), (f)(2), (f)(4), (g)(2)(i)(B)(1) and (g)(10)
	introductory text;
	■ b. Redesignating paragraph (g)(10)(iii) as (g)(10)(iv);
	§ 63.655 Reporting and recordkeeping requirements. * * * * * (f) * * * (1) * * * (i) * * * (A) * * * (1) For each Group 1 storage vessel
	complying with either § 63.646 or § 63.660 that is not included in an emissions average, the method of compliance (i.e., internal floating roof, external floating roof, or closed vent system and control device). (2) For storage vessels subject to the compliance schedule specified in §
	63.640(h)(2) that are not complying with § 63.646 or § 63.660 as applicable, the anticipated compliance date.
	(3) For storage vessels subject to the compliance schedule specified in § 63.640(h)(2) that are complying with § 63.646 or § 63.660, as applicable, and the Group 1 storage vessels described in § 63.640(l), the actual compliance date.
	(B) * * * (3) If the owner or operator elects to submit the results of a performance test, identification of the storage vessel and control device for which the performance test will be submitted, and identification of the emission point(s) that share the control device with the storage vessel and for which the performance test will be conducted. If the performance test is submitted electronically through the EPA's Compliance and
	Emissions Data Reporting Interface (CEDRI) in accordance with § 63.655(h)(9), the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted may be submitted in the Notification of Compliance Status in lieu of the performance test results. The
	performance test results must be submitted to CEDRI by the date the Notification of Compliance Status is submitted.
	(C) * * * (2) If a performance test is conducted instead of a design evaluation, results of the performance test demonstrating that the control device achieves greater than or equal to the required control efficiency. A performance test conducted prior to the compliance date of this subpart can be used to comply with this requirement, provided that the test was conducted using EPA methods and that the test conditions are representative of current operating practices. If the performance test is submitted electronically through the EPA's Compliance and Emissions Data Reporting Interface in accordance with § 63.655(h)(9), the process unit(s) tested, the pollutant(s) tested, and the date that such performance
	test was conducted may be submitted in the Notification of Compliance Status in lieu of the performance test results. The performance test results must be submitted to CEDRI by the date the Notification of Compliance Status is submitted.
	* * * * * (iii) For miscellaneous process vents controlled by control devices required to be tested under § 63.645 and § 63.116(c), performance test results including the information in paragraphs (f)(1)(iii)(A) and (B) of this section. Results of a performance test conducted prior to the
	compliance date of this subpart can be used provided that the test was conducted using the methods specified in § 63.645 and that the test conditions are representative of current operating conditions. If the performance test is submitted electronically through the EPA's Compliance and Emissions Data Reporting Interface in accordance with § 63.655(h)(9), the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted may be submitted in the Notification of Compliance Status in lieu of the performance test results. The
	performance test results must be submitted to CEDRI by the date the Notification of Compliance Status is submitted. * * * * * (2) If initial performance tests are required by §§ 63.643 through 63.653, the Notification of Compliance Status report shall include one
	complete test report for each test method used for a particular source. On and after February 1, 2016, for data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (https://www.epa.gov/electronicreporting-air-
	emissions/electronicreporting-tool-ert) at the time of the test, you must submit the results in accordance with § 63.655(h)(9) by the date that you submit the Notification of Compliance Status, and you must include the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted in the Notification of Compliance Status. All other performance test results must be reported in the Notification of Compliance Status.

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CFR Reference Summary of Changes to CFR * * * * * (4) Results of any continuous monitoring system performance evaluations shall be included in the Notification of Compliance Status report, unless the results are required to be submitted electronically by § 63.655(h)(9). For performance evaluation results required to be submitted through CEDRI, submit the results in accordance with § 63.655(h)(9) by the date that you submit the Notification of Compliance Status and include the process unit where the CMS is installed, the parameter measured by the CMS, and the date that the performance evaluation was conducted in the Notification of Compliance Status. * * * * * (g) * * * (1) * * * (B) * * * (1) A failure is defined as any time in which the internal floating roof has defects; or the primary seal has holes, tears, or other openings in the seal or the seal fabric; or the secondary seal (if one has been installed) has holes, tears, or other openings in the seal or the seal fabric; or, for a storage vessel that is part of a new source, the gaskets no longer close off the liquid surface from the atmosphere; or, for a storage vessel that is part of a new source, the slotted membrane has more than a 10 percent open area. * * * * * (10) For pressure relief devices subject to the requirements § 63.648(j), Periodic Reports must include the information specified in paragraphs (g)(10)(i) through (iv) of this section. ■ c. Added new paragraph (g)(10)(iii); * * * * * (iii) For pilot-operated pressure relief devices in organic HAP service, report each pressure release to the atmosphere through the pilot vent that equals or exceeds 72 pounds of VOC per day, including duration of the pressure release through the pilot vent and estimate of the mass quantity of each organic HAP released. \blacksquare d. Revised paragraph (g)(13) introductory text and paragraph (h)(2)(ii); (13) For maintenance vents subject to the requirements in § 63.643(c), Periodic Reports must include the information specified in paragraphs (g)(13)(i) through (iv) of this section for any release exceeding the applicable limits in § 63.643(c)(1). For the purposes of this reporting requirement, owners or operators complying with § 63.643(c)(1)(iv) must report each venting event for which the lower explosive limit is 20 percent or greater; owners or operators complying with § 63.643(c)(1)(v) must report each venting event conducted under those provisions and include an explanation for each event as to why utilization of this alternative was required. *****(h) ***(2) ***(ii) In order to afford the Administrator the opportunity to have an observer present, the owner or operator of a storage vessel equipped with an external floating roof shall notify the Administrator of any seal gap measurements. The notification shall be made in writing at least 30 calendar days in advance of any gap measurements required by § 63.120(b)(1) or (2) or § 63.1063(d)(3). The State or local permitting authority can waive this notification requirement for all or some storage vessels subject to the rule or can allow less than 30 calendar days' notice. ■ e. Removed and reserved paragraph (h)(5)(iii); ■ f. Revised paragraph (h)(8) (8) For fenceline monitoring systems subject to § 63.658, each owner or operator shall submit the following information to the EPA's Compliance and Emissions Data Reporting Interface (CEDRI) on a quarterly basis. (CEDRI can be accessed through the EPA's Central Data Exchange (CDX) (https:// cdx.epa.gov/). The first quarterly report must be submitted once the owner or operator has obtained 12 months of data. The first quarterly report must cover the period beginning on the compliance date that is specified in Table 11 of this subpart and ending on March 31, June 30, September 30 or December 31, whichever date is the first date that occurs after the owner or operator has obtained 12

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	months of data (i.e., the first quarterly report will contain between 12 and 15 months of data). Each subsequent quarterly report must cover one of the following reporting periods: Quarter 1 from January 1 through March 31; Quarter 2 from April 1 through June 30; Quarter 3 from July 1 through September 30; and Quarter 4 from October 1 through December 31. Each quarterly report must be electronically submitted no later than 45 calendar days following the end of the reporting period. (i) Facility name and address. (ii) Year and reporting quarter (i.e., Quarter 1, Quarter 2, Quarter 3, or Quarter 4). (iii) For the first reporting period and for any reporting period in which a passive monitor is added or moved, for each passive monitor: The latitude and longitude location coordinates; the sampler name; and identification of the type of sampler (i.e., regular monitor, extra monitor, duplicate, field blank, inactive). The owner or operator shall determine the coordinates using an instrument with an accuracy of at least 3 meters. Coordinates shall be in decimal degrees with at least five decimal places. (iv) The beginning and ending dates for each sampling period. (v) Individual sample results for benzene reported in units of mg/m3 for each monitor for each sampling period that ends during the reporting period. Results below the method detection limit shall be flagged as below the detection limit and reported at the method detection limit. (vi) Data flags that indicate each monitor that was skipped for the sampling period, if the owner or operator uses an alternative sampling frequency under § 63.658(e)(3). (vii) Data flags for each outlier determined in accordance with Section 9.2 of Method 325A of appendix A of this part. For each outlier, the owner or operator must submit the individual sample result of the outlier, as well as the evidence used to conclude that the result is an outlier. (viii) The biweekly concentration difference (Dc) for benzene for each sampling period and the annual average Dc for benzene for e
	■ g. Revised paragraph (h)(9)(i) introductory text and paragraph (h)(9)(ii) introductory text; (9) * * * (i) Unless otherwise specified by this subpart, within 60 days after the date of completing each performance test as required by this subpart, the owner or operator shall submit the results of the performance tests following the procedure specified in either paragraph (h)(9)(i)(A) or (B) of this section. * * * * * (ii) Unless otherwise specified by this subpart, within 60 days after the date of completing each CEMS performance evaluation as required by this subpart, the owner or operator must submit the results of the performance evaluation following the procedure specified in either paragraph (h)(9)(ii)(A) or (B) of this section.
	■ h. Added paragraph (h)(10); (10)(i) If you are required to electronically submit a report through the Compliance and Emissions Data Reporting Interface (CEDRI) in the EPA's Central Data Exchange (CDX), and due to a planned or actual outage of either the EPA's CEDRI or CDX systems within the period of time beginning 5 business days prior to the date that the submission is due, you will be or are precluded from accessing CEDRI or CDX and submitting a required report within the time prescribed, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description identifying the date(s) and time(s) the CDX or CEDRI were unavailable when you attempted to access it in the 5 business days prior to the submission deadline; a rationale for attributing the delay in reporting beyond the regulatory deadline to the EPA system outage; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved. The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator. (ii) If you are required to electronically submit a report through

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CFR Reference Summary of Changes to CFR CEDRI in the EPA's CDX and a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning 5 business days prior to the date the submission is due, the owner or operator may assert a claim of force majeure for failure to timely comply with the reporting requirement. For the purposes of this paragraph, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (e.g., hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (e.g., large scale power outage). If you intend to assert a claim of force majeure, you must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description of the force majeure event and a rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs. The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator. ■ i. Revised paragraph (i)(3)(ii)(B); (B) Block average values for 1 hour or shorter periods calculated from all measured data values during each period. If values are measured more frequently than once per minute, a single value for each minute may be used to calculate the hourly (or shorter period) block average instead of all measured values; or \blacksquare j. Added paragraphs (i)(3)(ii)(C) and (i)(5)(i) through (v); (C) All values that meet the set criteria for variation from previously recorded values using an automated data compression recording system. (1) The automated data compression recording system shall be designed to: (i) Measure the operating parameter value at least once every hour. (ii) Record at least 24 values each day during periods of operation. (iii) Record the date and time when monitors are turned off or on. (iv) Recognize unchanging data that may indicate the monitor is not functioning properly, alert the operator, and record the incident. (v) Compute daily average values of the monitored operating parameter based on recorded data. (2) You must maintain a record of the description of the monitoring system and data compression recording system including the criteria used to determine which monitored values are recorded and retained, the method for calculating daily averages, and a demonstration that the system meets all criteria of paragraph (i)(3)(ii)(C)(1) of this section. * * * * * (5) * * * (i) Identification of all petroleum refinery process unit heat exchangers at the facility and the average annual HAP concentration of process fluid or intervening cooling fluid estimated when developing the Notification of Compliance Status report. (ii) Identification of all heat exchange systems subject to the monitoring requirements in § 63.654 and identification of all heat exchange systems that are exempt from the monitoring requirements according to the provisions in § 63.654(b). For each heat exchange system that is subject to the monitoring requirements in § 63.654, this must include identification of all heat exchangers within each heat exchange system, and, for closed-loop recirculation systems, the cooling tower included in each heat exchange system. (iii) Results of the following monitoring data for each required monitoring event: (A) Date/time of event. (B) Barometric pressure. (C) El Paso air stripping apparatus water flow milliliter/minute (ml/min) and air flow, ml/min, and air temperature, °Celsius. (D) FID reading (ppmv). (E) Length of sampling period. (F) Sample volume. (G) Calibration information identified in Section 5.4.2 of the "Air Stripping Method (Modified El Paso Method) for Determination of Volatile

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CFR Reference Summary of Changes to CFR Organic Compound Emissions from Water Sources' Revision Number One, dated January 2003, Sampling Procedures Manual, Appendix P: Cooling Tower Monitoring, prepared by Texas Commission on Environmental Quality, January 31, 2003 (incorporated by reference—see § 63.14), (iv) The date when a leak was identified, the date the source of the leak was identified, and the date when the heat exchanger was repaired or taken out of service. (v) If a repair is delayed, the reason for the delay, the schedule for completing the repair, the heat exchange exit line flow or cooling tower return line average flow rate at the monitoring location (in gallons/minute), and the estimate of potential strippable hydrocarbon emissions for each required monitoring interval during the delay of repair. ■ k. Revised paragraphs (i)(7)(iii)(B) and (i)(11) introductory text; (7) * * * (iii) * * * (B) The pressure or temperature of the coke drum vessel, as applicable, for the 5-minute period prior to the pre-vent draining. * * * * * (11) For each pressure relief device subject to the pressure release management work practice standards in § 63.648(j)(3), the owner or operator shall keep the records specified in paragraphs (i)(11)(i) through (iii) of this section. For each pilot-operated pressure relief device subject to the requirements at § 63.648(j)(4)(ii) or (iii), the owner or operator shall keep the records specified in paragraph (i)(11)(iv) of this section. ■ 1. Added paragraph (i)(11)(iv); (iv) For pilot-operated pressure relief devices, general or release-specific records for estimating the quantity of VOC released from the pilot vent during a release event, and records of calculations used to determine the quantity of specific HAP released for any event or series of events in which 72 or more pounds of VOC are released in a day. ■ m. Revised paragraph (i)(12) introductory text and paragraph (i)(12)(iv); and (12) For each maintenance vent opening subject to the requirements in § 63.643(c), the owner or operator shall keep the applicable records specified in paragraphs (i)(12)(i) through (vi) of this section. * * * * * (iv) If complying with the requirements of § 63.643(c)(1)(iii), records used to estimate the total quantity of VOC in the equipment and the type and size limits of equipment that contain less than 72 pounds of VOC at the time of maintenance vent opening. For each maintenance vent opening for which the deinventory procedures specified in paragraph (i)(12)(i) of this section are not followed or for which the equipment opened exceeds the type and size limits established in the records specified in this paragraph, identification of the maintenance vent, the process units or equipment associated with the maintenance vent, the date of maintenance vent opening, and records used to estimate the total quantity of VOC in the equipment at the time the maintenance vent was opened to the atmosphere. ■ n. Added paragraph (i)(12)(vi). (vi) If complying with the requirements of § 63.643(c)(1)(v), identification of the maintenance vent, the process units or equipment associated with the maintenance vent, records documenting actions taken to comply with other applicable alternatives and why utilization of this alternative was required, the date of maintenance vent opening, the equipment pressure and lower explosive limit of the vapors in the equipment at the time of discharge, an indication of whether active purging was performed and the pressure of the equipment during the installation or removal of the blind if active purging was used, the duration the maintenance vent was open during the blind installation or removal process, and records used to estimate the total quantity of VOC in the equipment at the time the maintenance vent was opened to the atmosphere for each applicable maintenance vent opening.

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	■ 11. Section 63.657 was amended by revising paragraphs (a)(1)(i) and (ii), (a)(2)(i) and (ii), (b)(5), and (e)
	§ 63.657 Delayed coking unit decoking operation standards.
	(a) * * * (1) * * * (i) An average vessel pressure of 2 psig or less determined on a rolling 60- event average; or (ii) An average vessel
	temperature of 220 degrees Fahrenheit or less determined on a rolling 60-event average.
	(2) * * * (i) A vessel pressure of 2.0 psig or less for each decoking event; or (ii) A vessel temperature of 218 degrees Fahrenheit or less for each
	decoking event.
	* * * * * (b) * * * (5) The output of the pressure monitoring system must be reviewed each day the unit is operated to ensure that the pressure
	readings fluctuate as expected between operating and cooling/decoking cycles to verify the pressure taps are not plugged. Plugged pressure taps
	must be unplugged or otherwise repaired prior to the next operating cycle.
	* * * * * (e) The owner or operator of a delayed coking unit using the "water overflow" method of coke cooling prior to complying with the
	applicable requirements in paragraph (a) of this section must meet the requirements in either paragraph (e)(1) or (e)(2) of this section or, if
	applicable, the requirements in paragraph (e)(3) of this section. The owner or operator of a delayed coking unit using the "water overflow"
	method of coke cooling subject to this paragraph shall determine the coke drum vessel temperature as specified in paragraphs (c) and (d) of this
	section and shall not otherwise drain or vent the coke drum until the coke drum vessel temperature is at or below the applicable limits in
	paragraph (a)(1)(ii) or (a)(2)(ii) of this section.
	(1) The overflow water must be directed to a separator or similar disengaging device that is operated in a manner to prevent entrainment of
	gases from the coke drum vessel to the overflow water storage tank. Gases from the separator or disengaging device must be routed to a closed
	blowdown system or otherwise controlled following the requirements for a Group 1 miscellaneous process vent. The liquid from the separator or
	disengaging device must be hardpiped to the overflow water storage tank or similarly transported to prevent exposure of the overflow water to
	the atmosphere. The overflow water storage tank may be an open or uncontrolled fixed-roof tank provided that a submerged fill pipe (pipe outlet
	below existing liquid level in the tank) is used to transfer overflow water to the tank.
	(2) The overflow water must be directed to a storage vessel meeting the requirements for storage vessels in subpart SS of this part.
	(3) Prior to November 26, 2020, if the equipment needed to comply with paragraphs (e)(1) or (2) of this section are not installed and operational,
	you must comply with all of the requirements in paragraphs (e)(3)(i) through (iv) of this section. (i) The temperature of the coke drum, measured
	according to paragraph (c) of this section, must be 250 degrees Fahrenheit or less prior to initiation of water overflow and at all times during the
	water overflow. (ii) The overflow water must be hardpiped to the overflow water storage tank or similarly transported to prevent exposure of the
	overflow water to the atmosphere. (iii) The overflow water storage tank may be an open or uncontrolled fixedroof tank provided that all of the
	following requirements are met. (A) A submerged fill pipe (pipe outlet below existing liquid level in the tank) is used to transfer overflow water
	to the tank. (B) The liquid level in the storage tank is at least 6 feet above the submerged fill pipe outlet at all times during water overflow. (C)
	The temperature of the contents in the storage tank remain below 150 degrees Fahrenheit at all times during water overflow.
	■ 12. Section 63.658 was amended by revising paragraphs (c)(1), (2) and (3), (d)(1) introductory text and (d)(2), (e) introductory text, (e)(3)(iv),
	\blacksquare 12. Section 63.638 was amended by revising paragraphs (c)(1), (2) and (3), (d)(1) introductory text and (d)(2), (e) introductory text, (e)(5)(1), (f)(1)(i) introductory text, and (f)(1)(i)(B).
	(c) * * * (1) As it pertains to this subpart, known sources of VOCs, as used in Section 8.2.1.3 in Method 325A of appendix A of this part for
	siting passive monitors, means a wastewater treatment unit, process unit, or any emission source requiring control according to the requirements
	of this subpart, including marine vessel loading operations. For marine vessel loading operations, one passive monitor should be sited on the
	shoreline adjacent to the dock. For this subpart, an additional monitor is not required if the only emission sources within 50 meters of the
	shorenne adjacent to the dock. For this subpart, an additional monitor is not required if the only emission sources within 30 meters of the

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	monitoring boundary are equipment leak sources satisfying all of the conditions in paragraphs (c)(1)(i) through (iv) of this section. (i) The
	equipment leak sources in organic HAP service within 50 meters of the monitoring boundary are limited to valves, pumps, connectors, sampling
	connections, and open-ended lines. If compressors, pressure relief devices, or agitators in organic HAP service are present within 50 meters of
	the monitoring boundary, the additional passive monitoring location specified in Section 8.2.1.3 in Method 325A of appendix A of this part must
	be used. (ii) All equipment leak sources in gas or light liquid service (and in organic HAP service), including valves, pumps, connectors,
	sampling connections and open-ended lines, must be monitored using EPA Method 21 of 40 CFR part 60, appendix A–7 no less frequently than
	quarterly with no provisions for skip period monitoring, or according to the provisions of § 63.11(c) Alternative Work practice for monitoring
	equipment for leaks. For the purpose of this provision, a leak is detected if the instrument reading equals or exceeds the applicable limits in
	paragraphs (c)(1)(ii)(A) through (E) of this section: (A) For valves, pumps or connectors at an existing source, an instrument reading of 10,000
	ppmv. (B) For valves or connectors at a new source, an instrument reading of 500 ppmv. (C) For pumps at a new source, an instrument reading
	of 2,000 ppmv. (D) For sampling connections or openended lines, an instrument reading of 500 ppmv above background. (E) For equipment monitored according to the Alternative Work practice for monitoring equipment for leaks, the leak definitions contained in § 63.11 (c)(6)(i)
	through (iii). (iii) All equipment leak sources in organic HAP service, including sources in gas, light liquid and heavy liquid service, must be
	inspected using visual, audible, olfactory, or any other detection method at least monthly. A leak is detected if the inspection identifies a
	potential leak to the atmosphere or if there are indications of liquids dripping. (iv) All leaks identified by the monitoring or inspections specified
	in paragraphs (c)(1)(ii) or (iii) of this section must be repaired no later than 15 calendar days after it is detected with no provisions for delay of
	repair. If a repair is not completed within 15 calendar days, the additional passive monitor specified in Section 8.2.1.3 in Method 325A of
	appendix A of this part must be used. (2) The owner or operator may collect one or more background samples if the owner or operator believes
	that an offsite upwind source or an onsite source excluded under § 63.640(g) may influence the sampler measurements. If the owner or operator
	elects to collect one or more background samples, the owner or operator must develop and submit a site-specific monitoring plan for approval
	according to the requirements in paragraph (i) of this section. Upon approval of the sitespecific monitoring plan, the background sampler(s)
	should be operated co-currently with the routine samplers. (3) If there are 19 or fewer monitoring locations, the owner or operator shall collect at
	least one co-located duplicate sample per sampling period and at least one field blank per sampling period. If there are 20 or more monitoring
	locations, the owner or operator shall collect at least two co-located duplicate samples per sampling period and at least one field blank per
	sampling period. The co-located duplicates may be collected at any of the perimeter sampling locations.
	* * * * * (d) * * * (1) If a near-field source correction is used as provided in paragraph (i)(2) of this section or if an alternative test method is
	used that provides timeresolved measurements, the owner or operator shall:
	* * * * * (2) For cases other than those specified in paragraph (d)(1) of this section, the owner or operator shall collect and record sampling
	period average temperature and barometric pressure using either an on-site meteorological station in accordance with Section 8.3.1 through 8.3.3
	of Method 325A of appendix A of this part or, alternatively, using data from a United States Weather Service (USWS) meteorological station
	provided the USWS meteorological station is within 40 kilometers (25 miles) of the refinery.
	***** (e) The owner or operator shall use a sampling period and sampling frequency as specified in paragraphs (e)(1) through (3) of this
	section. *****(3) ***(iv) If every sample at a monitoring site that is monitored at the frequency specified in paragraph (e)(3)(iii) of this section is
	at or below 0.9 mg/m3 for 2 years (i.e., 4 consecutive semiannual samples), only one sample per year is required for that monitoring site. For
	yearly samples, samples shall occur at least 10 months but no more than 14 months apart.
	yearry sampling, samples shan occur at least to months out no more than 17 months apart.

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	*****(f) ***(i) Except when near-field source correction is used as provided in paragraph (i) of this section, the owner or operator shall determine the highest and lowest sample results for benzene concentrations from the sample pool and calculate Dc as the difference in these concentrations. Co-located samples must be averaged together for the purposes of determining the benzene concentration for that sampling location, and, if applicable, for determining Dc. The owner or operator shall adhere to the following procedures when one or more samples for the sampling period are below the method detection limit for benzene: *****(B) If all sample results are below the method detection limit, the owner or operator shall use the method detection limit as the highest sample result and zero as the lowest sample result when calculating ΔC.
	13. Section 63.660 was amended by revising the introductory text, paragraph (b) introductory text, paragraphs (b)(1) and (e), and paragraph (i)(2) introductory text, and adding paragraph (i)(2)(iii) On and after the applicable compliance date for a Group 1 storage vessel located at a new or existing source as specified in § 63.640(h), the owner or operator of a Group 1 storage vessel storing liquid with a maximum true vapor pressure less than 76.6 kilopascals (11.1 pounds per square inch) that is part of a new or existing source shall comply with either the requirements in subpart WW or SS of this part according to the requirements in paragraphs (a) through (i) of this section and the owner or operator of a Group 1 storage vessel storing liquid with a maximum true vapor pressure greater than or equal to 76.6 kilopascals (11.1 pounds per square inch) that is part of a new or existing source shall comply with the requirements in subpart SS of this part according to the requirements in paragraphs (a) through (i) of this section. ***** (b) A floating roof storage vessel complying with the requirements of subpart WW of this part may comply with the control option specified in paragraph (b)(1) of this section and, if equipped with a ladder having at least one slotted leg, shall comply with one of the control options as described in paragraph (b)(2) of this section. If the floating roof storage vessel does not meet the requirements of § 63.1063(a)(2)(i) through (a)(2)(vii) as of June 30, 2014, these requirements do not apply until the next time the vessel is completely emptied and degassed, or January 30, 2026, whichever occurs first. (1) In addition to the options presented in §§ 63.1063(a)(2)(viii)(A) and (B) and 63.1064, a floating roof storage vessel may comply with § 63.1063(a)(2)(viii) using a flexible enclosure device and either a gasketed or welded cap on the top of the guidepole. ***** (e) For storage vessels previously subject to requirements in § 63.983(b)(1)(i)(A), as applicable, are not required. Failur
	 14. Section 63.670 was amended by: ■ a. Revising paragraph (f); (f) Dilution operating limits for flares with perimeter assist air. Except as provided in paragraph (f)(1) of this section, for each flare actively receiving perimeter assist air, the owner or operator shall operate the flare to maintain the net heating value dilution parameter (NHVdil) at or

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	above 22 British thermal units per square foot (Btu/ft2) determined on a 15-minute block period basis when regulated material is being routed to the flare for at least 15-minutes. The owner or operator shall monitor and calculate NHVdil as specified in paragraph (n) of this section. (1) If the only assist air provided to a specific flare is perimeter assist air intentionally entrained in lower and/or upper steam at the flare tip and the effective diameter is 9 inches or greater, the owner or operator shall comply only with the NHVcz operating limit in paragraph (e) of this section for that flare.			
	■ b. Revised paragraphs (h) introductory text, (h)(1), and (i) introductory text; ***** (h) Visible emissions monitoring. The owner or operator shall conduct an initial visible emissions demonstration using an observation period of 2 hours using Method 22 at 40 CFR part 60, appendix A—7. The initial visible emissions demonstration should be conducted the first time regulated materials are routed to the flare. Subsequent visible emissions observations must be conducted using either the methods in paragraph (h)(1) of this section or, alternatively, the methods in paragraph (h)(2) of this section. The owner or operator must record and report any instances where visible emissions are observed for more than 5 minutes during any 2 consecutive hours as specified in § 63.655(g)(11)(ii). (1) At least once per day for each day regulated material is routed to the flare, conduct visible emissions observations using an observation period of 5 minutes using Method 22 at 40 CFR part 60, appendix A—7. If at any time the owner or operator sees visible emissions while regulated material is routed to the flare, even if the minimum required daily visible emission monitoring has already been performed, the owner or operator shall immediately begin an observation period of 5 minutes using Method 22 at 40 CFR part 60, appendix A—7. If visible emissions are observed for more than one continuous minute during any 5-minute observation period, the observation period using Method 22 at 40 CFR part 60, appendix A—7 must be extended to 2 hours or until 5- minutes of visible emissions are observed. Daily 5-minute Method 22 observations are not required to be conducted for days the flare does not receive any regulated material. ******(i) Flare vent gas, steam assist and air assist flow rate monitoring. The owner or operator shall install, operate, calibrate, and maintain a monitoring system capable of continuously measuring, calculating, and recording the volumetric flow rate of assist air and/or assist steam used with the flare. If pre-m			
	 ■ c. Added paragraphs (i)(5) and (6); (5) Continuously monitoring fan speed or power and using fan curves is an acceptable method for continuously monitoring assist air flow rates. (6) For perimeter assist air intentionally entrained in lower and/or upper steam, the monitored steam flow rate and the maximum design air-to steam volumetric flow ratio of the entrainment system may be used to determine the assist air flow rate. ■ d. Revised paragraph (j)(6) introductory text; (j) * * * (6) Direct compositional or net heating value monitoring is not required for gas streams that have been demonstrated to have consistent composition (or a fixed minimum net heating value) according to the methods in paragraphs (j)(6)(i) through (iii) of this section. 			

(k) * * * (3) ■ f. Revised (m) * * * (2) monitor gas supplementa ■ g. Revised QNG2 = Cur QNG1 = Cur period of an	the definition of the Qcum term in the equation in paragraph (k)(3); ****** Qcum = Cumulative volumetric flow over 15- minute block average period, standard cubic feet. paragraph (m)(2) introductory text; Owners or operators of flares that use the feed-forward calculation methodology in paragraph (l)(5)(i) of this section and that composition or net heating value in a location representative of the cumulative vent gas stream and that directly monitor flare l gas flow additions to the flare must determine the 15-minute block average NHVcz using the following equation. the definitions of the QNG2, QNG1, and NHVNG terms in the equation in paragraph (m)(2); mulative volumetric flow of flare supplemental gas during the 15-minute block period, scf.
■ f. Revised (m) * * * (2) monitor gas supplementa ■ g. Revised QNG2 = Cur QNG1 = Cur period of an	paragraph (m)(2) introductory text; Owners or operators of flares that use the feed-forward calculation methodology in paragraph (l)(5)(i) of this section and that composition or net heating value in a location representative of the cumulative vent gas stream and that directly monitor flare l gas flow additions to the flare must determine the 15-minute block average NHVcz using the following equation. the definitions of the QNG2, QNG1, and NHVNG terms in the equation in paragraph (m)(2); mulative volumetric flow of flare supplemental gas during the 15-minute block period, scf.
(m) * * * (2) monitor gas supplementa ■ g. Revised QNG2 = Cur QNG1 = Cur period of an	Owners or operators of flares that use the feed-forward calculation methodology in paragraph (1)(5)(i) of this section and that composition or net heating value in a location representative of the cumulative vent gas stream and that directly monitor flare 1 gas flow additions to the flare must determine the 15-minute block average NHVcz using the following equation. the definitions of the QNG2, QNG1, and NHVNG terms in the equation in paragraph (m)(2); mulative volumetric flow of flare supplemental gas during the 15-minute block period, scf.
monitor gas supplementa ■ g. Revised QNG2 = Cur QNG1 = Cur period of an	composition or net heating value in a location representative of the cumulative vent gas stream and that directly monitor flare l gas flow additions to the flare must determine the 15-minute block average NHVcz using the following equation. the definitions of the QNG2, QNG1, and NHVNG terms in the equation in paragraph (m)(2); mulative volumetric flow of flare supplemental gas during the 15-minute block period, scf.
supplementa ■ g. Revised QNG2 = Cur QNG1 = Cur period of an	l gas flow additions to the flare must determine the 15-minute block average NHVcz using the following equation. the definitions of the QNG2, QNG1, and NHVNG terms in the equation in paragraph (m)(2); mulative volumetric flow of flare supplemental gas during the 15-minute block period, scf.
■ g. Revised QNG2 = Cur QNG1 = Cur period of an	the definitions of the QNG2, QNG1, and NHVNG terms in the equation in paragraph (m)(2); mulative volumetric flow of flare supplemental gas during the 15-minute block period, scf.
QNG2 = Cur QNG1 = Cur period of an	mulative volumetric flow of flare supplemental gas during the 15-minute block period, scf.
QNG1 = Cur period of an	
period of an	
3 7777 77 77 77	mulative volumetric flow of flare supplemental gas during the previous 15-minute block period, scf. For the first 15-minute block event, use the volumetric flow value for the current 15-minute block period, i.e., QNG1 = QNG2.
	Net heating value of flare supplemental gas for the 15-minute block period determined according to the requirements in paragraph section, Btu/scf.
h. Revised	d paragraph (n)(2) introductory text;
	Owners or operators of flares that use the feed-forward calculation methodology in paragraph (l)(5)(i) of this section and that
	composition or net heating value in a location representative of the cumulative vent gas stream and that directly monitor flare
	l gas flow additions to the flare must determine the 15-minute block average NHVdil using the following equation only during
	n perimeter assist air is used. For 15-minute block periods when there is no cumulative volumetric flow of perimeter assist air, the
15-minute bl	ock average NHVdil parameter does not need to be calculated. * * *
■ i. Revised	the definitions of the QNG2, QNG1, and NHVNG terms in the equation in paragraph (n)(2); and
QNG2 = Cus	mulative volumetric flow of flare supplemental gas during the 15-minute block period, scf.
	mulative volumetric flow of flare supplemental gas during the previous 15-minute block period, scf. For the first 15-minute block
	event, use the volumetric flow value for the current 15-minute block period, i.e., QNG1 = QNG2.
	Net heating value of flare supplemental gas for the 15-minute block period determined according to the requirements in paragraph
	section, Btu/sef.
	paragraphs (o) introductory text, (o)(1)(ii)(B), (o)(1)(iii)(B), and (o)(3)(i).
	cy flaring provisions. The owner or operator of a flare that has the potential to operate above its smokeless capacity under any e shall comply with the provisions in paragraphs (o)(1) through (7) of this section.
	* * * (B) Implementation of prevention measures listed for pressure relief devices in § 63.648(j)(3)(ii)(A) through (E) for each
	ef device that can discharge to the flare.
) * * * (B) The smokeless capacity of the flare based on a 15-minute block average and design conditions. Note: A single value must
	for the smokeless capacity of the flare.
	* * * (i) The vent gas flow rate exceeds the smokeless capacity of the flare based on a 15-minute block average and visible
	e present from the flare for more than 5 minutes during any 2 consecutive hours during the release event.
15. Table 6 t	o Subpart CC is amended by revising the entries "63.6(f)(3)", "63.6(h)(8)", 63.7(a)(2)", "63.7(f)", "63.7(h)(3)", and "63.8(e)"

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	■ 16. Table 11 to subpart CC is amended by revising items (2)(iv), (3)(iv) and (4)(v) 83 FR No. 227 (November 26, 2018)			
40 CFR 63.1175 63.1199 (Subpart DDD)	No Changes			
63.748063.7575 (Subpart DDDDD)	No Changes			
40 CFR 63.741- 63.759 (Subpart GG)	No Change			
63.838063.8515 (Subpart JJJJJ)	No Changes			
63.853063.8665 (Subpart KKKKK)	No Changes			
40 CFR 63.1340 63.1359 (Subpart LLL)	Section 63.1349 was amended by adding paragraph (b)(6)(v)(H) to read as follows: § 63.1349 Performance testing requirements. *****(b) ****(6) ****(v) ****(H) Paragraph (b)(6)(v) of this section expires on July 25, 2017 at which time the owner or operator must demonstrate compliance with paragraphs (b)(6)(i), (ii), or (iii). Section 63.1350 was amended by revising paragraph (l)(4) introductory text to read as follows: § 63.1350 Monitoring requirements. *****(l) ***(4) If you monitor continuous performance through the use of an HCl CPMS according to paragraphs (b)(6)(v)(A) through (H) of § 63.1349, for any exceedance of the 30-kiln operating day HCl CPMS average value from the established operating limit, you must:			
	82 FR No.161 2. Section 63.1341 was amended by: a. Removed the definition of "affirmative defense"; and b. Revised the definitions of "dioxins and furans (D/F)," "in-line coal mill," and "TEQ." Dioxins and furans (D/F) means tetra-, penta-, hexa-, hepta-, and octachlorinated dibenzo dioxins and furans. * * * * * In-line coal mill means a coal mill using kiln exhaust gases in their process. A coal mill with a heat source other than the kiln or a coal mill using exhaust gases from the clinker cooler is not an in-line coal mill.			

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	*** * TEQ means the international method of expressing toxicity equivalents for dioxins and furans as defined in U.S. EPA, Interim Procedures for Estimating Risks Associated with Exposures to Mixtures of Chlorinated Dibenzo-pdioxins and -dibenzo-furans (CDDs and CDFs) and 1989 Update, March 1989. The 1989 Toxic Equivalency Factors (TEFs) used to determine the dioxin and furan TEQs are listed in Table 2		
	Procedures for Estimating Risks Associated with Exposures to Mixtures of Chlorinated Dibenzo-pdioxins and -dibenzo-furans (CDDs and CDFs)		
	63.1343(b), you must demonstrate compliance using a CMS that is installed, operated, and maintained to record the rate of activated carbon injection in accordance with the		
	5. Section 63.1349 was amended by:		

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CFR Reference	■ a. Revised paragraphs (b)(1)(vi), (b)(3)(iv), (b)(4)(i), (b)(6)(i)(A), (b)(7)(viii)(A), (b)(8)(vi), and (b)(8)(vii)(B); (b)(1) * * * (vi) For each performance test, conduct at least three separate test runs under the conditions that exist when the affected source is operating at the level reasonably expected to occur. Conduct each test run to collect a minimum sample volume of 2 dscm for determining compliance with a new source limit and 1 dscm for determining compliance with an existing source limit. Calculate the time weighted average of the results from three consecutive runs, including applicable sources as required by paragraph (b)(1)(viii) of this section, to determine compliance. You need not determine the particulate matter collected in the impingers "back half" of the Method 5 or Method 51 particulate sampling train to demonstrate compliance with the PM standards of this subpart. This shall not preclude the permitting authority from requiring a determination of the "back half" for other purposes. For kilns with inline raw mills, testing must be conducted while the raw mill is on and while the raw mill is off. If the exhaust streams of a kiln with an inline raw mill and a clinker cooler are comingled, then the comingled exhaust stream must be tested with the raw mill on and the raw mill off. (3) *** (iv) The run average temperature must be calculated for each run, and the average of the run average temperatures must be determined and included in the performance test report and will determine the applicable temperature limit in accordance with § 63.1346(b). (4) **** (i) If you are subject to limitations on THC emissions, you must operate a CEMS in accordance with the requirements in § 63.1350(i). For the purposes of conducting the accuracy and quality assurance evaluations for CEMS, the THC span value (as propane) is 50 to 60 ppmvw and the reference method (RM) is Method 25A of appendix A to part 60 of this chapter. (6) *** (i)(A) If the source is equipped with a wet scrubber, tray tower or dry scr				
	■ 10. Added table 2 to subpart LLL. 83 FR No. 143 (July 25, 2018)				
40 CFR 63.1500 63.1520 (Subpart RRR)	No Change				
40 CFR 63.1560 63.1579 (Subpart UUU)	18. Section 63.1564 was amended by revising the introductory text of paragraphs (b)(4)(iii), (c)(3), and (c)(4) and revising paragraph (c)(5)(iii) to read as follows:				

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CI It itelerence	(4) * * * (iii) If you elect Option 3 in paragraph (a)(1)(v) of this section, the Ni lb/hr emission limit, compute your Ni emission rate using
	Equation 5 of this section and your site-specific Ni operating limit (if you use a continuous opacity monitoring system) using Equations 6 and 7 of this section as follows: * * *
	(3) If you use a continuous opacity monitoring system and elect to comply with Option 3 in paragraph (a)(1)(v) of this section, determine
	continuous compliance with your site-specific Ni operating limit by using Equation 11 of this section as follows:
	(4) If you use a continuous opacity monitoring system and elect to comply with Option 4 in paragraph (a)(1)(vi) of this section, determine continuous compliance with your site-specific Ni operating limit by using Equation 12 of this section as follows:
	(5) * * * (iii) Calculating the inlet velocity to the primary internal cyclones in feet per second (ft/sec) by dividing the average volumetric flow
	rate (acfm) by the cumulative cross-sectional area of the primary internal cyclone inlets (ft2) and by 60 seconds/minute (for unit conversion).
	19. Section 63.1565 was amended by revising paragraph (a)(5)(ii) to read as follows:
	§ 63.1565 What are my requirements for organic HAP emissions from catalytic cracking units?
	(a) * * * (5) * * * (ii) You can elect to maintain the oxygen (O2) concentration in the exhaust gas from your catalyst regenerator at or above 1 volume percent (dry basis) or 1 volume percent (wet basis with no moisture correction).
	■ 20. Section 63.1569 was amended by revising paragraph (c)(2) to read as follows:
	§ 63.1569 What are my requirements for HAP emissions from bypass lines?
	* * * * * (c) * * * (2) Demonstrate continuous compliance with the work practice standard in paragraph (a)(3) of this section by complying with
	the procedures in your operation, maintenance, and monitoring plan.
	21. Section 63.1571 was amended by revising the introductory text of paragraphs (a), (a)(5) and (a)(6), and by revising the introductory text of paragraphs (d)(1) and (d)(2)
	(a) When must I conduct a performance test? You must conduct initial performance tests and report the results by no later than 150 days after the compliance date specified for your source in § 63.1563 and according to the provisions in § 63.7(a)(2) and § 63.1574(a)(3). If you are required to do a performance evaluation or test for a semi-regenerative catalytic reforming unit catalyst regenerator vent, you may do them at the first regeneration cycle after your compliance date and report the results in a followup Notification of Compliance Status report due no later than 150 days after the test. You must conduct additional performance tests as specified in paragraphs (a)(5) and (6) of this section and report the results of these performance tests according to the provisions in § 63.1575(f).
	*****(5) Periodic performance testing for PM or Ni. Except as provided in paragraphs (a)(5)(i) and (ii) of this section, conduct a periodic performance test for PM or Ni for each catalytic cracking unit at least once every 5 years according to the requirements in Table 4 of this subpart. You must conduct the first periodic performance test no later than August 1, 2017 or within 150 days of startup of a new unit.
	** ** * (6) One-time performance testing for Hydrogen Cyanide (HCN). Conduct a performance test for HCN from each catalytic cracking unit no later than August 1, 2017 or within 150 days of startup of a new unit according to the applicable requirements in paragraphs (a)(6)(i) and (ii) of this section.
	** * * * (d) * * * (1) If you must meet the HAP metal emission limitations in § 63.1564, you elect the option in paragraph (a)(1)(v) in § 63.1564 (Ni lb/hr), and you use continuous parameter monitoring systems, you must establish an operating limit for the equilibrium catalyst Ni concentration based on the laboratory analysis of the equilibrium catalyst Ni concentration from the initial performance test. Section

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	63.1564(b)(2) allows you to adjust the laboratory measurements of the equilibrium catalyst Ni concentration to the maximum level. You must make this adjustment using Equation 1 of this section as follows: *****(2) If you must meet the HAP metal emission limitations in § 63.1564, you elect the option in paragraph (a)(1)(vi) in § 63.1564 (Ni per			
	coke burn-off), and you use continuous parameter monitoring systems, you must establish an operating limit for the equilibrium catalyst Ni concentration based on the laboratory analysis of the equilibrium catalyst Ni concentration from the initial performance test. Section 63.1564(b)(2) allows you to adjust the laboratory measurements of the equilibrium catalyst Ni concentration to the maximum level. You must make this adjustment using Equation 2 of this section as follows:			
	22. Section 63.1572 was amended by revising paragraphs (c)(1) and (d)(1) (c) * * * (1) You must install, operate, and maintain each continuous parameter monitoring system according to the requirements in Table 41 of this subpart. You must also meet the equipment specifications in Table 41 of this subpart if pH strips or colormetric tube sampling systems are used. You must meet the requirements in Table 41 of this subpart for BLD systems. Alternatively, before August 1, 2017, you may install, operate, and maintain each continuous parameter monitoring system in a manner consistent with the manufacturer's specifications or other written procedures that provide adequate assurance that the equipment will monitor accurately. * * * * * (d) * * * (1) Except for monitoring malfunctions, associated repairs, and required quality assurance or control activities (including as applicable, calibration checks and required zero and span adjustments), you must conduct all monitoring in continuous operation (or collect data at all required intervals) at all times the affected source is operating. 23. Section 63.1573 was amended by revising paragraph (a)(1) introductory text.			
	(a) * * * (1) You may use this alternative to a continuous parameter monitoring system for the catalytic regenerator exhaust gas flow rate for your catalytic cracking unit if the unit does not introduce any other gas streams into the catalyst regeneration vent (i.e., complete combustion units with no additional combustion devices). You may also use this alternative to a continuous parameter monitoring system for the catalytic regenerator atmospheric exhaust gas flow rate for your catalytic reforming unit during the coke burn and rejuvenation cycles if the unit operates as a constant pressure system during these cycles. You may also use this alternative to a continuous parameter monitoring system for the gas flow rate exiting the catalyst regenerator to determine inlet velocity to the primary internal cyclones as required in § 63.1564(c)(5) regardless of the configuration of the catalytic regenerator exhaust vent downstream of the regenerator (i.e., regardless of whether or not any other gas streams are introduced into the catalyst regeneration vent). Except, if you only use this alternative to demonstrate compliance with § 63.1564(c)(5), you shall use this procedure for the performance test and for monitoring after the performance test. You shall:			
	Section 63.1574 was amended by revising paragraph (a)(3)(ii) to read as follows: (a) ***(3)***(ii) For each initial compliance demonstration that includes a performance test, you must submit the notification of compliance status no later than 150 calendar days after the compliance date specified for your affected source in § 63.1563. For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (https://www.epa.gov/ electronic-reporting-air-emissions/ electronic-reporting-tool-ert) at the time of the test, you must submit the results in accordance with § 63.1575(k)(1)(i) by the date that you submit the Notification of Compliance Status, and you must include the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted in the Notification of Compliance Status. For performance evaluations of continuous monitoring systems (CMS) measuring relative accuracy test audit (RATA) pollutants that are supported by the EPA's ERT as listed on the EPA's ERT website at the time of the evaluation, you must			

CFR Reference	Summary of Changes to CFR
CFR Reference	submit the results in accordance with § 63.1575(k)(2)(i) by the date that you submit the Notification of Compliance Status, and you must include the process unit where the CMS is installed, the parameter measured by the CMS, and the date that the performance evaluation was conducted in the Notification of Compliance Status. All other performance test and performance evaluation results (i.e., those not supported by EPA's ERT) must be reported in the Notification of Compliance Status. 25. Section 63.1575 is amended by: ■ a. Revising paragraphs (f)(1), (k)(1) introductory text and (k)(2) introductory text; (f) ***(1) A copy of any performance test or performance evaluation of a CMS done during the reporting period on any affected unit, if applicable. The report must be included in the next semiannual compliance report. The copy must include a complete report for each test method used for a particular kind of emission point tested. For additional tests performed for a similar emission point using the same method, you must submit the results and any other information required, but a complete test report is not required. A complete test report contains a brief process description; a simplified flow diagram showing affected processes, control equipment, and sampling point locations; sampling site data; description of sampling and analysis procedures and any modifications to standard procedures; quality assurance procedures; record of operating conditions during the test; record of preparation of standards; record of calibrations; raw data sheets for field sampling; raw data sheets for field and laboratory analyses; documentation of calculations; and any other information required by the test method. For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (https://www.epa.gov/ electronic-reporting-tool-ert) at the time of the test, you must submit the results in accordance with paragraph (k)(1)(i) of this section by the date that you submit the
	paragraph (k)(2)(i) or (ii) of this section. ■ b. Adding paragraph (l). (l) Extensions to electronic reporting deadlines. (1) If you are required to electronically submit a report through the Compliance and Emissions Data Reporting Interface (CEDRI) in the EPA's Central Data Exchange (CDX), and due to a planned or actual outage of either the EPA's CEDRI or CDX systems within the period of time beginning 5 business days prior to the date that the submission is due, you will be or are precluded from accessing CEDRI or CDX and submitting a required report within the time prescribed, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description identifying the date(s) and time(s) the CDX or CEDRI were unavailable when you

May 21, 2020 Page 23 of 23

CFR Reference	Summary of Changes to CFR			
	attempted to access it in the 5 business days prior to the submission deadline; a rationale for attributing the delay in reporting beyond the			
regulatory deadline to the EPA system outage; describe the measures taken or to be taken to minimize the delay in reporting; and identif				
	by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any			
	circumstance, the report must be submitted electronically as soon as possible after the outage is resolved. The decision to accept the claim of			
	EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.			
	26. Section 63.1576 was amended by revising paragraph (a)(2)(i) to read as follows:			
	(a) * * * (2) * * * (i) Record the date, time, and duration of each startup and/or shutdown period for which the facility elected to comply with the			
	alternative standards in § 63.1564(a)(5)(ii) or § 63.1565(a)(5)(ii) or § 63.1568(a)(4)(ii) or (iii).			
	■ 27. Table 3 to Subpart UUU was amended by revising the table heading and entries for items 2.c, 6, 7, 8 and 9			
	■ 28. Table 4 to Subpart UUU of Part 63 was amended by revising the entries for items 9.c and 10.c			
	■ 29. Table 5 to Subpart UUU was amended by revising the entry for item 3			
	■ 30. Table 6 to Subpart UUU was amended by revising the entries for items 1.a.ii and 7			
	■ 31. Table 10 to Subpart UUU was amended by revising the entry for item 3			
	■32. Table 43 to Subpart UUU was amended by revising the entry for item 2			
	■ 33. Table 44 to Subpart UUU was amended by revising the entries "63.6(f)(3)", "63.6(h)(7)(i)", "63.6(h)(8)", "63.7(a)(2)", "63.7(g)",			
	"63.8(e)", "63.10(d)(2)", "63.10(e)(1)–(2)", and "63.10(e)(4)"			
	83 FR No. 227 (November 26, 2018)			
63.998063.10042	17. Revise Table 5 to Subpart UUUUU of part 63			
(Subpart UUUUU)	83 FR No. 220 (November 14, 2018)			

R307-405-2 May 21, 2020 Page 1 of 1

- 1 R307. Environmental Quality, Air Quality.
- 2 R307-405. Permits: Major Sources in Attainment or Unclassified
- 3 Areas (PSD).
- R307-405-2. Applicability.
- 5 (1) The provisions of 40 CFR 52.21(a)(2) are hereby incorporated 6 by reference.
- 7 (2) Notwithstanding the exemptions in R307-401, any source that 8 is subject to R307-405 is subject to the requirement to obtain an 9 approval order in R307-401-5 through 8.

- 12 KEY: air pollution, PSD, Class I area, greenhouse gases
- 13 Date of Enactment or Last Substantive Amendment: February 4, 2016
- 14 Notice of Continuation: November 13, 2018
- 15 Authorizing, and Implemented or Interpreted Law: 19-2-104

R307. Environmental Quality, Air Quality. R307-410. Permits: Emissions Impact Analysis.

• • •

R307-410-3. Use of Dispersion Models.

All estimates of ambient concentrations derived in meeting the requirements of R307 shall be based on appropriate air quality models, data bases, and other requirements specified in 40 CFR Part 51, Appendix W, Guideline on Air Quality Models, which is hereby incorporated by reference. Where an air quality model specified in the Guideline on Air Quality Models or other EPA approved guidance documents is inappropriate, the director may authorize the modification of the model or substitution of another model. In meeting the requirements of federal law, any modification or substitution will be made only with the written approval of the Administrator, EPA.

. . .

R307-410-5. Documentation of Ambient Air Impacts for Hazardous Air Pollutants.

- (1) Prior to receiving an approval order under R307-401, a source shall provide documentation of increases in emissions of hazardous air pollutants as required under (c) below for all installations not exempt under (a) below.
 - (a) Exempted Installations.
- (i) The requirements of R307-410-5 do not apply to installations which are subject to or are scheduled to be subject to an emission standard promulgated under 42 U.S.C. 7412 at the time a notice of intent is submitted, except as defined in (ii) below. This exemption does not affect requirements otherwise applicable to the source, including requirements under R307-401.
- (ii) The director may, upon making a written determination that the delay in the implementation of an emission standard under R307-214-2, that incorporates 40 CFR Part 63, might reasonably be expected to pose an unacceptable risk to public health, require, on a case-by-case basis, notice of intent documentation of emissions consistent with (c) below.
- (A) The director will notify the source in writing of the preliminary decision to require some or all of the documentation as listed in (c) below.
- (B) The source may respond in writing within thirty days of receipt of the notice, or such longer period as the director approves.
- (C) In making a final determination, the director will document objective bases for the determination, which may include public information and studies, documented public comment, the applicant's written response, the physical and chemical properties of emissions, and ambient monitoring data.
- (b) Lead Compounds Exemption. The requirements of R307-410-5 do not apply to emissions of lead compounds. Lead compounds shall be evaluated pursuant to requirements of R307-410-4.
 - (c) Submittal Requirements.
 - (i) Each applicant's notice of intent shall include:

- (A) the estimated maximum pounds per hour emission rate increase from each affected installation,
- (B) the type of release, whether the release flow is vertically restricted or unrestricted, the maximum release duration in minutes per hour, the release height measured from the ground, the height of any adjacent building or structure, the shortest distance between the release point and any area defined as "ambient air" under 40 CFR 50.1(e), which is hereby incorporated by reference for each installation for which the source proposes an emissions increase,
- (C) the emission threshold value, calculated to be the applicable threshold limit value time weighted average (TLV-TWA) or the threshold limit value ceiling (TLV-C) multiplied by the appropriate emission threshold factor listed in Table 2, except in the case of arsenic, benzene, beryllium, and ethylene oxide which shall be calculated using chronic emission threshold factors, and formaldehyde, which shall be calculated using an acute emission threshold factor. For acute hazardous air pollutant releases having a duration period less than one hour, this maximum pounds per hour emission rate shall be consistent with an identical operating process having a continuous release for a one-hour period.

TABLE 2 EMISSION THRESHOLD FACTORS FOR HAZARDOUS AIR POLLUTANTS (cubic meter pounds per milligram hour)

VERTICALLY-RESTRICTED AND FUGITIVE EMISSION RELEASE POINTS

CHRONIC (CARCINOGENIC
0.051	0.017
0.066	0.022
0.123	0.041
0.269	0.090
	0.051 0.066 0.123

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VERTICALLY-UNRESTRICTED EMISSION RELEASE POINTS

DISTANCE TO			
PROPERTY BOUNDARY	ACUTE	CHRONIC	CARCINOGENIC
50 Meters or less	0.154	0.198	0.066
51 - 100 Meters	0.224	0.244	0.081
Beyond 100 Meters	0.310	0.368	0.123

- (ii) A source with a proposed maximum pounds per hour emissions increase equal to or greater than the emissions threshold value shall include documentation of a comparison of the estimated ambient concentration of the proposed emissions with the applicable toxic screening level specified in (d) below.
- (iii) A source with an estimated ambient concentration equal to or greater than the toxic screening level shall provide additional documentation regarding the impact of the proposed emissions. The director may require such documentation to include, but not be limited to:

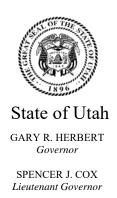
- (A) a description of symptoms and adverse health effects that can be caused by the hazardous air pollutant,
- (B) the exposure conditions or dose that is sufficient to cause the adverse health effects,
- (C) a description of the human population or other biological species which could be exposed to the estimated concentration,
 - (D) an evaluation of land use for the impacted areas,
 - (E) the environmental fate and persistency.
 - (d) Toxic Screening Levels and Averaging Periods.
- (i) The toxic screening level for an acute hazardous air pollutant is 1/10th the value of the TLV-C, and the applicable averaging period shall be:
- (A) one hour for emissions releases having a duration period of one hour or greater,
- (B) one hour for emission releases having a duration period less than one hour if the emission rate used in the model is consistent with an identical operating process having a continuous release for a one-hour period or more, or
- (C) the dispersion model's shortest averaging period when using an applicable model capable of estimating ambient concentrations for periods of less than one hour.
- (ii) The toxic screening level for a chronic hazardous air pollutant is 1/30th the value of the TLV- TWA, and the applicable averaging period shall be 24 hours.
- (iii) The toxic screening level for all carcinogenic hazardous air pollutants is 1/90 the value of the TLV-TWA, and the applicable averaging period shall be 24 hours, except in the case of formaldehyde which shall be evaluated consistent with (d)(i) above and arsenic, benzene, beryllium, and ethylene oxide which shall be evaluated consistent with (d)(ii) above.

32 ...

KEY: air pollution, modeling, hazardous air pollutant, stack height Date of Enactment or Last Substantive Amendment: December 15, 2015 Notice of Continuation: May 15, 2017

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

ITEM 5



Department of Environmental Quality

L. Scott Baird Executive Director

DIVISION OF AIR QUALITY Bryce C. Bird Director

DAQ-047-20

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Sarah Foran, Environmental Engineer

DATE: May 21, 2020

SUBJECT: PROPOSE FOR FINAL ADOPTION: Repeal R307-165. Emission Testing; and Reenact

R307-165. Stack Testing.

On March 4, 2020, the Utah Air Quality Board proposed for public comment the repeal of R307-165, Emission Testing; and reenactment of R307-165, Stack Testing. Staff is now proposing for final adoption the repeal and reenactment of R307-165 that outlines the requirements for notifying, conducting, and reporting stack tests. The existing rule lacks the requirement for stack testing results to be submitted to the Division of Air Quality (DAQ). To align with federal requirements, the rule was opened for this addition. The DAQ also determined that the rule should be updated to align with current stack testing practices, rule formatting, and for general clarity. Based on the multitude of changes, the decision was made to propose a repeal and reenactment of the rule. The public comment period for the repeal and reenactment of R307-165 was from April 1, 2020, to May 4, 2020. Comments were received during this period and the responses are attached to this memo. The public hearing tentatively scheduled for May 4, 2020, was cancelled because a request for a hearing was not made.

One change was made in response to comments. R307-165-1(2) was shortened to clarify rule applicability. The new change does not modify the intent of applicability, but clarifies and ensures readability of the rule.

DAQ believes the proposed R307-165 will clarify rule applicability and ensure alignment with Part H and federal requirements.

<u>Recommendation</u>: Staff recommends that the Board adopt the repeal of existing R307-165, Emission Testing; and the reenactment of R307-165, Stack Testing, as amended.

Responses to Comments Regarding R307-165: Stack Testing.

Utah Petroleum Association

 Comment Summary A-1: The Utah Petroleum Association (UPA) recommends replacing ambiguous language in R307-165-1(a). UPA requests that the rule uses "emission-unit specific emission limitations" language as a replacement for the proposed "source specific emission limitation." UPA believes that "source" is too generic of a specification and that the use of "emission-unit" ensures a clear understanding of applicability.

UDAQ Response to Comment A-1: UDAQ agrees that the use of "source-specific" could be confusing. UDAQ has updated the language to clarify applicability.

 Comment Summary A-2: UPA requests additional language to be incorporated to further specify rule applicability. UPA has interpreted that this rule only applies to Approval Orders (AO) which explicitly cite R307-165 in the AO conditions. As such, UPA requests this provision to be incorporated in the rule. UPA based this interpretation on the response UDAQ staff gave to the Board members during the March 4, 2019 board meeting.

UDAQ Response to Comment A-2: During the March 4, 2019 board meeting, UDAQ responded to questions from the Air Quality Board for the proposal for public notice Item 6: *Propose for Public Comment: Repeal R307-165. Emissions Testing. Reenact R307-165. Stack Testing.* The board requested clarification of the proposed rule applicability for AOs. UDAQ staff responded, in summary, that *emission limits are specified in AOs and those limits are under the umbrella of R307-165. Stack testing requirements are listed in the AO as a compliance-based condition.*

As emission limits are determined through Best Available Control Technology (BACT) evaluations, R307-165 is not cited in AOs for emission limit determinations. For each applicable emission limit, UDAQ includes stack testing methods where necessary. Adding the language to limit applicability of the proposed rule only to emission limits that cite R307-165 in the AOs is not feasible. It would result in excluding multiple facilities and operations that fall under the current and proposed R307-165 but do not have R307-165 expressly cited in an AO condition. This is not the result UDAQ intends with the proposed R307-165.

Comment Summary A-3: UPA requests the current language that allows a source to petition the Board for exception from mandatory testing requirements be revised to give the Director the power to grant exceptions. In the proposed rule, UDAQ removed this exception language entirely. UPA believes that the removal of this provision may lead to costly impacts for facilities and requests a provision allowing petitioning the Director for an exception to be added to the rule.

UDAQ Response to Comment A-3: UDAQ thinks that adding a requested provision is unnecessary. The Director can already make these determinations (i.e. whether a facility is in violation of its AO by not meeting mandatory testing requirements) as part of the compliance actions exercising his or her enforcement discretion.

 UDAQ further proposes to remove the Board's authority to grant exceptions to stack testing requirements under R307-165-2 for the following reasons. First, UDAQ researched the existing exception provisions and determined that no petitions were historically submitted to the Board. Second, and more importantly,

retaining the petitioning mechanism that allows the Board to change mandatory testing requirements would undermine SIP enforceability as explained by EPA. In 2009, the EPA proposed to disapprove Utah's requests under the Clean Air Act to redesignate Salt Lake County, Utah County, and Ogden City PM₁₀ nonattainment areas and disapprove certain State Implementation Plan (SIP) revisions. As part of that disapproval, EPA reviewed Utah's revisions to R307-165 and declined to approve them, specifically commenting on the Utah Air Quality Board's authority to grant exceptions to the mandatory testing requirements. EPA stated that "it would be inappropriate . . . to re-approve the Board's discretionary authority to grant exceptions to R307-165-2's mandatory testing requirements because the exercise of such discretionary authority would undermine the enforceability of the SIP." Third, while the current rule includes the Board's authority to grant exceptions, R307-102-4 (Variances Authorized) promulgated under the authority of Section 19-2-113 of the Utah Code does not include an exception for variances from the mandatory testing requirements. This creates internal inconsistency in the rules, which is cured by removing the Board's authority to grant exceptions under R307-165-2 from the proposed rule.

Comment Summary A-4: UPA believes that an exemption should be added for the logistical operational issues associated with the testing conditions as laid out in R307-165-4(1).

UDAQ Response to Comment A-4: The testing provisions of Subsection R307-165-4(1) are taken directly from SIP Section IX, Part H.1.e.i.I. and Part H.11.e.i.J. UPA requested consistency with this wording in the advanced rule making process and UDAQ agreed.

Comment Summary A-5: UPA requested the addition of applicability exemptions to R307-165 for emission limits imposed through federal requirements and Title V. UPA believes that "periodic testing" is sufficient as determined from the preamble for Part 70 "57 FR 32250, 32278 (July 21, 1992)" in regards to insufficient testing.

UDAQ Response to Comment A-5: First, UDAQ believes this frequency to be sufficient unless a more stringent timeline is specified in AOs, Title V, MACT, NESHAP, or NSPS requirements. Second, the current rule includes the 5-year testing frequency. Sources are currently required to test at least at this frequency. Changing the language to "periodic" as requested in the comment would disturb the existing testing timelines and interfere with future testing as the sources could have no definite timeline in which the testing should occur. If the requested change was incorporated, the vagueness of the wording would add confusion and uncertainty to the rule.

Comment Summary A-6: UPA requests the removal of the requirement previously contained in R307-165-3. Notification of DAQ. UPA believes the requirement for test protocol approval will hinder testing timelines.

UDAQ Response to Comment A-6: UDAQ believes that testing protocol approvals will ensure tests are appropriate for the facility in question. UDAQ currently interprets and applies the federal requirement for testing to mean that a source should submit a test protocol prior to the test. UDAQ believes the prior approval ensures that a facility does not select an inappropriate test method which may result in unnecessary testing costs, time delays, and potential non-compliance.

¹ See Approval and Promulgation of Air Quality Implementation Plans; Utah; Redesignation Request and Maintenance Plan for Salt Lake County; Utah County; Ogden City PM10 Nonattainment Area, 74 Fed. Reg. 62,717 (proposed rule) (Dec. 1, 2009).

² *Id.* at 62,728.

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2	Comment Summary A-7: UPA requests the removal of the word "written" from R307-165-5. Reporting
3	to allow for submittal of stack testing reports using electronic means.
4	
5	UDAQ Response to Comment A-7: For state-administered programs under 40 CFR, EPA requires that
6	electronic submission of reports in lieu of paper be approved under the Cross-Media Electronic Reporting
7	Rule (CROMERR). UDAQ does not currently have an EPA-approved electronic reporting system;
8 9	therefore, written reports are required to ensure compliance with CROMERR.
10	
11	Tesoro Refining & Marketing Company LLC (Tesoro)
12	Tesoro Remning & Marketing Company Elec (Tesoro)
13	Comment Summary B-1: Tesoro requested a mechanism for exemption from the mandatory testing
14	requirements.
15	
16	UDAQ Response to Comment B-1: See <i>Response to Comment Summary A-3</i> .
17	
18	
19	Comment Summary B-2: Tesoro requested an additional exemption for emission limitations established
20	through NSPS, NESHAP, or MACT requirements.
21	LIDAO Barraga ta Cammant B 2, Can Barraga ta Cammant A 5
22 23	UDAQ Response to Comment B-2: See <i>Response to Comment A-5</i> .
24	
25	Comment Summary B-3: Tesoro requested the inclusion of a "mass-based" clarification under
26	R307-165-1(a)
27	1607 100 1(4)
28	UDAQ Response to Comment B-3: See Response to Comment A-1. UDAQ decided not to add a
29	"mass-based" clarification as requested because emission limits exist outside of mass-based limits.
30	Concentration emission limits in both volumetric and mass limits are subject to R307-165.
31	
32	
33	Comment Summary B-4: Tesoro requests the removal of R307-165-4.
34	LIDAO D
35	UDAQ Response to Comment B-4: See <i>UDAQ Comment Response to A-4</i> .

1 R307. Environmental Quality, Air Quality.

2 [R307-165. Emission Testing.

R307-165-1. Purpose.

R307-165 establishes the frequency of emission testing requirements for all areas in the state.

R307-165-2. Testing Every 5 Years.

Emission testing is required at least once every five years of all sources with established emission limitations specified in approval orders issued under R307 401 or in section IX, Part H of the Utah state implementation plan. In addition, if the director has reason to believe that an applicable emission limitation is being exceeded, the director may require the owner or operator to perform such emission testing as is necessary to determine actual compliance status. Sources approved in accordance with R307-401 will be tested within six months of start-up. The Board may grant exceptions to the mandatory testing requirements of R307 165 2 that are consistent with the purposes of R307.

R307-165-3. Notification of DAQ.

At least 30 days prior to conducting any emission testing required under any part of R307, the owner or operator shall notify the director of the date, time and place of such testing and, if determined necessary by the director, the owner or operator shall attend a pretest conference.

R307-165-4. Test Conditions.

All tests shall be conducted while the source is operating at the maximum production or combustion rate at which such source will be operated. During the tests, the source shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operations. In addition, the source shall operate under such other relevant conditions as the director shall specify.

R307-165-5. Rejection of Test Results.

The director may reject emissions test data if they are determined to be incomplete, inadequate, not representative of operating conditions specified for the test, or if the director was not provided an opportunity to have an observer present at the test.]

R307-165. Stack Testing.

1 2

R307-165-1. Purpose and Applicability.

- (1) The purpose of Rule R307-165 is to establish the requirements for stack testing.
- (2) Rule R307-165 applies to [all] each emissions unit[s] with established [source specific] emission limitations [as] specified in approval orders issued under Rule R307-401 or in the Utah State Implementation Plan Section IX, Part H.
- (3) Rule R307-165 does not apply to opacity limitations or emissions units with emissions monitored under Rule R307-170.

R307-165-2. Testing Frequency.

- (1) The owner or operator of an emissions unit under Subsection R307-165-1(2) shall conduct stack testing at least once every five years. More frequent testing may be required as specified in an applicable federal rule, approval order, Title V permit, or State Implementation Plan.
- (2) If the director has reason to believe that an applicable emission limitation is being exceeded, the owner or operator shall perform such stack testing as is necessary to determine the actual compliance status and as required by the director.
- (3) The owner or operator shall conduct stack testing of an emissions unit approved under Rule R307-401 within 180 days of startup.

R307-165-3. Notification of DAQ.

- (1) Unless otherwise specified by federal rule, the owner or operator shall notify the director of the date, time and place of stack testing no less than 30 days, before conducting a stack test, and provide a copy of the source test protocol to the director.
- (2) The source shall obtain approval of the protocol from the director prior to conducting the test. The source test protocol shall:
 - (a) identify the reason for the test;
 - (b) outline each proposed test methodology;
 - (c) identify each stack to be tested; and
 - (d) identify each procedure to be used.
- (3) The owner or operator shall attend a pretest conference if determined necessary by the director.

R307-165-4. Test Conditions.

(1) The production rate during all stack testing shall be no less than 90% of the maximum production rate achieved in the previous three years. If the desired production rate is not achieved at the time of the test, the maximum production rate shall be 110% of the tested achieved rate, but not more than the maximum allowable production rate. This new allowable maximum production rate shall remain in effect until successfully tested

at a higher rate. The owner or operator shall request a higher production rate when necessary. Testing at no less than 90% of the higher rate shall be conducted. A new maximum production rate of 110% of the new rate will then be allowed if the test is successful. This process may be repeated until the maximum allowable production rate is achieved.

- (2) During the stack testing, the owner or operator shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operations of the emissions unit.
- (3) The owner or operator shall operate the emissions unit under such other relevant conditions as the director shall specify.

R307-165-5. Reporting.

The owner or operator shall submit a written report of the results from the stack testing to the director no later than 60 days after completion of the stack testing. The report shall include validated results and supporting information.

R307-165-6. Rejection of Test Results.

The director may reject stack testing results if determined to be incomplete, inadequate, not representative of operating conditions specified for the test, or if the director was not provided an opportunity to have an observer present at the test.

- 27 KEY: air pollution, emission testing
- 28 Date of Enactment or Last Substantive Amendment: September 2,
- **2005**

- 30 Notice of Continuation: February 5, 2015
- 31 Authorizing, and Implemented or Interpreted Law: 19-2-104(1)

State of Utah Administrative Rule Analysis

Revised May 2020

NOTICE OF CHANGE IN PROPOSED RULE			
	Title No Rule No Section No.		
Utah Admin. Code Ref (R no.):	R307-165	Filing No. (Office Use Only)	
Changed to Admin. Code Ref. (R no.):	R		

Agency Information

	, 19011	cy information		
1. Department:	Environmental C	Environmental Quality		
Agency:	Air Quality	Air Quality		
Room no.:	Fourth Floor	Fourth Floor		
Building:	Multi Agency Sta	Multi Agency State Office Building		
Street address:	195 N 1950 W	195 N 1950 W		
City, state, zip:	Salt Lake City, L	Salt Lake City, UT 84116		
Mailing address:	PO Box 144820	PO Box 144820		
City, state, zip:	Salt Lake City, L	Salt Lake City, UT 84116-4820		
Contact person(s):				
Name:	Phone:	Email:		
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov		
Please addre	ess questions regardi	ng information on this notice to the agency.		

General Information

2. Rule or section catchline:

R307-165. Stack Testing

3. Change in Proposed Rule:

Changes FILING Name, Publication date of prior	R307-165, Emission Testing, Published 04/01/20
filina:	

4. Reason for this change:

The change came about due to public comments requesting further clarity.

5. Summary of this change:

The amendment clarifies rule applicability. The change does not modify the intent of applicability, but clarifies and ensures readability of the rule.

Fiscal Information

6. Aggregate anticipated cost or savings to:

A) State budget:

There are no anticipated costs due to the change in proposed rule to the state budget as the amendment is for clarification.

B) Local government:

There are no anticipated costs due to the change in proposed rule to local government as the amendment is for clarification.

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

There are no anticipated costs due to the change in proposed rule to small businesses as the amendment is for clarification.

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

There are no anticipated costs due to the change in proposed rule to non-small businesses as the amendment is for clarification.

E) Persons other than small businesses, non-small businesses, or 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**):

There are no anticipated costs due to the change in proposed rule to persons other than small businesses, non-small businesses, or state or local government entities as the amendment is for clarification.

F) Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons as the amendment is for clarification.

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	FY2021	FY2022	FY2023
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			
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 approval of regulatory impact analysis:

The head of the Department of Environmental Quality, L. Scott Baird, has reviewed and approved this fiscal analysis.

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

The change in proposed rule is intended to clarify applicability and ensure easier readability of the rule, and is anticipated to have no fiscal impact on businesses.

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

L. Scott Baird, Executive Director

Citation Information

8. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):			
19-2-104(1)			

Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables)

9. 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*):

interpolated by following the distribution of the first of the first blanking the state of the		
	First Incorporation	
Official Title of Materials Incorporated (from title page)		
Publisher		

	Date Issued			
	Issue, or version			
J		I		
B) This rule adds, up incorporated by refere				orated by references (a copy of materials ; if none, leave blank):
		Second Incorporat	ion	
Official Title of Ma	terials Incorporated (from title page)			
	Publisher			
	Date Issued			
	Issue, or version			
		Public Notice	Information	
10. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)				
A) Comments will be	accepted until (mm.	/dd/yyyy):	C	07/31/2020
B) A public hearing (optional) will be held:				
On (mm/dd/yyyy): At (hh:mm AM/PM):		Į.	At (place):	
44 This make about the	MAY become effect	!		00/00/0000
11. This rule change MAY become effective on (mm/dd/yyyy): 08/03/2020				
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 11, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.				
Agency Authorization Information				
		his form is required b	y Section 63G-3-	303. Incomplete forms will be returned to the d delaying the first possible effective date.
Agency head or designee, and title:	Bryce Bird		Date (mm/dd/yyyy):	05/18/2020

R307. Environmental Quality, Air Quality.

R307-165. Stack Testing.

R307-165-1. Purpose and Applicability.

- (1) The purpose of Rule R307-165 is to establish the requirements for stack testing.
- (2) Rule R307-165 applies to [all]each emissions unit[s] with established [source specifie] emission limitations [as-]specified in approval orders issued under Rule R307-401 or in the Utah State Implementation Plan Section IX, Part H.
 - (3) Rule R307-165 does not apply to opacity limitations or emissions units with emissions monitored under Rule R307-170.

R307-165-2. Testing Frequency.

- (1) The owner or operator of an emissions unit under Subsection R307-165-1(2) shall conduct stack testing at least once every five years. More frequent testing may be required as specified in an applicable federal rule, approval order, Title V permit, or State Implementation Plan.
- (2) If the director has reason to believe that an applicable emission limitation is being exceeded, the owner or operator shall perform such stack testing as is necessary to determine the actual compliance status and as required by the director.
- (3) The owner or operator shall conduct stack testing of an emissions unit approved under Rule R307-401 within 180 days of startup. R307-165-3. Notification of DAQ.
- (1) Unless otherwise specified by federal rule, the owner or operator shall notify the director of the date, time and place of stack testing no less than 30 days, before conducting a stack test, and provide a copy of the source test protocol to the director.
 - (2) The source shall obtain approval of the protocol from the director prior to conducting the test. The source test protocol shall:
 - (a) identify the reason for the test;
 - (b) outline each proposed test methodology;
 - (c) identify each stack to be tested; and
 - (d) identify each procedure to be used.
 - (3) The owner or operator shall attend a pretest conference if determined necessary by the director.

R307-165-4. Test Conditions.

- (1) The production rate during all stack testing shall be no less than 90% of the maximum production rate achieved in the previous three years. If the desired production rate is not achieved at the time of the test, the maximum production rate shall be 110% of the tested achieved rate, but not more than the maximum allowable production rate. This new allowable maximum production rate shall remain in effect until successfully tested at a higher rate. The owner or operator shall request a higher production rate when necessary. Testing at no less than 90% of the higher rate shall be conducted. A new maximum production rate of 110% of the new rate will then be allowed if the test is successful. This process may be repeated until the maximum allowable production rate is achieved.
- (2) During the stack testing, the owner or operator shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operations of the emissions unit.
 - (3) The owner or operator shall operate the emissions unit under such other relevant conditions as the director shall specify.

R307-165-5. Reporting.

The owner or operator shall submit a written report of the results from the stack testing to the director no later than 60 days after completion of the stack testing. The report shall include validated results and supporting information.

R307-165-6. Rejection of Test Results.

The director may reject stack testing results if determined to be incomplete, inadequate, not representative of operating conditions specified for the test, or if the director was not provided an opportunity to have an observer present at the test.

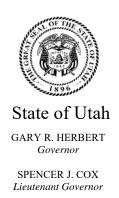
KEY: air pollution, emission testing

Date of Enactment or Last Substantive Amendment: September 2, 2005

Notice of Continuation: February 5, 2015

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

ITEM 6



Department of Environmental Quality

L. Scott Baird Executive Director

DIVISION OF AIR QUALITY Bryce C. Bird Director

DAQ-045-20

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Catherine Williams, Environmental Scientist; and

process efficiency for point source facilities and DAQ staff.

Sheila Vance, Environmental Scientist

DATE: May 21, 2020

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-150. Emission Inventories.

Division of Air Quality (DAQ) staff are proposing two changes to R307-150, Emission Inventories. The first change is to implement a requirement of the Clean Air Act (CAA) for areas that are designated as nonattainment for the 2015 ozone national ambient air quality standards (NAAQS). The second is a change that will increase the transparency and accuracy of the emissions inventory data, as well as reporting

On August 3, 2018, the Environmental Protection Agency (EPA) designated areas in Utah as ozone nonattainment areas under the CAA. These areas are Davis, Weber, Salt Lake, Utah counties, and a portion of Tooele County. The Uinta Basin located in Duchesne and Uintah counties at an elevation of 6,500 feet above sea level and below has also been designated an ozone nonattainment area. As part of the requirements for an ozone nonattainment area, all sources with emissions of either oxides of nitrogen (NO_x) or volatile organic compounds (VOCs) greater than 25 tons per year are required to provide the DAQ with an annual statement describing the emission sources and the actual amount of NO_x and VOC emissions from those sources. The first such statement will be due by April 15, 2021. The majority of sources with NO_x and/or VOC emissions at this level are already participating in the reporting of their emissions triennially, with the next required submittal due by April 15, 2021.

Current Utah rules also require sources with potential emissions of NO_x, oxides of sulfur, and PM₁₀ greater than 25 tons per year or 10 tons per year of VOCs in Davis, Weber, Salt Lake, or Utah counties to provide an emission inventory triennially, again with the next required submittal due by April 15, 2021. In addition,

sources involved in oil and gas extraction, production, and transmission operations with emissions greater than one ton per year are required to report an emission inventory triennially. Virtually all sources that meet the ozone emission statement requirement in the Uinta Basin nonattainment are oil and gas operations. Therefore, the majority of sources that will be required to submit an emission statement annually under the ozone nonattainment areas are already reporting triennially and, as such, are familiar with the process and the impact of having to report annually should be fairly minimal. The fiscal costs that may be incurred will not be seen until fiscal year 2022, since the triennial statements are to be submitted in fiscal year 2021. The portion of Tooele County that is in the ozone nonattainment area has a very small number of sources that will now be required to report an inventory to DAQ.

It is the intent of DAQ to have the reporting of annual emission statements by required sources to be as seamless as possible. Sources that are required to report the 2020 triennial emission inventory by April 15, 2021, will also meet the initial emission statement that will be required to be submitted by April 15, 2021. Sources that are only required to report an annual emission statement will be able to submit their statement electronically via already-established DAQ processes. All required point sources currently report their inventory via a program called the Statewide & Local Emission Inventory System (SLEIS), and oil and gas sources will report their inventory through the Centralized Air Emissions Reporting System (CAERS).

The second change being proposed to R307-150 is to change the level of inventory data being submitted by some sources. Currently, sources subject to R307-150-7 submit facility totals for each pollutant (summary-only facilities), while all other sources submit specific information regarding each piece of permitted equipment (detailed facilities). Inventory staff would like to change this rule so that all sources are required to submit a detailed emissions inventory. Staff believe this change will improve the reporting experience for the user, the quality control process for staff, and the point source data quality for State Implementation Plans.

While "summary-only" appears to be an easier reporting process for facilities, it often is even more challenging than completing a detailed report. In the point source inventory database, SLEIS, summary-only facilities have no prompts for completing calculations, and usually have to create their own worksheets to determine totals. For detailed emissions inventory reports, SLEIS shows users how to calculate emission totals. Once a detailed SLEIS report has been tailored for each of a facility's emissions units, the following inventory cycles will be significantly easier because the next inventory report is generated from the previous one. Thus, some additional work in the short-term should provide a better experience in the long-term.

Inventory staff will work with the affected facilities for this change to be successful. As the 2020 inventory deadline of April 15, 2021, approaches, staff will again offer several in-person training sessions showing users how to complete an inventory, similar to the implementation of SLEIS in 2018. The same information is currently available on the SLEIS homepage through tutorial videos for those unable to attend the trainings. Also, staff will be available through emails, phone calls, and in-person meetings throughout the triennial inventory process to assist any facility in completing their inventory. Staff are also able to tailor equipment formats to best match a facility's existing workbook.

Once facilities have submitted a detailed report, the process for checking the quality of the report also becomes easier for inventory staff. Currently with summary-only reports, staff must review report attachments provided by the facility to ensure the accuracy of the total emissions. Reviewing these attachments is more time consuming for staff because the formatting is inconsistent and staff often find errors that would not be present in a detailed report in SLEIS. There are currently 318 summary-only facilities; if these facilities are not converted to detail for the 2020 reporting cycle, the amount of work to provide quality control for these reports will be significantly greater.

DAQ-045-20 Page 3

With regard to improving the overall quality of emissions data, having all detailed reports will allow staff to analyze point source data from all sources down to the equipment type. Currently, summary-only facilities have one facility-wide total for each pollutant, and staff are unable to extract emissions data by piece of equipment. Statewide, this means over 4,500 tons of criteria pollutants have no Standard Classification Code (SCC), the current parameter used by the Inventory Section to classify emissions. Moving summary-only to detailed reports will mean every aspect of point source data will have an SCC. Furthermore, this change will mean the entire statewide inventory will have SCCs.

DAQ Inventory staff believe the detailed report process is cleaner, more streamlined and transparent, and will improve the accuracy of the inventory. In summary, this is a better product to offer the regulated community and will result in a more efficient experience. Staff are committed to helping facilities make this a success.

Staff provided advance notice of these proposed changes to potentially impacted sources and have responded to questions and concerns raised in that timeframe.

Recommendation: Staff recommends that the Board propose amended R307-150 for public comment.

R307. Environmental Quality, Air Quality.

R307-150. Emission Inventories.

R307-150-1. Purpose and General Requirements.

- (1) The purpose of Rule_R307-150 is:
- (a) to establish by rule the time frame, pollutants, and information that sources must include in inventory submittals; and
- (b) to establish consistent reporting requirements for stationary sources in Utah to determine whether sulfur dioxide emissions remain below the sulfur dioxide milestones established in the State Implementation Plan for Regional Haze, section XX.E.1.a, incorporated by reference in <u>Section R307-110-28</u>.
- (2) The requirements of $\underline{\text{Rule}}$ R307-150 replace any annual inventory reporting requirements in approval orders or operating permits issued prior to December 4, 2003.
- (3) Emission inventories shall be submitted on or before [ninety days following the effective date of this rule and thereafter on or before] April 15 of each year following the calendar year for which an inventory is required. The inventory shall be submitted in a format specified by the Division of Air Quality following consultation with each source.
- (4) The executive secretary may require at any time a full or partial year inventory upon reasonable notice to affected sources when it is determined that the inventory is necessary to develop a state implementation plan, to assess whether there is a threat to public health or safety or the environment, or to determine whether the source is in compliance with <u>Title R307</u>.
 - (5) Recordkeeping Requirements.
- (a) Each owner or operator of a stationary source subject to this rule shall maintain a copy of the emission inventory submitted to the Division of Air Quality and records indicating how the information submitted in the inventory was determined, including any calculations, data, measurements, and estimates used. The records under <u>Section</u> R307-150-4 shall be kept for ten years. Other records shall be kept for a period of at least five years from the due date of each inventory.
- (b) The owner or operator of the stationary source shall make these records available for inspection by any representative of the Division of Air Quality during normal business hours.

R307-150-2. Definitions.

The following additional definitions apply to Rule R307-150.

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

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

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

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

"Emissions unit" means emissions unit as defined in $\underline{\text{Section}}$ R307-415-3.

"Large Major Source" means a major source that emits or has the potential to emit 2500 tons or more per year of oxides of sulfur, oxides of nitrogen, or carbon monoxide, or that emits or has the potential to emit 250 tons or more per year of PM_{10} , $PM_{2.5}$, volatile organic compounds, or ammonia.

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

"Major Source" means major source as defined in $\underline{\text{Section}}$ R307-415-3.

R307-150-3. Applicability.

- (1) <u>Section R307-150-4</u> applies to all stationary sources with actual emissions of 100 tons or more per year of sulfur dioxide in calendar year 2000 or any subsequent year unless exempted in <u>Subsection R307-150-3(1)(a)</u>. Sources subject to <u>Subsection R307-150-4</u> may be subject to other sections of <u>Rule R307-150</u>.
- (a) A stationary source that meets the requirements of <u>Subsection R307-150-3(1)</u> that has permanently ceased operation is exempt from the requirements of <u>Section R307-150-4</u> for all years during which the source did not operate at any time during the year.
- (b) Notwithstanding <u>Subsection</u> R307-150-3(1)(a), beginning with 2016 emissions, the Division of Air Quality will include emissions of 8,005 tons <u>per year</u>[/yr] of sulfur dioxide for the Carbon Power Plant in the annual regional sulfur dioxide milestone report required as part of the Regional Haze State Implementation Plan.
- (c) Except as provided in <u>Subsection</u> R307-150-3(1)(a), any source that meets the criteria of <u>Subsection</u> R307-150-3(1) and that emits less than 100 tons per year of sulfur dioxide in any subsequent year shall remain subject to the requirements of <u>Section</u> R307-150-4 until 2018 or until the first control period under the Western Backstop

Sulfur Dioxide Trading Program as established in <u>Subsection</u> R307-250-12(1)(a), whichever is earlier.

- (2) <u>Section</u> R307-150-5 applies to large major sources.
- (3) <u>Section R307-150-6</u> applies to:

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- (a) each major source that is not a large major source;
- (b) each source with the potential to emit 5 tons or more per year of lead; [and]
- (c) each source not included in <u>Subsections</u> R307-150-3(2), R307-150-3(3)(a), or R307-150-3(3)(b) that is located in Davis, Salt Lake, Utah, or Weber Counties and that has the potential to emit 25 tons or more per year of any combination of oxides of nitrogen, oxides of sulfur and PM_{10} , or the potential to emit 10 tons or more per year of volatile organic compounds; and [-]
- [(4) R307 150 7 applies to Part 70 sources not included in R307-150-3(2) or R307-150-3(3).]
- (4[5]) <u>Section R307-150-8[9]</u> applies to sources with Standard Industrial Classification codes in the major group 13 that have uncontrolled actual emissions greater than one ton per year for a single pollutant of PM_{10} , $PM_{2.5}$, oxides of nitrogen, oxides of sulfur, carbon monoxide or volatile organic compounds. These sources include, but are not limited to, industries involved in oil and natural gas exploration, production, and transmission operations; well production facilities; natural gas compressor stations; and natural gas processing plants and commercial oil and gas disposal wells, and ponds.
- (a) Sources that require inventory submittals under <u>Subsections</u> R307-150-3(1) through R307-150-3(3) are excluded from the requirements of <u>Section</u> R307-150-8[9]
- (5) Section R307-150-9 applies to stationary sources located in a designated ozone nonattainment area that have the potential to emit oxides of nitrogen or volatile organic compounds greater than 25 tons per year.

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

- (1) Annual Sulfur Dioxide Emission Report.
- (a) Sources identified in <u>Subsection R307-150-3(1)</u> shall submit an annual inventory of sulfur dioxide emissions beginning with calendar year 2003 for all emissions units including fugitive emissions.
- (b) The inventory shall include the rate and period of emissions, excess or breakdown emissions, startup and shut down emissions, the specific emissions unit that is the source of the air pollution, type and efficiency of the air pollution control equipment,

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percent of sulfur content in fuel and how the percent is calculated, and other information necessary to quantify operation and emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.

- (2) Each source subject to <u>Section R307-150-4</u> that is also subject to 40 CFR Part 75 reporting requirements shall submit a summary report of annual sulfur dioxide emissions that were reported to the Environmental Protection Agency under 40 CFR Part 75 in lieu of the reporting requirements in (1) above.
- (3) Changes in Emission Measurement Techniques. Each source subject to <u>Section R307-150-4</u> that uses a different emission monitoring or calculation method than was used to report their sulfur dioxide emissions in 2006 under <u>Rule R307-150</u> or 40 CFR Part 75 shall adjust their reported emissions to be comparable to the emission monitoring or calculation method that was used in 2006. The calculations that are used to make this adjustment shall be included with the annual emission report.

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

- (1) Each large major source shall submit an emission inventory annually beginning with calendar year 2002. The inventory shall include PM_{10} , $PM_{2.5}$, oxides of sulfur, oxides of nitrogen, carbon monoxide, volatile organic compounds, and ammonia for all emissions units including fugitive emissions.
- (2) For every third year beginning with 2005, the inventory shall also include all other chargeable pollutants and hazardous air pollutants not exempted in <u>Section R307-150-7[8]</u>.
- (3) For each pollutant specified in (1) or (2) above, the inventory shall include the rate and period of emissions, excess or breakdown emissions, startup and shut down emissions, the specific emissions unit that is the source of the air pollution, composition of air pollutant, type and efficiency of the air pollution control equipment, and other information necessary to quantify operation and emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.

R307-150-6. Sources Identified in R307-150-3(3).

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

- (a) The inventory shall include PM_{10} , $PM_{2.5}$, oxides of sulfur, oxides of nitrogen, carbon monoxide, volatile organic compounds, ammonia, other chargeable pollutants, and hazardous air pollutants not exempted in <u>Section R307-150-7[8]</u>.
- (b) For each pollutant, the inventory shall include the rate and period of emissions, excess or breakdown emissions, startup and shut down emissions, the specific emissions unit which is the source of the air pollution, composition of air pollutant, type and efficiency of the air pollution control equipment, and other information necessary to quantify operation and emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.
- (2) Sources identified in <u>Subsection R307-150-3(3)</u> shall submit an inventory for each year after 2002 in which the total amount of PM10, oxides of sulfur, oxides of nitrogen, carbon monoxide, or volatile organic compounds increases or decreases by 40 tons or more per year from the most recently submitted inventory. For each pollutant, the inventory shall meet the requirements of <u>Subsections R307-150-6(1)(a)</u> and (b).

[R307-150-7. Sources Identified in R307-150-3(4), Other Part 70 Sources.

- (1) Sources identified in R307 150 3(4) shall submit the following emissions inventory every third year beginning with calendar year 2002 for all emission units including fugitive emissions.
- (2) Sources identified in R307-150-3(4) shall submit an inventory for each year after 2002 in which the total amount of PM10, oxides of sulfur, oxides of nitrogen, carbon monoxide, or volatile organic compounds increases or decreases by 40 tons or more per year from the most recently submitted inventory.
- (3) The emission inventory shall include individual pollutant totals of all chargeable pollutants not exempted in R307-150-8.]

R307-150-7[8]. Exempted Hazardous Air Pollutants.

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

40 TABLE 1

42	POLLUTANT	Pounds/year
43	Arsenic	0.21
44	Benzene	33.90
45	Bervllium	0 04

Ethylene oxide 38.23 Formaldehyde 5.83

- (2) Hazardous air pollutants, except for dioxins or furans, are exempt from being reported if they are emitted in an amount less than the smaller of the following:
 - (a) 500 pounds per year; or
- (b) for acute pollutants, the applicable TLV-C expressed in milligrams per cubic meter and multiplied by 15.81 to obtain the pounds-per-year threshold; or
- (c) for chronic pollutants, the applicable TLV-TWA expressed in milligrams per cubic meter and multiplied by 21.22 to obtain the pounds-per-year threshold; or
- (d) for carcinogenic pollutants, the applicable TLV-C or TLV-TWA expressed in milligrams per cubic meter and multiplied by 7.07 to obtain the pounds-per-year threshold.

R307-150-8[9]. Crude Oil and Natural Gas Source Category.

- (1) Sources identified in <u>Subsection R307-150-3($\underline{4}[5]$)</u> shall submit an inventory every third year beginning with the 2017 calendar year for all emission units.
- (a) The inventory shall include the total emissions for PM_{10} , $PM_{2.5}$, oxides of sulfur, oxides of nitrogen, carbon monoxide and volatile organic compounds for each emission unit at the source. The emissions of a pollutant shall be calculated using the emission unit's actual operating hours, product rates, and types of materials processed, stored, or combusted during the inventoried time period.
- (b) The inventory shall include the type and efficiency of air pollution control equipment.
- (c) The inventory shall be submitted in an electronic format determined by the Director specific to this source category.

R307-150-9. Annual Ozone Emission Statement.

- (1) Beginning in the year 2021, sources identified in Subsection R307-150-3(5) shall submit an ozone emission statement to the Division of Air Quality annually by April 15 of each year for the previous year's emissions.
- 38 (2) A source required to submit an emission statement shall
 39 provide the following minimum information:
 - (a) a certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement;
 - (b) the physical location where actual emissions occurred;
 - (c) the name and address of person or entity operating or owning the source;

May 21, 2020 Page 7 of 7 R307-150

- (d) the nature of the source; and (c) the total actual emissions of oxides of nitrogen and volatile 2 organic compounds in tons per year for each emission unit. 3 (3) Emission statements shall be submitted in an electronic 5 format determined by the Director. 6 7 KEY: air pollution, reports, inventories
- Date of Enactment or Last Substantive Amendment: June 25, 2019 8
- 9 Notice of Continuation: November 13, 2018
- 10 Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(c)

State of Utah Administrative Rule Analysis

Revised May 2020

NOTICE OF PROPOSED RULE				
TYPE OF RULE: New; Amendment X_; Repeal; Repeal and Reenact				
Title No Rule No Section No.				
Utah Admin. Code Ref (R no.):	R307-150	Filing No. (Office Use Only)		
Changed to Admin. Code Ref. (R no.):	R			

Agency Information

	Agei	icy information			
1. Department:	Utah Department	Utah Department of Environmental Quality			
Agency:	Utah Division of	Air Quality			
Room no.:					
Building:	MASOB				
Street address:	195 North 1950 V	Vest			
City, state:	Salt Lake City, U	Salt Lake City, Utah			
Mailing address:	PO Box 144820	PO Box 144820			
City, state, zip:	Salt Lake City, U	Salt Lake City, Utah, 84114-4820			
Contact person(s):					
Name:	Phone:	Phone: Email:			
Liam Thrailkill	(801) 536-4419	lthrailkill@utah.gov			
PI	ease address questions regard	ling information on this notice to the agency.			

General Information

2. Rule or section catchline:

R307-150. Emission Inventories.

3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):

Division of Air Quality staff are proposing two amendments to R307-150. The first amendment is to convert all summary only reports to detailed reports. There are certain facilities that currently submit only summary reports, while others submit detailed reports. Staff is proposing to make the amendment so all sources have detailed reports to submit.

The second amendment is a new section which incorporates a requirement of the Clean air Act for areas that have been designated as nonattainment for ozone. The State of Utah has three areas that have been designated by the Environmental Protection Agency as marginal nonattainment for ozone and as such are required to have sources of oxides of nitrogen (NOx) and volatile organic compounds (VOCs) provide annual emission statements to the Division of Air Quality. This rule is required to be incorporated into the State of Utah's State Implementation Plan (SIP) within two years of designation and the first emission statements are due three years from designation. Three areas in Utah were designated nonattainment areas for ozone August 3, 2018.

4. Summary of the new rule or change:

For the first amendment, currently, sources subject to R307-150-7 submit facility totals for each pollutant (summary-only facilities), while all other sources submit specific information regarding each piece of permitted equipment (detailed facilities). Point Source staff would like to change this rule so that all sources are required to submit a detailed emissions inventory. Staff believe this will improve the reporting experience for the user, as well as the accuracy of the point source inventory. The point source inventory database, SLEIS, shows users how to calculate a detailed emissions inventory, whereas summary-only facilities have no prompts for completing calculations and usually have to create their own worksheets to determine totals. Once SLEIS has been tailored for each of a facility's emissions units, the following inventory cycles will be significantly easier because the next inventory report is generated from the previous one. Thus, some additional work in the short-term should provide a better experience in the long-term.

For the second amendment, this new section requires sources that have the potential to emit 25 tons of either NOx or VOCs provide an annual statement to the Division of Air Quality that documents the total actual emissions of NOx and VOCs for the previous calendar year. The statement had minimal requirements and needs to be certified as true and accurate.

A public hearing is set for Monday, August 3, 2020. Further details may be found below. The hearing will be cancelled should

no request for one be made by Friday, July 31, 2020, at 5:00PM MT. The final status of the public hearing will be posted on Friday, July 31, after 5:00PM MT. The status of the public hearing may be checked at the following website location under the corresponding rule.

https://deg.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

We do not anticipate any cost to UDAQ, we believe current staff can manage this change, therefore there is no need to hire additional personnel.

B) Local governments:

There are no anticipated costs or savings to local governments as these rule amendments are not applicable to them.

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

There are approximately 50 companies that already report triennial inventories that will now need to report annual summaries, which will take roughly 8-12 hours of work of either a staff member or a consultant to complete. It is estimated of those 50, approximately 25% are small business and the annual total cost to each source would be \$2,000, for a total cost of about \$30.000 for all small sources. As the triennial inventory is due in 2021 as well as the first emission statement, this cost would not occur until 2022.

For the amendment moving from summary-only reports to detailed inventory reports, it is possible that a small business would need to hire contract work to track and report the emissions, though staff expects most businesses to be able to absorb the workload with current personnel. The estimation is that, of the roughly 300 businesses going from summary to detail reports, 50 will hire outside work to complete the task, costing each small business \$2,000. The belief is that after the first year of the detailed reporting, most, if not all, of the small businesses will be able to complete the detailed report themselves without needing contracting work. Staff will be open to working with sources throughout the process to answer questions, as well. This cost will be incurred in 2021, when the first detailed report will be due.

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

An estimated 75% of the 50 businesses who will now need to report annually are expected to be non-small businesses. As the business may be more complex, it is estimated that 12-20 hours of staff time or consultant work will be needed with an estimated total cost to all of \$50,000. Some non-small businesses may be able to absorb this additional reporting with current staff, whereas some may need to hire out the work. Due to the triennial inventory being due in 2021, this additional cost would not incur until 2022. Currently, there are an estimated three businesses in Tooele County that were not required to report an emission inventory under current rules that will now have to establish an emission inventory. This initial cost is estimated at \$8,000 for all three combined. Another \$1,500 each per year is estimated to report the inventories. The cost to these non-small businesses will be incurred in 2021.

For the amendment of moving from summary only to a detailed inventory report, staff expects businesses this large to either already have personnel tracking these emissions, or be able to absorb the workload of tracking and reporting with current personnel.

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*):

These rule amendments are not directly applicable to persons other than small businesses, non-small businesses, state, or local government entities.

F) Compliance costs for affected persons:

Should any business fail to submit their emissions inventory report by the due date, compliance action may be taken.

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 FY2021 FY2021 FY2022					
State Government	\$0	\$0	\$0		
Local Governments	\$0	\$0	\$0		
Small Businesses	\$100,000	\$30.000	\$50,000		

	\$8.000	\$54,500	\$54,500
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$108,000	\$84,500	\$104,500
Fiscal Benefits			
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 approval	l of regulatory impa	ct analysis:	
The amendments to this rule wi Quality to have staff work with t assisting in the completion of th	ill result in fiscal costs the businesses in eve neir emission inventor consulting, but the ob	ry way possible to help limit and ies. The heightened frequency o jective is to assist all businesses	usinesses. The plan is for the Division of A , when possible, eliminate these costs by of inventory reporting may cost businesses a so they may be able to handle these
B) Name and title of departme	ent head commentin	ng on the fiscal impacts:	
L. Scott Baird, Executive Direct	or of the Department	of Environmental Quality.	
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Issue, or version

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten

interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)						
A) Comments will be accepted until (mr	n/dd/yyyy):	08/03/2020				
B) A public hearing (optional) will be he	eld:					
On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):						
08/03/2020 09:00 AM MST		Multi Agency State Office Building Division of Air Quality, Fourth Floor 195 N 1950 W Salt Lake City, UT 84116				

10. This rule change MAY become effective on (mm/dd/yyyy): 09/03/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

Agency head or	Bryce Bird	Date	05/18/2020
designee, and title:		(mm/dd/yyyy):	

R307. Environmental Quality, Air Quality.

R307-150. Emission Inventories.

R307-150-1. Purpose and General Requirements.

- (1) The purpose of Rule R307-150 is:
- (a) to establish by rule the time frame, pollutants, and information that sources must include in inventory submittals; and
- (b) to establish consistent reporting requirements for stationary sources in Utah to determine whether sulfur dioxide emissions remain below the sulfur dioxide milestones established in the State Implementation Plan for Regional Haze, section XX.E.1.a, incorporated by reference in Section R307-110-28.
- (2) The requirements of <u>Rule R307-150</u> replace any annual inventory reporting requirements in approval orders or operating permits issued prior to December 4, 2003.
- (3) Emission inventories shall be submitted on or before [ninety days following the effective date of this rule and thereafter on or before] April 15 of each year following the calendar year for which an inventory is required. The inventory shall be submitted in a format specified by the Division of Air Quality following consultation with each source.
- (4) The executive secretary may require at any time a full or partial year inventory upon reasonable notice to affected sources when it is determined that the inventory is necessary to develop a state implementation plan, to assess whether there is a threat to public health or safety or the environment, or to determine whether the source is in compliance with Title R307.
 - (5) Recordkeeping Requirements.
- (a) Each owner or operator of a stationary source subject to this rule shall maintain a copy of the emission inventory submitted to the Division of Air Quality and records indicating how the information submitted in the inventory was determined, including any calculations, data, measurements, and estimates used. The records under <u>Section R307-150-4</u> shall be kept for ten years. Other records shall be kept for a period of at least five years from the due date of each inventory.
- (b) The owner or operator of the stationary source shall make these records available for inspection by any representative of the Division of Air Quality during normal business hours.

R307-150-2. Definitions.

The following additional definitions apply to Rule R307-150.

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

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

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

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

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

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

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

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

R307-150-3. Applicability.

- (1) <u>Section R307-150-4</u> applies to all stationary sources with actual emissions of 100 tons or more per year of sulfur dioxide in calendar year 2000 or any subsequent year unless exempted in <u>Subsection R307-150-3(1)(a)</u>. Sources subject to <u>Subsection R307-150-4</u> may be subject to other sections of Rule R307-150.
- (a) A stationary source that meets the requirements of <u>Subsection R307-150-3(1)</u> that has permanently ceased operation is exempt from the requirements of Section R307-150-4 for all years during which the source did not operate at any time during the year.
- (b) Notwithstanding <u>Subsection</u> R307-150-3(1)(a), beginning with 2016 emissions, the Division of Air Quality will include emissions of 8,005 tons <u>per year[/yr-]</u> of sulfur dioxide for the Carbon Power Plant in the annual regional sulfur dioxide milestone report required as part of the Regional Haze State Implementation Plan.
- (c) Except as provided in <u>Subsection R307-150-3(1)(a)</u>, any source that meets the criteria of <u>Subsection R307-150-3(1)</u> and that emits less than 100 tons per year of sulfur dioxide in any subsequent year shall remain subject to the requirements of <u>Section R307-150-4</u> until 2018 or until the first control period under the Western Backstop Sulfur Dioxide Trading Program as established in <u>Subsection R307-250-12(1)(a)</u>, whichever is earlier.
 - (2) Section R307-150-5 applies to large major sources.
 - (3) Section R307-150-6 applies to:
 - (a) each major source that is not a large major source;
 - (b) each source with the potential to emit 5 tons or more per year of lead; [and]

- (c) each source not included in <u>Subsections R307-150-3(2)</u>, R307-150-3(3)(a), or R307-150-3(3)(b) that is located in Davis, Salt Lake, Utah, or Weber Counties and that has the potential to emit 25 tons or more per year of any combination of oxides of nitrogen, oxides of sulfur and PM₁₀, or the potential to emit 10 tons or more per year of volatile organic compounds; and [-]
 - (d) each Part 70 source not included in Subsections R307-150-3(2), R307-150-3(3)(a), R307-150-3(3)(b), or R307-150-3(3)(c).
 - [(4) R307 150 7 applies to Part 70 sources not included in R307 150 3(2) or R307 150 3(3).]
- (4[5]) Section R307-150-8[9] applies to sources with Standard Industrial Classification codes in the major group 13 that have uncontrolled actual emissions greater than one ton per year for a single pollutant of PM₁₀, PM_{2.5}, oxides of nitrogen, oxides of sulfur, carbon monoxide or volatile organic compounds. These sources include, but are not limited to, industries involved in oil and natural gas exploration, production, and transmission operations; well production facilities; natural gas compressor stations; and natural gas processing plants and commercial oil and gas disposal wells, and ponds.
- (a) Sources that require inventory submittals under <u>Subsections</u> R307-150-3(1) through R307-150-3[(4)](3) are excluded from the requirements of Section R307-150-8[9]
- (5) Section R307-150-9 applies to stationary sources located in a designated ozone nonattainment area that have the potential to emit oxides of nitrogen or volatile organic compounds greater than 25 tons per year.

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

- (1) Annual Sulfur Dioxide Emission Report.
- (a) Sources identified in <u>Subsection R307-150-3(1)</u> shall submit an annual inventory of sulfur dioxide emissions beginning with calendar year 2003 for all emissions units including fugitive emissions.
- (b) The inventory shall include the rate and period of emissions, excess or breakdown emissions, startup and shut down emissions, the specific emissions unit that is the source of the air pollution, type and efficiency of the air pollution control equipment, percent of sulfur content in fuel and how the percent is calculated, and other information necessary to quantify operation and emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.
- (2) Each source subject to <u>Section R307-150-4</u> that is also subject to 40 CFR Part 75 reporting requirements shall submit a summary report of annual sulfur dioxide emissions that were reported to the Environmental Protection Agency under 40 CFR Part 75 in lieu of the reporting requirements in (1) above.
- (3) Changes in Emission Measurement Techniques. Each source subject to <u>Section R307-150-4</u> that uses a different emission monitoring or calculation method than was used to report their sulfur dioxide emissions in 2006 under <u>Rule R307-150</u> or 40 CFR Part 75 shall adjust their reported emissions to be comparable to the emission monitoring or calculation method that was used in 2006. The calculations that are used to make this adjustment shall be included with the annual emission report.

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

- (1) Each large major source shall submit an emission inventory annually beginning with calendar year 2002. The inventory shall include PM_{10} , $PM_{2.5}$, oxides of sulfur, oxides of nitrogen, carbon monoxide, volatile organic compounds, and ammonia for all emissions units including fugitive emissions.
- (2) For every third year beginning with 2005, the inventory shall also include all other chargeable pollutants and hazardous air pollutants not exempted in Section R307-150-7[8].
- (3) For each pollutant specified in (1) or (2) above, the inventory shall include the rate and period of emissions, excess or breakdown emissions, startup and shut down emissions, the specific emissions unit that is the source of the air pollution, composition of air pollutant, type and efficiency of the air pollution control equipment, and other information necessary to quantify operation and emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.

R307-150-6. Sources Identified in R307-150-3(3).

- (1) Each source identified in <u>Subsection R307-150-3(3)</u> shall submit an inventory every third year beginning with calendar year 2002 for all emissions units including fugitive emissions.
- (a) The inventory shall include PM_{10} , $PM_{2.5}$, oxides of sulfur, oxides of nitrogen, carbon monoxide, volatile organic compounds, ammonia, other chargeable pollutants, and hazardous air pollutants not exempted in <u>Section R307-150-7[8]</u>.
- (b) For each pollutant, the inventory shall include the rate and period of emissions, excess or breakdown emissions, startup and shut down emissions, the specific emissions unit which is the source of the air pollution, composition of air pollutant, type and efficiency of the air pollution control equipment, and other information necessary to quantify operation and emissions and to evaluate pollution control efficiency. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.
- (2) Sources identified in <u>Subsection R307-150-3(3)</u> shall submit an inventory for each year after 2002 in which the total amount of PM10, oxides of sulfur, oxides of nitrogen, carbon monoxide, or volatile organic compounds increases or decreases by 40 tons or more per year from the most recently submitted inventory. For each pollutant, the inventory shall meet the requirements of <u>Subsections R307-150-6(1)(a)</u> and (b).

- (1) Sources identified in R307-150-3(4) shall submit the following emissions inventory every third year beginning with calendar year 2002 for all emission units including fugitive emissions.
- (2) Sources identified in R307-150 3(4) shall submit an inventory for each year after 2002 in which the total amount of PM10, oxides of sulfur, oxides of nitrogen, carbon monoxide, or volatile organic compounds increases or decreases by 40 tons or more per year from the most recently submitted inventory.
 - (3) The emission inventory shall include individual pollutant totals of all chargeable pollutants not exempted in R307 150 8.]

R307-150-7[8]. Exempted Hazardous Air Pollutants.

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

TABLE 1

POLLUTANT Pounds/year

Arsenic 0.21
Benzene 33.90
Beryllium 0.04
Ethylene oxide 38.23
Formaldehyde 5.83

- (2) Hazardous air pollutants, except for dioxins or furans, are exempt from being reported if they are emitted in an amount less than the smaller of the following:
 - (a) 500 pounds per year; or
- (b) for acute pollutants, the applicable TLV-C expressed in milligrams per cubic meter and multiplied by 15.81 to obtain the poundsper-year threshold; or
- (c) for chronic pollutants, the applicable TLV-TWA expressed in milligrams per cubic meter and multiplied by 21.22 to obtain the pounds-per-year threshold; or
- (d) for carcinogenic pollutants, the applicable TLV-C or TLV-TWA expressed in milligrams per cubic meter and multiplied by 7.07 to obtain the pounds-per-year threshold.

R307-150-8[9]. Crude Oil and Natural Gas Source Category.

- (1) Sources identified in <u>Subsection R307-150-3(4[5])</u> shall submit an inventory every third year beginning with the 2017 calendar year for all emission units.
- (a) The inventory shall include the total emissions for PM₁₀, PM_{2.5}, oxides of sulfur, oxides of nitrogen, carbon monoxide and volatile organic compounds for each emission unit at the source. The emissions of a pollutant shall be calculated using the emission unit's actual operating hours, product rates, and types of materials processed, stored, or combusted during the inventoried time period.
 - (b) The inventory shall include the type and efficiency of air pollution control equipment.
 - (c) The inventory shall be submitted in an electronic format determined by the Director specific to this source category.

R307-150-9. Annual Ozone Emission Statement.

- (1) Beginning in the year 2021, sources identified in Subsection R307-150-3(5) shall submit an ozone emission statement to the Division of Air Quality annually by April 15 of each year for the previous year's emissions.
 - (2) A source required to submit an emission statement shall provide the following minimum information:
- (a) a certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement;
 - (b) the physical location where actual emissions occurred;
 - (c) the name and address of person or entity operating or owning the source;
 - (d) the nature of the source; and
 - (c) the total actual emissions of oxides of nitrogen and volatile organic compounds in tons per year for each emission unit.
 - (3) Emission statements shall be submitted in an electronic format determined by the Director.

KEY: air pollution, reports, inventories

Date of Enactment or Last Substantive Amendment: June 25, 2019

Notice of Continuation: November 13, 2018

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

ITEM 7



Department of Environmental Quality

L. Scott Baird Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-044-20

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Becky Close, Environmental Scientist

DATE: May 20, 2020

SUBJECT: PROPOSE FOR PUBLIC COMMENT: R307-101-2. General Requirements. Definitions.

The Division of Air Quality (DAQ) is proposing amendments to R307-101-2 General Requirements, Definitions, to define the PM_{2.5} Maintenance Areas.

The DAQ has submitted all Clean Air Act (CAA) requirements to the Environmental Protection Agency for the 2006 24-hr PM_{2.5} nonattainment areas to be redesignated to attainment. The maintenance areas must be defined so that the rules approved as part of the State Implementation Plan continue to apply throughout the maintenance period. Defining the maintenance areas in R307-101 means that all R307 references to PM_{2.5} maintenance areas will apply to the new maintenance areas, which prevents backsliding under CAA Section 110(1).

<u>Recommendation</u>: Staff recommends that the Board propose for public comment, R307-101, General Requirements, for a 30-day public comment period.

R307-101-2. May 20, 2020 Page 1 of 18

R307. Environmental Quality, Air Quality.

R307-101. General Requirements.

R307-101-2. Definitions.

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

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

- (1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operations. The director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
- (2) The director may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.
- (3) For any emission unit, other than an electric utility steam generating unit specified in (4), which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.
- For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the director, on an annual basis for a period of 5 years from the the unit resumes regular operation, information date demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the director if the director determines such a period to be more representative of normal source post-change operations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

disposal or reuse of all VOC adsorbed.

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

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

- (1) Carbon monoxide;
- (2) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated or established by Title VI of the Act, Stratospheric Ozone Protection;
- (3) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Act, Prevention of Accidental Releases.

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

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

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

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

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

"Coating" means a material that can be applied to a substrate

and which cures to form a continuous solid film for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealants, adhesives, caulks, maskants, inks, and temporary protective coatings.

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

- (1) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
- (2) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

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

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

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

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

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

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

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

"Division" means the Division of Air Quality.

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

"Emission" means the act of discharge into the atmosphere of

an air pollutant or an effluent which contains or may contain an air pollutant; or the effluent so discharged into the atmosphere.

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

- (1) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics related to air quality of any air pollutant which has been emitted by the source operation, equipment, or control apparatus;
- (2) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any air pollutant which, under an applicable standard or limitation, the source operation was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source operation), or any combination of the foregoing; and
- (3) A general description of the location and/or nature of the source operation to the extent necessary to identify the source operation and to distinguish it from other source operations (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source operation).

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

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

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

"EPA" means Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 installation or installations.

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

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

- (a) The following areas are considered maintenance areas for ozone:
 - (i) Salt Lake County, effective August 18, 1997; and
 - (ii) Davis County, effective August 18, 1997.
- (b) The following areas are considered maintenance areas for carbon monoxide:
 - (i) Salt Lake City, effective March 22, 1999;
 - (ii) Ogden City, effective May 8, 2001; and
 - (iii) Provo City, effective January 3, 2006.
- 18 (c) The following areas are considered maintenance areas for 19 PM10:
 - (i) Salt Lake County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on December 2, 2015; and
 - (ii) Utah County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on December 2, 2015; and
 - (iii) Ogden City, effective on the date that EPA approves the maintenance plan that was adopted by the Board on December 2, 2015.
 - (d) The following area is considered a maintenance area for sulfur dioxide: all of Salt Lake County and the eastern portion of Tooele County above 5600 feet, effective on the date that EPA approves the maintenance plan that was adopted by the Board on January 5, 2005.
 - $\underline{\text{(e)}}$ The following areas are considered maintenance areas for $\mathtt{PM}_{2.5} \\ \vdots$

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

$\underline{40}$ CFR 81.345, effective on the date that EPA redesignates the area to attainment for PM_{2.5}.

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

- (1) routine maintenance, repair and replacement;
- (2) use of an alternative fuel or raw material by reason of an order under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;
- (3) use of an alternative fuel by reason of an order or rule under section 125 of the federal Clean Air Act;
- (4) use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
 - (5) use of an alternative fuel or raw material by a source:
- (a) which the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any enforceable permit condition; or
 - (b) which the source is otherwise approved to use;
- (6) an increase in the hours of operation or in the production rate unless such change would be prohibited under any enforceable permit condition;
 - (7) any change in ownership at a source
- (8) the addition, replacement or use of a pollution control project at an existing electric utility steam generating unit, unless the director determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:
- (a) when the director has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the Clean Air Act, if any, and
- (b) the director determines that the increase will cause or contribute to a violation of any national ambient air quality standard or PSD increment, or visibility limitation.

- (9) the installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:
 - (a) the Utah State Implementation Plan; and

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

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

- (1) any stationary source of air pollutants which emits, or has the potential to emit, one hundred tons per year or more of any pollutant subject to regulation under the Clean Air Act; or
- (a) any source located in a nonattainment area for carbon monoxide which emits, or has the potential to emit, carbon monoxide in the amounts outlined in Section 187 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 187 of the federal Clean Air Act; or
- (b) any source located in Salt Lake or Davis Counties or in a nonattainment area for ozone which emits, or has the potential to emit, VOC or nitrogen oxides in the amounts outlined in Section 182 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 182 of the federal Clean Air Act; or
- (c) any source located in a nonattainment area for PM10 which emits, or has the potential to emit, PM10 or any PM10 precursor in the amounts outlined in Section 189 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 189 of the federal Clean Air Act.
- (2) any physical change that would occur at a source not qualifying under subpart 1 as a major source, if the change would constitute a major source by itself;
- (3) the fugitive emissions and fugitive dust of a stationary source shall not be included in determining for any of the purposes of these R307 rules whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:
 - (a) Coal cleaning plants (with thermal dryers);
 - (b) Kraft pulp mills;
 - (c) Portland cement plants;
 - (d) Primary zinc smelters;
 - (e) Iron and steel mills;
 - (f) Primary aluminum or reduction plants;
 - (g) Primary copper smelters;
- 44 (h) Municipal incinerators capable of charging more than 250 tons of refuse per day;

- (i) Hydrofluoric, sulfuric, or nitric acid plants;
 - (j) Petroleum refineries;
 - (k) Lime plants;

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- (1) Phosphate rock processing plants;
- (m) Coke oven batteries;
 - (n) Sulfur recovery plants;
 - (o) Carbon black plants (furnace process);
- (p) Primary lead smelters;
 - (q) Fuel conversion plants;
- 10 (r) Sintering plants;
 - (s) Secondary metal production plants;
 - (t) Chemical process plants;
 - (u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British Thermal Units per hour heat input;
 - (v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
 - (w) Taconite ore processing plants;
 - (x) Glass fiber processing plants;
 - (y) Charcoal production plants;
 - (z) Fossil fuel-fired steam electric plants of more than 250 million British Thermal Units per hour heat input;
 - (aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the federal Clean Air Act.

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

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

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

- (1) any increase in actual emissions from a particular physical change or change in method of operation at a source; and
- (2) any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable. For purposes of determining a "net emissions increase":
- (a) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date five years before construction on the particular change commences; and the date that the increase from the particular change occurs.
- (b) An increase or decrease in actual emissions is creditable only if it has not been relied on in issuing a prior

approval for the source which approval is in effect when the increase in actual emissions for the particular change occurs.

- (c) An increase or decrease in actual emission of sulfur dioxide, nitrogen oxides or particulate matter which occurs before an applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM10 emissions will be used to evaluate this increase or decrease.
- (d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
- (e) A decrease in actual emissions is creditable only to the extent that:
- (i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
- (ii) It is enforceable at and after the time that actual construction on the particular change begins; and
- (iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
- (iv) It has not been relied on in issuing any permit under R307-401 nor has it been relied on in demonstrating attainment or reasonable further progress.
- (f) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

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

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

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

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

"Open Burning" means any burning of combustible materials resulting in emission of products of combustion into ambient air

without passage through a chimney or stack.

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

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

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

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

- (1) Specifically, Sulfur dioxide, Nitrogen oxides, Volatile organic compounds and Ammonia are precursors to PM2.5 in any PM2.5 nonattainment area, except where the Administrator of the EPA has approved a demonstration satisfying 40 CFR 51.1006(a)(3) which has, for a particular PM2.5 nonattainment area, determined otherwise.
- (2) The following subparagraphs denote specific nonattainment areas (as defined in the July 1, 2017 version of 40 CFR 81.345), within which certain pollutants identified in paragraph (1) are exempted from the definition of PM2.5 precursor for the purposes of 40 CFR 51.165
- (a) In the Logan UT-ID PM2.5 nonattainment area Ammonia is exempted.

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

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

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

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

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

(1) The installation of conventional or innovative pollution

control technology, including but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls and electrostatic precipitators;

- (2) An activity or project to accommodate switching to a fuel which is less polluting than the fuel used prior to the activity or project, including, but not limited to natural gas or coal reburning, or the cofiring of natural gas and other fuels for the purpose of controlling emissions;
- (3) A permanent clean coal technology demonstration project conducted under Title II, sec. 101(d) of the Further Continuing Appropriations Act of 1985 (sec. 5903(d) of title 42 of the United States Code), or subsequent appropriations, up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency; or
- (4) A permanent clean coal technology demonstration project that constitutes a repowering project.

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

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

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

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

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

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

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

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- (3) Is equipped with low-NOx burners prior to the time of commencement of operations following reactivation; and
- (4) Is otherwise in compliance with the requirements of the Clean Air Act.

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

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

"Regulated air pollutant" means any of the following:

- (a) Nitrogen oxides or any volatile organic compound;
- (b) Any pollutant for which a national ambient air quality standard has been promulgated;
- (c) Any pollutant that is subject to any standard promulgated under Section 111 of the Act, Standards of Performance for New Stationary Sources;
- (d) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act, Stratospheric Ozone Protection;
- (e) Any pollutant subject to a standard promulgated under Section 112, Hazardous Air Pollutants, or other requirements established under Section 112 of the Act, including Sections 112(g), (j), and (r) of the Act, including any of the following:
- (i) Any pollutant subject to requirements under Section 112(j) of the Act, Equivalent Emission Limitation by Permit. If the Administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to Section 112(e) of the Act;
- (ii) Any pollutant for which the requirements of Section 112(g)(2) of the Act (Construction, Reconstruction and Modification) have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

"Repowering" means replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these

technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

- (1) Repowering shall also include any oil and/or gas-fired unit which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.
- (2) The director shall give expedited consideration to permit applications for any source that satisfies the requirements of this definition and is granted an extension under section 409 of the Clean Air Act.

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

- (1) Consider all relevant information, including but not limited to, historical operational data, the company's own representations, filings with the State of Federal regulatory authorities, and compliance plans under title IV of the Clean Air Act; and
- (2) Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

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

"Residential Solid Fuel Burning" device means any residential burning device except a fireplace connected to a chimney that burns solid fuel and is capable of, and intended for use as a space heater, domestic water heater, or indoor cooking appliance, and has an air-to-fuel ratio less than 35-to-1 as determined by the test procedures prescribed in 40 CFR 60.534. It must also have a useable firebox volume of less than 6.10 cubic meters or 20

cubic feet, a minimum burn rate less than 5 kilograms per hour or 11 pounds per hour as determined by test procedures prescribed in 40 CFR 60.534, and weigh less than 800 kilograms or 362.9 pounds. Appliances that are described as prefabricated fireplaces and are designed to accommodate doors or other accessories that would create the air starved operating conditions of a residential solid fuel burning device shall be considered as such. Fireplaces are not included in this definition for solid fuel burning devices.

"Road" means any public or private road.

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

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

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

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

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

"Significant" means:

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

39 Carbon monoxide: 100 ton per year (tpy); 40 Nitrogen oxides: 40 tpy; Sulfur dioxide: 41 40 tpy; 42 PM10: 15 tpy; 43 PM2.5: 10 tpy; 44 Particulate matter: 25 tpy;

ratelegiaee matter 25 tpy

45 Ozone: 40 tpy of volatile organic compounds;

Lead: 0.6 tpy.

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

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

means any structure, building, installation which emits or may emit any air pollutant subject to regulation under the Clean Air Act and which is located on one or more continuous or adjacent properties and which is under the control of the same person or persons under common control. building, structure, facility, or installation means all of the pollutant-emitting activities which belong to the same industrial Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e. which have the same two-digit code) described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (US Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively).

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

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

"State" means Utah State.

"Temporary" means not more than 180 calendar days.

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

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

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

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

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

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

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

Grams of VOC per Liter of Material = Ws - Ww - Wes / Vm Where:

Ws = weight of volatile organic compounds

Ww = weight of water

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Wes = weight of exempt compounds

Vm = volume of material

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

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

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

KEY: air pollution, definitions

- 30 Date of Enactment or Last Substantive Amendment: February 7, 2019
- 31 Notice of Continuation: November 13, 2018
- 32 Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

State of Utah Administrative Rule Analysis

Revised May 2020

NOTICE OF PROPOSED RULE				
TYPE OF RULE: New; Amendment _X_; Repeal; Repeal and Reenact				
Title No Rule No Section No.				
Utah Admin. Code Ref (R no.): R307-101 Filing No. (Office Use Only)				
Changed to Admin. Code Ref. (R no.):				

Agency Information

	Ayei	icy information			
1. Department:	Department of E	Department of Environmental Quality			
Agency:	Division of Air Qu	uality			
Room no.:					
Building:	Multi Agency Sta	te Office Building			
Street address:	195 N 1950 W				
City, state:	Salt Lake City, U	T 84116			
Mailing address:	PO BOX 144820	PO BOX 144820			
City, state, zip:	Salt Lake City, U	Salt Lake City, UT 84116-4820			
Contact person(s):					
Name:	Phone:	Phone: Email:			
Liam Thrailkill	801-536-4419	801-536-4419 Ithrailkill@utah.gov			
	Please address questions regard	ling information on this notice to the agency.			

General Information

2. Rule or section catchline:

R307-101-2. General Requirements. Definitions.

3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):

The DAQ has submitted all Clean Air Act (CAA) requirements to the Environmental Protection Agency for the 2006 24-hr PM_{2.5} nonattainment areas to be redesignated to attainment. The maintenance areas must be defined so that the rules approved as part of the State Implementation continue to apply throughout the maintenance period. Defining the maintenance areas in R307-101 means that all R307 references to PM_{2.5} maintenance areas will apply to the new maintenance areas, which prevents backsliding under CAA Section 110(I).

4. Summary of the new rule or change:

This amendment to R307-101 adds the PM_{2.5} Maintenance Area definitions to the Utah Air Quality Rules.

A public hearing is set for Monday, August 3, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Friday, July 31, 2020, at 5:00PM MT. The final status of the public hearing will be posted on Friday, July 31, after 5:00PM MT. The status of the public hearing may be checked at the following website location under the corresponding rule.

https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There will be no change in costs for state government. The addition of maintenance area definitions allows the rules currently applicable to continue when the areas are redesignated from nonattainment to attainment.

B) Local governments:

There will be no change in costs for local government as the rule amendment is not applicable to local government.

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

There will be no change in costs for small business since the air quality rules currently apply to small business.

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

There will be no change in costs for non-small business since the air quality rules currently apply to 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*):

There will be no change in costs for persons other than small business, non-small business, state, or local government entities.

F) Compliance costs for affected persons:

The compliance cost for affected persons will remain the same as the current cost associated with all existing air quality rules that the new definitions apply to.

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	FY2021	FY2022	FY2023	
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				
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 approval of regulatory impact analysis:

The head of the Department of Environmental Quality, L. Scott Baird, has reviewed and approved the fiscal analysis.

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

This rule amendment adds definitions so that air quality rules continue to apply when areas are redesignated from nonattainment to attainment, so there will be no fiscal impacts on businesses.

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

L. Scott Baird, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):			
19-2-104(1)(a)			

(If this rule incorporates more than two items by reference, please include additional tables.)

8. 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; <i>if none, leave blank</i>):				
		First Incorporation		
Official Title of Mat	erials Incorporated (from title page)			
	Publisher			
	Date Issued			
	Issue, or version			
B) This rule adds, upoincorporated by referen				orated by references (a copy of materials ; if none, leave blank):
		Second Incorporati	on	
Official Title of Mat	terials Incorporated (from title page)			
	Publisher			
	Date Issued			
	Issue, or version			
		Public Notice	Information	
hearing by submitting a interested persons or fithe agency not more the R15-1 for more information.	a written request to the from an association ha from 15 days after the fation.)	e agency. The agency aving not fewer than the publication of this rule	cy is required to hen members. Ac e in the Utah Stat	in box 1. (The public may also request a nold a hearing if it receives requests from ten dditionally, the request must be received by the Bulletin. See Section 63G-3-302 and Rule
A) Comments will be			0	08/03/2020
B) A public hearing (On (mm/dd/yyyy):		At (hh:mm AM/PM):		At (place):
08/03/2020		10:00 AM MST	N E 1	Multi Agency State Office Building Division of Air Quality, Fourth Floor 95 N 1950 W Salt Lake City, UT 84116
10. This rule change l	MAY become effecti	ive on (mm/dd/yyyy):	09/03/2020	
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.				
		Agency Authoriza	tion Information	1
To the agency : Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.				
Agency head or	Bryce Bird		Date (mm/dd/yyyy):	05/18/2020

R307. Environmental Quality, Air Quality.

R307-101. General Requirements.

R307-101-2. Definitions.

Except where specified in individual rules, definitions in R307-101-2 are applicable to all rules adopted by the Air Quality Board. "Actual Emissions" means the actual rate of emissions of a pollutant from an emissions unit determined as follows:

- (1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operations. The director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
 - (2) The director may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.
- (3) For any emission unit, other than an electric utility steam generating unit specified in (4), which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.
- (4) For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the director, on an annual basis for a period of 5 years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the director if the director determines such a period to be more representative of normal source post-change operations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Carbon monoxide;
- (2) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated or established by Title VI of the Act, Stratospheric Ozone Protection;
- (3) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Act, Prevention of Accidental Releases.

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

Exposure Indices, (2009)."

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

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

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

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

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

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

- (1) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
- (2) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

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

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

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

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

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

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

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

"Division" means the Division of Air Quality.

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

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

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

- (1) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics related to air quality of any air pollutant which has been emitted by the source operation, equipment, or control apparatus;
- (2) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any air pollutant which, under an applicable standard or limitation, the source operation was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source operation), or any combination of the foregoing; and
- (3) A general description of the location and/or nature of the source operation to the extent necessary to identify the source operation and to distinguish it from other source operations (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source operation).

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

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

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

"EPA" means Environmental Protection Agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) The following areas are considered maintenance areas for ozone:
- (i) Salt Lake County, effective August 18, 1997; and
- (ii) Davis County, effective August 18, 1997.
- (b) The following areas are considered maintenance areas for carbon monoxide:
- (i) Salt Lake City, effective March 22, 1999;
- (ii) Ogden City, effective May 8, 2001; and
- (iii) Provo City, effective January 3, 2006.
- (c) The following areas are considered maintenance areas for PM10:
- (i) Salt Lake County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on December 2, 2015; and
- (ii) Utah County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on December 2, 2015; and
- (iii) Ogden City, effective on the date that EPA approves the maintenance plan that was adopted by the Board on December 2, 2015.
- (d) The following area is considered a maintenance area for sulfur dioxide: all of Salt Lake County and the eastern portion of Tooele County above 5600 feet, effective on the date that EPA approves the maintenance plan that was adopted by the Board on January 5, 2005.
 - (e) The following areas are considered maintenance areas for PM_{2.5}:
 - (i) the Salt Lake City, Utah 24-hr PM_{2.5} nonattainment area, as defined in the July 1, 2019 version of 40 CFR 81.345, effective on the date that EPA redesignates the area to attainment for PM_{2.5};
 - (ii) the Provo, Utah 24-hr PM_{2.5} nonattainment area, as defined in the July 1, 2019 version of 40 CFR 81.345, effective on the date that EPA redesignates the area to attainment for PM_{2.5}; and
 - (iii) the Utah portion of the Logan, Utah-Idaho 24-hr PM_{2.5} nonattainment area, as defined in the July 1, 2019 version of 40 CFR 81.345, effective on the date that EPA redesignates the area to attainment for PM_{2.5}.

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

- (1) routine maintenance, repair and replacement;
- (2) use of an alternative fuel or raw material by reason of an order under section 2(a) and (b) of the Energy Supply and

Environmental Coordination Act of 1974, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

- (3) use of an alternative fuel by reason of an order or rule under section 125 of the federal Clean Air Act;
- (4) use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
- (5) use of an alternative fuel or raw material by a source:
- (a) which the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any enforceable permit condition; or
 - (b) which the source is otherwise approved to use;
- (6) an increase in the hours of operation or in the production rate unless such change would be prohibited under any enforceable permit condition;
 - (7) any change in ownership at a source
- (8) the addition, replacement or use of a pollution control project at an existing electric utility steam generating unit, unless the director determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:
- (a) when the director has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the Clean Air Act, if any, and
- (b) the director determines that the increase will cause or contribute to a violation of any national ambient air quality standard or PSD increment, or visibility limitation.
- (9) the installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:
 - (a) the Utah State Implementation Plan; and
- (b) other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.
 - "Major Source" means, to the extent provided by the federal Clean Air Act as applicable to R307:
- (1) any stationary source of air pollutants which emits, or has the potential to emit, one hundred tons per year or more of any pollutant subject to regulation under the Clean Air Act; or
- (a) any source located in a nonattainment area for carbon monoxide which emits, or has the potential to emit, carbon monoxide in the amounts outlined in Section 187 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 187 of the federal Clean Air Act; or
- (b) any source located in Salt Lake or Davis Counties or in a nonattainment area for ozone which emits, or has the potential to emit, VOC or nitrogen oxides in the amounts outlined in Section 182 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 182 of the federal Clean Air Act; or
- (c) any source located in a nonattainment area for PM10 which emits, or has the potential to emit, PM10 or any PM10 precursor in the amounts outlined in Section 189 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 189 of the federal Clean Air Act.
- (2) any physical change that would occur at a source not qualifying under subpart 1 as a major source, if the change would constitute a major source by itself;
- (3) the fugitive emissions and fugitive dust of a stationary source shall not be included in determining for any of the purposes of these R307 rules whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:
 - (a) Coal cleaning plants (with thermal dryers);
 - (b) Kraft pulp mills;
 - (c) Portland cement plants;
 - (d) Primary zinc smelters;
 - (e) Iron and steel mills:
 - (f) Primary aluminum or reduction plants;
 - (g) Primary copper smelters;
 - (h) Municipal incinerators capable of charging more than 250 tons of refuse per day;
 - (i) Hydrofluoric, sulfuric, or nitric acid plants;
 - (i) Petroleum refineries;
 - (k) Lime plants;
 - (1) Phosphate rock processing plants;
 - (m) Coke oven batteries;
 - (n) Sulfur recovery plants;
 - (o) Carbon black plants (furnace process);
 - (p) Primary lead smelters;
 - (q) Fuel conversion plants;
 - (r) Sintering plants;
 - (s) Secondary metal production plants;
 - (t) Chemical process plants;
 - (u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British Thermal Units per hour heat input;
 - (v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

- (w) Taconite ore processing plants;
- (x) Glass fiber processing plants;
- (y) Charcoal production plants;
- (z) Fossil fuel-fired steam electric plants of more than 250 million British Thermal Units per hour heat input;
- (aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the federal Clean Air Act.

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

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

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

- (1) any increase in actual emissions from a particular physical change or change in method of operation at a source; and
- (2) any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable. For purposes of determining a "net emissions increase":
- (a) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date five years before construction on the particular change commences; and the date that the increase from the particular change occurs.
- (b) An increase or decrease in actual emissions is creditable only if it has not been relied on in issuing a prior approval for the source which approval is in effect when the increase in actual emissions for the particular change occurs.
- (c) An increase or decrease in actual emission of sulfur dioxide, nitrogen oxides or particulate matter which occurs before an applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM10 emissions will be used to evaluate this increase or decrease.
 - (d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
 - (e) A decrease in actual emissions is creditable only to the extent that:
- (i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions:
 - (ii) It is enforceable at and after the time that actual construction on the particular change begins; and
- (iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
- (iv) It has not been relied on in issuing any permit under R307-401 nor has it been relied on in demonstrating attainment or reasonable further progress.
- (f) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

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

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

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

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

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

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

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

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

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

- (1) Specifically, Sulfur dioxide, Nitrogen oxides, Volatile organic compounds and Ammonia are precursors to PM2.5 in any PM2.5 nonattainment area, except where the Administrator of the EPA has approved a demonstration satisfying 40 CFR 51.1006(a)(3) which has, for a particular PM2.5 nonattainment area, determined otherwise.
- (2) The following subparagraphs denote specific nonattainment areas (as defined in the July 1, 2017 version of 40 CFR 81.345), within which certain pollutants identified in paragraph (1) are exempted from the definition of PM2.5 precursor for the purposes of 40 CFR 51.165
 - (a) In the Logan UT-ID PM2.5 nonattainment area Ammonia is exempted.

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

"PM10 Precursor" means any chemical compound or substance which, after it has been emitted into the atmosphere, undergoes

chemical or physical changes that convert it into particulate matter, specifically PM10.

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

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

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

- (1) The installation of conventional or innovative pollution control technology, including but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls and electrostatic precipitators;
- (2) An activity or project to accommodate switching to a fuel which is less polluting than the fuel used prior to the activity or project, including, but not limited to natural gas or coal reburning, or the cofiring of natural gas and other fuels for the purpose of controlling emissions:
- (3) A permanent clean coal technology demonstration project conducted under Title II, sec. 101(d) of the Further Continuing Appropriations Act of 1985 (sec. 5903(d) of title 42 of the United States Code), or subsequent appropriations, up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency; or
 - (4) A permanent clean coal technology demonstration project that constitutes a repowering project.

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

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

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

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

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

- (1) Has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such unit continue to be carried in the emission inventory at the time of enactment;
- (2) Was equipped prior to shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85 percent and a removal efficiency for particulates of no less than 98 percent;
 - (3) Is equipped with low-NOx burners prior to the time of commencement of operations following reactivation; and
 - (4) Is otherwise in compliance with the requirements of the Clean Air Act.

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

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

"Regulated air pollutant" means any of the following:

- (a) Nitrogen oxides or any volatile organic compound;
- (b) Any pollutant for which a national ambient air quality standard has been promulgated;
- (c) Any pollutant that is subject to any standard promulgated under Section 111 of the Act, Standards of Performance for New Stationary Sources;
- (d) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act, Stratospheric Ozone Protection:
- (e) Any pollutant subject to a standard promulgated under Section 112, Hazardous Air Pollutants, or other requirements established under Section 112 of the Act, including Sections 112(g), (j), and (r) of the Act, including any of the following:
- (i) Any pollutant subject to requirements under Section 112(j) of the Act, Equivalent Emission Limitation by Permit. If the Administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to Section 112(e) of the Act;
- (ii) Any pollutant for which the requirements of Section 112(g)(2) of the Act (Construction, Reconstruction and Modification) have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

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

(1) Repowering shall also include any oil and/or gas-fired unit which has been awarded clean coal technology demonstration

funding as of January 1, 1991, by the Department of Energy.

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

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

- (1) Consider all relevant information, including but not limited to, historical operational data, the company's own representations, filings with the State of Federal regulatory authorities, and compliance plans under title IV of the Clean Air Act; and
- (2) Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

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

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

"Road" means any public or private road.

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

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

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

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

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

"Significant" means:

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

Carbon monoxide: 100 ton per year (tpy);

Nitrogen oxides: 40 tpy; Sulfur dioxide: 40 tpy;

PM10: 15 tpy; PM2.5: 10 tpy;

Particulate matter: 25 tpy;

Ozone: 40 tpy of volatile organic compounds;

Lead: 0.6 tpy.

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

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

"Source" means any structure, building, facility, or installation which emits or may emit any air pollutant subject to regulation under the Clean Air Act and which is located on one or more continuous or adjacent properties and which is under the control of the same person or persons under common control. A building, structure, facility, or installation means all of the pollutant-emitting activities which belong to the same industrial grouping. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e. which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (US Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively).

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

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

"State" means Utah State.

"Temporary" means not more than 180 calendar days.

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

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

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

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

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

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

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

Grams of VOC per Liter of Material = Ws - Ww - Wes / Vm

Where:

Ws = weight of volatile organic compounds

Ww = weight of water

Wes = weight of exempt compounds

Vm = volume of material

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

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

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

KEY: air pollution, definitions

Date of Enactment or Last Substantive Amendment: February 7, 2019

Notice of Continuation: November 13, 2018

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

ITEM 8



Department of Environmental Quality

L. Scott Baird Executive Director

DIVISION OF AIR QUALITY Bryce C. Bird Director

DAQ-046-20

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Alan Humpherys, Minor New Source Review Manager; and

David Beatty, Operating Permits Section Manager

DATE: May 21, 2020

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-401. Permit: New and Modified

Sources; R307-415-9. Permits: Operating Permits Requirements. Fees for Operating

Permits; and R307-801-1. Utah Asbestos Rule. Purpose and Authority.

During the 2020 legislative session, the State Legislature passed Senate Bill 88, Environmental Quality Revisions (S.B. 88). This bill cleaned up statutory language within for of the Department of Environmental Quality (Department), including certain sections of the Utah Code specific to air quality, namely Sections 19-1-201, 19-2-108, and 19-2-109.1. The amendments to R307-401, Permits: New and Modified Sources, and R307-415-9, Fees for Operating Permits, incorporate these changes into the air quality rules. The amendments to R307-801-1, Utah Asbestos Rule, Purpose and Authority, correct references to the Utah Code as modified by S.B. 88.

S.B. 88 aligned the process of establishing the operating permits fees with the current process employed by the Department and the Legislature. Under the current process, the Department develops a draft fee schedule annually as required by Section 63J-1-504 of the Utah Code. That fee schedule is subject to a public hearing and then submitted to the Legislature to seek "the Legislature's approval as part of the department's annual appropriations request." The Legislature may increase, decrease, or reject the fee schedule, which then triggers the Department's obligation to "modify the fee schedule to implement the Legislature's actions." The schedule of fees becomes effective once the Legislature approves it and the Governor signs the bill containing the schedule of fees.

¹ Utah Code § 19-1-201(2)(b) (as amended by Chapter 256, 2020 General Session).

² *Id.* § 63J-1-504(4)(d); *see also id.* § 63J-1-504(5)(b).

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The proposed changes to R307-401 include the requirement that a source that must have a permit cannot operate without first having obtained such a permit. In other words, operation without a permit—and not merely a failure to obtain a permit—is now a violation of R307-401. Another change in R307-401 due to the statute amendments is that a source is required to pay the applicable new source review permitting fee as part of the permit application, and the permit application is not complete and the permit is not issued without the payment of the fee. The final changes in the rule are to clean up the language to match the statute.

A general amendment throughout the subsections of R307-415-9 allows for multiple annual emissions fees. The previous language in statute only allowed a single uniform annual fee based on the number of tons emitted. The revised language would allow the Department to charge varying fees that could include, for example, annual base fees; varying fees for different source sizes, types, and pollutant classes; administrative fees; etc. Additionally, there were multiple amendments throughout R307-415-9 to align with the state statute and clean up outdated language.

<u>Recommendation</u>: Staff recommends that the Board propose amended R307-401, R307-415-9, and R307-801 for public comment.

R307-401 May 21, 2020 Page 1 of 16

R307. Environmental Quality, Air Quality. R307-401. Permit: New and Modified Sources. R307-401-1. Purpose.

This rule establishes the application and permitting requirements for new installations and modifications to existing installations throughout the State of Utah. Additional permitting requirements apply to larger installations or installations located in nonattainment or maintenance areas. These additional requirements can be found in Rules R307-405, R307-406, R307-420, and R307-421. Modeling requirements in Rule R307-410 may also apply. Each of the permitting rules establishes independent requirements, and the owner or operator must comply with all of the requirements that apply to the installation. Exemptions under R307-401 do not affect applicability of the other permitting rules.

R307-401-2. Definitions.

"Actual emissions" (a) means the actual rate of emissions of an air pollutant from an emissions unit, as determined in accordance with $\underline{\text{Subsections}}$ R307-401-2(b) through R307-401-2(d).

- (b) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the air pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
- (c) The director may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.
- (d) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

"Best available control technology" means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each air pollutant which would be emitted from any proposed stationary source or modification which the director, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall

application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the director determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

"Building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same Major Group (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively).

"Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions.

"Emissions unit" means any part of a stationary source that emits or would have the potential to emit any air pollutant.

"Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Indirect source" means a building, structure, facility, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard.

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

potential to emit of a stationary source.

"Secondary emissions" means emissions which occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

"Stationary source" means any building, structure, facility, or installation which emits or may emit an air pollutant.

R307-401-3. Applicability.

1 2

- (1) Rule R307-401 applies to any person [intending]planning to:
- (a) construct a new installation [which]that will or might reasonably be expected to be[come] a source or an indirect source of air pollution;[, or]
- (b) make modifications to or relocate an existing installation $[\frac{\text{which}}{\text{yhich}}]$ will or might reasonably be expected to increase the amount of $[\frac{\text{yhich}}{\text{yhich}}]$ or change the <u>character or effect of $[\frac{\text{yhich}}{\text{yhich}}]$ air pollutants discharged, so that $[\frac{\text{such}}{\text{yhich}}]$ installation may be expected to be $[\frac{\text{come}}{\text{come}}]$ a source or indirect source of air pollution; $[\frac{\text{yhich}}{\text{yhich}}]$ or</u>
- (c) install an air cleaning device [control apparatus] or other equipment intended to control emission[s] of air pollutants.
- (2) <u>Rules</u> R307-403, R307-405 and R307-406 may establish additional permitting requirements for new or modified sources.
- (a) Exemptions contained in <u>Rule_R307-401</u> do not affect applicability or other requirements under <u>Rules_R307-403</u>, R307-405 or R307-406.
- (b) Exemptions contained in <u>Rules</u> R307-403, R307-405 or R307-406 do not affect applicability or other requirements under <u>Rule</u> R307-401, unless specifically authorized in this rule.

R307-401-4. General Requirements.

The general requirements in <u>Subsections</u> R307-401-4(1) through R307-401-4($[\frac{1}{3}]$) apply to all new and modified installations, including installations that are exempt from the requirement to obtain an approval order.

- (1) Any control apparatus installed on an installation shall be adequately and properly maintained.
- (2) If the director determines that an exempted installation is not meeting an approval order or State Implementation Plan limitation,

is creating an adverse impact to the environment, or would be injurious to human health or welfare, the director may require the owner or operator to submit a notice of intent and obtain an approval order in accordance with Sections R307-401-5 through R307-401-8. The director will complete an appropriate analysis and evaluation in consultation with the owner or operator before determining that an approval order is required.

- (3) Low Oxides of Nitrogen Burner Technology.
- (a) Except as provided in <u>Subsection</u> R307-401-4(3)(b), whenever existing fuel combustion burners are replaced, the owner or operator shall install low oxides of nitrogen burners or equivalent oxides of nitrogen controls, as determined by the director, unless such equipment is not physically practical or cost effective. The owner or operator shall submit a demonstration that the equipment is not physically practical or cost effective to the director for review and approval prior to beginning construction.
- (b) The provisions of (a) above do not apply to non-commercial, residential buildings.
- (4) A person shall not operate a source of air pollution that is required to have a permit under Rule R307-401 unless the person has obtained a permit for the source under the procedures of Rule R307-401.

R307-401-5. Notice of Intent.

1 2

- (1) Except as provided in <u>Sections</u> R307-401-9 through R307-401-17, any person subject to <u>Rule</u> R307-401 shall submit a notice of intent to the director and receive an approval order [prior to initiation of] <u>precedent to the</u> construction, modification, <u>installation</u>, establishment, or relocation <u>of an air pollutant source or indirect source</u>. The notice of intent shall be in a format specified by the director.
- (2) The notice of intent shall include the following information:
- (a) A description of the nature of the processes involved; the nature, procedures for handling and quantities of raw materials; the type and quantity of fuels employed; and the nature and quantity of finished product.
- (b) The e[E]xpected composition and physical characteristics of effluent stream both before and after treatment by any control apparatus, including emission rates, volume, temperature, air pollutant types, and concentration of air pollutants.
- (c) The s[S]ize, type, and performance characteristics of any control apparatus.
- (d) An analysis of best available control technology for the proposed source or modification. When determining best available control technology for a new or modified source in an ozone

nonattainment or maintenance area that will emit volatile organic compounds or nitrogen oxides, the owner or operator of the source shall consider EPA Control Technique Guidance (CTG) documents and Alternative Control Technique documents that are applicable to the source. Best available control technology shall be at least as stringent as any published CTG that is applicable to the source.

- (e) <u>The l[H]</u>ocation and elevation of the emission point and other factors relating to dispersion and diffusion of the air pollutant in relation to nearby structures and window openings, and other information necessary to appraise the possible effects of the effluent.
- (f) The location of planned sampling points and the tests of the completed installation to be made by the owner or operator when necessary to ascertain compliance.
 - (g) The typical operating schedule.
 - (h) A schedule for construction.

- (i) Any plans, specifications and related information that are in final form at the time of submission of notice of intent.
 - (j) Any additional information required by:
- (i) <u>Rule R307-403</u>, Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas;
- (ii) <u>Rule R307-405</u>, Permits: Major Sources in Attainment or Unclassified Areas (PSD);
 - (iii) Rule R307-406, Visibility;
 - (iv) Rule R307-410, Permits: Emissions Impact Analysis;
- (v) <u>Rule R307-420</u>, Permits: Ozone Offset Requirements in Davis and Salt Lake Counties; or
- (vi) <u>Rule R307-421</u>, Permits: PM10 Offset Requirements in Salt Lake County and Utah County. (k) Any other information necessary to determine if the proposed [<u>source or</u>] <u>construction</u>, modification, <u>installation</u>, or <u>establishment</u> will be in [<u>compliance</u>] <u>accord</u> with Title R307.
- (1) The payment of a new source review fee established under Subsection 19-1-201(6)(i).
- (3) Notwithstanding the exemptions in <u>Sections</u> R307-401-9 through R307-401-16, any person that is subject to <u>Rules</u> R307-403, R307-405, or R307-406 shall submit a notice of intent to the director and receive an approval order [prior to initiation of] precedent to the construction, modification, <u>installation</u>, establishment, or relocation of an air pollutant source or indirect source.

R307-401-6. Review Period.

(1) Completeness Determination. Within 30 days after receipt of a notice of intent, or any additional information necessary to the review, the director will advise the applicant of any deficiency in

the notice of intent or the information submitted.

- (2) Within 90 days $[\frac{of}{a}]$ after the receipt of a complete application including all the information described in <u>Section</u> R307-401-5, the director will
- (a) issue an approval order for the proposed construction, installation, modification, relocation, or establishment pursuant to the requirements of <u>Section R307-401-8</u>, or
- (b) issue an order prohibiting the proposed construction, installation, modification, relocation or establishment if it is [deemed]determined that any part of the proposal [is inadequate to meet the applicable] will not be in the accord with the requirements of Title R307.
- (3) The review period under <u>Subsection R307-401-6(2)</u> may be extended by up to three 30-day extensions if more time is needed to review the proposal.

R307-401-7. Public Notice.

- (1) Issuing the Notice. Prior to issuing an approval or disapproval order, the director will advertise intent to approve or disapprove in a newspaper of general circulation in the locality of the proposed construction, installation, modification, relocation or establishment.
 - (2) Opportunity for Review and Comment.
- (a) At least one location will be provided where the information submitted by the owner or operator, the director's analysis of the notice of intent proposal, and the proposed approval order conditions will be available for public inspection.
 - (b) Public Comment.
 - (i) A 30-day public comment period will be established.
- (ii) A request to extend the length of the comment period, up to 30 days, may be submitted to the director within 15 days of the date the notice in Subsection R307-401-7(1) is published.
- (iii) Public Hearing. A request for a hearing on the proposed approval or disapproval order may be submitted to the director within 15 days of the date the notice in <u>Subsection</u> R307-401-7(1) is published.
- (iv) The hearing will be held in the area of the proposed construction, installation, modification, relocation or establishment.
- (v) The public comment and hearing procedure shall not be required when an order is issued for the purpose of extending the time required by the director to review plans and specifications.
- (3) The director will consider all comments received during the public comment period and at the public hearing and, if appropriate, will make changes to the proposal in response to comments before

issuing an approval order or disapproval order.

R307-401-8. Approval Order.

- (1) The director will issue an approval order if the following conditions have been met:
- (a) The degree of pollution control for emissions, to include fugitive emissions and fugitive dust, is at least best available control technology. When determining best available control technology for a new or modified source in an ozone nonattainment or maintenance area that will emit volatile organic compounds or nitrogen oxides, best available control technology shall be at least as stringent as any Control Technique Guidance document that has been published by EPA that is applicable to the source.
- (b) The proposed installation will meet the applicable requirements of:
- (i) <u>Rule R307-403</u>, Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas;
- (ii) <u>Rule R307-405</u>, Permits: Major Sources in Attainment or Unclassified Areas (PSD);
 - (iii) Rule R307-406, Visibility;
 - (iv) Rule R307-410, Permits: Emissions Impact Analysis;
- (v) Rule R307-420, Permits: Ozone Offset Requirements in Davis and Salt Lake Counties;
- (vi) $\underline{\text{Rule}}$ R307-210, Standards of Performance for New Stationary Sources;
- (vii) National Primary and Secondary Ambient Air Quality Standards;
- (viii) <u>Rule R307-214</u>, National Emission Standards for Hazardous Air Pollutants;
- (ix) Rule R307-110, General Requirements: State Implementation Plan; and
 - (x) all other provisions of Title R307.
- (2) The approval order will require that all pollution control equipment be adequately and properly maintained.
- (3) Receipt of an approval order does not relieve any owner or operator of the responsibility to comply with the provisions of $\underline{\text{Title}}$ R307 or the State Implementation Plan.
- (4) To accommodate staged construction of a large source, the director may issue an order authorizing construction of an initial stage prior to receipt of detailed plans for the entire proposal provided that, through a review of general plans, engineering reports and other information the proposal is determined feasible by the director under the intent of <u>Title R307</u>. Subsequent detailed plans will then be processed as prescribed in this paragraph. For staged construction projects the previous determination under <u>Subsections</u>

R307-401-8(1) and (2) will be reviewed and modified as appropriate at the earliest reasonable time prior to commencement of construction of each independent phase of the proposed source or modification.

(5) If the director determines that a proposed stationary source, modification or relocation does not meet the conditions established in (1) above, the director will not issue an approval order.

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R307-401-9. Small Source Exemption.

- (1) A small stationary source is exempt from the requirement to obtain an approval order in <u>Sections R307-401-5</u> through R307-401-8 if the following conditions are met.
- (a) its actual emissions are less than 5 tons per year per air pollutant of any of the following air pollutants: sulfur dioxide, carbon monoxide, nitrogen oxides, PM_{10} , ozone, or volatile organic compounds;
- (b) its actual emissions are less than 500 pounds per year of any hazardous air pollutant and less than 2000 pounds per year of any combination of hazardous air pollutants;
- (c) its actual emissions are less than 500 pounds per year of any air pollutant not listed in (a) or (b) above and less than 2000 pounds per year of any combination of air pollutants not listed in (a) or (b) above.
- (d) Air pollutants that are drawn from the environment through equipment in intake air and then are released back to the environment without chemical change, as well as carbon dioxide, nitrogen, oxygen, argon, neon, helium, krypton, xenon should not be included in emission calculations when determining applicability under (a) through (c) above.
- (2) The owner or operator of a source that is exempted from the requirement to obtain an approval order under (1) above shall no longer be exempt if actual emissions in any subsequent year exceed the emission thresholds in (1) above. The owner or operator shall submit a notice of intent under <u>Section R307-401-5</u> no later than 180 days after the end of the calendar year in which the source exceeded the emission threshold.
- (3) Small Source Exemption Registration. The director will maintain a registry of sources that are claiming an exemption under <u>Section</u> R307-401-9. The owner or operator of a stationary source that is claiming an exemption under <u>Section</u> R307-401-9 may submit a written registration notice to the director. The notice shall include the following minimum information:
- (a) identifying information, including company name and address, location of source, telephone number, and name of plant site manager or point of contact;

- (b) a description of the nature of the processes involved, equipment, anticipated quantities of materials used, the type and quantity of fuel employed and nature and quantity of the finished product;
 - (c) identification of expected emissions;
 - (d) estimated annual emission rates;
 - (e) any control apparatus used; and
 - (f) typical operating schedule.

- (4) An exemption under <u>Section</u> R307-401-9 does not affect the requirements of Section R307-401-17, Temporary Relocation.
- (5) A stationary source that is not required to obtain a permit under <u>Rule</u> R307-405 for greenhouse gases, as defined in <u>Subsection</u> R307-405-3(9)(a), is not required to obtain an approval order for greenhouse gases under <u>Rule</u> R307-401. This exemption does not affect the requirement to obtain an approval order for any other air pollutant emitted by the stationary source.

R307-401-10. Source Category Exemptions.

The source categories described in $\underline{Section}$ R307-401-10 are exempt from the requirement to obtain an approval order found in $\underline{Sections}$ R307-401-5 through R307-401-8. The general provisions in $\underline{Section}$ R307-401-4 shall apply to these sources.

- (1) Fuel-burning equipment in which combustion takes place at no greater pressure than one inch of mercury above ambient pressure with a rated capacity of less than five million BTU per hour using no other fuel than natural gas or LPG or other mixed gas that meets the standards of gas distributed by a utility in accordance with the rules of the Public Service Commission of the State of Utah, unless there are emissions other than combustion products.
- (2) Comfort heating equipment such as boilers, water heaters, air heaters and steam generators with a rated capacity of less than one million BTU per hour if fueled only by fuel oil numbers 1 6,
- (3) Emergency heating equipment, using coal or wood for fuel, with a rated capacity less than 50,000 BTU per hour.
- (4) Exhaust systems for controlling steam and heat that do not contain combustion products.
- (5) A well site as defined in 40 CFR 60.5430a, including centralized tank batteries, that is not a major source as defined in <u>Section R307-101-2</u>, and is registered with the Division as required by <u>Rule R307-505</u>.
- (6) A gasoline dispensing facility as defined in 40 CFR 63.11132 that is not a major source as defined in <u>Section R307-101-2</u>. These sources shall comply with the applicable requirements of <u>Rule R307-328</u> and 40 CFR 63 Subpart CCCCCC: National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing

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Facilities.

R307-401-11. Replacement-in-Kind Equipment.

- (1) Applicability. Existing process equipment or pollution control equipment that is covered by an existing approval order or State Implementation Plan requirement may be replaced using the procedures in (2) below if:
- (a) the potential to emit of the process equipment is the same or lower;
- (b) the number of emission points or emitting units is the same or lower;
- (c) no additional types of air pollutants are emitted as a result of the replacement;
- (d) the process equipment or pollution control equipment is identical to or functionally equivalent to the replaced equipment;
- (e) the replacement does not change the basic design parameters of the process unit or pollution control equipment;
- (f) the replaced process equipment or pollution control equipment is permanently removed from the stationary source, otherwise permanently disabled, or permanently barred from operation;
- (g) the replacement process equipment or pollution control equipment does not trigger New Source Performance Standards or National Emissions Standards for Hazardous Air Pollutants under 42 U.S.C. 7411 or 7412; and
- (h) the replacement of the control apparatus or process equipment does not violate any other provision of Title R307.
 - (2) Replacement-in-Kind Procedures.
- (a) In lieu of filing a notice of intent under <u>Section</u> R307-401-5, the owner or operator of a stationary source shall submit a written notification to the director before replacing the equipment. The notification shall contain a description of the replacement-in-kind equipment, including the control capability of any control apparatus and a demonstration that the conditions of (1) above are met.
- (b) If the replacement-in-kind meets the conditions of (1) above, the director will update the source's approval order and notify the owner or operator. Public review under <u>Section R307-401-7</u> is not required for the update to the approval order.
- (3) If the replaced process equipment or pollution control equipment is brought back into operation, it shall constitute a new emissions unit.

R307-401-12. Reduction in Air Pollutants.

(1) Applicability. The owner or operator of a stationary source of air pollutants that reduces or eliminates air pollutants is exempt

from the requirement to submit a notice of intent and obtain an approval order prior to construction if:

- (a) the project does not increase the potential to emit of any air pollutant or cause emissions of any new air pollutant, and
- (b) the director is notified of the change and the reduction of air pollutants is made enforceable through an approval order in accordance with (2) below.
- (2) Notification. The owner or operator shall submit a written description of the project to the director no later than 60 days after the changes are made. The director will update the source's approval order or issue a new approval order to include the project and to make the emission reductions enforceable. Public review under <u>Section</u> R307-401-7 is not required for the update to the approval order.

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R307-401-13. Plantwide Applicability Limits.

A plantwide applicability limit under <u>Section R307-405-21</u> does not exempt a stationary source from the requirements of R307-401.

R307-401-14. Used Oil Fuel Burned for Energy Recovery.

(1) Definitions.

"Boiler" means boiler as defined in R315-1-1(b).

"Used Oil" is defined as any oil that has been refined from crude oil, used, and, as a result of such use contaminated by physical or chemical impurities.

- (2) Boilers burning used oil for energy recovery are exempt from the requirement to obtain an approval order in <u>Sections</u> R307-401-5 through R307-401-8 if the following requirements are met:
 - (a) the heat input design is less than one million BTU/hr;
- (b) contamination levels of all used oil to be burned do not exceed any of the following values:
 - (i) arsenic 5 ppm by weight,
 - (ii) cadmium 2 ppm by weight,
 - (iii) chromium 10 ppm by weight,
 - (iv) lead 100 ppm by weight,
 - (v) total halogens 1,000 ppm by weight,
 - (vi) Sulfur 0.50% by weight; and
- (c) the flash point of all used oil to be burned is at least 100 degrees Fahrenheit.
- (3) Testing. The owner or operator shall test each load of used oil received or generated as directed by the director to ensure it meets these requirements. Testing may be performed by the owner [+] or operator or documented by test reports from the used fuel oil vendor. The flash point shall be measured using the appropriate ASTM method as required by the director. Records for used oil consumption and test reports are to be kept for all periods when fuel-burning equipment is

in operation. The records shall be kept on site and made available to the director or the director's representative upon request. Records must be kept for a three-year period.

R307-401-15. Air Strippers and Soil Venting Projects.

- (1) The owner or operator of an air stripper or soil venting system that is used to remediate contaminated groundwater or soil is exempt from the notice of intent and approval order requirements of Sections R307-401-5 through R307-401-8 if the following conditions are met:
- (a) the estimated total air emissions of volatile organic compounds from a given project are less than the de minimis emissions listed in $\underline{Subsection}$ R307-401-9(1)(a), and
- (b) the level of any one hazardous air pollutant or any combination of hazardous air pollutants is below the levels listed in Subsection R307-410-5(1)(c)(i)(C).
- (2) The owner or operator shall submit documentation that the project meets the exemption requirements in <u>Subsection R307-401-15(1)</u> to the director prior to beginning the remediation project.
- (3) After beginning the soil remediation project, the owner or operator shall submit emissions information to the director to verify that the emission rates of the volatile organic compounds and hazardous air pollutants in Subsection R307-401-15(1) are not exceeded.
- (a) Emissions estimates of volatile organic compounds shall be based on test data obtained in accordance with the test method in the EPA document SW-846, Test #8260c or 8261a, or the most recent EPA revision of either test method if approved by the director.
- (b) Emissions estimates of hazardous air pollutants shall be based on test data obtained in accordance with the test method in EPA document SW-846, Test #8021B or the most recent EPA revision of the test method if approved by the director.
- (c) Results of the test and calculated annual quantity of emissions of volatile organic compounds and hazardous air pollutants shall be submitted to the director within one month of sampling.
- (d) The test samples shall be drawn on intervals of no less than twenty-eight days and no more than thirty-one days (i.e., monthly) for the first quarter, quarterly for the first year, and semi-annually thereafter or as determined necessary by the director.
- (4) The following control devices do not require a notice of intent or approval order when used in relation to an air stripper or soil venting project exempted under Section_R307-401-15:
- (a) thermodestruction unit with a rated input capacity of less than five million BTU per hour using no other auxiliary fuel than natural gas or LPG, or
 - (b) carbon adsorption unit.

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R307-401-16. De minimis Emissions From Soil Aeration Projects.

An owner or operator of a soil remediation project is not subject to the notice of intent and approval order requirements of <u>Sections</u> R307-401-5 through R307-401-8 when soil aeration or land farming is used to conduct a soil remediation, if the owner or operator submits the following information to the director prior to beginning the remediation project:

- (1) documentation that the estimated total air emissions of volatile organic compounds, using an appropriate sampling method, from the project are less than the de minimis emissions listed in <u>Subsection</u> R307-401-9(1)(a);
- (2) documentation that the levels of any one hazardous air pollutant or any combination of hazardous air pollutants are less than the levels in Subsection R307-410-5(1)(d); and
- (3) the location of the remediation and where the remediated material originated.

R307-401-17. Temporary Relocation.

The owner or operator of a stationary source previously approved under <u>Rule</u> R307-401 may temporarily relocate and operate the stationary source at any site for up to 180 working days in any calendar year not to exceed 365 consecutive days, starting from the initial relocation date. The director will evaluate the expected emissions impact at the site and compliance with applicable Title R307 rules as the basis for determining if approval for temporary relocation may be granted. Records of the working days at each site, consecutive days at each site, and actual production rate shall be submitted to the director at the end of each 180 calendar days. These records shall also be kept on site by the owner or operator for the entire project, and be made available for review to the director as requested. <u>Section</u> R307-401-7, Public Notice, does not apply to temporary relocations under Section R307-401-17.

R307-401-18. Eighteen Month Review.

Approval orders issued by the director in accordance with the provisions of <u>Rule_R307-401</u> will be reviewed eighteen months after the date of issuance to determine the status of construction, installation, modification, relocation or establishment. If a continuous program of construction, installation, modification, relocation or establishment is not proceeding, the director may revoke the approval order.

R307-401-19. General Approval Order.

(1) The director may issue a general approval order that would

establish conditions for similar new or modified sources of the same type or for specific types of equipment. The general approval order may apply throughout the state or in a specific area.

- (a) A major source or major modification as defined in <u>Rules</u> R307-403, R307-405, or R307-420 for each respective area is not eligible for coverage under a general approval order.
- (b) A source that is subject to the requirements of <u>Section</u> R307-403-5 is not eligible for coverage under a general approval order.
- (c) A source that is subject to the requirements of $\underline{\text{Section}}$ R307-410-4 is not eligible for coverage under a general approval order unless a demonstration that meets the requirements of $\underline{\text{Section}}$ R307-410-4 was conducted.
- (d) A source that is subject to the requirements of <u>Subsection</u> R307-410-5(1)(c)(ii) is not eligible for coverage under a general approval order unless a demonstration that meets the requirements of <u>Subsection</u> R307-410-5(1)(c)(ii) was conducted.
- (e) A source that is subject to the requirements of <u>Subsection</u> R307-410-5(1)(c)(iii) is not eligible for coverage under a general approval order.
- (2) A general approval order shall meet all applicable requirements of <u>Section R307-401-8</u>.
- (3) The public notice requirements in <u>Section R307-401-7</u> shall apply to a general approval order except that the director will advertise the notice of intent in a newspaper of statewide circulation.
 - (4) Application.

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- (a) After a general approval order has been issued, the owner or operator of a proposed new or modified source may apply to be covered under the conditions of the general approval order.
- (b) The owner or operator shall submit the application on forms provided by the director in lieu of the notice of intent requirements in Section R307-401-5 for all equipment covered by the general approval order.
- (c) The owner or operator may request that an existing, individual approval order for the source be revoked, and that it be covered by the general approval order.
- (d) The owner or operator that has applied to be covered by a general approval order shall not initiate construction, modification, or relocation until the application has been approved by the director.
 - (5) Approval.
- (a) The director will review the application and approve or deny the request based on criteria specified in the general approval order for that type of source. If approved, the director will issue an authorization to the applicant to operate under the general approval order.
 - (b) The public notice requirements in <u>Section R307-401-7</u> do not

apply to the approval of an application to be covered under the general approval order.

- (c) The director will maintain a record of all stationary sources that are covered by a specific general approval order and this record will be available for public review.
 - (6) Exclusions and Revocation.

- (a) The director may require any source that has applied for or is authorized by a general approval order to submit a notice of intent and obtain an individual approval order under Section_R307-401-8. Cases where an individual approval order will be required include, but are not limited to, the following:
- (i) the director determines that the source does not meet the criteria specified in the general approval order;
- (ii) the director determines that the application for the general approval order did not contain all necessary information to evaluate applicability under the general approval order;
- (iii) modifications were made to the source that were not authorized by the general approval order or an individual approval order;
- (iv) the director determines the source may cause a violation of a national ambient air quality standard; or
- (v) the director determines that one is required based on the compliance history and current compliance status of the source or applicant.
- (b)(i) Any source authorized by a general approval order may request to be excluded from the coverage of the general approval order by submitting a notice of intent under <u>Section R307-401-5</u> and receiving an individual approval order under <u>Section R307-401-8</u>.
- (ii) When the director issues an individual approval order to a source subject to a general approval order, the applicability of the general approval order to the individual source is revoked on the effective date of the individual approval order.
- (7) Modification of General Approval Order. The director may modify, replace, or discontinue the general approval order.
- (a) Administrative corrections may be made to the existing version of the general approval order. These corrections are to correct typographical errors or similar minor administrative changes.
- (b) All other modifications or the discontinuation of a general approval order shall not apply to any source authorized under previous versions of the general approval order unless the owner or operator submits an application to be covered under the new version of the general approval order. Modifications under <u>Subsection</u> R307-401-19(7)(b) shall meet the public notice requirements in <u>Subsection</u> R307-401-19(3).
 - (c) A general approval order shall be reviewed at least every

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three years. The review of the general approval order shall follow the public notice requirements of <u>Subsection</u> R307-401-19(3).

(8) Modifications at a source covered by a general approval order. A source may make modifications only as authorized by the approved general approval order. Modifications outside the scope authorized by the approved general approval order shall require a new application for either an individual approval order under <u>Section</u> R307-401-8 or a general approval order under <u>Section</u> R307-401-19.

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- 10 KEY: air pollution, permits, approval orders, greenhouse gases
- 11 Date of Enactment or Last Substantive Amendment: June 6, 2019
- 12 Notice of Continuation: May 15, 2017
- 13 Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(q);
- 14 **19-2-108**

State of Utah Administrative Rule Analysis

Revised May 2020

NOTICE OF PROPOSED RULE			
TYPE OF RULE: New; Amendment _X _; Repeal; Repeal and Reenact			
Title No Rule No Section No.			
Utah Admin. Code Ref (R no.):	R307-401	Filing No. (Office Use Only)	
Changed to Admin. Code Ref. (R no.):	R		

Agency Information

	Ager	ncy Information		
1. Department:	Environmental Quality			
Agency:	Air Quality			
Room no.:	Fourth Floor			
Building:	Multi Agency Sta	te Office Building		
Street address:	195 N 1950 W			
City, state:	Salt Lake City, U	Salt Lake City, UT 84116		
Mailing address:	PO Box 144820			
City, state, zip:	Salt Lake City, UT 84116-4820			
Contact person(s):				
Name:	Phone:	Email:		
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov		
Please addres	ss questions regard	ling information on this notice to the agency.		

General Information

2. Rule or section catchline:

Permit: New and Modified Sources.

3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):

Due to Senate Bill 88 being passed by the Utah State Legislature in 2020, amendments were needed in R307-401 to bring the rule in line with Utah Code.

4. Summary of the new rule or change:

The proposed changes to R307-401 include the requirement that the sources that must have a permit cannot operate without first having obtained such a permit. In other words, operation without a permit—and not merely a failure to obtain a permit—is now a violation of R307-401. Another change in R307-401 due to the statute amendments is that sources are required to pay the applicable New Source Review permitting fee as part of the permit application, and the permit application is not complete without the payment of the fee. The final changes in the rule are to clean up the language to match the statute.

A public hearing is set for Monday, August 3, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Friday, July 31, 2020, at 5:00PM MT. The final status of the public hearing will be posted on Friday, July 31, after 5:00PM MT. The status of the public hearing may be checked at the following website location under the corresponding rule.

https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

Due to these rule amendments, the only fiscal impacts for the state budget would be greater allocation to the general fund from compliance actions regarding the need to obtain a permit before operation.

B) Local governments:

These rule amendments do not apply to local governments and therefore will have no fiscal impact on them.

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

The only costs to small businesses would come from lack of compliance to the new rule amendments, specifically the failure to have a permit prior to operating. The actual numbers for this are inestimable.

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

The only costs to non-small businesses would come from lack of compliance to the new rule amendments, specifically the failure to have a permit prior to operating. The actual numbers for this are inestimable.

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*):

There are no anticipated costs to persons other than small businesses, non-small businesses, state, or local government entities because the amendments are not applicable to them.

F) Compliance costs for affected persons:

There are no further compliance costs for affected persons as a result of this rule amendment.

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	FY2021	FY2022	FY2023	
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				
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 approval of regulatory impact analysis:

The head of the Department of Environmental Quality, L. Scott Baird, has reviewed and approved this fiscal analysis.

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

The only fiscal impact these amendments to R307-401, as a result of Senate Bill 88 in the 2020 Utah Legislative Session, may have on businesses, would be as a result of non-compliance.

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

L. Scott Baird, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state	e and
federal laws. State code or constitution citations (required):	

19-2-104(3)(q)	19-2-108	

(If this		ncorporations by Reference Inform nore than two items by reference, ple	
		s the following title of materials in d to the Office of Administrative Rule	corporated by references (a copy of materials; if none, leave blank):
		First Incorporation	•
Official Title of Mate	erials Incorporated		
	(from title page)		
	Publisher		
	Date Issued		
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B) A public hearing (• •		00,00,2020
On (mm/dd/yyyy):	-	I .	At (place):
08/03/2020		11:00AM MST	Multi Agency State Office Building Division of Air Quality, Fourth Floor 195 N 1950 W Salt Lake City, UT 84116
10. This rule change N	MAY become offect	ive on (mm/dd/yyyy): 09/03/2020	
NOTE: The date above designated in Box 10, t	is the date on which	this rule MAY become effective. It is	s NOT the effective date. After the date Office of Administrative Rules to make this rule
	omit a Notice of Effe		g and will require the agency to start the
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rulemaking process over	omit a Notice of Effecter. nation requested on t	ctive Date will result in this rule lapsir Agency Authorization Information his form is required by Sections 63G	

R307. Environmental Quality, Air Quality.

R307-401. Permit: New and Modified Sources.

R307-401-1. Purpose.

This rule establishes the application and permitting requirements for new installations and modifications to existing installations throughout the State of Utah. Additional permitting requirements apply to larger installations or installations located in nonattainment or maintenance areas. These additional requirements can be found in Rules R307-405, R307-406, R307-420, and R307-421. Modeling requirements in Rule R307-410 may also apply. Each of the permitting rules establishes independent requirements, and the owner or operator must comply with all of the requirements that apply to the installation. Exemptions under R307-401 do not affect applicability of the other permitting rules.

R307-401-2. Definitions.

"Actual emissions" (a) means the actual rate of emissions of an air pollutant from an emissions unit, as determined in accordance with <u>Subsections R307-401-2(b)</u> through R307-401-2(d).

- (b) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the air pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
 - (c) The director may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.
- (d) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

"Best available control technology" means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each air pollutant which would be emitted from any proposed stationary source or modification which the director, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the director determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

"Building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same Major Group (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively).

"Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions.

"Emissions unit" means any part of a stationary source that emits or would have the potential to emit any air pollutant.

"Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Indirect source" means a building, structure, facility, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard.

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

"Secondary emissions" means emissions which occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

"Stationary source" means any building, structure, facility, or installation which emits or may emit an air pollutant.

R307-401-3. Applicability.

- (1) <u>Rule R307-401</u> applies to any person [<u>intending</u>]planning to:
- (a) construct a new installation [which]that will or might reasonably be expected to be[come] a source or an indirect source of air

pollution; [, or]

- (b) make modifications to or relocate an existing installation [which-]that will or might reasonably be expected to increase the amount of[5] or change the character or effect of[5, or the character of,] air pollutants discharged, so that [such-]the installation may be expected to be[come] a source or indirect source of air pollution;[5] or
 - (c) install an air cleaning device [control apparatus] or other equipment intended to control emission[s] of air pollutants.
 - (2) Rules R307-403, R307-405 and R307-406 may establish additional permitting requirements for new or modified sources.
- (a) Exemptions contained in <u>Rule R307-401</u> do not affect applicability or other requirements under <u>Rules R307-403</u>, R307-405 or R307-406.
- (b) Exemptions contained in $\underline{\text{Rules}}$ R307-403, R307-405 or R307-406 do not affect applicability or other requirements under $\underline{\text{Rule}}$ R307-401, unless specifically authorized in this rule.

R307-401-4. General Requirements.

The general requirements in <u>Subsections R307-401-4(1)</u> through R307-401-4([3]4) apply to all new and modified installations, including installations that are exempt from the requirement to obtain an approval order.

- (1) Any control apparatus installed on an installation shall be adequately and properly maintained.
- (2) If the director determines that an exempted installation is not meeting an approval order or State Implementation Plan limitation, is creating an adverse impact to the environment, or would be injurious to human health or welfare, the director may require the owner or operator to submit a notice of intent and obtain an approval order in accordance with Sections R307-401-5 through R307-401-8. The director will complete an appropriate analysis and evaluation in consultation with the owner or operator before determining that an approval order is required.
 - (3) Low Oxides of Nitrogen Burner Technology.
- (a) Except as provided in <u>Subsection R307-401-4(3)(b)</u>, whenever existing fuel combustion burners are replaced, the owner or operator shall install low oxides of nitrogen burners or equivalent oxides of nitrogen controls, as determined by the director, unless such equipment is not physically practical or cost effective. The owner or operator shall submit a demonstration that the equipment is not physically practical or cost effective to the director for review and approval prior to beginning construction.
 - (b) The provisions of (a) above do not apply to non-commercial, residential buildings.
- (4) A person shall not operate a source of air pollution that is required to have a permit under Rule R307-401 unless the person has obtained a permit for the source under the procedures of Rule R307-401.

R307-401-5. Notice of Intent.

- (1) Except as provided in <u>Sections R307-401-9</u> through R307-401-17, any person subject to <u>Rule R307-401</u> shall submit a notice of intent to the director and receive an approval order [prior to initiation of]precedent to the construction, modification, installation, establishment, or relocation of an air pollutant source or indirect source. The notice of intent shall be in a format specified by the director.
 - (2) The notice of intent shall include the following information:
- (a) A description of the nature of the processes involved; the nature, procedures for handling and quantities of raw materials; the type and quantity of fuels employed; and the nature and quantity of finished product.
- (b) The e[E]xpected composition and physical characteristics of effluent stream both before and after treatment by any control apparatus, including emission rates, volume, temperature, air pollutant types, and concentration of air pollutants.
 - (c) The s[S]ize, type, and performance characteristics of any control apparatus.
- (d) An analysis of best available control technology for the proposed source or modification. When determining best available control technology for a new or modified source in an ozone nonattainment or maintenance area that will emit volatile organic compounds or nitrogen oxides, the owner or operator of the source shall consider EPA Control Technique Guidance (CTG) documents and Alternative Control Technique documents that are applicable to the source. Best available control technology shall be at least as stringent as any published CTG that is applicable to the source.
- (e) The l[L]ocation and elevation of the emission point and other factors relating to dispersion and diffusion of the air pollutant in relation to nearby structures and window openings, and other information necessary to appraise the possible effects of the effluent.
- (f) The location of planned sampling points and the tests of the completed installation to be made by the owner or operator when necessary to ascertain compliance.
 - (g) The typical operating schedule.
 - (h) A schedule for construction.
 - (i) Any plans, specifications and related information that are in final form at the time of submission of notice of intent.
 - (j) Any additional information required by:
 - (i) Rule R307-403, Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas;
 - (ii) Rule R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD);
 - (iii) Rule R307-406, Visibility;
 - (iv) Rule R307-410, Permits: Emissions Impact Analysis;
 - (v) Rule R307-420, Permits: Ozone Offset Requirements in Davis and Salt Lake Counties; or
- (vi) <u>Rule</u> R307-421, Permits: PM10 Offset Requirements in Salt Lake County and Utah County. (k) Any other information necessary to determine if the proposed [<u>source or</u>]<u>construction</u>, modification, installation, or establishment will be in [<u>eompliance</u>]<u>accord</u> with Title R307.

- (1) The payment of a new source review fee established under Subsection 19-1-201(6)(i).
- (3) Notwithstanding the exemptions in <u>Sections R307-401-9</u> through R307-401-16, any person that is subject to <u>Rules R307-403</u>, R307-405, or R307-406 shall submit a notice of intent to the director and receive an approval order [prior to initiation of] precedent to the construction, modification, installation, establishment, or relocation of an air pollutant source or indirect source.

R307-401-6. Review Period.

- (1) Completeness Determination. Within 30 days after receipt of a notice of intent, or any additional information necessary to the review, the director will advise the applicant of any deficiency in the notice of intent or the information submitted.
- (2) Within 90 days [of]after the receipt of a complete application including all the information described in Section R307-401-5, the director will
- (a) issue an approval order for the proposed construction, installation, modification, relocation, or establishment pursuant to the requirements of Section R307-401-8, or
- (b) issue an order prohibiting the proposed construction, installation, modification, relocation or establishment if it is [deemed]determined that any part of the proposal [is inadequate to meet the applicable] will not be in the accord with the requirements of Title R307.
- (3) The review period under <u>Subsection</u> R307-401-6(2) may be extended by up to three 30-day extensions if more time is needed to review the proposal.

R307-401-7. Public Notice.

- (1) Issuing the Notice. Prior to issuing an approval or disapproval order, the director will advertise intent to approve or disapprove in a newspaper of general circulation in the locality of the proposed construction, installation, modification, relocation or establishment.
 - (2) Opportunity for Review and Comment.
- (a) At least one location will be provided where the information submitted by the owner or operator, the director's analysis of the notice of intent proposal, and the proposed approval order conditions will be available for public inspection.
 - (b) Public Comment.
 - (i) A 30-day public comment period will be established.
- (ii) A request to extend the length of the comment period, up to 30 days, may be submitted to the director within 15 days of the date the notice in Subsection R307-401-7(1) is published.
- (iii) Public Hearing. A request for a hearing on the proposed approval or disapproval order may be submitted to the director within 15 days of the date the notice in Subsection R307-401-7(1) is published.
 - (iv) The hearing will be held in the area of the proposed construction, installation, modification, relocation or establishment.
- (v) The public comment and hearing procedure shall not be required when an order is issued for the purpose of extending the time required by the director to review plans and specifications.
- (3) The director will consider all comments received during the public comment period and at the public hearing and, if appropriate, will make changes to the proposal in response to comments before issuing an approval order or disapproval order.

R307-401-8. Approval Order.

- (1) The director will issue an approval order if the following conditions have been met:
- (a) The degree of pollution control for emissions, to include fugitive emissions and fugitive dust, is at least best available control technology. When determining best available control technology for a new or modified source in an ozone nonattainment or maintenance area that will emit volatile organic compounds or nitrogen oxides, best available control technology shall be at least as stringent as any Control Technique Guidance document that has been published by EPA that is applicable to the source.
 - (b) The proposed installation will meet the applicable requirements of:
 - (i) Rule R307-403, Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas;
 - (ii) Rule R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD);
 - (iii) Rule R307-406, Visibility;
 - (iv) Rule R307-410, Permits: Emissions Impact Analysis;
 - (v) Rule R307-420, Permits: Ozone Offset Requirements in Davis and Salt Lake Counties;
 - (vi) Rule R307-210, Standards of Performance for New Stationary Sources;
 - (vii) National Primary and Secondary Ambient Air Quality Standards;
 - (viii) Rule R307-214, National Emission Standards for Hazardous Air Pollutants;
 - (ix) Rule R307-110, General Requirements: State Implementation Plan; and
 - (x) all other provisions of <u>Title</u> R307.
 - (2) The approval order will require that all pollution control equipment be adequately and properly maintained.
- (3) Receipt of an approval order does not relieve any owner or operator of the responsibility to comply with the provisions of <u>Title</u> R307 or the State Implementation Plan.
- (4) To accommodate staged construction of a large source, the director may issue an order authorizing construction of an initial stage prior to receipt of detailed plans for the entire proposal provided that, through a review of general plans, engineering reports and other information the proposal is determined feasible by the director under the intent of <u>Title</u> R307. Subsequent detailed plans will then be processed as prescribed in this paragraph. For staged construction projects the previous determination under <u>Subsections</u> R307-401-8(1) and (2) will be

reviewed and modified as appropriate at the earliest reasonable time prior to commencement of construction of each independent phase of the proposed source or modification.

(5) If the director determines that a proposed stationary source, modification or relocation does not meet the conditions established in (1) above, the director will not issue an approval order.

R307-401-9. Small Source Exemption.

- (1) A small stationary source is exempt from the requirement to obtain an approval order in <u>Sections</u> R307-401-5 through R307-401-8 if the following conditions are met.
- (a) its actual emissions are less than 5 tons per year per air pollutant of any of the following air pollutants: sulfur dioxide, carbon monoxide, nitrogen oxides, PM₁₀, ozone, or volatile organic compounds;
- (b) its actual emissions are less than 500 pounds per year of any hazardous air pollutant and less than 2000 pounds per year of any combination of hazardous air pollutants;
- (c) its actual emissions are less than 500 pounds per year of any air pollutant not listed in (a) or (b) above and less than 2000 pounds per year of any combination of air pollutants not listed in (a) or (b) above.
- (d) Air pollutants that are drawn from the environment through equipment in intake air and then are released back to the environment without chemical change, as well as carbon dioxide, nitrogen, oxygen, argon, neon, helium, krypton, xenon should not be included in emission calculations when determining applicability under (a) through (c) above.
- (2) The owner or operator of a source that is exempted from the requirement to obtain an approval order under (1) above shall no longer be exempt if actual emissions in any subsequent year exceed the emission thresholds in (1) above. The owner or operator shall submit a notice of intent under <u>Section R307-401-5</u> no later than 180 days after the end of the calendar year in which the source exceeded the emission threshold.
- (3) Small Source Exemption Registration. The director will maintain a registry of sources that are claiming an exemption under <u>Section R307-401-9</u>. The owner or operator of a stationary source that is claiming an exemption under <u>Section R307-401-9</u> may submit a written registration notice to the director. The notice shall include the following minimum information:
- (a) identifying information, including company name and address, location of source, telephone number, and name of plant site manager or point of contact;
- (b) a description of the nature of the processes involved, equipment, anticipated quantities of materials used, the type and quantity of fuel employed and nature and quantity of the finished product;
 - (c) identification of expected emissions;
 - (d) estimated annual emission rates;
 - (e) any control apparatus used; and
 - (f) typical operating schedule.
 - (4) An exemption under Section R307-401-9 does not affect the requirements of Section R307-401-17, Temporary Relocation.
- (5) A stationary source that is not required to obtain a permit under <u>Rule R307-405</u> for greenhouse gases, as defined in <u>Subsection R307-405-3(9)(a)</u>, is not required to obtain an approval order for greenhouse gases under <u>Rule R307-401</u>. This exemption does not affect the requirement to obtain an approval order for any other air pollutant emitted by the stationary source.

R307-401-10. Source Category Exemptions.

The source categories described in <u>Section R307-401-10</u> are exempt from the requirement to obtain an approval order found in <u>Sections R307-401-5</u> through R307-401-8. The general provisions in <u>Section R307-401-4</u> shall apply to these sources.

- (1) Fuel-burning equipment in which combustion takes place at no greater pressure than one inch of mercury above ambient pressure with a rated capacity of less than five million BTU per hour using no other fuel than natural gas or LPG or other mixed gas that meets the standards of gas distributed by a utility in accordance with the rules of the Public Service Commission of the State of Utah, unless there are emissions other than combustion products.
- (2) Comfort heating equipment such as boilers, water heaters, air heaters and steam generators with a rated capacity of less than one million BTU per hour if fueled only by fuel oil numbers 1 6,
 - (3) Emergency heating equipment, using coal or wood for fuel, with a rated capacity less than 50,000 BTU per hour.
 - (4) Exhaust systems for controlling steam and heat that do not contain combustion products.
- (5) A well site as defined in 40 CFR 60.5430a, including centralized tank batteries, that is not a major source as defined in <u>Section</u> R307-101-2, and is registered with the Division as required by <u>Rule</u> R307-505.
- (6) A gasoline dispensing facility as defined in 40 CFR 63.11132 that is not a major source as defined in <u>Section R307-101-2</u>. These sources shall comply with the applicable requirements of <u>Rule R307-328</u> and 40 CFR 63 Subpart CCCCCC: National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

R307-401-11. Replacement-in-Kind Equipment.

- (1) Applicability. Existing process equipment or pollution control equipment that is covered by an existing approval order or State Implementation Plan requirement may be replaced using the procedures in (2) below if:
 - (a) the potential to emit of the process equipment is the same or lower;
 - (b) the number of emission points or emitting units is the same or lower;
 - (c) no additional types of air pollutants are emitted as a result of the replacement;

- (d) the process equipment or pollution control equipment is identical to or functionally equivalent to the replaced equipment;
- (e) the replacement does not change the basic design parameters of the process unit or pollution control equipment;
- (f) the replaced process equipment or pollution control equipment is permanently removed from the stationary source, otherwise permanently disabled, or permanently barred from operation;
- (g) the replacement process equipment or pollution control equipment does not trigger New Source Performance Standards or National Emissions Standards for Hazardous Air Pollutants under 42 U.S.C. 7411 or 7412; and
 - (h) the replacement of the control apparatus or process equipment does not violate any other provision of Title R307.
 - (2) Replacement-in-Kind Procedures.
- (a) In lieu of filing a notice of intent under <u>Section R307-401-5</u>, the owner or operator of a stationary source shall submit a written notification to the director before replacing the equipment. The notification shall contain a description of the replacement-in-kind equipment, including the control capability of any control apparatus and a demonstration that the conditions of (1) above are met.
- (b) If the replacement-in-kind meets the conditions of (1) above, the director will update the source's approval order and notify the owner or operator. Public review under <u>Section R307-401-7</u> is not required for the update to the approval order.
- (3) If the replaced process equipment or pollution control equipment is brought back into operation, it shall constitute a new emissions unit.

R307-401-12. Reduction in Air Pollutants.

- (1) Applicability. The owner or operator of a stationary source of air pollutants that reduces or eliminates air pollutants is exempt from the requirement to submit a notice of intent and obtain an approval order prior to construction if:
 - (a) the project does not increase the potential to emit of any air pollutant or cause emissions of any new air pollutant, and
- (b) the director is notified of the change and the reduction of air pollutants is made enforceable through an approval order in accordance with (2) below.
- (2) Notification. The owner or operator shall submit a written description of the project to the director no later than 60 days after the changes are made. The director will update the source's approval order or issue a new approval order to include the project and to make the emission reductions enforceable. Public review under <u>Section</u> R307-401-7 is not required for the update to the approval order.

R307-401-13. Plantwide Applicability Limits.

A plantwide applicability limit under <u>Section R307-405-21</u> does not exempt a stationary source from the requirements of R307-401.

R307-401-14. Used Oil Fuel Burned for Energy Recovery.

(1) Definitions.

"Boiler" means boiler as defined in R315-1-1(b).

- "Used Oil" is defined as any oil that has been refined from crude oil, used, and, as a result of such use contaminated by physical or chemical impurities.
- (2) Boilers burning used oil for energy recovery are exempt from the requirement to obtain an approval order in <u>Sections R307-401-5</u> through R307-401-8 if the following requirements are met:
 - (a) the heat input design is less than one million BTU/hr;
 - (b) contamination levels of all used oil to be burned do not exceed any of the following values:
 - (i) arsenic 5 ppm by weight,
 - (ii) cadmium 2 ppm by weight,
 - (iii) chromium 10 ppm by weight,
 - (iv) lead 100 ppm by weight,
 - (v) total halogens 1,000 ppm by weight,
 - (vi) Sulfur 0.50% by weight; and
 - (c) the flash point of all used oil to be burned is at least 100 degrees Fahrenheit.
- (3) Testing. The owner or operator shall test each load of used oil received or generated as directed by the director to ensure it meets these requirements. Testing may be performed by the owner [/] or operator or documented by test reports from the used fuel oil vendor. The flash point shall be measured using the appropriate ASTM method as required by the director. Records for used oil consumption and test reports are to be kept for all periods when fuel-burning equipment is in operation. The records shall be kept on site and made available to the director or the director's representative upon request. Records must be kept for a three-year period.

R307-401-15. Air Strippers and Soil Venting Projects.

- (1) The owner or operator of an air stripper or soil venting system that is used to remediate contaminated groundwater or soil is exempt from the notice of intent and approval order requirements of <u>Sections R307-401-5</u> through R307-401-8 if the following conditions are met:
- (a) the estimated total air emissions of volatile organic compounds from a given project are less than the de minimis emissions listed in <u>Subsection R307-401-9(1)(a)</u>, and
- (b) the level of any one hazardous air pollutant or any combination of hazardous air pollutants is below the levels listed in Subsection R307-410-5(1)(c)(i)(C).

- (2) The owner or operator shall submit documentation that the project meets the exemption requirements in <u>Subsection</u> R307-401-15(1) to the director prior to beginning the remediation project.
- (3) After beginning the soil remediation project, the owner or operator shall submit emissions information to the director to verify that the emission rates of the volatile organic compounds and hazardous air pollutants in Subsection R307-401-15(1) are not exceeded.
- (a) Emissions estimates of volatile organic compounds shall be based on test data obtained in accordance with the test method in the EPA document SW-846, Test #8260c or 8261a, or the most recent EPA revision of either test method if approved by the director.
- (b) Emissions estimates of hazardous air pollutants shall be based on test data obtained in accordance with the test method in EPA document SW-846, Test #8021B or the most recent EPA revision of the test method if approved by the director.
- (c) Results of the test and calculated annual quantity of emissions of volatile organic compounds and hazardous air pollutants shall be submitted to the director within one month of sampling.
- (d) The test samples shall be drawn on intervals of no less than twenty-eight days and no more than thirty-one days (i.e., monthly) for the first quarterly for the first year, and semi-annually thereafter or as determined necessary by the director.
- (4) The following control devices do not require a notice of intent or approval order when used in relation to an air stripper or soil venting project exempted under <u>Section R307-401-15</u>:
- (a) thermodestruction unit with a rated input capacity of less than five million BTU per hour using no other auxiliary fuel than natural gas or LPG, or
 - (b) carbon adsorption unit.

R307-401-16. De minimis Emissions From Soil Aeration Projects.

An owner or operator of a soil remediation project is not subject to the notice of intent and approval order requirements of <u>Sections</u> R307-401-5 through R307-401-8 when soil aeration or land farming is used to conduct a soil remediation, if the owner or operator submits the following information to the director prior to beginning the remediation project:

- (1) documentation that the estimated total air emissions of volatile organic compounds, using an appropriate sampling method, from the project are less than the de minimis emissions listed in <u>Subsection R307-401-9(1)(a)</u>;
- (2) documentation that the levels of any one hazardous air pollutant or any combination of hazardous air pollutants are less than the levels in <u>Subsection</u> R307-410-5(1)(d); and
 - (3) the location of the remediation and where the remediated material originated.

R307-401-17. Temporary Relocation.

The owner or operator of a stationary source previously approved under <u>Rule</u> R307-401 may temporarily relocate and operate the stationary source at any site for up to 180 working days in any calendar year not to exceed 365 consecutive days, starting from the initial relocation date. The director will evaluate the expected emissions impact at the site and compliance with applicable Title R307 rules as the basis for determining if approval for temporary relocation may be granted. Records of the working days at each site, consecutive days at each site, and actual production rate shall be submitted to the director at the end of each 180 calendar days. These records shall also be kept on site by the owner or operator for the entire project, and be made available for review to the director as requested. <u>Section</u> R307-401-7, Public Notice, does not apply to temporary relocations under <u>Section</u> R307-401-17.

R307-401-18. Eighteen Month Review.

Approval orders issued by the director in accordance with the provisions of <u>Rule</u> R307-401 will be reviewed eighteen months after the date of issuance to determine the status of construction, installation, modification, relocation or establishment. If a continuous program of construction, installation, modification, relocation or establishment is not proceeding, the director may revoke the approval order.

R307-401-19. General Approval Order.

- (1) The director may issue a general approval order that would establish conditions for similar new or modified sources of the same type or for specific types of equipment. The general approval order may apply throughout the state or in a specific area.
- (a) A major source or major modification as defined in <u>Rules R307-403</u>, R307-405, or R307-420 for each respective area is not eligible for coverage under a general approval order.
 - (b) A source that is subject to the requirements of Section R307-403-5 is not eligible for coverage under a general approval order.
- (c) A source that is subject to the requirements of <u>Section R307-410-4</u> is not eligible for coverage under a general approval order unless a demonstration that meets the requirements of <u>Section R307-410-4</u> was conducted.
- (d) A source that is subject to the requirements of <u>Subsection R307-410-5(1)(c)(ii)</u> is not eligible for coverage under a general approval order unless a demonstration that meets the requirements of <u>Subsection R307-410-5(1)(c)(ii)</u> was conducted.
- (e) A source that is subject to the requirements of <u>Subsection R307-410-5(1)(c)(iii)</u> is not eligible for coverage under a general approval order.
 - (2) A general approval order shall meet all applicable requirements of <u>Section R307-401-8</u>.
- (3) The public notice requirements in <u>Section R307-401-7</u> shall apply to a general approval order except that the director will advertise the notice of intent in a newspaper of statewide circulation.
 - (4) Application.
- (a) After a general approval order has been issued, the owner or operator of a proposed new or modified source may apply to be covered under the conditions of the general approval order.

- (b) The owner or operator shall submit the application on forms provided by the director in lieu of the notice of intent requirements in Section R307-401-5 for all equipment covered by the general approval order.
- (c) The owner or operator may request that an existing, individual approval order for the source be revoked, and that it be covered by the general approval order.
- (d) The owner or operator that has applied to be covered by a general approval order shall not initiate construction, modification, or relocation until the application has been approved by the director.
 - (5) Approval.
- (a) The director will review the application and approve or deny the request based on criteria specified in the general approval order for that type of source. If approved, the director will issue an authorization to the applicant to operate under the general approval order.
- (b) The public notice requirements in <u>Section R307-401-7</u> do not apply to the approval of an application to be covered under the general approval order.
- (c) The director will maintain a record of all stationary sources that are covered by a specific general approval order and this record will be available for public review.
 - (6) Exclusions and Revocation.
- (a) The director may require any source that has applied for or is authorized by a general approval order to submit a notice of intent and obtain an individual approval order under <u>Section R307-401-8</u>. Cases where an individual approval order will be required include, but are not limited to, the following:
 - (i) the director determines that the source does not meet the criteria specified in the general approval order;
- (ii) the director determines that the application for the general approval order did not contain all necessary information to evaluate applicability under the general approval order;
 - (iii) modifications were made to the source that were not authorized by the general approval order or an individual approval order;
 - (iv) the director determines the source may cause a violation of a national ambient air quality standard; or
- (v) the director determines that one is required based on the compliance history and current compliance status of the source or applicant.
- (b)(i) Any source authorized by a general approval order may request to be excluded from the coverage of the general approval order by submitting a notice of intent under <u>Section R307-401-5</u> and receiving an individual approval order under <u>Section R307-401-8</u>.
- (ii) When the director issues an individual approval order to a source subject to a general approval order, the applicability of the general approval order to the individual source is revoked on the effective date of the individual approval order.
 - (7) Modification of General Approval Order. The director may modify, replace, or discontinue the general approval order.
- (a) Administrative corrections may be made to the existing version of the general approval order. These corrections are to correct typographical errors or similar minor administrative changes.
- (b) All other modifications or the discontinuation of a general approval order shall not apply to any source authorized under previous versions of the general approval order unless the owner or operator submits an application to be covered under the new version of the general approval order. Modifications under <u>Subsection</u> R307-401-19(7)(b) shall meet the public notice requirements in <u>Subsection</u> R307-401-19(3).
- (c) A general approval order shall be reviewed at least every three years. The review of the general approval order shall follow the public notice requirements of Subsection R307-401-19(3).
- (8) Modifications at a source covered by a general approval order. A source may make modifications only as authorized by the approved general approval order. Modifications outside the scope authorized by the approved general approval order shall require a new application for either an individual approval order under Section R307-401-8 or a general approval order under Section R307-401-19.

KEY: air pollution, permits, approval orders, greenhouse gases Date of Enactment or Last Substantive Amendment: June 6, 2019

Notice of Continuation: May 15, 2017

Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(q); 19-2-108

R307. Environmental Quality, Air Quality.

R307-415. Permits: Operating Permit Requirements.

R307-415-9. Fees for Operating Permits.

- (1) Definitions. The following definition applies only to <u>Subsection</u> R307-415-9: "Allowable emissions" are emissions based on the potential to emit stated by the director in an approval order, the State Implementation Plan or an operating permit.
- (2) Applicability. As authorized by Section [19-2-109.1]19-1-201, all Part 70 sources must pay [an-]annual fees[7] to support the operating permit program. [based on annual emissions of all chargeable pollutants.]
- [(a) Any Title IV affected source that has been designated as a "Phase I Unit" in a substitution plan approved by the Administrator under 40 CFR Section 72.41 shall be exempted from the requirement to pay an emission fee from January 1, 1995 to December 31, 1999.]
 - (3) Calculation of Annual Emission Fee for a Part 70 Source.
- (a) The emission fee shall be calculated for all chargeable pollutants emitted from a Part 70 source, even if only one unit or one chargeable pollutant triggers the applicability of $\underline{\text{Rule}}$ R307-415 to the source.
- (i) Fugitive emissions and fugitive dust shall be counted when determining the emission fee for a Part 70 source.
- (ii) An emission fee shall not be charged for emissions of any amount of a chargeable pollutant if the emissions are already accounted for within the emissions of another chargeable pollutant.
- (iii) An emission fee shall not be charged for emissions of any one chargeable pollutant from any one Part 70 source in excess of 4,000 tons per year.
- (iv) Emissions resulting directly from an internal combustion engine for transportation purposes or from a non-road vehicle shall not be counted when calculating chargeable emissions for a Part 70 source.
- (b) The emission fee <u>portion of the total fee</u> for an existing source prior to the issuance of an operating permit, shall be based on the most recent emission inventory available unless a Part 70 source elected, prior to July 1, 1992, to base the fee for one or more pollutants on allowable emissions established in an approval order or the State Implementation Plan.
- (c) The emission fee <u>portion of the total fee</u> after the issuance or renewal of an operating permit shall be based on the most recent emission inventory available unless a Part 70 source elects, prior to the issuance or renewal of the permit, to base the fee for one or more chargeable pollutants on allowable emissions for the entire term of the permit.
 - (d) When a new Part 70 source begins operating, it shall pay

[an] the emission fee portion of the total fee for that fiscal year, prorated from the date the source begins operating plus any additional Part 70 fees. The emission fee portion of the total fee for a new Part 70 source shall be based on allowable emissions until that source has been in operation for a full calendar year, and has submitted an inventory of actual emissions. If a new Part 70 source is not billed in the first billing cycle of its operation, the emission fee plus any additional fees shall be calculated using the emissions that would have been used had the source been billed at that time. This fee shall be in addition to any subsequent emission fees.

- (e) When a Part 70 source is no longer subject to Part 70, the emission fee <u>portion of the total fee</u> shall be prorated to the date that the source ceased to be subject to Part 70. If the Part 70 source has already paid an emission fee that is greater than the prorated fee, the balance <u>of the emission fee</u> will be refunded. <u>No other Part 70 fees</u> shall be refunded.
- (i) If that Part 70 source again becomes subject to the emission fee requirements, it shall pay an emission fee for that fiscal year prorated from the date the source again became subject to the emission fee requirements plus any additional fees typically charged for Part 70 sources for that year. The fee shall be based on the emission inventory during the last full year of operation. The emission fee shall continue to be based on actual emissions reported for the last full calendar year of operation until that source has been in operation for a full calendar year and has submitted an updated inventory of actual emissions.
- (ii) If a Part 70 source has chosen to base the emission fee on allowable emissions, then the prorated fee shall be calculated using allowable emissions.
- (f) Modifications. The method for calculating the emission fee for a source shall not be affected by modifications at that source, unless the source demonstrates to the director that another method for calculating chargeable emissions is more representative of operations after the modification has been made.
- (g) The director may presume that potential emissions of any chargeable pollutant for the source are equivalent to the actual emissions for the source if recent inventory data are not available.
 - (4) Collection of Fees.

- (a) The [emission] $\underline{Part 70}$ fees [is] \underline{are} due on October 1 of each calendar year or 45 days after the source has received notice of the amount of the fee, whichever is later.
- (b) The director may require any <u>owner or operator of the source</u> [person] who fails to pay the annual [emission] fees by the due date to pay interest on the fee and a penalty under <u>Subsection</u> 19-2-109.1(4)[(7)](a) or revoke the operating permit under <u>Subsection</u>

- $1 \quad \underline{19-2-109.1(4)(b)}$.
 - (c) An owner or operator [person] may contest [an emission] a Part 70 fee assessment, or associated penalty, under 19-2-109.1(5)[(8)].
- 5 (d) To reinstate the permit revoked under Subsection 6 19-2-109.1(4)(b), an owner or operator shall pay the outstanding fees, 7 a penalty of not more than 50% of outstanding fees, and interests on 8 the outstanding fees computed at 12% annually.

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- 10 KEY: air pollution, greenhouse gases, operating permit, emission
- 11 fees
- 12 Date of Enactment or Last Substantive Amendment: February 4, 2016
- 13 Notice of Continuation: May 15, 2017
- 14 Authorizing, and Implemented or Interpreted Law: 19-2-109.1;
- 15 **19-2-104**

State of Utah Administrative Rule Analysis

Revised May 2020

NOTICE OF PROPOSED RULE			
TYPE OF RULE: New; Amendment; Repeal; Repeal and Reenact			
Title No Rule No Section No.			
Utah Admin. Code Ref (R no.):	R307-415-9	Filing No. (Office Use Only)	
Changed to Admin. Code Ref. (R no.):	R		

Agency Information

	Age	ncy Information		
1. Department:	Environmental C	Environmental Quality		
Agency:	Air Quality			
Room no.:	Fourth Floor			
Building:	Multi Agency Sta	ate Office Building		
Street address:	195 N 1950 W			
City, state:	Salt Lake City, U	Salt Lake City, UT 84116		
Mailing address:	PO Box 144820	PO Box 144820		
City, state, zip:	Salt Lake City, U	Salt Lake City, UT 84116-4820		
Contact person(s):				
Name:	Phone:	Email:		
Liam Thrailkill	801-536-4419	Ithrailkill@utah.gov		
Plea	se address questions regar	ding information on this notice to the agency.		

General Information

2. Rule or section catchline:

Fees for Operating Permits

3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):

Due to Senate Bill 88 being passed by the Utah State Legislature in 2020, amendments were needed in R307-415-9 to bring the rule in line with Utah Code.

4. Summary of the new rule or change:

A general amendment throughout the subsections of R307-415-9 allows for additional fees to an annual emissions. The previous statute language only allowed a uniform annual fee based on tons emitted. Examples of the fees that may be allowed by these language changes could include annual fees, varying fees for different source sizes and types, administrative fees, etc. All fees are proposed annually with the Department of Environmental Quality's fee package that has a public comment period and public hearing each Fall, and then goes to the Legislature for approval during the annual legislative session. Additionally, there were multiple amendments throughout R307-415-9 to align with the state statute and clean up outdated language.

A public hearing is set for Monday, August 3, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Friday, July 31, 2020, at 5:00PM MT. The final status of the public hearing will be posted on Friday, July 31, after 5:00PM MT. The status of the public hearing may be checked at the following website location under the corresponding rule.

https://deg.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There are no direct fiscal impacts to the state budget as a result of this rulemaking. The only fiscal impacts will come from the additional fees to an annual emissions fee that are now allowed as a result of this rulemaking. However, those fees are proposed from the Department of Environmental Quality's fee package which is sent to the Legislature for approval. Therefore, there are no fiscal impacts resulting from these amendments.

B) Local governments:

Local governments are not impacted from this rulemaking and therefore experience no fiscal impacts.

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

There are no direct fiscal impacts to small businesses as a result of this rulemaking. The only fiscal impacts will come from the additional fees to an annual emissions fee that are now allowed as a result of this rulemaking. However, those fees are proposed from the Department of Environmental Quality's fee package which is sent to the Legislature for approval. Therefore, there are no fiscal impacts resulting from these amendments.

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

There are no direct fiscal impacts to non-small businesses as a result of this rulemaking. The only fiscal impacts will come from the additional fees to an annual emissions fee that are now allowed as a result of this rulemaking. However, those fees are proposed from the Department of Environmental Quality's fee package which is sent to the Legislature for approval. Therefore, there are no fiscal impacts resulting from these amendments.

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*):

The rule amendments to R307-415-9 do not apply to persons other than small businesses, non-small businesses, state, or local government entities and therefore have no fiscal impacts on them.

F) Compliance costs for affected persons:

There are no additional compliance costs for affected persons as a result of this rulemaking.

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	FY2021	FY2022	FY2023	
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				
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 approval of regulatory impact analysis:

The head of the Department of Environmental Quality, L. Scott Baird, has reviewed and approved of this fiscal analysis.

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

This rulemaking, as required by Senate Bill 88 in the 2020 Utah Legislative Session, has no fiscal impact on businesses. The only changes may come in the future from the allowance of additional fees to an annual emissions fee, but those fees are enacted by the Legislature as proposed by the Department of Environmental Quality in the fee package sent each general session.

B) Name and title of department head co	mmenting on the fiscal impacts:			
L. Scott Baird, Executive Director				
	Citation Information			
	7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):			
19-2-104	19-2-108			
	ncorporations by Reference Informations than two items by reference, plea			
8. A) This rule adds, updates, or remove incorporated by reference must be submitted.		corporated by references (a copy of materials s, if none, leave blank):		
	First Incorporation			
Official Title of Materials Incorporated (from title page)				
Publisher				
Date Issued				
Issue, or version				
B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; <i>if none, leave blank</i>):				
	Second Incorporation			
Official Title of Materials Incorporated				
(from title page) Publisher				
Date Issued				
Issue, or version				
issue, or version	issue, or version			
	Public Notice Information			
9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)				
A) Comments will be accepted until (mm	•••••	08/03/2020		
B) A public hearing (optional) will be he				
On (mm/dd/yyyy):	` '	At (place):		
08/03/2020		Multi Agency State Office Building Division of Air Quality, Fourth Floor 195 N 1950 W Salt Lake City, UT 84116		
<u> </u>				

10. This rule change MAY become effective on (mm/dd/yyyy): 09/03/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

Agency head or designee, and title:

Date (mm/dd/yyyy):

R307. Environmental Quality, Air Quality.

R307-415. Permits: Operating Permit Requirements.

R307-415-9. Fees for Operating Permits.

- (1) Definitions. The following definition applies only to <u>Subsection</u> R307-415-9: "Allowable emissions" are emissions based on the potential to emit stated by the director in an approval order, the State Implementation Plan or an operating permit.
- (2) Applicability. As authorized by Section [19-2-109.1]19-1-201, all Part 70 sources must pay [an-]annual fees[5] to support the operating permit program. [based on annual emissions of all chargeable pollutants.]
- [(a) Any Title IV affected source that has been designated as a "Phase I Unit" in a substitution plan approved by the Administrator under 40 CFR Section 72.41 shall be exempted from the requirement to pay an emission fee from January 1, 1995 to December 31, 1999.]
 - (3) Calculation of Annual Emission Fee for a Part 70 Source.
- (a) The emission fee shall be calculated for all chargeable pollutants emitted from a Part 70 source, even if only one unit or one chargeable pollutant triggers the applicability of Rule R307-415 to the source.
 - (i) Fugitive emissions and fugitive dust shall be counted when determining the emission fee for a Part 70 source.
- (ii) An emission fee shall not be charged for emissions of any amount of a chargeable pollutant if the emissions are already accounted for within the emissions of another chargeable pollutant.
- (iii) An emission fee shall not be charged for emissions of any one chargeable pollutant from any one Part 70 source in excess of 4,000 tons per year.
- (iv) Emissions resulting directly from an internal combustion engine for transportation purposes or from a non-road vehicle shall not be counted when calculating chargeable emissions for a Part 70 source.
- (b) The emission fee <u>portion of the total fee</u> for an existing source prior to the issuance of an operating permit, shall be based on the most recent emission inventory available unless a Part 70 source elected, prior to July 1, 1992, to base the fee for one or more pollutants on allowable emissions established in an approval order or the State Implementation Plan.
- (c) The emission fee <u>portion of the total fee</u> after the issuance or renewal of an operating permit shall be based on the most recent emission inventory available unless a Part 70 source elects, prior to the issuance or renewal of the permit, to base the fee for one or more chargeable pollutants on allowable emissions for the entire term of the permit.
- (d) When a new Part 70 source begins operating, it shall pay [an]the emission fee portion of the total fee for that fiscal year, prorated from the date the source begins operating plus any additional Part 70 fees. The emission fee portion of the total fee for a new Part 70 source shall be based on allowable emissions until that source has been in operation for a full calendar year, and has submitted an inventory of actual emissions. If a new Part 70 source is not billed in the first billing cycle of its operation, the emission fee plus any additional fees shall be calculated using the emissions that would have been used had the source been billed at that time. This fee shall be in addition to any subsequent emission fees.
- (e) When a Part 70 source is no longer subject to Part 70, the emission fee <u>portion of the total fee</u> shall be prorated to the date that the source ceased to be subject to Part 70. If the Part 70 source has already paid an emission fee that is greater than the prorated fee, the balance of the emission fee will be refunded. No other Part 70 fees shall be refunded.
- (i) If that Part 70 source again becomes subject to the emission fee requirements, it shall pay an emission fee for that fiscal year prorated from the date the source again became subject to the emission fee requirements <u>plus any additional fees typically charged for Part 70 sources for that year</u>. The fee shall be based on the emission inventory during the last full year of operation. The emission fee shall continue to be based on actual emissions reported for the last full calendar year of operation until that source has been in operation for a full calendar year and has submitted an updated inventory of actual emissions.
- (ii) If a Part 70 source has chosen to base the emission fee on allowable emissions, then the prorated fee shall be calculated using allowable emissions.
- (f) Modifications. The method for calculating the emission fee for a source shall not be affected by modifications at that source, unless the source demonstrates to the director that another method for calculating chargeable emissions is more representative of operations after the modification has been made.
- (g) The director may presume that potential emissions of any chargeable pollutant for the source are equivalent to the actual emissions for the source if recent inventory data are not available.
 - (4) Collection of Fees.
- (a) The [emission]Part 70 fees [is]are due on October 1 of each calendar year or 45 days after the source has received notice of the amount of the fee, whichever is later.
- (b) The director may require any <u>owner or operator of the source [person-]</u> who fails to pay the annual [<u>emission-]</u> fees by the due date to pay interest on the fee and a penalty under <u>Subsection 19-2-109.1(4)[(7)](a) or revoke the operating permit under Subsection 19-2-109.1(4)(b).</u>
- (c) An owner or operator [-person]may contest [an emission]a Part 70 fee assessment, or associated penalty, under 19-2-109.1(5)[(8)].
- (d) To reinstate the permit revoked under Subsection 19-2-109.1(4)(b), an owner or operator shall pay the outstanding fees, a penalty of not more than 50% of outstanding fees, and interests on the outstanding fees computed at 12% annually.

KEY: air pollution, greenhouse gases, operating permit, emission fees Date of Enactment or Last Substantive Amendment: February 4, 2016 Notice of Continuation: May 15, 2017 Authorizing, and Implemented or Interpreted Law: 19-2-109.1; 19-2-104

R307-801 May 21, 2020 Page 1 of 1

R307. Environmental Quality, Air Quality.

R307-801. Utah Asbestos Rule.

R307-801-1. Purpose and Authority.

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

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- 15 KEY: air pollution, asbestos, asbestos hazard emergency response, 16 schools
- 17 Date of Enactment or Last Substantive Amendment: May 5, 2016
- 18 Notice of Continuation: March 8, 2018
- 19 Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(d);
- 20 19-2-104(3)(r) through (t); 40 CFR Part 61, Subpart M; 40 CFR Part
- 21 **763, Subpart E**

State of Utah Administrative Rule Analysis

Revised May 2020

	NOTICE OF PROPOSED RULE	
TYPE OF RULE: New; Amendment	_; Repeal; Repeal and Reenact	
	Title No Rule No Section No.	
Utah Admin. Code Ref (R no.):	R307-801-1	Filing No. (Office Use Only)
Changed to Admin. Code Ref. (R no.):	R	

Agency Information

	Age	incy information		
1. Department:	Environmental C	Quality		
Agency:	Air Quality			
Room no.:	Fourth Floor			
Building:	Multi Agency Sta	ate Office Building		
Street address:	195 N 1950 W			
City, state:	Salt Lake City, U	JT 84116		
Mailing address:	PO Box 144820			
City, state, zip:	Salt Lake City, U	JT 84116-4820		
Contact person(s):	Contact person(s):			
Name:	Phone:	Email:		
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov		
Please address questions regarding information on this notice to the agency.				
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General Information

2. Rule or section catchline:

Purpose and Authority

3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):

Due to Senate Bill 88 being passed by the Utah State Legislature in 2020, amendments were needed in R307-801-1 to bring the rule in line with Utah Code.

4. Summary of the new rule or change:

The amendments to R307-801-1 merely update the reference to the Utah Code as amended by Senate Bill 88.

A public hearing is set for Monday, August 3, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Friday, July 31, 2020, at 5:00PM MT. The final status of the public hearing will be posted on Friday, July 31, after 5:00PM MT. The status of the public hearing may be checked at the following website location under the corresponding rule.

https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There are no anticipated costs or savings to the state budget because the amendments merely update the reference to the Utah Code as amended by Senate Bill 88.

B) Local governments:

There are no anticipated costs or savings to local governments because the amendments merely update the reference to the Utah Code as amended by Senate Bill 88.

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

There are no anticipated costs or savings to small businesses because the amendments merely update the reference to the Utah Code as amended by Senate Bill 88.

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

There are no anticipated costs or savings to non-small businesses because the amendments merely update the reference to the Utah Code as amended by Senate Bill 88.

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*):

There are no anticipated costs or savings to persons other than small businesses, non-small businesses, state, or local government entities as the amendments merely update the reference to the Utah Code as amended by Senate Bill 88.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons as a result of this rulemaking, as the amendments merely update the reference to the Utah Code as amended by Senate Bill 88.

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	FY2021	FY2022	FY2023	
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				
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 approval of regulatory impact analysis:

The head of the Department of Environmental Quality, L. Scott Baird, has reviewed and approved of this fiscal analysis.

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

The amendments to R307-801-1 merely update the references to the Utah Code as amended in Senate Bill 88 of the 2020 Utah Legislative Session and therefore have no fiscal impact on businesses.

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

L. Scott Baird, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):			
19-2-104(1)(d)	19-2-104(3)(r) through (t)	40 CFR Part 61. Subpart M	
40 CFR Part 763. Subpart E			

(If this rule incorporates more than two items by reference, please include additional tables.)

8. 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):

		First Incorporation		
Official Title of Ma	aterials Incorporated (from title page)			
	Publisher			
	Date Issued			
	Issue, or version			
		•		
		he following title of mater of to the Office of Administration		porated by references (a copy of materials ; if none, leave blank):
		Second Incorporation		
Official Title of Ma	aterials Incorporated			
	(from title page) Publisher			
	Date Issued			
	Issue, or version			
		Public Notice Infor	mation	
hearing by submitting	a written request to th	ne agency. The agency is re	equired to I	in box 1. (The public may also request a hold a hearing if it receives requests from ten
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R307. Environmental Quality, Air Quality.

R307-801. Utah Asbestos Rule.

R307-801-1. Purpose and Authority.

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

KEY: air pollution, asbestos, asbestos hazard emergency response, schools

Date of Enactment or Last Substantive Amendment: May 5, 2016

Notice of Continuation: March 8, 2018

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(d); 19-2-104(3)(r) through (t); 40 CFR Part 61, Subpart M; 40 CFR

Part 763, Subpart E

ITEM 9

Air Toxics



Department of Environmental Quality

L. Scott Baird Executive Director

DIVISION OF AIR QUALITY Bryce C. Bird Director

DAQA-233-20

MEMORANDUM

TO	A' O 1' D 1
TO:	Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: May 11, 2020

SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities –

April 2020

Asbestos Demolition/Renovation NESHAP Inspections	4	
Asbestos AHERA Inspections	4	
Asbestos State Rules Only Inspections	4	
Asbestos Notification Forms Accepted	155	
Asbestos Telephone Calls	361	
Asbestos Individuals Certifications Approved	56	
Asbestos Company Certifications/Re-Certifications	4/8	
Asbestos Alternate Work Practices Approved/Disapproved	1/0	
Lead-Based Paint (LBP) Inspections	1	
LBP Notification Forms Approved	1	
LBP Telephone Calls	51	
LBP Letters Prepared and Mailed	3	
LBP Courses Reviewed/Approved	0	
LBP Course Audits	0	
LBP Individual Certifications Approved	33	

DAQA-233-20 Page 2

LBP Firm Certifications	11
Notices of Violation Sent	0
Compliance Advisories Sent	8
Warning Letters Sent	2
Settlement Agreements Finalized	0
Penalties Agreed to:	

Compliance



Department of Environmental Quality

L. Scott Baird Executive Director

DIVISION OF AIR QUALITY Bryce C. Bird Director

DAQC-673-20

MEMORANDUM

TO:	Jay Morris,	Compliance	Branch	Manager

FROM: Harold Burge, Major Source Compliance Manager

DATE: May 13, 2020

SUBJECT: Compliance Activities – April 2020

Annual Inspections Conducted:

Major	8
Synthetic Minor	
Minor	
On-Site Stack Test Audits Conducted:	0
Stack Test Report Reviews:	48
On-Site CEM Audits Conducted:	0
Emission Reports Reviewed:	8
Temporary Relocation Requests Reviewed & Approved:	0
Fugitive Dust Control Plans Reviewed & Accepted:	61
Burn Permits Issued:	127
Soil Remediation Report Reviews:	2
¹ Miscellaneous Inspections Conducted:	13

Breakdown Reports Received:	1
•	
Compliance Actions Resulting from a Breakdown:	0
Warning Letters Issued:	0
Notices of Violation Issued:	0
Unresolved Notices of Violation	
Altech Recovery	11/25/2019
Citation Oil and Gas (2)	01/08/2020
Reaction Cargo	01/09/2020
University of Utah	07/18/2019
University of Utah	02/10/2020
US Magnesium	01/08/2019
US Magnesium	03/02/2018
US Magnesium	08/27/2015
Compliance Advisories Issued:	9
No Further Action Letters Issued	3
Settlement Agreements Reached:	4
Brenntag Pacific	\$583
SME Industries	\$583
SLCC	\$359
CH-4 Finley Operating	\$2951

¹Miscellaneous inspections include, e.g., surveillance, level I inspections, VOC inspections, complaints, on-site training, dust patrol, smoke patrol, open burning, etc.

Air Monitoring

