



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-045-16

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Ryan Stephens, Rules Coordinator

DATE: August 25, 2016

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits.

The amendments to Section IX, Part H of the PM_{2.5} and PM₁₀ State Implementation Plan (SIP) will have to be incorporated into the Air Quality Rules. R307-110-17 is the rule that does this. If the Board adopts the amendments proposed to Part H, then those amendments will become part of Utah's SIP when this rule is eventually adopted by the Board.

Staff Recommendation: Staff recommends that the Board propose R307-110-17 for public comment.

1 R307. Environmental Quality, Air Quality.

2 R307-110. General Requirements: State Implementation Plan.

3

4 R307-110-17. Section IX, Control Measures for Area and Point
5 Sources, Part H, Emission[s] Limits.

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

12

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

14 **Date of Enactment or Last Substantive Amendment:** [~~February 4,~~
15 2016

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

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

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.
- 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 Office of Administrative Rules.

Rule Information

DAR file no: _____ Date filed: _____
 State Admin Rule Filing Key: 157860
 Utah Admin. Code ref. (R no.): R307-110-17

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):
 Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits.

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:

The purpose of this rule is to incorporate the recently amended Part H of the PM10 and PM2.5 State Implementation Plan (SIP) into the Utah Air Quality Rules. The amendments to Part H were made in response to comments submitted by the Environmental Protection Agency (EPA) on Utah's 2014 submission of the PM2.5 SIP. The changes are necessary for EPA to approve the PM2.5 SIP and the PM10 Maintenance Plan.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

No Yes

Rule Summary

6. Summary of the rule or change:

The amendments to the text of R307-110-17 change the title of the rule to match the title that is found in the SIP. The date has also been changed to reflect the most recent incorporation of Part H. Part H has been amended to include the following: 1) more frequent monitoring, 2) emission limits that match the 24-hour averaging period of the PM2.5 National Ambient Air Quality Standard, 3) condensable PM2.5 limits where appropriate, 4) corrections to the emission limits at Chemical Lime Company, 5) revisions to the compliance schedule for Compass Minerals, 6) elimination of the conditions for Hill Air Force Base and Vulcraft/Nucor Building Systems, 7) elimination of the provisions intended to facilitate the production of gasoline meeting the sulfur requirements of Tier 3, and 8) a requirement for Kennecott to operate its existing wet scrubber at the Copperton Concentrator.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No Yes

This rule will not have an impact on the state budget.

B) Local government:

Affected: No Yes

This rule will not impact local governments.

C) Small businesses:

Affected: No Yes

("small business" means a business employing fewer than 50 persons)

The businesses listed in Part H that employ less than 50 people will have to comply with the requirements of the SIP. The costs associated with Part H will mostly be made up of the costs associated with more frequent monitoring. The monitoring is required by federal law due to the states obligation to impose Reasonably Available Control Technology (RACT) on the sources listed in Part H. In order to determine RACT, cost is taken into consideration. Most of the costs required by part H were imposed in 2014 when the SIP was last amended for PM2.5.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No Yes

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

Other persons will not be directly impacted by this rule because the rule is regulating businesses.

Compliance Cost Information

8. Compliance costs for affected persons:

The compliance costs for the affected persons will mostly come from the costs associated more frequent monitoring requirements. For some sources this will be the cost of switching to continuous emission monitoring systems (CEMS). The cost may also be the price of more stack testing and parametric monitoring. This cost will vary depending on the size of the source and what equipment is needed. Cost was taken into account, as is required by the Clean Air Act, when the requirements of Part H were drafted.

Department Head Comments

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

The businesses listed in Part H will have to comply with the requirements of the SIP. The costs associated with Part H will mostly be made up of the costs associated with more frequent monitoring. The requirements in Part H need to be enforceable and meet the standard of Reasonably Available Control Technology (RACT). In order to determine RACT, cost is taken into consideration. Most of the costs required by part H were imposed in 2014 when the SIP was last amended for PM2.5.

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

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) :
19-2-104

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by reference (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

<p>Official Title of Materials Incorporated (from title page)</p> <p>Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits.</p> <p>Publisher Utah Division of Air Quality</p> <p>Date Issued (mm/dd/yyyy)</p> <p>Issue, or version (including partial dates)</p> <p>ISBN Number</p> <p>ISSN Number</p> <p>Cost of Incorporated Reference</p> <p>Adds, updates, removes</p> <p>Updates</p>

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) : 10/31/2016

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): 11/07/2016

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 Office 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, one term per field, 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):
No document is associated with this 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 Bryce Bird
title: Director

Date (mm/dd/yyyy): 09/06/2016