



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-045-15

**MEMORANDUM**

**TO:** Air Quality Board

**THROUGH:** Bryce C. Bird, Executive Secretary

**FROM:** Ryan Stephens, Environmental Planning Consultant

**DATE:** August 18, 2015

**SUBJECT:** PROPOSE FOR PUBLIC COMMENT: New Rule R307-104. Conflict of Interest.

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Section 128(a)(2) of the Clean Air Act states that implementation plans must have an enforceable requirement that “any potential conflicts of interest by... the head of an executive agency” are disclosed. On October 25, 2013, the EPA partially disapproved DAQ’s infrastructure state implementation plan (SIP) for the 1997 and 2006 PM<sub>2.5</sub> National Ambient Air Quality Standards. The disapproval was based on the fact that Utah did not have a statute or rule that satisfied Section 128(a)(2) of the Clean Air Act.

DAQ staff has worked with the Utah Attorney General’s office and EPA to develop this rule. R307-104 will satisfy Section 128 of the Clean Air Act and give EPA the opportunity to approve past and future infrastructure SIPs.

Staff Recommendation: Staff recommends that the Board propose for public comment new rule R307-104, Conflict of Interest.

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

2 **R307-104. Conflict of Interest.**

3 For the purpose of meeting the conflict of interest  
4 provision required under 42 U.S.C. 7428 (a)(2), Utah Code 67-16-  
5 7, as amended by Chapter 147, 1989 General Session, is  
6 incorporated by reference.

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8 **KEY: conflict of interest, Clean Air Act**

9 **Date of Enactment or Last Substantive Amendment: 2015**

10 **Authorizing, and Implemented or Interpreted Law: 19-1-201; 19-**  
11 **2-104**