

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: |
|---------------|--------------|--------------|--------------------|
| Ryan Stephens | 801-536-4419 | 801-536-0085 | rstephens@utah.gov |

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

Rule Information

DAR file no: 39554 Date filed: 07/30/2015 03:41 PM
 State Admin Rule Filing Key: 156475
 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 06/03/2015, the Air Quality Board adopted revisions to Utah's state implementation plan (SIP) Section XX, Regional Haze. As of 07/22/2015, the SIP is pending approval from the EPA. Utah's Division of Air Quality recognizes that, historically, the EPA can more easily approve a SIP submission that contains a section known as an enforceable commitment. The enforceable commitment will ensure that emissions reductions from the closure of the Carbon Power Plant are not double counted and that the Regional Haze SIP is enforceable as a practical matter. The purpose of this rule is to incorporate the enforceable commitment section of the SIP by reference into Utah's Air Quality Rules. A public review and comment period for the enforceable commitment and the proposed amendments to Section R307-110-28 will run simultaneously. The enforceable commitment is available for public review at <http://www.deq.utah.gov/NewsNotices/notices/air/Pubrule.htm>.

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 enforceable commitment found in Section XX.N of the Regional Haze SIP on the date it is adopted by the Air Quality Board. The SIP is amended to include an enforceable commitment that ensures emissions reductions from the closure of the Carbon Power Plant are not double counted and that the SIP is enforceable as a practical matter.

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 will affect the state of Utah. 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 enforceable commitment section ensures that the alternative to BART for PacifiCorp is enforceable and that emissions are not double counted. PacifiCorp employs more than 50 people. Therefore, 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)

The enforceable commitment section of the Regional Haze SIP merely clarifies that the SIP, as previously approved, will be enforced and implemented without double counting the emissions from the Carbon units that are being shut down. Therefore, no other persons will be affected.

Compliance Cost Information

8. Compliance costs for affected persons:

The enforceable commitment section of the Regional Haze SIP merely clarifies that the SIP, as previously approved, will be enforced and implemented without double counting the emissions from the Carbon units that are being shut down. Therefore, there are no additional compliance costs resulting from the rule or the amended SIP.

Department Head Comments

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

The enforceable commitment section of the Regional Haze SIP merely clarifies that the SIP, as previously approved, will be enforced and implemented without double counting the emissions from the Carbon units that are being shut down. Therefore, the revisions to both the rule and the SIP will not result in additional fiscal impacts on businesses.

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

Alan Matheson, 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:09/21/2015
 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) :

09/14/2015

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):

09/21/2015

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
 PM10
 ozone
 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): 07/22/2015