

# State of Utah 110(a)(2) SIP Infrastructure Elements for PM<sub>2.5</sub>

## Section 110(a)(2)(A): Emission Limits and Other Control Measures

### Requirement Summary

*"Each such plan shall. . . include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this chapter."* 42 U.S.C. 7410 (a)(2)(A).

### Utah's Infrastructure

SIP Section 1 (*Legal Authority*) identifies the statutory provisions that allow adoption of standards and limitations for attainment and maintenance of national standards. This section of the SIP was codified at R307-110-2, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

SIP Sections IX Part A identifies control measures for sources of particulate matter. This section of the SIP was developed to meet the NAAQS requirements for particulate matter (both PM<sub>10</sub> and PM<sub>2.5</sub>). Section IX Part A includes control measures for area and point sources for fine particulate matter. *See Section IX Part A.21- 23*. In 2013 this section was expanded to address the 2006 24-hour NAAQS for PM<sub>2.5</sub>. The most recent update to this section was submitted to the EPA on December 22, 2014. EPA has not yet acted upon the recent updates to Section IX Part A.

SIP Section II (*Review of New and Modified Air Pollution Sources*) provides that new or modified sources of air pollution must submit plans to the Utah Division of Air Quality and receive approval orders before operating. SIP Section II was codified at R307-110-3, and EPA approved the SIP most recently on June 25, 2003 at 68 FR 37744. The Utah Air Quality Rule R307-401 establishes a minor source permitting program in the state for new and modified sources, and was most recently approved by EPA on May 5, 1995 at FR 60 FR 22277.

SIP Section VIII (*Prevention of Significant Deterioration*) was established as required by the Clean Air Act and applies to all air pollutants regulated under the CAA. SIP Section VIII was codified at R307-110-9 and R307-405, and EPA approved it most recently on July 15, 2011 at 76 FR 41712. On April 14, 2011 Utah submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon this submittal.

## Section 110(a)(2)(B): Ambient Air Quality Monitoring or Data System

### Requirement Summary

*"Each such plan shall. . . provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to (i) monitor, compile, and analyze data on*

*ambient air quality, and (ii) upon request, make such data available to the Administrator."* 42 U.S.C. 7410 (a)(2)(B).

### **Utah's Infrastructure**

SIP Section IV (*Ambient Air Monitoring Program*) outlines Utah's air quality surveillance network that meets the provisions of 40 CFR Part 58. This section of the SIP was codified at R307-110-5, and EPA approved it most recently on June 25, 2003 at 68 FR 37744. Utah prepares an Annual Network Review as required by 40 CFR 58.10. The plan is made available for public comment and is submitted to EPA by July 1st of each year. DAQ submits data to EPA's Air Quality System (AQS) as required by 40 CFR Part 58.

In 2012 EPA revised the NAAQS for the primary annual PM<sub>2.5</sub> standard. The standard was set at 12.0 µg/m<sup>3</sup>. At this time there are no designated non-attainment sites for the 2012 annual standard. While the state is in compliance with the 2012 annual standard of 12.0 µg/m<sup>3</sup>, three areas are designated as non-attainment for the 24-hour standard of 35 µg/m<sup>3</sup>. DAQ currently operates 24-hour Federal Reference Method (FRM) PM<sub>2.5</sub> samplers throughout the state to demonstrate compliance with NAAQS, evaluate population exposure, support SIP development and model performance evaluation as well as monitor PM levels in source and receptor areas. The state also operates Federal Equivalent Method (FEM) PM<sub>2.5</sub> samplers at 8 sites throughout the state. Eventually FEM continuous monitors will replace the existing FRM monitors in the network.

DAQ's 2015 Annual Monitoring Network Plan demonstrates that the state is in compliance with federal requirements for monitoring PM<sub>2.5</sub>. It also includes a description of how DAQ has complied with monitoring requirements, and an explanation of proposed changes to the network. Any changes in monitoring requirements for a new or revised NAAQS will be met by the state and demonstrated in the annual or five year network plan. This plan, which doubles as the five year network plan required by 40 C.F.R. 58.10(d), was submitted to EPA on July 1, 2015.

Monitoring data is available to EPA upon request.

## **Section 110(a)(2)(C): Programs for Enforcement, PSD, and NSR**

### **Requirement Summary**

*"Each such plan shall. . . include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D of this subchapter."*

### **Utah's Infrastructure**

SIP Section I (*Legal Authority*) identifies the statutory provisions that allow DAQ to prevent construction, modification or operation of any stationary source at any location where emissions from such source will prevent the attainment or maintenance of a national standard or interfere

with prevention of significant deterioration requirements (See I.A.1.d). SIP Section I was codified at R307-110-2, and EPA most recently approved the SIP on June 25, 2003 at 68 FR 37744.

SIP Section II (*Review of New and Modified Air Pollution Sources*) provides that new or modified sources of air pollution must submit plans to the Utah Division of Air Quality and receive approval orders before operating. SIP Section II was codified at R307-110-3, and EPA approved the SIP most recently on June 25, 2003 at 68 FR 37744. The Utah Air Quality Rule R307-401 establishes a minor source permitting program in the state for new and modified sources. R307-401 was most recently approved by EPA on May 5, 1995 at FR 60 FR 22277. Utah's permitting rules require sources to install best available control technology (BACT) for all pollutants, including PM<sub>2.5</sub>. See R307-401-8.

SIP Section VIII (*Prevention of Significant Deterioration*) was established as required by the Clean Air Act and applies to all air pollutants regulated under the CAA. SIP Section VIII was codified at R307-110-9 and R307-405, and EPA approved it most recently on July 15, 2011 at 76 FR 41712. On April 14, 2011 Utah submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon this submittal.

## **Section 110(a)(2)(D)(i): Interstate Transport Provisions**

### **Requirement Summary**

*"Each such plan shall ... contain adequate provisions: prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any such national primary or secondary ambient air quality standard, or interfere with measures required to be included in the applicable implementation plan for any other state under part C of this subchapter to prevent significant deterioration of air quality to protect visibility."*

### **Utah's Infrastructure**

SIP Section XXIII.B (Interstate Transport) demonstrates that sources and emissions activities resulting in PM<sub>2.5</sub> emissions within the state of Utah do not contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any national primary or secondary ambient air quality standards. SIP Section XXIII was codified at R307-110-37, and EPA approved it most recently on March 28, 2008 at 73 FR 16543.

SIP Section XXIII.C demonstrates that Utah's SIP Section VIII (PSD) ensures that Utah does not interfere with PSD implementation in other states. SIP Section VIII (PSD) and Utah Air Quality Rule R307-405 hold new major sources and major source modifications subject to the Prevention of Significant Deterioration program outlined at 40 CFR 51.166. SIP Section VIII was codified at R307-110-9, and EPA approved it most recently on July 15, 2011 at 76 FR 41712. On April 14, 2011 Utah submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon this submittal.

SIP Section XXIII.D and XX (Regional Haze) demonstrate that Utah prohibits emissions within the state from interfering with the programs of other states to protect visibility. SIP Section XX determined that sources in Utah do not interfere with visibility plans developed by other states. Utah consulted with other states in the Western Regional Air Partnership and reductions in emissions from Utah were included in the regional visibility modeling. Authority for this section is located in Section 19-2-104, UCA. SIP Section XX was codified at R307-110-28. Amendments to SIP Section XX were submitted to EPA June 11, 2015. EPA has not yet acted upon this submittal.

The 2012 PM<sub>2.5</sub> nonattainment areas nearest Utah are in California and Idaho. One of the non-attainment areas in Idaho is the Logan, UT non-attainment area. The majority of this area is in the state of Utah itself. The Utah State SIP Section IX demonstrates that attainment can be achieved by December 31, 2015. Because Utah's SIP also ensures prevention of significant deterioration in the Logan, UT non-attainment area, Utah will not contribute to non-attainment of that area, which is partially in Idaho.

Regarding the West Silver Valley, ID non-attainment area, Utah does not significantly contribute to its non-attainment status. This is because PM<sub>2.5</sub> issues in that area are mostly due to wood combustion and low wind speeds during the wintertime. Utah's PM<sub>2.5</sub> is caused by ammonium nitrate, not wood smoke. The distance of nearly five hundred miles between the Utah border and the West Silver Valley, ID non-attainment area is also indicative of the fact that Utah does not significantly contribute to non-attainment in Idaho. PM<sub>2.5</sub> does not travel very far from the state of Utah. This is due to several factors. One of the main reasons is because Utah's PM<sub>2.5</sub> problems occur during the winter time inversion. These are periods of low winds and stagnant air. When wind does come in to transport the PM<sub>2.5</sub> it disperses the pollutants before they would be able to travel to northern Idaho.

In our January 31, 2013 infrastructure certification for the 2008 ozone NAAQS, we cited EPA Administrator Gina McCarthy's November 19, 2012 memo which outlined EPA's intention to abide by the EME Homer City decision (EME Homer City Generation, L.P. v. E.P.A., 696 F.3d 7 (D.C. Cir. 2012)). This decision required EPA to quantify state transport obligations before deeming SIPs deficient. We noted that EPA had not quantified Utah's obligation, and that our infrastructure SIP was therefore adequate. However, on April 29, 2014, the U.S. Supreme Court reversed and remanded the D.C. Circuit's EME Homer City ruling and upheld EPA's approach in CSAPR (EPA v. EME Homer City Generation, L.P., 134 S. Ct. 1584, 1610 (2014)). As a result of the Supreme Court reversal and remand, each state is again required to address the interstate transport requirements of 110(a)(2)(D)(i) regardless of whether EPA has quantified the state's obligation. Given the change in legal interpretation of interstate transport since January 2013, we are updating the 110(a)(2)(D)(i) section of our 2008 ozone NAAQS infrastructure certification to reflect the current requirements.

Utah does not significantly contribute to ozone non-attainment areas in Denver and Southern California. Regarding Denver, the EPA has recently modeled that Utah will contribute 1.59 ppb of ozone to the Denver, Boulder, Greeley-Ft. Collins-Loveland, Colorado non-attainment area (Denver area).

Not only does Utah not believe its contributions to Colorado's ozone levels are significant, but Utah also has state rules in place that will reduce its overall contribution even further. For example, the following rules will help reduce Ozone emissions and transport in the future: 1) R307-343 regulates VOC emissions from wood furniture manufacturing operations. Stricter limits went into effect January 1, 2015. 2) R307-344 limits volatile organic compound (VOC) emissions from roll, knife, and rotogravure coaters and drying ovens of paper, film, and foil coating operations. 3) R307-345 limits volatile organic compound VOC emissions from fabric and vinyl coating operations. 4) R307-346 limits VOC emissions from metal furniture coatings. 5) R307-347 limits VOC emissions from large appliance surface coatings. 6) R307-348 reduces VOC emissions from magnet wire coating operations. 7) R307-349 limits VOC emissions from flat wood panel coatings operations. 8) R307-350 limits VOC emissions from miscellaneous metal parts and products coatings operations. 9) R307-351 limits VOC emissions from graphic art operations. 10) R307-352 limits VOC emissions from container, closure, and coil coatings operations. 11) R307-353 limits VOC emissions from plastic parts coatings operations. 12) R307-354 limits VOC emissions from automotive refinishing operations. 13) R307-355 limits VOC emissions from aerospace manufacture and rework facilities. 14) R307-356 limits VOC emissions from appliance pilot lights. 15) R307-361 limits VOC emissions from architectural coatings. These area source rules either reduce or have been amended to expand their application to reduce VOC emissions in Utah since 2014. Because VOC is a precursor to ozone, these rules will help reduce ozone emissions coming from Utah and will reduce ozone transport in the process.

Another rule that will reduce ozone emissions by reducing a precursor is Utah's new water heater rule found at R307-230. This rule prohibits the sale of water heaters that do not comply with low NOx emission rates. The rule will begin to be implemented on November 1, 2017. NOx is also a precursor to ozone, and it will help reduce Utah's contribution to both Colorado and California.

In regard to Southern California, Utah does not believe it significantly contributes to non-attainment and maintenance areas for ozone. This is because of the aforementioned area source rules reducing VOC emissions and NOx emissions. It is also because of the general west to east wind direction in the state of Utah. Because of this wind, it is unlikely that ozone coming from Utah is having a significant impact on California.

## **Section 110(a)(2)(D)(ii): Interstate and International Transport Provisions**

### **Requirement Summary**

*"Each such plan shall. . . contain adequate provisions insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement)."*

### **Utah's Infrastructure**

EPA has not identified any PM<sub>2.5</sub> sources in Utah that endanger public health or the welfare of a foreign country. Therefore, Utah is not subject to Section 115 of the Clean Air Act.

SIP Section VIII (*Prevention of Significant Deterioration*) was established as required by the Clean Air Act and applies to all air pollutants regulated under the CAA. In accordance with 40 CFR 51.166(q)(2)(iv), SIP Section VIII requires the Director to notify neighboring states of potential impacts from new major sources or major modifications of PM<sub>2.5</sub>. SIP Section VIII was codified at R307-110-9 and R307-405, and EPA approved it most recently on July 15, 2011 at 76 FR 41712. On April 14, 2011 Utah submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon these revisions. The PSD SIP and R307-405 contain adequate provisions to be in compliance with Section 126 of the Clean Air Act.

No sources or sources within the state [or tribal area] are the subject of an active finding under section 126 of the CAA with respect to PM<sub>2.5</sub>. Regarding section 115, there are no final findings against Utah [or a tribal area] with respect to PM<sub>2.5</sub>.

SIP Section XX (Regional Haze) determined that sources in Utah do not interfere with visibility plans developed by other states. Utah consulted with other states in the Western Regional Air Partnership and reductions in emissions from Utah were included in the regional visibility modeling. Authority for this section is located in Section 19-2-104, UCA. SIP Section XX was codified at R307-110-28. SIP Section XX was amended and submitted to EPA June 11, 2015. EPA has not yet acted upon this submittal.

### **Section 110(a)(2)(E)(i): Adequate Personnel, Funding, and Authority**

#### **Requirement Summary**

*"Each such plan shall. . . provide: (i) necessary assurances that the state (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the state or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under state (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of federal or state law from carrying out such implementation plan or portion thereof)"*

#### **Utah's Infrastructure**

SIP Section V (*Resources*) commits to implement program activities in relation to resources provided by the annual State or EPA Agreement and Section 105 grant applications. SIP Section V (*Resources*) was codified at R307-110-6, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

Utah Air Quality Rule R307-414, *Permits: Fees for Approval Orders*, requires the owner and operator of each new major source or major modification to pay a fee sufficient to cover the reasonable costs of reviewing and acting upon the notice of intent and implementing and enforcing requirements placed on such source by any approval order issued.

### **Section 110(a)(2)(E)(ii): Adequate Personnel, Funding, and Authority**

### **Requirement Summary**

*"Each such plan shall. . . provide . . .(ii) requirements that the state comply with the requirements respecting state boards under section 128."*

### **Utah's Infrastructure**

SIP Section I (*Legal Authority*) identifies the statutory provisions that implement the provisions of Section 128 of the Clean Air Act respecting State Boards (See I.A.1.g). SIP Section I was codified at R307-110-2, and EPA approved it most recently on June 25, 2003 at 68 FR 37744. Authority for SIP Section I is located at Section 19-2-104, UCA.

The Utah Air Quality Board does not approve permits or enforcement orders, therefore Section 128(a)(1) does not apply to the state of Utah. Utah has recently proposed R307-104, Conflict of Interest. This rule will satisfy the requirements of Section 128(a)(2) of the Clean Air Act.

## **Section 110(a)(2)(E)(iii): Adequate Personnel, Funding, and Authority**

### **Requirement Summary**

*"Each such plan shall. . . provide . . . (iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the state has responsibility for ensuring adequate implementation of such plan provision."*

### **Utah's Infrastructure**

SIP Section VI (*Intergovernmental Cooperation*) lists federal, state, and local agencies involved in protecting air quality in Utah. SIP Section VI was codified at R307-110-7, and EPA approved it most recently on June 25, 2003 at 68 FR 37744. Utah's Division of Air Quality retains responsibility for ensuring adequate implementation of the SIP.

## **Section 110(a)(2)(F): Stationary Source Monitoring and Reporting**

### **Requirement Summary**

*"Each such plan shall . . . require, as may be prescribed by the Administrator:*

*(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources,*

*(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such source*

*(iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to this chapter, which reports shall be available at reasonable times for public inspection."*

### **Utah's Infrastructure**

SIP Section III (*Source Surveillance*) describes Utah's programs to monitor sources, including emission inventories, plant inspections, and emission testing. SIP Section III is codified at R307-110-4, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

R307-150 requires sources to submit periodic emission inventories for criteria pollutants and their precursors and hazardous pollutants. R307-150 was most recently approved by EPA on July 17, 1997, 62 FR 38215. Utah has submitted numerous changes to the inventory rule since that date to incorporate new federal requirements, such as the Consolidated Emission Reporting Rule (CERR), and EPA has not yet acted on any of these submittals.

R307-165 requires sources to conduct periodic tests to assure compliance with the emissions limitations established in approval orders or the SIP. R307-165 was most recently approved by EPA on February 14, 2006 at 71 FR 7679.

R307-170 requires certain large sources to install and maintain continuous emission monitors to assure compliance with emission limitations established in approval orders and the SIP. R307-170 was most recently approved by EPA on September 2, 2008, 73 FR 51222.

SIP Section II (*Review of New and Modified Air Pollution Sources*) provides that new or modified sources of air pollution must submit plans to the Utah Division of Air Quality and receive approval orders before operating. SIP Section II was codified at R307-110-3, and EPA approved it most recently on June 25, 2003 at 68 FR 37744. The Utah Air Quality Rule R307-401 establishes a minor source permitting program in the state for new and modified sources. R307-401 was most recently approved by EPA on May 5, 1995 at FR 60 FR 22277.

SIP Section VIII (*Prevention of Significant Deterioration*) was established as required by the Clean Air Act and applies to all air pollutants regulated under the CAA. SIP Section VIII was codified at R307-110-9 and R307-405, and EPA approved it most recently on July 15, 2011 at 76 FR 41712. On April 14, 2011 Utah submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon this submittal.

## **Section 110(a)(2)(G): Emergency Episodes**

### **Requirement Summary**

*"Each such plan shall provide for authority comparable to that in section 303 of this title and adequate contingency plans to implement such authority."*

### **Utah's Infrastructure**

SIP Section I (*Legal Authority*) identifies the statutory provisions to abate pollutant emissions on an emergency basis to prevent substantial endangerment to the health of persons (See I.A.1.g). The legal authority to implement SIP Section I is contained in the Utah Air Conservation Act Section 19-2-112. SIP Section I was codified at R307-110-2, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

U.C.A. §19-2-116(3)(a) also provides the director the power to “initiate an action for appropriate injunctive relief...when it appears necessary for the protection of health and welfare.” U.C.A. §19-2-112(2)(a) provides authority to the “executive director, with the concurrence of the governor” to order people “causing or contributing to... air pollution to reduce or discontinue immediately the emission of air pollutants” if the “executive director finds that a generalized condition of air pollution exists and that it creates an emergency requiring immediate action to protect human health or safety.”

In regard to imminent and substantial endangerment to the environment, Utah’s Emergency Management Act allows the Governor to issue rules and regulations having the “full force and effect of law” during disasters. The Governor may also suspend rules and regulations of state agencies that would prevent the ability to adequately deal with such disasters. *See* U.C.A. 53-2a-209

SIP Section VII (*Prevention of Air Pollution Emergency Episodes*) provides the basis for taking action to prevent air pollutant concentrations from reaching levels which could endanger the public health or to abate such concentrations should they occur. The legal authority to implement SIP Section VII is contained in the Utah Air Conservation Act Section 19-2-112. SIP Section VII was codified at R307-110-8, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

## **Section 110(a)(2)(H): Future SIP revisions**

### **Requirement Summary**

*"Each such plan shall . . . provide for revision of such plan--*

*(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and*

*(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this chapter (CAA)."*

### **Utah’s Infrastructure**

SIP Section I (*Legal Authority*) identifies the statutory provisions that allow the Utah Division of Air Quality to revise its plans to take account of revisions of national ambient air quality standard and to adopt expeditious methods of attaining and maintaining such standard (See I.A.1.a). The legal authority to implement SIP Section I is contained in the Utah Air Conservation Act Section 19-2-112. SIP Section I was codified at R307-110-2, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

## **Section 110(a)(2)(J): Consultation with Government Officials**

### **Requirement Summary**

*"meet the applicable requirements of section 121 (relating to consultation)"*

### **Utah's Infrastructure**

SIP Section I (*Legal Authority*) adopts requirements for transportation consultation (Section 174, Clean Air Act) (See I.A.2). SIP Section I was codified at R307-110-2, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

SIP Section VI (*Intergovernmental Cooperation*) provides a listing of federal, state, and local agencies involved in protecting air quality in Utah. SIP Section VI was codified at R307-110-7, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

SIP Section XII (*Transportation Conformity Consultation*) establishes the consultation procedures on transportation conformity issues when preparing state plans. SIP Section XII was codified at R307-110-20, and EPA approved it most recently on September 2, 2008 at 73 FR 51222.

## **Section 110(a)(2)(J): Public Notification**

### **Requirement Summary**

*"meet the applicable requirements of section 127 of this title (relating to public notification)"*

### **Utah's Infrastructure**

SIP Section XVI (*Public Notification*) includes provisions to notify the public when NAAQS have been exceeded as per Section 127 of the CAA. SIP Section XVI was codified at R307-110-24, and EPA last approved it on June 25, 2003 at 68 FR 37744.

## **Section 110(a)(2)(J): PSD and Visibility Protection**

### **Requirement Summary**

*"meet the applicable requirements of ... part C (relating to prevention of significant deterioration of air quality and visibility protection)"*

### **Utah's Infrastructure**

SIP Section VIII (*PSD*) describes the program to prevent significant deterioration of areas of the state where the air is clean. SIP Section VIII was codified at R307-110-9 and R307-405, and EPA approved SIP Section VIII and R307-405 most recently on July 15, 2011 at 76 FR 41712. Utah has also submitted further revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010, and EPA has not yet acted on these revisions.

SIP Section XVII (*Visibility Protection*) describes the program to protect visibility, especially within the boundaries of the five national parks located in Utah. Authority for this section is located in Sections 19-2-101 and 104, UCA. SIP Section XVII was codified at R307-110-25, and

EPA approved it most recently on June 25, 2003 at 68 FR 37744.

SIP Section XX (*Regional Haze*) addresses the requirements in Part C of the CAA relating to regional haze. The SIP was based on the recommendations of the Grand Canyon Visibility Transport Commission established by Section 169B(f) of the CAA. Authority for this section is located in Section 19-2-104, UCA. SIP Section XX was codified at R307-110-28. EPA signed a notice to approve the majority of Utah's Regional Haze plan in December 2012, but has not yet published this final action in the FR. In the same action, EPA disapproved the Best Available Retrofit Technology (BART) determinations for NO<sub>x</sub> and PM for four subject to BART Electric Generating Units (EGUs). UDAQ is currently preparing a new 5-Factor BART analysis for these four EGUs to address the deficiencies identified in EPA disapproval.

## **Section 110(a)(2)(K): Air Quality Modeling or Data**

### **Requirement Summary**

*"Each such plan shall. . . provide for-- (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and  
(ii) the submission, upon request, of data related to such air quality modeling to the Administrator."*

### **Utah's Infrastructure**

Utah Air Quality Rule R307-405-13 incorporates the air quality model provisions of 40 CFR 52.21(l), which includes the air quality model requirements of appendix W of 40 CFR part 51. R307-110-9 codifies SIP Section VIII (*PSD*). EPA approved SIP Section VIII and R307-405 most recently on July 15, 2011 at 76 FR 41712. On April 14, 2011 Utah submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon this submittal. The Air Quality Board has the authority to propose and finalize rules that require air quality modeling for the purpose of predicting the effect on ambient air quality relating to NAAQS. This authority is found in U.C.A. 19-2-104(1)(a)-(b).

SIP Section II (*Review of New and Modified Air Pollution Sources*) provides that new or modified sources of air pollution must submit plans to the Division of Air Quality and receive an Approval Order before operating. SIP Section II was codified at R307-110-3, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

R307-410 establishes the procedures and requirements for evaluating the emissions impact of new or modified sources that require an approval order under R307-401. EPA approved R307-410 most recently on July 8, 1994 at 59 FR 35036.

## **Section 110(a)(2)(L): Permitting Fees**

### **Requirement Summary**

*"Each such plan shall require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this chapter, a fee sufficient to cover--*

*(i) the reasonable costs of reviewing and acting upon any application for such a permit, and  
(ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under subchapter (title) V of this chapter."*

### **Utah's Infrastructure**

SIP Section I (*Legal Authority*) identifies the statutory authority to charge a fee to major sources to cover permit and enforcement expenses (See I.A.1.h). SIP Section I was codified at R307-10-2, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

Utah Air Quality Rule R307-414, *Permits: Fees for Approval Orders*, requires the owner and operator of each new major source or major modification to pay a fee sufficient to cover the reasonable costs of reviewing and acting upon the notice of intent and implementing and enforcing requirements placed on such source by any approval order issued. EPA approved R307-414 most recently on February 14, 2006 at 71 FR 7679.

Utah's Title V Operating Permits Program (R307-415) was approved by EPA on June 8, 1995 at 60 FR 30192.

## **Section 110(a)(2)(M): Consultation or Participation by Affected Local Entities**

### **Requirement Summary**

*"Each such plan shall . . . provide for consultation and participation by local political subdivisions affected by the plan."*

### **Utah's Infrastructure**

SIP Section VI (*Intergovernmental Cooperation*) lists federal, state, and local agencies involved in protecting air quality in Utah. SIP Section VI was codified at R307-110-7, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

SIP Section XII (*Transportation Conformity Consultation*) establishes the consultation procedures on transportation conformity issues when preparing state plans. SIP Section XII was codified at R307-110-2, and EPA approved it most recently on September 2, 2008 at 73 FR 51222.

