

**R307. Environmental Quality, Air Quality.****R307-110. General Requirements: State Implementation Plan.****R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emission[s] Limits.**

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part H, Emission[s] Limits and Operating Practices, as most recently amended by the Utah Air Quality Board on ~~December 2~~ December 7, 201~~5~~6, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**KEY:** air pollution, PM10, PM2.5, ozone

**Date of Enactment or Last Substantive Amendment:** ~~February 4,~~ 2016

**Notice of Continuation:** February 1, 2012

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

## Environmental Quality, Air Quality

### R307-302

#### Solid Fuel Burning Devices in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber Counties

#### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 40773

FILED: 09/15/2016

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule change is being proposed for the purpose of developing a PM2.5 State Implementation Plan approvable by the Environmental Protection Agency (EPA). The amendment is being proposed in response to a request from the EPA that the rule should provide controls during start-up and refueling processes.

**SUMMARY OF THE RULE OR CHANGE:** The rule has been amended to include the following changes: 1) a definition for "seasoned wood" was added; 2) the word "fireplace" was removed because it was redundant; 3) Subsection R307-302-5(3) was amended to clarify that a person burning wood in a solid fuel burning device may only burn seasoned wood; 4) the term "facilities" was removed because "facility" is defined in Section R307-101-2; 5) "Phase 2" was removed from Section R307-302-6 to be consistent with the terminology used in the 2015 New Source Performance Standard; 6) the option to register a solid fuel burning device with the local health district was removed because Utah Code Section 19-2-107.5 requires registration with the Division; and 7) a list of continuous controls in the form of prohibited burning materials was added.

#### STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

#### ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There will be minimal impact on the state budget. If the state owns a regulated heating appliance as described in the rule, then the state may have a small cost associated with switching to non-prohibited materials. The cost will likely be \$0 since approved fuels should not be more expensive than non-approved fuels. If there is a cost difference, it will likely be less than \$100 per unit using prohibited fuels. It is hard to determine exact numbers because there are too many variables. To estimate the cost, a person would have to know the cost of the prohibited fuel and the cost of the approved fuel.

♦ **LOCAL GOVERNMENTS:** There will be minimal impact on local governments. If a government owns a regulated heating appliance as described in the rule, then the government may have a small cost associated with switching to non-prohibited materials. The cost will likely be \$0 since approved fuels should not be more expensive than non-approved fuels. If there is a cost difference, it will likely be less than \$100 per unit using prohibited fuels. It is hard to determine exact numbers because there are too many variables. To estimate the cost, a person would have to know the cost of the prohibited fuel and the cost of the approved fuel.

♦ **SMALL BUSINESSES:** There will be minimal impact on small businesses. If a small business owns a regulated heating appliance as described in the rule, then the small business may have a cost associated with switching to non-prohibited materials. The cost will likely be \$0 since approved fuels should not be more expensive than non-approved fuels. If there is a cost difference, it will likely be less than \$100. It is hard to determine exact numbers because there are too many variables. To estimate the cost, a person would have to know the cost of the prohibited fuel and the cost of the approved fuel.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Persons other than small businesses, businesses, or local government entities will be impacted in a small way. "Other persons" will not be able to burn materials on the prohibited burn list in regulated devices. They will have to purchase an approved solid fuel as described in the rule in order to use their device. The cost will likely be \$0 since approved fuels should not be more expensive than non-approved fuels. If there is a cost difference, it will likely be less than \$100 per unit. It is hard to determine exact numbers because there are too many variables. To estimate the cost, a person would have to know the cost of the prohibited fuel and the cost of the approved fuel.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** People who use solid fuel burning devices will have to take on the cost of switching fuels, if their fuel is on the prohibited list. It is unlikely that this cost will be significant. Most people are already using approved fuels. The cost will likely be \$0 since

approved fuels should not be more expensive than non-approved fuels. If there is a cost difference, it will likely be less than \$100. It is hard to determine exact numbers because there are too many variables. To estimate the cost, a person would have to know the cost of the prohibited fuel and the cost of the approved fuel.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule amendment will have a minimal fiscal impact on businesses. Businesses will only be impacted by the rule if they are burning prohibited items in a solid fuel burning device used for comfort heating. The fiscal impact to these businesses will be the cost of switching to an approved fuel.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY  
AIR QUALITY  
FOURTH FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at [rstephens@utah.gov](mailto:rstephens@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2016

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2016

AUTHORIZED BY: Bryce Bird, Director

### **R307. Environmental Quality, Air Quality.**

#### **R307-302. Solid Fuel Burning Devices~~[-in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber Counties].~~**

##### **R307-302-1. Purpose and Definitions.**

(1) R307-302 establishes emission standards for ~~[fireplaces and]~~all solid fuel burning devices ~~[used in residential, commercial, institutional and industrial facilities and associated outbuildings]~~ used to provide comfort heating.

(2) The following additional definitions apply to R307-302:

"Seasoned wood" means wood that has a moisture content of less than or equal to 25%.

"Sole source of heat" means the solid fuel burning device is the only available source of heat for the entire residence, except for small portable heaters.

"Solid fuel burning device" means fireplaces, wood stoves and boilers used for burning wood, coal, or any other nongaseous and non-liquid fuel, both indoors and outdoors, but excluding outdoor wood boilers, which are regulated under R307-208.

##### **R307-302-2. Applicability.**

(1) R307-302-3 and R307-302-6 shall apply to any solid fuel burning device used to provide comfort heating in PM10 [and]or

PM2.5 nonattainment ~~[and]or~~ maintenance areas as defined in 40 CFR 81.345 (July 1, 2011), ~~[and geographically described as all regions of Salt Lake and Davis counties; all portions of the Cache Valley; all regions in Weber and Utah counties west of the Wasatch mountain range;]~~ Collectively, The PM10 and PM2.5 nonattainment and maintenance plan areas are geographically defined as all regions of Salt Lake and Davis counties; all portions of the Cache Valley; all regions in Weber County west of the Wasatch mountain range; all regions of Utah County; in Box Elder County, from the Wasatch mountain range west to the Promontory mountain range and south of Portage; and in Tooele County, from the northernmost part of the Oquirrh mountain range to the northern most part of the Stansbury mountain range and north of Route 199.

(2) R307-302-4 shall apply only within the city limits of Provo in Utah County.

(3) R307-302-5 shall apply in all portions of Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties.

(4) The following exemptions apply to R307-302:

(a) R307-302 does not apply to restaurant and institutional food preparation.

(b) R307-302 does not apply to commercial and industrial boilers subject to an approval order issued under R307-401.

(c) R307-302-3 does not apply to sources located above 7,000 feet in elevation within Box Elder, Davis, Salt Lake, Tooele, Utah and Weber counties.

(d) R307-302 does not apply to firefighting training devices that meet the definition of a solid fuel burning device.

##### **R307-302-3. No-Burn Periods for ~~[Fine-]Particulates.~~**

(1) ~~[By June 1, 2015,]~~A person using a solid fuel burning device as a sole source[s] of [residential-]heat[ing using solid fuel burning devices] must ~~[be-]register[ed]~~ with the director in order to be exempt during mandatory no-burn periods.

(2) When the ambient concentration of PM10 measured by the monitors in Salt Lake, Davis, Weber, or Utah counties reaches the level of 120 micrograms per cubic meter and the forecasted weather for the specific area includes a temperature inversion which is predicted to continue for at least 24 hours, the director will issue a public announcement and will distribute such announcement to the local media notifying the public that a mandatory no-burn period for solid fuel burning devices ~~[and fireplaces-]~~is in effect. The mandatory no-burn periods will only apply to those areas or counties impacting the real-time monitoring site registering the 120 micrograms per cubic meter concentration. ~~[Residents, commercial, institutional and industrial facilities of]~~ A person in the affected areas shall not use a solid fuel burning device~~[s or fireplaces except those that are]~~ unless it is the sole source of heat for ~~[the]an~~ entire residence and registered with the director.

(3) PM10 Contingency Plan. If the PM10 Contingency Plan described in Section IX, Part A, of the State Implementation Plan has been implemented, the trigger level for no-burn periods as specified in R307-302-3(2) will be 110 micrograms per cubic meter for that area where the PM10 Contingency Plan has been implemented.

(4) When the ambient concentration of PM2.5 measured by monitors in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah or Weber counties are forecasted to reach or exceed 25 micrograms per cubic meter, the director will issue a public announcement to provide broad notification that a mandatory no-burn period for solid fuel

burning devices ~~[and fireplaces]~~ is in effect. The mandatory no-burn periods will only apply to those counties identified by the director. ~~[Residents, commercial, institutional and industrial facilities]~~ A person within the geographical boundaries described in R307-302-2(1) shall not use a solid fuel burning device ~~[s or fireplaces except those that are]~~ unless it is the sole source of heat for ~~[the]~~ an entire residence and registered with the director.

(5) PM2.5 Contingency Plan. If the PM2.5 contingency plan of the State Implementation Plan has been implemented, the trigger level for no-burn periods as specified in R307-302-3(4) shall be 15 micrograms per cubic meter for the area where the PM2.5 contingency plan has been implemented.

#### **R307-302-4. No-Burn Periods for Carbon Monoxide.**

(1) Beginning on November 1 and through March 1, the director will issue a public announcement and will distribute such announcement to the local media notifying the public that a mandatory no-burn period for solid fuel burning devices ~~[and fireplaces]~~ is in effect when the running eight-hour average carbon monoxide concentration as monitored by the state at 4:00 PM reaches a value of 6.0 ppm or more.

(2) In addition to the conditions contained in R307-302-4(1), the director may use meteorological conditions to initiate a no-burn period. These conditions are:

(a) A national weather service forecasted clearing index value of 250 or less;

(b) Forecasted wind speeds of three miles per hour or less;

(c) Passage of a vigorous cold front through the Wasatch Front; or

(d) Arrival of a strong high pressure system into the area.

(3) During the no-burn periods specified in R307-302-4(1) and (2), ~~[residents, commercial, institutional and industrial facilities]~~ a person in Provo City shall not use a solid fuel burning device ~~[s or fireplaces except those that are]~~ unless it is the sole source of heat for ~~[the]~~ an entire residence and ~~[are]~~ is registered with the director ~~[or the local health district office].~~

#### **R307-302-5. Opacity and Prohibited Fuels for Heating Appliances.**

(1) Except during no-burn periods as required by R307-302-3 and 4, visible emissions from solid fuel burning devices ~~[and fireplaces]~~ shall be limited to a shade or density no darker than 20% opacity as measured by EPA Method 9, except for the following:

(1) a An initial fifteen minute start-up period, and

(2) b A period of fifteen minutes in any three-hour period in which emissions may exceed the 20% opacity limitation for refueling.

(2) Prohibited Fuels: A person shall not cause or allow any of the following materials to be burned in a solid fuel burning device at any time:

(a) asphaltic products;

(b) books and magazines;

(c) garbage;

(d) paints;

(e) colored/wrapping paper;

(f) plastic;

(g) rubber products;

(h) treated wood;

~~(i) waste petroleum products; or~~

~~(j) any other material not intended by a manufacturer for use as a fuel in a solid fuel burning device.~~

(3) A person burning wood in a solid fuel burning device shall only burn seasoned wood.

#### **R307-302-6. Prohibition.**

(1) ~~[Beginning September 1, 2013, n]~~ No person shall sell, offer for sale, supply, install, or transfer a wood burning stove that is not EPA ~~[Phase 2]~~ certified or a fireplace that is not EPA qualified.

(2) Ownership of a non EPA ~~[Phase 2]~~ certified stove within a residential dwelling installed prior to March 6, 2014 may be transferred as part of a real estate transaction, so long as the unit remains intact within the real property of sale.

**KEY: air pollution, fireplaces, stoves, solid fuel burning**

**Date of Enactment or Last Substantive Amendment: [February 4, 2015] 2016**

**Notice of Continuation: May 6, 2015**

**Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104**

## Environmental Quality, Drinking Water **R309-105-15** Annual Reports

### NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 40770  
FILED: 09/14/2016

#### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah State Legislature enacted H.B. 305 during the 2016 General Session, which was signed by the governor on 03/18/2016 and became effective on 05/10/2016. H.B. 305 amends Subsection 19-4-104(1)(c)(iv) of the Utah Code by directing the Drinking Water Board to require a certified operator of a public water supplier to verify by signature and certification number or a professional engineer performing the duties of a certified water operator to verify by signature and stamp the accuracy of any data on water use and water supply submitted by the public water supplier to the division. Therefore, the Division proposes to amend Section R309-105-15, Annual Reports, to implement the new requirement.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment to Section R309-105-15 requires a public water system to submit water-use data if required by the state, and to verify the accuracy of that data. The amendment requires a public water system to comply with all report submittal requirements of the Title R309 drinking water rules. It also changes the title of Section R309-105-15.