

NOTICE OF  
PROPOSED RULE AMENDMENT

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

Agency Information

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

Contact person(s):

Name:	Phone:	Fax:	E-mail:
Mark Berger	801-536-4000	801-536-0085	mberger@utah.gov

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

Rule Information

DAR file no: 39166 Date filed: 03/04/2015 03:51 PM  
 State Admin Rule Filing Key: 156035  
 Utah Admin. Code ref. (R no.): R 307 - 110 - 28  
 Changed to Admin. Code ref. (R no.): - -

Title

2. Title of rule or section (catchline):  
 Regional Haze

Notice Type

3. Type of notice: Amendment

#### Rule Purpose

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

On 10/01/2014, the Air Quality Board proposed amending state implementation plan (SIP) Section XX.D.6, Regional Haze, Long-Term Strategy for Stationary Sources, Best Available Control Technology (BART) Assessment for NOx and PM. The amendments to the SIP were proposed because on 12/14/2012, the EPA approved the majority of Utah's Regional Haze SIP (RH SIP), but disapproved Utah's Best Available Retrofit Technology (BART) determinations for NOx and particulate matter (PM) for PacifiCorp's Hunter Unit 1, Hunter Unit 2, Huntington Unit 1, and Huntington Unit 2 that were adopted by the Air Quality Board in 2008. Specifically, EPA determined that the SIP did not contain a five-factor analysis as required by the rule. Therefore, the proposed amendment to the SIP included a 5-factor analysis. A public comment period for the proposed SIP amendments was held from 11/01/2014 through 12/22/2014, and a number of public comments were received. After reviewing the comments and consulting with EPA, Division of Air Quality staff determined that an alternative to BART approach that considers the additional emission reductions due to the expected closure of the PacifiCorp Carbon plant and controls installed on PacifiCorp Hunter Unit 3 in 2008 would both provide greater reasonable progress towards improved visibility at Utah's Class I areas and be approvable by EPA. This alternative to BART approach was proposed for public comment by the Air Quality Board and is available for public review at <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Pubrule.htm>. Because Section R307-110-28 incorporates by reference the latest version of Utah's regional haze SIP Section XX adopted by the Air Quality Board, the rule needs to be amended as well. The public review and comment period for proposed SIP amendments, the technical support documentation, and the proposed amendment to Section R307-110-28 will run simultaneously.

#### Response Information

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

No

#### Rule Summary

6. Summary of the rule or change:

The rule is changed to incorporate the version of the regional haze SIP as adopted by the Air Quality Board on 06/03/2015. The SIP is amended to explicitly identify an alternative to BART for NOx that keeps in place the current NOx emission limits for PacifiCorp Hunter 1 and 2 and PacifiCorp Huntington 1 and 2 that are more stringent than EPA's presumptive BART limits; takes credit for installation of low-NOx burners at PacifiCorp Hunter 3 in 2008; and makes enforceable the expected closure of PacifiCorp Carbon 1 and 2.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

There are no changes in the SIP or the rule that affect the state; therefore, there are no anticipated costs or savings to the state budget.

B) Local government:

Affected: No

There are no changes to the SIP or the rule that affect local governments; therefore, there are no anticipated costs or savings.

C) Small businesses:

Affected: No

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

The changes made to the SIP address an alternative to BART for PacifiCorp. Because PacifiCorp employs more than 50 persons, there are no anticipated costs or savings to small businesses.

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

Affected: No

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

Because the changes made to the SIP only affect PacifiCorp, there are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities.

Compliance Cost Information

8. Compliance costs for affected persons:

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

Department Head Comments

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

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

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

Amanda Smith, Executive Director

Citation Information

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

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

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from titleUtah State Implementation Plan, Section XX, Regional page):Haze  
 Publisher:Utah Division of Air Quality  
 Date Issued:06/03/2015  
 Issue, or version:  
 ISBN Number:  
 ISSN Number:  
 Cost of Incorporated Reference:  
 Adds, updates, removes:Updates

Comments

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

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

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

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

Proposed Effective Date

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

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

Indexing Information

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

- air pollution
- ozone
- PM10
- PM2.5

File Information

15. Attach an RTF document containing the text of this rule change (filename):

There is a document associated with this rule filing.

To the Agency

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

Agency Authorization

Agency head or designee, and title:

Bryce Bird Director

Date (mm/dd/yyyy): 03/04/2015