



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-021-16

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Ryan Stephens, Environmental Planning Consultant

DATE: April 13, 2016

SUBJECT: Five-Year Review: R307-210. Stationary Sources.

Utah Code Title 63G-3-305 requires each agency to review and justify each of its rules within five years of a rule's original effective date or within five years of the filing of the last five-year review. This review process is not a time to revise or amend the rules, but only to verify that the rule is still necessary and allowed under state and federal statutes. As part of this process, we are required to identify any comments received since the last five-year review of each rule. This process is not the time to revisit those comments or to respond to them.

DAQ has completed a five year review for R307-210. The results of this review are found in the attached five-year notice of review and statement of continuation form.

Staff Recommendation: Staff recommends that the Board continue R307-210 by approving the attached form to be filed with the Division of Administrative Rules.

1 **R307. Environmental Quality, Air Quality.**

2 **R307-210. Stationary Sources.**

3 **R307-210-1. Standards of Performance for New Stationary Sources**
4 **NSPS).**

5 The provisions of 40 Code of Federal Regulations (CFR) Part 60,
6 effective on July 1, 2014, except for Subparts Cb, Cc, Cd, Ce, BBBB,
7 DDDD, and HHHH, are incorporated by reference into these rules with
8 the exception that references in 40 CFR to "Administrator" shall mean
9 "director" unless by federal law the authority referenced is specific
10 to the Administrator and cannot be delegated.

11

12 **KEY: air pollution, stationary sources, new source review**

13 **Date of Enactment or Last Substantive Amendment: June 4, 2015**

14 **Notice of Continuation: April [~~6, 2011~~11, 2016**

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

Rule Information

DAR file no:	Date filed:
State Admin Rule Filing Key: 157385	
Utah Admin. Code ref. (R no.): R307-210	

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:	Remove:
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 Title

2. Title of rule or section (catchline):
Stationary Sources.

Rule Provisions

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:
R307-210 was enacted under the authority of Subsection 19-2-104(1)(a). Utah Code 19-2-104 gives the Utah Air Quality Board the power to make rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air pollutants that may be emitted by an air pollutant source."

Content Summary

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:
No comments were received by interested persons supporting or opposing R307-210.

Justification Information

5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:
The Environmental Protection Agency (EPA) has delegated the authority to "develop and submit" procedures for "implementing and enforcing standards of performance for new sources" in Utah to the state. 42 U.S.C. 7411(c). R307-210 is a part of those procedures. The Division believes it is in Utah's best interest to remain in control of implementing and enforcing standards of performance for new sources. Therefore, R307-210 should continue to be a

state rule.

Indexing Information

6. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
air pollution, Code of Federal Regulations, stationary source, new source review

File Information

7. Attach an RTF document containing the text of this rule change (filename):
No document is associated with this filing.

To the Agency

Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

Agency Authorization

Agency head or designee, and title: Bryce Bird
Director

Date (mm/dd/yyyy): 04/11/2016