

# **Utah**

# **AIR QUALITY RULES**

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after September 1, 2003

EFFECTIVE August 5, 2003

## Table of Contents

### **R307-100 SERIES. GENERAL REQUIREMENTS**

R307-101. General Requirements. ....	1
R307-101-1. Foreword. ....	1
R307-101-2. Definitions. ....	1
R307-102. General Requirements: Broadly Applicable Requirements. ....	8
R307-102-1. Air Pollution Prohibited; Periodic Reports Required. ....	8
R307-102-2. Confidentiality of Information. ....	9
R307-102-3. Administrative Procedures and Hearings. ....	9
R307-102-4. Variances Authorized. ....	9
R307-102-5. No Reduction in Pay. ....	9
R307-102-6. Emissions Standards. ....	9
R307-103. Administrative Procedures. ....	9
R307-103-1. Scope of Rule. ....	9
R307-103-2. Initial Proceedings. ....	9
R307-103-3. Contesting an Initial Order or Notice of Violation. ....	10
R307-103-4. Designation of Proceedings as Formal or Informal. ....	10
R307-103-5. Notice of and Response to Request for Agency Action. ....	10
R307-103-6. Parties and Intervention. ....	10
R307-103-7. Conduct of Proceedings. ....	11
R307-103-8. Hearings. ....	11
R307-103-9. Orders. ....	11
R307-103-10. Stays of Orders. ....	12
R307-103-11. Reconsideration. ....	12
R307-103-12. Disqualification of Board Members or Other Presiding Officers. ....	12
R307-103-13. Declaratory Orders. ....	12
R307-103-14. Miscellaneous. ....	12
R307-105. General Requirements: Emergency Controls. ....	13
R307-105-1. Air Pollution Emergency Episodes. ....	13
R307-105-2. Emergency Actions. ....	13
R307-107. General Requirements: Unavoidable Breakdown. ....	14
R307-107-1. Application. ....	14
R307-107-2. Reporting. ....	14
R307-107-3. Penalties. ....	14
R307-107-4. Procedures. ....	14
R307-107-5. Violation. ....	14
R307-107-6. Emissions Standards. ....	14
R307-110. General Requirements: State Implementation Plan. ....	14
R307-110-1. Incorporation by Reference. ....	14
R307-110-2. Section I, Legal Authority. ....	14
R307-110-3. Section II, Review of New and Modified Air Pollution Sources. ....	14
R307-110-4. Section III, Source Surveillance. ....	14
R307-110-5. Section IV, Ambient Air Monitoring Program. ....	15
R307-110-6. Section V, Resources. ....	15
R307-110-7. Section VI, Intergovernmental Cooperation. ....	15

R307-110-8. Section VII, Prevention of Air Pollution Emergency Episodes. . . . .	15
R307-110-9. Section VIII, Prevention of Significant Deterioration. . . . .	15
R307-110-10. Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter	15
R307-110-11. Section IX, Control Measures for Area and Point Sources, Part B, Sulfur Dioxide. . . . .	15
R307-110-12. Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide. . . . .	15
R307-110-13. Section IX, Control Measures for Area and Point Sources, Part D, Ozone. . . . .	15
R307-110-14. Section IX, Control Measures for Area and Point Sources, Part E, Nitrogen Dioxide. . . . .	15
R307-110-15. Section IX, Control Measures for Area and Point Sources, Part F, Lead. . . . .	15
R307-110-16. Reserved. . . . .	15
R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits. . . . .	15
R307-110-18. Reserved. . . . .	15
R307-110-19. Section XI, Other Control Measures for Mobile Sources. . . . .	15
R307-110-20. Section XII, Involvement. . . . .	16
R307-110-21. Section XIII, Analysis of Plan Impact. . . . .	16
R307-110-22. Section XIV, Comprehensive Emission Inventory. . . . .	16
R307-110-23. Section XV, Utah Code Title 19, Chapter 2, Air Conservation Act. . . . .	16
R307-110-24. Section XVI, Public Notification. . . . .	16
R307-110-25. Section XVII, Visibility Protection. . . . .	16
R307-110-26. R307-110-26 Section XVIII, Demonstration of GEP Stack Height. . . . .	16
R307-110-27. Section XIV, Small Business Assistance Program. . . . .	16
R307-110-28. Reserved. . . . .	16
R307-110-29. Section XXI, Diesel Inspection and Maintenance Program. . . . .	16
R307-110-30. Section XXII, General Conformity. . . . .	16
R307-110-31. Section X, Basic Inspection and Maintenance, Part A, General Requirements and Applicability. . . . .	16
R307-110-32. Section X, Basic Inspection and Maintenance, Part B, Davis County. . . . .	16
R307-110-33. Section X, Basic Inspection and Maintenance, Part C, Salt Lake County. . . . .	16
R307-110-34. Section X, Basic Inspection and Maintenance, Part D, Utah County. . . . .	16
R307-110-35. Section X, Basic Inspection and Maintenance, Part E, Weber County. . . . .	17
 R307-115. General Conformity. . . . .	17
R307-115-1. Determining Conformity. . . . .	17
 R307-120. General Requirements: Tax Exemption for Air and Water Pollution Control Equipment. . . . .	17
R307-120-1. Application. . . . .	17
R307-120-2. Eligibility for Certification. . . . .	17
R307-120-3. Review Period. . . . .	17
R307-120-4. Conditions for Eligibility. . . . .	17
R307-120-5. Limitations on Certification. . . . .	17
R307-120-6. Exemptions from Certification. . . . .	18
R307-120-7. Duty to Issue Certification. . . . .	18
R307-120-8. Appeal and Revocation. . . . .	18
 R307-121. General Requirements: Eligibility Vehicles that Use Cleaner Burning Fuels for Corporate and Individual Income Tax Credits. . . . .	18
R307-121-1. Purpose. . . . .	18
R307-121-2. Definitions . . . . .	18
R307-121-3. Anti-Tampering Policy. . . . .	18
R307-121-4. Proof of Purchase for OEM Vehicle. . . . .	18
R307-121-5. Proof of Purchase for Vehicle Converted to Alternate Fuels. . . . .	18
R307-121-6. Procedures for Obtaining Certification by the Board for Special Mobile Equipment. . . . .	19
R307-121-7. Procedures for Obtaining Certification by the Board for Fuel Conversion Systems. . . . .	19
R307-121-8. Revocation of Certification. . . . .	20

R307-121-8. Duty to Acknowledge Proof of Purchase. ....	20
R307-122. General Requirements: Eligibility of Expenditures for Purchase and Installation Costs of Fireplaces and Wood Stoves that Use Cleaner Burning Fuels. ....	20
R307-122-1. Definitions. ....	20
R307-122-2. Amount of Credit. ....	20
R307-122-3. Proof of Purchase. ....	20
R307-122-4. Duty to Acknowledge Proof of Purchase. ....	20
R307-130. General Penalty Policy. ....	20
R307-130-1. Scope. ....	20
R307-130-2. Categories. ....	21
R307-130-3. Adjustments. ....	21
R307-130-4. Options. ....	21
R307-135. Enforcement Response Policy for Asbestos Hazard Emergency Response Act. ....	21
R307-135-1. AHERA Penalty Policy Definitions. ....	21
R307-135-2. Assessing Penalties Against a Local Education Agency. ....	22
R307-135-3. Assessing Penalties Against Other Persons. ....	22
R307-135-4. Penalties Against Private Nonprofit Schools. ....	23
R307-135-5. Air Quality Board AHERA Enforcement Response Policy Penalties. ....	23
R307-135-6. Injunctive Relief. ....	24
R307-135-7. Criminal Penalties. ....	24
<b>R307-150 SERIES. INVENTORIES, TESTING AND MONITORING.</b>	
R307-150. Emission Inventories. ....	1
R307-150-1. General Applicability .....	1
R307-150-2. Definitions. ....	1
R307-150-3. What to Report .....	1
R307-150-4. Timing of Submittals .....	1
R307-150-5 Recordkeeping Requirements .....	2
R307-155. Hazardous Air Pollutant Inventory .....	2
R307-155-1. General Applicability. ....	2
R307-155-2. Timing of Submittals. ....	3
R307-155-3. What to Report. ....	3
R307-155-4. Recordkeeping Requirements .....	3
R307-158. Emission Statement Inventory .....	3
R307-158-1. Applicability .....	3
R307-158-2 Timing of Submittals .....	3
R307-158-3. What to Report .....	3
R307-158-4. Recordkeeping Requirements .....	4
R307-165. Emission Testing. ....	5
R307-165-1. Testing Every 5 Years. ....	5
R307-165-2. Notification of DAQ. ....	5
R307-165-3. Test Conditions. ....	5
R307-165-4. Rejection of Test Results. ....	5
R307-170. Continuous Emission Montiroing Program .....	5
R307-170-1. Purpose. ....	5

R307-170-2. Authority . . . . .	5
R307-170-3. Applicability . . . . .	5
R307-170-4. Definitions . . . . .	5
R307-170-5. General Requirements . . . . .	6
R307-170-6. Minimum Monitoring Requirements for Specific Sources . . . . .	7
R307-170-7. Performance Specification Audits . . . . .	7
R307-170-8. Recordkeeping . . . . .	8
R307-170-9. State Electronic Data Report . . . . .	8

## **R307-200 SERIES. STATEWIDE EMISSION STANDARDS**

R307-201. Emission Standards: General Emission Standards . . . . .	1
R307-201-1. Emissions Standards . . . . .	1
R307-201-2. Automobile Emission Control Devices . . . . .	1
R307-201-3. Opacity for Residential Heating . . . . .	1
R307-202. Emission Standards: General Burning . . . . .	1
R307-202-1. Definitions and Exclusions . . . . .	1
R307-202-2. Community Waste Disposal . . . . .	2
R307-202-3. General Prohibitions . . . . .	2
R307-202-4. Permissible Burning - Without Permit . . . . .	2
R307-202-5. Permissible Burning - With Permit . . . . .	2
R307-202-6. Special Conditions . . . . .	2
R307-203. Emission Standards: Sulfur Content of Fuels . . . . .	2
R307-203-1. Commercial and Industrial Sources . . . . .	2
R307-203-2. Sulfur and Ash Content of Coal for Residential Use . . . . .	2
R307-203-3. Emissions Standards . . . . .	2
R307-204. Emission Standards: Smoke Management . . . . .	2
R307-204-1. Purpose and Goals . . . . .	3
R307-204-2. Applicability . . . . .	4
R307-204-3. Definitions . . . . .	4
R307-204-4. General Requirements . . . . .	4
R307-204-5. Burn Schedule . . . . .	4
R307-204-6. Small Prescribed Fires . . . . .	4
R307-204-7. Large Prescribed Fires . . . . .	4
R307-204-8. Requirements for Wildland Fire with Potential for Use for Resource Benefits . . . . .	5
R307-205. Emission Standards: Fugitive Emissions and Fugitive Dust . . . . .	6
R307-205-1. Applicability . . . . .	6
R307-205-2. Fugitive Emissions . . . . .	6
R307-205-3. Fugitive Dust . . . . .	6
R307-205-4. Roads . . . . .	6
R307-205-5. Mining Activities . . . . .	7
R307-205-6. Tailings Piles and Ponds . . . . .	7
R307-206. Emission Standards: Abrasive Blasting . . . . .	7
R307-206-1. Definitions . . . . .	7
R307-206-2. Visible Emission Standards . . . . .	8
R307-206-3. Visible Emission Evaluation Techniques . . . . .	8
R307-206-4. Performance Standards . . . . .	8
R307-206-5. Emissions Standards . . . . .	8

R307-210. Stationary Sources. ....	8
R307-210-1. Standards of Performance for New Stationary Sources (NSPS). ....	8
R307-214. National Emission Standards for Hazardous Air Pollutants. ....	9
R307-214-1. Part 61 Sources. ....	9
R307-214-2. Part 63 Sources. ....	9
R307-215. Emission Standards: Acid Rain Requirements. ....	10
R307-215-1. Part 76 Requirements. ....	10
R307-220. Emission Standards: Plan for Designated Facilities. ....	10
R307-220-1. Incorporation by Reference. ....	10
R307-220-2. Section I, Municipal Waste Landfills. ....	10
R307-220-3. Section II, Hospital, Medical, Infectious Waste Incinerators. ....	10
R307-220-4. Section III, Small Municipal Waste Combustion Units. ....	11
R307-221. Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills. ....	11
R307-221-1. Purpose and Applicability. ....	11
R307-221-2. Definitions and References. ....	11
R307-221-3. Emission Restrictions. ....	11
R307-221-4. Control Device Specifications. ....	12
R307-221-5. Compliance Schedule. ....	12
R307-222. Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste. ....	12
R307-222-1 Purpose and Applicability. ....	12
R307-222-2. Definitions and References. ....	13
R307-222-3. All Incinerators. ....	13
R307-222-4. Large, Medium and Urban Small Incinerators. ....	13
R307-222-5. Small Rural Incinerators. ....	13
R307-223. Emissions Standards: Existing Small Municipal Waste Combustors. ....	14
R307-223-1. Purpose and Applicability. ....	14
R307-223-2. Definitions and Equations. ....	14
R307-223-3. Requirements. ....	14

## **R307-300 SERIES. REQUIREMENTS FOR SPECIFIC LOCATIONS**

R307-301. Utah and Weber Counties: Oxygenated Gasoline Program. ....	1
R307-301-1. Definitions. ....	1
R307-301-2. Applicability and Control Period Start Dates. ....	2
R307-301-3. Average Oxygen Content Standard. ....	2
R307-301-4. Sampling, Testing, and Oxygen Content Calculations. ....	3
R307-301-5. Alternative Compliance Options. ....	3
R307-301-6. Minimum Oxygen Content. ....	5
R307-301-7. Registration. ....	5
R307-301-8. Recordkeeping. ....	5
R307-301-9. Reports. ....	7
R307-301-10. Transfer Documents. ....	7
R307-301-11. Prohibited Activities. ....	7
R307-301-12. Labeling of Pumps. ....	8
R307-301-13. Inspections. ....	9
R307-301-14. Public and Industry Education Program. ....	9

R307-302. Davis, Salt Lake, Utah Counties: Residential Fireplaces and Stoves. ....	9
R307-302-1. Definitions. ....	9
R307-302-2. No-Burn Periods for Fine Particulate ....	9
R307-302-3. No-Burn Periods for Carbon Monoxide. ....	10
R307-302-4. Violations. ....	10
R307-305. Davis, Salt Lake and Utah Counties and Ogden City, and Nonattainment Areas for PM10: Particulate ....	10
R307-305-1. Visible Emissions. ....	10
R307-305-2. Particulate Emission Limitations and Operating Parameters (PM10). ....	10
R307-305-3. Compliance Testing (PM10). ....	10
R307-305-4. Compliance Schedule (PM10). ....	11
R307-305-5. Particulate Emission Limitations and Operating Parameters (TSP). ....	11
R307-305-6. Compliance Schedule (TSP). ....	11
R307-305-7. Compliance Testing (TSP). ....	11
R307-307. Davis, Salt Lake, and Utah Counties: Road Salting and Sanding. ....	12
R307-307-1. Records. ....	12
R307-307-2. Content. ....	12
R307-307-3. Alternatives. ....	12
R307-309: Davis, Salt Lake and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust. ....	12
R307-309-1. Applicability and Definitions. ....	12
R307-309-2. Fugitive Emissions. ....	13
R307-309-3. General Requirements for Fugitive Dust. ....	13
R307-309-4. Fugitive Dust Control Plan. ....	13
R307-309-5. Storage, Hauling and Handling of Aggregate Materials. ....	13
R307-309-6. Construction and Demolition Activities. ....	14
R307-309-7. Roads. ....	14
R307-310. Salt Lake County: Trading of Emission Budgets for Transportation Conformity ....	14
R307-310-1. Purpose ....	14
R307-310-2. Definitions ....	14
R307-310-3. Applicability ....	14
R307-310-4. Trading Between Emission Budgets ....	14
R307-320. Davis, Salt Lake and Utah Counties, and Ogden City: Employer-Based Trip Reduction Program. ....	15
R307-320-1. Purpose. ....	15
R307-320-2. Applicability. ....	15
R307-320-3. Definitions. ....	15
R307-320-4. Employer Requirements. ....	16
R307-320-5. Recordkeeping. ....	17
R307-320-6. Violations. ....	17
R307-320-7. Exemptions. ....	17
R307-325. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions. ....	17
R307-325-1. Definitions, Applicability and General Requirements. ....	17
R307-325-2. Existing Sources. ....	18
R307-325-3. New Sources. ....	18
R307-325-4. Compliance Schedule. ....	19
R307-326. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Control of Hydrocarbon	

Emissions in Refineries. ....	19
R307-326-1. Applicability and Definitions. ....	19
R307-326-2. Vacuum Producing Systems. ....	19
R307-326-3. Wastewater (Oil/Water) Systems. ....	19
R307-326-4. Process Unit Turnaround. ....	19
R307-326-5. Catalytic Cracking Units. ....	19
R307-326-6. Safety Pressure Relief Valves. ....	20
R307-326-7. Leaks from Petroleum Refinery Equipment. ....	20
R307-327. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Petroleum Liquid Storage. ....	21
R307-327-1. Applicability and Definitions. ....	21
R307-327-2. Installation and Maintenance. ....	21
R307-327-3. Retrofits for Floating Roof Tanks. ....	22
R307-328. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Gasoline Transfer and Storage. ....	22
R307-328-1. Applicability and Definitions. ....	22
R307-328-2. Loading of Tank Trucks, Trailers, Railroad Tank Cars, and Other Transport Vehicles. ....	22
R307-328-3. Stationary Source Container Loading. ....	23
R307-328-4. Transport Vehicles. ....	23
R307-328-5. Leak Tight Testing. ....	24
R307-332. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Stage II Vapor Recovery Systems. ....	24
R307-332-1. Definitions. ....	24
R307-332-2. Specifications and Approval. ....	25
R307-332-3. Applicability. ....	25
R307-332-4. Compliance Schedule. ....	25
R307-332-5. Installation. ....	26
R307-332-6. Installation Owner/Operator and Employee Training. ....	26
R307-332-7. Operation and Maintenance. ....	27
R307-332-8. Records. ....	27
R307-332-9. Pump Labeling Requirements. ....	27
R307-332-10. Self Inspections. ....	27
R307-332-11. Test Notification Requirements. ....	27
R307-335. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Degreasing and Solvent Cleaning Operations. ....	28
R307-335-1. Applicability and Definitions. ....	28
R307-335-2. Cold Cleaning Facilities. ....	28
R307-335-3. Open Top Vapor Degreasers. ....	28
R307-335-4. Conveyorized Degreasers. ....	29
R307-340. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Surface Coating Processes. ....	30
R307-340-1. Applicability and Definitions. ....	30
R307-340-2. General Provisions for Volatile Organic Compounds. ....	31
R307-340-3. Paper Coating. ....	32
R307-340-4. Fabric and Vinyl Coating. ....	32
R307-340-5. Metal Furniture Coating VOC Emissions. ....	32
R307-340-6. Large Appliance Surface Coating VOC Emissions. ....	33
R307-340-7. Magnet Wire Coating VOC Emissions. ....	33
R307-340-8. Flat Wood Coating. ....	33
R307-340-9. Miscellaneous Metal Parts and Products VOC Emissions. ....	34
R307-340-10. Graphic Arts. ....	35

R307-340-11. Exemptions. ....	35
R307-340-12. Capture Systems. ....	35
R307-340-13. Testing and Monitoring. ....	36
R307-341. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Cutback Asphalt. ....	36
R307-341-1. Definitions. ....	36
R307-341-2. Limitations on Content. ....	37
R307-341-3. Recordkeeping. ....	37
R307-342. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Qualification of Contractors, Test Procedures for Testing of Vapor Recovery Systems for Gasoline Delivery Tanks. ....	37
R307-342-1. Background. ....	37
R307-342-2. General Applicability. ....	37
R307-342-3. General Requirements. ....	37
R307-342-4. Contractor Qualification Requirements. ....	37
R307-342-5. Equipment Requirements. ....	37
R307-342-6. Test Procedures and Preparations. ....	38
R307-342-7. Certification of a Delivery Tank. ....	39
R307-343. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emissions Standards for Wood Furniture Manufacturing Operations. ....	39
R307-343-1. Purpose. ....	39
R307-343-2. Applicability. ....	39
R307-343-3. Definitions. ....	39
R307-343-4. Emission Standards. ....	41
R307-343-5. Work Practice Standards. ....	42
R307-343-6. Compliance Procedures and Monitoring Requirements. ....	43
R307-343-7. Performance Test Methods. ....	45
R307-343-8. Recordkeeping Requirements. ....	46
R307-343-9. Reporting Requirements. ....	47
<b>R307-400 SERIES. PERMITS.</b>	
R307-401. Permit: Notice of Intent and Approval Order. ....	1
R307-401-1. Notice of Intent Required. ....	1
R307-401-2. Notice of Intent Requirements. ....	1
R307-401-3. Review Period. ....	1
R307-401-4. Public Notice. ....	1
R307-401-5. Approval Order. ....	2
R307-401-6. Conditions for Issuing Approval Order. ....	2
R307-401-7. Temporary Relocation. ....	2
R307-401-8. Nonattainment and Maintenance Areas. ....	3
R307-401-9. Relaxation of Limitations. ....	3
R307-401-10. Low Oxides of Nitrogen Burner Technology. ....	3
R307-401-11. Eighteen Month Review. ....	3
R307-403. Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas. ....	3
R307-403-1. Definitions. ....	3
R307-403-2. Emission Limitations. ....	3
R307-403-3. Review of Major Sources of Air Quality Impact. ....	4
R307-403-4. Offsets: General Requirements. ....	4
R307-403-5. Offsets: PM10 Nonattainment Areas. ....	5
R307-403-6. Offsets: Ozone Nonattainment Areas and Davis and Salt Lake Counties. ....	5

R307-403-7. Offsets: Baseline. ....	5
R307-403-8. Offsets: Banking of Emission Offset Credit. ....	5
R307-403-9. Offsets: Construction in Stages. ....	5
R307-405. Permits: Prevention of Significant Deterioration of Air Quality (PSD). ....	5
R307-405-1. Definitions. ....	5
R307-405-2. Area Designations. ....	7
R307-405-3. Area Redesignation. ....	7
R307-405-4. Increments and Ceilings. ....	7
R307-405-5. Baseline Concentration and Date. ....	8
R307-405-6. PSD Areas - New Sources and Modifications. ....	8
R307-405-7. Increment Violations. ....	10
R307-405-8. Banking of Emission Offset Credit in PSD Areas. ....	11
R307-406. Visibility. ....	11
R307-406-1. Definitions. ....	11
R307-406-2. Source Review. ....	11
R307-406-3. Notification of Federal Land Managers. ....	11
R307-406-4. Adverse Impact. ....	11
R307-406-5. Consideration in Review. ....	12
R307-406-6. Audits for Permitting. ....	12
R307-410. Permits: Emissions Impact Analysis. ....	12
R307-410-1. Definitions. ....	12
R307-410-2. Use of Dispersion Models. ....	13
R307-410-3. Modeling of Criteria Pollutant Impacts in Attainment Areas. ....	13
R307-410-4. Documentation of Ambient Air Impacts for Hazardous Air Pollutants. ....	14
R307-410-5. Stack Heights and Dispersion Techniques. ....	15
R307-413. Permits: Exemptions and Special Provisions. ....	15
R307-413-1. Definitions and General Requirements. ....	15
R307-413-2. Small Source Exemptions - De minimis Emissions. ....	16
R307-413-3. Flexibility Changes ....	16
R307-413-4. Other Exemptions. ....	17
R307-413-5. Replacement-in-Kind Equipment. ....	17
R307-413-6. Reduction of Air Contaminants. ....	17
R307-413-7. Exemption from Notice of Intent Requirements for Used Oil Fuel Burned for Energy Recovery. ....	17
R307-413-8. De minimis Emissions From Air Strippers and Soil Venting Projects. ....	18
R307-413-9. De minimis Emissions From Soil Aeration Projects. ....	18
R307-414. Permits: Fees for Approval Orders. ....	18
R307-414-1. Applicability and Definitions. ....	18
R307-414-2. Bills for Service. ....	18
R307-415. Permits: Operating Permit Requirements. ....	19
R307-415-1. Purpose. ....	19
R307-415-2. Authority. ....	19
R307-415-3. Definitions. ....	19
R307-415-4. Applicability. ....	21
R307-415-5a. Permit Applications: Duty to Apply. ....	22
R307-415-5b. Permit Applications: Duty to Supplement or Correct Application. ....	24
R307-415-5c. Permit Applications: Standard Requirements. ....	24

R307-415-5d. Permit Applications: Certification. ....	25
R307-415-5e. Permit Applications: Insignificant Activities and Emissions. ....	25
R307-415-6a. Permit Content: Standard Requirements. ....	26
R307-415-6b. Permit Content: Federally-Enforceable Requirements. ....	27
R307-415-6c. Permit Content: Compliance Requirements. ....	28
R307-415-6d. Permit Content: General Permits. ....	28
R307-415-6e. Permit Content: Temporary Sources. ....	29
R307-415-6f. Permit Content: Permit Shield. ....	29
R307-415-6g. Permit Content: Emergency Provision. ....	29
R307-415-7a. Permit Issuance: Action on Application. ....	30
R307-415-7b. Permit Issuance: Requirement for a Permit. ....	30
R307-415-7c. Permit Renewal and Expiration. ....	30
R307-415-7d. Permit Revision: Changes That Do Not Require a Revision. ....	30
R307-415-7e. Permit Revision: Administrative Amendments. ....	31
R307-415-7f. Permit Revision: Modification. ....	32
R307-415-7g. Permit Revision: Reopening for Cause. ....	33
R307-415-7h. Permit Revision: Reopenings for Cause by EPA. ....	34
R307-415-7i. Public Participation. ....	34
R307-415-8. Permit Review by EPA and Affected States. ....	34
R307-415-9. Fees for Operating Permits. ....	35
 R307-417. Permits: Acid Rain Sources. ....	36
R307-417-1. Part 72 Requirements. ....	36
 R307-420. Permits: Ozone Offset Requirements in Davis and Salt Lake Counties. ....	36
R307-420-1. Purpose. ....	36
R307-420-2. Definitions. ....	36
R307-420-3. Applicability. ....	37
R307-420-4. General Requirements. ....	37
R307-420-5. Contingency Measure: Offsets for Oxides of Nitrogen. ....	37
 <b>R307-800 SERIES. ASBESTOS AND LEAD ABATEMENT</b>	
R307-801. Asbestos. ....	1
R307-801-1. Purpose and Authority. ....	1
R307-801-2. Applicability and General Provisions. ....	1
R307-801-3. Definitions. ....	1
R307-801-4. Adoption and Implementation of TSCA Title II. ....	3
R307-801-5. Company Certification. ....	3
R307-801-6. Individual Certification. ....	3
R307-801-7. Denial and Cause for Suspension and Revocation of Company and Individual Certifications. ....	3
R307-801-8. Approval of Training Courses. ....	4
R307-801-9. Renovation and Demolition: Requirement to Inspect. ....	4
R307-801-10. Renovation and Demolition: Asbestos Inspection Procedures. ....	4
R307-801-11. Renovation and Demolition: Notification and Asbestos Removal Requirements. ....	5
R307-801-12. Renovation and Demolition: Notification Procedures and Contents. ....	6
R307-801-13. Renovation and Demolition: Requirements for Certified Workers. ....	7
R307-801-14. Renovation and Demolition: Asbestos Work Practices. ....	7
R307-801-15. Disposal and Handling of Asbestos Waste. ....	9
R307-801-16. Records. ....	9
 R307-840. Lead-Based Paint Accreditation, Certification and Work Practice Standards. ....	9

R307-840-1. Purpose and Applicability. ....	9
R307-840-2. Definitions. ....	10
R307-840-3. Accreditation, Certification and Work Standards: Target Housing and Child-Occupied Facilities. ....	10

## **R307-100 Series. General Requirements.**

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

#### **R307-101. General Requirements.**

##### **R307-101-1. Foreword.**

Chapter 19-2 and the rules adopted by the Air Quality Board constitute the basis for control of air pollution sources in the state. These rules apply and will be enforced throughout the state, and are recommended for adoption in local jurisdictions where environmental specialists are available to cooperate in implementing rule requirements.

National Ambient Air Quality Standards (NAAQS), National Standards of Performance for New Stationary Sources (NSPS), National Prevention of Significant Deterioration of Air Quality (PSD) standards, and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) apply throughout the nation and are legally enforceable in Utah.

##### **R307-101-2. Definitions.**

Except where specified in individual rules, definitions in R307-101-2 are applicable to all rules adopted by the Air Quality Board.

"Actual Area of Nonattainment" means an area which is shown by monitored data or modeling actually to exceed the National Ambient Air Quality Standards (Boundaries are established in the Utah State Implementation Plan).

"Actual Emissions" means the actual rate of emissions of a pollutant from an emissions unit determined as follows:

(1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operations. The Executive Secretary shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(2) The Executive Secretary may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(3) For any emission unit, other than an electric utility steam generating unit specified in (4), which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(4) For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the executive secretary, on an annual basis for a period of 5 years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an

emissions increase. A longer period, not to exceed 10 years, may be required by the executive secretary if the executive secretary determines such a period to be more representative of normal source post-change operations.

"Acute Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Air Contaminant" means any particulate matter or any gas, vapor, suspended solid or any combination of them, excluding steam and water vapors (Section 19-2-102(1)).

"Air Contaminant Source" means any and all sources of emission of air contaminants whether privately or publicly owned or operated (Section 19-2-102(2)).

"Air Pollution" means the presence in the ambient air of one or more air contaminants in such quantities and duration and under conditions and circumstances, as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or use of property as determined by the standards, rules and regulations adopted by the Air Quality Board (Section 19-2-104).

"Air Quality Related Values" means, as used in analyses under R307-401-4(1), Public Notice, those special attributes of a Class I area, assigned by a federal Land Manager, that are adversely affected by air quality.

"Allowable Emissions" means the emission rate of a source calculated using the maximum rated capacity of the source (unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both) and the emission limitation established pursuant to R307-401-6.

"Ambient Air" means the surrounding or outside air (Section 19-2-102(4)).

"Appropriate Authority" means the governing body of any city, town or county.

"Asphalt or Asphalt Cement" means the dark brown to black cementitious material (solid, semisolid, or liquid in consistency) of which the main constituents are bitumens which occur naturally or as a residue of petroleum refining.

"Atmosphere" means the air that envelops or surrounds the earth and includes all space outside of buildings, stacks or exterior ducts.

"Authorized Local Authority" means a city, county, city-county or district health department; a city, county or combination fire department; or other local agency duly designated by appropriate authority, with approval of the state Department of Health; and other lawfully adopted ordinances, codes or regulations not in conflict therewith.

"Baseline Date":

(1) Major source baseline date means:

(a) In the case of particulate matter and sulfur dioxide, January 6, 1975, and

(b) In the case of nitrogen dioxide, February 8, 1988.

(2) Minor source baseline date means the earliest date after the trigger date on which the first complete application under 40 CFR 52.21 or R307-405 is submitted by a major source or major modification subject to the requirements of 40 CFR 52.21 or R307-405. The minor source baseline is the date after which emissions from all new or modified sources consume or expand increment, including emissions from major and minor sources as well as any or all general commercial, residential, industrial, and other growth. The trigger date is:

(a) In the case of particulate matter and sulfur dioxide, August 7, 1977, and

(b) In the case of nitrogen dioxide, February 8, 1988.

"Best Available Control Technology (BACT)" means an emission limitation and/or other controls to include design, equipment, work practice, operation standard or combination thereof, based on the maximum degree or reduction of each pollutant subject to regulation under the Clean Air Act and/or the Utah Air Conservation Act emitted from or which results from any emitting installation, which the Air Quality Board, on a case-by-case basis taking into account energy, environmental and economic impacts and other costs, determines is achievable for such installation through application of production processes and available methods, systems and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall applications of BACT result in emissions of any pollutants which will exceed the emissions allowed by Section 111 or 112 of the Clean Air Act.

"Board" means Air Quality Board. See Section 19-2-102(6)(a).

"Breakdown" means any malfunction or procedural error, to include but not limited to any malfunction or procedural error during start-up and shutdown, which will result in the inoperability or sudden loss of performance of the control equipment or process equipment causing emissions in excess of those allowed by approval order or Title R307.

"BTU" means British Thermal Unit, the quantity of heat necessary to raise the temperature of one pound of water one degree Fahrenheit.

"Calibration Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is the same known upscale value.

"Carbon Adsorption System" means a device containing adsorbent material (e.g., activated carbon, aluminum, silica gel), an inlet and outlet for exhaust gases, and a system for the proper disposal or reuse of all VOC adsorbed.

"Carcinogenic Hazardous Air Pollutant" means any hazardous air pollutant that is classified as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for

Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Chronic Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - time weighted average (TLV-TWA) having no threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Clean Air Act" means federal Clean Air Act as amended in 1990.

"Clean Coal Technology" means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.

"Clean Coal Technology Demonstration Project" means a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology," up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The Federal contribution for a qualifying project shall be at least 20 percent of the total cost of the demonstration project.

"Clearing Index" means an indicator of the predicted rate of clearance of ground level pollutants from a given area. This number is calculated by the National Weather Service from daily measurements of temperature lapse rates and wind speeds from ground level to 10,000 feet. The State has been divided into three separate air quality areas for purposes of the clearing index system:

(1) Area 1 includes those valleys below 6500 feet above sea level and west of the Wasatch Mountain Range and extending south through the Wasatch and Aquarius Plateaus to the Arizona border. Included are the Salt Lake, Utah, Skull and Escalante Valleys and valleys of the Sevier River Drainage.

(2) Area 2 includes those valleys below 6500 feet above sea level and east of the Wasatch Mountain Range. Included are Cache Valley, the Uintah Basin, Castle Valley and valleys of the Green, Colorado, and San Juan Rivers.

(3) Area 3 includes all valleys and areas above 6500 feet above sea level.

"Commence" as applied to construction of a major source or major modification means that the owner or operator has all necessary pre-construction approvals or permits and either has:

(1) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(2) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator,

to undertake a program of actual construction of the source to be completed within a reasonable time.

"Compliance Schedule" means a schedule of events, by date, which will result in compliance with these regulations.

"Construction" means any physical change or change in the method of operation including fabrication, erection, installation, demolition, or modification of a source which would result in a change in actual emissions.

"Control Apparatus" means any device which prevents or controls the emission of any air contaminant directly or indirectly into the outdoor atmosphere.

"Department" means Utah State Department of Environmental Quality. See Section 19-1-103(1).

"Electric Utility Steam Generating Unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

"Emission" means the act of discharge into the atmosphere of an air contaminant or an effluent which contains or may contain an air contaminant; or the effluent so discharged into the atmosphere.

"Emissions Information" means, with reference to any source operation, equipment or control apparatus:

(1) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics related to air quality of any air contaminant which has been emitted by the source operation, equipment, or control apparatus;

(2) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any air contaminant which, under an applicable standard or limitation, the source operation was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source operation), or any combination of the foregoing; and

(3) A general description of the location and/or nature of the source operation to the extent necessary to identify the source operation and to distinguish it from other source operations (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source operation).

"Emission Limitation" means a requirement established by the Board or the Administrator, EPA, which limits the quantity, rate or concentration of emission of air pollutants on a continuous emission reduction including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction (Section 302(k)).

"Emissions Unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the Clean Air Act.

"Enforceable" means all limitations and conditions which are enforceable by the Administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within the State Implementation Plan and R307, any permit requirements established pursuant to 40 CFR 52.21 or R307-401.

"EPA" means Environmental Protection Agency.

"Executive Director" means the Executive Director of the Utah Department of Environmental Quality. See Section 19-1-103(2).

"Executive Secretary" means the Executive Secretary of the Board.

"Existing Installation" means an installation, construction of which began prior to the effective date of any regulation having application to it.

"Facility" means machinery, equipment, structures of any part or accessories thereof, installed or acquired for the primary purpose of controlling or disposing of air pollution. It does not include an air conditioner, fan or other similar device for the comfort of personnel.

"Fireplace" means all devices both masonry or factory built units (free standing fireplaces) with a hearth, fire chamber or similarly prepared device connected to a chimney which provides the operator with little control of combustion air, leaving its fire chamber fully or at least partially open to the room. Fireplaces include those devices with circulating systems, heat exchangers, or draft reducing doors with a net thermal efficiency of no greater than twenty percent and are used for aesthetic purposes.

"Fugitive Dust" means particulate, composed of soil and/or industrial particulates such as ash, coal, minerals, etc., which becomes airborne because of wind or mechanical disturbance of surfaces. Natural sources of dust and fugitive emissions are not fugitive dust within the meaning of this definition.

"Fugitive Emissions" means emissions from an installation or facility which are neither passed through an air cleaning device nor vented through a stack or could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Garbage" means all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food, including wastes attendant thereto.

"Gasoline" means any petroleum distillate, used as a fuel for internal combustion engines, having a Reid vapor pressure of 4 pounds or greater.

"Hazardous Air Pollutant (HAP)" means any pollutant listed by the EPA as a hazardous air pollutant in conformance with Section 112(b) of the Clean Air Act. A list of these pollutants is available at the Division of Air Quality.

"Heavy Fuel Oil" means a petroleum product or similar material with a boiling range higher than that of diesel fuel.

"Household Waste" means any solid or liquid material normally generated by the family in a residence in the course of ordinary day-to-day living, including but not limited to garbage, paper products, rags, leaves and garden

trash.

"Incinerator" means a combustion apparatus designed for high temperature operation in which solid, semisolid, liquid, or gaseous combustible wastes are ignited and burned efficiently and from which the solid and gaseous residues contain little or no combustible material.

"Indirect Source" means a building, structure or installation which attracts or may attract mobile source activity that results in emission of a pollutant for which there is a national standard.

"Installation" means a discrete process with identifiable emissions which may be part of a larger industrial plant. Pollution equipment shall not be considered a separate installation or installations.

"LPG" means liquified petroleum gas such as propane or butane.

"Major Modification" means any physical change in or change in the method of operation of a major source that would result in a significant net emissions increase of any pollutant. A net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone. Within Salt Lake and Davis Counties or any nonattainment area for ozone, a net emissions increase that is significant for nitrogen oxides shall be considered significant for ozone. Within areas of nonattainment for PM10, a significant net emission increase for any PM10 precursor is also a significant net emission increase for PM10. A physical change or change in the method of operation shall not include:

(1) routine maintenance, repair and replacement;

(2) use of an alternative fuel or raw material by reason of an order under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(3) use of an alternative fuel by reason of an order or rule under section 125 of the federal Clean Air Act;

(4) use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(5) use of an alternative fuel or raw material by a source:

(a) which the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any enforceable permit condition; or

(b) which the source is otherwise approved to use;

(6) an increase in the hours of operation or in the production rate unless such change would be prohibited under any enforceable permit condition;

(7) any change in ownership at a source

(8) the addition, replacement or use of a pollution control project at an existing electric utility steam generating unit, unless the executive secretary determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

(a) when the executive secretary has reason to believe that the pollution control project would result in a significant net increase in representative actual annual

emissions of any criteria pollutant over levels used for that source in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the Clean Air Act, if any, and

(b) the executive secretary determines that the increase will cause or contribute to a violation of any national ambient air quality standard or PSD increment, or visibility limitation.

(9) the installation, operation, cessation, or removal of a temporary clean coal demonstration project, provided that the project complies with:

(a) the Utah State Implementation Plan; and

(b) other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Major Source" means, to the extent provided by the federal Clean Air Act as applicable to R307:

(1) any stationary source of air pollutants which emits, or has the potential to emit, one hundred tons per year or more of any pollutant subject to regulation under the Clean Air Act; or

(a) any source located in a nonattainment area for carbon monoxide which emits, or has the potential to emit, carbon monoxide in the amounts outlined in Section 187 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 187 of the federal Clean Air Act; or

(b) any source located in Salt Lake or Davis Counties or in a nonattainment area for ozone which emits, or has the potential to emit, VOC or nitrogen oxides in the amounts outlined in Section 182 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 182 of the federal Clean Air Act; or

(c) any source located in a nonattainment area for PM10 which emits, or has the potential to emit, PM10 or any PM10 precursor in the amounts outlined in Section 189 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 189 of the federal Clean Air Act.

(2) any physical change that would occur at a source not qualifying under subpart 1 as a major source, if the change would constitute a major source by itself;

(3) the fugitive emissions and fugitive dust of a stationary source shall not be included in determining for any of the purposes of these R307 rules whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(a) Coal cleaning plants (with thermal dryers);

(b) Kraft pulp mills;

(c) Portland cement plants;

(d) Primary zinc smelters;

(e) Iron and steel mills;

(f) Primary aluminum or reduction plants;

(g) Primary copper smelters;

(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(i) Hydrofluoric, sulfuric, or nitric acid plants;

(j) Petroleum refineries;

(k) Lime plants;

- (l) Phosphate rock processing plants;
- (m) Coke oven batteries;
- (n) Sulfur recovery plants;
- (o) Carbon black plants (furnace process);
- (p) Primary lead smelters;
- (q) Fuel conversion plants;
- (r) Sintering plants;
- (s) Secondary metal production plants;
- (t) Chemical process plants;
- (u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British Thermal Units per hour heat input;
- (v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (w) Taconite ore processing plants;
- (x) Glass fiber processing plants;
- (y) Charcoal production plants;
- (z) Fossil fuel-fired steam electric plants of more than 250 million British Thermal Units per hour heat input;
- (aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the federal Clean Air Act.

"Modification" means any planned change in a source which results in a potential increase of emission.

"National Ambient Air Quality Standards (NAAQS)" means the allowable concentrations of air pollutants in the ambient air specified by the Federal Government (Title 40, Code of Federal Regulations, Part 50).

"Net Emissions Increase" means the amount by which the sum of the following exceeds zero:

- (1) any increase in actual emissions from a particular physical change or change in method of operation at a source; and
- (2) any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable. For purposes of determining a "net emissions increase":
- (a) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date five years before construction on the particular change commences; and the date that the increase from the particular change occurs.
- (b) An increase or decrease in actual emissions is creditable only if it has not been relied on in issuing a prior approval for the source which approval is in effect when the increase in actual emissions for the particular change occurs.
- (c) An increase or decrease in actual emission of sulfur dioxide, nitrogen oxides or particulate matter which occurs before an applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM10 emissions will be used to evaluate this increase or decrease.
- (d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
- (e) A decrease in actual emissions is creditable

only to the extent that:

- (i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
- (ii) It is enforceable at and after the time that actual construction on the particular change begins; and
- (iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
- (iv) It has not been relied on in issuing any permit under R307-401 nor has it been relied on in demonstrating attainment or reasonable further progress.
- (f) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

"New Installation" means an installation, construction of which began after the effective date of any regulation having application to it.

"Nonattainment Area" means for any pollutant, "an area which is shown by monitored data or which is calculated by air quality modeling (or other methods determined by the Administrator, EPA to be reliable) to exceed any National Ambient Air Quality Standard for such pollutant" (Section 171, Clean Air Act). Such term includes any area designated as nonattainment under Section 107, Clean Air Act.

"Offset" means an amount of emission reduction, by a source, greater than the emission limitation imposed on such source by these regulations and/or the State Implementation Plan.

"Opacity" means the capacity to obstruct the transmission of light, expressed as percent.

"Open Burning" means any burning of combustible materials resulting in emission of products of combustion into ambient air without passage through a chimney or stack.

"Owner or Operator" means any person who owns, leases, controls, operates or supervises a facility, an emission source, or air pollution control equipment.

"PSD" Area means an area designated as attainment or unclassifiable under section 107(d)(1)(D) or (E) of the federal Clean Air Act.

"PM10 Nonattainment Area" means Salt Lake County, Utah County, or Ogden City.

"PM10 Particulate Matter" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by an EPA reference or equivalent method.

"PM10 Precursor" means any chemical compound or substance which, after it has been emitted into the atmosphere, undergoes chemical or physical changes that convert it into particulate matter, specifically PM10. It includes sulfur dioxide and nitrogen oxides.

"Part 70 Source" means any source subject to the permitting requirements of R307-415.

"Peak Ozone Season" means June 1 through

August 31, inclusive.

"Person" means an individual, trust, firm, estate, company, corporation, partnership, association, state, state or federal agency or entity, municipality, commission, or political subdivision of a state. (Subsection 19-2-103(4)).

"Pollution Control Project" means any activity or project at an existing electric utility steam generating unit for purposes of reducing emissions from such unit. Such activities or projects are limited to:

(1) The installation of conventional or innovative pollution control technology, including but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls and electrostatic precipitators;

(2) An activity or project to accommodate switching to a fuel which is less polluting than the fuel used prior to the activity or project, including, but not limited to natural gas or coal reburning, or the cofiring of natural gas and other fuels for the purpose of controlling emissions;

(3) A permanent clean coal technology demonstration project conducted under Title II, sec. 101(d) of the Further Continuing Appropriations Act of 1985 (sec. 5903(d) of title 42 of the United States Code), or subsequent appropriations, up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency; or

(4) A permanent clean coal technology demonstration project that constitutes a repowering project.

"Potential to Emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Process Level" means the operation of a source, specific to the kind or type of fuel, input material, or mode of operation.

"Process Rate" means the quantity per unit of time of any raw material or process intermediate consumed, or product generated, through the use of any equipment, source operation, or control apparatus. For a stationary internal combustion unit or any other fuel burning equipment, this term may be expressed as the quantity of fuel burned per unit of time.

"Production Equipment Exhaust System" means a device for collecting and directing out of the work area VOC fugitive emissions from reactor openings, centrifuge openings, and other vessel openings for the purpose of protecting employees from excessive VOC exposure.

"Reactivation of a Very Clean Coal-Fired Electric Utility Steam Generating Unit" means any physical change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where

the unit:

(1) Has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such unit continue to be carried in the emission inventory at the time of enactment;

(2) Was equipped prior to shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85 percent and a removal efficiency for particulates of no less than 98 percent;

(3) Is equipped with low-NOx burners prior to the time of commencement of operations following reactivation; and

(4) Is otherwise in compliance with the requirements of the Clean Air Act.

"Reactor" means any vat or vessel, which may be jacketed to permit temperature control, designed to contain chemical reactions.

"Reasonable Further Progress" means annual incremental reductions in emission of an air pollutant which are sufficient to provide for attainment of the NAAQS by the date identified in the State Implementation Plan.

"Refuse" means solid wastes, such as garbage and trash.

"Regulated air pollutant" means any of the following:

(a) Nitrogen oxides or any volatile organic compound;

(b) Any pollutant for which a national ambient air quality standard has been promulgated;

(c) Any pollutant that is subject to any standard promulgated under Section 111 of the Act, Standards of Performance for New Stationary Sources;

(d) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act, Stratospheric Ozone Protection;

(e) Any pollutant subject to a standard promulgated under Section 112, Hazardous Air Pollutants, or other requirements established under Section 112 of the Act, including Sections 112(g), (j), and (r) of the Act, including any of the following:

(i) Any pollutant subject to requirements under Section 112(j) of the Act, Equivalent Emission Limitation by Permit. If the Administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to Section 112(e) of the Act;

(ii) Any pollutant for which the requirements of Section 112(g)(2) of the Act (Construction, Reconstruction and Modification) have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

"Repowering" means replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle,

magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

(1) Repowering shall also include any oil and/or gas-fired unit which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.

(2) The executive secretary shall give expedited consideration to permit applications for any source that satisfies the requirements of this definition and is granted an extension under section 49 of the Clean Air Act.

"Representative Actual Annual Emissions" means the average rate, in tons per year, at which the source is projected to emit a pollutant for the two-year period after a physical change or change in the method of operation of unit, (or a different consecutive two-year period within 10 years after that change, where the executive secretary determines that such period is more representative of source operations), considering the effect any such change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting future emissions the executive secretary shall:

(1) Consider all relevant information, including but not limited to, historical operational data, the company's own representations, filings with the State of Federal regulatory authorities, and compliance plans under title IV of the Clean Air Act; and

(2) Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

"Residence" means a dwelling in which people live, including all ancillary buildings.

"Residential Solid Fuel Burning" device means any residential burning device except a fireplace connected to a chimney that burns solid fuel and is capable of, and intended for use as a space heater, domestic water heater, or indoor cooking appliance, and has an air-to-fuel ratio less than 35-to-1 as determined by the test procedures prescribed in 40 CFR 60.534. It must also have a useable firebox volume of less than 6.10 cubic meters or 20 cubic feet, a minimum burn rate less than 5 kilograms per hour or 11 pounds per hour as determined by test procedures prescribed in 40 CFR 60.534, and weigh less than 800 kilograms or 362.9 pounds. Appliances that are described as prefabricated fireplaces and are designed to accommodate doors or other accessories that would create the air starved

operating conditions of a residential solid fuel burning device shall be considered as such. Fireplaces are not included in this definition for solid fuel burning devices.

"Salvage Operation" means any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to metals, chemicals, shipping containers or drums.

"Secondary Emissions" means emissions which would occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself.

Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source or modification which causes the secondary emissions. Secondary emissions include emissions from any off-site support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

Fugitive emissions and fugitive dust from the source or modification are not considered secondary emissions.

"Significant" means:

(1) In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Carbon monoxide: 100 ton per year (tpy);

Nitrogen oxides: 40 tpy;

Sulfur dioxide: 40 tpy;

PM10 Particulate matter: 15 tpy;

Particulate matter: 25 tpy;

Ozone: 40 tpy of volatile organic compounds;

Lead: 0.6 tpy.

(2) For purposes of R307-405 it shall also additionally mean for:

(a) A rate of emissions that would equal or exceed any of the following rates:

Asbestos: 0.007 tpy;

Beryllium: 0.0004 tpy;

Mercury: 0.1 tpy;

Vinyl Chloride: 1 tpy;

Fluorides: 3 tpy;

Sulfuric acid mist: 7 tpy;

Hydrogen Sulfide: 10 tpy;

Total reduced sulfur (including H<sub>2</sub>S): 10 tpy;

Reduced sulfur compounds (including H<sub>2</sub>S): 10 tpy;

Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): 3.2 grams per year ( $3.5 \times 10^{-6}$  tons per year);

Municipal waste combustor metals (measured as particulate matter): 14 megagrams per year (15 tons per year);

Municipal waste combustor acid gases (measured

as sulfur dioxide and hydrogen chloride): 36 megagrams per year (40 tons per year);

Municipal solid waste landfill emissions (measured as nonmethane organic compounds): 45 megagrams per year (50 tons per year);

(b) In reference to a net emissions increase or the potential of a source to emit a pollutant subject to regulation under the Clean Air Act not listed in (1) and (2) above, any emission rate.

(c) Notwithstanding the rates listed in (1) and (2) above, any emissions rate or any net emissions increase associated with a major source or major modification, which would construct within 10 kilometers of a Class I area, and have an impact on such area equal to or greater than 1 ug/cubic meter, (24-hour average).

"Solid Fuel" means wood, coal, and other similar organic material or combination of these materials.

"Solvent" means organic materials which are liquid at standard conditions (Standard Temperature and Pressure) and which are used as dissolvers, viscosity reducers, or cleaning agents.

"Source" means any structure, building, facility, or installation which emits or may emit any air pollutant subject to regulation under the Clean Air Act and which is located on one or more continuous or adjacent properties and which is under the control of the same person or persons under common control. A building, structure, facility, or installation means all of the pollutant-emitting activities which belong to the same industrial grouping. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e. which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (US Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively).

"Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

"Standards of Performance for New Stationary Sources" means the Federally established requirements for performance and record keeping (Title 40 Code of Federal Regulations, Part 60).

"State" means Utah State.

"Synthesized Pharmaceutical Manufacturing" means the manufacture of pharmaceutical products by chemical synthesis.

"Temporary" means not more than 180 calendar days.

"Temporary Clean Coal Demonstration Project" means a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the Utah State Implementation Plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Threshold Limit Value - Ceiling (TLV-C)" means the airborne concentration of a substance which may not be exceeded, as adopted by the American Conference of

Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Threshold Limit Value - Time Weighted Average (TLV-TWA)" means the time-weighted airborne concentration of a substance adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Total Suspended Particulate (TSP)" means minute separate particles of matter, collected by high volume sampler.

"Toxic Screening Level" means an ambient concentration of an air contaminant equal to a threshold limit value - ceiling (TLV- C) or threshold limit value -time weighted average (TLV-TWA) divided by a safety factor.

"Trash" means solids not considered to be highly flammable or explosive including, but not limited to clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.

"Vertically Restricted Emissions Release" means the release of an air contaminant through a stack or opening whose flow is directed in a downward or horizontal direction due to the alignment of the opening or a physical obstruction placed beyond the opening, or at a height which is less than 1.3 times the height of an adjacent building or structure, as measured from ground level.

"Vertically Unrestricted Emissions Release" means the release of an air contaminant through a stack or opening whose flow is directed upward without any physical obstruction placed beyond the opening, and at a height which is at least 1.3 times the height of an adjacent building or structure, as measured from ground level.

"Volatile Organic Compound (VOC)" as defined in 40 CFR Subsection 51.100(s)(1), as published on July 1, 1998, is hereby adopted and incorporated by reference.

"Waste" means all solid, liquid or gaseous material, including, but not limited to, garbage, trash, household refuse, construction or demolition debris, or other refuse including that resulting from the prosecution of any business, trade or industry.

"Zero Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is zero.

**KEY: air pollution, definitions\***

**July 12, 2001**

**19-2-104**

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

**R307-102. General Requirements: Broadly Applicable Requirements.**

**R307-102-1. Air Pollution Prohibited; Periodic Reports Required.**

(1) Emission of air contaminants in sufficient

quantities to cause air pollution as defined in R307-101-2 is prohibited. The State statute provides for penalties up to \$50,000/day for violation of State statutes, regulations, rules or standards (See Section 19-2-115 for further details).

(2) Periodic Reports and Availability of Information. The owner or operator of any stationary air contaminant source in Utah shall furnish to the Board the periodic reports required under Section 19-2-104(1)(c) and any other information as the Board may deem necessary to determine whether the source is in compliance with Utah and Federal regulations and standards. The information thus obtained will be correlated with applicable emission standards or limitations and will be available to the public during normal business hours at the Division of Air Quality.

#### **R307-102-2. Confidentiality of Information.**

Any person submitting information pursuant to these regulations may request that such information be treated as a trade secret or on a confidential basis, in which case the executive secretary and Board shall so treat such information. If no claim is made at the time of submission, the executive secretary may make the information available to the public without further notice. Information required to be disclosed to the public under State or Federal law may not be requested to be kept confidential. Justification supporting claims of confidentiality shall be provided at the time of submission on the information. Each page claimed "confidential" shall be marked "confidential business information" by the applicant and the confidential information on each page shall be clearly specified. Claims of confidentiality for the name and address of applicants for an approval order will be denied. Confidential information or any other information or report received by the executive secretary or Board shall be available to EPA upon request and the person who submitted the information shall be notified simultaneously of its release to EPA.

#### **R307-102-3. (Reserved.)**

Reserved.

#### **R307-102-4. Variances Authorized.**

(1) Variance from these regulations may be granted by the Board as provided by law (See Section 19-2-113) unless prohibited by the Clean Air Act:

(a) to permit operation of an air pollution source for the time period involved in installing or constructing air pollution control equipment in accordance with a compliance schedule negotiated by the Executive Secretary and approved by the Board.

(b) to permit operation of an air pollution source where there is no practicable means known or available for adequate prevention, abatement or control of the air pollutants involved. Such a variance shall be only until the necessary means for prevention, abatement or control becomes known and available, subject to the use of substitute or alternate measures the Board may prescribe.

(c) to permit operation of an air pollution source where the control measures, because of their extent or cost, must be spread over a considerable period of time.

(2) Variance requests, as set forth in Section 19-2-113, may be submitted by the owner or operator who is in control of any plant, building, structure, establishment, process or equipment.

#### **R307-102-5. No Reduction in Pay.**

In accordance with paragraph 110(a)(6), Clean Air Act as amended August 1977, owners or operators may not temporarily reduce the pay of any employee by reason of the use of a supplemental or intermittent or other dispersion dependent control system for the purposes of meeting any air pollution requirement adopted pursuant to the Clean Air Act as amended August 1977.

#### **R307-102-6. Emissions Standards.**

Other provisions of R307 may require more stringent controls than listed herein, in which case those requirements must be met.

**KEY: air pollution, confidentiality of information, variances\***

**December 7, 2000**

**19-2-104**

**63-46b-4**

**19-2-113**

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

#### **R307-103. Administrative Procedures.**

##### **R307-103-1. Scope of Rule.**

(1) This rule R307-103 sets out procedures for conducting adjudicative proceedings under Title 19, Chapter 2, Utah Air Conservation Act, and governed by Title 63, Chapter 46b, the Utah Administrative Procedures Act.

(2) The executive secretary may issue initial orders or notices of violation as authorized by the Board. Following the issuance of an initial order or notice of violation under Title 19, Chapter 2, the recipient, or in some situations other persons, may contest that order or notice in a proceeding before the board or before a presiding officer appointed by the board.

(3) Issuance of initial orders and notices of violation are not governed by the Utah Administrative Procedures Act as provided under 63-46b-1(2)(k) and are not governed by R307-103-3 through R307-103-14 of this Rule. Initial orders and notices of violation are further described in R307-103-2(1).

(4) Proceedings to contest an initial order or notice of violation are governed by the Utah Administrative Procedures Act and by this rule R307-103.

(5) The Utah Administrative Procedures Act and this rule R307-103 also govern any other formal adjudicative proceeding before the Air Quality Board.

##### **R307-103-2. Initial Proceedings.**

(1) Initial Proceedings Exempt from Utah Administrative Procedures Act. Initial orders and notices of violation include, but are not limited to, initial

proceedings regarding:

- (a) approval, denial, termination, modification, revocation, reissuance or renewal of permits, plans, or approval orders;
- (b) notices of violation and orders associated with notices of violation;
- (c) orders to comply and orders to cease and desist;
- (d) certification for tank vapor tightness testing under R307-342;
- (e) certification of asbestos contractors under R307-801;
- (f) fees imposed for major source reviews under R307-414;
- (g) assessment of other fees except as provided in R307-103-14(7);
- (h) eligibility of pollution control equipment for tax exemptions under R307-120, R307-121, and R307-122;
- (i) requests for variances, exemptions, and other approvals;
- (j) requests or approvals for experiments, testing or control plans; and
- (k) certification of individuals and firms who perform lead-based paint activities and accreditation of lead-based paint training providers under R307-840.

(2) Effect of Initial Orders and Notices of Violation.

- (a) Unless otherwise stated, all initial orders or notices of violation are effective upon issuance. All initial orders or notices of violation shall become final if not contested within 30 days after the date issued.
- (b) The date of issuance of an initial order or notice of violation is the date the initial order or notice of violation is mailed.
- (c) Failure to timely contest an initial order or notice of violation waives any right of administrative contest, reconsideration, review, or judicial appeal.

### **R307-103-3. Contesting an Initial Order or Notice of Violation.**

- (1) Procedure. Initial orders and notices of violation, as described in R307-103-2(1), may be contested by filing a written Request for Agency Action to the Executive Secretary, Air Quality Board, Division of Air Quality, PO Box 144820, Salt Lake City, Utah 84114-4820.
- (2) Content Required and Deadline for Request. Any such request is governed by and shall comply with the requirements of 63-46b-3(3). If a request for agency action is made by a person other than the recipient of an order or notice of violation, the request for agency action shall also specify in writing sufficient facts to allow the board to determine whether the person has standing under R307-103-6(3) to bring the requested action.
- (3) A request for agency action made to contest an initial order or notice of violation shall, to be timely, be received for filing within 30 days of the issuance of the initial order or notice of violation.
- (4) Stipulation for Extending Time to File Request. The executive secretary and the recipient of an

initial order or notice of violation may stipulate to an extension of time for filing the request, or any part thereof.

### **R307-103-4. Designation of Proceedings as Formal or Informal.**

- (1) Contest of an initial order or notice of violation resulting from proceedings described in R307-103-2(1) shall be conducted as a formal proceeding.
- (2) The board in accordance with 63-46b-4(3) may convert proceedings which are designated to be formal to informal and proceedings which are designated as informal to formal if conversion is in the public interest and rights of all parties are not unfairly prejudiced.

### **R307-103-5. Notice of and Response to Request for Agency Action.**

- (1) The presiding officer shall promptly review a request for agency action and shall issue a Notice of Request for Agency Action in accordance with 63-46b-3(3)(d) and (e). If further proceedings are required and the matter is not set for hearing at the time the Notice is issued, notice of the time and place for a hearing shall be provided promptly after the hearing is scheduled.

- (2) The Notice shall include a designation of parties under R307-103-6(4), and shall notify respondents that any response to the Request for Agency Action shall be due within 30 days of the day the Notice is mailed, in accordance with 63-46b-6.

### **R307-103-6. Parties and Intervention.**

- (1) Determination of a Party. The following persons are parties to an adjudicative proceeding:
  - (a) The person to whom an initial order or notice of violation is directed, such as a person who submitted a permit application that was approved or disapproved by initial order of the executive secretary;
  - (b) The executive secretary of the board;
  - (c) All persons to whom the board has granted intervention under R307-103-6(2); and
  - (d) Any other person with standing who brings a Request for Agency Action as authorized by the Utah Administrative Procedures Act and these rules.

- (2) Intervention.
  - (a) A Petition to Intervene shall meet the requirements of 63-46b-9. Except as provided in (2)(c), the timeliness of a Petition to Intervene shall be determined by the presiding officer under the facts and circumstances of each case.
  - (b) Any response to a Petition to Intervene shall be filed within 20 days of the date the Petition was filed, except as provided in R307-103-6(2)(c).
  - (c) A person seeking to intervene in a proceeding for which agency action has not been initiated under 63-46b-3 may file a Request for Agency Action at the same time he files a Petition for Intervention. Any such Request for Agency Action and Petition to Intervene must be received by the board for filing within 30 days of the issuance of the initial order or notice of violation being challenged. The time for filing a Request for Agency

Action and Petition to Intervene may be extended by stipulation of the executive secretary, the person subject to an initial order or notice of violation, and the potential intervenor.

(d) Any response to a Petition to Intervene that is filed at the same time as a Request for Agency Action shall be filed on or before the day the response to the Request for Agency Action is due.

(e) A Petition to Intervene shall be granted if the requirements of 63-46b-9(2) are met.

(3) Standing. No person may initiate or intervene in an agency action unless that person has standing. Standing shall be evaluated using applicable Utah case law.

(4) Designation of Parties. The presiding officer shall designate each party as a petitioner or respondent.

(5) Amicus Curiae (Friend of the Court). A person may be permitted by the presiding officer to enter an appearance as amicus curiae (friend of the court), subject to conditions established by the presiding officer.

#### **R307-103-7. Conduct of Proceedings.**

##### **(1) Role of Board.**

(a) The board is the "agency head" as that term is used in Title 63, Chapter 46b. The board is also the "presiding officer," as that term is used in Title 63, Chapter 46b, except:

(i) The chair of the board shall be considered the presiding officer to the extent that these rules allow; and

(ii) The board may appoint one or more presiding officers to preside over all or a portion of the proceedings.

(b) The chair of the board may delegate the chair's authority as specified in this rule to another board member.

(2) Appointed Presiding Officers. Unless otherwise explicitly provided by written order, any appointment of a presiding officer shall be for the purpose of conducting all aspects of an adjudicative proceeding, except rulings on intervention, stays of orders, dispositive motions, and issuance of the final order. As used in this rule, the term "presiding officer" shall mean "presiding officers" if more than one presiding officer is appointed by the board.

(3) Board Counsel. The Presiding Officer may request that Board Counsel provide legal advice regarding legal procedures, pending motions, evidentiary matters and other legal issues.

(4) Pre-hearing Conferences. The presiding officer may direct the parties to appear at a specified time and place for pre-hearing conferences for the purposes of establishing schedules, clarifying the issues, simplifying the evidence, facilitating discovery, expediting proceedings, encouraging settlement, or giving the parties notice of the presiding officer's availability to parties.

##### **(5) Pre-hearing Documents.**

(a) At least 15 business days before a scheduled hearing, the executive secretary shall compile a draft list of prehearing documents as described in (b), and shall provide the list to all other parties. Each party may propose to add documents to or delete document from the list. At least seven business days before a scheduled hearing, the executive secretary shall issue a final prehearing document

list, which shall include only those documents upon which all parties agree unless otherwise ordered by the presiding officer. All documents on the final prehearing document list shall be made available to the presiding officer prior to the hearing, and shall be deemed to be authenticated.

(b) The prehearing document list shall ordinarily include any pertinent permit application, any pertinent inspection report, any pertinent draft document that was released for public comment, any pertinent public comments received, any pertinent initial order or notice of violation, the request for or notice of agency action, and any responsive pleading. The list is not intended to be an exhaustive list of every document relevant to the proceeding, however any document may be included upon the agreement of all parties.

##### **(6) Briefs.**

(a) Unless otherwise directed by the presiding officer, parties to the proceeding shall submit a pre-hearing brief, which shall include a proposed order meeting the requirements of 63-46b-10, at least seven business days before the hearing. The prehearing brief shall be limited to 20 pages exclusive of the proposed order.

(b) Post-hearing briefs and responsive briefs will be allowed only as authorized by the presiding officer.

##### **(7) Schedules.**

(a) The parties are encouraged to prepare a joint proposed schedule for discovery, for other pre-hearing proceedings, for the hearing, and for any post-hearing proceedings. If the parties cannot agree on a joint proposed schedule, any party may submit a proposed schedule to the presiding officer for consideration.

(b) The presiding officer shall establish a schedule for the matters described in (a) above.

(8) Motions. All motions shall be filed a minimum of 12 days before a scheduled hearing, unless otherwise directed by the presiding officer. A memorandum in opposition to a motion may be filed within 10 days of the filing of the motion, or at least one day before any scheduled hearing, whichever is earlier. Memoranda in support of or in opposition to motions may not exceed 15 pages unless otherwise provided by the presiding officer.

(9) Filing and Copies of Submissions. The original of any motion, brief, petition for intervention, or other submission shall be filed with the executive secretary. In addition, the submitter shall provide a copy to each presiding officer, to each party of record, and to all persons who have petitioned for intervention, but for whom intervention has been neither granted nor denied.

#### **R307-103-8. Hearings.**

The presiding officer shall govern the conduct of a hearing, and may establish reasonable limits on the length of witness testimony, cross-examination, oral arguments or opening and closing statements.

#### **R307-103-9. Orders.**

(1) Recommended Orders of Appointed Presiding Officers.

(a) Unless an appointed presiding officer is required by the terms of his appointment to issue a final order, he shall prepare a recommended order for the board, and shall provide copies of the recommended order to the board and to all parties.

(b) Any party may, within 10 days of the date the recommended order is mailed, delivered, or published, comment on the recommended order. Such comments shall be limited to 15 pages and shall cite to the specific parts of the record which support the comments.

(c) The board shall review the recommended order, comments on the recommended order, and those specific parts of the record cited by the parties in any comments. The board shall then determine whether to accept, reject, or modify the recommended order. The board may remand part or all of the matter to the presiding officer or may itself act as presiding officers for further proceedings.

(d) The board may modify this procedure with notice to all parties.

(2) Final Orders. The board shall issue a final order which shall include the information required by 63-46b-10 or 63-46b-5(1)(i).

#### **R307-103-10. Stays of Orders.**

(1) Stay of Orders Pending Administrative Adjudication.

(a) A party seeking a stay of a challenged order during an adjudicative proceeding shall file a motion with the board. If granted, a stay would suspend the challenged order for the period as directed by the board.

(b) The board may order a stay of the order if the party seeking the stay demonstrates the following:

(i) The party seeking the stay will suffer irreparable harm unless the stay is issued;  
(ii) The threatened injury to the party seeking the stay outweighs whatever damage the proposed stay is likely to cause the party restrained or enjoined;  
(iii) The stay, if issued, would not be adverse to the public interest; and  
(iv) There is substantial likelihood that the party seeking the stay will prevail on the merits of the underlying claim, or the case presents serious issues on the merits which should be the subject of further adjudication.

(2) Stay of the Order Pending Judicial Review.

(a) A party seeking a stay of the board's final order during the pendency of judicial review shall file a motion with the board.

(b) The board as presiding officer may grant a stay of its order during the pendency of judicial review if the standards of R307-103-10(1)(b) are met.

#### **R307-103-11. Reconsideration.**

No agency review under 63-46b-12 is available. A party may request reconsideration of an order of the presiding officer as provided in 63-46b-13.

#### **R307-103-12. Disqualification of Board Members or Other Presiding Officers.**

(1) Disqualification of Board Members or Other Presiding Officers.

(a) A member of the board or other presiding officer shall disqualify himself from performing the functions of the presiding officer regarding any matter in which he, or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such person:

(i) Is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) Has acted as an attorney in the proceeding or served as an attorney for, or otherwise represented a party concerning the matter in controversy;

(iii) Knows that he has a financial interest, either individually or as a fiduciary, in the subject matter in controversy or in a party to the proceeding;

(iv) Knows that he has any other interest that could be substantially affected by the outcome of the proceeding; or

(v) Is likely to be a material witness in the proceeding.

(b) A member of the board or other presiding officer is also subject to disqualification under principles of due process and administrative law.

(c) These requirements are in addition to any requirements under the Utah Public Officers' and Employees' Ethics Act, Utah Code Ann. Section 67-16-1 et seq.

(2) Motions for Disqualification. A motion for disqualification shall be made first to the presiding officer. If the presiding officer is appointed, any determination of the presiding officer upon a motion for disqualification may be appealed to the board.

#### **R307-103-13. Declaratory Orders.**

(1) A request for a declaratory order may be filed in accordance with the provisions of 63-46b-21. The request shall be titled a petition for declaratory order and shall meet the requirements of 63-46b-3(3). The request shall also set out a proposed order.

(2) Requests for declaratory order, if set for adjudicative hearing, will be conducted using formal procedures unless converted to an informal proceeding under R307-103-4(2) above.

(3) The provisions of 63-46b-4 through 63-46b-13 apply to declaratory proceedings, as do the provisions of this Rule R307-103.

#### **R307-103-14. Miscellaneous.**

(1) Modifying Requirements of Rules. For good cause, the requirements of these rules may be modified by order of the presiding officer.

(2) Extensions of Time. Except as otherwise provided by statute, the presiding officer may approve extensions of any time limits established by this rule, and may extend time limits adopted in schedules established under R307-103-7(6). The presiding officer may also postpone hearings. The chair of the board may act as presiding officer for purposes of this paragraph.

(3) Computation of Time. Time shall be computed as provided in Rule 6(a) of the Utah Rules of Civil Procedure except that no additional time shall be allowed for service by mail.

(4) Appearances and Representation.

(a) An individual who is a participant to a proceeding, or an officer designated by a partnership, corporation, association, or governmental entity which is a participant to a proceeding, may represent his, her, or its interest in the proceeding.

(b) Any participant may be represented by legal counsel.

(5) Other Forms of Address. Nothing in these rules shall prevent any person from requesting an opportunity to address the board as a member of the public, rather than as a party. An opportunity to address the board shall be granted at the discretion of the board. Addressing the board in this manner does not constitute a request for agency action under R307-103-3.

(6) Settlement. A settlement may be through an administrative order or through a proposed judicial consent decree, subject to the agreement of the settlers.

(7) Requests for Records. Requests for records and related assessments of fees for records under the Title 63, Chapter 2, Utah Government Record Access and Management Act, are not governed by Title 63, Chapter 46b, Utah Administrative Procedures Act, or by this rule.

**KEY: air pollution, administrative procedure, hearings\***  
April 12, 2001 **63-46b**

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

**R307-105. General Requirements: Emergency Controls.**  
**R307-105-1. Air Pollution Emergency Episodes.**

(1) Determination of an episode and its extent or stage shall be made by the Executive Secretary taking into consideration the levels of pollutant concentrations contained at 40 CFR Section 51.151 and 40 CFR Section 51, Appendix L, and summarized in the table below:

TABLE

AIR POLLUTION EPISODE CRITERIA  
(values in micrograms/cubic meter unless stated otherwise)

POLLUTANT	ALERT	WARNING	EMERGENCY	NEVER TO BE EXCEEDED
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SULFUR DIOXIDE

24-hour average	800 (ppm)	1,600 (0.6)	2,100 (0.8)	2,620 (1.0)
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PM10	350	420	500	600
24-hour average				

CARBON MONOXIDE

8-hour average	17,000 (ppm)	34,000 (15)	46,000 (40)	57,500 (50)
4-hour average				86,300 (75 ppm)
1-hour average				144,000 (125 ppm)

OZONE

1-hour average	400 (ppm)	800 (0.4)	1,000 (0.5)	
2-hour average				1,200 (0.6 ppm)

NITROGEN DIOXIDE

1-hour average	1130 (ppm)	2,260 (1.2)	3,000 (1.6)	3,750 (2.0)
24-hour average	282 (ppm)	565 (0.3)	750 (0.4)	938 (0.5)

An air pollution alert, air pollution warning, or air pollution emergency will be declared when any one of the above pollutants reaches the specified levels at any monitoring site.

In addition to the levels listed for the above pollutants, meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase, or in the case of ozone, the situation is likely to reoccur within the next 24-hours unless control actions are taken.

**ALERT** The Alert level is that concentration at which first stage control action is to begin.

**WARNING** The warning level indicates that air quality is continuing to degrade and that additional control actions are necessary.

**EMERGENCY** The emergency level indicates that air quality is continuing to degrade toward a level of significant harm to the health of persons and that the most stringent control actions are necessary.

(2) The Executive Secretary shall also take into consideration, to determine an episode and its extent, rate of change of concentration, meteorological forecasts, and the geographical area of the episode, including a consideration of point and area sources of emission, where applicable.

**R307-105-2. Emergency Actions.**

(1) If an episode is determined to exist, the Executive Director, with concurrence of the Governor shall:

- Make public announcements pertaining to the existence, extent and area of the episode.

- Require corrective measures as necessary to prevent a further deterioration of air quality.

- Episode termination shall be announced by the Executive Director, with concurrence of the Governor, once monitored pollutant concentration data and meteorological forecasts determine the crisis is over.

**KEY: air pollution, emergency powers, governor\*, air pollution**

**1998**

**19-2-107**

**Notice of Continuation March 26, 2002**

**R307. Environmental Quality, Air Quality.****R307-107. General Requirements: Unavoidable Breakdown.****R307-107-1. Application.**

R307-107 applies to all regulated pollutants including those for which there are National Ambient Air Quality Standards. Except as otherwise provided in R307-107, emissions resulting from an unavoidable breakdown will not be deemed a violation of these regulations. If excess emissions are predictable, they must be authorized under the variance procedure in R307-102-4. Breakdowns that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered unavoidable breakdown.

**R307-107-2. Reporting.**

A breakdown for any period longer than 2 hours must be reported to the executive secretary within 3 hours of the beginning of the breakdown if reasonable, but in no case longer than 18 hours after the beginning of the breakdown. During times other than normal office hours, breakdowns for any period longer than 2 hours shall be initially reported to the Environmental Health Emergency Response Coordinator, Telephone (801) 536-4123. Within 7 calendar days of the beginning of any breakdown of longer than 2 hours, a written report shall be submitted to the executive secretary which shall include the cause and nature of the event, estimated quantity of pollutant (total and excess), time of emissions and steps taken to control the emissions and to prevent recurrence. The submittal of such information shall be used by the executive secretary in determining whether a violation has occurred and/or the need of further enforcement action.

**R307-107-3. Penalties.**

Failure to comply with the reporting procedures of R307-107-2 will constitute a violation of these regulations.

**R307-107-4. Procedures.**

The owner or operator of an installation suffering an unavoidable breakdown shall assure that emission limitations and visible emission limitations are exceeded for only as short a period of time as reasonable. The owner or operator shall take all reasonable measures which may include but are not limited to the immediate curtailment of production, operations, or activities at all installations of the source if necessary to limit the total aggregate emissions from the source to no greater than the aggregate allowable emissions averaged over the periods provided in the source's approval orders or R307. In the event that production, operations or activities cannot be curtailed so as to so limit the total aggregate emissions without jeopardizing equipment or safety or measures taken would result in even greater excess emissions, the owner or operator of the source shall use the most rapid, reasonable procedure to reduce

emissions. The owner or operator of any installation subject to a SIP emission limitation pursuant to these rules shall be deemed to have complied with the provisions of R307-107 if the emission limitation has not been exceeded.

**R307-107-5. Violation.**

Failure to comply with curtailment actions required by R307-107-4 will constitute a violation of R307-107.

**R307-107-6. Emissions Standards.**

Other provisions of R307 may require more stringent controls than listed herein, in which case those requirements must be met.

**KEY: air pollution, breakdown\*, excess emissions\***

**1998**

**19-2-104**

**R307. Environmental Quality, Air Quality.****R307-110. General Requirements: State Implementation Plan.****R307-110-1. Incorporation by Reference.**

To meet requirements of the Federal Clean Air Act, the Utah State Implementation Plan must be incorporated by reference into these rules. Copies of the Utah State Implementation Plan are available at the Utah Department of Environmental Quality, Division of Air Quality.

**R307-110-2. Section I, Legal Authority.**

The Utah State Implementation Plan, Section I, Legal Authority, as most recently amended by the Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-3. Section II, Review of New and Modified Air Pollution Sources.**

The Utah State Implementation Plan, Section II, Review of New and Modified Air Pollution Sources, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-4. Section III, Source Surveillance.**

The Utah State Implementation Plan, Section III, Source Surveillance, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-5. Section IV, Ambient Air Monitoring Program.**

The Utah State Implementation Plan, Section IV, Ambient Air Monitoring Program, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated

by reference and made a part of these rules.

**R307-110-6. Section V, Resources.**

The Utah State Implementation Plan, Section V, Resources, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-7. Section VI, Intergovernmental Cooperation.**

The Utah State Implementation Plan, Section VI, Intergovernmental Cooperation, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-8. Section VII, Prevention of Air Pollution Emergency Episodes.**

The Utah State Implementation Plan, Section VII, Prevention of Air Pollution Emergency Episodes, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-9. Section VIII, Prevention of Significant Deterioration.**

The Utah State Implementation Plan, Section VIII, Prevention of Significant Deterioration, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-10. Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter.**

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter, as most recently amended by the Utah Air Quality Board on July 3, 2002, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-11. Section IX, Control Measures for Area and Point Sources, Part B, Sulfur Dioxide.**

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part B, Sulfur Dioxide, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-12. Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide.**

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide, as most recently amended by the Utah Air Quality Board on January 7, 1998, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-13. Section IX, Control Measures for Area and Point Sources, Part D, Ozone.**

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part D, Ozone, as most recently amended by the Utah Air Quality Board on September 9, 1998, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-14. Section IX, Control Measures for Area and Point Sources, Part E, Nitrogen Dioxide.**

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part E, Nitrogen Dioxide, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-15. Section IX, Control Measures for Area and Point Sources, Part F, Lead.**

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part F, Lead, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-16. (Reserved.)**

Reserved.

**R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits.**

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits, as most recently amended by the Utah Air Quality Board on June 5, 2002, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-18. Reserved.**

Reserved.

**R307-110-19. Section XI, Other Control Measures for Mobile Sources.**

The Utah State Implementation Plan, Section XI, Other Control Measures for Mobile Sources, as most recently amended by the Utah Air Quality Board on February 9, 2000, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-20. Section XII, Involvement.**

The Utah State Implementation Plan, Section XII, Involvement, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-21. Section XIII, Analysis of Plan Impact.**

The Utah State Implementation Plan, Section

XIII, Analysis of Plan Impact, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-22. Section XIV, Comprehensive Emission Inventory.**

The Utah State Implementation Plan, Section XIV, Comprehensive Emission Inventory, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-23. Section XV, Utah Code Title 19, Chapter 2, Air Conservation Act.**

Section XV of the Utah State Implementation Plan contains Utah Code Title 19, Chapter 2, Air Conservation Act.

**R307-110-24. Section XVI, Public Notification.**

The Utah State Implementation Plan, Section XVI, Public Notification, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-25. Section XVII, Visibility Protection.**

The Utah State Implementation Plan, Section XVII, Visibility Protection, as most recently amended by the Utah Air Quality Board on March 26, 1993, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-26. R307-110-26 Section XVIII, Demonstration of GEP Stack Height.**

The Utah State Implementation Plan, Section XVIII, Demonstration of GEP Stack Height, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-27. Section XIX, Small Business Assistance Program.**

The Utah State Implementation Plan, Section XIX, Small Business Assistance Program, as most recently amended by the Utah Air Quality Board on December 18, 1992, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-28. Reserved.**

Reserved.

**R307-110-29. Section XXI, Diesel Inspection and Maintenance Program.**

The Utah State Implementation Plan, Section XXI, Diesel Inspection and Maintenance Program, as most recently amended by the Utah Air Quality Board on July 12, 1995, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-30. Section XXII, General Conformity.**

The Utah State Implementation Plan, Section XXII, General Conformity, as adopted by the Utah Air Quality Board on October 4, 1995, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-31. Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability.**

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability, as most recently amended by the Utah Air Quality Board on August 1, 2001, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-32. Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County.**

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County, as most recently amended by the Utah Air Quality Board on February 5, 1997, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-33. Section X, Vehicle Inspection and Maintenance Program,, Part C, Salt Lake County.**

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County, as most recently amended by the Utah Air Quality Board on August 1, 2001, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-34. Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County.**

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County, as most recently amended by the Utah Air Quality Board on August 1, 2001, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**R307-110-35. Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County.**

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County, as most recently amended by the Utah Air Quality Board on February 5, 1997, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**KEY: air pollution,small business assistance program\*, particulate matter\*, ozone**

**May 13, 2002**

**19-2-104(3)(e)**

**Notice of Continuation March 27, 2002**

**R307. Environmental Quality, Air Quality.****R307-115. General Conformity.****R307-115-1. Determining Conformity.**

The provisions of 40 CFR Part 93, Subpart B, Determining Conformity of General Federal Actions to State or Federal Implementation Plans, published at 58 FR 63214 on November 30, 1993, and effective on January 31, 1994, are hereby incorporated by reference into these rules.

**KEY: environmental protection, air pollution, general conformity\***

1998

19-2-104

**R307. Environmental Quality, Air Quality.****R307-120. General Requirements: Tax Exemption for Air and Water Pollution Control Equipment.****R307-120-1. Application.**

Application for certification shall be made on forms provided by the State Department of Environmental Quality, and shall include all information requested thereon and such additional reasonably necessary information as is requested by the executive secretary of the Air Quality Board or the executive secretary of the Water Quality Board.

**R307-120-2. Eligibility for Certification.**

Certification shall be made only for taxpayers who are owners, operators (under a lease) or contract purchasers of a trade or business that utilizes Utah property with a pollution control facility to prevent or minimize pollution.

**R307-120-3. Review Period.**

Date of filing shall be date of receipt of the final item of information requested and this filing date shall initiate the 120-day review period.

**R307-120-4. Conditions for Eligibility.**

(1) All materials, equipment and structures (or part thereof) purchased, leased or otherwise procured and services utilized for construction or installation in a water or air pollution control facility shall be eligible for certification, provided:

(a) such materials, equipment, structures (or part thereof), and services installed, constructed, or acquired result in a demonstrated reduction of pollutant discharges or emission pollutant levels, and

(b) the primary purpose of such materials, equipment, structures (or part thereof), and services is preventing, controlling, reducing, or disposing of water or air pollution.

(2) The above includes expenditures which reduce the amount of pollutants produced as well as expenditures which result in removal of pollutants from waste streams. The materials, equipment, structures (or part thereof), and services that are necessary for the proper functioning of air or water pollution control facilities meeting the requirements of (1)(a) and (b) above, including equipment required for compliance monitoring, shall be eligible for certification.

**R307-120-5. Limitations on Certification.**

Applications for certification shall be certified by the executive secretary of the Air Quality Board or the executive secretary of the Water Quality Board after consultation with the State Tax Commission and only if:

(1) Air Quality.

(a) the air pollution control facility in question has been reviewed and approved by the executive secretary of the Air Quality Board for those air pollution sources needing review in accordance with R307-401, or

(b) the air pollution control facilities installed, constructed, or acquired are the result of the requirements of these rules (permits by rule) or the State Implementation Plan.

(2) Water Quality.

(a) plans for the water pollution control facility in question require review and approval by the Water Quality Board and have been so approved, or

(b) the water pollution control facility is specifically required by the Water Quality Board, including facilities constructed for pretreatment of wastes prior to discharge to a public sewerage system in accordance with R317-8-8.1, but excluding facilities which are permitted by rule under R317-6-6.2 (Ground Water Discharge Permit by Rule) unless required to obtain an individual permit by the Water Quality Board, or

(c) the water pollution control facility is required and permitted by another statutory board within the Department of Environmental Quality, or

(d) the water pollution control facility eliminates or reduces the discharge of pollutants which would be regulated by the Water Quality Board, if such pollutants were discharged.

**R307-120-6. Exemptions from Certification.**

the following items are specifically not eligible for certification:

(1) materials and supplies used in the normal operation or maintenance of the water or air pollution control facilities;

(2) materials, equipment, and services used to monitor ambient air or water, unless required for a permit or approval from a statutory board within the Department of Environmental Quality;

(3) materials, equipment, and services for collection, treatment, and disposal of human wastes, unless the primary purpose of such materials, equipment and services is the treatment of industrial wastes;

(4) materials, equipment and services used in removal, treatment, or disposal of pollutants from contaminated ground water, if the applicant caused the ground water contamination by failing to comply with applicable permits, approvals, rules, or standards existing at the time the contamination occurred; and

(5) air conditioners.

**R307-120-7. Duty to Issue Certification.**

Upon determination that facilities described in any application under R307-120-1 satisfy the requirements

of these rules and Sections 19-2-123 through 19-2-127 the executive secretary of the Air Quality Board or the executive secretary of the Water Quality Board shall issue a certification of pollution control facility to the applicant.

**R307-120-8. Appeal and Revocation.**

(1) A decision of the executive secretary of the Air Quality Board may be reviewed by filing a Request for Agency Action as provided in R307-103-3. A decision of the executive secretary of the Water Quality Board may be reviewed by filing a Request for Agency Action as provided in the administrative rules for Water Quality, R317.

(2) Revocation of prior certification shall be made for any of the circumstances prescribed in Section 19-2-126, after consultation with the State Tax Commission.

**KEY: air pollution, tax exemptions, equipment\***

<b>December 7, 2000</b>	<b>19-2-124</b>
<b>Notice of Continuation March 26, 2002</b>	<b>19-2-125</b>
	<b>19-2-126</b>
	<b>19-2-127</b>

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

**R307-121. General Requirements: Eligibility of Vehicles That Use Cleaner Burning Fuels for Corporate and Individual Income Tax Credits.**

**R307-121-1. Purpose.**

This rule provides taxpayers with the criteria and procedures to obtain certification from the board that a vehicle is eligible for a credit under 59-7-605 and 59-10-127.

**R307-121-2. Definitions.**

The following additional definitions apply to R307-121.

"Conversion System" means a package which may include fuel, ignition, emissions control, and engine components that are modified, removed, or added to a motor vehicle or a special to make that vehicle or equipment an eligible vehicle.

"Eligible" means that the vehicle or special mobile equipment:

- (i) is fueled by propane, natural gas, or electricity;
- (ii) is fueled by other fuel the Air Quality Board determines annually on or before July 1, to be at least as effective as fuels under (i) above in reducing air pollution; or
- (iii) meets the clean fuel vehicle standards specified in Part C of Title II of the federal Clean Air Act.

"OEM vehicle" is defined in 63-34-202 to mean a vehicle manufactured by the original vehicle manufacturer or its contractor to use a clean fuel.

"Special Mobile Equipment" is defined in 59-7-605(1)(d) and 59-10-127(1)(d).

**R307-121-3. Anti-Tampering Policy.**

No person may convert a motor vehicle to use a clean fuel in a manner that violates Section 203(a) of the Act

or the "Interim Tampering Enforcement Policy" of the Environmental Protection Agency, June 15, 1974.

**R307-121-4. Proof of Purchase for OEM Vehicle.**

To obtain certification from the board that a vehicle is eligible, proof of purchase shall be made by submitting the following documents to the executive secretary:

- (1)(a) a copy of the Manufacturer's Statement of Origin or equivalent manufacturer's documentation showing that the vehicle is an OEM vehicle, or
- (b) if within a county with an inspection and maintenance (I/M) program, a copy of the vehicle inspection report from an approved I/M station showing that the vehicle meets emission standards for all installed fuel systems, or
- (c) a signed statement by an American Service Excellence (ASE) certified technician that includes the vehicle identification number and states that the vehicle is an eligible OEM vehicle, or
- (d) if the vehicle is a government agency fleet vehicle, documentation from the appropriate motorpool or government agency representative that sold the vehicle that the vehicle is an OEM vehicle, and
- (2) an original or copy of the purchase order, customer invoice, or receipt including the vehicle identification number (VIN).

**R307-121-5. Proof of Purchase for Vehicle Converted to Alternate Fuels.**

To obtain certification from the board that a conversion of a motor vehicle to be fueled by clean fuel is eligible, proof of purchase shall be made by submitting the following documentation to the executive secretary:

- (1) VIN;
- (2) fuel type before conversion;
- (3) fuel type after conversion;
- (4) either:
  - (a) if within a county with an I/M program, a copy of the vehicle inspection report from an approved station showing that the converted alternate fuel vehicle meets all county emissions requirements for all installed fuel systems, or
  - (b) a signed statement by an ASE certified technician that includes the VIN and states that the conversion is functional, or
  - (c) if the vehicle is a government agency fleet vehicle, documentation from the appropriate motor pool or government agency representative that sold the vehicle that the converted vehicle is eligible.
- (5) If the vehicle is newly converted within one year of the tax year in which the credit is to be claimed:
  - (a) conversion system manufacturer;
  - (b) conversion system model number;
  - (c) date of the conversion;
  - (d) name, address, and phone number of the person that converted the vehicle.

**R307-121-6. Procedures for Obtaining Certification by**

**the Board for Special Mobile Equipment.**

To obtain certification from the board that a conversion of special mobile equipment to be fueled by clean fuel is eligible, proof of purchase shall be made by submitting the following documentation to the executive secretary:

- (1) description of special mobile equipment for which credit is to be claimed;
- (2) fuel type before conversion;
- (3) fuel type after conversion;
- (4) the conversion system manufacturer and model number;
- (5) the date of the conversion;
- (6) the name, address and phone number of the person that converted the special mobile equipment; and
- (7) if special mobile equipment is converted from one clean fuel to another, documentation that either carbon monoxide or hydrocarbon emissions were reduced as a result of the conversion to the new fuel.

**R307-121-7. Procedures for Obtaining Certification by the Board for Fuel Conversion Systems.**

- (1) For vehicles.
  - (a) The executive secretary will issue a certificate, stating that the fuel conversion system for a specific fuel, vehicle class, and engine type has been certified by the Board, if the system manufacturer submits the following information to the executive secretary and if the executive secretary decides the conversion system has met all applicable requirements:
    - (i) description of each conversion system, fuel used, vehicle certification class (including vehicle type and vehicle weight class), and engine type;
    - (ii) Federal Test Procedure (FTP) mass emissions test data which:
      - (A) is collected in high altitude conditions as defined by the Environmental Protection Agency (EPA) using EPA approved equipment, test procedures and practices, and meeting EPA emissions certification standards, as defined in 40 CFR Part 86;
      - (B) shows that tests conducted before and after installation of the conversion system demonstrate a reduction in total emissions and that there is no increase in emissions for each regulated pollutant compared to emission levels when operated on the original fuel prior to the conversion;
      - (C) is tested on two vehicles for each vehicle certification class which have accumulated at least 4,000 miles each;
    - (iii) system engineering specifications.
  - (b) The executive secretary will issue a certificate if the federal Environmental Protection Agency has certified the conversion system, or if the fuel conversion system has been certified by a state whose certification standards are recognized by the Board.
  - (c) Special provisions.
    - (i) After conversion, dual-fuel or flexible-fuel vehicles shall be required to undergo at least one Federal Test Procedure on conventional fuel and must demonstrate

that the EPA emissions certification standards in 40 CFR Part 86 for that vehicle type and model year on the conventional fuel are being met.

(ii) The executive secretary may waive the requirement for testing to be conducted at high altitude, specified in (1)(a)(ii)(A) above, if the manufacturer demonstrates that the conversion system provides an equivalent emission reduction.

(iii) Acceptability of Canadian data will be determined on a case-by-case basis after demonstrating to the satisfaction of the executive secretary that the test is equivalent to the Federal Test Procedure.

(iv) Vehicle conversions must comply with EPA Mobile Source Enforcement Memorandum No. 1A., dated June 25, 1974.

(2) For special fuel mobile equipment.

(a) The executive secretary will issue a certificate, stating that the fuel conversion system for a specific fuel and mobile equipment engine type has been certified by the Board, if the system manufacturer submits the following information to the executive secretary and if the executive secretary decides the conversion system has met all applicable requirements:

(i) description of each conversion system, fuel used, and mobile equipment engine type;

(ii) emissions test data showing that the conversion system results in an emission reduction of total emissions and that there is no increase in emissions for each regulated pollutant in comparison with emission levels when operated on the original fuel prior to the conversion; and

(iii) system engineering specifications.

(b) The executive secretary will issue a certificate if the federal Environmental Protection Agency has certified the conversion system or if the fuel conversion system has been certified by a state whose certification standards are recognized by the Board.

(c) The executive secretary shall evaluate the certification of conversion system for special fuel mobile equipment on a case-by-case basis as new technologies are improved.

(3) Certification by other states may be accepted by the executive secretary if it meets the requirements specified in (1) and (2) above.

**R307-121-8. Revocation of Certification.**

The executive secretary will revoke the certification of a conversion system if an investigation finds that a certified conversion system exceeds the level of emissions for which it was certified, taking into account deterioration because of age or other reasonable concern.

**R307-121-9. Duty to Acknowledge Proof of Purchase.**

The executive secretary will acknowledge receipt of proofs specified in R307-121 by signing the relevant written statement provided on forms prescribed by the State Tax Commission.

**KEY: air pollution, tax exemptions, motor vehicles**

<b>2002</b>	<b>19-2-104</b>
<b>Notice of Continuation March 26, 2002</b>	<b>59-7-605</b>
	<b>59-10-127</b>

R307-122-3 by signing the relevant written statement provided on the State Tax Commission "Clean Fuel Alternative Tax Credit Stoves/Fireplaces" form.

**KEY: air pollution, tax exemptions, stove\*, fireplace\***

<b>1998</b>	<b>19-2-104</b>
<b>Notice of Continuation March 26, 2002</b>	<b>59-10-128</b>
	<b>59-7-606</b>

**R307. Environmental Quality, Air Quality.**  
**R307-122. General Requirements: Eligibility of Expenditures for Purchase and Installation Costs of Fireplaces and Wood Stoves that Use Cleaner Burning Fuels.**

**R307-122-1. Definitions.**

Definitions. The following additional definitions apply to R307-122:

"Fireplaces and wood stoves" using clean burning fuels are:

- (1) continual-feed wood pellet stoves
- (2) high-mass wood stoves
- (3) natural gas or propane free-standing fireplaces or inserts, but not including fireplace log systems, or
- (4) any wood burning stove, fireplace, or fireplace insert that is certified by the Environmental Protection Agency in accordance with test procedures prescribed in 40 CFR Section 60.534.

**R307-122-2. Amount of Credit.**

As specified in Subsection 59-7-606 and Section 59-10-128, there is a credit against tax otherwise due under this chapter in an amount equal to 10%, up to a maximum of \$50, of the total of:

- (1) the purchase price or
- (2) both the purchase price and installation cost of each approved fireplace or wood stove.

**R307-122-3. Proof of Purchase.**

Proof of purchase of an item for which a credit specified in R307-122-2 is allowed shall be made by submitting to the executive secretary, or representative appointed by the executive secretary:

(1) a copy of the sales receipt clearly stating the make, model, and price paid for the equipment and installation, and

(2) a completed copy of the "Clean Fuel Alternative Tax Credit Stoves/Fireplaces" form identifying the:

- (a) owner's name and address;
- (b) owner's social security number or taxpayer identification number;
- (c) dealer's name and address;
- (d) fireplace make and model;
- (e) fireplace serial number;
- (f) purchase price;
- (g) installer's name and company name; and
- (h) installation cost.

**R307-122-4. Duty to Acknowledge Proof of Purchase.**

An authorized representative of the executive secretary will acknowledge receipt of proofs specified in

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

**R307-130. General Penalty Policy.**

**R307-130-1. Scope.**

This policy provides guidance to the executive secretary of the Air Quality Board in negotiating with air pollution sources penalties for consent agreements to resolve non-compliance situations. It is designed to be used to determine a reasonable and appropriate penalty for the violations based on the nature and extent of the violations, consideration of the economic benefit to the sources of non-compliance, and adjustments for specific circumstances.

**R307-130-2. Categories.**

Violations are grouped in four general categories based on the potential for harm and the nature and extent of the violations. Penalty ranges for each category are listed.

(1) Category A. \$7,000-10,000 per day:

Violations with high potential for impact on public health and the environment including:

- (a) Violation of emission standards and limitations of NESHAP.
- (b) Emissions contributing to nonattainment area or PSD increment exceedences.
- (c) Emissions resulting in documented public health effects and/or environmental damage.

(2) Category B. \$2,000-7,000 per day.

Violations of the Utah Air Conservation Act, applicable state and federal regulations, and orders to include:

- (a) Significant levels of emissions resulting from violations of emission limitations or other regulations which are not within Category A.
- (b) Substantial non-compliance with monitoring requirements.
- (c) Significant violations of approval orders, compliance orders, and consent agreements not within Category A.

(d) Significant and/or knowing violations of "notice of intent" and other notification requirements, including those of NESHAP.

(e) Violations of reporting requirements of NESHAP.

(3) Category C. Up to \$2,000 per day.

Minor violations of the Utah Air Conservation Act, applicable state and federal regulations and orders having no significant public health or environmental impact to include:

- (a) Reporting violations

- (b) Minor violations of monitoring requirements, orders and agreements
- (c) Minor violations of emission limitations or other regulatory requirements.
- (4) Category D. Up to \$299.00.

Violations of specific provisions of which are considered minor to include:

- (a) Violation of automobile emission standards and requirements
- (b) Violation of wood-burning regulations by private individuals
- (c) Open burning violations by private individuals.

**R307-130-3. Adjustments.**

The amount of the penalty within each category may be adjusted and/or suspended in part based upon the following factors:

- (1) Good faith efforts to comply or lack of good faith. Good faith takes into account the openness in dealing with the violations, promptness in correction of problems, and the degree of cooperation with the State to include accessibility to information and the amount of state effort necessary to bring the source into compliance.
- (2) Degree of wilfulness and/or negligence. In assessing wilfulness and/or negligence, factors to be considered include how much control the violator had over and the foreseeability of the events constituting the violation, whether the violator made or could have made reasonable efforts to prevent the violation, and whether the violator knew of the legal requirements which were violated.
- (3) History of compliance or non-compliance. History of non-compliance includes consideration of previous violations and the resource costs to the State of past and current enforcement actions.
- (4) Economic benefit of non-compliance. The amount of economic benefit to the source of non-compliance would be added to any penalty amount determined under this policy.
- (5) Inability to pay. An adjustment downward may be made or a delayed payment schedule may be used based on a documented inability of the source to pay.

**R307-130-4. Options.**

Consideration may be given to suspension of monetary penalties in trade-off for expenditures resulting in additional controls and/or emissions reductions beyond those not required to meet existing requirements. Consideration may be given to an increased amount of suspended penalty as a deterrent to future violations where appropriate.

**KEY: air pollution, penalty**

**1998**

**Notice of Continuation March 27, 2002**

**19-2-104**

**19-2-115**

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

**R307-135. Enforcement Response Policy for Asbestos Hazard Emergency Response Act.**

**R307-135-1. AHERA Penalty Policy Definitions.**

The following additional definitions apply to R307-135:

"AHERA" means the federal Asbestos Hazard Emergency Response Act of 1986 and 40 CFR Part 763, Subpart E, Asbestos-Containing Materials in Schools.

"Local Education Agency" means:

- (1) any local education agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381),
- (2) the owner of any nonpublic, nonprofit elementary or secondary school building, or
- (3) the governing authority of any school operated under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

"Other Person" means any nonprofit school that does not own its own building, or any employee or designated person of a Local Education Agency who violates the AHERA regulations, or any person other than the Local Education Agency who:

- (1) inspects the property of Local Education Agencies for asbestos-containing building materials for the purpose of the Local Education Agency's AHERA inspection requirements;
- (2) prepares management plans for the purpose of the Local Education Agency's AHERA management plan requirements;
- (3) designs or conducts response actions at Local Education Agency properties;
- (4) analyzes bulk samples or air samples for the purpose of the compliance of the Local Education Agency with the AHERA requirements; or
- (5) contracts with the Local Education Agency to perform any other AHERA-related function.

"Private Nonprofit School" means any nonpublic, nonprofit elementary or secondary school.

**R307-135-2. Assessing Penalties Against a Local Education Agency.**

(1) A Notice of Noncompliance may be issued to a Local Education Agency for a violation of AHERA. After a Notice of Noncompliance has been issued, the Local Education Agency must submit documentation to the executive secretary within 60 days demonstrating that the violations listed in the Notice of Noncompliance have been corrected. Failure to submit complete documentation within 60 days is a violation of this rule.

(2) A Notice of Violation may be issued to a Local Education Agency for:

- (a) first-time level 1 or 2 violations as specified in R307-135-5,
- (b) subsequent level 3, 4, 5, or 6 violations as specified in R307-135-5,
- (c) failure to inspect and submit a management plan within 60 days of issuance of a Notice of Noncompliance,

(d) not conducting an inspection and/or submitting a plan by the statutory deadline after non-compliance has been verified by an authorized agent of the executive secretary.

(3) In accordance with Section 19-2-115, and with Section 207(a) of AHERA, the maximum penalty that may be assessed against a Local Education Agency for any and all violations in a single school building is \$5,000 per day. Total penalties for a single school building which exceed \$5,000 per day are to be reduced to \$5,000 per day.

(4) Violations of AHERA by a Local Education Agency will be considered one-day violations, except that, in cases in which a Local Education Agency violates AHERA regulations after a Notice of Violation has been issued, additional penalties may be assessed on a per-day basis and injunctive relief may be sought.

(5) The Board may use discretion in assessing penalties. The base penalty shall be determined by assessing the circumstances and the extent of the violation, as specified in R307-135-5.

(6) In determining adjustments to a base penalty assessed against a Local Education Agency in accordance with R307-135-5, the Board may consider the culpability of the violator, including any history of non-compliance; ability to pay the penalty; ability to continue to provide educational services to the community; and the violator's good faith efforts to comply or lack of good faith.

(a) If it can be shown that the Local Education Agency did not know of its AHERA responsibilities, or if the violations are voluntarily disclosed by the Local Education Agency, or if the Local Education Agency did not have control over the violations, the penalty may be reduced by 25%.

(b) If violations are voluntarily disclosed by the Local Education Agency within 30 days of discovery, the penalty will be reduced by an additional 25%.

(c) If it can be shown that the Local Education Agency made reasonable efforts to assure compliance, the Notice of Violation may be eliminated.

(d) If the Local Education Agency has a demonstrated history of violations, the penalty may be increased.

(e) The attitude of the violator may be considered in increasing or decreasing the penalty by 15%.

(7) Civil penalties collected against a Local Education Agency shall be used by that Local Education Agency for the purposes of complying with AHERA. The executive secretary will defer payment of the penalty until the Local Education Agency has completed the requirements in the compliance schedule by the deadline in the schedule. When the compliance schedule expires, the Local Education Agency must present the executive secretary with a strict accounting of the cost of compliance in the form of notarized receipts, an independent accounting, or equivalent proof.

(8) If the cost of compliance equals or exceeds the amount of the civil penalty, the Local Education Agency will not be required to pay any money. If the cost of compliance is less than the amount of the penalty, the Local

Education Agency shall pay the difference to the Asbestos Trust Fund.

#### **R307-135-3. Assessing Penalties Against Other Persons.**

(1) In accordance with Section 19-2-115, the Board may assess and collect civil penalties of up to \$10,000 per day for each violation from Other Persons who violate the AHERA regulations. The penalties will be issued against the company, if there is one. Generally penalties which exceed \$10,000 per day in a single school building are to be reduced to \$10,000 per day.

(2) Criminal penalties for willful violations of up to \$25,000 may be assessed against Other Persons. All penalties assessed against Other Persons are to be sent to the Division for the State General Fund.

(3) The base penalty shall be determined by assessing the circumstances and the extent of the violation, as specified in R307-135-5.

(4) The Board may show discretion in making adjustments to the gravity-based penalty considering factors such as culpability of the Other Person, including a history of such violations; the Other Person's ability to pay; the Other Person's ability to stay in business; and other matters as justice may require, such as voluntary disclosure and attitude of the violator.

(5) The maximum penalty that may be assessed is \$10,000, per day, per violation, except that a knowing or willful violation of the regulations may be assessed at \$25,000, per day.

(6) If the Other Person continues to violate after a Notice of Violation has been issued, the Notice of Violation may be amended and additional penalties assessed. Injunctive relief, criminal penalties and per-day penalties may also be pursued.

(7) Penalties for a first-time violation may be remitted if the Other Person corrects the violations in all schools in which the Other Person has and may have violated. In some cases of unknowing violations by an Other Person who is not typically involved with asbestos, some or all of the penalty may be remitted if the Other Person takes mandatory AHERA training.

#### **R307-135-4. Penalties Against Private Nonprofit Schools.**

(1) The owner of the building that contains a private nonprofit elementary school is considered a Local Education Agency. If the private non-profit school does not own its own building, it is considered an Other Person and will be treated as such.

(2) The school is liable for up to \$5,000, per day, per violation of AHERA, and penalties may be returned to the school for the purposes of complying with AHERA. The owner of the private nonprofit school building will be assessed penalties in the same manner as other Local Education Agencies.

#### **R307-135-5. Air Quality Board AHERA Enforcement Response Policy Penalties.**

(1) Gravity Based Penalty. A base penalty based on the gravity of the violation will be determined by addressing the circumstances and the extent of the violation. Table 1 specifies penalties for Local Education agencies and Table 2 specifies penalties for Other Persons.

(2) Circumstances. The circumstances reflect the probability that harm will result from a particular violation. The probability of harm increases as the potential for environmental harm or asbestos exposure to school children and employees increases. Tables 1 and 2 provide the following levels for measuring circumstances:

- (a) Levels 1 and 2 (High): It is probable that the violation will cause harm.
- (b) Levels 3 and 4 (Medium): There is a significant chance the violation will cause harm.
- (c) Levels 5 and 6 (Low): There is a small chance the violation will result in harm.

(3) The circumstance levels that are to be attached for each provision of AHERA may be found in Appendix A (Local Education Agency violations) and Appendix B (Other Person violations) of EPA's AHERA Enforcement Response Policy.

(4) Extent. The extent reflects the potential harm caused by a violation. Harm is determined by the quantity of asbestos-containing building materials involved in the violation through inspection, removal, enclosure, encapsulation, or repair in violation of the regulation.

(5) For the purposes of this Enforcement Response Policy, the extent levels are specified in Tables 1 and 2 and are as follows:

- (a) Major: violations involving more than 3,000 square feet or 1,000 linear feet of ACM.
- (b) Significant: violations involving more than 160 square feet or 260 linear feet but less than or equal to 3,000 square feet or 1,000 linear feet.
- (c) Minor: violations involving less than or equal to 160 square feet or 260 linear feet.

(6) In situations where the quantity of asbestos involved in the AHERA violation cannot be readily determined, the base penalty will generally be calculated using the major extent category.

TABLE 1

BASE PENALTY FOR LOCAL EDUCATION AGENCIES

CIRCUMSTANCES		EXTENT		
(Levels)	A MAJOR	B SIGNIFICANT	C MINOR	
High Range	\$5,000	\$3,400	\$1,000	
	2 \$4,000	\$2,400	\$ 600	
Mid Range	3 \$3,000	\$2,000	\$ 300*	
	4 \$2,000	\$1,200	\$ 200*	
Low Range	5 \$1,000	\$ 600	\$ 100*	
	6 \$ 400*	\$ 260*	\$ 40*	

\*Issue Notices of Noncompliance for the first citation of violations that fall within these cells if that is the only violation

TABLE 2

BASE PENALTY FOR OTHER PERSONS

(Levels)	CIRCUMSTANCES			EXTENT
	A MAJOR	B SIGNIFICANT	C MINOR	
High Range	\$10,000	\$6,800	\$2,000	
	2 \$8,000	\$4,800	\$1,200	
Mid Range	3 \$6,000	\$4,000	\$ 600	
	4 \$4,000	\$2,800	\$ 400	
Low Range	5 \$2,000	\$1,200	\$ 200	
	6 \$ 800	\$ 520	\$ 80	

**R307-135-6. Injunctive Relief.**

- (1) In accordance with Sections 19-2-116 and 117, the Board may seek injunctive relief:
  - (a) in cases of imminent and substantial endangerment to human health and environment;
  - (b) where a Local Education Agency's non-compliance will significantly undermine the intent of the AHERA regulations; and
  - (c) for violations including, but not limited to:
    - (i) failure or refusal to make a management plan available to the public without cost or restriction;
    - (ii) failure or refusal to conduct legally sufficient air monitoring following a response action; or
    - (iii) the initiation of a response action without accredited personnel; or
    - (d) to restrain any violation of Title 19, Chapter 2 or R307 or any final order issued by the Board, the executive secretary when it appears to be necessary for the protection of health or welfare.

**R307-135-7. Criminal Penalties.**

In accordance with Section 19-2-115, knowing, willful, or continuing violations of AHERA regulation by a Local Education Agency, Local Education Agency employee, or Other Person will be referred to the Office of the Attorney General. Knowing, willful, or continuing violations may result in the issuance of a criminal penalty of \$25,000 per day, per violation for such violations.

**KEY: air pollution, hazardous pollutant, asbestos, schools**

<b>1998</b>	<b>19-2-104(1)(d)</b>
<b>Notice of Continuation April 22, 2002</b>	<b>19-2-115</b>
	<b>19-2-116, 19-2-117</b>

## **R307-150 Series. Inventories, Testing and Monitoring.**

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

#### **R307-150. Emission Inventories.**

##### **R307-150-1. General Applicability.**

(1) The following sources shall submit an emission inventory report:

- (a) any Part 70 source;
- (b) any source that emits or is allowed under R307 to emit 100 ton per year or more of any regulated air pollutant;
- (c) any source located in Davis, Salt Lake, Utah or Weber County that emits or is allowed under R307 to emit 25 tons per year or more of a combination of PM10, sulfur oxides, or oxides of nitrogen;
- (d) any source located in Davis, Salt Lake, Utah or Weber County that emits or is allowed under R307 to emit 10 tons per year or more of volatile organic compounds;
- (e) any source that emits or is allowed under R307 to emit 5 tons per year or more of lead;
- (f) any source that is allowed under R307 to emit between 90 and 100 tons per year of any regulated air pollutant;
- (g) any source that the executive secretary requires to submit an inventory for any full or partial year on reasonable notice.

##### **R307-150-2. Definitions.**

The following additional definitions apply to R307-150:

"Acute Contaminant" means any noncarcinogenic air contaminant for which a threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Carcinogenic Contaminant" means any air contaminant that is classified as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Chronic Contaminant" means any noncarcinogenic air contaminant for which a threshold limit value - time weighted average (TLV-TWA) having no threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Dioxins" and "Furans" mean total tetra- through octachlorinated dibenzo-p-dioxins and dibenzofurans.

##### **R307-150-3. What to Report.**

(1) The requirements of R307-150 replace any annual inventory reporting requirements in approval orders issued prior to April 1, 1998.

(2) The emission inventory report shall include the information the Board deems necessary to determine whether the source is in compliance with R307 and federal regulations and standards. The data shall include all regulated air pollutants not exempted in (3) below that are not hazardous air pollutants that are emitted at a source. Data shall include the rate and period of emission, excess or breakdown emissions, startup and shut down emissions, specific installation which is the source of the air pollution, composition of air contaminant, type and efficiency of the air pollution control equipment and other information necessary to quantify operation and emissions, and to evaluate pollution control. The emissions of a pollutant shall be calculated using the source's actual operating hours, production rates, and types of materials processed, stored, or combusted during the inventoried time period.

(3) Regulated air pollutants that are not PM10, sulfur oxides, oxides of nitrogen, carbon monoxide, PM2.5, ozone, volatile organic compounds, dioxins, furans, or hazardous air pollutants are exempt from being reported if they are emitted in an amount less than the smaller of the following:

(a) 500 pounds per year; or

(b) an annual emission level calculated to be the applicable threshold limit value - time weighted average (TLV-TWA) or the threshold limit value - ceiling (TLV-C) multiplied by the appropriate emission threshold factor in cubic meter pounds per milligram year. For an acute contaminant, the factor is 15.81; for a chronic contaminant, the factor is 21.22; for a carcinogenic contaminant, the factor is 7.07.

(4) In addition, any owner or operator of a source that is required by R307-150-1 to submit an inventory shall use appropriate emission factors and estimating techniques to estimate all emissions from each activity not required by R307-401 or R307-415 to be included in a notice of intent or operating permit application. The estimates shall be included in the inventory.

##### **R307-150-4. Timing of Submittals.**

(1) Report Every Third Year. The owner or operator of each of the following sources is required to submit a report of emissions every third year. The first report shall be due in 2000 for calendar year 1999 for:

- (a) any Part 70 source located in Davis, Salt Lake, Utah or Weber Counties;
- (b) any Part 70 temporary source;
- (c) any Part 70 source located outside Davis, Salt Lake, Utah or Weber Counties with 25 tons per year or more of combined allowable emissions of PM10, sulfur oxides, oxides of nitrogen, volatile organic compounds or carbon monoxide; or

(d) any stationary source:

- (i) located in Davis, Salt Lake, Utah or Weber County that emits or is allowed under R307 to emit a

combination of PM10, sulfur oxides, or oxides of nitrogen of 25 tons per year or more;

(ii) located in Davis, Salt Lake, Utah or Weber County that emits or is allowed under R307 to emit 10 tons per year or more of volatile organic compounds;

(iii) located in Davis, Salt Lake, Weber, or Utah County that emits or is allowed under R307 to emit 100 tons per year or more of carbon monoxide;

(iv) that emits 100 tons per year or more of any regulated air pollutant; or

(v) that emits or is allowed to emit 5 tons per year or more of lead;

(e) any source that is allowed under R307 to emit between 90 and 100 tons per year of any regulated air pollutant.

(2) Report Every Sixth Year. Any Part 70 source not included in R307-150-3(2) shall submit an emissions inventory every sixth year. The inventory for calendar year 1996 suffices as the first inventory.

(3) Additional Reports of Emissions Required Under Specified Circumstances. This subsection is applicable to all sources identified in R307-150-1.

(a) A source that initially achieves compliance at any time with any requirement of an applicable state implementation plan shall submit an inventory for the calendar year in which compliance is achieved.

(b) A source that emits or is allowed under R307 to emit 100 or more tons per year of any regulated air pollutant and whose emissions of any of these pollutants increase or decrease by five percent or more from the most recently submitted inventory shall submit an inventory for the calendar year in which the increase or decrease occurred.

(c) A source operating temporarily shall submit an inventory for the calendar year in which the source operated.

(d) A source that is not a temporary source, is required to submit an inventory, and ceases operations shall submit a report of emissions for the partial year and a report for the previous calendar year, if not already submitted.

(e) A new or modified source that is not a temporary source, is required to submit an inventory, and receives approval to construct or begins operating shall submit a report for the initial partial year of operation and a report for the subsequent calendar year.

(4) In addition to the required inventories, any source may choose to submit an inventory for any calendar year. The executive secretary may require at any time a full or partial year inventory on reasonable notice to affected sources.

(5) Due Date. Emission inventories shall be submitted on or before April 15 of each calendar year following any calendar year in which an inventory is required.

#### **R307-150-5. Recordkeeping Requirements.**

(1) Each owner or operator of a stationary source subject to this rule shall maintain a copy of the emission inventory submitted to the Division of Air Quality and records indicating how the information submitted in the

inventory was determined, including any calculations, data, measurements, and estimates used. The records shall be kept for a period of at least five years from the due date of each emission statement or until the next inventory is due, whichever is longer.

(2) Upon the request of the executive secretary, the owner or operator of the stationary source shall make these records available at the stationary source for inspection by any representative of the Division of Air Quality during normal business hours.

**KEY: air pollution, reports, inventories**

**2000**

**19-2-104(1)(c)**

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

##### **R307-155. Hazardous Air Pollutant Inventory.**

###### **R307-155-1. General Applicability.**

(1) The owner or operator of a Part 70 stationary source, either "major source" or "area source" as defined in the Clean Air Act Section 112 (42 U.S.C. 7412), that emits one or more hazardous air pollutants shall submit a hazardous air pollutant inventory.

(2) The owner or operator of a source which is not a Part 70 stationary source or a "major source" as defined in the Clean Air Act Section 112 (42 U.S.C. 7412) that emits one or more hazardous air pollutants shall submit a hazardous air pollutant inventory at the request of the executive secretary but not more often than once per year.

(3) Inventory data is not required for each hazardous air pollutant that has a threshold limit value and is emitted in an amount less than the smaller of the following:

(a) 500 pounds per year; or

(b) an annual emission level calculated to be the applicable threshold limit value - time weighted average (TLV-TWA) expressed in milligrams per cubic meter, hr the threshold limit value - ceiling (TLV-C) expressed in milligrams per cubic meter multiplied by the appropriate emission threshold factor in cubic meter pounds per milligram year in Table 1 below.

TABLE 1

CONTAMINANT	FACTOR (in cubic meter pounds per milligram year)
Arsenic	21.22
Benzene	21.22
Beryllium	21.22
Ethylene oxide	21.22
Formaldehyde	15.81
All other acute hazardous air pollutants	15.81
All other chronic hazardous air pollutants	21.22
All other carcinogenic hazardous air pollutants	7.07

**R307-155-2. Timing of Submittals.**

(1) A source's hazardous air pollutant inventory shall be submitted at the same time as the inventory required by R307-150.

(2) The inventory shall be submitted no later than April 15 of each year following any calendar year for which the hazardous air pollutant inventory is required.

**R307-155-3. What to Report.**

The inventory shall include information for each hazardous air pollutant not excluded by R307-155-1(2). The inventory shall report the rate and period of emission, excess or breakdown emissions, the specific plant source of the emissions, the composition of the emission, the type and efficiency of air pollution control equipment, and any other information determined necessary by the executive secretary for the issuance of permits, the verification of compliance, and the determination of the effectiveness of control technology.

**R307-155-4. Recordkeeping Requirements.**

(1) Each owner or operator of a stationary source subject to this rule shall maintain a copy of the hazardous air pollutant emission inventory submitted to the Division of Air Quality and records indicating how the information submitted in the inventory was determined, including any calculations, data, measurements, and estimates used. The records shall be kept for a period of at least five years from the due date of each emission statement or until the next inventory is due, whichever is longer.

(2) Upon the request of the executive secretary, the owner or operator of the stationary source shall make these records available at the stationary source for inspection by any representative of the Division of Air Quality during normal business hours.

**KEY: air pollution, hazardous air pollutant, inventories  
1999** **19-2-104(1)(c)**

**R307. Environmental Quality, Air Quality.****R307-158. Emission Statement Inventory.****R307-158-1. Applicability.**

The owner or operator of a stationary source emitting either volatile organic compounds or oxides of nitrogen that is located in Salt Lake, Davis, Weber, or Utah Counties or a nonattainment area for ozone and that emits or has the potential to emit 10 tons or more per year of volatile organic compounds or 25 tons or more per year of oxides of nitrogen is required to submit an emission statement for the emissions released directly or indirectly into the outdoor atmosphere in the calendar years specified in R307-158-2.

**R307-158-2. Timing of Submittals.**

(1) An emission statement shall be submitted for calendar year 1999 and every third year thereafter.

(2) A report shall be submitted for any additional calendar year for which the executive secretary requests submittal.

(3) A source that is not a temporary source that ceases operations shall submit a report for the partial year of operations and a report for the previous calendar year.

(4) A new or modified source that is not a temporary source that receives approval to construct or begins operating during the reporting period shall submit a report for the initial partial year of operation and the subsequent calendar year.

(5) A temporary source shall submit an inventory for the calendar year in which the source operated in Salt Lake, Davis, Weber, or Utah Counties or a nonattainment area for ozone.

(6) Emission statements shall be submitted on or before April 15 of each calendar year following any calendar year in which the source is subject to this rule.

(7) Each source required under R307-158-1 to file an emission statement inventory, and that emits or is allowed under R307 to emit 100 or more tons per year of volatile organic compounds or oxides of nitrogen, and whose emissions of any of these pollutants increase or decrease by five percent or more from the most recent inventory submitted under R307-150 shall submit an emission statement inventory for the calendar year in which the increase or decrease occurred.

**R307-158-3. What to Report.**

(1) The emission statement shall include information concerning both volatile organic compounds and oxides of nitrogen even if the source's emissions or its potential to emit equaled or exceeded the reporting level in R307-158-1 for only one of the pollutants. Compliance with the emission statement requirements does not relieve any owner or operator of a source from the responsibility to comply with any other applicable reporting requirements set forth in any federal or state law or in the conditions of approval of any order or certificate in effect.

(2) Emission statements shall be submitted to the Division of Air Quality on a form obtainable from the Division of Air Quality.

(3) Required contents of an emission statement.

Any person who submits an emission statement shall include, as an integral part of the report:

(a) Certification, signed by the highest ranking individual with direct knowledge and overall responsibility for the information contained in the certified documents, that the information provided is true, accurate and complete. Such certification should be submitted with the understanding that submittal of false, inaccurate or incomplete information is subject to civil and criminal penalties.

(b) The date of the signature of certification and the telephone number of the certifying individual shall be included.

(4) The following source identification information shall be included:

- (a) full name of the source;
- (b) parent company name, if applicable;
- (c) physical location of the source (i.e., the street address);
- (d) mailing address of the source;
- (e) SIC code(s) of the source;
- (f) UTM coordinates or latitude and longitude of the source; and
- (g) the calendar year of the emissions.

(5) The following operating data for each source operation which has the potential to emit volatile organic compounds or oxides of nitrogen shall be included:

- (a) annual and peak ozone season throughput;
- (b) average days of operation per week;
- (c) average hours of operation per day; and
- (d) total hours of operation for the year.

(6) The following information at the process level for oxides of nitrogen (expressed as molecular weight of nitrogen dioxide) and volatile organic compounds shall be included:

- (a) Emissions information, including:
  - (i) the actual emissions of volatile organic compounds and oxides of nitrogen in tons per year;
  - (ii) the average emissions of volatile organic compounds and oxides of nitrogen in pounds per day of operation during the peak ozone season;
  - (iii) the estimated emissions method code for the method used to quantify the emissions as required by 42 U.S.C. 7512a(a)(1)(as included in the instructions provided by the executive secretary for filing the report required by R307-158-2(1)); and
  - (iv) any emission factor used to determine emissions.

(b) Control apparatus information, including current primary and secondary control apparatus identification codes as required by 42 U.S.C. 7512a(a)(1)(as included in the instructions provided by the executive secretary for filing the report required by R307-158-2(1); and the actual control efficiency achieved by the control apparatus. If the actual control efficiency is unavailable, the control apparatus design efficiency shall be used.

(c) Process rate data, including the annual process rate and the average process rate per day of operation during the peak ozone season.

(7) In place of the information required in R307-158-3(4) and R307-158-3(5), any source which has the potential to emit less than one ton per year of either volatile organic compounds or nitrogen oxides but that is subject to this rule shall include:

(a) a description of each source operation and emissions of each air contaminant emitted from each source operation shall be estimated at one ton per year, or

(b) a description of each source operation; estimated emission in tons per year; the estimated emissions method code for the method used to quantify the emissions as required by 42 U.S.C. 7512a(a)(1) (as included in the instructions provided by the executive secretary for filing the report required by R307-158-2(1)); and any emission factor used to determine emissions.

(8) Emission statements shall include cumulative total fugitive emissions for the stationary source for all fugitive emissions that cannot be reported in the information pursuant to R307-158-3(4) through R307-158-3(6) above. Such fugitive emissions shall be expressed in tons per year and in average pounds per day of operation during the peak ozone season.

(9) The method used for quantifying emissions for a source operation for use in preparing emission information required in R307-158-3(5)(a) or 158-3(6)(b) above shall be the method which is reasonably available and that best estimates the emissions from the source operation.

**R307-158-4. Recordkeeping Requirements.**

(1) Each owner or operator of a stationary source subject to this rule shall maintain a copy of the emission statement submitted to the Division of Air Quality and records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used. The records shall be kept for a period of at least five years from the due date of each emission statement.

(2) Upon the request of the executive secretary, the owner or operator of the stationary source shall make these records available at the stationary source for inspection by any representative of the Division of Air Quality during normal business hours.

**KEY: air pollution, ozone, inventories**  
**1999**

**19-2-104(1)(c)**

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

**R307-165. Emission Testing.**

**R307-165-1. Testing Every 5 Years.**

(1) Emission testing will be required of all sources with established emission limitations at least once every five years. For sources located in nonattainment areas, emission testing will be required at least once every

five years or more frequently as specified in Section IX, Part H of the Utah State Implementation Plan (SIP) adopted by the Air Quality Board, or by the Executive Secretary if he has reason to believe that the source is not meeting its emission limitation. Sources approved in accordance with R307-401 will be tested within six months of start-up. Sources for which emission limitations are established by R307-305-5 which do not require modification will be tested within one year of the effective date of these regulations. In addition, if the Executive Secretary has reason to believe that an applicable emission limitation is being exceeded (i.e., through visible emission observations and monitoring data, etc.) he may require the owner or operator to perform such emission testing as is necessary to determine actual compliance status. The Board may grant exceptions to the mandatory testing requirements of R307-165-1 which are not inconsistent with the purposes of R307.

#### **R307-165-2. Notification of DAQ.**

At least 30 days prior to conducting any emission testing required under any part of R307, the owner or operator shall notify the Executive Secretary of the date, time and place of such testing and, if determined necessary by the Executive Secretary, the owner or operator shall attend a pretest conference.

#### **R307-165-3. Test Conditions.**

All tests shall be conducted while the source is operating at the maximum production or combustion rate at which such source will be operated. During the tests, the source shall burn fuels or combustion of fuels, use raw materials, and maintain process conditions representative of normal operations, and shall operate under such other relevant conditions as the Executive Secretary shall specify.

#### **R307-165-4. Rejection of Test Results.**

The Executive Secretary may reject emissions test data if they are determined to be incomplete, inadequate, not representative of operating conditions specified for the test, or if the State was not provided an opportunity to have an observer present at the test.

**KEY: air pollution, emission testing\***  
**1998**

**19-2-104(1)**

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

#### **R307-170. Continuous Emission Monitoring Program.** **R307-170-1. Purpose.**

The purpose of this rule is to establish consistent requirements for all sources required to install a continuous monitoring system (CMS) and for sources who opt into the continuous emissions monitoring program.

#### **R307-170-2 Authority.**

Authority to require continuous emission monitoring devices is found in 19-2-104(1)(c), and authorization for a penalty for rendering inaccurate any monitoring device or method is found in 19-2-115(4).

Authority to enforce 40 CFR Part 60 is obtained by its incorporation by reference under R307-210.

#### **R307-170-3. Applicability.**

Except as noted in (1) and (2) below, any source required to install a continuous monitoring system to determine emissions to the atmosphere or to measure control equipment efficiency is subject to R307-170.

(1) Any source subject to 40 CFR Part 60 as incorporated by R307-210, Standards of Performance for New Sources, is not subject to R307-170-6, Minimum Monitoring Requirements for Specific Sources.

(2) Any source required by an approval order issued under R307-401 to operate a continuous monitoring system to satisfy the requirements of R307-150, Periodic Reports of Emissions and Availability of Information, is not subject to R307-170-9(7), Excess Emission Report.

#### **R307-170-4. Definitions.**

The following additional definitions apply to R307-170.

"Accuracy" means the difference between a continuous monitoring system response and the results of an applicable EPA reference method obtained over the same sampling time.

"Averaging Period" means that period of time over which a pollutant or opacity is averaged to demonstrate compliance to an emission limitation or standard.

"Block Averages" means the total time expressed in fractions of hours over which emission data is collected and averaged.

"Calibration Drift" (zero drift and span drift) means the value obtained by subtracting the known standard or reference value from the raw response of the continuous monitoring system.

"Channel" means the pollutant, diluent, or opacity to be monitored.

"CMS Information" means the identifying information for each continuous monitoring system a source is required to install.

"Computer Enhancement" means computerized correction of a monitor's zero drift and span drift to reflect actual emission concentrations and opacity.

"Continuous Emission Monitoring System" (CEMS) means all equipment required to determine gaseous emission rates and to record the resulting data.

"Continuous Monitoring System" (CMS) means all equipment required to determine gaseous emission rates or opacity and to record the data.

"Continuous Opacity Monitoring System" means all equipment required to determine opacity and data recording.

"Cylinder Gas Audit" means an alternative relative accuracy test of a continuous emission monitoring system to determine its precision using gases certified by or traceable to National Institute of Standards and Technology (NIST) in the ranges specified in 40 CFR 60, Appendix F.

"Description Report" means a short but accurate description of events that caused continuous monitoring system irregularities or excess emissions which occurred during the reporting period submitted in the state electronic data report.

"Excess Emission Report" means a report within the state electronic data report which documents the date, time, and magnitude of each excess emission episode occurring during the reporting period.

"Excess Emissions" means the amount by which recorded emissions exceed those allowed by approval orders, operating permits, the state implementation plan, or any other provision of R307.

"Monitor" means the equipment in a continuous monitoring system that analyzes concentration or opacity and generates an electronic signal which is sent to a recording device.

"Monitor Availability" means any period in which both the source of emissions and the continuous monitoring system are operating and the minimum frequency of data capture occurred as required in 40 CFR 60.13.

"Monitor Unavailability" means any period in which the source of emissions is operating and the continuous monitoring system is:

- a. not operating or minimum data capture did not occur,
- b. not generating data, not recording data, or data is lost, or
- c. out-of-control in the case of a continuous emissions monitor used for continuous compliance purposes.

"New Source Performance Standards" (NSPS) means 40 CFR 60, Standards of Performance for New Stationary Sources, incorporated by reference at R307-210.

"Operations Report" means the report of all information required under 40 CFR 60 for utilities and fossil fuel fired boilers.

"Performance Specification" means the operational tolerances for a continuous monitoring system as outlined in 40 CFR 60, Appendix B.

"Precision" means the difference between a continuous monitoring system response and the known concentration of a calibration gas or neutral density filter.

"Quality Assurance Calibrations" means calibrations, drift adjustments, and preventive maintenance activities on a continuous monitoring system.

"Raw Continuous Monitoring System Response" means a continuous monitoring system's uncorrected response used to determine calibration drift.

"Relative Accuracy Audit" means an alternative relative accuracy test procedure outlined in 40 CFR 60, Appendix F, which is used to correlate continuous emission monitoring system data to simultaneously collected reference method test data, as outlined in 40 CFR Part 60, Appendix A, using no fewer than three reference method test runs.

"Relative Accuracy Test Audit" means the primary method of determining the correlation of continuous emissions monitoring system data to simultaneously collected reference method test data, using no fewer than

nine reference method test runs conducted as outlined in 40 CFR 60, Appendix A.

"State Electronic Data Report" (SEDR) means the sum total of a source's monitoring activities which occurred during a reporting period.

"Summary Report" means the summary of all monitor and excess emission information which occurred during a reporting period.

"Tamper" means knowingly:

- a. to make a false statement, representation, or certification in any application, report, record, plan, or other document filed or required to be maintained under R307-170, or
- b. to render inaccurate any continuous monitoring system or device or any method required to maintain the accuracy of the continuous monitoring system or device.

"Valid Monitoring Data" means data collected by an accurately functioning continuous monitoring system while any installation monitored by the continuous monitoring system is in operation.

#### **R307-170-5. General Requirements.**

(1) Each source required to operate a continuous monitoring system is subject to the requirements of 40 CFR 60.13 (d) through (j), except as follows:

(a) When minimum emission data points are collected by the continuous monitoring system as required in 40 CFR 60.13 or applicable subparts, quality assurance calibration and maintenance activities shall not count against monitor availability.

(b) a monitor's unavailability due to calibration checks, zero and span checks, or adjustments required in 40 CFR 60.13 or R307-170 will not be considered a violation of R307-170.

(c) Monitor unavailability due to continuous monitoring system breakdowns will not be considered a monitor unavailability violation provided that the owner or operator demonstrates that the malfunction was unavoidable and was repaired expeditiously.

(d) To supplement continuous monitor data, a source with minimum continuous monitoring system data collection requirements may conduct applicable reference method tests outlined in 40 CFR 60, Appendix A, or as directed in the source's applicable Subpart of the New Source Performance Standards.

(2) Each source shall monitor and record all emissions data during all phases of source operations, including start-ups, shutdowns, and process malfunctions.

(3) Each source operating a continuous emissions monitoring system for compliance determination shall document each out-of-control period in the state electronic data report.

(4) Each continuous monitoring system subject to R307-170 shall be installed, operated, maintained, and calibrated in accordance with applicable performance specifications found in 40 CFR 60 Appendix B and Appendix F.

(5) Each continuous emissions monitoring system shall be configured so that calibration gas can be introduced at or as near to the probe inlet as possible. Each source shall conduct daily calibration zero drift and span drift checks and cylinder gas audits by flowing calibration gases at the probe inlet, or as near to the probe inlet as possible. Daily calibration drift checks and quarterly cylinder gas audit data shall be recorded by the continuous emissions monitoring system electronically to a strip chart recorder, data logger, or data recording devices.

(6) No person shall tamper with a continuous monitoring system.

(7) Any source that constructs two or more emission point sources which may interfere with visible emissions observations shall install a continuous opacity monitor to show compliance with visible emission limitations on each obstructed stack, duct or vent that has a visible emission limitation.

#### **R307-170-6. Minimum Monitoring Requirements for Specific Sources.**

##### **(1) Fossil Fuel Fired Steam Generators.**

(a) A continuous monitoring system for the measurement of opacity shall be installed, calibrated, maintained, and operated on any fossil fuel fired steam generator of greater than 250 million BTU per hour for each boiler except where:

- (i) natural gas or oil or a mixture of natural gas and oil is the only fuel burned,
- (ii) the source is able to comply with the applicable particulate matter and opacity regulations without using particulate matter collection equipment, and
- (iii) the source has never been found through any administrative or judicial proceeding to be in violation of any visible emission standard or requirements.

(b) A continuous monitoring system for the measurement of sulfur dioxide shall be installed, calibrated, maintained, and operated on any fossil fuel fired steam generator of greater than 250 million BTU per hour heat input which has installed sulfur dioxide pollution control equipment.

(c) A continuous monitoring system for the measurement of nitrogen oxides shall be installed, calibrated, maintained, and operated on fossil fuel fired steam generators of greater than 1000 million BTU per hour heat input when such facility is located in an Air Quality Control Region where the executive secretary has specifically determined that a control strategy for nitrogen dioxide is necessary to attain the national standards, unless the source owner or operator demonstrates during source compliance tests as required by the executive secretary that such a source emits nitrogen oxides at levels 30 percent or more below the emission standard.

(d) A continuous monitoring system for the measurement of percent oxygen or carbon dioxide shall be installed, calibrated, maintained, and operated on any fossil fuel fired steam generators where measurements of oxygen or carbon dioxide in the flue gas are required to convert

either sulfur dioxide or nitrogen oxides continuous emission monitoring data, or both, to units of the emission standard.

##### **(2) Nitric Acid Plants.**

Each nitric acid plant of greater than 300 tons per day production capacity, the production capacity being expressed as 100 percent acid, and located in an Air Quality Control Region where the Executive Secretary has specifically determined that a control strategy for nitrogen dioxide is necessary to attain the national standard, shall install, calibrate, maintain, and operate a continuous monitoring system for the measurement of nitrogen oxides for each nitric acid producing installation.

##### **(3) Sulfuric Acid Plants - Burning and Production.**

Each sulfuric acid plant of greater than 300 tons per day production capacity, the production being expressed as 100 percent acid, shall install, calibrate, maintain and operate a continuous monitoring system for the measurement of sulfur dioxide for each sulfuric acid producing installation within such plant.

##### **(4) Petroleum Refineries - Fluid Bed Catalytic Cracking Unit Catalyst Regenerator.**

Each catalyst regenerator for fluid bed catalytic cracking units of greater than 20,000 barrels per day fresh feed capacity shall install, calibrate, maintain and operate a continuous monitoring system for the measurement of opacity.

#### **R307-170-7. Performance Specification Audits.**

##### **(1) Quarterly Audits.**

Each continuous emissions monitoring system shall be audited at least once each calendar quarter. Successive quarterly audits shall be conducted at least two months apart. A relative accuracy test audit shall be conducted at least once every four calendar quarters as described in the applicable performance specification of 40 CFR 60, Appendix B.

(a) Relative accuracy shall be determined in units of the applicable emission limit.

(b) An alternative relative accuracy test (cylinder gas audit or relative accuracy audit) may be conducted in three of the four calendar quarters in place of conducting a relative accuracy test audit, but in no more than three quarters in succession.

(c) Each range of a dual range monitor shall be audited using an alternative relative accuracy audit procedure.

(d) Minor deviations from the reference method test must be submitted to the executive secretary for approval.

(e) Performance specification tests and audits shall be conducted so that the entire continuous monitoring system is concurrently tested.

##### **(2) Notification.**

The source shall notify the executive secretary of its intention to conduct a relative accuracy test audit by submitting a pretest protocol or by scheduling a pretest conference if directed to do so by the executive secretary.

Each source shall notify the executive secretary no less than 45 days prior to testing.

(3) Audit Procedure.

A source may stop a relative accuracy test audit before the commencement of the fourth run to perform repairs or adjustments on the continuous emissions monitoring system. If the audit is stopped to make repairs or adjustments the audit must be started again from the beginning. If the fourth test run is started, testing shall be conducted until the completion of the ninth acceptable test run or the source may declare the monitor out-of-control and stop the test. If the system does not meet its applicable relative accuracy performance specification outlined in 40 CFR 60, Appendix B, its data may not be used in determining emissions rates until the system is successfully recertified.

(4) Performance Specification Tests.

(a) Except as listed in (b) below, all reference method testing equipment shall be totally independent of the continuous emissions monitoring system equipment undergoing a performance specification test.

(b) Reference method tests conducted on fuel gas lines, vapor recovery units, or other equipment as approved by the executive secretary may use a common probe, when the reference method sample line ties into the continuous emission monitor's probe or sample line as close to the probe inlet as possible.

(5) Submittal of Audit Results.

The source shall submit all relative accuracy performance specification test reports to the executive secretary no later than 60 days after completion of the test.

(a) Test reports shall include all raw reference method calibration data, raw reference method emission data with date and time stamps, and raw source continuous monitoring data with date and time stamps. All data shall be reported in concentration and units of the applicable emission limit.

(b) Relative accuracy performance specification test or audit reports shall include the company name, plant manager's name, mailing address, phone number, environmental contact's name, the monitor manufacturer, the model and serial number, the monitor range, and its location.

(6) Daily Drift Test.

Each source operating a continuous monitoring system shall conduct a daily zero and span calibration drift test as required in 40 CFR 60.13(d). The zero and span drifts shall be determined by using raw continuous monitoring system responses to a known value of the reference standard. Computer enhancements may be used to correct continuous monitoring system emission data which has been altered by monitor drift, but may not be used to determine daily zero and span drift.

(a) A monitor used for compliance which fails the daily calibration drift test as outlined in 40 CFR 60 Appendix F, Subpart 4, shall be declared out-of-control, and the out-of-control period shall be documented in the state electronic data report. The source shall make corrective adjustments to the system promptly. Continuous emission

monitoring system data collected during the out-of-control period may not be used for monitor availability.

(b) Each source operating a continuous monitoring system which exceeds the calibration drift limit as outlined in 40 CFR 60 and the applicable performance specification shall make corrective adjustments promptly.

**R307-170-8. Recordkeeping.**

Each source subject to this rule shall maintain a file of all:

- (1) parameters for each continuous monitoring system and monitoring device,
- (2) performance test measurements,
- (3) continuous monitoring system performance evaluations,
- (4) continuous monitoring system or monitoring device calibration checks,
- (5) adjustments and maintenance conducted on these systems or devices, and
- (6) all other information required by this rule.

Information shall be recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records, and shall be available to the executive secretary at any time.

**R307-170-9. State Electronic Data Report.**

(1) General Reporting Requirements.

(a) Each source required to install a continuous monitoring system shall submit the state electronic data report including all information specified in (2) through (10) below. Each source shall submit a complete, unmodified report in an electronic ASCII format specified by the executive secretary.

(b) Partial Reports.

(i) If the total duration of excess emissions during the reporting period is less than one percent of the total operating time and the continuous monitoring system downtime is less than five percent of the total operating time, only the summary portion of the state electronic data report need be submitted.

(ii) If the total excess emission during the reporting period is equal to or greater than one percent of the total operating time, or the total monitored downtime is equal to or greater than five percent of the total operating time, the total state electronic data report shall be submitted.

(iii) Each source required to install a continuous monitoring system for the sole purpose of generating emissions inventory data is not required to submit the excess emission report required by (7) below or the excess emission summary required by (6)(b) below unless otherwise directed by the executive secretary.

(c) Frequency of Reporting. Each source subject to this rule shall submit a report to the executive secretary with the following frequency:

(i) Each source shall submit a report quarterly if required by the executive secretary or by 40 CFR Part 60, or if the continuous monitoring system data is used for

compliance determination. Each source submitting quarterly reports shall submit them by January 30, April 30, July 30, and October 30 for the quarter ending 30 days earlier.

(ii) Any source subject to this rule and not required to submit a quarterly report shall submit its report semiannually by January 30 and July 30 for the six month period ending 30 days earlier.

(iii) The executive secretary may require any source to submit all emission data generated on a quarterly basis.

(2) **Source Information.**

The report shall contain source information including the company name, name of manager or responsible official, mailing address, AIRS number, phone number, environmental contact name, each source required to install a monitoring system, quarter or quarters covered by the report, year, and the operating time for each source.

(3) **Continuous Monitoring System Information.**

The report shall identify each channel, manufacturer, model number, serial number, monitor span, installation dates and whether the monitor is located in the stack or duct.

(4) **Monitor Availability Reporting.**

(a) The report shall include all periods that the pollutant concentration exceeded the span of the continuous monitoring system by source, channel, start date and time, and end date and time.

(b) Each continuous monitoring system outage or malfunction which occurs during source operation shall be reported by source, channel, start date and time, and end date and time.

(c) When it becomes necessary to supplement continuous monitoring data to meet the minimum data requirements, the source shall use applicable reference methods and procedures as outlined in 40 CFR 60, or as stipulated in the source's applicable Subpart of the New Source Performance Standards. Supplemental data shall be reported by source, channel, start date and time, and end date and time, and may be used to offset monitor unavailability.

(d) Monitor modifications shall be reported by source, channel, date of modification, whether a support document was submitted, and the reason for the modification.

(5) **Continuous Monitoring System Performance Specification Audits.**

(a) Each source shall submit the results of each relative accuracy test audit, relative accuracy audit and cylinder gas audit. Each source which reports linearity tests may omit reporting cylinder gas audits.

(b) Each relative accuracy test audit shall be reported by source, channel, date of the most current relative accuracy test audit, date of the preceding relative accuracy test audit, number of months between relative accuracy test audits, units of applicable standard, average continuous emissions monitor response during testing, average reference method value, relative accuracy, and whether the continuous emissions monitor passed or failed the test or audit.

(c) A relative accuracy audit shall be reported by source, channel, date of audit, continuous emissions monitor response, relative accuracy audit response, percent precision, pass or fail results, and whether the monitor range is high or low.

(d) Cylinder gas audit and linearity tests shall be reported by source, channel, date, audit point number, cylinder identification, cylinder expiration date, type of certification, units of measurement, continuous emissions monitor response, cylinder concentration, percent precision, pass or fail results, and whether the monitor range is high or low.

(6) **Summary reports.**

(a) Each source shall summarize and report each continuous monitoring system outage that occurred during the reporting period in the continuous monitoring system performance summary report. The summary must include the source, channels, monitor downtime as a percent of the total source operating hours, total monitor downtime, hours of monitor malfunction, hours of non-monitor malfunction, hours of quality assurance calibrations, and hours of other known and unknown causes of monitor downtime. A source operating a backup continuous monitoring system must account for monitor unavailability only when accurate emission data are not being collected by either continuous monitoring system.

(b) The summary report shall contain a summary of excess emissions which occurred during the reporting period unless the continuous monitoring system was installed to document compliance with an emission cap or to generate data for annual emissions inventories.

(i) Each source with multiple emission limitations per channel being monitored shall summarize excess emissions for each emission limitation.

(ii) The emission summary must include the source, channels, total hours of excess emissions as a percent of the total source operating hours, hours of start-up and shutdown, hours of control equipment problems, hours of process problems, hours of other known and unknown causes, emission limitation, units of measurement, and emission limitation averaging period.

(c) When no continuous monitoring unavailability or excess emissions have occurred, this shall be documented by placing a zero under each appropriate heading.

(7) **Excess Emissions Report.**

(a) The magnitude and duration of all excess emissions shall be reported on an hourly basis in the excess emissions report.

(i) The duration of excess emissions based on block averages shall be reported in terms of hours over which the emissions were averaged. Each source that averages opacity shall average it over a six minute block and shall report the duration of excess opacity in tenths of an hour. Sources using a rolling average shall report the duration of excess emissions in terms of the number of hours being rolled into the averaging period.

(ii) Sources with multiple emission limitations per channel being monitored shall report the magnitude of excess emissions for each emission limitation.

(b) Each period of excess emissions that occurs shall be reported. Each episode of excess emission shall be accompanied with a reason code and action code which links the excess emission to a specific description which describes the events of the episode.

(8) Operations Report.

Each source operating fossil fuel fired steam generators subject to 40 CFR 60, Standards of Performance for New Stationary Sources, shall submit an operations report.

(9) Signed Statement.

(a) Each source shall submit a signed statement acknowledging under penalties of law that all information contained in the report is truthful and accurate, and is a complete record of all monitoring related events which occurred during the reporting period. In addition, each source with an operating permit issued under R307-415 shall submit the signed statement required in R307-415-5d.

(10) Descriptions.

Each source shall submit a narrative description explaining each event of monitor unavailability or excess emissions. Each description also shall be accompanied with reason codes and action codes that will link descriptions to events reported in the monitoring information and excess emission report.

**KEY: air pollution, monitoring, continuous monitoring**  
**2002**

**19-2-101**

**19-2-104(1)(c)**

**19-2-115(3)(b)**

**40 CFR 60**

## **R307-200 SERIES. STATEWIDE EMISSION STANDARDS.**

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

#### **R307-201. Emission Standards: General Emission Standards.**

##### **R307-201-1. Emissions Standards.**

Other provisions of R307 may require more stringent controls than listed herein, in which case those requirements must be met.

(1) Visible Emissions. Opacity limitations in R307-201-1 and R307-305-1 shall not apply to any sources for which emission limitations are assigned pursuant to R307-305-2 through 7 and R307-307. The provisions of (7) through (9) below shall apply to such sources except as otherwise provided in R307-305-2 through 7 and R307-307.

(2) Visible emissions from installations constructed after April 25, 1971, except internal combustion engines, or any incinerator shall be of a shade or density no darker than 20% opacity, except as otherwise provided in these regulations.

(3) No owner or operator of a gasoline powered engine or vehicle shall allow, cause or permit the emissions of visible contaminants except for starting motion no farther than 100 yards, or for stationary operation not exceeding 3 minutes in any hour.

(4) Emissions from diesel engines manufactured after January 1, 1973, shall be of a shade or density no darker than 20% opacity, except for starting motion no farther than 100 yards or for stationary operation not exceeding 3 minutes in any hour.

(5) Emissions from diesel engines manufactured before January 1, 1973, shall be of a shade or density no darker than 40% opacity, except for starting motion no farther than 100 yards or for stationary operation not exceeding 3 minutes in any hour.

(6) Upon application, exceptions to (4) and (5) above may be granted by the Board on a case by case basis for diesel locomotives operating above 6000 feet MSL.

(7) Visible emissions exceeding the opacity standards for short time periods as the result of initial warm-up, soot blowing, cleaning of grates, building of boiler fires, cooling, etc., caused by start-up or shutdown of a facility, installation or operation, or unavoidable combustion irregularities which do not exceed three minutes in length (unavoidable combustion irregularities which exceed three minutes in length must be handled in accordance with R307-107), shall not be deemed in violation provided that the executive secretary finds that adequate control technology has been applied. The owner or operator shall minimize visible and non-visible emissions during start-up or shutdown of a facility, installation, or operation through the use of adequate control technology and proper procedures.

(8) Compliance Method. Emissions shall be brought into compliance with these requirements by reduction of the total weight of contaminants discharged

per unit of time rather than by dilution of emissions with clean air.

(9) Opacity Observation. Opacity observations of emissions from stationary sources shall be conducted in accordance with EPA Method 9, "Visual Determination of Opacity of Emissions from Stationary Sources", 40 CFR Part 60, Appendix A. Opacity observers of mobile sources and intermittent sources shall use procedures similar to Method 9, but the requirement for observations to be made at 15 second intervals over a 6-minute period shall not apply.

**R307-201-2. Automobile Emission Control Devices.**

Any person owning or operating any motor vehicle or motor vehicle engine registered in the State of Utah on which is installed or incorporated a system or device for the control of crankcase emissions or exhaust emissions in compliance with the Federal motor vehicle rules, shall maintain the system or device in operable condition and shall use it at all times that the motor vehicle or motor vehicle engine is operated. No person shall remove or make inoperable within the State of Utah the system or device or any part thereof, except for the purpose of installing another system or device, or part thereof, which is equally or more effective in reducing emissions from the vehicle to the atmosphere.

**R307-201-3. Opacity for Residential Heating.**

Visible emissions from residential 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) An initial fifteen minute start up period, and
- (2) A period of fifteen minutes in any three hour period in which emissions may exceed the 20% opacity limitation for refueling, and
- (3) during the no-burn periods required by R307-302-1.

**KEY: air pollution, woodburning\*, fireplace\*, stove\***  
**1998** **19-2-101**  
**19-2-104**

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

**R307-202. Emission Standards: General Burning.**

**R307-202-1. Definitions and Exclusions.**

As provided in Section 19-2-114, the provisions of R307-202 are not applicable to:

- (1) burning incident to horticultural or agricultural operations of:
  - (a) prunings from trees, bushes, and plants; or
  - (b) dead or diseased trees, bushes, and plants, including stubble;
- (2) burning of weed growth along ditch banks incident to clearing these ditches for irrigation purposes;
- (3) controlled heating of orchards or other crops to lessen the chances of their being frozen so long as the

emissions from this heating do not violate minimum standards set by the board; and

(4) the controlled burning of not more than two structures per year by an organized and operating fire department for the purpose of training fire service personnel when the United States Weather Service clearing index is above 500.

See also Section 11-7-1(2)(a).

**R307-202-2. Community Waste Disposal.**

No open burning shall be done at sites used for disposal of community trash, garbage and other wastes except as authorized through a variance or as authorized for a specific period of time by the Board on the basis of justifiable circumstances reviewed and weighed in terms of pollution effects and other relevant considerations at an appropriate hearing following written application.

**R307-202-3. General Prohibitions.**

No person shall burn any trash, garbage or other wastes, or shall conduct any salvage operation by open burning except in conformity with the provisions of R307-202-4 and 5.

**R307-202-4. Permissible Burning - Without Permit.**

When not prohibited by other laws or by other officials having jurisdiction and provided that a nuisance as defined in Section 76-10-803 is not created, the following types of open burning are permissible without the necessity of securing a permit:

- (1) in devices for the primary purpose of preparing food such as outdoor grills and fireplaces;
- (2) campfires and fires used solely for recreational purposes where such fires are under control of a responsible person;
- (3) in indoor fireplaces and residential solid fuel burning devices except as provided in R307-302-2;
- (4) properly operated industrial flares for combustion of flammable gases; and
- (5) burning, on the premises, of combustible household wastes generated by occupants of dwellings of four family units or less in those areas only where no public or duly licensed disposal service is available.

**R307-202-5. Permissible Burning - With Permit.**

(1) Open burning is authorized by the issuance of a permit as specified in (3) below when not prohibited by other laws or other officials having jurisdiction, and when a nuisance as defined in Section 76-10-803 is not created.

(2) Individual permits for the types of burning listed in (3) below may be issued by an authorized local authority under the "clearing index" system approved and coordinated by the Department of Environmental Quality.

(3) Types of burning for which a permit may be granted are:

- (a) open burning of tree cuttings and slash in forest areas where the cuttings accrue from pulping, lumbering, and similar operations, but excluding waste from sawmill operations such as sawdust and scrap lumber;

- (b) open burning of trees and brush within railroad rights-of-way provided that dirt is removed from stumps before burning, and that tires, oil more dense than #2 fuel oil or other materials which can cause severe air pollution are not used to start fires or keep fires burning;
- (c) open burning of solid or liquid fuels or structures for removal of hazards or eyesores;
- (d) open burning, in remote areas, of highly explosive or other hazardous materials, for which there is no other known practical method of disposal;
- (e) open burning of clippings, bushes, plants and prunings from trees incident to property clean-up activities provided that the following conditions have been met:
  - (i) in any area of the state, the local county fire marshal has established a 30 day period between March 1 and May 30 for such burning to occur and notified the executive secretary of the open burning period prior to the commencement of the 30 day period, or, in areas which are located outside of Salt Lake, Davis, Weber, and Utah Counties, the local county fire marshal has established, if allowed by the state forester under Section 65A-8-9, a 30 day period between September 15 and October 30 for such burning to occur and has notified the executive secretary of the opening burning period prior to the commencement of the 30 day period;
  - (ii) such burning occurs during the period established by the local county fire marshal;
  - (iii) materials to be burned are thoroughly dry;
  - (iv) no trash, rubbish, tires, or oil are used to start fires or included in the material to be burned.
- (4) The Board may grant a permit for types of open burning not specified in (3) above on written application if the Board finds that the burning is not inconsistent with the State Implementation Plan.

#### **R307-202-6. Special Conditions.**

Open burning for special purposes, or under unusual or emergency circumstances, may be approved by the executive secretary.

**KEY: air pollution, open burning\*, fire marshal\***

<b>1999</b>	<b>19-2-104</b>
	<b>11-7-1(2)(a)</b>
	<b>65A-8-9</b>

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

##### **R307-203. Emission Standards: Sulfur Content of Fuels.**

###### **R307-203-1. Commercial and Industrial Sources.**

(1) Any coal, oil, or mixture thereof, burned in any fuel burning or process installation not covered by New Source Performance Standards for sulfur emissions shall contain no more than 1.0 pound sulfur per million gross BTU heat input for any mixture of coal nor .85 pounds sulfur per million gross BTU heat input for any oil.

(a) In the case of fuel oil, it shall be sufficient to record the following specifications for each purchase of fuel oil from the vendor: weight percent sulfur, gross heating value (btu per unit volume), and density. These parameters

shall be ascertained in accordance with the methods of the American Society for Testing and Materials.

(b) In the case of coal, it shall be necessary to obtain a representative grab sample for every 24 hours of operation and the sample shall be tested in accordance with the methods of the American Society for Testing and Materials.

(c) All sources located in the SO<sub>2</sub> nonattainment area covered by Section IX, Part H of the Utah State Implementation Plan which are required to comply with specific fuel (oil or coal) sulfur content limitations must demonstrate compliance with their limitations in accordance with (a) and (b) above.

(d) Records of fuel sulfur content shall be kept for all periods when the plant is in operation and shall be made available to the executive secretary upon request, and shall include a period of two years ending with the date of the request.

(e) If the owner/operator of the source can demonstrate to the executive secretary that the inherent variability of the coal they are receiving from the vendor is low enough such that the testing requirements outlined above may be deemed excessive, then an alternative testing plan may be approved for use with the same source of coal.

(f) Any person may apply to the executive secretary for approval of an alternative test method, an alternative method of control, an alternative compliance period, an alternative emission limit, or an alternative monitoring schedule. The application must include a demonstration that the proposed alternative produces an equal or greater air quality benefit than that required by R307-203, or that the alternative test method is equivalent to that required by R307-203. The executive secretary shall obtain concurrence from EPA when approving an alternative test method, an alternative method of control, an alternative compliance period, an alternative emission limit, or an alternative monitoring schedule.

(2) Any person engaged in operating fuel burning equipment using coal or fuel oil, which is not covered by New Source Performance Standards for sulfur emissions, may apply for an exemption from the sulfur content restrictions of (1) above. The applicant shall furnish evidence, that the fuel burning equipment is operating in such a manner as to prevent the emission of sulfur dioxide in amounts greater than would be produced under the limitations of (1) above. Control apparatus to continuously prevent the emission of sulfur greater than provided by (1) above must be specified in the application for an exemption.

(3) In case an exemption is granted, the operator shall install continuous emission monitoring devices approved by the executive secretary. The operator shall provide the executive secretary with a monthly summary of the data from such monitors. This summary shall be such as to show the degree of compliance with (1) above. It shall be submitted no later than the calendar month succeeding its recording. When exemptions from (1) above are granted, the source's application for such exemption must specify the test method for determining sulfur emissions.

The test method must agree with the NSPS test method for the same industrial category.

(4) Methods for determining sulfur content of coal and fuel oil shall be those methods of the American Society for Testing and Materials.

(a) For determining sulfur content in coal, ASTM Methods D3177-75 or D4239-85 are to be used.

(b) For determining sulfur content in oil, ASTM Methods D2880-71 or D4294-89 are to be used.

(c) For determining the gross calorific (or BTU) content of coal, ASTM Methods D2015-77 or D3286-85 are to be used.

### **R307-203-2. Sulfur and Ash Content of Coal for Residential Use.**

(1) After July 1, 1987, no person shall sell, distribute, use or make available for use any coal or coal containing fuel for direct space heating in residential solid fuel burning devices and fireplaces which exceeds the following limitations as measured by the American Society for Testing Materials Methods:

- (a) 1.0 pound sulfur per million BTU's, and
- (b) 12% volatile ash content.

(2) Any person selling coal or coal containing fuel used for direct residential space heating within the State of Utah shall provide written documentation to the coal consumer of the sulfur and volatile ash content of the coal being purchased.

### **R307-203-3. Emissions Standards.**

Other provisions of R307 may require more stringent controls than listed herein, in which case those requirements must be met.

**KEY: air pollution, fuel composition\*, fuel oil\***

**1998**

**19-2-104**

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

### **R307-204. Emission Standards: Smoke Management.**

#### **R307-204-1. Purpose and Goals.**

(1) The purpose of R307-204 is to establish by rule procedures that mitigate the impact on public health and visibility of prescribed fire and wildland fire.

#### **R307-204-2. Applicability.**

(1) R307-204 applies to all persons using prescribed fire or wildland fire on land they own or manage.

(2) R307-204 does not apply to agricultural activities specified in 19-2-114 and to those regulated under R307-202, or to activities otherwise permitted under R307.

#### **R307-204-3. Definitions.**

The following additional definitions apply only to R307-204.

"Burn Plan" means the plan required for each fire ignited by managers or allowed to burn.

"Burn Window" means the period of time during which the prescribed fire is scheduled for ignition.

"Class I Area" means Zion National Park, Bryce National Park, Capitol Reef National Park, Arches National Park, Canyonlands National Park.

"Fire Prescription" means the measurable criteria that define conditions under which a prescribed fire may be ignited, guide selection of appropriate management responses, and indicate other required actions. Prescription criteria may include safety, economic, public health, environmental, geographic, administrative, social, or legal considerations.

"Land Manager" means any federal, state, local or private entity that owns, administers, directs, oversees or controls the use of public or private land, including the application of fire to the land.

"Maintenance Area" means an area that has been redesignated by EPA from nonattainment to attainment of any National Ambient Air Quality Standard.

"Prescribed Fire or Prescribed Burn" means any fire ignited by management actions to meet specific objectives, such as achieving resource benefits.

"Particulate Matter" means the liquid or solid particles such as dust, smoke, mist, or smog found in air emissions.

"Smoke Sensitive Receptors" means population centers such as towns and villages, campgrounds and trails, hospitals, nursing homes, schools, roads, airports, Class I areas, nonattainment and maintenance areas, areas whose air quality monitoring data indicate pollutant levels that are close to health standards, and any other areas where smoke and air pollutants can adversely affect public health, safety and welfare.

"Wildland" means an area in which development is essentially non-existent, except for pipelines, power lines, roads, railroads, or other transportation or conveyance facilities.

"Wildland Fire" means any non-structure fire, other than prescribed fire, that occurs in the wildland.

"Wildland Fire Used for Resource Benefits (WFURB)" means naturally ignited wildland fire that is managed to accomplish specific prestated resource management objectives in predefined geographic areas.

#### **R307-204-4. General Requirements.**

(1) Management of On-Going Fires. If, after consultation with the land manager, the executive secretary determines that a prescribed fire, wildland fire used for resource benefits, wildland fire, or any smoke transported from other locations, is degrading air quality to levels that could violate the National Ambient Air Quality Standards or burn plan conditions, the land manager shall promptly stop igniting.

(2) Emissions Calculations. In calculating emissions information required under R307-204, each land manager shall use emission factors approved by the executive secretary.

#### **R307-204-5. Burn Schedule.**

- (1) Any land manager planning prescribed fire burning more than 50 acres per year shall submit the burn schedule to the executive secretary on forms provided by the Division of Air Quality, and shall include the following information for all fires including those smaller than 50 acres:
  - (a) Project number and project name;
  - (b) Air Quality Basin, UTM coordinate for the central point of the prescribed fire, project elevation, and county;
  - (c) Total project acres, description of major fuels, type of burn, and ignition method;
  - (d) Earliest burn date and burn duration.
- (2) Each land manager shall submit each year's burn schedule no later than March 15 of that year.
- (3) Any land manager who makes changes to the burn schedule shall submit an amendment to the burn schedule within 10 days after the change.

**R307-204-6. Small Prescribed Fires.**

A prescribed fire that covers less than 20 acres per burn and results in air emissions less than 0.5 tons of particulate matter per day shall be ignited only when the clearing index is 500 or greater.

**R307-204-7. Large Prescribed Fires.**

(1) Burn Plan. For a prescribed fire that covers 20 acres or more per burn or results in air emissions of 0.5 tons or more of particulate matter per day, the land manager shall submit to the executive secretary a burn plan, including a fire prescription, two weeks before the beginning of the burn window.

(2) Pre-Burn Information. For a prescribed fire that covers 20 acres or more per burn or results in air emissions of 0.5 tons or more of particulate matter per day, the land manager shall submit pre-burn information to the executive secretary at least two weeks before the beginning of the burn window. The pre-burn information shall be submitted to the executive secretary on the form provided by the Division of Air Quality by fax, electronic mail or postal mail and shall include the following information:

- (a) The three-letter ID, project number, date submitted, name of person submitting the form, burn manager, and phone numbers;
- (b) Summary of burn objectives;
- (c) Any Class I or Non-attainment Area within 15 miles;
- (d) Any sensitive receptor and distance and direction in degrees from the project site;
- (e) Planned mitigation methods;
- (f) The smoke dispersion model used and results;
- (g) The estimated amount of total particulate matter anticipated;
- (h) A description of how the public will be notified;
- (i) A map, preferably with a scale of 1:62,500, depicting both the daytime and nighttime smoke path and down-drainage flow for a minimum of 15 miles from the burn site with smoke-sensitive areas delineated;

(j) Safety and contingency plans for addressing any smoke intrusions; and

(k) If the fire is in a nonattainment or maintenance area and is subject to general conformity (42 U.S.C. 7506(c)), a copy of the conformity demonstration showing that the fire meets the requirements of the Clean Air Act and conforms with the applicable State Implementation Plan.

(3) Burn Request.

(a) The land manager shall submit to the executive secretary a burn request on the form provided by the Division of Air Quality by 10:00 a.m. at least two business days before the planned ignition time. The form may be submitted by fax or electronic mail, and must include the following information:

(i) The three-letter identification and project number consistent with the annual burn schedule required in R307-204-5(1) above;

(ii) The date submitted and by whom; and

(iii) The burn manager conducting the burn and phone numbers.

(b) No prescribed fire requiring a burn plan shall be ignited before the executive secretary approves or conditionally approves the burn request.

(c) If a prescribed fire is delayed, changed or not completed following burn approval, any significant changes in the burn plan shall be submitted to the executive secretary before the burn request is submitted. If a prescribed fire is not carried out, the land manager shall list the reasons on the burn request form provided by the Division of Air Quality and shall submit the form by fax or electronic mail to the executive secretary by 8:00 a.m. the following business day.

(4) Daily Emissions Report. By 8:00 a.m. on the day following the prescribed burn, for each day of prescribed fire activity covering 50 acres or more, the land manager shall submit to the executive secretary a daily emission report on the form provided by the Division of Air Quality including the following information:

(a) The three-letter identification and project number consistent with the annual burn schedule required in R307-204-5(1) above;

(b) The date submitted and by whom;

(c) The start and end dates and times of the burn;

(d) Emission information including black acres, tons fuel consumed per acre, and tons particulate matter produced;

(e) Public interest regarding smoke;

(f) Daytime ventilation;

(g) Nighttime smoke behavior;

(h) Evaluation of whether the fire has met the criteria of the fire prescription; and

(i) Emission reduction techniques applied.

(5) Emission Reduction and Dispersion

Techniques. Each land manager shall take measures to prevent smoke impacts. Such measures may include best management practices such as dilution, emission reduction or avoidance in addition to others described in the pre-burn information form provided by the Division of Air Quality.

An evaluation of the techniques shall be included in the daily emissions report required by (4) above.

(6) Monitoring. Land managers shall monitor the effects of the prescribed fire on smoke sensitive receptors and on visibility in Class I areas, as directed by the burn plan. Hourly visual monitoring and documentation of the direction of the smoke plume shall be recorded on the form provided by the Division of Air Quality or on the land manager's equivalent form. Complaints from the public shall be noted in the project file. Records shall be available for inspection by the executive secretary for six months following the end of the fire.

**R307-204-8. Requirements for Wildland Fire with Potential for Use for Resource Benefits.**

(1) Burn Approval Required.

(a) The land manager shall notify the executive secretary by the close of business of the first day of any wildland fire that covers 20 acres or more. The notification shall include the following information:

- (i) UTM coordinate of the fire;
- (ii) Active burning acres;
- (iii) Probable fire size and daily anticipated growth in acres;
- (iv) Types of wildland fuel involved;
- (v) An emergency telephone number that is answered 24 hours a day; and
- (vi) Wilderness or Resource Natural Area designation, if applicable.

(b) The following information shall be submitted to the executive secretary 48 hours after submittal of the information required by (1)(a) above:

- (i) Burn plan and anticipated emissions;
- (ii) A map, preferably with a scale of 1:62,500, depicting both the daytime and nighttime smoke path and down-drainage flow for a minimum of 15 miles from the burn site with smoke-sensitive areas delineated; and
- (iii) Additional computer smoke modeling, if requested by the executive secretary.

(c) The executive secretary's approval of the smoke management element of the burn plan shall be obtained before managing the fire as a wildland fire used for resource benefits.

(2) Daily Emission Report for Wildland Fire Used for Resource Benefits. By 8:00 a.m. on the business day following fire activity covering 50 acres or more, the land manager shall submit to the executive secretary the daily emission report on the form provided by the Division of Air Quality, including the following information:

- (a) The three-letter identification, project number, Air Quality Basin, and name of the burn manager;
- (b) UTM coordinate;
- (c) Dates and times of the start and end of the burn;
- (d) Black acres by wildland fuel type;
- (e) Estimated proportion of wildland fuel consumed by wildland fuel type;
- (f) Proportion of moisture in the wildland fuel by size class;

(g) Emission estimates;

(h) Level of public interest or concern regarding smoke; and

(i) Conformance to the burn plan.

(3) Monitoring. The land manager shall monitor the effects of smoke on smoke sensitive receptors and visibility in Class I areas as directed by the burn plan. Complaints from the public shall be recorded in the project file. Records shall be available for inspection by the executive secretary for six months following the end of the fire.

**KEY: air quality, fire\*, smoke\*, land manager\***

2001

19-2-104(1)(a)

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

**R307-205. Emission Standards: Fugitive Emissions and Fugitive Dust.**

**R307-205-1. Applicability.**

(1) Except where otherwise specified, R307-205 applies statewide.

(2) The provisions of R307-205 shall not apply to any sources for which limitations for fugitive dust or fugitive emissions are assigned pursuant to R307-401, R307-305, or R307-307 nor shall they apply to agricultural or horticultural activities.

(3) The following definitions apply throughout R307-205:

"Material" means sand, gravel, soil, minerals or other matter which may create fugitive dust.

"Road" means any public or private road.

**R307-205-2. Fugitive Emissions.**

Fugitive emissions from sources in areas outside Davis, Salt Lake and Utah Counties, Ogden City and any nonattainment area for PM10 and which were constructed before April 25, 1971, shall not exceed 40% opacity. Fugitive emissions from sources constructed after April 25, 1971, shall not exceed 20% opacity.

**R307-205-3. Fugitive Dust.**

(1) Storage and Handling of Aggregate Materials. Any person owning, operating or maintaining a new or existing material storage, handling or hauling operation shall minimize fugitive dust from such an operation. Such control may include the use of enclosures, covers, stabilization or other equivalent methods or techniques as approved by the executive secretary.

(2) Construction and Demolition Activities.

(a) Any person engaging in clearing or leveling of land greater than one-quarter acre in size, earthmoving, excavation, or movement of trucks or construction equipment over cleared land greater than one-quarter acre in size or access haul roads shall take steps to minimize fugitive dust from such activities. Such control may

include watering and chemical stabilization of potential fugitive dust sources or other equivalent methods or techniques approved by the executive secretary.

(b) The owner or operator of any land area greater than one-quarter acre in size that has been cleared or excavated shall take measures to prevent fugitive particulate matter from becoming airborne. Such measures may include:

- (i) planting vegetative cover,
- (ii) providing synthetic cover,
- (iii) watering,
- (iv) chemical stabilization,
- (v) wind breaks, or
- (vi) other equivalent methods or techniques approved by the executive secretary.

(c) Any person engaging in demolition activities including razing homes, buildings, or other structures or removing paving material from roads or parking areas shall take steps to minimize fugitive dust from such activities. Such control may include watering and chemical stabilization or other equivalent methods or techniques approved by the executive secretary.

#### **R307-205-4. Roads.**

(1) Any person planning to construct or operate a new unpaved road which is anticipated to have an average daily traffic volume of 150 vehicle trips per day or greater, averaged over a consecutive five day period, shall submit a notice of intent to construct or operate such a road to the executive secretary pursuant to R307-401. Such notice shall include proposed action to minimize fugitive dust emissions from the road.

(2) The executive secretary may require persons owning, operating or maintaining any new or existing road, or having right-of-way easement or possessory right to use the same to supply traffic count information as determined necessary to ascertain whether or not control techniques are adequate or additional controls are necessary.

(3) Any person who deposits materials which may create fugitive dust on a public or private paved road shall clean the road promptly.

#### **R307-205-5. Mining Activities.**

(1) Fugitive dust, construction activities, and roadways associated with mining activities are regulated under the provisions of R307-205-5 and not by R307-205-3 and 4.

(2) Any person who owns or operates a mining operation shall minimize fugitive dust as an integral part of site preparation, mining activities, and reclamation operations.

(3) The fugitive dust control measures to be used may include:

- (a) periodic watering of unpaved roads,
- (b) chemical stabilization of unpaved roads,
- (c) paving of roads,
- (d) prompt removal of coal, rock minerals, soil, and other dust-forming debris from roads and frequent

scraping and compaction of unpaved roads to stabilize the road surface,

(e) restricting the speed of vehicles in and around the mining operation,

(f) revegetating, mulching, or otherwise stabilizing the surface of all areas adjoining roads that are a source of fugitive dust,

(g) restricting the travel of vehicles on other than established roads,

(h) enclosing, covering, watering, or otherwise treating loaded haul trucks and railroad cars, to minimize loss of material to wind and spillage,

(i) substitution of conveyor systems for haul trucks and covering of conveyor systems when conveyed loads are subject to wind erosion,

(j) minimizing the area of disturbed land,

(k) prompt revegetation of regraded lands,

(l) planting of special windbreak vegetation at critical points in the permit area,

(m) control of dust from drilling, using water sprays, hoods, dust collectors or other controls approved by the executive secretary.

(n) restricting the areas to be blasted at any one time,

(o) reducing the period of time between initially disturbing the soil and revegetating or other surface stabilization,

(p) restricting fugitive dust at spoil and coal transfer and loading points,

(q) control of dust from storage piles through use of enclosures, covers, or stabilization and other equivalent methods or techniques as approved by the executive secretary, or

(r) other techniques as determined necessary by the executive secretary.

(4) Any person owning or operating an existing mining operation in an actual area of nonattainment for particulate or an existing mining operation outside an actual area of nonattainment from which fugitive dust impacts an actual area of nonattainment for particulate shall submit plans for control of fugitive dust from such operations to the executive secretary for approval no later than September 29, 1981, 180 days after the effective date of this regulation.

#### **R307-205-6. Tailings Piles and Ponds.**

(1) Fugitive dust, construction activities, and roadways associated with tailings piles and ponds are regulated under the provisions of R307-205-6 and not by R307-205-3 and 4.

(2) Any person owning or operating an existing tailings operation where fugitive dust results from grading, excavating, depositing, or natural erosion or other causes in association with such operation shall take steps to minimize fugitive dust from such activities. Such controls may include:

(a) watering,

(b) chemical stabilization,

(c) synthetic covers,

- (d) vegetative covers,
- (e) wind breaks,
- (f) minimizing the area of disturbed tailings,
- (g) restricting the speed of vehicles in and around the tailings operation, or
- (h) other equivalent methods or techniques which may be approvable by the executive secretary.

(3) Any person owning or operating an existing tailings operation in a nonattainment area for particulate or an existing mining operation outside an actual area of nonattainment from which fugitive dust impacts an actual area of nonattainment for particulate shall submit plans for control of fugitive dust from such operations to the executive secretary for approval no later than September 29, 1981, 180 days after the effective date of this regulation.

**KEY: air pollution, fugitive emissions\*, mining\*, tailings\***

<b>1999</b>	<b>19-2-101</b>
	<b>19-2-104</b>
	<b>19-2-109</b>

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

**R307-206. Emission Standards: Abrasive Blasting.**

**R307-206-1. Definitions.**

(1) The following additional definitions apply to R307-206:

"Abrasive Blasting" means the operation of cleaning or preparing a surface by forcibly propelling a stream of abrasive material against the surface.

"Abrasive Blasting Equipment" means any equipment utilized in abrasive blasting operations.

"Abrasives" means any material used in abrasive blasting operations including but not limited to sand, slag, steel shot, garnet or walnut shells.

"Confined Blasting" means any abrasive blasting conducted in an enclosure which significantly restricts air contaminants from being emitted to the ambient atmosphere, including but not limited to shrouds, tanks, drydocks, buildings and structures.

"Hydroblasting" means any abrasive blasting using high pressure liquid as the propelling force.

"Multiple Nozzles" means a group of two or more nozzles being used for abrasive cleaning of the same surface in such close proximity that their separate plumes are indistinguishable.

"Unconfined Blasting" means any abrasive blasting which is not confined blasting as defined above.

"Wet Abrasive Blasting" means any abrasive blasting using compressed air as the propelling force and sufficient water to minimize the plume.

**R307-206-2. Visible Emission Standards.**

(1) No person shall, if he complies with performance standards outlined in R307-206-4 or if he is not

located in an area of nonattainment for particulates, discharge into the atmosphere from any abrasive blasting any air contaminant for a period or periods aggregating more than three minutes in any one hour which is a shade or density darker than 40% opacity.

(2) No person shall, if he is not complying with an applicable performance standard in R307-206-4 and is in an area of nonattainment, discharge into the atmosphere from any abrasive blasting any air contaminant for a period or periods aggregating more than three minutes in any one hour which is of a shade or density no darker than 20% opacity.

**R307-206-3. Visible Emission Evaluation Techniques.**

Visible emission evaluation of abrasive blasting operations shall be conducted in accordance with the following provisions:

(1) Emissions from unconfined blasting shall be read at the densest point of the emission after a major portion of the spent abrasive has fallen out, at a point not less than five feet nor more than twenty-five feet from the impact surface from any single abrasive blasting nozzle.

(2) Emissions from unconfined blasting employing multiple nozzles shall be judged as a single source unless it can be demonstrated by the owner or operator that each nozzle, evaluated separately, meets the emission and performance standards provided for in R307-206-2 through 4.

(3) Emissions from confined blasting shall be read at the densest point after the air contaminant leaves the enclosure.

**R307-206-4. Performance Standards.**

(1) To satisfy the requirements of R307-206-2, any abrasive blasting operation may use at least one of the following performance standards:

- (a) Confined blasting;
- (b) Wet abrasive blasting;
- (c) Hydroblasting; or
- (d) Unconfined blasting using abrasives as defined in (2) below.

(2) Abrasives.

(a) Abrasives used for dry unconfined blasting referenced in (1) above shall comply with the following performance standards:

(i) Before blasting the abrasive shall not contain more than 1% by weight material passing a #70 U.S. Standard sieve.

(ii) After blasting the abrasive shall not contain more than 1.8% by weight material 5 micron or smaller.

(b) Abrasives reused for dry unconfined blasting are exempt from (a)(ii) above, but must conform with (a)(i) above.

(3) Abrasive Certification. Sources using the performance standard of (1)(d) above to meet the requirements of R307-206-2 must demonstrate they have obtained abrasives from persons which have certified (submitted test results) to the executive secretary at least

annually that such abrasives meet the requirements of (2) above.

**R307-206-5. Emissions Standards.**

Other provisions of R307 may require more stringent controls than listed herein, in which case those requirements must be met.

**KEY: air pollution, abrasive blasting\***

**1998**

**19-2-104**

(3) 40 CFR Part 63, Subpart F, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.

(4) 40 CFR Part 63, Subpart G, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.

(5) 40 CFR Part 63, Subpart H, National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.

(6) 40 CFR Part 63, Subpart I, National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.

(7) 40 CFR Part 63, Subpart L, National Emission Standards for Coke Oven Batteries.

(8) 40 CFR Part 63, Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.

(9) 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

(10) 40 CFR Part 63, Subpart O, National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations.

(11) 40 CFR Part 63, Subpart Q, National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.

(12) 40 CFR Part 63, Subpart R, National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).

(13) 40 CFR Part 63, Subpart T, National Emission Standards for Halogenated Solvent Cleaning.

(14) 40 CFR Part 63, Subpart AA, National Emission Standards for Hazardous Air Pollutants for Phosphoric Acid Manufacturing.

(15) 40 CFR Part 63, Subpart BB, National Emission Standards for Hazardous Air Pollutants for Phosphate Fertilizer Production.

(16) 40 CFR Part 63, Subpart CC, National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.

(17) 40 CFR Part 63, Subpart DD, National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.

(18) 40 CFR Part 63, Subpart EE, National Emission Standards for Magnetic Tape Manufacturing Operations.

(19) 40 CFR Part 63, Subpart GG, National Emission Standards for Aerospace Manufacturing and Rework Facilities.

(20) 40 CFR Part 63, Subpart HH, National Emission Standards for Hazardous Air Pollutants for Oil and Natural Gas Production.

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

**R307-210. Stationary Sources.**

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

The standards of performance for new stationary sources in 40 CFR 60 (1998), as amended by 63 FR 49442, 64 FR 7457, 64 FR 9257, and 64 FR 10105 are incorporated by reference into these rules with the exception that references in 40 CFR to "Administrator" shall mean "executive secretary" unless by federal law the authority referenced is specific to the Administrator and cannot be delegated.

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

**1999**

**19-2-104**

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

**R307-214. National Emission Standards for Hazardous Air Pollutants.**

**R307-214-1. Part 61 Sources.**

The provisions of 40 Code of Federal Regulations (CFR) Part 61, National Emission Standards for Hazardous Air Pollutants, effective as of October 20, 1994, are incorporated into these rules by reference. For source categories delegated to the State, references in 40 CFR Part 61 to "the Administrator" shall refer to the Executive Secretary.

**R307-214-2. Part 63 Sources.**

The provisions listed below of 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories, effective as of July 1, 2000 are incorporated into these rules by reference. References in 40 CFR Part 63 to "the Administrator" shall refer to the executive secretary, unless by federal law the authority is specific to the Administrator and cannot be delegated.

(1) 40 CFR Part 63, Subpart A, General Provisions.

(2) 40 CFR Part 63, Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance with 42 U.S.C. 7412(g) and (j).

(21) 40 CFR Part 63, Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations.

(22) 40 CFR Part 63, Subpart KK, National Emission Standards for the Printing and Publishing Industry.

(23) 40 CFR Part 63, Subpart OO, National Emission Standards for Tanks - Level 1.

(24) 40 CFR Part 63, Subpart PP, National Emission Standards for Containers.

(25) 40 CFR Part 63, Subpart QQ, National Emission Standards for Surface Impoundments.

(26) 40 CFR Part 63, Subpart RR, National Emission Standards for Individual Drain Systems.

(27) 40 CFR Part 63, Subpart SS, National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process (Generic MACT)

(28) 40 CFR Part 63, Subpart TT, National Emission Standards for Equipment Leaks- Control Level 1 (Generic MACT).

(29) 40 CFR Part 63, Subpart UU, National Emission Standards for Equipment Leaks-Control Level 2 Standards (Generic MACT).

(30) 40 CFR Part 63, Subpart VV, National Emission Standards for Oil-Water Separators and Organic-Water Separators.

(31) 40 CFR Part 63, Subpart WW, National Emission Standards for Storage Vessels (Tanks)-Control Level 2 (Generic MACT).

(32) 40 CFR Part 63, Subpart YY, National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic MACT.

(33) 40 CFR Part 63, Subpart CCC, National Emission Standards for Hazardous Air Pollutants for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants.

(34) 40 CFR Part 63, Subpart DDD, National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.

(35) 40 CFR Part 63, Subpart EEE, National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.

(36) 40 CFR Part 63, Subpart GGG, National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production.

(37) 40 CFR Part 63, Subpart HHH, National Emission Standards for Hazardous Air Pollutants for Natural Gas Transmission and Storage.

(38) 40 CFR Part 63, Subpart III, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.

(39) 40 CFR Part 63, Subpart JJJ, National Emission Standards for Hazardous Air Pollutants for Group IV Polymers and Resins.

(40) 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants for Portland Cement Manufacturing Industry.

(41) 40 CFR Part 63, Subpart MMM, National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.

(42) 40 CFR Part 63, Subpart NNN, National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.

(43) 40 CFR Part 63, Subpart OOO, National Emission Standards for Hazardous Air Pollutants for Amino/Phenolic Resins Production (Resin III).

(44) 40 CFR Part 63, Subpart PPP, National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production.

(45) 40 CFR Part 63, Subpart RRR, National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.

(46) 40 CFR Part 63, Subpart TTT, National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.

**KEY: air pollution, hazardous air pollutant\*, MACT\***  
**2000** **19-2-104(1)(a)**  
**Notice of Continuation February 3, 1999**

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

**R307-215. Emission Standards: Acid Rain Requirements.**

**R307-215-1. Part 76 Requirements.**

The provisions of 40 CFR Part 76, as in effect on December 19, 1996, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Clean Air Act, are incorporated into these rules by reference. The term "permitting authority" shall mean the Executive Secretary of the Air Quality Board, and the term "Administrator" shall mean the Administrator of the Environmental Protection Agency. If the provisions or requirements of 40 CFR Part 76 conflict with or are not included in R307-415, Operating Permit Requirements, provisions and requirements of 40 CFR Part 76 shall apply and take precedence.

**KEY: acid rain, air quality, permitting authority\*, operating permits\***

**1998** **19-2-101**  
**19-2-104(3)(q)**

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

**R307-220. Emission Standards: Plan for Designated Facilities.**

**R307-220-1. Incorporation by Reference.**

(1) Pursuant to 42 U.S.C. 7411(d), the Federal Clean Air Act Section 111(d), the following sections hereby incorporate by reference the Utah plan for designated facilities. Copies of the plan are available at the Division of Air Quality and the Division of Administrative Rules.

(2) Definitions. The following additional definitions apply to R307-220:

"Designated Facility" means any existing source which emits a designated pollutant and which would be subject to a standard of performance for a new source if construction of the designated facility had begun after the effective date of the standard of performance issued under 40 CFR Part 60.

"Designated Pollutant" means any air contaminant, the emission of which:

- (a) is subject to a standard of performance for a new source; and
- (b) is not subject to a National Ambient Air Quality Standard; and
- (c) is not a hazardous air pollutant as defined in R307-101-2.

#### **R307-220-2. Section I, Municipal Waste Landfills.**

Section I, Municipal Solid Waste Landfills, as most recently adopted by the Air Quality Board on September 3, 1997, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

#### **R307-220-3. Section II, Hospital, Medical, Infectious Waste Incinerators.**

Section II, Hospital, Medical, Infectious Waste Incinerators, as most recently adopted by the Air Quality Board on November 12, 1998, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

#### **R307-220-4. Section III, Small Municipal Waste Combustion Units.**

Section III, Small Municipal Waste Combustion Units, as most recently adopted by the Air Quality Board on October 2, 2002, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

**KEY: air pollution, landfills, environmental protection, incinerators**  
**October 3, 2002** **19-2-104**  
**Notice of Continuation March 26, 2002**

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

##### **R307-221. Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills.**

###### **R307-221-1. Purpose and Applicability.**

(1) To meet the requirements of 42 U.S.C. 7411(d) and 40 CFR 60.30c through 60.36c, and to meet the requirements of the plan for Municipal Solid Waste Landfills, incorporated by reference at R307-220-2, R307-221 regulates emissions from existing municipal solid waste landfills.

(2) R307-221 applies to each existing municipal solid waste landfill for which construction, reconstruction or modification was commenced before May 30, 1991. Municipal solid waste landfills which closed prior to November 8, 1987, are not subject to R307-221. Physical or operational changes made solely to comply with the plan for Municipal Solid Waste Landfills are not considered a

modification or reconstruction and do not subject the landfill to the requirements of 40 CFR 60 Subpart WWW.

(3) Municipal solid waste landfills with a design capacity greater than or equal to 2.5 million megarams(2,755,750 tons) and 2.5 million cubic meters (3,270,000 cubic yards) are subject to the emission inventory requirements of R307-150.

#### **R307-221-2. Definitions and References.**

Definitions found in 40 CFR Part 60.751, effective March 12, 1996, are adopted and incorporated by reference, with the exclusion of the definitions of closed landfill, design capacity, and NMOC. The following additional definitions apply to R307-221:

"Closed Landfill" means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed. A landfill is considered closed after meeting the criteria specified in Subsection R315-301-2(12).

"Design Capacity" means the maximum amount of solid waste a landfill can accept, as specified in an operating permit issued under R307-415 or a solid waste permit issued under Rule R315-310.

"Modification" means an increase in the landfill design capacity through a physical or operational change, as reported in the initial Design Capacity Report.

"NMOC" means nonmethane organic compounds.

#### **R307-221-3. Emission Restrictions.**

(1) The requirements found in 40 CFR 60.752 through 60.759, including Appendix A, effective March 12, 1996, are adopted and incorporated by reference, with the following exceptions and the substitutions listed in R307-221-3(2) through (5):

- (a) Substitute "executive secretary" for all federal regulation references to "Administrator."
- (b) Substitute "State of Utah" for all federal regulation references to "State, local or Tribal agency."
- (c) Substitute "R307-221" for all references to "This subpart" or "this part."
- (d) Substitute "40 CFR" for all references to "This title."
- (e) Substitute "Title 19, Chapter 6" for all references to "RCRA" or the "Resource Conservation and Recovery Act," 42 U.S.C. 6921, et seq.
- (f) Substitute "Rules R315-301 through 320" for all references to 40 CFR 258.

(2) Instead of 40 CFR 60.757(a)(1), substitute the following: The initial design capacity report must be submitted within 90 days after the date on which EPA approves the state plan incorporated by reference under R307-220-2.

(3) Instead of 40 CFR 60.757(a)(3), substitute the following: An amended design capacity report shall be submitted to the Executive Secretary providing notification of any increase in the design capacity of the landfill, whether the increase results from an increase in the permitted area or depth of the landfill, a change in the operating procedures, or any other means which results in

an increase in the maximum design capacity of the landfill. The amended design capacity report shall be submitted within 90 days of the earliest of the following events:

- (a) the issuance of an amended operating permit;
- (b) submittal of application for a solid waste permit under R315-310; or
- (c) the change in operating procedures which will result in an increase in design capacity.

(4) Instead of 40 CFR 60.757(b)(1)(i), substitute the following: The initial emission rate report for nonmethane organic compounds must be submitted within 90 days after EPA approval of the state plan incorporated by reference under R307-220-2.

(5) Instead of 40 CFR 60.752(b)(2)(ii)(B)(2), substitute the following: The liner shall be installed with liners on the bottom and all sides in all areas in which gas is to be collected, or as approved by the executive secretary. The liner shall meet the requirements of Subsection R315-303-4(3).

#### **R307-221-4. Control Device Specifications.**

Control devices meeting the following requirements, shall be used to control collected municipal solid waste landfill emissions:

- (1) an open flare designed and operated in accordance with the parameters established in Section 40 CFR Part 60.18, which is adopted and incorporated by reference into this rule; or
- (2) a control system designed and operated to reduce nonmethane organic compounds by 98 weight percent; or
- (3) an enclosed combustor designed and operated to reduce the outlet nonmethane organic compounds concentration to 20 parts per million as hexane by volume, dry basis at 3 percent oxygen, or less.

#### **R307-221-5. Compliance Schedule.**

(1) Except as provided in (2) below, planning, awarding of contracts, and installation of municipal solid waste landfill air emission collection and control equipment capable of meeting the emission standards established under R307-221-3(1) shall be accomplished within 30 months after the date on which EPA approves the state plan incorporated by reference under R307-220-2.

(2) For each existing municipal solid waste landfill meeting the conditions in R307-221-1(2) whose emission rate for nonmethane organic compounds is less than 50 megagrams (55 tons) per year on the date EPA approves the state plan incorporated by reference under R307-220-2, installation of collection and control systems capable of meeting emissions standards in R307-221-1(2) shall be accomplished within 30 months of the date when the landfill has an emission rate of nonmethane organic compounds of 50 megagrams (55 tons) per year or more.

(3) The owner or operator of each landfill with a design capacity greater than or equal to 2.5 million megagrams (2,755,750 tons) and 2.5 million cubic meters (3,270,000 cubic yards) shall submit by April 1, 1997, an inventory of nonmethane organic compounds. The

calculations for this inventory shall use emission factors which obtain the most accurate representation of emissions from the landfill.

(4) The owner or operator of a landfill requiring controls shall notify the executive secretary of the awarding of contracts for the construction of the collection and control system or the order to purchase components for the system. This notification shall be submitted within 18 months after reporting a nonmethane organic compound emission equal to or greater than 50 megagrams (55 tons) per year.

(5) The owner or operator shall notify the executive secretary of the initiation of construction or installation of the collection and control system. This notification shall be submitted to the executive secretary within 22 months after reporting a nonmethane organic compound emission rate equal to or greater than 50 megagrams (55 tons) per year. Landfills with commingled asbestos and municipal solid waste may include the submittals required under R307-214-1 with this notice.

**KEY: air pollution, municipal landfills\***

**1999**

**19-2-104**

**Notice of Continuation March 26, 2002**

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

#### **R307-222. Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste.**

##### **R307-222-1. Purpose and Applicability.**

(1) R307-222 regulates emissions from existing incinerators for hospital, medical, or infectious waste or any combination of them. The purpose of R307-222 is to reduce the emissions of particulate matter, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxins and dibenzofurans from incinerators burning hospital, medical or infectious waste. Reductions are required by 42 U.S.C. 7411(d) and 7429 and 40 CFR Part 60, subpart Ce, published at 62 FR 48348, September 15, 1997, and by the Plan for Incinerators for Hospital, Medical, and Infectious Waste which is incorporated by reference at R307-220-3.

(2) R307-222 applies to each incinerator for hospital, medical, or infectious waste or any combination of them for which construction was commenced on or before June 20, 1996, except as set forth below.

(a) A combustor is not subject to R307-222 during periods when only pathological waste, low-level radioactive waste, chemotherapeutic waste or any combination of them is burned, provided the owner or operator of the combustor:

(i) Notifies the executive secretary of an exemption claim; and

(ii) Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, chemotherapeutic waste or any combination of them is burned.

(b) Any co-fired combustor is not subject to this subpart if the owner or operator of the co-fired combustor:

- (i) Notifies the executive secretary of an exemption claim;
- (ii) Provides an estimate of the relative weight of wastes to be combusted, including hospital, medical or infectious waste or any combination of them, and other fuels and wastes; and
- (iii) Keeps records on a calendar quarter basis of the weight of hospital, medical, or infectious waste or any combination of them which was combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor.
- (c) Any combustor required to have a permit under R315-306 is not subject to R307-222.
- (d) Any combustor which meets the applicability requirements under subpart Cb, Ea, or Eb of 40 CFR Part 60 is not subject to R307-222.
- (e) Any pyrolysis unit as defined in 40 CFR 60.51c is not subject to R307-222.
- (f) Any cement kiln firing hospital, medical, or infectious waste or any combination of them is not subject to R307-223.
- (g) Physical or operational changes made to an existing hospital, medical or infectious waste incinerator unit solely for the purpose of complying with emission guidelines under R307-223 are not considered a modification and do not result in an existing hospital, medical or infectious or any combination waste incinerator unit becoming subject to the provisions of R307-18.
- (3) Any facility subject to R307-222 also is required to obtain an operating permit under R307-415 no later than September 15, 2000.

#### **R307-222-2. Definitions and References.**

- (1) The following definitions apply only to R307-222. Definitions found in 40 CFR 60.31e, effective November 14, 1997, and 40 CFR 60.51c, effective March 16, 1998, are adopted and incorporated by reference, with the following substitutions.
  - (a) Substitute "executive secretary" for all federal regulation references to "Administrator."
  - (b) Substitute "State of Utah" for all federal regulation references to "State agency" or "State regulatory agency."
  - (c) Substitute "Rule R307-222" for all references to "this subpart."
  - (d) Substitute "40 CFR Part 60" for all references to "this part."
  - (e) Substitute "40 CFR" for all references to "This title."

#### **R307-222-3. All Incinerators.**

- (1) Each incinerator subject to R307-222 must comply with the requirements of 40 CFR 60.52c(b) for emission limits, 40 CFR 60.53c for operator training and qualification, 40 CFR 60.55c for a waste management plan, 40 CFR 60.58c(b) excluding (b)(2)(ii) and (b)(7) for recordkeeping, and 40 CFR 60.58c(c) through (f) for reporting. These provisions are adopted and incorporated by reference.

- (2) Each incinerator subject to R307-222 must submit by February 1, 1999, an initial emissions inventory for inclusion in the Plan.
  - (3) Compliance dates.
    - (a) Except as provided in (b) and (c), each incinerator must be in compliance with all requirements of R307-222 on or before the date one year after federal approval of the State Plan.
    - (b) The owner or operator may petition the executive secretary to extend the compliance date as late as three years after EPA approval of the State Plan or September 15, 2002, whichever is earlier. The petition must meet the requirements set forth in (c) below.
    - (c) The petition must be submitted by January 2, 2000 and must include the following documentation:
      - (i) analysis supporting the need for an extension;
      - (ii) an evaluation of the option to transport waste offsite to a commercial medical waste treatment and disposal facility on a temporary or permanent basis;
      - (iii) measurable and enforceable incremental steps of progress to be taken towards compliance;
      - (iv) a compliance plan as set forth in (d) below.
    - (d) The compliance plan must include compliance dates for either:
      - (i) disposal of waste offsite or installation of equipment other than an incinerator to treat waste at the earliest possible date, or
      - (ii) each activity to retrofit the incinerator, including the following intermediate steps:
        - (A) The owner or operator must award the contract for retrofitting no later than March 1, 2000.
        - (B) The owner or operator must begin installation of air pollution control devices no later than June 1, 2000.
        - (C) The owner or operator must complete installation of the air pollution control devices no later than February 2, 2002.
        - (D) The owner or operator must conduct initial compliance testing of each air pollution control device by April 2, 2002.
        - (E) The owner or operator must complete all requirements to show compliance no later than three years following EPA approval of the Plan or September 15, 2002, whichever is earlier.
      - (e) If the petition is granted, the owner or operator must comply with the schedule in the compliance plan.

#### **R307-222-4. Large, Medium and Urban Small Incinerators.**

Except as provided in Section R307-222-5, each incinerator must comply with the emissions limitations of Table 1 in 40 CFR Part 60, Subpart Ce, 40 CFR 60.57c, and 40 CFR 60.56c excluding 56c(b)(12) and 56c(c)(3), which are adopted and incorporated by reference.

#### **R307-222-5. Small Rural Incinerators.**

- (1) A small rural incinerator is a small incinerator as defined in Section R307-222-2 that:

(a) is located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area listed in OMB bulletin No. 93-17 entitled "Revised Statistical definitions for Metropolitan Areas," June 30, 1993; and

(b) burns less than 2000 pounds per week of hospital, medical or infectious waste or any combination of them. The 2000 pounds per week limitation does not apply during performance tests.

(2) Each small rural incinerator must comply with the emission limits of Table 2 in 40 CFR Part 60, Subpart Ce, which are adopted and incorporated by reference.

(3) Each small incinerator must comply with the inspection requirements of 40 CFR 60.36e(a)(1) and (a)(2), which are adopted and incorporated by reference. An inspection meeting these requirements must be conducted within one year after federal approval of the Plan incorporated by reference in R307-220-3, and annually no more than 12 months following the previous annual inspection.

(4) Each small incinerator must comply with the compliance and performance testing requirements of 40 CFR 60.37e(b)(1) through (b)(5), which are adopted and incorporated by reference.

(5) Each small incinerator must comply with the monitoring requirements of 40 CFR 60.37e(d)(1) through (d)(3), which are adopted and incorporated by reference.

(6) Each small incinerator must comply with the recordkeeping and reporting requirements of 40 CFR 60.38e(b)(1) and (b)(2), which are adopted and incorporated by reference.

**KEY: air pollution, hospitals, medical incinerator\*, infectious waste\***

November 25, 1998

19-2-104

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

#### **R307-223. Emission Standards: Existing Small Municipal Waste Combustion Units.**

##### **R307-223-1. Purpose and Applicability.**

(1) R307-223 regulates emissions from existing small municipal waste combustion units. The purpose of R307-223 is to reduce the emissions of particulate matter, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxins and furans from small municipal waste combustion units. Reductions are required by 42 U.S.C. 7411(d) and 7429 and 40 CFR Part 60, subpart BBBB, published at 63 FR 76378, December 6, 2000, and by the Plan for Existing Small Municipal Waste Combustion Units that is incorporated by reference at R307-220-4.

(2) R307-223 applies to each existing small municipal waste combustion unit that has the capacity to combust at least 35 tons per day but no more than 250 tons per day of municipal solid waste or refuse-derived fuel and commenced construction on or before August 30, 1999. A list of facilities not subject to R307-223 is found in 40 CFR

60.1555(a) through (k), and is hereby adopted and incorporated by reference.

(3) If an owner or operator of a municipal waste combustion unit makes physical or operational changes to an existing municipal waste combustion unit primarily to comply with the Plan for Existing Small Municipal Waste Combustion Units that is incorporated by reference at R307-220-4, then R307-210 does not apply to that unit. Such changes do not constitute modifications or reconstructions under R307-210.

(4) The owner or operator of any source subject to R307-223 also is required to submit an application for an operating permit under R307-415 and must notify the executive secretary that the source is subject to CFR Part 60, Subpart BBBB no later than January 1, 2002.

#### **R307-223-2. Definitions and Equations.**

(1) The following definitions apply only to R307-223. Definitions found in 40 CFR 60.1940, effective February 5, 2001, and published at 65 FR 76378, are adopted and incorporated by reference, with the following substitutions.

(a) Substitute "executive secretary" for all federal regulation references to "Administrator" or "EPA Administrator."

(b) Substitute "State of Utah" for all federal regulation references to "State," "State agency" or "State regulatory agency."

(c) "State plan" means the Plan for Existing Small Municipal Waste Combustion Units that is incorporated by reference at R307-220-4.

(d) "You" means the owner or operator of a small municipal waste combustion unit.

(e) Substitute "Rule R307-223" for all references to "this subpart."

(f) Substitute "40 CFR Part 60" for all references to "this part."

(g) Substitute "40 CFR" for all references to "This title."

(2) Equations found in 40 CFR 60.1935, effective February 5, 2001, and published at 65 FR 76378, are adopted and incorporated by reference.

#### **R307-223-3. Requirements.**

(1) Each incinerator owner or operator subject to R307-223 must comply with the requirements of 40 CFR 60.1540 and 60.1585 through 60.1905, and with the requirements and schedules set forth in Tables 2 through 8 that are found following 40 CFR 60.1940 for operator training and certification, operating requirements, emission limits, continuous emission monitoring, stack testing, other monitoring requirements, record keeping, and reporting. These provisions and table are adopted and incorporated by reference with the exceptions listed below.

(a) In 40 CFR 60.1650(a), delete "or state."

(b) In 40 CFR 60.1675(a), delete "or a current provisional operator certification from your State certification program."

(c) In 40 CFR 1675 (c), change "three" to "two," and delete 40 CFR 1675(c)(3).

(2) Compliance dates. Each incinerator must be in compliance with the dates in Section III of the Plan.

**KEY: air pollution, municipal waste incinerator\*, waste to energy plant\***

September 10, 2001

19-2-104

## R307-300 Series. Requirements for Specific Locations.

### R307. Environmental Quality, Air Quality.

#### R307-301. Utah and Weber Counties: Oxygenated Gasoline Program.

##### R307-301-1. Definitions.

The following additional definitions apply to R307-301.

"Averaging period" is the control period and means the period of time over which all gasoline sold or dispensed for use in a control area by any control area responsible party or blender control area responsible party must comply with the average oxygen content standard.

"Blender control area responsible party (blender CAR)" means a person who owns oxygenated gasoline which is sold or dispensed from a control area oxygenate blending installation.

"Blending Allowance" means the amount of oxygen a gasoline blend is allowed above its upper oxygen content limit. Any gasoline blended under the provisions of 42 U.S.C. 7545(f)(1) addressing substantially similar fuels are permitted a blending allowance of 0.2% oxygen by weight. Blending allowances are not given to gasoline blends granted a waiver by the Administrator under 42 U.S.C. 7545(f)(4).

"Carrier" means any person who transports, stores or causes the transportation or storage of gasoline at any point in the gasoline distribution network, without taking title to or otherwise having ownership of the gasoline, and without altering the quality or quantity of the gasoline.

"Control area" means a geographic area in which only gasoline under the oxygenated gasoline program may be sold or dispensed during the control period.

"Control area oxygenate blending installation" means any installation or truck at which oxygenate is added to gasoline or gasoline blendstock which is intended for use in any control area, and at which the quality or quantity of the gasoline or gasoline blendstock is not otherwise altered, except through the addition of deposit-control additives.

"Control area responsible party (CAR)" means a person who owns oxygenated gasoline which is sold or dispensed from a control area terminal.

"Control area terminal" means either a terminal which is capable of receiving gasoline in bulk, i.e., by pipeline, marine vessel or barge, or a terminal at which gasoline is altered either in quantity or quality, excluding the addition of deposit control additives, or both. Gasoline

which is intended for use in any control area is sold or dispensed into trucks at these control area terminals.

"Control period" means November 1 through the last day of February, during which time only oxygenated gasoline may be sold and dispensed in any control area.

"Destination" means:

(1) for all control periods prior to the trigger date:

(a) the Provo-Orem Metropolitan Statistical Area (MSA), all of Utah County or

(b) anywhere except Utah County; and

(2) for all control periods subsequent to the trigger date:

(a) Utah County, the Provo-Orem Metropolitan Statistical Area,

(b) Weber County, or

(c) anywhere except Utah County and Weber County.

"Distributor" means any person who transports or stores or causes the transportation or storage of gasoline at any point between any gasoline refiner's installation and any retail outlet or wholesale purchaser-consumer's installation. A distributor is a blender CAR if the distributor alters the oxygen content of gasoline intended for use in any control area through the addition of one or more oxygenates, or lowers its oxygen content below the minimum oxygen content specified in R307-301-6.

"Gasoline" means any fuel sold for use in motor vehicles and motor vehicle engines, and commonly or commercially known or sold as gasoline.

"Gasoline blendstock" means a hydrocarbon material which by itself does not meet specifications for finished gasoline, but which can be blended with other components, including oxygenates, to produce a blended gasoline fully meeting the American Society for Testing and Materials (ASTM) or state specifications.

"Non-oxygenated gasoline" means any gasoline which does not meet the definition of oxygenated gasoline.

"Oxygen content of gasoline blends" means percentage of oxygen by weight contained in a gasoline blend, based upon the percent by volume of each type of oxygenate contained in the gasoline blend, excluding denaturants and other non-oxygen-containing compounds. All measurements shall be adjusted to 60 degrees Fahrenheit.

"Oxygenate" means any substance, which when added to gasoline, increases the amount of oxygen in that gasoline blend. Lawful use of any combination of these substances requires that they be substantially similar as provided for under 42 U.S.C. 7545(f)(1), or be permitted under a waiver granted by the Administrator of the Environmental Protection Agency under the authority of 42 U.S.C. 7545(f)(4).

"Oxygenate blender" means a person who owns, leases, operates, controls, or supervises a control area oxygenate blending installation.

"Oxygenated gasoline" means any gasoline which contains at least 2.0% oxygen by weight, or 2.6% oxygen by weight if the average oxygen content standard is 3.1%,

that was produced through the addition of one or more oxygenates to a gasoline and has been included in the oxygenated gasoline program accounting by a control area responsible party or blender control area responsible party and which is intended to be sold or dispensed for use in any control area. Notwithstanding the foregoing, if the Board determines that the requirement of 2.0% oxygen by weight, or 2.6% oxygen by weight if the average oxygen content standard is 3.1%, will prevent or interfere with attainment of the PM<sub>10</sub> National Ambient Air Quality Standard and the State requests and is granted a waiver from the Administrator of the Environmental Protection Agency under 42 U.S.C. 7545, the waiver amount granted by the Administrator of the Environmental Protection Agency shall apply. Oxygenated gasoline containing lead is required to conform to the same waiver conditions or substantially similar ruling as unleaded gasoline as described in the definition of oxygenate.

"Refiner" means any person who owns, leases, operates, controls, or supervises a refinery which produces gasoline for use in a control area during the applicable control period.

"Refinery" means a plant at which gasoline is produced.

"Reseller" means any person who purchases gasoline and resells or transfers it to a retailer or a wholesale purchaser-consumer.

"Retail outlet" means any establishment at which gasoline is sold or offered for sale to the ultimate consumer for use in motor vehicles.

"Retailer" means any person who owns, leases, operates, controls, or supervises a retail outlet.

"Terminal" means an installation at which gasoline is sold, or dispensed into trucks for transportation to retail outlets or wholesale purchaser-consumer installations.

"Trigger date" means the date on which is triggered the Contingency Action Level specified in Section IX.C.8.h of the state implementation plan.

"Wholesale purchaser-consumer" means any organization that:

- (1) is an ultimate consumer of gasoline;
- (2) purchases or obtains gasoline from a supplier for use in motor vehicles; and
- (3) receives delivery of that product into a storage tank of at least 550-gallon capacity substantially under the control of that organization.

"Working day" means Monday through Friday, excluding observed federal and Utah state holidays.

### **R307-301-2. Applicability and Control Period Start Dates.**

(1) Unless waived under authority of 42 U.S.C. 7545(m)(3) by the Administrator of the Environmental Protection Agency, R307-301 is applicable in Utah and Weber Counties.

(2) The first control period for areas for which R307-301 is applicable begins:

- (a) November 1, 1992, for the entire Provo-Orem Metropolitan Statistical Area which includes all of Utah County; and
- (b) November 1 following the trigger date for Weber County.

### **R307-301-3. Average Oxygen Content Standard.**

(1) All gasoline sold or dispensed during the control period, for use in each control area, by each CAR or blender CAR as defined in R307-301-1, shall be blended for each averaging period to contain an average oxygen content of not less than 2.7% oxygen by weight, except that:

(a) if the Board determines that the 2.7% oxygen by weight requirement will prevent or interfere with attainment of the PM<sub>10</sub> National Ambient Air Quality Standards and the State requests and is granted a waiver from the Administrator of the Environmental Protection Agency under 42 U.S.C. 7545, the waiver amount granted by the Administrator of the Environmental Protection Agency, shall apply;

(b) if the enhanced inspection and maintenance program specified in Section IX, Part C.6.j(2)(b) of the state implementation plan is not implemented by January 1, 1996 (or if an equivalent automotive improvement program is not implemented that results in emissions factors equal to or less than the emission factors in Table IX.C.23 of the state implementation plan), all gasoline sold or dispensed during the control period beginning November 1, 1996, and subsequent control periods, for use in the Provo-Orem MSA, by each CAR or blender CAR as defined in R307-301-1, shall be blended to contain an average oxygen content of not less than 3.1% by weight until the next full control period following one year after the implementation of an enhanced inspection and maintenance program with mobile source emission factors equal to or less than every emission factor in the matrix in Table IX.C.23 of the state implementation plan and the enhanced inspection and maintenance performance standards of 40 CFR 51.351 or until the next full control period following implementation of a program that would result in emission factors equal to or less than the mobile source emission factors in the matrix contained in Table IX.C.23 of the state implementation plan;

(c) if triggered as a contingency measure, as specified in Section IX, Part C.6.f of the state implementation plan, all gasoline sold or dispensed during the control period for use in the Provo-Orem MSA, by each CAR or blender CAR as defined in R307-301-1, shall be blended to contain an average oxygen content of not less than 3.1% by weight until it is shown to be unnecessary in the maintenance demonstration required by the Clean Air Act or until it is replaced with other control measures in a state implementation plan revision that demonstrates attainment of the National Ambient Air Quality Standard.

(2) The averaging period over which all gasoline sold or dispensed in the control area is to be averaged shall be equal to the control period.

(3) All gasoline, both leaded and unleaded, shall be blended in compliance with 40 CFR Part 79 (1991) - Registration of Fuels and Fuel Additives and 40 CFR Part 80 (1991) - Regulation of Fuels and Fuel Additives.

(4) Any gasoline blended under 42 U.S.C. 7545(f)(1) dealing with substantially similar fuels must be blended in compliance with the criteria specified in the substantially similar ruling. Any extra volume of oxygenate or oxygenates added to gasoline blended under a substantially similar ruling as provided for under 42 U.S.C. 7545(f)(1) in excess of the criteria specified in 42 U.S.C. 7545(f)(1) may not be included in the compliance calculations specified in R307-301-5(2) and (3).

(5) Any gasoline blended under a waiver granted by the Environmental Protection Agency under the provisions of 42 U.S.C. 7545(f)(4) must be blended in compliance with the criteria specified in the appropriate waiver. Gasoline blends waived to oxygen content above 2.7% oxygen by weight are not permitted a blending allowance for blending tolerance purposes. Any extra volume of oxygenate in excess of the criteria specified in the appropriate waiver may not be included in the compliance calculations specified in R307-301-5(2) or (3).

(6) Oxygen content shall be determined in accordance with R307-301-4.

#### **R307-301-4. Sampling, Testing, and Oxygen Content Calculations.**

(1) For the purpose of determining compliance with the requirements of R307-301, the oxygen content of gasoline shall be determined by one or both of the two following methods.

(a) Volumetric Method. Oxygen content may be calculated by the volumetric method specified in the Environmental Protection Agency Guidelines for Oxygenated Gasoline Credit Programs under Section 211(m) of the Clean Air Act as Amended - Supplementary Information - Oxygen Content Conversions, published in the Federal Register on October 20, 1992.

(b) Chemical Analysis Method.

(i) Use the sampling methodologies detailed in 40 CFR Part 80 (1993), Appendix D, to obtain a representative sample of the gasoline to be tested;

(ii) Determine the oxygenate content of the sample by use of:

(A) the test method specified in ASTM Designation D4815-93, Testing Procedures--Method--ASTM Standard Test Method for Determination of C1 to C4 Alcohols and MTBE in Gasoline by Gas Chromatography,

(B) the test method specified in Appendix C of Environmental Protection Agency Guidelines for Oxygenated Gasoline Credit Programs under Section 211(m) of the Clean Air Act as Amended - Test Procedure Test for the Determination of Oxygenates in Gasoline as published in the Federal Register on October 20, 1992, or

(C) an alternative test method approved by the executive secretary.

(iii). Calculate the oxygen content of the gasoline sampled by multiplying the mass concentration of each

oxygenate in the gasoline sampled by the oxygen molecular weight contribution of the oxygenate set forth in (3) below.

(2) All volume measurements required in R307-301-4 shall be adjusted to 60 degrees Fahrenheit.

(3) For the purposes of R307-301, the oxygen molecular weight contributions and specific gravities of oxygenates currently approved for use in the United States by the U.S. Environmental Protection Agency are the following:

TABLE

#### Specific Gravity and Weight Percent Oxygen of Common Oxygenates

oxygenate	weight fraction	specific gravity
		oxygen at 60 degrees F
ethyl alcohol	0.3473	0.7939
normal prop alcohol	0.2662	0.8080
isopropyl alcohol	0.2662	0.7899
normal butyl alcohol	0.2158	0.8137
isobutyl alcohol	0.2158	0.8058
secondary butyl alcohol	0.2158	0.8114
tertiary butyl alcohol	0.2158	0.7922
methyl tertiary butyl ether (MTBE)	0.1815	0.7460
tertiary amyl methyl ether (TAME)	0.1566	0.7752
ethyl tertiary butyl ether (ETBE)	0.1566	0.7452

(4) Sampling, testing, and oxygen content calculation records shall be maintained for not less than two years after the end of each control period for which the information is required.

(5) Every refiner must determine the oxygen content of all gasoline produced for use in a control area by use of the methodology specified in (1) above. Documentation shall include the percent oxygen by weight, each type of oxygenate, the purity of each oxygenate, and the percent oxygenate by volume for each oxygenate. If a CAR or blender CAR alters the oxygen content of a gasoline intended for use within a control area during a control period, the CAR or blender CAR must determine the oxygen content of the gasoline by use of the methodology specified in (1) above.

#### **R307-301-5. Alternative Compliance Options.**

(1) Each CAR or blender CAR shall comply with the standard specified in R307-301-3 by means of the method set forth in either (2) or (3) below and shall specify which option will be used at the time of the registration required under R307-301-7.

(2) Compliance calculation on average basis.

(a) The CAR or blender CAR shall determine compliance with the standard specified in R307-301-3 for each averaging period and for each control area by:

- (i) Calculating the total volume of gasoline labeled as oxygenated that is sold or dispensed, not including volume dispensed or sold to another CAR or blender CAR, for use in the control area which is the sum of:
  - (A) the volume of each separate batch or truckload of gasoline labeled as oxygenated that is sold or dispensed;
  - (B) minus the volume of each separate batch or truckload of gasoline labeled as oxygenated that is sold or dispensed for use in a different control area;
  - (C) minus the volume of each separate batch or truckload of gasoline labeled as oxygenated that is sold or dispensed for use in any non-control area.
- (ii) Calculating the required total oxygen credit units. Multiply the total volume in gallons of gasoline labeled as oxygenated that is sold or dispensed for use in the control area, as determined by (i) above, by the oxygen content standard specified in R307-301-3(1).
- (iii) Calculating the actual total oxygen credit units generated. The actual total oxygen credit units generated is the sum of the volume of each batch or truckload of gasoline labeled as oxygenated that was sold or dispensed for use in the control area as determined by (i) above, multiplied by the actual oxygen content by weight percent associated with each batch or truckload. If a batch or truckload of gasoline is blended under the substantially similar provisions of 42 U.S.C. 7545(f)(1) or under a waiver granted by the Environmental Protection Agency under the provisions of 42 U.S.C. 7545(f)(4), any extra volume of oxygenate in excess of the substantially similar criteria including the blending tolerance of 0.2% oxygen by weight, or in excess of the appropriate waiver, cannot be included in the calculation of oxygen credit units.
- (iv) Calculating the adjusted actual total oxygen credit units. The adjusted actual total oxygen content units is the sum of the actual total oxygen credit units generated, as determined by (iii) above;
  - (A) plus the total oxygen credit units purchased, acquired through trade and received; and
  - (B) minus the total oxygen credit units sold, given away and provided through trade.
- (v) Comparing the adjusted actual total oxygen credit units with the required total oxygen credit units. If the adjusted actual total content oxygen credit units is greater than or equal to the required total oxygen credit units, then the standard in R307-301-3 is met. If the adjusted actual total oxygen credit units is less than the required total oxygen credit units, then the purchase of oxygen credit units is required in order to achieve compliance.
- (vi) In transferring oxygen credit units, the transferor shall provide the transferee with information as to how the credits were calculated, including the volume and oxygen content by weight percent of the gasoline associated with the credits.
- (b) To determine the oxygen credit units associated with each batch or truck load of oxygenated

gasoline sold or dispensed into the control area, use the running weighted oxygen content (RWOC) of the tank from which and at the time the batch or truckload was received (see (c) below). In the case of batches or truckloads of gasoline to which oxygenate was added outside of the terminal storage tank from which it was received, use the weighted average of the RWOC and the oxygen content added as a result of the volume of the additional oxygenate added.

(c) Running weighted oxygen content. The RWOC accounts for the volume and oxygen content of all gasoline, including transfers to or from another CAR or blender CAR, which enters or leaves a terminal storage tank, and the oxygen contribution of all oxygenates which are added to the tank. The RWOC must be calculated each time gasoline enters or leaves the tank or whenever oxygenates are added to the tank. The RWOC is calculated weighing the following:

- (i) the volume and oxygen content by weight percent of the gasoline in the storage tank at the beginning of the averaging period;
- (ii) the volume and oxygen content by weight percent of gasoline entering the storage tank;
- (iii) the volume and oxygen content by weight percent of gasoline leaving the storage tank; and
- (iv) the volume, type, purity and oxygen content by weight percent of the oxygenates added to the storage tank.

(d) Credit transfers. Credits may be used in the compliance calculation in (2)(a)(i) above, provided that:

- (i) the credits are generated in the same control area as they are used, i.e., no credits may be transferred between nonattainment areas;
- (ii) the credits are generated in the same averaging period as they are used;
- (iii) the ownership of credits is transferred only between CARs or blender CARs registered under the averaging compliance option specified in R307-301-7;
- (iv) the credit transfer agreement is made no later than 30 working days, as defined in R307-301-1, after the final day of the averaging period in which the credits are generated; and
- (v) the credits are properly created.

(e) Improperly created credits.

(i) No party may transfer any credits to the extent such a transfer would result in the transferor having a negative credit balance at the conclusion of the averaging period for which the credits were transferred. Any credits transferred in violation of this paragraph are improperly created credits.

(ii) Improperly created credits may not be used, regardless of a credit transferee's good faith belief that the transferee was receiving valid credits.

(3) Compliance calculation on a per gallon basis. Each gallon of gasoline sold or dispensed by a CAR or blender CAR for use within each control area during the averaging period as defined in R307-301-1 shall have an oxygen content of at least the average oxygen content standard specified in R307-301-3(1). The maximum

oxygen content which may be used to calculate compliance is the average oxygen content standard specified in R307-301-3. In addition, the CAR or blender CAR is prohibited from selling, trading or providing oxygen credits based on gasoline for which compliance is calculated under this alternative per-gallon method.

#### **R307-301-6. Minimum Oxygen Content.**

(1) Any gasoline which is sold or dispensed by a CAR, blender CAR, carrier, distributor, or reseller for use within a control area, as defined in R307-301-1, during the control period, shall contain not less than 2.0% oxygen by weight, or 2.6% oxygen by weight if the average oxygen content standard is 3.1%, unless it is sold or dispensed to another registered CAR or blender CAR. This requirement shall begin five working days, as defined in R307-301-1, before the applicable control period and shall apply until the end of that period.

(2) This requirement shall apply to all parties downstream of the CAR or blender CAR unless the gasoline will be sold or dispensed to another CAR or blender CAR. Any gasoline which is offered for sale, sold or dispensed to an ultimate consumer within a control area during a control period, as defined in R307-301-1, shall not contain less than 2.0% oxygen by weight, or 2.6% oxygen by weight if the average oxygen content standard is 3.1%. This requirement shall apply during the entire applicable control period.

(3) Every refiner must determine the oxygen content of all gasoline produced by use of the methodologies described in R307-301-4. This determination shall include the oxygen content by weight percent, each type of oxygenate, and percent oxygenate by volume for each type of oxygenate.

(4) Any gasoline sold or dispensed by a CAR or blender CAR for use within a control area and for which compliance is demonstrated using the method specified in (3) shall contain not less than the average oxygen content standard specified in R307-301-3(1), unless the gasoline is sold or dispensed to another registered CAR or blender CAR.

#### **R307-301-7. Registration.**

(1) All persons who sell or dispense gasoline directly or indirectly to persons who sell or dispense to ultimate consumers in a control area during a control period, including CARs, blender CARs, carriers, resellers, and distributors, shall petition the executive secretary for registration not less than one calendar month in advance of such sales or transfers of gasoline into the control area during the control period.

(2) This petition for registration shall be on forms prescribed by the executive secretary and shall include the following information:

- (a) the name and business address of the CAR, blender CAR, carrier, reseller, or distributor;
- (b) in the case of a CAR, the address and physical location of each of the control area terminals from which the CAR operates;

(c) in the case of a blender CAR, the address and physical location of each control area oxygenate blending installation which is owned, leased, operated, or controlled, or supervised by a blender CAR;

(d) in the case of a carrier, distributor, or reseller, the names and addresses of retailers they supply;

(e) the address and physical location where documents which are required to be retained by R307-301 shall be kept; and

(f) in the case of a CAR or blender CAR, the compliance option chosen under provisions of R307-301-5 and a list of oxygenates which will be used.

(3) If the registration information previously supplied by a registered party under the provisions of (2)(a) through (e) becomes incomplete or inaccurate, that party shall submit updated registration information to the executive secretary within 15 working days as defined in R307-301-1. If the information required under (2)(f) is to change, the updated registration information must be submitted to the executive secretary before the change is made.

(4) No person shall participate in the oxygenated gasoline program as a CAR, blender CAR, carrier, reseller, or distributor until such person has been notified by the executive secretary that such person has been registered as a CAR, blender CAR, carrier, reseller, or distributor. Registration shall be valid for the time period specified by the executive secretary. The executive secretary shall issue each CAR, blender CAR, carrier, reseller, or distributor a unique identification number within one calendar month of the petition for registration.

#### **R307-301-8. Recordkeeping.**

(1) Records. All parties in the gasoline distribution network, as described below, shall maintain records containing compliance information enumerated or described below. These records shall be retained by the regulated parties for a period of two years after the end of each control period for which the information is required.

(a) Refiners. Refiners shall, for each separate quantity of gasoline produced or imported for use in a control area during a control period, maintain records containing the following information:

- (i) results of the tests utilized to determine the types of oxygenates and percent by volume;
- (ii) percent oxygenate content by volume of each oxygenate;
- (iii) oxygen content by weight percent;
- (iv) purity of each oxygenate;
- (v) total volume of gasoline; and

(vi) the name and address of the party to whom each separate quantity of oxygenated gasoline was sold or transferred.

(b) Control area terminal operators. Persons who own, lease, operate or control gasoline terminals which serve control areas, or any truck- or terminal-lessee who subleases any portion of a leased tank or terminal to other persons, shall maintain a copy of the transfer document for each batch or truckload of gasoline received, purchased,

sold or dispensed, and shall maintain records containing the following information:

- (i) the owner of each batch of gasoline handled by each regulated installation if known, or the storage customer of record;
- (ii) volume of each batch or truckload of gasoline going into or out of the terminal;
- (iii) for all batches or truckloads of gasoline leaving the terminal, the RWOC of the batch or truckload;
- (iv) for each oxygenate, the type of oxygenate, purity if available, and percent oxygenate by volume;
- (v) oxygen content by weight percent of all batches or truckloads received at the terminal;
- (vi) destination, as defined in R307-301-1, of each tank truck sale or batch of gasoline as declared by the purchaser of the gasoline;
- (vii) the name and address of the party to whom the gasoline was sold or transferred and the date of the sale or transfer, and
- (viii) the results of the tests for oxygenates, if performed, of each sale or transfer, and who performed the tests.

(c) CARs and blender CARs. Each CAR must maintain records containing the information listed in (b) above. Each CAR and blender CAR must maintain a copy of the transfer document for each shipment of gasoline received, purchased, sold or dispensed, as well as the records containing the following information:

- (i) CAR or blender CAR identification number;
- (ii) the name and address of the person from whom each shipment of gasoline was received, and the date when it was received;
- (iii) data on each shipment of gasoline received, including:
  - (A) the volume of each shipment;
  - (B) type of oxygenate or oxygenates, and percentage by volume; and
  - (C) oxygen content by weight percent;
  - (iv) the volume of each receipt of bulk oxygenates;
  - (v) the name and address of the parties from whom bulk oxygenate was received;
  - (vi) the date and destination, as defined in R307-301-1, of each sale of gasoline;
  - (vii) data on each shipment of gasoline sold or dispensed including:
    - (A) the volume of each shipment;
    - (B) type of each oxygenate, and percent by volume for each oxygenate, and
    - (C) oxygen content by weight percent;
    - (viii) documentation of the results of all tests done regarding the oxygen content of gasoline;
    - (ix) the names, addresses and CAR or blender CAR identification numbers of the parties to whom any gasoline was sold or dispensed, and the dates of these transactions; and
    - (x) in the case of CARs or blender CARs that elect to comply with the average oxygen content standard specified in R307-301-3 by means of the compliance option

specified in R307-301-5(2) must also maintain records containing the following information:

- (A) records supporting and demonstrating compliance with the averaging standard specified in R307-301-3; and
- (B) for any credits bought, sold, traded, or transferred, the dates of the transactions, the names, addresses and CAR or blender CAR identification numbers of the CARs and blender CARs involved in the individual transactions, and the amount of credits transferred. Any credits transferred must be accompanied by a demonstration of how those credits were calculated. Adequate documentation that both parties have agreed to all credit transfers within 30 working days, as defined in R307-301-1, following the close of the averaging period must be included.
- (d) Retailers and wholesale purchaser-consumers within a control area must maintain the following records:
  - (i) the names, addresses and CAR, blender CAR, carrier, distributor, or reseller identification numbers of the parties from whom all shipments of gasoline were purchased or received, and the dates when they were received and for each shipment of gasoline bought, sold or transported:
    - (A) the transfer document as specified in R307-301-8(3) and
    - (B) a copy of each contract for delivery of oxygenated gasoline and
    - (ii) data on every shipment of gasoline bought, sold or transported, including:
      - (A) volume of each shipment;
      - (B) for each oxygenate, the type, percent by volume and purity (if available);
      - (C) oxygen content by weight percent; and
      - (D) destination, as defined in R307-301-1, of each sale or shipment of gasoline; and
    - (iii) the name and telephone number of the person responsible for maintaining the records and the address where the records are located, if the location of the records is different from the station or outlet location.
  - (e) Carriers, distributors, resellers, terminal operators, and oxygenate blenders must keep a copy of the transfer document for each truckload or shipment of gasoline received, obtained, purchased, sold or dispensed.

#### **R307-301-9. Reports.**

- (1) Each CAR or blender CAR that elects to comply with the average oxygen content standard specified in R307-301-3 by the compliance option specified in R307-301-5(2) shall submit a report to the executive secretary for each control period for each control area as defined in R307-301-1 reflecting the compliance information detailed in R307-301-5(2).
- (2) Each CAR or blender CAR that elects to comply with the average oxygen content standard specified in R307-301-3 shall submit a report to the executive secretary for each control period for each control area as defined in R307-301-1 reflecting the compliance information detailed in R307-301-5(3), including the

volume of oxygenated gasoline sold or dispensed into each control area during the control period.

(3) The report is due 30 working days, as defined in R307-301-1, after the last day of the control period for which the information is required. The report shall be filed using forms provided by the executive secretary.

#### **R307-301-10. Transfer Documents.**

Each time that physical custody or title of gasoline destined for a control area changes hands other than when gasoline is sold or dispensed for use in motor vehicles at a retail outlet or wholesale purchaser-consumer installation, the transferor shall provide to the transferee, in addition to, or as part of, normal bills of lading, invoices, etc., a document containing information regarding that shipment. This document shall accompany every shipment of gasoline to a control area after it has been dispensed by a terminal, or the information shall be included in the normal paperwork which accompanies every shipment of gasoline. The information shall legibly and conspicuously contain the following information:

- (1) the date of the transfer;
- (2) the name, address, and CAR, blender CAR, carrier, distributor, or reseller identification number, if applicable, of the transferor;
- (3) the name, address, and CAR, blender CAR, carrier, distributor, or reseller identification number, if applicable, of the transferee;
- (4) the volume of gasoline which is being transferred;
- (5) identification of the gasoline as oxygenated or, if non-oxygenated, with a statement labeling it as "Non-oxygenated gasoline, not for sale to ultimate consumer in a control area during a control period";
- (6) the location of the gasoline at the time of the transfer;
- (7) type of each oxygenate and percentage by volume for each oxygenate;
- (8) oxygen content by weight percent; and
- (9) for gasoline which is in the gasoline distribution network between the refinery or import installation and the control area terminal, for each oxygenate used, the type of oxygenate, its purity and percentage by volume and the oxygen content by weight percent.

#### **R307-301-11. Prohibited Activities.**

(1) During the control period, no refiner, oxygenate blender, CAR, blender CAR, control area terminal operator, carrier, distributor or reseller may manufacture, sell, offer for sale, dispense, supply, offer for supply, store, transport, or cause the transport of:

(a) gasoline which contains less than 2.0% oxygen by weight, or 2.6% oxygen by weight if the average oxygen content standard is 3.1% oxygen, for use during the control period, in a control area unless clearly marked documents accompany the gasoline labeling it as "Non-oxygenated gasoline, not for sale to ultimate consumer in a control area during a control period"; or

(b) gasoline represented as oxygenated which has an oxygen content which is improperly stated in the documents which accompany such gasoline.

(2) No retailer or wholesale purchaser-consumer may dispense, offer for sale, sell or store, for use during the control period, gasoline which contains less than 2.0% oxygen by weight, or 2.6% oxygen by weight if the average oxygen content standard is 3.1% in a control area.

(3) No person may operate as a CAR or blender CAR or hold themselves out as such unless they have been properly registered by the executive secretary. No CAR or blender CAR may offer for sale or store, sell, or dispense gasoline, to any person not registered as a CAR or blender CAR for use in a control area, unless:

(a) the average oxygen content of the gasoline during the averaging period meets the standard established in R307-301-3; and

(b) the gasoline contains at least 2.0% oxygen by weight, or 2.6% oxygen by weight if the average oxygen content standard is 3.1% on a per-gallon basis.

(4) For terminals which sell or dispense gasoline intended for use in a control area during a control period, the terminal owner or operator may not accept gasoline into the terminal unless:

(a) transfer documentation containing the information specified in R307-301-8(3) accompanies the gasoline and

(b) the terminal owner or operator conducts a quality assurance program to verify the accuracy of this information.

(5) No person may sell or dispense non-oxygenated gasoline for use in any control area during the control period, unless:

(a) the non-oxygenated gasoline is segregated from oxygenated gasoline;

(b) clearly marked documents accompany the non-oxygenated gasoline labeling it as "non-oxygenated gasoline, not for sale to ultimate consumer in a control area during a control period," and

(c) the non-oxygenated gasoline is in fact not sold or dispensed to ultimate consumers during the control period in the control area.

(6) No named person may fail to comply with the recordkeeping and reporting requirements contained in R307-301-8 through 10.

(7) No person may sell, dispense or transfer oxygenated gasoline, except for use by the ultimate consumer at a retail outlet or wholesale purchaser-consumer installation, without transfer documents which accurately contain the information required by R307-301-10).

(8) Liability for violations of the prohibited activities.

(a) Where the gasoline contained in any storage tank at any installation owned, leased, operated, controlled or supervised by any retailer, wholesale purchaser-consumer, distributor, reseller, carrier, refiner, or oxygenate blender is found in violation of the prohibitions described in (1)(a) or (2) above, the following persons shall be in violation:

- (i) the retailer, wholesale purchaser-consumer, distributor, reseller, carrier, refiner, or oxygenate blender who owns, leases, operates, controls or supervises the installation where the violation is found; and
- (ii) each oxygenate blender, distributor, reseller, and carrier who, downstream of the control area terminal, sold, offered for sale, dispensed, supplied, offered for supply, stored, transported, or caused the transportation of any gasoline which is in the storage tank containing gasoline found to be in violation.
- (b) Where the gasoline contained in any storage tank at any installation owned, leased, operated, controlled or supervised by any retailer, wholesale purchaser-consumer, distributor, reseller, carrier, refiner, or oxygenate blender is found in violation of the prohibitions described in (1)(b) or (2) above, the following persons shall be in violation:
  - (i) the retailer, wholesale purchaser-consumer, distributor, reseller, carrier, refiner, or oxygenate blender who owns, leases, operates, controls or supervises the installation where the violation is found; and
  - (ii) each refiner, oxygenate blender, distributor, reseller, and carrier who manufactured, imported, sold, offered for sale, dispensed, supplied, offered for supply, stored, transported, or caused the transportation of any gasoline which is in the storage tank containing gasoline found to be in violation.
- (9) Defenses for prohibited activities.
  - (a) In any case in which a refiner, oxygenate blender, distributor, reseller or carrier would be in violation under (1) above, that person shall not be in violation if they can demonstrate that they meet all of the following:
    - (i) that the violation was not caused by the regulated party or its employee or agent;
    - (ii) that refiner, oxygenate blender, distributor, reseller or carrier possesses documents which should accompany the gasoline, which contain the information required by R307-301-8; and
    - (iii) that refiner, oxygenate blender, distributor, reseller or carrier conducts a quality assurance sampling and testing program as described in (10) below.
  - (b) In any case in which a retailer or wholesale purchaser-consumer would be in violation under (2) above, the retailer or wholesale purchaser-consumer shall not be in violation if it can demonstrate that they meet all of the following:
    - (i) that the violation was not caused by the regulated party or its employee or agent; and
    - (ii) that the retailer or wholesale purchaser-consumer possess documents which should accompany the gasoline, which contain the information required by R307-301-8 through 10.
  - (c) Where a violation is found at an installation which is operating under the corporate, trade or brand name of a refiner, that refiner must show, in addition to the defense elements required by (a) above, that the violation was caused by any of the following:
    - (i) an act in violation of law (other than the Clean Air Act or R307-301), or an act of sabotage or vandalism, or

- (ii) the action of a reseller, distributor, oxygenate blender, carrier, or a retailer, or wholesale purchaser-consumer which is supplied by any of the persons listed in (a) above, in violation of a contractual undertaking imposed by the refiner designed to prevent such action, and despite periodic sampling and testing by the refiner to ensure compliance with such contractual obligation; or

- (iii) the action of any carrier or other distributor not subject to a contract with the refiner but engaged by the refiner for transportation of gasoline, despite specification or inspection of procedures and equipment by the refiner or periodic sampling and testing which are reasonably calculated to prevent such action.

- (d) In R307-301-8 through 11, the term "was caused" means that the party must demonstrate by specific showings or by direct evidence, that the violation was caused or must have been caused by another.

- (10) Quality Assurance Program. In order to demonstrate an acceptable quality assurance program, a party must conduct periodic sampling and testing to determine if the oxygenated gasoline has oxygen content which is consistent with the product transfer documentation.

#### **R307-301-12. Labeling of Pumps.**

- (1) Any person selling or dispensing oxygenated gasoline pursuant to R307-301 is required to label the fuel dispensing system with one of the following notices.

- (a) "The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles. This fuel contains up to (specify maximum percent by volume) (specific oxygenate or specific combination of oxygenates in concentrations of at least one percent)."

- (b) "The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles. This fuel contains up to (specify maximum percent by volume) (specific oxygenate or combination of oxygenates present in concentrations of at least one percent) from November 1 through February 29."

- (2) The label letters shall be block letters of no less than 20-point type, at least 1/16 inch stroke (width of type), and of a color that contrasts with the label background color. The label letters that specify maximum percent oxygenate by volume and that disclose the specific oxygenate shall be at least 1/2 inch in height, 1/16 inch stroke (width of type).

- (3) The label must be affixed to the upper one-half of the vertical surface of the pump on each side with gallonage and dollar amount meters from which gasoline can be dispensed and must be clearly readable to the public.

- (4) The retailer or wholesale purchaser-consumer shall be responsible for compliance with R307-301-12.

#### **R307-301-13. Inspections.**

- Inspections of registered parties, control area retailers, refineries, control area terminals, oxygenate blenders and control area wholesale purchaser-consumers may include the following:

- (1) physical sampling, testing, and calculation of oxygen content of the gasoline as specified in R307-301-4;
- (2) review of documentation relating to the oxygenated gasoline program, including but not limited to records specified in R307-301-8; and
- (3) in the case of control area retailers and wholesale purchaser-consumers, verification that gasoline dispensing pumps are labeled in accordance with R307-301-12.

**R307-301-14. Public and Industry Education Program.**

The executive secretary shall provide to the affected public, mechanics, and industry information regarding the benefits of the program and other issues related to oxygenated gasoline.

**KEY: air pollution control, motor vehicles, gasoline, petroleum**

<b>1998</b>	<b>19-2-101</b>
<b>Notice of Continuation April 22, 2002</b>	<b>19-2-104</b>

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

**R307-302. Davis, Salt Lake, Utah Counties: Residential Fireplaces and Stoves.**

**R307-302-1. Definitions.**

The following additional definition applies to R307-302:

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

**R307-302-2. No-Burn Periods for Fine Particulate.**

(1) R307-302-2 shall apply only in areas in Utah County which are north of the southernmost border of Payson City, and east of State Route 68, all of Salt Lake County, and areas in Davis County which are south of the southern-most border of Kaysville.

(2) By September 1, 1992, all sole source residential solid fuel burning devices must be registered with the Executive Secretary or local health district office in order to be exempt during mandatory no-burn periods as detailed below.

(3) After September 1, 1992], when the ambient concentration of PM10 measured by the monitors in Salt Lake, Davis, 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 Executive Secretary will issue a public announcement and will distribute such announcement to the local media notifying the public that a mandatory no-burn period for residential 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 of Salt Lake County or the affected areas of Davis and Utah Counties shall not use residential solid fuel

burning devices or fireplaces except those which are the sole source of heat for the entire residence and registered with the Executive Secretary or the local health district office or those having no visible emissions.

(4) PM10 Contingency Plan. If the PM10 Contingency Plan described in Section IX, Part A, of the State Implementation Plan has been implemented, the following actions will be implemented immediately:

(a) The trigger level for no-burn periods as specified in (3) above will be 110 micrograms per cubic meter for that area where the PM10 Contingency Plan has been implemented; and

(b) In Salt Lake, Davis and Utah County nonattainment areas and in any other nonattainment area, it shall be unlawful to sell or install for use as a solid fuel burning device any used solid fuel burning device that is not approved by the Environmental Protection Agency.

(5) After January 1, 1999, when the ambient concentration of PM2.5 measured by the monitors in Salt Lake, Davis, or Utah Counties reaches the level of 52 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 executive secretary will issue a public announcement and will distribute such announcement to the local media notifying the public that a mandatory no-burn period for residential 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 52 micrograms per cubic meter concentration. Residents of Salt Lake County or the affected areas of Davis and Utah Counties shall not use residential solid fuel burning devices or fireplaces except those which are the sole source of heat for the entire residence and registered with the Executive Secretary or the local health district office or those having no visible emissions.

**R307-302-3. No-Burn Periods for Carbon Monoxide.**

(1) R307-302-3 shall apply only within the city limits of Provo and Orem in Utah County.

(2) Beginning on November 1 and through March 1 in any years after 1993, the executive secretary will issue a public announcement and will distribute such announcement to the local media notifying the public that a mandatory no-burn period for residential 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.

(3) In addition to the conditions contained in (2) above, the executive secretary 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.

(4) During the no-burn periods specified in (2) and (3) above, residents of Provo and Orem Cities shall not use residential solid fuel burning devices or fireplaces except those which are the sole source of heat for the entire residence and are registered with the executive secretary or the local health district office, or those having no visible emissions.

### **R307-302-4. Violations.**

It shall be a violation of R307-302 for any person to operate a residential solid fuel burning device or fireplace during the mandatory no-burn periods except as stated in R307-302-2 or 3.

**KEY:** air pollution, woodburning\*, fireplace\*, stove\*  
**1999** 19-2-101  
19-2-104

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

**R307-305. Davis, Salt Lake and Utah Counties and Ogden City, and Nonattainment Areas for PM10: Particulates.**

### **R307-305-1. Visible Emissions.**

(1) In PM10 Nonattainment Areas, visible emissions from existing installations except gasoline powered internal combustion engines, shall be of a shade or density no darker than 20% opacity. Installations in other areas of the State which were constructed before April 25, 1971, except internal combustion engines, shall be of a shade or density no darker than 40% opacity except as provided in these regulations.

(2) Emissions Standards. Other provisions of R307 may require more stringent controls than R307-305, in which case those requirements must be met.

## **R307-305-2. Particulate Emission Limitations and Operating Parameters (PM10).**

All sources with emissions of 25 tons per year or more (combinations of sulfur dioxide, oxides of nitrogen, and PM10) in areas located in or affecting PM10 Nonattainment Areas in Salt Lake and Utah Counties shall meet the emission limitations and operating parameters contained in Section IX, Part H, of the Utah State Implementation Plan (SIP). Existing sources located in or affecting PM10 Nonattainment Areas shall use reasonably available control measures to the extent necessary to insure the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). The emission limitations specified in the SIP constitute, in the judgment of the Board, reasonably available control measures necessary to insure attainment and maintenance of the NAAQS not later than December 31, 1994. Specific limitations for installations within a source listed in the SIP which are not specified will be set by order of the Board. Specific limitations for installations within a source may be adjusted by order of the

Board provided the adjustment does not adversely affect achieving the applicable NAAQS.

### **R307-305-3. Compliance Testing (PM10).**

Compliance testing for the PM10, sulfur dioxide, and oxides of nitrogen emission limitations shall be done in accordance with Section IX, Part H of the SIP. PM10 compliance shall be determined from the results of EPA test method 201 or 201a. A backhalf analysis shall be performed for each PM10 compliance test in accordance with a method approved by the Executive Secretary for inventory purposes. For sources not requiring changes to their process or air pollution control devices to achieve compliance with the emission limitations contained in these regulations, compliance testing shall be scheduled with the Executive Secretary within three months after promulgation of R307-305-3. For Utah County sources listed in Section IX, Part H.1, of the SIP which need to make major changes to comply, a construction/installation schedule for demonstration of compliance with limitations contained in the SIP, shall be submitted by the owner/operator by February 15, 1991. Those sources located in Salt Lake and Davis County listed in Section IX, Part H.2, of the SIP which need to make major changes to comply shall submit to the Executive Secretary a construction/installation schedule for demonstration of compliance with limitations contained in the SIP within three months after the effective date of R307-305-3 for approval. Those sources making major changes of process equipment or air pollution control equipment shall submit a notice in accordance with R307-401, for the purpose of meeting the emissions limitations contained in Section IX, Part H of the SIP and receive approval from the Executive Secretary. The schedule indicated above shall result in demonstration of compliance with the limitations by December 31, 1992, unless an alternate schedule has been approved by the Executive Secretary. The alternate schedule shall be approved by the Executive Secretary if the owner/operator demonstrates that the schedule or implementation of control measures is as expeditious as practicable, but extends beyond December 31, 1992. Any submittal requesting an alternate schedule shall be done in accordance with the requirements of the Federal Clean Air Act, and shall be consistent with the SIP demonstration of attainment by December 31, 1994.

#### **R307-305-4. Compliance Schedule (PM10).**

The owner or operator of an existing installation listed in the SIP is required to achieve the emission limitation or other requirements established by the SIP as expeditiously as practicable, but no later than December 31, 1992. For those sources granted an alternate schedule in accordance with R307-305-3, compliance with the limitations shall be demonstrated as provided in the approved schedule. Until the time a source is required to demonstrate compliance with the limitations in the SIP, the source shall comply with the applicable provisions of the existing total suspended particulate (TSP) limitations and operating parameters listed in the Utah Air Conservation

**R307-305-5. Particulate Emission Limitations and Operating Parameters (TSP).**

(1) Existing sources located in or affecting areas of nonattainment shall use reasonably available control measures to the extent necessary to insure the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). The emission limitations specified in this paragraph constitute, in the judgment of the Board, reasonably available control measures necessary to insure attainment and maintenance of the NAAQS as of the date of promulgation of these regulations. Specific limitations for installations within a source listed below which are not specified will be set by order of the Board. Specific limitations for installations within a source listed below may be adjusted by order of the Board provided the adjustment does not adversely affect achieving the applicable NAAQS.

(2) The owner or operator of any source listed in this paragraph shall not allow exceedance of the emission limitation or violation of any other listed requirement (See schedule for compliance listed in R307-305-6). The requirements listed for the sources in Weber County apply unless modified by an approval order or compliance order issued after February 16, 1982.

TABLE

IDENTIFICATION OF SOURCE  
(SOURCES 25 TONS/YEAR OR  
GREATER ACTUAL EMISSIONS) EMISSION  
LIMITATIONS

WEBER COUNTY (TSP)

1. Farmers Grain Coop	20% opacity each stack/vent unloading/loading/ cleaning and grinding stacks/vents
2. Fife Rock Products Asphalt Plant (Hot mix dryer)	0.040 gr/dscf, 20% opacity (stack and fugitive emissions)
3. Interpace Corporation - 4/2/81 Grinding and screening	20% opacity (vents and fugitive emissions)
4. Parsons Asphalt Plant	0.040 gr/dscf, 20% opacity (stack and fugitive emissions)
5. Pillsbury Co. Loading, milling, unloading	20% opacity each vent
6. Teledyne Incinerator	0.080 gr/dscf, 20% opacity
7. Gibbons and Reed Asphalt Plant -	0.030 gr/dscf, 20% opacity

**R307-305-6. Compliance Schedule (TSP).**

The owner or operator of an existing installation which is a source of a pollutant in a nonattainment area for the pollutant, or which has significant impact (Based on the increment levels in R307-403-3(1)) upon a nonattainment area, is required to achieve the established emission limitation or other requirements established by these regulations as expeditiously as practicable but no later than December 31, 1982, or such later date as may be specified by Congress or EPA under the Clean Air Act. Within 180 days after the effective date of a regulation establishing a standard of pollutant control pursuant to an emission limitation under R307-305-1 or 5, the owner or operator of an existing installation not meeting these requirements must submit a notice of intent as outlined in R307-401 together with a compliance schedule. The compliance schedule shall contain proposed interim measures to control and identify the degree of emission reduction to be achieved by each such interim measure of control.

**R307-305-7. Compliance Testing (TSP).**

(1) Testing Methodology.

(a) Except as otherwise provided in R307-305-7, compliance testing for gravimetric emission limitations for particulate shall be pursuant to EPA reference Method 5 or EPA reference Method 17 where appropriate and approved by the Executive Secretary. Where EPA reference Method 5 is used for compliance testing, determination of compliance with gravimetric emission limitations shall be made through the use of front half catch. The Executive Secretary may require that Method 5 full train analysis be conducted and that back half data also be submitted but only for information purposes. Such information shall not be used to determine compliance with gravimetric emission limitations. EPA reference Method 1 shall be used to select the sampling site and number of traverse sampling points. Where necessary for determination of stack gas velocities, EPA reference Method 2 shall be used. Where necessary for determination of dry molecular weight, EPA reference Method 3 shall be used. Where necessary for determination of moisture content in stack gases EPA reference Method 4 shall be used. All EPA reference methods referred to in R307-305-7 are those found in 40 CFR 60, Appendix A.

(b) Except as provided below in these regulations any alternate test methods or sampling methods may be used with the approval of the Executive Secretary, provided, however, that if such reference tests or sampling methods are used to test compliance with federal law they may be used only if approved, in writing, by the Administrator of EPA or his representative.

(2) Special Sampling and Compliance Testing Requirements for Fossil-Fuel Fired Power Plants. Method 5 or EPA reference Method 17 where appropriate (only when stack temperatures do not exceed 320 degrees F) and approved by the Executive Secretary shall be run for fossil-fuel fired power plants as modified by 40 CFR 60, subpart

D or Da whichever is applicable. Method 9 shall be run for opacity.

(3) Exceptions for Special Sampling and Testing Conditions for Performance for Incinerators. Method 5 shall be run for incinerators as modified by 40 CFR 60, Subpart E.

(4) Special Conditions for Sampling for Portland Cement Plants. Method 5 or EPA Reference Method 17 where appropriate and approved by the Executive Secretary shall be run for Portland Cement Plants. If compliance is tested by use of Method 5, Method 5 shall be modified as provided in 40 CFR 60, Subpart F.

**KEY: air pollution, particulate matter\*, PM10\***  
**1998** **19-2-104**

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

#### **R307-307. Davis, Salt Lake and Utah Counties: Road Salting and Sanding.**

##### **R307-307-1. Records.**

Any person who applies salt, crushed slag, or sand to roads in Salt Lake, Davis or Utah Counties shall maintain records of the material applied. For salt, the records shall include the quantity applied, the percent by weight of insoluble solids in the salt, and the percentage of the material that is sodium chloride. For sand or crushed slag the records shall include the quantity applied and the percent by weight of fine material which passes the number 200 sieve in a standard gradation analysis. All records shall be maintained for a period of at least two years, and the records shall be made available to the Executive Secretary or his designated representative upon request.

##### **R307-307-2. Content.**

After October 1, 1993, any salt applied to roads in Salt Lake, Davis, or Utah Counties must be at least 92% sodium chloride (NaCl).

##### **R307-307-3. Alternatives.**

(1) After October 1, 1993, any person who applies crushed slag, sand, or salt that is less than 92% sodium chloride to roads in Salt Lake, Davis, or Utah Counties must either:

- (a) demonstrate to the Board that the material applied has no more PM10 emissions than salt which is at least 92% sodium chloride; or
- (b) vacuum sweep every arterial roadway (principle and minor) to which the material was applied within three days of the end of the storm for which the application was made. For the purpose of this rule, the term "arterial roadway" shall have the meaning outlined in U.S. DOT Federal Highway Administration Publication No. FHWA-ED-90-006, Revised March 1989, "Highway Functional Classification: Concepts, Criteria, and Procedures" as interpreted by Utah Department of Transportation and shown in the following maps: Salt Lake

Urbanized Area, Provo-Orem Urbanized Area, and Ogden Urbanized Area (1992 or later).

(2) In the interest of public safety, any person who applies crushed slag and/or sand to arterial roadways because salt alone would not ensure safe driving conditions due to steepness of grade, extreme weather, or other reasons, may petition the Board for a variance from the sweeping requirements in. Specifically excluded from these sweeping requirements are all canyon roads and the portion of Interstate 15 near Point of the Mountain.

**KEY: air pollution, roads, particulate**

**1998**

**19-2-104**

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

#### **R307-309. Davis, Salt Lake and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust.**

##### **R307-309-1. Applicability and Definitions.**

(1) Applicability. R307-309 applies to all sources of fugitive dust and fugitive emissions located in Davis, Salt Lake and Utah Counties, Ogden City, and any nonattainment area for PM10, except as specified in (2) below. Any source located in those areas for which limitations for fugitive dust or fugitive emissions are assigned pursuant to R307-401 is subject to R307-309 on May 4, 1999, unless the source has an operating permit issued under R307-415 prior to that date. If the source has an operating permit, the source is subject to R307-309 on the date of permit renewal or permit reopening as specified in R307-415, whichever occurs first.

##### **(2) Exemptions.**

(a) The provisions of R307-309 do not apply to agricultural or horticultural activities.

(b) Any source which is subject to R307-305-2 through 7 or R307-307 is exempt from all provisions of R307-309 except for R307-309-4.

(c) Any source regulated by R307-205-5 or R307-205-6 is exempt from all provisions of R307-309 except for R307-309-4.

(3) The following additional definitions apply to R307-309:

"Material" means sand, gravel, soil, minerals or other matter which may create fugitive dust.

"Road" means any public or private road.

##### **R307-309-2. Fugitive Emissions.**

Fugitive emissions from any source shall not exceed 15% opacity.

##### **R307-309-3. General Requirements for Fugitive Dust.**

(1) Opacity caused by fugitive dust shall not exceed: (a) 10% at the property boundary; and (b) 20% on site unless an approval order issued under R307-401 or a dust control plan specifies a lower level; except when the wind speed exceeds 25 miles per hour and the owner or operator is taking appropriate actions to control fugitive dust. If the source has a dust control plan approved by the

executive secretary, control measures in the plan are considered appropriate. Wind speed may be measured by a hand-held anemometer or equivalent device.

(2) Any source with a dust control plan approved by the executive secretary prior to March 4, 1999, shall review and revise the plan in accordance with R307-309-4 below. The revised plan shall be submitted to the executive secretary no later than May 4, 1999.

**R307-309-4. Fugitive Dust Control Plan.**

(1) Any person owning or operating a new or existing source of fugitive dust, including storage, hauling or handling operations or engaging in clearing or leveling of land one-quarter acre or greater in size, earthmoving, excavation, or movement of trucks or construction equipment over cleared land one-quarter acre or greater in size or access haul roads shall submit a plan to control fugitive dust to the executive secretary no later than 30 days after the source becomes subject to the rule. The plan shall address fugitive dust control strategies for the following operations as applicable:

- (a) Material Storage;
- (b) Material handling and transfer;
- (c) Material processing;
- (d) Road ways and yard areas;
- (e) Material loading and dumping;
- (f) Hauling of materials;
- (g) Drilling, blasting and pushing operations;
- (h) Clearing and leveling;
- (i) Earth moving and excavation;
- (j) Exposed surfaces;
- (k) Any other source of fugitive dust.

(2) Strategies to control fugitive dust may include:

- (a) Wetting or watering;
- (b) Chemical stabilization;
- (c) Enclosing or covering operations;
- (d) Planting vegetative cover;
- (e) Providing synthetic cover;
- (f) Wind breaks;
- (g) Reducing vehicular traffic;
- (h) Reducing vehicular speed;
- (i) Cleaning haul trucks before leaving loading area;
- (j) Limiting pushing operations to wet seasons;
- (k) Paving or cleaning road ways;
- (l) Covering loads;
- (m) Conveyor systems;
- (n) Boots on drop points;
- (o) Reducing the height of drop areas;
- (p) Using dust collectors;
- (q) Reducing production;
- (r) Mulching;
- (s) Limiting the number and power of blasts;
- (t) Limiting blasts to non-windy days and wet seasons;
- (u) Hydro drilling;
- (v) Wetting materials before processing;

(w) Using a cattle guard before entering a paved road;

(x) Washing haul trucks before leaving the loading site; or

(y) Terracing.

(3) Each source shall comply with all provisions of the fugitive dust control plan as approved by the executive secretary.

**R307-309-5. Storage, Hauling and Handling of Aggregate Materials.**

Any person owning, operating or maintaining a new or existing material storage, handling or hauling operation shall prevent, to the maximum extent possible, material from being deposited onto any paved road other than a designated deposit site. Any such person who deposits materials which may create fugitive dust on a public or private paved road shall clean the road promptly.

**R307-309-6. Construction and Demolition Activities.**

Any person engaging in clearing or leveling of land with an area of one-quarter acre or more, earthmoving, excavating, construction, demolition, or moving trucks or construction equipment over cleared land or access haul roads shall prevent, to the maximum extent possible, material from being deposited onto any paved road other than a designated deposit site. Any such person who deposits materials which may create fugitive dust on a public or private paved road shall clean the road promptly.

**R307-309-7. Roads.**

(1) Any person responsible for construction or maintenance of any existing road or having right-of-way easement or possessing the right to use the same whose activities result in fugitive dust from the road shall minimize fugitive dust to the maximum extent possible. Any such person who deposits materials which may create fugitive dust on a public or private paved road shall clean the road promptly.

(2) Unpaved Roads.

(a) When unpaved roads have an average daily traffic volume of less than 150 vehicle trips per day, averaged over a consecutive 5-day period, fugitive dust shall be minimized to the maximum extent possible.

(b) When unpaved roads have an average daily traffic volume of 150 vehicle trips per day or greater, averaged over a consecutive 5 day period, control techniques shall be used which are equal to or better than 2-inch bituminous surface.

(c) Any person responsible for construction or maintenance of any new or existing unpaved road shall prevent, to the maximum extent possible, the deposit of material from the unpaved road onto any intersecting paved road during construction or maintenance. Any person who deposits materials which may create fugitive dust on a public or private paved road shall clean the road promptly.

**KEY: air pollution, dust\***

**1999**

**19-2-101**

**19-2-104**  
**19-2-109**

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

**R307-310. Salt Lake County: Trading of Emission Budgets for Transportation Conformity.**

**R307-310-1. Purpose.**

This rule establishes the procedures that may be used to trade a portion of the primary PM10 budget when demonstrating that a transportation plan, transportation improvement program, or project conforms with the motor vehicle emission budgets in the Salt Lake County portion of Section IX, Part A of the State Implementation Plan, "Fine Particulate Matter (PM10)."

**R307-310-2. Definitions.**

The definitions contained in 40 CFR 93.101, effective as of July 1, 2001, are incorporated into this rule by reference. The following additional definitions apply to this rule.

"Budget" means the motor vehicle emission projections used in the attainment demonstration in the Salt Lake County portion of Section IX, Part A of the State Implementation Plan, "Fine Particulate Matter (PM10)."

"NOx" means oxides of nitrogen.

"Primary PM10" means PM10 that is emitted directly by a source. Primary PM10 does not include particulate matter that is formed when gaseous emissions undergo chemical reactions in the ambient air.

"Transportation Conformity" means a demonstration that a transportation plan, transportation improvement program, or project conforms with the emissions budgets in a state implementation plan, as outlined in 40 CFR, Chapter 1, Part 93, "Determining Conformity of Federal Actions to State or Federal Implementation Plans."

**R307-310-3. Applicability.**

(1) This rule applies to agencies responsible for demonstrating transportation conformity with the Salt Lake County portion of Section IX, Part A of the State Implementation Plan, "Fine Particulate Matter (PM10)."

(2) This rule does not apply to emission budgets from Section IX, Part D.2 of the State Implementation Plan, "Ozone Maintenance Plan."

(3) This rule does not apply to emission budgets from Section IX, Part C.7 of the State Implementation Plan, "Carbon Monoxide Maintenance Provisions."

**R307-310-4. Trading Between Emission Budgets.**

(1) The agencies responsible for demonstrating transportation conformity are authorized to supplement the budget for NOx with a portion of the budget for primary PM10 for the purpose of demonstrating transportation conformity for NOx. The NOx budget shall be supplemented using the following procedures.

(a) The metropolitan planning organization shall include the following information in the transportation conformity demonstration:

(i) The budget for primary PM10 and NOx for each required year of the conformity demonstration, before trading allowed by this rule has been applied;

(ii) The portion of the primary PM10 budget that will be used to supplement the NOx budget, specified in tons per day using a 1:1 ratio of primary PM10 to NOx, for each required year of the conformity demonstration;

(iii) The remainder of the primary PM10 budget that will be used in the conformity demonstration for primary PM10, specified in tons per day for each required year of the conformity demonstration; and

(iv) The budget for primary PM10 and NOx for each required year of the conformity demonstration after the trading allowed by this rule has been applied.

(b) Transportation conformity for NOx shall be demonstrated using the NOx budget supplemented by a portion of the primary PM10 budget as described in (a)(ii). Transportation conformity for primary PM10 shall be demonstrated using the remainder of the primary PM10 budget described in (a)(iii).

(c) The primary PM10 budget shall not be supplemented by using a portion of the NOx budget.

**KEY: air pollution, transportation conformity, PM10**  
**2002** **19-2-104**

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

**R307-320. Davis, Salt Lake and Utah Counties, and Ogden City: Employer-Based Trip Reduction Program.**

**R307-320-1. Purpose.**

The purpose of this program is to reduce the number of measurable vehicle miles driven by employees commuting to and from work by requiring employers with work sites within Davis and Salt Lake Counties to implement strategies designed to reduce the employee drive-alone rate. Under the authority of 19-2-104(1)(h) and (2), an employer-based trip reduction program is a state implementation plan control strategy to reduce ambient measures of air pollution. An added benefit of the program is reducing the number of cars on increasingly congested roadways.

**R307-320-2. Applicability.**

(1) R307-320 applies to any federal, state, or local entity, or any other public department, district (including public universities and public school districts), or agency in Davis or Salt Lake County.

(2) If the Contingency Requirements for fine particulate are triggered as outlined in Section IX.A.8.b of the State Implementation Plan, R307-320 applies to any federal, state, or local entity, or any other public department, district (including public universities and public school districts), or agency in Utah County.

(3) If the Contingency Requirements for carbon monoxide are triggered as outlined in Section IX.C.8.h of the State Implementation Plan, R307-320 applies to any federal, state, or local entity, or any other public department, district (including public universities and public school districts), or agency in Ogden City.

#### **R307-320-3. Definitions.**

The following additional definitions apply to R307-320:

"Compressed Work Week" means any work schedule which eliminates at least one commute trip to a work site in each two week period.

"Drive-alone Rate" means the number of single-occupancy vehicles divided by the sum of single-occupancy vehicles, plus employees using mass transit, ridesharing, biking, walking, telecommuting or having credit for a compressed work week. The drive-alone rate calculation must be based on a typical Monday through Friday work week.

Drive-alone Rate = single-occupancy vehicles/(single-occupancy vehicles + mass transit users + rideshare participants + bikers + walkers + telecommuters + credit for compressed work week).

"Employee" means any person including persons employed by public universities or school districts, who works at or reports to a single work site at least three days per week for at least six months of the year.

"Employee Transportation Coordinator" means a person assigned the responsibility of developing, implementing, monitoring, tracking, and marketing the trip reduction plan for the employer.

"Employer" means federal, state, or local entity, or any other public department, district (including public universities or public school districts), or agency.

"Peak Travel Period" means the period beginning at 6 a.m. and ending at 10 a.m., Mondays through Fridays.

"Ridesharing" means transportation of more than one person for commute purposes in a vehicle.

"Single-occupancy Vehicles" means vehicles traveling to the work site with a driver and no passengers during the peak travel period.

"Target Drive-alone Rate" means a twenty percent reduction in the drive alone rate based on the 1990 census data for modes of travel in each county. The target drive-alone rate schedule is as follows:

**TABLE**  
**TARGET DRIVE-ALONE RATE SCHEDULE**

	Davis County Drive-Alone Rate	Salt Lake County Drive-Alone Rate
From 1990 Census Data	0.76	0.77
1st year interim target drive-alone rate	0.72	0.73
2nd year interim target	0.68	0.69

drive-alone rate

3rd year interim target      0.67      0.67  
drive-alone rate

4th year interim target      0.65      0.65  
drive-alone rate

5th year interim target      0.63      0.64  
drive-alone rate

6th year interim target      0.61      0.62  
drive-alone rate

Target drive-alone rate      0.61      0.62

"Telecommuting" means working at home or at a satellite work site, provided the employee does not use a single-occupancy vehicle to travel to the satellite work site.

"Trip Reduction Plan" means a set of strategies designed to reduce the drive-alone rate.

"Vehicle" means motorcycles and on-road vehicles powered by a gasoline or diesel internal combustion engine with nine or less seating positions for adults.

"Work Site" means a building and any group of buildings which are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of way.

#### **R307-320-4. Employer Requirements.**

(1) Each employer shall assign an employee trip reduction coordinator within 30 days after the effective date of R307-320.

(2) Each employer shall determine the drive-alone rate per work site on an annual basis for a typical Monday through Friday work week during the peak travel period. The drive-alone rate can be determined by one of the following methods in (a), (b) or (c) below.

(a) Information from an annual employee survey.

(i) The employer must use a standardized survey approved by the executive secretary. The survey shall ask the travel distance from the employee's home to the work site, what frequency and mode of transportation the employee used to get to work, and how often the employee participates in a telecommuting program or compressed work week schedule.

(ii) The employer shall administer the survey and shall capture, at a minimum, 75% of the employee population arriving at the work site during the peak travel period.

(b) Verifiable information, less than one year old of the submittal due date, from employer records including:

(i) employee work schedules;  
(ii) employee participation in telecommuting schedules;  
(iii) employee participation of mass transit;  
(iv) employee participation in rideshare arrangements; and

- (v) employee participation in non-vehicular transit.
  - (c) Another method of the employer's choosing, with written approval from the executive secretary.
  - (3) Each employer shall design and submit to the executive secretary an approvable trip reduction plan for each work site to meet the target drive-alone rate as specified by the target drive-alone rate schedule in R307-320-3.
    - (a) An employer may combine more than one work site in a trip reduction plan submittal.
      - (i) The target drive-alone rate for a multi-work site submission shall be a weighted average of the drive-alone rates for the individual work sites.
      - (ii) The employer may combine a trip reduction plan for any work site within the same county.
      - (b) The trip reduction plan submittal shall adhere to the following schedule:
        - (i) Submittal of a trip reduction plan shall be annually on or before the anniversary of the initial due date.
        - (ii) For employers within Salt Lake and Davis Counties:
          - (A) The trip reduction plan must be submitted for approval within 90 days after the employer has been notified.
          - (B) If the employer has not been notified, then the trip reduction plan must be submitted no later than 360 days after the effective date of this rule.
          - (iii) For employers within Utah County, the trip reduction plan must be submitted within 90 days after notification by the Division of Air Quality following triggering of contingency measures for PM10 under the provisions of Section IX.A.8.b of the State Implementation Plan.
        - (c) Materials and information submitted to the executive secretary shall include:
          - (i) A letter of commitment to fully implement an approved trip reduction plan signed by an authorized employee at the work site.
          - (ii) The name and signature of the employee transportation coordinator;
          - (iii) The drive-alone rate for the work site;
          - (iv) General work site information including name and address of organization; general layout of buildings and parking areas; location of major streets; location of nearby mass transit stops; number of total employees; number of employees arriving at the work site during peak travel periods; current and planned incentives, disincentives, and facilities available encouraging alternatives to single-occupant vehicle commuting; the type of activities conducted at the work site; and the time spent by the employee transportation coordinator in complying with the plan.
        - (d) A trip reduction plan designed to meet the target drive-alone rate schedule may include but is not limited to employer involvement in the following:
          - (i) Subsidized bus passes;
          - (ii) Rideshare matching programs;
          - (iii) Vanpool leasing programs;
      - (iv) Telecommuting programs;
      - (v) Compressed work week schedule programs and flexible work schedule programs;
      - (vi) Work site parking fee programs;
      - (vii) Preferential parking for rideshare participants;
      - (viii) Transportation for business related activities;
      - (ix) A guaranteed ride home program;
      - (x) On-site facility improvements;
      - (xi) Soliciting feedback from employees;
      - (xii) On-site daycare facilities;
      - (xiii) Coordination with local transit authorities for improved mass transit service and information on mass transit programs; and
      - (xiv) Recognition and rewards for employee participation.
    - (e) An approvable plan shall contain all the information required in R307-320-4. The executive secretary shall approve or request revision of the trip reduction plan within 60 days of the plan submittal.
    - (4) Each employer shall implement a trip reduction plan approved by the executive secretary.
    - (5) Each employer shall inform employees of the trip reduction plan and options available to them for participation.

**R307-320-5. Recordkeeping.**

  - (1) The employer shall keep records of all documents necessary to prove compliance with and verify implementation of an approved trip reduction plan for at least two years from the plan approval date.
  - (2) Approved trip reduction plans shall be kept for five years from date of approval.
  - (3) Employer trip reduction records are subject to review by representatives of the executive secretary.

**R307-320-6. Violations.**

  - (1) The following are violations of this rule:
    - (a) failure to submit an approvable employer-based trip reduction plan as specified in R307-320-4;
    - (b) providing false information;
    - (c) failure to submit a revised employer-based trip reduction plan when requested by the executive secretary;
    - (d) failure to implement an approved trip reduction plan;
    - (e) failure to maintain records as specified in R307-320-5;
    - (f) upon receipt of the second disapproval notice and until a revised plan is submitted and approved, the employer is in violation of this rule.
  - (2) Failure to achieve the target drive-alone rate is not a violation of this rule.

**R307-320-7. Exemptions.**

  - (1) An employer with less than 100 employees at a work site is exempt from the requirements of this rule.

(2) An employer who has met the target drive-alone rate is exempt from requirements stated in R307-320-4(3) and (4). The employer must still submit the drive-alone rate information to the executive secretary annually.

(3) Employees using vehicles for commute purposes as part of their job responsibility for emergency response are exempt from the drive-alone rate determination if they do not have the option, because of employer policies, to participate in telecommuting programs, compressed work week schedules, or as a rideshare driver, as approved by the executive secretary.

(a) An employer seeking exemption status shall comply with all requirements of the rule until an exemption is granted.

(b) The executive secretary shall approve or deny a request for exemption within 90 days of application.

(4) Other exemptions may be granted on a case by case basis and must be approved by the executive secretary.

(a) The employer seeking exemption must be able to demonstrate that the trip reduction program causes an adverse impact on the employer's ability to provide services or creates an undue hardships.

(b) The employer may also seek an exemption by providing an alternative to the Trip Reduction Program that shows, at a minimum, for the work site seeking exemption, a reduction in oxides of nitrogen equivalent to that achieved by the Trip Reduction Program when implemented to the target drive-alone rate schedule in the table in R307-320-3. The employer shall provide all substantiating information and calculations.

(c) An employer seeking exemption status shall comply with all requirements of the rule until an exemption is granted.

(d) The executive secretary shall approve or deny a request for exemption within 90 days of application.

**KEY: air pollution, motor vehicles, trip reduction\***  
**1998** **19-2-104**

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

**R307-325. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions.**

**R307-325-1. Definitions, Applicability and General Requirements.**

(1) R307-325 applies to all sources in R307-326 through 341, major sources as defined and outlined in section 182 of the Clean Air Act and non-major sources located in Davis and Salt Lake Counties and in any nonattainment area for ozone as defined in the State Implementation Plan. For permitting of any new source or modification of any existing source, see R307-401; for operating permits, see R307-415.

(2) No person may permit or cause volatile organic compounds (VOCs) to be spilled, discarded, stored in open containers, or handled in any other manner, which would result in evaporation in excess of that which would

result from the application of reasonably available control technology (RACT) (as defined in 40 CFR 51.100(o)).

(3) Any person may apply to the executive secretary for approval of an alternative test method, an alternative method of control, an alternative compliance period, an alternative emission limit, or an alternative monitoring schedule. The application must include a demonstration that the proposed alternative produces an equal or greater air quality benefit than those required by R307-325 through 341, or that the alternative test method is equivalent to that required by these regulations. The executive secretary shall obtain concurrence from EPA when approving an alternative test method, an alternative method of control, an alternative compliance period, an alternative emission limit, or an alternative monitoring schedule.

(4) Manufacturer's operational specifications, records, and testings of any control system shall use the applicable EPA Reference Methods of 40 CFR Part 60, the most recent EPA test methods, or EPA-approved state methods, to determine the efficiency of the control device. In addition, any control device must meet the applicable requirements, (including record keeping) of R307-340-2 and 13. A record of all tests, monitoring, and inspections required by R307-325 through 341 shall be maintained by the owner or operator for a minimum of 2 years and shall be made available to the executive secretary or his representative upon request. Any malfunctioning control device shall be repaired within 15 calendar days of when it was found by the owner or operator to be malfunctioning, unless otherwise approved by the executive secretary.

(5) For purposes of determining compliance with emission limits, VOCs and nitrogen oxides will be measured by the test methods identified in federal regulation or approved by the executive secretary. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emissions standard.

**R307-325-2. Existing Sources.**

**(1) Existing Major Sources.**

(a) Any source of VOCs as of June 14, 1995, for which no specific emission limitations or other control requirement has been set forth in R307-325 through 341 and which is classified as a major source as defined and outlined in section 182 of the Clean Air Act shall utilize reasonably available control technology (RACT) as defined in 40 CFR 51.100(o).

(b) Existing sources of nitrogen oxides for which no specific emission limitations or other control requirement has been set forth in R307-325 through 341 and which are classified as a major source as defined and outlined in Section 182 of the federal Clean Air Act shall utilize Reasonably Available Control Technology (RACT) as outlined in R307-325 through 341 for specific source categories or as defined in 40 CFR 51.100(o). RACT determinations shall be made on a case by case basis and may, to the extent allowable by the executive secretary, be

applied on a regionally averaged basis for the pertinent nonattainment area. Application of RACT to sources of oxides of nitrogen within the area of nonattainment for ozone and in Davis and Salt Lake Counties may, in some instances, have been predicated on other requirements of state or federal rule. In such instances, the executive secretary may determine that such prior application of RACT has satisfied all applicable requirements, regardless of whether or not the level of controlled emissions due to application of RACT for one purpose meet the presumptive level of RACT for another. In other instances, where RACT may also be required for reasons other than Section 182 of the Act, the executive secretary may require the most stringent level of control which satisfies RACT.

(c) The uncontrolled emissions of such sources shall be based upon design capacity or maximum production rate, whichever is greater, at 8760 hours/year operation, and before add-on controls. The emissions from all emission points within the source which are not specifically regulated in R307-325 through 341, and which are not pending regulation as per Section 183 of the Clean Air Act, are combined to determine capacity.

(d) Sources with potential uncontrolled emissions of VOC or nitrogen oxides in excess of the threshold for a major source outlined in Section 182 of the federal Clean Air Act, but with actual emissions of a lesser amount, may avoid the requirement to apply RACT as defined in 40 CFR 51.100(o) by obtaining an enforceable approval order limiting emissions to actual rates, by restriction of production capacity or hours of operation.

(2) For sources subject to specific rules which have a cutoff limit for applicability, including (1) above, once a source exceeds the cutoff limit, future operation at emission limits below the cutoff does not preclude RACT (as defined in 40 CFR 51.100(o)) requirements and rule applicability as stated in R307-401.

(3) For unknown sources existing on June 14, 1995, which are major or Control Techniques Guidance applicable sources and which are found by either the State or EPA in the future, the State will expeditiously develop a specific RACT determination based on the existing Control Techniques Guidance or as defined in 40 CFR 51.100(o) for such sources within a reasonable time after their discovery and submit such determination to EPA for approval as specific SIP revisions.

#### **R307-325-3. New Sources.**

(1) New Sources. When determining best available control technology (BACT) under R307-401-6(1) for a new or modified source in an ozone nonattainment area or Salt Lake and Davis Counties, the executive secretary shall review EPA guidance, including Control Technique Guidance (CTG) documents and Alternative Control Technique (ACT) documents that are applicable to the source. Best available control technology shall be at least as stringent as any published CTG that is applicable to the source.

#### **R307-325-4. Compliance Schedule.**

By September 29, 1981, 180 days after the effective date of R307-325 through 341, all sources shall be in compliance.

**KEY: air pollution, emission controls, ozone, RACT\***  
**1998** **19-2-101**  
**19-2-104**

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

##### **R307-326. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Control of Hydrocarbon Emissions in Refineries.**

###### **R307-326-1. Applicability and Definitions.**

(1) R307-325 establishes applicability and general requirements for R307-326.

(2) The following additional definitions apply to R307-326:

"Accumulator" means the reservoir of a condensing unit receiving the condensate from the condenser.

"Condensor" means any device which removes condensable vapors by a reduction in the temperature of the captured gases.

"Control System" means any number of control devices, including condensers, which are designed and operated to reduce the quantity of VOC emitted to the atmosphere.

"Hot Well" means the reservoir of a condensing unit receiving the warm condensate consisting primarily of water from the condenser.

"Petroleum Refinery Complex" means any source or installation engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products through distillation of petroleum or through redistillation, cracking, rearrangement, or reforming of unfinished petroleum derivatives.

"Process Drain" means any drain used in a refinery complex on equipment which processes, transfers a volatile organic compound or mixture of volatile organic compounds.

"Process Unit Turnaround" means the procedure of shutting a refinery unit down after a run to do necessary maintenance and repair work and putting the unit back in operation.

"Vacuum Producing System" means any reciprocating, rotary, or centrifugal blower or compressor, or any jet ejector or device that takes suction from a pressure below atmospheric and discharges against atmospheric pressure.

###### **R307-326-2. Vacuum Producing Systems.**

The emission of noncondensable volatile organic compounds from the condensers, hot wells, or accumulators of vacuum producing systems shall be controlled by:

(1) piping the noncondensable vapors to a firebox or incinerator, or

- (2) compressing the vapors and adding them to the refinery fuel gas, or
- (3) other equally effective means provided the design and effectiveness of such means are documented and submitted to and approved by the executive secretary.

#### **R307-326-3. Wastewater (Oil/Water) Systems.**

Any wastewater separator handling volatile organic compounds shall be equipped with:

- (1) covers and seals approved by the executive secretary on all separators and forebays,
- (2) lids or seals on all openings in covers, separators, and forebays. Such lids or seals shall be in the closed position at all times except when in actual use.

#### **R307-326-4. Process Unit Turnaround.**

The owner or operator of a petroleum refinery shall insure that a minimum of volatile organic compounds (VOC) are emitted to the atmosphere during process unit turnarounds. The owner or operator shall develop and submit to the executive secretary for approval a procedure for minimizing VOC emissions during turnarounds. The procedure shall be submitted by April 1, 1990. As a minimum the procedure shall provide for:

- (1) venting of the process unit or vessel during depressurization and purging to a vapor recovery system, flare or firebox, and
- (2) preventing discharge to the atmosphere of emissions of volatile organic compounds from a process unit or vessel until its internal pressure is 136 kPa (19.7 psia) or less; or
- (3) an equally effective system provided the design and effectiveness of such system are documented and submitted to and approved by the executive secretary.
- (4) keeping records of the following items:
  - (a) every date that each process unit or vessel is shut down;
  - (b) the approximate vessel VOC concentration when the VOCs were first discharged to the atmosphere; and
  - (c) the approximate total quantity of VOCs emitted to the atmosphere.
- (5) maintaining records. The records required in (4) above shall be kept for at least two years and shall be made available for review by the executive secretary or his representative.

#### **R307-326-5. Catalytic Cracking Units.**

Flue gas produced by catalytic cracker catalyst regeneration units shall be vented to a waste heat boiler, a process heater firebox, incinerated, or controlled by other methods provided the design and effectiveness of such methods are documented and submitted to and approved by the executive secretary.

#### **R307-326-6. Safety Pressure Relief Valves.**

All safety pressure relief valves handling organic material shall be vented to a flare, firebox, or vapor recovery system, or controlled by the inspection, monitoring, and repair requirements described in R307-326-7.

#### **R307-326-7. Leaks from Petroleum Refinery Equipment.**

(1) The owner or operator of a petroleum refinery complex shall develop and conduct a VOC monitoring program and shall follow the recording, reporting, and operating requirements consistent with R307-326-7. The monitoring program shall be submitted 30 days prior to start up of the petroleum refinery complex or as determined necessary by the executive secretary.

(2) Any affected component within a petroleum refinery complex found to be leaking shall be repaired and retested as soon as practicable, but not later than fifteen (15) days after the leak is detected. A leaking component is defined as one which has a VOC concentration exceeding 10,000 parts per million by volume (ppmv) when tested by a VOC detection instrument at the leak source in the manner described in 40 CFR 60, Appendix A, Reference Method 21, using methane or hexane as calibration gas. Components not subject to New Source Performance Standards Subpart GGG shall use methane or hexane as calibration gas, provided a relative response factor for each individual instrument is determined for the calibration gas used. Those leaks that cannot be repaired until the unit is shut down for turnaround shall be identified with a tag and recorded as per (6) below and shall be reported as required by (7) below. The executive secretary, in coordination with the refinery owner or operator, may require early unit turnaround based on the number and severity of tagged leaks awaiting turnaround.

##### **(3) Monitoring Requirements.**

(a) In order to ensure that all existing VOC leaks are identified and that new VOC leaks are located as soon as practicable, the refinery owner or operator shall perform necessary monitoring using visual observations when specified or the method described in 40 CFR 60, Appendix A, Reference Method 21, as follows:

- (i) Monitor at least one time per year (annually) all pump seals, valves in liquid service, and process drains;
- (ii) monitor four times per year (quarterly) all compressor seals, valves in gaseous service, and pressure relief valves in gaseous service.
- (iii) Monitor visually 52 times per year (weekly) all pump seals;
- (iv) Monitor within 24 hours (with a portable VOC detection device) or repair within 15 days any pump seal from which liquids are observed dripping;
- (v) Monitor any relief valve within 24 hours after it has been vented to the atmosphere;
- (vi) Monitor immediately after repair any component that was found leaking;
- (vii) for all other valves considered "unsafe-to-monitor" or inaccessible during an annual inspection, the owner/operator shall document to the executive secretary the number of valves considered "unsafe-to-monitor" or inaccessible, the dangers involved or reasons for inaccessibility, the location of these valves, and the procedures that the owner/operator shall follow to ensure that the valves do not leak. At a minimum, the inaccessible valves shall be monitored at least once per year (annually).

This documentation shall be submitted for approval to the executive secretary 15 days after the last day of each calendar year.

(b) For the purpose of R307-326, gaseous service for pipeline valves and pressure relief valves is defined as the VOC being gaseous at conditions that prevail in the components during normal operations. Pipeline valves and pressure relief valves in gaseous service and other components subject to leaks shall be noted or marked so that their location within the refinery complex is obvious to the refinery operator performing the monitoring and to the State of Utah, Division of Air Quality.

(4) Exemptions. The following are exempt from the monitoring requirements of (3) above:

(a) Pressure relief devices which are connected to an operating flare header, firebox, or vapor recovery devices, storage tank valves, and valves that are not externally regulated; and

(b) Refinery equipment containing a stream composition less than 10 percent by weight VOC; and

(c) Refinery equipment containing natural gas supplied by a public utility as defined by the Utah Public Service Commission.

(5) Alternative Monitoring Methods and Requirements.

(a) If at any time after two complete liquid service inspections and five complete gaseous service inspections, the owner or operator of a petroleum refinery can demonstrate that modifications to (3) above are in order, he may apply in writing to the Air Quality Board for a variance from the requirements of (3) above.

(b) This submittal shall include data that have been developed to justify the modification to (3) above. As a minimum, the submittal should contain the following information:

- (i) the name and address of the company;
- (ii) the name and telephone number of the responsible company representative;
- (iii) a description of the proposed alternative monitoring procedures; and
- (iv) a description of the proposed alternative operational or equipment controls.

(6) Recording Requirements. Identified leaks shall be noted and affixed with a readily visible and weatherproof tag bearing the identification of the leak and the date the leak was detected. The tag shall remain in place until the leaking component is repaired. The presence of the leak shall also be noted in a log maintained by the operator or owner of the refinery. The log shall contain, at a minimum, the name of the process unit where the component is located, the type of component, the tag number, the date the leak was detected, the date repaired, and the date and instrument reading when the recheck of the component is made. The log should also indicate those leaks which cannot be repaired until turnaround, and summarize the total number of components found leaking. The operator or owner of the refinery complex shall retain the leak detection log for two years after the leak has been

repaired and shall make the log available to the executive secretary upon request.

(7) Reporting Requirements. The operator or owner of a petroleum refinery complex shall submit a report to the executive secretary by the 15th day of January, April, July, and October of each year listing the total number of components inspected, all leaks that have been located during the previous 3 calendar months but not repaired within 15 days, all leaking components awaiting unit turnaround and the total number of components found leaking. In addition, the refinery operator or owner shall submit a signed statement with each report that all monitoring has been performed as stipulated in R307-14-4.FR307-326-7.

(8) Additional Requirements. Any time a valve, with the exception of safety pressure relief valves, is located at the end of a pipe or line containing VOC, the end of the line shall be sealed with one of the following: a second valve, a blind flange, a plug or a cap. This sealing device shall only be removed when the line is in use for sampling.

**KEY: air pollution, refinery\*, gasoline, ozone**

**1998**

**19-2-101**

**19-2-104**

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

**R307-327. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Petroleum Liquid Storage.**

**R307-327-1. Applicability and Definitions.**

(1) R307-325 establishes applicability and general requirements for R307-327.

(2) The following additional definitions apply to R307-327:

"Average Monthly Storage Temperature" means the average daily storage temperature measured over a period of one month.

"Waxy, Heavy Pour Crude Oil" means a crude oil with a pour point of 50 degrees F or higher as determined by the American Society for Testing and Materials Standard D97-66, "Test for pourpoint of petroleum oils."

(3) Any existing stationary storage tank, reservoir or other container with a capacity greater than 40,000 gallons (150,000 liters) which is used to store volatile petroleum liquids with a true vapor pressure greater than 10.5 kilo pascals (kPa) (1.52 psia) at storage temperature shall be fitted with control equipment which will minimize vapor loss to the atmosphere. Such storage tanks, except storage tanks erected before January 1, 1979, which are equipped with external floating roofs, shall be fitted with an internal floating roof which shall rest on the surface of the liquid contents and shall be equipped with a closure seal or seals to close the space between the roof edge and the tank wall, or alternative equivalent controls, provided the design and effectiveness of such equipment is documented and submitted to and approved by the executive secretary. The owner or operator shall maintain a

record of the type and maximum true vapor pressure of stored liquid.

(4) The owner or operator of a petroleum liquid storage tank not subject to (3) above, but containing a petroleum liquid with a true vapor pressure greater than 7.0 kPa (1.0 psi), shall maintain records of the average monthly storage temperature, the type of liquid, throughput quantities, and the maximum true vapor pressure.

### **R307-327-2. Installation and Maintenance.**

(1) The owner or operator shall ensure that all control equipment on storage vessels shall be properly installed and maintained.

(a) There shall be no visible holes, tears or other openings in any seal or seal fabric and; all openings, except stub drains, shall be equipped with covers, lids, or seals.

(b) All openings in floating roof tanks, except for automatic bleeder vents, rim space vents, and leg sleeves, shall provide a projection below the liquid surface.

(c) The openings shall be equipped with a cover, seal, or lid.

(d) The cover, seal, or lid is to be in a closed position at all times except when the device is in actual use.

(e) Automatic bleeder vents shall be closed at all times except when the roof is floated off or landed on the roof leg supports. Rim vents shall be set to open when the roof is being floating off the leg supports or at the manufacturer's recommended setting.

(f) Any emergency roof drain shall be provided with a slotted membrane fabric cover or equivalent cover that covers at least 90 percent of the area of the opening.

(2) The owner or operator shall conduct routine inspections from the top of the tank for external floating roofs or through roof hatches for internal floating roofs at six month or shorter intervals to insure there are no holes, tears, or other openings in the seal or seal fabric.

(a) The cover must be uniformly floating on or above the liquid and there must be no visible defects in the surface of the cover or petroleum liquid accumulated on the cover.

(b) The seal(s) must be intact and uniformly in place around the circumference of the cover between the cover and tank wall.

(3) A close visible inspection of the primary seal of an external floating roof is to be conducted at least once per year from the roof top unless such inspection requires detaching the secondary seal, which would result in damage to the seal system.

(4) Whenever a tank is emptied and degassed for maintenance, an emergency, or any other similar purpose, a close visible inspection of the cover and seals is to be made.

(5) The executive secretary must be notified 7 days prior to the refilling of a tank which has been emptied, degassed for maintenance, an emergency, or any other similar purpose. Any non-compliance with this regulation must be corrected before the tank is refilled.

### **R307-327-3. Retrofits for Floating Roof Tanks.**

(1) Except where specifically exempted in (3) below, all existing external floating roof tanks with capacities greater than 950 barrels (40,000 gals) shall be retrofitted with a continuous secondary seal extending from the floating roof to the tank wall (a rim-mounted secondary seal) if:

(a) The tank is a welded tank, the true vapor pressure of the contained liquid is 27.6 kPa (4.0 psi) or greater and the primary seal is one of the following:

(i) A metallic type shoe seal, a liquid-mounted foam seal, a liquid-mounted liquid-filled seal, or

(ii) Any other primary seals which can be demonstrated equivalent to the above primary seals.

(b) The tank is a riveted tank, the true vapor pressure of the contained liquid is 10.5 kPa (1.5 psi) or greater, and the primary seal is as described in (a) above.

(c) The tank is a welded or riveted tank, the true vapor pressure of the contained liquid is 10.5 kPa (1.5 psi) or greater and the primary seal is vapor-mounted. When such primary seal closure device can be demonstrated equivalent to the primary seals described in (a) above, these processes apply.

(2) The owner or operator of a storage tank subject to this rule shall ensure that all the seal closure devices shall meet the following requirements:

(a) There shall be no visible holes, tears, or other openings in the seals or seal fabric.

(b) The seals must be intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall.

(c) For vapor mounted primary seals, the accumulated area of gaps between the secondary seal and the tank wall shall not exceed 21.2 cm<sup>2</sup> per meter of tank diameter (1.0 in<sup>2</sup> per ft. of tank diameter) and the width of any gap shall not exceed 1.27 cm (1/2 in.). The owner or operator shall measure the secondary seal gap annually and make a record of the measurement.

(3) The following are specifically exempted from the requirements of (1) above:

(a) External floating roof tanks having capacities less than 10,000 barrels (420,000 gals) used to store produced crude oil and condensate prior to custody transfer.

(b) A metallic type shoe seal in a welded tank which has a secondary seal from the top of the shoe seal to the tank wall (a shoe mounted secondary seal).

(c) External floating roof tanks storing waxy, heavy pour crudes.

(d) External floating roof tanks with a closure seal device or other devices installed which will control VOC emissions with an effectiveness equal to or greater than the seals required in (1) above. It shall be the responsibility of the owner or operator of the source to demonstrate the effectiveness of the alternative seals or devices to the executive secretary. No exemption under (3) shall be granted until the alternative seals or devices are approved by the executive secretary.

**KEY: air pollution, petroleum, gasoline, ozone**

**1998**

**19-2-101**

**R307. Environmental Quality, Air Quality.****R307-328. Davis, Salt Lake, Utah and Weber Counties and Ozone Nonattainment Areas: Gasoline Transfer and Storage.****R307-328-1. Applicability and Definitions.**

## (1) Applicability.

(a) Transport Vehicles. R307-328 applies to the owner or operator of any gasoline tank truck, railroad tank car, or other gasoline transport vehicle that loads or unloads gasoline in Davis, Salt Lake, Utah or Weber County or any ozone nonattainment area.

(b) Gasoline Dispensing. R307-328 applies to the owner or operator of any bulk terminal, bulk plant, or service station located in Davis, Salt Lake, Utah, or Weber County or any ozone nonattainment area.

(c) R307-325 establishes general requirements for R307-328.

(d) The following additional definitions apply to R307-328:

"Bottom Filling" means the filling of a tank through an inlet at or near the bottom of the tank designed to have the opening covered by the liquid after the pipe normally used to withdraw liquid can no longer withdraw any liquid.

"Submerged Fill Pipe" means any fill pipe with a discharge opening which is entirely submerged when the liquid level is 6 inches above the bottom of the tank and the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid.

**R307-328-2. Compliance Schedule.**

(1) Sources located in Davis and Salt Lake Counties are subject to the compliance schedule in R307-325-4.

(2) Sources located in Utah and Weber Counties shall be in compliance with R307-328 by May 1, 2000. The executive secretary may grant a one-year waiver from this compliance schedule if the source submits adequate documentation that the compliance date would create undue hardship.

(3) Sources located in any other area that is designated nonattainment for ozone shall be in compliance within six months of the date the EPA designates the area nonattainment.

**R307-328-3. Loading of Tank Trucks, Trailers, Railroad Tank Cars, and Other Transport Vehicles.**

(1) No person shall load or permit the loading of gasoline into any tank truck, trailer, railroad tank car, or other transport vehicle unless the emissions from such vehicle are controlled by use of a vapor collection and control system and submerged or bottom filling. Reasonably available control technology shall be required and in no case

shall vapor emissions to the atmosphere exceed 0.640 pounds per 1,000 gallons transferred.

(2) Such vapor collection and control system shall be properly installed and maintained.

(3) The loading device shall not leak.

(4) The loading device shall utilize the dry-break loading design couplings and shall be maintained and operated to allow no more than an average of 15 cc drainage per disconnect for 5 consecutive disconnects.

(5) All loading and vapor lines shall be equipped with fittings which make a vapor tight connection and shall automatically close upon disconnection to prevent release of the organic material.

(6) A gasoline storage and transfer installation that receives inbound loads and dispatches outbound loads ("bulk plant") need not comply with R307-328-3 if it does not have a daily average throughput of more than 3,900 gallons (15,000 or more liters) of gasoline based upon a 30-day rolling average. Such installation shall on-load and off-load gasoline by use of bottom or submerged filling or alternative equivalent methods. The emission limitation is based on operating procedures and equipment specifications using Reasonably Available Control Technology as defined in EPA documents EPA 450/2-77-026 October 1977, "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals," and EPA-450/2-77-035 December 1977, "Control of Volatile Organic Emissions from Bulk Gasoline Plants." The design effectiveness of such equipment and the operating procedures must be documented and submitted to and approved by the executive secretary.

(7) Hatches of transport vehicles shall not be opened at any time during loading operations except to avoid emergency situations or during emergency situations. Pressure relief valves on storage tanks and transport vehicles shall be set to release at the highest possible pressure, in accordance with State or local fire codes and National Fire Prevention Association guidelines. Pressure in the vapor collection system shall not exceed the transport vehicle pressure relief setting.

(8) Each owner or operator of a gasoline storage and dispensing installation shall conduct testing of vapor collection systems used at such installation and shall maintain records of all tests for no less than two years. Testing procedures of vapor collection systems shall be approved by the executive secretary and shall be consistent with the procedures described in the EPA document, "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems," EPA-450/2-78-051.

(9) Semi-annual testing shall be conducted and records maintained of such test. The frequency of tests may be altered by the executive secretary upon submittal of documentation which would justify a change.

(10) The vapor collection and vapor processing equipment shall be designed and operated to prevent gauge pressure in the delivery vessel from exceeding 18 inches of water and prevent vacuum from exceeding 6 inches of water. During testing and monitoring, there shall be no

reading greater than or equal to 100 percent of the lower explosive limit measured at 1.04 inches around the perimeter of a potential leak source as detected by a combustible gas detector. Potential leak sources include, but are not limited to, piping, seals, hoses, connections, pressure or vacuum vents, and vapor hoods. In addition, no visible liquid leaks are permitted during testing or monitoring.

**R307-328-4 Stationary Source Container Loading.**

(1) No person shall transfer or permit the transfer of gasoline from any delivery vessel (i.e. tank truck or trailer) into any stationary storage container with a capacity of 250 gallons or greater unless such container is equipped with a submerged fill pipe and at least 90 percent of the gasoline vapor, by weight, displaced during the filling of the stationary storage container is prevented from being released to the atmosphere. This requirement shall not apply to:

(a) the transfer of gasoline into any stationary storage container of less than 550 gallons used primarily for the fueling of implements of husbandry if such container is equipped with a permanent submerged fill pipe;

(b) the transfer of gasoline into any stationary storage container having a capacity of less than 2,000 gallons which was installed prior to January 1, 1979, if such container is equipped with a permanent submerged fill pipe;

(c) the transfer of gasoline to storage tanks equipped with floating roofs or their equivalent which have been approved by the executive secretary.

(2) The 90 percent performance standard of the vapor control system shall be based on operating procedures and equipment specifications. The design effectiveness of such equipment and the operating procedure must be documented and submitted to and approved by the executive secretary.

(3) Each owner or operator of a gasoline storage tank or the owner or operator of the gasoline delivery vessel subject to (1) above shall install vapor control equipment, which includes, but is not limited to:

(a) vapor return lines and connections sufficiently free of restrictions to allow transfer of vapor to the delivery vessel or to the vapor control system, and to achieve the required recovery;

(b) a means of assuring that the vapor return lines are connected to the delivery vessel, or vapor control system, and storage tank during tank filling;

(c) restrictions in the storage tank vent line designed and operated to prevent:

(i) the release of gasoline vapors to the atmosphere during normal operation; and

(ii) gauge pressure in the delivery vessel from exceeding 18 inches of water and vacuum from exceeding 6 inches of water.

**R307-328-5. Transport Vehicles.**

(1) Gasoline transport vehicles must be designed and maintained to be vapor tight during loading and unloading operations as well as during transport, except for normal pressure venting required under United States Department of Transportation Regulations.

(2) No person shall knowingly allow the introduction of gasoline into, dispensing of gasoline from, or transportation of gasoline in a gasoline transport vehicle without a current Utah Vapor Tightness Certificate.

(3) A vapor-laden transport vehicle may be refilled only at installations equipped to recover, process or dispose of vapors. Transport vehicles which only service locations with storage containers specifically exempted from the requirements of R307-328-4 need not be retrofitted to comply with R307-328-5, provided such transport vehicles are loaded through a submerged fill pipe or equivalent equipment provided the design and effectiveness of such equipment are documented and submitted to and approved by the executive secretary.

**R307-328-6. Leak Tight Testing.**

(1) Gasoline tank trucks and their vapor collection systems shall be tested for leakage by procedures approved by the executive secretary and consistent with the procedures described in R307-342.

(2) Gasoline tank trucks and their vapor collection systems shall be tested for leakage annually between December 1 and May 1.

(3) The tank shall not sustain a pressure change of more than 750 pascals (3 inches of H<sub>2</sub>O) in five minutes when pressurized (by air or inert gas) to 4500 pascals (18 inches of H<sub>2</sub>O) or evacuated to 1500 pascals (6 inches of H<sub>2</sub>O).

(4) No visible liquid leaks are permitted during testing.

(5) Gasoline tank trucks shall be certified leak tight at least annually by a qualified contractor approved by the executive secretary.

(6) Each owner or operator of a gasoline tank truck shall have in his possession a valid vapor tightness certification, which:

(a) shows the date that the gasoline tank truck last passed the Utah vapor tightness certification test; and

(b) shows the identification number of the gasoline tank truck.

(7) Records of certification inspections, as well as any maintenance performed, shall be retained by the owner or operator of the tank truck for a two year period and be available for review by the executive secretary or his representative.

**KEY: air pollution, gasoline transport, ozone**

**1999**

**19-2-101**

**19-2-104**

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

**R307-332. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Stage II Vapor Recovery Systems.**

**R307-332-1. Definitions.**

The following additional definitions apply to R307-332:

"Control" of a corporation means ownership of more than 50% of its stock.

"Dispense" means to transfer or allow the transfer of gasoline from a stationary gasoline tank into a motor vehicle fuel tank.

"Effective" means the percent recovery of gasoline vapors emitted during dispensing of gasoline into motor vehicle fuel tanks.

"Installation" means a public, private, or government-owned or operated establishment that dispenses gasoline at a single location and is subject to R307-332.

"Independent small business marketer of gasoline" means a person engaged in the retail dispensing and marketing of gasoline unless such person:

(1) is a refiner, whose total refinery capacity (including the refinery capacity of any person who controls, is controlled by, or is under common control with such refiner) exceeds 65,000 barrels per day;

(2) controls, is controlled by, or is under common control with such a refiner; or

(3) is otherwise directly or indirectly affiliated with such a refiner or with a person who controls, is controlled by, or is under a common control with such a refiner (unless the sole affiliation referred to herein is by means of a supply contract or an agreement or contract to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or any such person), or

(4) receives less than 50% of his annual income from refining or marketing of gasoline.

"Stage II trigger date" means the date on which is triggered the Contingency Action Level specified in Section IX.D.2.h(2) of the State Implementation Plan.

"Stage II vapor recovery system" means a system that meets the requirements of R307-332-2.

### **R307-332-2. Specifications and Approval.**

(1) For a Stage II vapor recovery system to be used in Utah to comply with this rule the manufacturer or vendor of the system shall submit to the executive secretary documentation that its Stage II vapor recovery system is capable of recovering 95% of gasoline vapor emissions resulting from dispensing gasoline into the motor vehicle fuel tanks. Minimum documentation consists of the California Air Resources Board (CARB) Executive Order pertaining to the Stage II vapor recovery system in question, including all attachments and exhibits or the findings of a testing program that the executive secretary and EPA determines to be equivalent to a California Air Resources Board Stage II vapor recovery equipment certification.

(2) The executive secretary shall review the submitted documentation and certify his approval or disapprove use of the system for compliance with R307-332.

(3) Only Stage II vapor recovery systems approved by the executive secretary may be used to comply with this rule.

### **R307-332-3. Applicability.**

(1) R307-332 applies to installations:

(a) located in Salt Lake County or Davis County and

(b) which dispense more than 10,000 gallons of gasoline per month or, in the case of an independent small business marketer of gasoline, which dispense more than 50,000 gallons of gasoline per month; or

(c) have ever met the conditions of (a) and (b) above.

(2) Installations located in Salt Lake County or Davis County and which dispense 10,000 gallons or less of gasoline per month, or in the case of an independent small business marketer of gasoline, which dispense 50,000 gallons or less of gasoline per month are exempt from all the requirements of R307-332 except R307-332-4(6) and R307-332-8(4).

### **R307-332-4. Compliance Schedule.**

(1) No person shall dispense gasoline from an installation for which R307-332 is applicable except by means of a Stage II vapor recovery system after the dates specified in this subsection.

(2) The owners or operators of all installations at which construction or gasoline tank replacement commenced after the Stage II trigger date are required to install and operate a Stage II vapor recovery system before dispensing any gasoline.

(3) Compliance Date.

(a) Owners or operators of all installations existing before the Stage II trigger date, except independent small business marketers of gasoline, are required to install and operate a Stage II vapor recovery system no later than:

(i) May 1 of the year after the Stage II trigger date, in the case of installations which dispense 100,000 or more gallons of gasoline per month or for which construction commenced after November 15, 1990 and before the Stage II trigger date or

(ii) May 1 of the year two years after the year in which the Stage II trigger date occurred, in the case of installations which dispense 10,001 to 99,999 gallons of gasoline per month.

(b) Any installation described by more than one clause of (2)(a) shall meet the earliest applicable compliance date.

(4) In the case of installations existing before the Stage II trigger date for which R307-332 is applicable on the Stage II trigger date, and which are owned by an independent small business marketer of gasoline, which dispense 50,000 or more gallons per month, a three-year phase-in period for the installation and operation of Stage II vapor recovery systems at installations owned by that marketer shall be as follows:

(a) 33% of such installations in compliance no later than May 1 of the year after the Stage II trigger date;

(b) 66% of such installations in compliance no later than May 1 of the year two years after the year in which the Stage II trigger date occurred; and

(c) 100% of such installations in compliance no later than May 1 of the year three years after the year in which the Stage II trigger date occurred.

(5) Installations existing before the Stage II trigger date, which met the exemption provisions of R307-332-3(2) and which dispense more than 10,000 gallons of gasoline per month or, in the case of an independent small business marketer of gasoline which dispense more than 50,000 gallons of gasoline per month, are required to install and operate a Stage II vapor recovery system no later than six months after the end of the month for which the gallons of gasoline dispensed or sold by the installation exceeds the number of gallons per month specified in this subsection.

(6) Initially the volume of gasoline sold or dispensed per month for purposes of compliance with R307-332 shall be determined by the average volume dispensed or sold per month over the twenty-four month period immediately preceding the Stage II trigger date. Thereafter, the volume of gasoline sold per month for purposes of compliance with R307-332 shall be determined by a rolling twenty-four month average of the volume dispensed or sold per month. If an installation was inactive for any period during the twenty-four month calculation period, the period shall be extended to include a total of twenty-four months of activity. If an installation has not operated a total of twenty-four months, the average shall be of the portion for which the installation was active. Within 90 days after the Stage II trigger date and by February 1 of every year thereafter, owners or operators of installations shall submit the following information to the executive secretary on forms provided by the executive secretary:

- (a) the name and address of the installation owner;
- (b) the name and address of the installation;
- (c) the number of nozzles and pumps at the installation;
- (d) the California Air Resources Board Executive Order Number or identification of non-California Air Resources Board certification approved by the executive secretary of any Stage II vapor recovery systems or portions of systems already installed;
- (e) a compliance schedule, if applicable; and
- (f)(i) in the case of the submittal due 90 days after the Stage II trigger date, the installation's monthly and annual gasoline throughput for twenty-four months of active operation immediately preceding the Stage II trigger date or
- (ii) in the case of the submittal due on February 1 of every year thereafter, the gasoline throughput for each month of the previous calendar year.

#### **R307-332-5. Installation.**

(1) Owners or operators of installations are required to submit, to the executive secretary, Stage II vapor recovery system installation specifications no later than thirty days prior to installation. The submittal shall include the following information:

- (a) the name, address, and phone number of the installation owner;
- (b) the name, address, and phone number of the installation;
- (c) number of gasoline nozzles and pumps at the installation;

(d) the California Air Resources Board Executive Order Number or identification of non-California Air Resources Board certification approved by the executive secretary of the Stage II vapor recovery system to be installed;

(e) the certification number issued by the executive secretary to the manufacturer or vendor of the Stage II vapor recovery system to be installed to verify approval of the system for use to comply with this rule;

(f) a site plan of all tanks, dispensers, and underground piping; and

(g) the date or dates on which construction and installation of the Stage II vapor recovery system is expected to occur.

(2) Stage II vapor recovery systems shall be installed in accordance with manufacturer specifications and the submittal described in (1) above.

(3) The installation owner must verify that the Stage II vapor recovery system installed at least meets the requirements of the following tests for which specifications may be obtained from the executive secretary:

(a) AQB Leak Test Procedure (after "Bay Area ST-30 Leak Test Procedure") or AQB Pressure Decay/Leak Test (after "San Diego Test Procedure TP-92-1 Pressure Decay/Leak Test Procedure"); and

(b) AQB Pressure Drop vs Flow/Liquid Blockage Test Procedure (after "San Diego Test Procedure TP-91-2 Pressure Drop vs Flow/Liquid Blockage Test Procedure").

(4) The executive secretary may approve alternatives to the tests specified in (3) above, if requested by the owner or operator and approved by EPA.

(5) The tests specified in (3) and (4) above shall be performed after notifying the executive secretary as specified in R307-332-11. The test results must be dated and include the name, address, and phone number of the person that performed the tests. Initial testing shall be conducted after the above ground equipment is installed, and must be completed in time to meet the compliance schedule specified in R307-332-4. Testing shall be conducted at the gasoline dispensing pumps.

(6) A copy of the results of tests conducted in accordance with (3) above shall be maintained on the premises of the installation.

#### **R307-332-6. Installation Owner/Operator and Employee Training.**

(1) Owners or operators of installations shall provide every installation employee, including the operator, that is responsible for the use, operation, or maintenance of a Stage II vapor recovery system with training on the purpose, effects, and operation of the installation's Stage II vapor recovery system as specified by the system manufacturer.

(2) Owners or operators of installations shall provide at least one employee that is responsible for the maintenance of a Stage II vapor recovery system with training specified in (1) above and on the maintenance schedules and requirements, manufacturer contacts for parts

and service, and warranty provisions of the installation's Stage II vapor recovery system as specified by the system manufacturer.

(3) No installation operator or employee may operate or be responsible for the operation of a Stage II vapor recovery system prior to completion of the training specified in (1) above.

(4) No installation operator or employee may repair; authorize or supervise repair; or perform, authorize, or supervise maintenance of a Stage II vapor recovery system prior to completion of the training specified in (2) above.

(5) Proof of the training specified in (1) above shall be maintained on the installation premises for each installation operator and employee for which such training is required.

(6) Proof of the training specified in (2) above shall be maintained for each installation operator and employee for which such training is required.

(7) Records of training specified in R307-332-6 will be made available to representatives of the executive secretary upon request.

#### **R307-332-7. Operation and Maintenance.**

(1) A copy of the operating and maintenance documentation provided by the Stage II vapor recovery system manufacturer shall be maintained at the installation and be available to installation employees.

(2) The system shall be operated and maintained in accordance with operating and maintenance documentation provided by the Stage II vapor recovery system manufacturer.

(3) Modification or repair of Stage II vapor recovery systems shall be conducted in accordance with manufacturer specifications and using parts approved by California Air Resources Board or the executive secretary.

(4) The owner or operator of a Stage II vapor recovery system shall upgrade the system to comply with any modification of the California Air Resources Board executive order for the system no later than six months after the California Air Resources Board executive order for the system is modified.

(5) The owner or operator of the Stage II vapor recovery system shall maintain a record of all maintenance and repairs for the system. The record shall include a general description of any parts replaced or repaired, the date of the repair or replacement, the manufacturer and part number of any part replaced, a general description of the part location in the system, and a description of the problem.

#### **R307-332-8. Records.**

Owners or operators of installations shall maintain up-to-date copies of:

(1) Stage II vapor recovery system installation, testing documentation, and maintenance records as long as the system is in place;

(2) Stage II vapor recovery system inspection and compliance reports and records filed in chronological order for the preceding two years;

(3) records of current employee Stage II vapor recovery system training; and

(4) records of the volume of gasoline delivered and dispensed each month of the preceding twenty-four month period.

#### **R307-332-9. Pump Labeling Requirements.**

(1) The owner or operator of any installation that dispenses gasoline by means of a Stage II vapor recovery system is required to label pumps as follows.

(a) The label letters shall be in block letters of no less than 20-point type, at least 1/16 inch stroke (width of type), and of a color that contrasts with the label background color.

(b) The label shall be affixed to the front upper half of the vertical surface of the gasoline pump on each side with gallonage and dollar amount meters from which gasoline can be dispensed and shall be clearly readable to the pump user.

(c) Information on the label shall include:

(i) a general explanation of how the Stage II vapor recovery system works and how it should be operated;

(ii) notice that the user should not attempt to overfill the motor vehicle gas tank;

(iii) notice that the purpose of Stage II vapor recovery systems is to minimize gasoline emissions from motor vehicle refueling; and

(iv) the name and telephone number of the Division of Air Quality.

#### **R307-332-10. Self Inspections.**

(1) The owner or operator of an installation shall ensure that the following tests and inspections are performed as specified.

(a) After notification as specified in R307-332-11, one of the tests specified in R307-332-5(3)(a) or another test or tests approved by the executive secretary and EPA, shall be conducted for every Stage II vapor recovery system at each installation every third year after the initial test required by R307-332-5(3)(a) or at any installation that the executive secretary has any indication that leaks may exist.

(b) After notification as specified in R307-332-11, the test specified in R307-332-5(3)(b), the AQB Dynamic Back Pressure Test, or another test or tests approved by the executive secretary and EPA, shall be conducted for every Stage II vapor recovery system at each installation every fourth year after the initial test required by R307-332-5(3)(b) or at any installation that the executive secretary has any indication that a blockage may exist.

(c) After notification as specified in R307-332-11, a functional test shall be conducted every year on any and all auto shut-off mechanisms and flow-prohibiting mechanisms on all dispensing nozzles to determine if the mechanisms are functional.

(d) Visual inspections shall be conducted at a frequency sufficient to ensure:

- (i) that all the Stage II vapor recovery equipment is present, is maintained in the certified configuration, and is in proper working order, including, but not limited to: nozzles and nozzle parts (facecone, bellows, springs, latches, check valves), hoses and hose hanger/retractors, flow limiters, swivels, collection units, control panels, system pumps, processing units, vent pipes and any and all other system related parts;
- (ii) compliance with all Stage II vapor recovery system label requirements as specified in R307-332-9; and
- (iii) that all Stage II vapor recovery system equipment is being operated properly, including dispensing units, processors, handling units, and any other system-related equipment.

(2) Stage II vapor recovery systems or portions of Stage II vapor recovery systems found to be malfunctioning shall be taken out of service until repaired.

#### **R307-332-11. Test Notification Requirements.**

(1) The owner or operator of an installation shall notify the executive secretary in writing at least thirty days before conducting a test to comply with R307-332-5(3) or (4), or R307-332-10(1)(a), (b) or (c).

(2) The notification required in (1) above shall include:

- (a) the name, address, and phone number of the installation;
- (b) the name of the test;
- (c) the name and telephone number of the person that will conduct the test; and
- (d) the time and date on which the test shall be conducted.

(3) If the results of a test listed in (1) above do not show compliance with standards specified in the appropriate test specification, the owner or operator of an installation shall notify the executive secretary by five P.M. on the first working day after the test. Notification shall include the name, address, and phone number of the installation and the name of the test.

**KEY: air pollution, motor vehicles, gasoline, ozone**  
**1998** **19-2-101**  
**19-2-104**

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

#### **R307-335. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Degreasing and Solvent Cleaning Operations.**

##### **R307-335-1. Applicability and Definitions.**

- (1) The provisions of this section are applicable to the use of all volatile organic compounds.
- (2) R307-325 establishes applicability and general requirements for R307-335.
- (3) The following additional definitions apply to R307-335:

"Batch Open Top Vapor Degreasing" means the batch process of cleaning and removing grease and soils

from metal surfaces by condensing hot solvent vapor on the colder metal parts.

"Cold Cleaning" means the batch process of cleaning and removing soils from metal surfaces by spraying, brushing, flushing or immersing while maintaining the solvent below its boiling point.

"Conveyored Degreasing" means the continuous process of cleaning and removing greases and soils from metal surfaces by using either cold or vaporized solvents.

"Freeboard Ratio" means the freeboard height divided by the width of the degreaser.

"Open Top Vapor Degreaser" means the batch process of cleaning and removing soils from metal surfaces by condensing low solvent vapor on the colder metal parts.

"Separation Operation" means any process that separates a mixture of compounds and solvents into two or more components. Specific mechanisms include extraction, centrifugation, filtration, and crystallization.

"Solvent Metal Cleaning" means the process of cleaning soils from metal surfaces by cold cleaning, open top vapor degreasers, or conveyorized degreasing.

#### **R307-335-2. Cold Cleaning Facilities.**

No owner or operator shall operate a degreasing or solvent cleaning operation unless the conditions contained in (1) through (7) below are met.

(1) A cover shall be installed which shall remain closed except during actual loading, unloading or handling of parts in cleaner. The cover shall be designed so that it can be easily operated with one hand if

- (a) the volatility of the solvent is greater than 2 kPa (15 mm Hg or 0.3 psi) measured at 38 degrees C (100 degrees F),

- (b) the solvent is agitated, or
- (c) the solvent is heated.

(2) An internal draining rack for cleaned parts shall be installed on which parts shall be drained until all dripping ceases. If the volatility of the solvent is greater than 4.3 kPa (32 mm Hg at 38 degrees C (100 degrees F)), the drainage facility must be internal, so that parts are enclosed under the cover while draining. The drainage facility may be external for applications where an internal type cannot fit into the cleaning system.

(3) Waste or used solvent shall be stored in covered containers. Waste solvents or waste materials which contain solvents shall be disposed of by recycling, reclaiming, by incineration in an incinerator approved to process hazardous materials, or by an alternate means approved by the executive secretary.

(4) Tanks, containers and all associated equipment shall be maintained in good operating condition and leaks shall be repaired immediately or the degreaser shall be shutdown.

(5) Written procedures for the operation and maintenance of the degreasing or solvent cleaning equipment shall be permanently posted in an accessible and conspicuous location near the equipment.

(6) If the solvent volatility is greater than 4.3 kPa (33 mm Hg or 0.6 psi) measured at 38 degrees C (100 degrees F), or if solvent is heated above 50 degrees C (120 degrees F), then one of the following control devices shall be used:

- (a) freeboard that gives a freeboard ratio greater than 0.7;
- (b) water cover if the solvent is insoluble in and heavier than water;
- (c) other systems of equivalent control, such as a refrigerated chiller or carbon absorption.

(7) If used, the solvent spray shall be a solid fluid stream at a pressure which does not cause excessive splashing and may not be a fine, atomized or shower type spray.

#### **R307-335-3. Open Top Vapor Degreasers.**

Owners or operators of open top vapor degreasers shall, in addition to meeting the requirements of R307-335-2(3), (4) and (5),

(1) Equip the vapor degreaser with a cover that can be opened and closed without disturbing the vapor zone. The cover shall be closed except when processing work loads through the degreaser;

- (2) Install one of the following control devices:
  - (a) Equipment necessary to sustain:
    - (i) a freeboard ratio greater than or equal to 0.75, and
    - (ii) a powered cover if the degreaser opening is greater than 1 square meter (10 square feet),
  - (b) Refrigerated chiller,
  - (c) Enclosed design (cover or door opens only when the dry part is actually entering or exiting the degreaser),

(d) Carbon adsorption system, with ventilation greater than or equal to 15 cubic meters per minute per square meter (50 cubic feet per minute per square foot) of air/vapor area when cover is open and exhausting less than 25 parts per million of solvent averaged over one complete adsorption cycle;

- (3) Minimize solvent carryout by:
  - (a) Racking parts to allow complete drainage,
  - (b) Moving parts in and out of the degreaser at less than 3.3 meters per minute (11 feet per minute),
  - (c) Holding the parts in the vapor zone at least 30 seconds or until condensation ceases,
  - (d) Tipping out any pool of solvent on the cleaned parts before removal, and
  - (e) Allowing the parts to dry within the degreaser for at least 15 seconds or until visibly dry.

(4) Spray parts only in or below the vapor level,  
(5) Not use ventilation fans near the degreaser opening, nor provide exhaust ventilation exceeding 20 cubic meters per minute per square meter (65 cubic feet per minute per square foot) in degreaser open area, unless necessary to meet State and Federal occupational, health, and safety requirements. The exhaust ventilation flow indicated above shall be measured using EPA Reference

Methods 1 and 2 of 40 CFR Part 60, or by EPA-approved equivalent state methods;

(6) Not degrease porous or absorbent materials, such as cloth, leather, wood or rope;

(7) Not allow work loads to occupy more than half of the degreaser's open top area;

(8) Ensure that solvent is not visually detectable in water exiting the water separator;

(9) Install safety switches on the following:

- (a) Condenser flow switch and thermostat (shuts off sump heat if condenser coolant is either not circulating or too warm); and

- (b) Spray switch (shuts off spray pump if the vapor level drops excessively, i.e., greater than 10 cm (4 inches); and

- (10) Ensure that the control device specified by (2)(b) or (d) above meet the applicable requirements of R307-340-2 and 13.

Open top vapor degreasers with an open area smaller than one square meter (10.9 square feet) are exempt from (2)(b) and (d) above.

#### **R307-335-4. Conveyorized Degreasers.**

Owners and operators of conveyorized degreasers shall, in addition to meeting the requirements of R307-335-2(3), (4) and (5) and R307-335-3(5):

(1) Install one of the following control devices for conveyorized degreasers with an air/vapor interface equal to or greater than 2.0 square meters (21.6 square feet):

- (a) Refrigerated chiller or

- (b) Carbon adsorption system, with ventilation greater than or equal to 15 cubic meters per minute per square meter (50 cubic feet per minute per square foot) of air/vapor area when downtime covers are open, and exhausting less than 25 parts per million of solvent, by volume, averaged over a complete adsorption cycle.

(2) Equip the cleaner with equipment, such as a drying tunnel or rotating (tumbling) basket, sufficient to prevent cleaned parts from carrying out solvent liquid or vapor.

(3) Provide downtime covers for closing off the entrance and exit during shutdown hours. Ensure that down-time cover is placed over entrances and exits of conveyorized degreasers immediately after the conveyor and exhaust are shutdown and is removed just before they are started up.

(4) Minimize carryout emissions by racking parts for best drainage and maintaining the vertical conveyor speed at less than 3.3 meters per minute (11 feet per minute).

(5) Ensure that the control device specified by (1)(a) or (b) above meet the applicable requirements of R307-340-2 and 13.

(6) Minimize openings: Entrances and exits should silhouette work loads so that the average clearance (between parts and the edge of the degreaser opening) is either less than 10 cm (4 inches) or less than 10% of the width of the opening.

- (7) Install safety switches on the following:
  - (a) Condenser flow switch and thermostat - shuts off sump heat if coolant is either not circulating or too warm;
  - (b) Spray switch - shuts off spray pump or conveyor if the vapor level drops excessively, i.e., greater than 10 cm or (4 inches); and
  - (c) Vapor level control thermostat - to shuts off sump level if vapor level rises too high.
- (8) Ensure that solvent is not visibly detectable in the water exiting the water separator.

<b>KEY: air pollution, degreasing*, solvent cleaning*, ozone</b>	
<b>1998</b>	<b>19-2-101</b>
	<b>19-2-104</b>

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

**R307-340. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Surface Coating Processes.**

**R307-340-1. Applicability and Definitions.**

- (1) R307-325 establishes applicability and general requirements for R307-340.
- (2) The following additional definitions apply to R307-340:

"Air Dried Coating" means coatings which are dried by the use of air or a forced warm air at temperatures up to 90 degrees C (194 degrees F).

"Application Area" means the area where the coating is applied by spraying, dipping, or flow coating techniques.

"Basecoat" means a primary flat wood coating or coloring of panels and normally should completely hide substrate characteristics.

"Capture System" means the equipment (including hoods, ducts, fans, etc.) used to contain, capture, or transport a pollutant to a control device.

"Class II Hard Board Paneling Finish" means finishes which meet the specifications of voluntary product standards PS-9-73 as approved by the American National Standards Institute.

"Clear Coat" means a coating which lacks color and opacity.

"Coating" means a protective, functional, or decorative film applied in a thin layer to a surface. This term often applies to paints such as lacquers or enamels, but is also used to refer to films applied to paper, plastics, or foil.

"Coating Application System" means all operations and equipment which applies, conveys, and dries a surface coating, including, but not limited to, spray booths, flow coaters, flash off areas, air dryers and ovens.

"Curtain Coating" means the application of a coating material to a wood substrate by means of a free-falling film of coating.

"Exterior Single Coat" means the same as topcoat but is applied directly to the metal substrate omitting the primer application.

"Extreme Performance Coatings" means coatings designed for harsh exposure or extreme environmental conditions.

"Fabric Coating" means the coating or saturation of a textile substrate with a knife, roll or rotogravure coater to impart characteristics that are not initially present, such as strength, stability, water or acid repellency, or appearance.

"Filler" means a type of coating used to fill pores, voids, and cracks in wood to provide a smooth surface. It can also be used to accentuate the grain of natural hardwood veneers.

"Flat Wood Coating" means the surface coating of any flat wood products.

"Flexographic Printing" means the application of works, designs, and pictures to substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

"Groove Coat" means a flat wood coating which covers grooves cut into the panel to assure that the grooves are compatible with the final surface color.

"Hardwood Plywood" means plywood whose surface layer is a veneer of hardwood.

"Ink" means a flat wood coating used to put a decorative design on printed panels. It can also produce special appearances on natural hardwood plywood.

"Interior Single Coat" means a single film of coating applied to internal parts of large appliances that are not normally visible to the user.

"Knife Coating" means the application of a coating material to a substrate by means of drawing the substrate beneath a blade that spreads the coating evenly over the width of the substrate.

"Large Appliances" means doors, cases, lids, panels, and interior support parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners, and other similar products.

"Low Organic Solvent Coating" means coatings which contain less organic solvents than the conventional coatings used by industry. Low organic solvent coatings include water-borne, higher-solids, electrodeposition, and powder coatings.

"Magnet Wire Coating" means the process of applying coating of electrical insulating varnish or enamel to aluminum or copper wire for use in electrical machinery.

"Metal Furniture Coating" means the surface coating of any furniture made of metal or any metal part which will be assembled with other metal, wood fabric, plastic, or glass parts to form a furniture piece.

"Natural Finish Hardwood Plywood Panels" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

"Packaging Rotogravure Printing" means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, which are, in subsequent operations, formed into packaging products and labels.

"Paper Coating" means uniform distribution of coatings put on paper and pressure sensitive tapes regardless of substrate. Related web coating processes on plastic film and decorative coatings on metal foil are included in this definition. Paper coating covers saturation operations as well as coating operations. (Saturation means dipping the web into a bath).

"Particle Board" means a manufactured board made of individual particles which have been coated with a binder and formed into flat sheets by pressure.

"Pressure Head Coating" means the application of a coating material to a wood substrate by means of a pressure head coater where coating material is metered into a pressure head and forced through a calibrated slit between two knives.

"Prime Coat" means the first film of coating applied in a two-coat operation.

"Primer" means a flat wood coating used to protect the wood from moisture and to provide a good surface for further coating applications.

"Printed Interior Panels" means panels whose grain or natural surface is obscured by fillers or basecoats upon which a simulated grain or decorative pattern is printed.

"Publication of Rotogravure Printing" means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

"Roll Coating" means the application of a coating material to a substrate by means of hard rubber or steel rolls.

"Roll Printing" means the application of words, designs and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

"Rotogravure Coating" means the application of a uniform layer of material across the entire width of the web to substrate by means of a roll coating technique in which the pattern to be applied is etched on the coating roll. The coating material is picked up in these recessed areas and is transferred to the substrate.

"Rotogravure Printing" means the application of words, designs, and pictures to a substrate by means of a roll printing technique which involves a recessed image area in the form of cells.

"Sealer" means a type of coating used to seal off substances in the wood which may affect subsequent finishes as well as protect the wood from moisture.

"Single Coat" means a single film of coating applied directly to the metal substrate omitting the primer application.

"Specialty Printing Operations" means all gravure and flexographic operations which print a design or image, excluding publication gravure and packaging gravure printing. Specialty printing operations include, among other things, printing on paper cups and plates, patterned gift wrap, wallpaper, and floor coverings.

"Stain" means a nonprotective flat wood coating which colors the wood surface without obscuring the grain.

"Tile Board" means paneling that has a colored waterproof surface coating.

"Vinyl Coating" means applying a decorative or protective top coat, or printing on vinyl coated fabric or vinyl sheets.

#### **R307-340-2. General Provisions for Volatile Organic Compounds.**

(1) R307-340 applies to Volatile Organic Compounds used for surface coating of paper, fabric, vinyl, metal furniture, large appliances, magnet wire, flat wood paneling, miscellaneous metal parts and products, and graphic arts.

(2) Fugitive emissions. Control techniques and work practices are to be implemented at all times to reduce VOC emissions from fugitive type sources. Control techniques and work practices include:

(a) tight fitting covers for open tanks;

(b) covered containers for solvent wiping cloths;

(c) collection hoods for areas where solvent is used for cleanup; and

(d) proper disposal of dirty cleanup solvent.

(3) Record keeping and reporting.

(a) The owner or operator of any source subject to R307-340 shall maintain:

(i) Records detailing all malfunctions affecting control equipment;

(ii) Records of all testing conducted under R307-340-13;

(iii) Records of all monitoring conducted under R307-340-13; and

(iv) Records of the daily use of all paints, stains, lacquers, solvents, and other materials which may be a source of VOC emissions.

(v) The recording format shall, at a minimum, follow the guidance in EPA-340-1-88-003, "Recordkeeping Guidance Document for Surface Coating Operations and the Graphic Arts Industry", or the most recent EPA guidance, and shall contain all information necessary to determine compliance with emissions limits on a daily basis.

(b) The owner or operator shall:

(i) Install; operate; and maintain process or control equipment, or both; monitoring instruments or procedures; as necessary to comply with (2)(a) above; and

(ii) Maintain, in writing, data or reports, or both, relating to monitoring instruments or procedures to document, upon review, the compliance status of the VOC emission source or control equipment.

(c) Copies of all records and reports required by (2)(a) and (b) above shall be retained by the owner or operator for a minimum of two years after the date on which the record was made, and shall be made available to the executive secretary or representative upon verbal or written request.

(d) If add-on control equipment is used, in addition to the requirements of R307-340-13(5), the following information, as determined applicable for each source by the executive secretary, shall be monitored and

recorded daily in order to assure continuous compliance. The substitution of continuous recordings of system operation for daily recordings may be allowed by the executive secretary. The required information pertains to the following systems:

- (i) capture systems: fan power use, duct flow, and duct pressure.
- (ii) carbon absorbers systems: bed temperature, bed vacuum pressure, pressure at the vacuum pump, accumulated time of operation, concentration of VOC in the outlet gas, and solvent recovery.
- (iii) refrigeration systems: compressor discharge and suction pressures, condenser fluid temperature, and solvent recovery.
- (iv) incinerator systems: exhaust gas temperature, temperature rise across a catalytic incinerator bed, flame temperature, and accumulated time of incineration.

(4) Malfunctions, Breakdowns, and Upsets. The owner or operator of a surface coating installation shall maintain a record of malfunctions, breakdowns, and upsets that result in excess VOC emissions. The record shall be kept for a calendar year and shall be submitted to the executive secretary by April 1 of the following year.

(5) Disposal of waste solvents. Waste solvents or waste materials which contain solvents shall be disposed of by recycling, reclaiming or by incineration in an incinerator approved to process hazardous materials or by an alternate means approved by the executive secretary.

(6) Compliance Calculation Procedures.

(a) Compliance with R307-340 shall be determined on a daily basis. Sources may request approval for longer times for compliance determination from the executive secretary.

(b) Compliance calculation procedures shall follow the guidance of "Procedures for Certifying Quantity of Volatile organic Compounds Emitted by Paint, Ink, and other Coatings," EPA-450/3-84-019, or the most recent EPA guidance. Sources which use add-on controls, or an approved alternative strategy instead of low solvent technology to meet the applicable emission limit, shall meet the equivalent VOC emission limit on the basis of solids applied (lbs. VOC/gallon solids applied, or lbs. VOC/lb. solids applied, for graphic arts sources).

### **R307-340-3. Paper Coating.**

- (1) R307-340-3 applies to roll, knife rotogravure coaters and drying ovens of paper coating operations.
- (2) No owner or operator of a paper coating operation subject to R307-340-3 may cause, allow or permit the discharge into the atmosphere of any VOC in excess of 0.35 kilograms per liter of coating (2.9 pounds per gallon), excluding water and solvents exempt from the definition of volatile organic compounds, delivered to the coating application from a paper coating operation.
- (3) Equivalency calculations for coatings should be performed in units of lbs. VOC/gallon of solid rather than lbs. VOC/gallon of coating when determining compliance. The equivalent emission limit is 4.8 lbs. VOC/gallon of solid.

- (4) The emission limit specified above shall be achieved by:
  - (a) The application of a low solvent technology coating; or
  - (b) Incineration, provided that a minimum of 90 percent of the non-methane volatile organic compounds (VOC measured as total combustible carbon) which enter the incinerator are oxidized to carbon dioxide and water; or
  - (c) Through carbon adsorption provided that there is a minimum of 90% reduction efficiency of captured VOC emissions.
- (5) The design, operation, and efficiency of any capture system used in conjunction with (4) above shall be certified in writing by the owner or operator and approved by the executive secretary.

### **R307-340-4. Fabric and Vinyl Coating.**

- (1) R307-340-4 applies to roll, knife or rotogravure coaters and drying ovens of fabric and vinyl coating operations.
- (2) No owner or operator of a fabric or vinyl coating line subject to this section may cause, allow or permit the discharge into the atmosphere of any volatile organic compounds in excess of:
  - (a) 0.35 kilograms per liter of coating (2.9 pounds per gallon), excluding water and solvents exempt from the definition of volatile organic compound, delivered to the coating applicator from a fabric coating line; or
  - (b) 0.45 kilograms per liter of coating (3.8 pounds per gallon), excluding water and solvents exempt from the definition of volatile organic compound, delivered to the coating applicator from a vinyl coating line.
- (3) Equivalency calculations for coatings shall be performed in units of lbs. VOC/gallons of solids rather than lbs. VOC/gallon of coating when determining compliance. The equivalent emission limits shall be 4.8 lbs VOC/gallon solids for fabric coating, and 7.9 lbs VOC/gallon for vinyl coating.
- (4) Organosol and plastisol coatings shall not be used to bubble emissions from vinyl printing and topcoating.
- (5) The emission limitations specified above shall be achieved by:
  - (a) The application of a low solvent content coating technology; or
  - (b) Incineration, provided that a minimum of 90 percent of the non-methane volatile organic compounds (VOC measured as total combustible carbon) which enter the incinerator are oxidized to carbon dioxide and water; or
  - (c) Through carbon adsorption provided that there is a minimum of 90 percent reduction efficiency of captured VOC emissions.
- (6) The design, operation, and efficiency of any capture system used in conjunction with (5) above shall be certified in writing by the owner or operator and approved by the executive secretary.

### **R307-340-5. Metal Furniture Coating VOC Emissions.**

(1) R307-340-5 applies to the application areas, flash-off areas, and ovens of metal furniture coating lines involved in prime and top-coat or single coat operations.

(2) No owner or operator of a metal furniture coating line subject to this section may cause, allow or permit the discharge into the atmosphere of any volatile organic compound in excess of 0.3 kilograms per liter of coating (3.0 pounds per gallon) excluding water and solvents exempt from the definition of volatile organic compounds, delivered to the coating applicator from prime and topcoat or single coat operations.

(3) Equivalency calculations for coatings shall be performed in units of lbs. VOC/gallon of solid rather than lbs. VOC/gallon of coating when determining compliance. The equivalent emission limit is 5.1 lbs. VOC/gallon solids.

(4) The emission limitation specified above shall be achieved by:

- (a) The application of low solvent technology; or
- (b) Incineration, provided that a minimum of 90 percent of the non-methane volatile organic compounds (VOC measured as total combustible carbon) which enter the incinerator are oxidized to carbon dioxide and water; or
- (c) using water-borne electrodeposition; or
- (d) using water-borne spray, dip or flowcoat; or
- (e) using powder; or
- (f) using higher solids spray; or
- (g) carbon adsorption.

(4) The design, operation, and efficiency of any capture system used in conjunction with (4) above shall be certified in writing by the owner or operator and approved by the executive secretary.

#### **R307-340-6. Large Appliance Surface Coating VOC Emissions.**

(1) R307-340-6 applies to application areas flash-off areas and ovens of large appliance coating lines involved in prime, single or top coating operations.

(2) No owner or operator of a large appliance coating line subject to this section may cause, allow or permit the discharge to the atmosphere of any volatile organic compounds in excess of 0.34 kilograms per liter of coating (2.8 pounds per gallon), excluding water and solvents exempt from the definition of volatile organic compound, delivered to the coating applicator from prime, single, or top-coat coating operations.

(3) Equivalency calculations for coatings shall be performed in units of lbs. VOC/gallon of solid rather than lbs. VOC/gallon of coating when determining compliance. The equivalent emission limit is 4.5 lbs. VOC/gallon solids.

(4) The emission limitations specified above shall be achieved by:

- (a) The application of low solvent content technology; or
- (b) Incineration provided 90 percent of the non-methane volatile organic compounds (VOC measured as total combustible carbon) which enter the incinerator are oxidized to carbon dioxide and water; or
- (c) using water-borne electrodeposition; or
- (d) using water-borne spray, dip or flowcoat; or

- (e) using powder; or
- (f) using higher solids spray; or
- (g) carbon adsorption.

(5) The design, operation, and efficiency or any capture system used in conjunction with (4) above shall be certified in writing by the owner or operator.

#### **R307-340-7. Magnet Wire Coating VOC Emissions.**

(1) R307-340-7 applies to ovens of magnet wire coating operations.

(2) No owner or operator of a magnet wire coating oven subject to this section may cause, allow or permit discharge into the atmosphere of any volatile organic compounds in excess of 0.20 kilograms per liter of coating (1.7 pounds per gallon), excluding water and solvents exempt from the definition of volatile organic compound, delivered to the coating applicator from magnet wire coating operations.

(3) Equivalency calculations for coatings shall be performed in units of lbs. VOC/gallon of solid rather than lbs. VOC/gallon of coating when determining compliance. The equivalent emission limit is 2.2 lbs. VOC/gallon solids.

(4) The emission limitations specified above shall be achieved by:

- (a) The application of low solvent content coating technology; or
- (b) Incineration, provided that a minimum of 90 percent of the non-methane volatile organic compounds (VOC measured as total combustible carbon) which enter the incinerator are oxidized to carbon dioxide and water; or

(5) The design, operation, and efficiency of any capture system used in conjunction with (4)(b) above shall be certified in writing by the owner or operator and approved by the executive secretary.

#### **R307-340-8. Flat Wood Coating.**

(1) R307-340-8 applies to the application areas of flat wood coating operations involved in but not limited to, filler, sealer, groove coat, primer, stain, basecoat, inks, and topcoat operations.

(2) No owner or operator of an interior printed hardwood, plywood, and particle board coating operation may cause, allow or permit discharge to the atmosphere of any organic volatile compound in excess of a weighted average VOC content of 0.20 kilograms per liter of coating (1.7 pounds per gallon), excluding water and solvents exempt from the definition of volatile organic compound, delivered to a coating applicator from, but not limited to, filler, sealer, groove coat, primer, stain, basecoat, ink and topcoat operation.

(3) No owner or operator of a natural finish hardwood plywood coating operation may cause, allow or permit discharge to the atmosphere any organic volatile compound in excess of a weighted average VOC content of 0.40 kilograms per liter of coating (3.3 pounds per gallon) excluding water and solvents exempt from the definition of volatile organic compound, delivered to a coating applicator from, but not limited to, filler, sealer, groove coat, primer, stain basecoat, ink and topcoat operations.

(4) No owner or operator of a Class II hardwood panel finish operation may cause, allow, or permit discharge to the atmosphere of any organic volatile compound in excess of a weighted average VOC content of 0.34 kilograms per liter of coating (2.8 pounds per gallon), excluding water and solvents exempt from the definition of volatile organic compound, delivered to a coating applicator from, but not limited to, filler, sealer, groove coat, primer, stain, basecoat, ink, and topcoat operations.

(5) The emission limitations specified above shall be achieved by:

- (a) The application of low solvent technology; or
- (b) The application of water-borne coating technology; or
- (c) The application of ultraviolet-curable coating technology; or.

(6) This regulation does not apply to the manufacture of exterior siding, tile board, or particle board used as a furniture component.

(7) Equivalency calculations for coatings shall be performed in units of lbs. VOC/gallons of solid rather than lbs. VOC/gallons of coating when determining compliance. The equivalent emission limit for interior printed hardwood, plywood, and particle board coating is 2.2 lbs. VOC/gallon solids. The equivalent emission limit for natural finish hardwood plywood coating shall be 6.0 lbs. VOC/gallon solids. The equivalent emission limit for Class II hardwood panel finish operations is 4.5 lbs. VOC/gallon solids.

#### **R307-340-9. Miscellaneous Metal Parts and Products VOC Emissions.**

(1) R307-340-9 applies to the application areas, flash-off areas air and forced air dryers, and ovens used in the surface coating of miscellaneous metal parts and products:

- (2) Applicable Industries:
  - (a) Large farm machinery (harvesting, fertilizing, planting, tractors, combines, etc.)
  - (b) Small farm machinery (lawn and garden tractors, lawn mowers, rototillers, etc.)
  - (c) Small appliance (fans, mixers, blenders, crock pots, vacuum cleaners, etc.)
  - (d) Commercial machinery (computers, typewriters, calculators, vending machines, etc.)
  - (e) Industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, etc.)
  - (f) Fabricated metal products (metal covered doors, frames, trailer frames, etc.)
  - (g) Any other industrial category which coats metal parts or products under the standard Industrial Classification Code of major group 33 (primary metal industries), major group 34 (fabricated metal products), major group 35 (nonelectric machinery), major group 36 (electrical machinery), major group 37 (transportation equipment) major group 38 (miscellaneous instruments), and major group 39 (miscellaneous manufacturing industries).
- (h) This regulation does not apply to:
- (i) the surface coating of automobiles and light-duty trucks,

(ii) flat metal sheets and strips in the form of rolls or coils,

- (iii) exterior of airplanes,
- (iv) automobile refinishing,
- (v) exterior of marine vessels,

(vi) customized top coating of automobiles and trucks if production is less than 35 vehicles per day,

(vii) a source whose potential VOC emissions are less than 10 tons/year. Potential emissions are based upon design capacity (or maximum production), and 8760 hours/year, before add-on controls. The potential emission level is determined on a plant-wide basis, summing all individual emission sources within the miscellaneous metal parts and products category.

(3) No owner or operator of a facility engaged in the surface coating of miscellaneous metal parts and products may cause, allow or permit discharge to the atmosphere of any volatile organic compounds in excess of:

- (a) 0.52 kilograms per liter (4.3 pounds per gallon) of coating, excluding water and solvents exempt from the definition of volatile organic compound, delivered to a coating applicator that applies clear coating;
- (b) 0.42 kilograms per liter (3.5 pounds per gallon) of coating, excluding water and solvents exempt from the definition of volatile organic compound, delivered to a coating applicator in a coating application system that utilizes air or forced warm air at temperatures up to 90 degrees C (194 degrees F);

(c) 0.42 kilograms per liter (3.5 pounds per gallon) of coating, excluding water and solvents exempt from the definition of volatile organic compound, delivered to a coating applicator that applies extreme performance coatings;

(d) 0.36 kilograms per liter (3.0 pounds per gallon) of coating, excluding water and solvents exempt from the definition of volatile organic compound, delivered to a coating applicator for all other coating and coating application systems.

(4) Equivalency calculations for coatings shall be performed in units of lbs. VOC/gallon of solid rather than lbs. VOC/gallon of coating when determining compliance. The equivalent emission limit for air dried items is 6.7 lbs. VOC/gallon solids. The equivalent emission limit for clear-coated items is 10.3 lbs. VOC/gallon solids. The equivalent emission limit for extreme performance coatings is 6.7 lbs. VOC/gallon solids. The equivalent emission limit for other coatings and systems is 5.1 lbs. VOC/gallon solids.

(5) If more than one emission limitation indicated in this section applies to a specific coating, then the least stringent emission limitation shall apply. All volatile organic compound emissions from solvent washing involved in a coating process shall be considered in the emission limitations set forth in R307-340-9(3), unless the solvent is directed into containers that prevent evaporation into the atmosphere.

(6) The emission limitations set forth in (3) above shall be achieved by:

- (a) The application of low solvent technology; or

(b) An incineration system which oxidizes a minimum of 90 percent of the non-methane volatile organic compounds (VOC measured as total combustible carbon) to carbon dioxide and water.

(7) The design, operation, and efficiency of any capture system used in conjunction with (6)(b) above shall be certified in writing by the owner or operator and approved by the executive secretary.

#### **R307-340-10. Graphic Arts.**

(1) R307-340-10 applies to: packaging and publication rotogravure; packaging and publication flexographic; and specialty printing operations employing solvents containing ink and having plant-wide potential emissions of volatile organic compounds (VOC) equal to or greater than 90 megagrams/yr (100 tons/yr). Potential emissions shall be calculated based on uncontrolled emissions operating at design capacity or at maximum production for 8760 hours/year. (Solvent shall include that used for dilution of ink and for equipment cleaning.) Machines which have both coating units (application of a uniform layer of material across the entire width of a web) and printing units (formation of words, designs and pictures) shall be considered as performing a printing operation. This rule does not apply to offset lithography or letter press printing which do not use volatile organic compounds.

(2) No owner or operator of a packaging and publication rotogravure; packaging and publication flexographic, and specialty printing operations employing solvent containing ink may operate, cause, or allow or permit the operation of a facility unless:

(a) The volatile fraction of ink, as it is applied to the substrate, contains 25.0 percent by volume or less of organic solvent and 75.0 percent by volume or more of water; or

(b) The ink as it is applies to the substrate, less water, contains 60.0 percent by volume or more nonvolatile material; or

(c) The owner or operator installs and operates;

(i) A carbon adsorption system which reduces the volatile organic emissions from the capture system by a minimum of 90.0 percent by weight; or

(ii) An incineration system which oxidizes a minimum of 90.0 percent of the non-methane volatile organic compounds (VOC measured as total combustible carbon) to carbon dioxide and water.

(3) A capture system must be used in conjunction with the emission control systems indicated in this section. The design and operation of a capture system must be consistent with good engineering practices and shall be required to provide for an overall reduction in volatile organic compound emissions of at least:

(a) 75.0 percent where a publication rotogravure process is employed;

(b) 65.0 percent where a packaging rotogravure process is employed; or

(c) 60.0 percent where a flexographic printing process is employed.

#### **R307-340-11. Exemptions.**

The requirements of R307-340-1 through 8 shall not apply to the following:

(1) sources whose emissions of volatile organic compounds are not more than 6.8 kilograms (15 pounds) in any 24 hour period, nor more than 1.4 kilograms (3 pounds) in any one (1) hour provided the emission rates are certified. These cutoffs apply to the emissions level on a plant-wide basis, and are determined by summing emissions from all coating operations within the same regulated category.

(2) sources used exclusively for chemical or physical analysis or determination of product quality and commercial acceptance provided;

(a) the operation of the source is not an integral part of the production process; and

(b) the emissions from the source do not exceed 363 kilograms (800 pounds) in any one calendar month. These cutoffs apply to the emissions level on a plant-wide basis, and are determined by summing emissions from all coating operations within the same regulated category.

#### **R307-340-12. Capture Systems.**

The design, operation and efficiency of any capture system used in conjunction with any emission control system shall be certified in writing by the source owner or operator and approved by the executive secretary. Unless the capture system meets the requirements for a total enclosure, specified in section 60.713(b)(5)(i) of 40 CFR Part 60 Subpart SSS, or unless material balance techniques approved by the executive secretary are used to adequately determine overall VOC capture and destruction or recovery efficiency, the efficiency of the capture system will be determined by test methods approved by the executive secretary. Testing for capture efficiency shall be performed on a case-by-case basis as required by the executive secretary, and shall be consistent with EPA guidance. The requirements of R307-340-2(3)(d) apply to the capture and control device system. When capture and control device efficiency must be independently determined, the overall VOC emission percent reduction equals (percent capture efficiency x percent control device efficiency)/100.

#### **R307-340-13. Testing and Monitoring.**

(1) Upon request by the executive secretary, the owner or operator of a volatile organic compound source required to comply with R307-340 shall demonstrate compliance by the method of this section or an alternative method approved by the executive secretary.

(2) Test procedures to determine compliance with R307-340 must be approved by the executive secretary and must utilize one of the following methods or an alternative method approved by the executive secretary or equivalent method.

(a) For surface coatings: EPA Reference Method 24 of 40 CFR Part 60

- (b) For add-on control equipment: EPA Reference Methods 1 through 4, 18 and 25, of the 40 CFR Part 60;
- (c) EPA 340/1-86-016 "A Guide for Surface Coating Calculations;" and
- (d) EPA 450/3-84-019 "Procedures for Certifying Quantity of Volatile organic Compounds Emitted by Paint, Ink and Other Coatings."

(3) All tests shall be made by, or under the direction of, a person qualified by training or experience, or both, in the field of air pollution testing. The executive secretary will evaluate test data submitted.

(4) A person proposing to conduct a volatile organic compound emissions test shall notify the executive secretary of the intent to test not less than 30 days before the proposed initiation of the test. The notification shall contain the information required by, and be in a format approved by, the executive secretary.

(5) If add-on control equipment is used, continuous monitors of the following parameters shall be installed, periodically calibrated, and operated at all times that the associated control equipment is operating:

- (a) Exhaust gas temperatures of all incinerators;
- (b) Temperature rise across a catalytic incinerator bed;
- (c) Breakthrough of VOC on a carbon adsorption unit; and
- (d) Any other continuous monitoring or recording device required by the executive secretary.

(6) The executive secretary may accept, instead of the testing required in R307-340-13, a certification by the manufacturer of the composition of the coatings if supported by actual batch formulation records. The owner or operator of a VOC source required to comply with R307-340 must obtain certification from the coating manufacturers that the test methods used for determination of the VOC content meet the requirements specified in (2) above. The owner or operator shall make this certification readily available to the Division of Air Quality to allow the results to be used in the daily compliance calculations specified in R307-340-2(6).

(7) The performance of add-on control equipment shall be demonstrated with the required test methods of (2) above at equipment start up and after any major modification to the control equipment. Baseline operating parameters shall be established during the satisfactory (i.e. in-compliance) operation of the control equipment, including operation during all anticipated ranges of process throughput. During subsequent process operation, the owner or operator shall maintain the operating conditions of the add-on controls as close to these baseline conditions as possible. If serious operational problems with an add-on control system are indicated by the daily monitoring required by R307-340-2(3)(d), (such problems may be indicated by changes from baseline conditions), repeat performance tests shall be performed by the owner or operator, and may be required by the executive secretary, as necessary.

(8) To determine compliance with the applicable standards in R307-340, samples shall be taken from the

coating as freshly delivered to the reservoir of the coating applicator. All VOC emissions from solvent washing involved in a coating process shall be considered in determining compliance with an emission limit, unless the source owner or operator documents that the VOCs from solvent washing are collected and disposed of in a manner that prevents their evaporation into the atmosphere.

**KEY: air pollution, emission controls, surface coating\*, ozone**

**1998**

**19-2-101**

**19-2-104**

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

**R307-341. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Cutback Asphalt.**

**R307-341-1. Definitions.**

(1) R307-325 establishes applicability and general requirements for R307-341.

(2) The following additional definitions apply to R307-341:

"Asphalt Concrete" means a waterproof and durable paving material composed of dried aggregate which is evenly coated with hot asphalt cement.

"Cutback Asphalt" means any asphalt which has been liquified by blending with petroleum solvents (diluents) or, in the case of some slow cure asphalts (road oils), which have been produced directly from the distillation of petroleum.

"Emulsified Asphalt" means asphalt emulsions produced by combining asphalt with water that contains an emulsifying agent.

"Patch Mix" means a mixture of an asphalt binder and aggregate in which cutback or emulsified asphalts are used either as sprayed liquid or as a binder.

"Penetrating Prime Coat" means an application of low-viscosity liquid asphalt to an absorbent surface in order to prepare it for paving with asphaltic concrete.

**R307-341-2. Limitations on Content.**

After December 31, 1982, no person shall cause, allow, or permit the use or application of cutback asphalt, or an emulsified asphalt containing more than 7 percent oil distillate, as determined by ASTM distillation test D-244, except as provided below:

(1) Where the use or application commences on or after October 1 of any year and such use or application is completed by April 30 of the following year;

(2) Where long-life (longer than 1 month) stockpile storage of patch mix is demonstrated to the executive secretary to be necessary;

(3) Where the asphalt is to be used solely as a penetrating prime coat;

(4) Where the user can demonstrate that there are no emissions of volatile organic compounds from the asphalt under conditions of normal use;

(5) Where the use or application is for the paving of parking lots smaller than 300 parking stalls.



period. However, each contractor must use an adapter compatible with his equipment.

(7) Caps. Dust caps with good gaskets are required on all outlets during the test.

(8) Pressure/Vacuum Relief Valves. The test apparatus should be equipped with an in line pressure/vacuum relief valve set to activate at 25 inches of water above atmospheric and 12 inches of water below if the pressure/vacuum equipment has greater capacity than the set points to prevent possible tank damage.

#### **R307-342-6. Test Procedures and Preparations.**

(1) Location. The delivery tank must be tested in a location where it will not be subject to direct sunlight. Shop heaters/air conditioners must be turned off during the test as they will affect the tank stability.

(2) Purging the Tank. A good purge is necessary.

(a) The tank must be emptied of gasoline and vapors before testing to minimize "vapor growth" problems. Hauling a load of diesel fuel is recommended.

(b) A steam purge to degas the tank is acceptable.

(c) An alternate method is to purge with a high volume of air. For this purge, the hatches are to be opened and purge air or inert gas should be blown through the tank for 30 minutes or more to degas the tank. This method is not as effective and often requires a much longer time for stabilization during the test.

(3) Visual Inspection. While the tank is being purged, or prior to the test, the entire tank should be visually inspected for evidence of wear, damage or misadjustments that could be a source of potential leaks. Areas to check are domes, dome vents, cargo tank piping, hose connections, hoses and delivery elbows. Any part found defective should be adjusted, repaired or replaced as necessary before the pressure test is started.

(4) Vents, Valves, and Outlets.

(a) The emergency valves in the bottom of the tank must be opened during the purge and then closed to test.

(b) Open the top vents. If the top vents are the pneumatic type, then a shop air line connection must be provided as the vents must be in the open position during the purge and then closed to test.

(c) In order to complete the test, some types of dome vents may have to be replaced.

(d) During the test, all compartments must be interconnected so that the tank may be tested as a single unit. If this cannot be done, each compartment must be tested as a separate tank.

(e) Dust caps with good gaskets must be installed on all outlets.

(5) Pretest Preparation and Procedure.

(a) Open and close each dome cover.

(b) Connect the static electric ground connections to tank, attach the liquid delivery and vapor return hoses, remove liquid delivery elbows and seal the liquid delivery hose fitting, install dust caps on all outlets except the vapor return hose.

(c) Attach the test adapter to the vapor return hose of the tank under test with the shutoff valve closed.

(d) Connect the pressure supply hose to the adapter.

(e) Connect the 1/4-inch hose to the adapter tap and the manometer if applicable and position of the manometer or gauge at eye level.

(f) Open all internal vents and valves if possible. If not possible, each compartment must be tested as if each compartment was a separate tank.

(6) The Pressure Test.

(a) With all preparations complete, turn on the pressure source and open the shutoff valve in the adapter to apply air pressure slowly. Pressurize the tank to 18 inches of water.

(b) Close the shutoff valve and allow the pressure in the tank to stabilize. When the pressure has stabilized, read and record the time and initial pressure on the manometer.

(c) Allow five minutes to elapse, then read and record the final time and pressure.

(d) Disconnect the pressure source from the adapter and slowly open the shutoff valve to bring the tank to atmospheric pressure.

(e) Subtract the final pressures from the initial pressures.

(f) If the sustained pressure drop is greater than 3.0 inches of water, repair the leaks and then repeat the steps in (a) through (e).

(g) Repeat the steps in (a) through (f) until the change in pressure for two consecutive runs agrees within 1/2 inch of water. Calculate the arithmetic average of the two results.

(7) The Vacuum Test.

(a) Connect the vacuum source to the adapter. Start the vacuum source and slowly open the shutoff valve to evacuate the tank to six inches of water and close the shutoff valve.

(b) Allow the pressure in the tank to stabilize, adjust as necessary to maintain six inches of water vacuum until the pressure stabilizes.

(c) Read and record the time and the initial vacuum reading on the manometer. Allow five minutes to elapse, then read and record the final manometer reading.

(d) Disconnect the vacuum source from the adapter, and slowly open the shutoff valve to bring the tank to atmospheric pressure.

(e) Subtract the final reading from the initial reading.

(f) If the sustained vacuum loss is greater than three inches of water, the leakage source must be located and repaired. The steps in (a) through (e) must be repeated.

(g) Repeat the steps in (a) through (f) until the change in vacuum for two consecutive runs agree within 1/2 inches of water. Calculate the arithmetic average of the two results.

(8) When the calculated average pressure change in five minutes for both the pressure test and the vacuum test are three inches of water or less, the requirements of the

test are satisfied and the tested tank may be certified leak tight.

**R307-342-7. Certification of a Delivery Tank.**

(1) The approved contractor will upon satisfactory completion of the vapor tightness test complete the documentation of certification in two copies. If desired, each contractor may prepare his own certificate as long as the following items are included:

- (a) Gasoline delivery tank pressure test.
- (b) Tank owner and address.
- (c) Tank ID number.
- (d) Testing location.
- (e) Date of test.
- (f) Tester name and signature.
- (g) Company or affiliation of testers.
- (h) Test data results.
- (i) Date of next required test.

(2) The contractor will keep one copy which will be made available for inspection by the executive secretary for two years. The tank owner or operator will keep the other copy of the certification with the delivery tank for two years for inspection by the executive secretary.

(3) The approved contractor will mark the certified tank below the DOT test marking with "V.R. TESTED" followed by the month and year of the current certified test. The vapor recovery test marking shall be at least 1-1/4" high black permanent letters on a white background. The letters and numbers must be of a type that will remain legible from a distance of 20 feet for at least one year (painted or printed sticker is acceptable).

**KEY: air pollution, ozone, gasoline transport\***

**1999**

**19-2-104**

**Notice of Continuation April 22, 2002**

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

**R307-343. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emissions Standards for Wood Furniture Manufacturing Operations.**

**R307-343-1. Purpose.**

(1) The purpose of R307-343 is to limit volatile organic compound emissions from wood furniture manufacturing sources located in Davis and Salt Lake Counties and ozone nonattainment areas.

**R307-343-2. Applicability.**

Provisions of R307-343 apply to each wood furniture manufacturing source that is not an incidental wood furniture manufacturer, has the potential to emit 25 tons or more per year of volatile organic compounds and is located in Salt Lake County, Davis County, or any ozone nonattainment area.

**R307-343-3. Definitions.**

The following additional definitions apply to R307-343:

"Affected Source" means a wood furniture manufacturing source that meets the criteria in R307-343-2.

"Alternative Method" means any method of sampling and analyzing for an air pollutant that is not a reference or equivalent method but that has been demonstrated to the executive secretary's satisfaction to, in specific cases, produce results adequate for a determination of compliance.

"As Applied" means the volatile organic compound and solids content of the finishing material that is actually used for coating the substrate. It includes the contribution of materials used for in-house dilution of the finishing material.

"Basecoat" means a coat of colored material, usually opaque, that is applied before graining inks, glazing coats, or other opaque finishing materials, and is usually topcoated for protection.

"Capture Device" means a hood, enclosed room, floor sweep, or other means of collecting solvent emissions or other pollutants into a duct so that the pollutant can be directed to a pollution control device such as an incinerator or carbon adsorber.

"Capture Efficiency" means the fraction of all organic vapors generated by a process that is directed to a control device.

"Certified Product Data Sheet(CPDS)" means documentation furnished by a coating supplier or an outside laboratory that provides the volatile organic compound content by percent weight, the solids content by percent weight, and the density of a finishing material, strippable booth coating, or solvent, measured using EPA Method 24 or an equivalent or alternative method, or formulation data if the coating meets the criteria specified in R307-343-7(1). The purpose of the CPDS is to assist the affected source in demonstrating compliance with the emission limitations presented in Subsection R307-343-4.

"Cleaning Operations" means operations in which organic solvent is used to remove coating materials from equipment used in wood furniture manufacturing operations.

"Coating" means a protective, decorative, or functional material applied in a thin layer to a surface. Such materials may include paints, topcoats, varnishes, sealers, stains, washcoats, basecoats, inks, and temporary protective coatings.

"Compliant Coating" means a finishing material or strippable booth coating that meets the emission limits specified in R307-343-4(1).

"Continuous Coater" means a finishing system that continuously applies finishing materials onto furniture parts moving along a conveyor system. Finishing materials that are not transferred to the part are recycled to the finishing material reservoir. Several types of application methods can be used with a continuous coater including spraying, curtain coating, roll coating, dip coating, and flow coating.

"Continuous Compliance" means that the affected source meets the emission limitations and other requirements of R307-343 at all times and fulfills all

monitoring and recordkeeping provisions of R307-343 in order to demonstrate compliance.

"Control Device" means any equipment that reduces the quantity of a pollutant that is emitted to the air. The device may destroy or secure the pollutant for subsequent recovery. Control devices include, but are not limited to, incinerators, carbon adsorbers, and condensers.

"Control Device Efficiency" means the ratio of the pollution released by a control device and the pollution introduced to the control device, expressed as a fraction.

"Control System" means the combination of capture and control devices used to reduce emissions to the atmosphere.

"Conventional Air Spray" means a spray coating method in which the coating is atomized by mixing it with compressed air at an air pressure greater than 10 pounds per square inch (gauge) at the point of atomization. Airless, air assisted airless spray technologies, and electrostatic spray technology are not considered conventional air spray.

"Day" means a period of 24 consecutive hours beginning at midnight local time, or beginning at a time consistent with a source's operating schedule.

"Emission" means the direct or indirect release or discharge of volatile organic compound into the ambient air.

"Equipment Leak" means emissions of volatile organic compounds from pumps, valves, flanges, or other equipment used to transfer or apply finishing materials or organic solvents.

"Equivalent Method" means any method of sampling and analyzing for an air pollutant that has been demonstrated to the executive secretary's satisfaction to have a consistent and quantitatively known relationship to the reference method under specific conditions.

"Finishing Application Station" means the part of a finishing operation where the finishing material is applied, such as a spray booth.

"Finishing Material" means a coating used in the wood furniture industry, including basecoats, stains, washcoats, sealers, and topcoats.

"Finishing Operation" means those activities in which a finishing material is applied to a substrate and is subsequently air-dried, cured in an oven, or cured by radiation.

"Incidental wood furniture manufacturer" means a major source as defined in 40 CFR 63.2 that is primarily engaged in the manufacture of products other than wood furniture or wood furniture components and that uses no more than 100 gallons per month of finishing material in the manufacture of wood furniture or wood furniture components.

"Incinerator" means an enclosed combustion device that thermally oxidizes volatile organic compounds to carbon monoxide and carbon dioxide. This term does not include devices that burn municipal or hazardous waste material.

"Noncompliant Coating" means a finishing material or strippable booth coating that has a volatile organic compound content greater than the emission limitation specified in Subsection R307-343-4(1).

"Normally Closed Container" means a container that is closed unless an operator is actively engaged in activities such as emptying or filling the container.

"Operating Parameter Value" means a minimum or maximum value established for a control device or process parameter that, if achieved by itself or in combination with one or more other operating parameter values, determines that an owner or operator has complied with an applicable emission limit.

"Organic Solvent" means a liquid containing volatile organic compounds that is used for dissolving or dispersing constituents in a coating, adjusting the viscosity of a coating, cleaning, or washoff. When used in a coating, the organic solvent evaporates during drying and does not become a part of the dried film.

"Overall Control Efficiency" means the efficiency of a control system, calculated as the product of the capture and control device efficiencies, expressed as a percentage.

"Permanent Total Enclosure" means a permanently installed enclosure that completely surrounds a source of emissions such that all emissions are captured and contained for discharge through a control device, and which meets the criteria presented in Subsection R307-343-7(5)(a)(i) through (iv).

"Reference Method" means any method of sampling and analyzing for an air pollutant that is published in Appendix A of 40 CFR 60.

"Responsible Official" has the same meaning as in R307-415, Operating Permit Requirements.

"Sealer" means a finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. A washcoat used to optimize aesthetics is not a sealer.

"Solids" means the part of the coating that remains after the coating is dried or cured; solids content is determined using data from EPA Method 24, or an alternative or equivalent method approved by the executive secretary.

"Solvent" means a liquid used in a coating for dissolving or dispersing constituents in a coating, adjusting the viscosity of a coating, cleaning, or washoff. When used in a coating, it evaporates during drying and does not become a part of the dried film.

"Stain" means any color coat having a solids content by weight of no more than 8.0 percent that is applied in single or multiple coats directly to the substrate, including nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains, and toners.

"Strippable Booth Coating" means a coating that:

- (1) is applied to a booth wall to provide a protective film to receive overspray during finishing operations;
- (2) is subsequently peeled off and disposed; and
- (3) by achieving (1) and (2), reduces or eliminates the need to use organic solvents to clean booth walls.

"Substrate" means the surface onto which coatings are applied, or into which coatings are impregnated.

"Temporary Total Enclosure" means an enclosure that meets the requirements of Subsection R307-343-7(5)(a)(i) through (iv) and is not permanent, but is constructed only to measure the capture efficiency of pollutants emitted from a given source. Additionally, any exhaust point from the enclosure shall be at least 4 equivalent duct or hood diameters from each natural draft opening.

"Topcoat" means the last film-building finishing material applied in a finishing system. Non-permanent final finishes are not topcoats.

"Touch-up and Repair" means the application of finishing materials to cover minor finishing imperfections.

"Washcoat" means a transparent special purpose coating having a solids content by weight of 12.0 percent or less that is applied over initial stains to protect and control color and to stiffen the wood fibers in order to aid sanding.

"Washoff Operations" means those operations in which organic solvent is used to remove coating from a substrate.

"Wood Furniture" means any product made of wood, a wood product such as rattan or wicker, or an engineered wood product such as particleboard that is manufactured under any of the following standard industrial classification codes: 2434, 2511, 2512, 2517, 2519, 2521, 2531, 2541, 2599, or 5712.

"Wood Furniture Manufacturing Operations" means the finishing, cleaning, and washoff operations associated with the production of wood furniture or wood furniture components.

"Working Day" means a day, or any part of a day, in which a source is engaged in manufacturing.

#### **R307-343-4. Emission Standards.**

(1) Each owner or operator of an affected source subject to R307-343 shall limit volatile organic compound emissions from finishing operations. Methods in (a) through (e) below are accepted.

(a) Use topcoats with a volatile organic compound content no greater than 0.8 kilogram per kilogram of solids, as applied; or

(b) Use a finishing system of sealers with a volatile organic compound content no greater than 1.9 kilograms per kilogram of solids, as applied, and topcoats with a volatile organic compound content no greater than 1.8 kilograms per kilogram of solids, as applied; or

(c) For affected sources using acid-cured alkyd amino vinyl sealers or acid-cured alkyd amino conversion varnish topcoats, use sealers and topcoats based on the following criteria:

(i) If the affected source is using acid-cured alkyd amino vinyl sealers and acid-cured alkyd amino conversion varnish topcoats, the sealer shall contain no more than 2.3 kilograms of volatile organic compound per kilogram of solids, as applied, and the topcoat shall contain no more than 2.0 kilograms of volatile organic compound per kilogram of solids, as applied;

(ii) If the affected source is using a sealer other than an acid-cured alkyd amino vinyl sealer and acid-cured alkyd amino conversion varnish topcoats, the sealer shall contain no more than 1.9 kilograms of volatile organic compound per kilogram of solids, as applied, and the topcoat shall contain no more than 2.0 kilograms of volatile organic compound per kilogram of solids, as applied; or

(iii) if the affected source is using an acid-cured alkyd amino vinyl sealer and a topcoat other than an acid-cured alkyd amino conversion varnish topcoat, the sealer shall contain no more than 2.3 kilograms of volatile organic compound per kilogram of solids, as applied, and the topcoat shall contain no more than 1.8 kilograms of volatile organic compound per kilogram of solids, as applied; or

(d) Use a control system that will achieve an equivalent reduction in emissions as the requirements of Subsection R307-343-4(1)(a) or (b), as calculated using the compliance provisions in R307-343-6(2), as appropriate; or

(e) Use a combination of the methods presented in (a) through (d) above.

(2) Each owner or operator of an affected source subject to R307-343 shall limit volatile organic compound emissions from cleaning operations when using a strippable booth coating. A strippable booth coating shall contain no more than 0.8 kilogram of volatile organic compound per kilogram of solids, as applied.

#### **R307-343-5. Work Practice Standards.**

(1) Work Practice Implementation Plan.

(a) Each owner or operator of an affected source subject to R307-343 shall prepare and maintain a written work practice implementation plan that defines environmentally desirable work practices for each wood furniture manufacturing operation and addresses each of the topics specified in R307-343-5(2) through (10). The plan shall be completed no later than August 1, 1999. The owner or operator of the affected source shall comply with each provision of the work practice implementation plan. The written work practice implementation plan shall be available for inspection by the executive secretary, upon request. If the executive secretary determines that the work practice implementation plan does not adequately address each of the topics specified in (2) through (10) below or that the plan does not include sufficient mechanisms for ensuring that the work practice standards are being implemented, the executive secretary may require the affected source to modify the plan.

(2) Operator Training.

(a) Each owner or operator of an affected source shall train new and existing personnel, including contract workers, who are involved in finishing, gluing, cleaning, or washoff operations, use of manufacturing equipment, or implementation of the requirements of R307-343. All new personnel, those hired after June 2, 1999, shall be trained upon hiring. All existing personnel, those hired before June 2, 1999, shall be trained by December 4, 1999. All personnel shall be given refresher training annually.

(b) The affected source shall maintain a copy of the training program with the work practice implementation

plan. The training program shall include, at a minimum, the following:

- (i) A list of all current personnel by name and job description that are required to be trained;
- (ii) An outline of the subjects to be covered in the initial and refresher training for each position or group of personnel;
- (iii) Lesson plans for courses to be given at the initial and the annual refresher training that include, at a minimum, appropriate application techniques, appropriate cleaning and washoff procedures, appropriate equipment setup and adjustment to minimize finishing material usage and overspray, and appropriate management of cleanup wastes; and
- (iv) A description of the methods to be used at the completion of initial or refresher training to demonstrate and document successful completion and a record of the training date for all personnel.

(3) Leak Inspection and Maintenance Plan. Each owner or operator of an affected source shall prepare and maintain with the work practice implementation plan a written leak inspection and maintenance plan that specifies:

- (a) A minimum visual inspection frequency of once per month for all equipment used to transfer or apply finishing materials, or organic solvents;
- (b) An inspection schedule;
- (c) Methods for documenting the date and results of each inspection and any repairs that were made;
- (d) The time elapsed between identifying the leak and making the repair, using at a minimum the following schedule:
  - (i) A first attempt at repair, such as tightening of packing glands, shall be made no later than five working days after the leak is detected; and
  - (ii) Final repairs shall be made within 15 working days, unless the leaking equipment is to be replaced by a new purchase, in which case repairs shall be completed within three months.

(4) Cleaning and Washoff Solvent Accounting System. Each owner or operator of an affected source shall develop an organic solvent accounting form to record:

- (a) The quantity and type of organic solvent used each month for washoff and cleaning;
- (b) The number of pieces washed off each month, and the reason for the washoff; and
- (c) The net quantity of spent organic solvent generated from each washoff and cleaning operation each month, and whether it is recycled onsite or disposed offsite. The net quantity of spent solvent is equivalent to the total amount of organic solvent that is generated from the activity minus any organic solvent that is reused onsite for operations other than cleaning or washoff and any organic solvent that was sent offsite for disposal.

(5) Spray Booth Cleaning. Each owner or operator of an affected source shall not use compounds containing more than 8.0 percent by weight of volatile organic compound for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, or metal filters, unless the spray booth is being

refurbished. If the spray booth is being refurbished, that is, the spray booth coating or other material used to cover the booth is being replaced, the affected source shall use no more than 1.0 gallon of organic solvent to prepare the booth prior to applying the booth coating.

(6) Storage Requirements. Each owner or operator of an affected source shall use normally closed containers for storing finishing, cleaning, and washoff materials.

(7) Application Equipment Requirements. Each owner or operator of an affected source shall use conventional air spray guns for applying finishing materials only under any of the following circumstances:

- (a) To apply finishing materials that have a volatile organic compound content no greater than 1.0 kilogram per kilogram of solids, as applied;
- (b) For touch-up and repair under the following circumstances:
  - (i) The touchup and repair occurs after completion of the finishing operation; or
  - (ii) The touchup and repair occurs after the application of stain and before the application of any other type of finishing material, and the materials used for touchup and repair are applied from a container that has a volume of no more than 2.0 gallons.
- (c) When the spray gun is aimed and triggered automatically, not manually;
- (d) When the emissions from the finishing application station are directed to a control device;
- (e) The conventional air gun is used to apply finishing materials and the cumulative total usage of that finishing material is no more than 5.0 percent of the total gallons of finishing material used during that semiannual reporting period; or
- (f) The conventional air gun is used to apply stain on a part for which it is technically or economically infeasible to use any other spray application technology. The affected source shall demonstrate technical or economic infeasibility by submitting to the executive secretary a videotape, a technical report, or other documentation that supports the affected source's claim of technical or economic infeasibility. The following criteria shall be used, either independently or in combination, to support the affected source's claim of technical or economic infeasibility:

(i) The production speed is too high or the part shape is too complex for one operator to coat the part and the application station is not large enough to accommodate an additional operator; or

(ii) The excessively large vertical spray area of the part makes it difficult to avoid sagging or runs in the stain.

(8) Line Cleaning. Each owner or operator of an affected source shall pump or drain all organic solvent used for line cleaning into a normally closed container.

(9) Gun Cleaning. Each owner or operator of an affected source shall collect all organic solvent used to clean spray guns into a normally closed container.

(10) Washoff Operations. Each owner or operator of an affected source shall control emissions from washoff operations by using normally closed tanks for washoff and minimizing dripping by tilting or rotating the part to drain as much organic solvent as possible.

#### **R307-343-6. Compliance Procedures and Monitoring Requirements.**

(1) Methodology. Terms and equations required in the calculation of compliance are found in Appendix B, "Control of Organic Compound Emissions from Wood Furniture Manufacturing Operations." EPA-453/R-96-007, April 1996. The terms found in B.3(b) on pages B-10 and B-11, Equation 3 on page B-18, Equations 4, 5, 6, and 7 on pages B-26 and B-27 are hereby adopted and incorporated by reference. Copies are available at the Division of Air Quality, the Division of Administrative Rules and most state depository libraries.

(2) General Compliance. The owner or operator of an affected source subject to the emission standards in Section R307-343-4 shall demonstrate compliance with those provisions by using any of the methods in (a) or (b) below.

(a) To demonstrate compliance with emission standards in R307-343-4(1)(a), (b), or (c) or R307-343-4(2), maintain certified product data sheets for each of these finishing materials and strippable booth coatings. If solvent or other volatile organic compound is added to the finishing material before application, the affected source shall maintain documentation showing the volatile organic compound content of the finishing material as applied, in kilograms of volatile organic compound per kilogram of solids.

(b) To comply through the use of a control system as specified in R307-343-4(1)(d):

(i) Determine the overall control efficiency needed to demonstrate compliance using Equation 3.

(ii) Document that the amount of volatile organic compound in Equation 3 is obtained from the volatile organic compound and solids content of the finishing material as applied;

(iii) Calculate the overall efficiency of the control device, using the procedures in R307-343-7(4) or (5), and demonstrate that the overall efficiency of the control device calculated by Equation 6 is equal to or greater than the overall efficiency of the control device calculated by Equation 3.

(3) Initial Compliance. The owner or operator of each affected source shall demonstrate compliance by submitting an initial compliance status report.

(a) Each owner or operator of an affected source that complies through the procedures established in (2)(a) above shall submit an initial compliance status report stating that compliant sealers, topcoats and strippable booth coatings are being used by the affected source.

(b) Each owner or operator of an affected source that complies by using the procedures in R307-343-6(2)(a) and applies sealers or topcoats using continuous coaters shall:

(i) Submit an initial compliance status report stating that compliant sealers or topcoats, as determined by the volatile organic compound content of the finishing material in the reservoir and the volatile organic compound content as calculated from records, are used; or

(ii) Submit an initial compliance status report stating that compliant sealers or topcoats, as determined by the volatile organic compound content of the finishing material in the reservoir, are used and the viscosity of the finishing material in the reservoir is being monitored. The affected source also shall provide data that demonstrates the correlation between the viscosity of the finishing material and the volatile organic compound content of the finishing material in the reservoir.

(c) Each owner or operator of an affected source using a control system, capture device or control device to comply with the requirements of R307-343, as allowed by R307-343-4(1)(d) and R307-343-6(2)(b), shall:

(i) Submit a monitoring plan that identifies the operating parameter to be monitored for the capture device and demonstrates why the parameter is appropriate to show ongoing compliance;

(ii) Conduct an initial performance test using the procedures and test methods listed in R307-343-7(3) and (4) or (5);

(iii) Calculate the overall control efficiency using Equation 6; and

(iv) Determine those operating conditions that are critical to determining compliance and establishing operating parameters that will ensure compliance with the standard, as follows:

(A) For a thermal incinerator, use minimum combustion temperature;

(B) For a catalytic incinerator equipped with a fixed catalyst bed, use the minimum gas temperature both upstream and downstream of the catalyst bed;

(C) For a catalytic incinerator equipped with a fluidized catalyst bed, use the minimum gas temperature upstream of the catalyst bed and the pressure drop across the catalyst bed;

(D) For a carbon adsorber, use either the total regeneration mass stream flow for each regeneration cycle and the carbon bed temperature after each regeneration, or the concentration level of organic compounds exiting the adsorber, unless the owner or operator requests and receives approval from the executive secretary to establish other operating parameters;

(E) For a control device not listed in (A) through (D) above, the operating parameter shall be established using the procedures in R307-343-6(4)(c)(vi).

(v) Each owner or operator complying with R307-343-6(3)(c) shall calculate the site-specific operating parameter value as the arithmetic average of the maximum or minimum operating parameter values, as appropriate, that demonstrate compliance with the standards, during the three test runs required by R307-343-7(3)(a).

(d) Each owner or operator of an affected source subject to the work practice standards in R307-343-5 shall submit an initial compliance status report, as required by

R307-343-9(2), stating that the work practice implementation plan has been developed and procedures have been established for implementing the provisions of the plan.

(4) Continuous Compliance Demonstrations.

(a) Each owner or operator of an affected source subject to the provisions of R307-343-4 that comply using the procedures established in R307-343-6(2)(a) shall demonstrate continuous compliance by using compliant materials, maintaining records that demonstrate the materials are compliant, and submitting a compliance certification with the semiannual report required by R307-343-9(3).

(i) The compliance certification shall state that compliant sealers, topcoats and strippable booth coatings have been used during the semiannual reporting period, or should otherwise identify the days of noncompliance and the reasons for noncompliance.

(ii) The compliance certification shall be signed by a responsible official.

(b) Each owner or operator of an affected source subject to the provisions of R307-343-4 that comply using the procedures established in R307-343-6(2)(a) and applies sealers or topcoats using continuous coaters shall demonstrate continuous compliance by following the procedures in (i) or (ii) below.

(i) Use compliant materials, as determined by the volatile organic compound content of the finishing material in the reservoir and the volatile organic compound content as calculated from records, and submit a compliance certification with the semiannual report required by R307-343-9(3).

(A) The compliance certification shall state that compliant sealers and topcoats have been used during the semiannual reporting period, or should otherwise identify the days of noncompliance and the reasons for noncompliance.

(B) The compliance certification shall be signed by a responsible official.

(ii) Use compliant materials, as determined by the volatile organic compound content of the finishing material in the reservoir, maintaining a viscosity of the finishing material in the reservoir that is no less than the viscosity of the initial finishing material by monitoring the viscosity with a viscosity meter or by testing the viscosity of the initial finishing material and retesting the material in the reservoir each time solvent is added, maintaining records of solvent additions, and submitting a compliance certification with the semiannual report required by R307-343-9(3).

(A) The compliance certification shall state that compliant sealers and topcoats, as determined by the volatile organic compound content of the finishing material in the reservoir, have been used during the semiannual reporting period. Additionally, the certification shall state that the viscosity of the finishing material in the reservoir has not been less than the viscosity of the initial finishing material, that is, the material that is initially mixed and placed in the reservoir, during the semiannual reporting period.

(B) The compliance certification shall be signed by a responsible official.

(C) An affected source is in violation of the standard when a sample of the finishing material as applied exceeds the applicable limit established in R307-343-4(1)(a), (b), or (c), as determined using EPA Method 24 or an alternative or equivalent method, or the viscosity of the finishing material in the reservoir is less than the viscosity of the initial finishing material.

(c) Each owner or operator of an affected source subject to the provisions of R307-343-4 that complies using a control system, capture device or control device shall demonstrate continuous compliance by installing, calibrating, maintaining, and operating the appropriate monitoring equipment according to manufacturers specifications.

(i) Where a capture or control device is used, a device to monitor the site-specific operating parameter established in accordance with R307-343-6(3)(c)(i) is required.

(ii) Where an incinerator is used, a temperature monitoring device equipped with a continuous recorder is required.

(A) Where a thermal incinerator is used, a temperature monitoring device shall be installed in the firebox or in the ductwork immediately downstream of the firebox in a position before any substantial heat exchange occurs.

(B) Where a catalytic incinerator equipped with a fixed catalyst bed is used, temperature monitoring devices shall be installed in the gas stream immediately before and after the catalyst bed.

(C) Where a catalytic incinerator equipped with a fluidized catalyst bed is used, a temperature monitoring device shall be installed in the gas stream immediately before the bed. In addition, a pressure monitoring device shall be installed to determine the pressure drop across the catalyst bed. The pressure drop shall be measured monthly at a constant flow rate.

(iii) Where a carbon adsorber is used, one of the following monitoring devices shall be used:

(A) An integrating regeneration stream flow monitoring device having an accuracy of plus or minus 10 percent, capable of recording the total regeneration stream mass flow for each regeneration cycle; and a carbon bed temperature monitoring device having an accuracy of plus or minus one percent of the temperature being monitored expressed in degrees Celsius, or plus or minus 0.5 C, whichever is greater, capable of recording the carbon bed temperature after each regeneration and within fifteen minutes of completing any cooling cycle;

(B) An organic monitoring device, equipped with a continuous recorder, to indicate the concentration level of organic compounds exiting the carbon adsorber; or

(C) Any other monitoring device that has been approved by the executive secretary as allowed under (vi) below.

(iv) Each owner or operator of an affected source shall not operate the capture or control device at a daily average value greater than or less than the operating parameter value, as defined in the plan required by R307-

343-6(3)(c)(i). The daily average value shall be calculated as the average of all values for a monitored parameter recorded during the operating day.

(v) Each owner or operator of an affected source that complies through the use of a catalytic incinerator equipped with a fluidized catalyst bed shall maintain a constant pressure drop, measured monthly, across the catalyst bed.

(vi) An owner or operator using a control device not listed in R307-343-6(3)(c) shall submit to the executive secretary a description of the device, test data verifying the performance of the device, and appropriate operating parameter values that will be monitored to demonstrate continuous compliance with the standard. Use of this device to demonstrate compliance is subject to the executive secretary's approval.

(d) Each owner or operator of an affected source subject to the work practice standards in R307-343-5 shall demonstrate continuous compliance by following the work practice implementation plan and submitting a compliance certification with the semiannual report required by R307-343-9(3).

(i) The compliance certification shall state that the work practice implementation plan was followed, or should otherwise identify the periods of noncompliance with the work practice standards.

(ii) The compliance certification shall be signed by a responsible official.

#### **R307-343-7. Performance Test Methods.**

(1) The EPA Method 24 (40 CFR 60) shall be used to determine the volatile organic compound content and the solids content by weight of the finishing materials as supplied by the manufacturer. The owner or operator of the affected source may request approval from the executive secretary to use an alternative or equivalent method for determining the volatile organic compound content of the finishing material. Batch formulation information may be accepted by the executive secretary if the source demonstrates that a finishing material does not release volatile organic compound reaction byproducts during the cure. If the EPA Method 24 value is higher than the source's formulation data, the EPA Method 24 test shall govern. Sampling procedures shall follow the guidelines in "Standard Procedures for Collection of Coating and Ink Samples for volatile organic compound Content Analysis by Reference Method 24 and Reference Method 24A," EPA-340/1-91-010.

(2) Each owner or operator using a control system to demonstrate compliance shall determine the overall control efficiency of the control system as the product of the capture and control device efficiencies, using the test methods cited in (3) below and the procedures in (4) or (5) below.

(3) Each owner or operator using a control system shall demonstrate initial compliance using the procedures in (a) through (f) below.

(a) The EPA Method 18, 25, or 25A shall be used to determine the volatile organic compound concentration of

gaseous air streams. The test shall consist of three separate runs, each lasting a minimum of 30 minutes.

(b) The EPA Method 1 or 1A shall be used for sample and velocity traverses.

(c) The EPA Method 2, 2A, 2C, or 2D shall be used to measure velocity and volumetric flow rates.

(d) The EPA Method 3 shall be used to analyze the exhaust gases.

(e) The EPA Method 4 shall be used to measure the moisture in the stack gas.

(f) The EPA Methods 2, 2A, 2C, 2D, 3, and 4 shall be performed, as applicable, at least twice during each test period.

(4) Each owner or operator using a control system to demonstrate compliance with R307-343 shall use the procedures in (a) through (f) below.

(a) Construct the overall volatile organic compound control system so that volumetric flow rates and volatile organic compound concentrations can be determined by the test methods specified in R307-343-7(3);

(b) Measure the capture efficiency from the affected emission points by capturing, venting, and measuring all volatile organic compound emissions from the affected emission points. To measure the capture efficiency of a capture device located in an area with nonaffected volatile organic compound emission points, the affected emission points shall be isolated from all other volatile organic compound sources by one of the following methods:

(i) Build a temporary total enclosure around the affected emission points;

(ii) Shut down all nonaffected volatile organic compound emission points and continue to exhaust fugitive emissions from the affected emission points through any building ventilation system and other room exhausts such as drying ovens. All exhaust air must be vented through stacks suitable for testing; or

(iii) Use another methodology approved by the executive secretary provided it complies with the EPA criteria for acceptance under 40 CFR Part 63, Appendix A, Method 301.

(c) Operate the control system with all affected emission points connected and operating at maximum production rate;

(d) Determine the efficiency of the control device using Equation 4;

(e) Determine the efficiency of the capture system using Equation 5;

(f) Compliance is demonstrated if the overall control efficiency in Equation 6 is greater than or equal to the overall control efficiency calculated by Equation 3, in accordance with R307-343-6(2)(b)(i).

(5) An alternative to the compliance method presented in (4) above is the installation of a permanent total enclosure.

(a) Each affected source that complies using a permanent total enclosure shall demonstrate that the total enclosure meets the following requirements:

- (i) The total area of all natural draft openings shall not exceed five percent of the total surface area of the enclosure's walls, floor, and ceiling;
- (ii) All sources of emissions within the enclosure shall be a minimum of four equivalent diameters away from each natural draft opening;
- (iii) Average inward face velocity (FV) across all natural draft openings shall be a minimum of 3,600 meters per hour or 200 feet per minute as determined by the following procedures:
  - (A) All forced makeup air ducts and all exhaust ducts are constructed so that the volumetric flow rate in each can be accurately determined by the test methods and procedures specified in (3)(b) and (3)(c) above. Volumetric flow rates shall be calculated without the adjustment normally made for moisture content; and
  - (B) Determine face velocity by Equation 7:
  - (iv) All access doors and windows whose areas are not included as natural draft openings and are not included in the calculation of face velocity shall be closed during routine operation of the process.
  - (b) Determine the control device efficiency using Equation 4, and the test methods and procedures specified in R307-343-7(3).
  - (c) For a permanent total enclosure, the capture efficiency in Equation 5 is equal to one.
  - (d) For owners or operators using a control system to comply with the provisions of R307-343, compliance is demonstrated if:
    - (i) The capture efficiency of the enclosure is determined to equal one; and
    - (ii) The overall efficiency of the control system calculated by Equation 6 in accordance with (4) above is greater than or equal to the overall efficiency of the control system calculated by Equation 3 in accordance with R307-343-6(2)(b).

#### **R307-343-8. Recordkeeping Requirements.**

- (1) The owner or operator of an affected source subject to the emission limits in R307-343-4 shall maintain records of the following:
  - (a) A certified product data sheet for each finishing material and strippable booth coating subject to the emission limits in R307-343-4;
  - (b) The volatile organic compound content, kilograms of volatile organic compound per kilogram of solids, as applied, of each finishing material and strippable booth coating subject to the emission limits in R307-343-4, and copies of data sheets documenting how the as applied values were determined.
  - (2) The owner or operator of an affected source following the compliance procedures of R307-343-6(4)(b) shall maintain the records required by (1) above and records of solvent and finishing material additions to the continuous coater reservoir and viscosity measurements.
  - (3) The owner or operator of an affected source following the compliance method of R307-343-6(2)(b) shall maintain the following records:

- (a) Copies of the calculations to demonstrate that the control system achieves emission control equivalent to the requirements of R307-343-4(1)(a) or (b), as well as the data that are necessary to support the calculation of the emission limit in Equation 3 and the calculation of overall control efficiency in Equation 6;
- (b) Records of the daily average value of each continuously monitored parameter for each operating day. If all recorded values for a monitored parameter are within the range established during the initial performance test, the owner or operator may record that all values were within the range rather than calculating and recording an average for that day; and
- (c) Records of the pressure drop across the catalyst bed for sources complying with the emission limitations using a catalytic incinerator with a fluidized catalyst bed.
- (4) The owner or operator of an affected source subject to the work practice standards in R307-343-5 shall maintain onsite the work practice implementation plan and all records associated with fulfilling the requirements of that plan, including:
  - (a) Records demonstrating that the operator training program is in place;
  - (b) Records maintained in accordance with the inspection and maintenance plan;
  - (c) Records associated with the cleaning solvent accounting system;
  - (d) Records associated with the limitation on the use of conventional air spray guns showing total finishing material usage and the percentage of finishing materials applied with conventional air spray guns for each semiannual reporting period;
  - (e) Records showing the volatile organic compound content of compounds used for cleaning booth components, except for solvent used to clean conveyors, continuous coaters and their enclosures, or metal filters; and
  - (f) Copies of logs and other documentation to demonstrate that the other provisions of the work practice implementation plan are followed.
- (5) In addition to the records required by R307-343-8(1) of this section, the owner or operator of an affected source that complies using the provisions of R307-343-6(2)(a) or R307-343-5 shall maintain a copy of the compliance certifications submitted in accordance with R307-343-9(3) for each semiannual period following the compliance date.
- (6) The owner or operator of an affected source shall maintain a copy of all other information submitted with the initial status report required by R307-343-9(2) and the semiannual reports required by R307-343-9(3).
- (7) The owner or operator of an affected source shall maintain all records for a minimum of five years.

#### **R307-343-9. Reporting Requirements.**

- (1) The owner or operator of an affected source using a control system to fulfill the requirements R307-343 is subject to R307-214-2 in which the reporting

requirements of 40 CFR Part 63, subpart A are incorporated by reference; and to the following reporting requirements:

(2) The owner or operator of an affected source subject to R307-343 shall submit an initial compliance report no later than August 1, 1999. The report shall include the items required by R307-343-6(3).

(3) The owner or operator of an affected source subject to R307-343 and demonstrating compliance in accordance with R307-343-6(2)(a) or (b) shall submit a semiannual report covering the previous six months of wood furniture manufacturing operations according to the following schedule:

(a) The first report shall be submitted no later than January 2, 2000.

(b) Subsequent reports shall be submitted no later than July 2 and January 2 each year thereafter.

(c) Each semiannual report shall include the information required by R307-343-6(4), a statement of whether the affected source was in compliance or noncompliance. If the affected source was not in compliance, the measures taken to bring the affected source into compliance shall be reported.

**KEY: air pollution, ozone, wood furniture\*, coatings\***  
**1999**  
**19-2-104(1)(a)**  
**19-2-104(3)(e)**

## **R307-400 Series. Permits.**

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

#### **R307-401. Permit: Notice of Intent and Approval Order.**

##### **R307-401-1. Notice of Intent Required.**

(1) Except for the exemptions listed in R307-413, any person intending to construct a new installation which will or might reasonably be expected to become a source or an indirect source of air pollution or to make modifications or relocate an existing installation which will or might reasonably be expected to increase the amount or change the effect of, or the character of, air contaminants discharged, so that such installation may be expected to become a source or indirect source of air pollution, or any person intending to install a control apparatus, or other equipment intended to control emission of air contaminants from a stationary source, shall submit to the executive secretary a notice of intent and receive an approval order prior to initiation of construction, modification or relocation. The notice of intent shall include the information described in R307-401-2 to determine whether the proposed construction, installation, modification, relocation or establishment will be in accord with applicable requirements of these rules. Within 30 days after receipt of a notice of intent, or any additional information necessary to the review, the executive secretary shall advise the applicant of any deficiency in the notice of intent or the information submitted. The executive secretary shall transmit to the Administrator, EPA, a copy of each notice of intent for each major source or major modification and provide notice to the Administrator, EPA, of every action related to the consideration of such permit.

(2) Stationary sources that were in existence prior to November 29, 1969, that have not made any modifications or relocations since that date are not required to submit a notice of intent or to have an approval order; however, these sources are subject to all other applicable requirements of Title R307 and actions taken by the executive secretary and the Board pursuant to existing statutory authorities.

##### **R307-401-2. Notice of Intent Requirements.**

The following information, where applicable, shall be submitted with the notice of intent:

(1) A description of the nature of the processes involved; the nature, procedures for handling and quantities of raw materials; the type and quantity of fuels employed; and the nature and quantity of finished product.

(2) Expected composition and physical characteristics of effluent stream both before and after treatment by any control apparatus, including emission rates, volume, temperature, air contaminant types, and concentration of air contaminants.

(3) Size, type and performance characteristics of any control apparatus.

(4) Location and elevation of the emission point and other factors relating to dispersion and diffusion of the air contaminant in relation to nearby structures and window

openings, and other information necessary to appraise the possible effects of the effluent.

(5) The location of planned sampling points and the tests of the completed installation to be made by the owner or operator when necessary to ascertain compliance.

(6) The typical operating schedule.

(7) A schedule for construction.

(8) Any plans, specifications and related information which are in final form at the time of submission of notice of intent.

(9) Any other information necessary to determine if the proposed source or modification will be in compliance with R307-401-2.

##### **R307-401-3. Review Period.**

Within 90 days of receipt of a complete application including all the information described in R307-401-2, the executive secretary shall either issue an order prohibiting the proposed construction, installation, modification, relocation or establishment if it is deemed that any part of it is inadequate to meet the applicable requirements of R307, or issue an order permitting the proposed construction, installation, modification, relocation, or establishment pursuant to the requirements of R307-401-5 and 6. If more time is needed to review the proposal, it shall not exceed three 30-day extensions.

##### **R307-401-4. Public Notice.**

(1) Issuing the Notice. Prior to issuing an approval or disapproval order, the executive secretary shall advertise intent to approve or disapprove in a newspaper of general circulation in the locality of the proposed construction, installation, modification, relocation or establishment. A copy of the notice of intent to approve or disapprove shall be sent to the applicant, the Administrator, EPA, and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: any other state or local air pollution control agencies; the chief executives of the city and county where the source would be located; any comprehensive regional land use planning agency; and any state, Federal Land Manager, or Indian Governing body whose lands may be affected by emissions from the source or modification. Any expected consumption of the maximum allowable increases as stated in R307-405 and proposed emission limitations, emission amounts, and any operating limitations shall be included in the notice. The executive secretary shall consider any analysis performed by a Federal Land Manager and provided to the executive secretary within the public comment period. If the executive secretary concurs with a demonstration by the Federal Land Manager that the emissions from the proposed source or modification would have an adverse impact on the air quality related values (including visibility) in any Federal Class I area, notwithstanding that the change in air quality resulting from emissions from such source or modification would not cause or contribute to concentrations which would exceed the maximum

allowable increases, the executive secretary shall not issue an approval order for the source or modification.

(2) Opportunity for Review and Comment.

(a) At least one location will be provided where the information submitted by the owner or operator, the executive secretary's analyses of the notice of intent proposal, and the proposed approval order conditions will be available for public inspection.

(b) Public Comment Period.

(i) A 10-day public comment period shall be required before an approval order is issued for a new source or for an existing source proposing to modify or relocate, if the source, modification, or relocation is not:

(A) subject to the requirements of R307-405, Prevention of Significant Deterioration of Air Quality (PSD);

(B) subject to the requirements of R307-415, Operating Permit Requirements;

(C) a synthetic minor source in accordance with R307-415-4(6);

(D) located in a nonattainment area or a maintenance area for any pollutant; or

(E) subject to any standard or requirement of 42 U.S.C. 7411 or 7412.

(ii) A request to extend the length of the comment period, up to 30 days, may be submitted anytime within 10 days of the date a notice is published in a newspaper.

(iii) Those sources not subject to the 10-day public comment period are subject to the requirement in (iv) below.

(iv) For any notice of intent proposal not subject to (i) above, a 30-day public comment period is required before an approval order is issued or denied.

(v) A request for a hearing on the executive secretary's proposed approval or disapproval order may be submitted anytime within 10 days or 15 days of the date of a notice in a newspaper under provisions of either (i) or (iv). The hearing shall be held in the area of the proposed construction, installation, modification, relocation or establishment. Any comments or statements received shall be considered before an order is issued or denied.

(vi) The public comment and hearing procedure shall not be required when an order is issued for the purpose of extending the time required by the executive secretary to review plans and specifications.

#### **R307-401-5. Approval Order.**

Whenever the executive secretary determines that the information submitted under provisions of R307-401-2, with such revisions as may be required, are in accord with applicable requirements, the executive secretary shall issue an order permitting the proposed construction, installation, modification, relocation or establishment, with the further stipulation that all required facilities be adequately and properly maintained. Receipt of an approval order does not relieve any owner or operator of the responsibility to comply with the provisions of R307 or the State Implementation Plan. To accommodate staged construction of a large source, the executive secretary may issue an order

authorizing construction of an initial stage prior to receipt of detailed plans for the entire proposal provided that, through a review of general plans, engineering reports and other information the proposal is determined feasible by the executive secretary under the intent of R307. Subsequent detailed plans will then be processed as prescribed in this paragraph. For staged construction projects the previous determination under R307-401-6 shall be reviewed and modified as appropriate at the earliest reasonable time prior to commencement of construction of each independent phase of the proposed source or modification.

#### **R307-401-6. Conditions for Issuing Approval Order.**

The executive secretary shall issue an approval order if it is determined through plan review that the following conditions have been met:

(1) The degree of pollution control for emissions, to include fugitive emissions and fugitive dust, is at least best available control technology except as otherwise provided in Title R307.

(2) The proposed installation will be in accord with applicable requirements of: Utah Title R307; National Standards of Performance for New Stationary Sources; National Primary and Secondary Ambient Air Quality Standards; National Emission Standards for Hazardous Air Pollutants; new source review criteria; maximum allowable increase and maximum allowable concentration requirements for Prevention of Significant Deterioration; the State Implementation Plan for the area, if the area is classified as a nonattainment or maintenance area; and new source requirements for nonattainment areas under the Federal Clean Air Act.

(3) The executive secretary shall issue an approval order under R307-405-6 for a major source or major modification which consumes more than 50% of the increments in R307-405-4 only after receiving the approval of the Board.

#### **R307-401-7. Temporary Relocation.**

The owner or operator of a source previously approved under R307-401 or in a State Implementation Plan may temporarily relocate and operate the source at any site for up to 180 working days in any calendar year not to exceed 365 consecutive days, starting from the initial relocation date. The executive secretary shall evaluate the expected emissions impact at the site and compliance with applicable Title R307 rules as the bases for determining if approval for temporary relocation may be granted. Records of the working days at each site, consecutive days at each site, and actual production rate shall be sent to the executive secretary at the end of each 180 calendar days. These records shall also be kept on site by the owner or operator for the entire project, and be made available for review to the executive secretary as requested. To issue a written approval or disapproval, the executive secretary is not required to submit the temporary relocation proposal for public comment.

#### **R307-401-8. Nonattainment and Maintenance Areas.**

The owner or operator of a major new source or major modification to be located in a nonattainment or maintenance area or which would impact a nonattainment or maintenance area must, in addition to the requirements in R307-401, submit with the notice of intent an adequate analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification. The executive secretary shall review the analysis. The analysis and the executive secretary's comments shall be subject to public comment as required by R307-401-4. The preceding shall also apply in Salt Lake and Davis Counties for new major sources or modifications which are considered major for precursors of ozone, including volatile organic compounds and nitrogen oxides.

#### **R307-401-9. Relaxation of Limitations.**

At a time that a source or modification becomes a major source or major modification because of a relaxation of any enforceable limitation which was established after August 7, 1980, on the capacity of a source or modification otherwise to emit a pollutant, such as a restriction on the hours of operation, then the preconstruction requirements shall apply to the source as though construction had not yet commenced on the source or modification.

#### **R307-401-10. Low Oxides of Nitrogen Burner Technology.**

(1) All sources excluding non-commercial residential dwellings shall install oxides of nitrogen control/low oxides of nitrogen burners or controls resulting from application of an equivalent technology, as determined by the Executive Secretary, whenever existing fuel combustion burners are replaced, unless such replacement is not physically practical or cost effective. The request for an exemption shall be presented to the Executive Secretary for review and approval.

(2) Contingency Requirement for Ozone Nonattainment Areas and Salt Lake and Davis Counties. If the Contingency Requirements for nitrogen oxides are triggered as outlined in Section IX.D.2.h(2) of the State Implementation Plan, all existing sources excluding non-commercial residential dwellings shall install either low oxides of nitrogen burner technology as described in (1), unless such requirement is not physically practical or cost effective, or controls resulting from application of an equivalent technology, both of which shall be determined by the executive secretary. All sources required to install new controls under (2) shall submit, within two months after the trigger date, either a schedule for installing the equipment or a request for an exemption. The required equipment shall be operational as soon as practicable or within a reasonable time agreed upon by the source and the executive secretary.

#### **R307-401-11. Eighteen Month Review.**

Approval orders issued by the executive secretary in accordance with the provisions of R307-401 shall be

reviewed eighteen months after the date of issuance to determine the status of construction, installation, modification, relocation or establishment. If a continuous program of construction, installation, modification, relocation or establishment is not proceeding, the executive secretary may revoke the approval order.

**KEY: air pollution, permits, approval order\***

**1998**

**19-2-104(3)(q)**

**19-2-108**

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

##### **R307-403. Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas.**

###### **R307-403-1. Definitions.**

The following additional definition applies to R307-403:

"Lowest Achievable Emission Rate (LAER)" means for any source, that rate of emissions which reflects:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

###### **R307-403-2. Emission Limitations.**

Any source constructed in an actual area of nonattainment, or in the Salt Lake City and Ogden maintenance areas for carbon monoxide, or in an area which will impact on an actual area of nonattainment or on the Salt Lake City and Ogden maintenance areas for carbon monoxide must meet all applicable emission requirements of R307 and the State Implementation Plan incorporated by reference under R307-110. A proposed source which is not a major source may be approved without further analysis provided such source meets all such applicable emission limitations and offset requirements in R307-403-4, 5, and 6. The emission limitations shall be stated as a condition of the approval order.

###### **R307-403-3. Review of Major Sources of Air Quality Impact.**

Every major new source or major modification must be reviewed by the Executive Secretary to determine if a source will cause or contribute to a violation of the NAAQS. The determination of whether a source will cause or contribute to a violation of the NAAQS will be made by the Executive Secretary as of the new source's projected start-up date. He will make an analysis of the proposed new source's operation data using the best information and analytical techniques available.

(1) If the owner or operator of a source proposes to locate the source outside an area of nonattainment where the source will not cause an increase greater than the following increments in actual areas of nonattainment or in the Salt Lake City and Ogden maintenance areas for carbon monoxide and the source otherwise meets the requirements of these regulations, such source shall be approved.

TABLE  
MAXIMUM ALLOWABLE  
MICROGRAM/CUBIC METER IMPACT  
BY AVERAGING TIME

Pollutant	Annual	24-Hr	8-Hr	3-Hr	1-Hr
SULFUR DIOXIDE	1.0	5		25	
PM10	1.0	3			
CO		500		2000	

(2) If the Executive Secretary finds that the emissions from a proposed source would cause a new violation of the NAAQS but would not contribute to an existing violation, the Executive Secretary shall approve the proposed source if and only if:

- (a) the new source is required to meet a more stringent emission limitation, sufficient to avoid a new violation of the NAAQS and
- (b) the new source has acquired sufficient offset to avoid a new violation of the NAAQS and
- (c) the new emission limitations for the proposed source and for any affected existing sources are enforceable.
- (3) If the Executive Secretary finds that the emissions from a proposed source in a nonattainment area would contribute to an existing violation of a national ambient air quality standard at the time of the source's proposed start-up date, approval shall be granted if and only if:
  - (a) the new source meets an emission limitation which is the Lowest Achievable Emission Rate (LAER) for such source and
  - (b) the applicant has certified that all existing major sources in the State, owned or controlled by the owner or operator (or by any entity controlling, controlled by or under common control with such owner or operator) of the proposed source, are in compliance with all applicable rules in R307, including the Utah Implementation Plan requirements or are in compliance with an approved schedule and timetable for compliance under the Utah Implementation Plan, R307, or an enforcement order, and that the source is complying with all requirements and limitations as expeditiously as practicable.
  - (c) emission offsets to the extent provided in R307-403-4, 5 and 6 are sufficient such that there will be reasonable further progress toward attainment of the applicable NAAQS.
  - (d) the emission offsets provide a positive net air quality benefit in the affected area of nonattainment.
  - (e) there is an approved implementation plan in effect for the pollutant to be emitted by the proposed source.

(4) A source which is located outside a nonattainment area or the Salt Lake City and Ogden maintenance areas for carbon monoxide and which causes the significant increments in (1) above to be exceeded in the nonattainment or maintenance area is subject to the requirements of (3) above.

**R307-403-4. Offsets: General Requirements.**

(1) Emission offsets must be obtained from the same source or other sources in the same nonattainment area except that the owner or operator of a source may obtain emission offsets in another nonattainment area if:

- (a) the other area has an equal or higher nonattainment classification than the area in which the source is located; and
- (b) emissions from such other area contribute to a violation of the national ambient air quality standard in the nonattainment area in which the source is located or which is impacted by the source.

(2) Any emission offsets shall be enforceable by the time a new or modified source commences construction, and, by the time a new or modified source commences operation, any emission offsets shall be in effect and enforceable and shall assure that the total tonnage of increased emissions of the air pollutant from the new or modified source shall be offset by an equal or greater reduction, as applicable, in the actual emissions of such air pollutant from the same or other sources in the area.

(3) Emission reductions otherwise required by the federal Clean Air Act or R307, including the State Implementation Plan shall not be creditable as emission reductions for purposes of any offset requirement. Incidental emission reductions which are not otherwise required by federal or state law shall be creditable as emission reductions if such emission reductions meet the requirements of (1) and (2) above.

(4) Sources shall be allowed to offset, by alternative or innovative means, emission increases from rocket engine and motor firing, and cleaning related to such firing, at an existing or modified major source that tests rocket engines or motors under the conditions outlined in 42 U.S.C. 7503(e) (Section 173(e)(1) through Section 173(e)(4) of the federal Clean Air Act as amended in 1990).

**R307-403-5. Offsets: PM10 Nonattainment Areas.**

(1) New sources which have a potential to emit, or modified sources which would produce an emission increase equal to or exceeding the tonnage total of combined PM10, sulfur dioxide, and oxides of nitrogen listed below which are located in or impact a PM10 Nonattainment Area as defined in (a) below, shall obtain an enforceable offset as defined in (b) and (c) below.

(a) For the purpose of determining whether the owner or operator which proposes to locate a source outside a nonattainment area is required to obtain offsets, the maximum allowable impact on any nonattainment area is 1.0 microgram/cubic meter for a one-year averaging period and 3.0 micrograms/cubic meter for a 24-hour averaging

period for any combination of PM10, sulfur dioxide and nitrogen dioxide.

(b) For a total of 50 tons/year or greater, an offset of 1.2:1 of the emission increase is required.

(c) For a total of 25 tons/year but less than 50 tons/year, an offset of 1:1 of the emission increase is required.

(2) For the offset determinations, PM10, sulfur dioxide, and oxides of nitrogen shall be considered on an equal basis. In areas where offsets are required for both PM10 and ozone, the most stringent emission offset ratio for oxides of nitrogen required by R307-403 or R307-420 shall apply.

#### **R307-403-6. Offsets: Ozone Nonattainment Areas.**

In any ozone nonattainment area, new sources and modifications to existing sources as defined and outlined in 42 U.S.C. 7511a (Section 182 of the Clean Air Act) shall meet the offset requirements and conditions listed in that section for the applicable classified area and for the identified pollutants.

#### **R307-403-7. Offsets: Baseline.**

The baseline to be used for determination of credit for emission and air quality offsets will be the emission limitations and/or other requirements in the State Implementation Plan (SIP), revised in accordance with the Clean Air Act or subsequent revisions thereto in effect at the time the application to construct or modify a source is filed.

#### **R307-403-8. Offsets: Banking of Emission Offset Credit.**

Banking of emission offset credit will be permitted to the fullest extent allowed by applicable Federal Law as identified in EPA's document "Emissions Trading Policy Statement" published in the Federal Register on December 4, 1986, and 40 CFR 51.165(a)(3)(ii)(c) as amended on June 28, 1989, and 40 CFR 51, Appendix S. To preserve banked emission reductions, the Executive Secretary must identify them in either the Utah SIP or an order issued pursuant to R307-401 and shall provide a registry to identify the person, private entity or governmental authority that has the right to use or allocate the banked emission reductions, and to record any transfers of, or liens on these rights.

#### **R307-403-9. Construction in Stages.**

When a source is constructed or modified in stages which individually do not have the potential to emit more than 100 tons per year, the allowable emission from all such stages shall be added together in determining the applicability of R307-403.

**KEY: air quality, nonattainment\*, offset\***

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

#### **R307-405. Permits: Prevention of Significant Deterioration of Air Quality (PSD).**

##### **R307-405-1. Definitions.**

The following additional definitions apply to R307-405:

"Baseline Area" means any intrastate area (and every part thereof) designated as attainment or unclassifiable under Section 107(d)(1)(D) or (E) of the federal Clean Air Act in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than 1 ug/m<sup>3</sup> (annual average) of the pollutant for which the minor source baseline date is established.

(1) Area redesignations under section 107(d)(1) (D) or (E) of the federal Clean Air Act cannot intersect or be smaller than the area of impact of any major stationary source or major modification which:

- (a) Establishes a minor source baseline date; or
- (b) Is subject to 40 CFR 52.21 or R307-405, and would be constructed in the same state as the state proposing the redesignation.

"Baseline Concentration" means that ambient concentration level which exists in the baseline area at the time of the applicable minor source baseline date.

"Major Modification" means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Clean Air Act.

(1) Any net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone.

(2) A physical change or change in the method of operation shall not include:

- (a) routine maintenance, repair, and replacement;
- (b) use of an alternative fuel or raw material by reason of an order under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(c) use of an alternative fuel by reason of an order or rule under section 125 of the Clean Air Act;

(d) use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(e) use of an alternative fuel or raw material by a source which:

(i) the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition; or

(ii) the source is approved to use;

(f) an increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition;

(g) any change in ownership at a source

(h) the addition, replacement or use of a pollution control project at an existing electric utility steam generating unit, unless the executive secretary determines

that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

- (i) when the executive secretary has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the Clean Air Act, if any, and
- (ii) the executive secretary determines that the increase will cause or contribute to a violation of any national ambient air quality standard or PSD increment, or visibility limitation.
- (i) the installation, operation, cessation, or removal of a temporary clean coal demonstration project, provided that the project complies with:
  - (i) the Utah State Implementation Plan; and
  - (ii) other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.
- (j) the installation or operation of a permanent clean coal technology project that constitutes repowering, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis.
- (k) the reactivation of a very clean coal-fired electric utility steam generating unit.

"Major Source" means:

- (1) any of the following sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Clean Air Act: Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants, fossil fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants;
- (2) any other source which emits, or has the potential to emit, 250 tons per year or more of any air pollutant; or
- (3) a source which does not otherwise qualify as a major source as defined in this paragraph, but which is physically changed, which change itself would constitute a major source.
- (4) a source which is major for volatile organic compounds is major for ozone.

(5) The fugitive emissions and fugitive dust of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

- (a) Coal cleaning plants (with thermal dryers);
- (b) Kraft pulp mills;
- (c) Portland cement plants;
- (d) Primary zinc smelters;
- (e) Iron and steel mills;
- (f) Primary aluminum ore reduction plants;
- (g) Primary copper smelters;
- (h) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- (i) Hydrofluoric, sulfuric, or nitric acid plants;
- (j) Petroleum refineries;
- (k) Lime plants;
- (l) Phosphate rock processing plants;
- (m) Coke oven batteries;
- (n) Sulfur recovery plants;
- (o) Carbon black plants (furnace process);
- (p) Primary lead smelters;
- (q) Fuel conversion plants;
- (r) Sintering plants;
- (s) Secondary metal production plants;
- (t) Chemical process plants;
- (u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (w) Taconite ore processing plants;
- (x) Glass fiber processing plants;
- (y) Charcoal production plants;
- (z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
- (aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Federal Clean Air Act.

#### **R307-405-2. Area Designations.**

All areas of the State shall be designated as Class I, II, or III.

(1) Pursuant to section 162(a) of the federal Clean Air Act the following areas are designated as mandatory Class I:

- (a) Arches National Park
- (b) Bryce Canyon National Park
- (c) Canyonlands National Park
- (d) Capitol Reef National Park
- (e) Zion National Park

(2) Pursuant to section 162(b) of the federal Clean Air Act, all other areas of the State are designated as Class II unless redesignated as provided in R307-405-3 or are designated as nonattainment areas.

#### **R307-405-3. Area Redesignation.**

(1) Within the restrictions and requirements of this paragraph, the Board may submit to the Governor for decision a recommendation to redesignate areas from any class to any other class.

(2) In accordance with Section 162(a) of the federal Clean Air Act, areas designated as Class I under R307-405-2 may not be redesignated.

(3) In accordance with Section 164(a) of the federal Clean Air Act, the following areas may be redesignated only as Class I or II.

(a) An area which as of August 7, 1977, exceeded 10,000 acres in size and was a national monument, a national primitive area, a national preserve, a national recreation area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore; and

(b) A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.

(4) Except as provided in (2), (3) and (6) the Board may submit to the Governor for decision a recommendation to redesignate areas of the State as Class III if:

(a) There has been compliance with the requirements of (5) below.

(b) Such redesignation will not cause, or contribute to, concentrations of any air pollutant which exceed any maximum allowable increase permitted under the classification of any other area or any national ambient air quality standard; and

(c) Any permit application for any major source or major modification which could receive an approval order only if the area in question were redesignated as Class III, and any material submitted as part of that notice of intent were available, insofar as practicable, prior to any public hearing or redesignation.

In accordance with Section 164 of the federal Clean Air Act, redesignations to Class III may be approved by the Governor only after consultation with appropriate committees of the legislature and if units of local government representing a majority of the residents of the proposed area to be redesignated enact ordinances concurring in the redesignation.

(5) Prior to submittal to the Governor of a recommendation to redesignate any area:

(a) Notice shall be published in each daily newspaper in the affected area and written notice shall be made to local government units, other states, Indian governing bodies, Federal Land Managers whose lands may be affected by the proposed redesignation and public hearings shall be conducted in the affected areas. Such notice shall be made at least 30 days prior to the public hearing and include a statement of the availability of the discussion outlined in (b) below. Prior to the issuance of a notice under this paragraph respecting the redesignation of any Federal lands, a written notice shall be given to the appropriate Federal Land Manager who shall be afforded opportunity (not to exceed 60 days) to confer with the Board respecting the redesignation and to submit written comments and recommendations. In recommending redesignation of

any area with respect to which a Federal Land Manager has submitted comments the Board shall publish a list of any inconsistency between such redesignation and such comments and recommendations together with the reasons for recommending such redesignation against the recommendation of the Federal Land Manager; and

(b) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic and social and energy effects of the proposed redesignation, will be prepared and made available for public inspection at least 30 days prior to the hearing. Any person who petitions the Board for redesignation of an area may be required to prepare and submit this analysis to the Board.

(6) Lands within the exterior boundaries of reservations of federally recognized Indian Tribes may be redesignated only by the appropriate Indian body as provided in Section 164 of the Clean Air Act.

#### **R307-405-4. Increments and Ceilings.**

(1) In Class I, II, or III areas, the maximum allowable increases in concentrations of sulfur dioxide, nitrogen dioxide and particulate matter over baseline concentrations of such pollutants are limited to the following:

TABLE

Pollutant	(1)Maximum Allowable Increase (ug/m <sup>3</sup> )		
	Class I	Class II	Class III
<b>PM10:</b>			
Annual Arithmetic Mean	4	17	34
24-hr. Maximum	8	30	60
<b>Sulfur Dioxide:</b>			
Annual Arithmetic Mean	2	20	40
24-hr. Maximum	5	91	182
3-hr. Maximum	25	512	700
<b>Nitrogen Dioxide:</b>			
Annual Arithmetic Mean	2.5	25	50

Note (1): At any one location, the maximum allowable increase for other than the annual period may be exceeded once each year. For any period other than the annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

(2) Variances to Class I areas will be allowed only after compliance with the requirements of and within the increments provided in Section 165 of the federal Clean Air Act, or in the case of PM10 increments, only after compliance with the Title 40 of the Code of Federal Regulations, Section 51.166(p)(4) (as amended-see the June 3, 1993 Federal Register notice, 58 FR 31637) which is hereby incorporated by reference.

(3) In any area, no resultant concentration of any air pollutant shall exceed the concentration permitted under either the national secondary or primary ambient air quality

standard whichever concentration is lowest for the pollutant for a period of exposure.

(4) Exclusions from increment consumption. The following concentrations shall be excluded in determining compliance with a maximum allowable increase:

(a) Concentrations attributable to the increase in emissions from sources which have converted from:

(i) the use of petroleum products, natural gas, or both by reason of an order in effect under sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974; or

(ii) using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, over the emissions from such sources before the effective date of such an order or plan.

No exclusion of such concentrations shall apply more than five years after the effective date of the order or the plan. If both an order and plan are applicable, no such exclusion shall apply more than five years after the later of such effective dates.

(b) Concentrations of PM10 attributable to the increase in emissions from construction or other temporary emission-related activities.

(c) Concentrations attributable to the temporary increase in emissions of sulfur dioxide, nitrogen oxides or PM10 from sources which are affected by plan revisions approved by EPA as meeting the criteria specified in 40 CFR 51.166(f)(4).

#### **R307-405-5. Baseline Concentration and Date.**

(1) Baseline concentration. A baseline concentration is determined for each pollutant for which a minor source baseline date is established and shall include:

(a) The actual emissions representative of sources in existence on the applicable minor source baseline date except as provided in (2) below;

(b) The allowable emissions of major sources which commence construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.

(2) The following will not be included in the baseline concentration and will affect the applicable maximum allowable increase(s):

(a) actual emissions from any major source on which construction commenced after the major source baseline date, and

(b) actual emissions increases and decreases at any source occurring after the minor source baseline date.

(3) Baseline date. The minor source baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

(a) the area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(i)(D) or (E) of the federal Clean Air Act for the pollutant on the date of its complete application under 40 CFR 52.21, or R307-405; and

(b) in the case of a major source the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net

emissions increase of the pollutant. With respect to particulate matter, significant shall mean significant for PM10.

(4)(a) Any minor source baseline date established originally for increments of total suspended particulates shall remain in effect and shall apply for purposes of determining the amount of available PM10 increments, except that the executive secretary may rescind any such minor source baseline date where it can be shown to the executive secretary's satisfaction that the emissions increase from the major stationary source or the net emissions increase from the major modification responsible for triggering that date did not result in a significant amount of PM10 emissions.

(b) Any baseline area established originally for the increments of total suspended particulates shall remain in effect and shall apply for purposes of determining the amount of available PM10 increments, except that such baseline area shall not remain in effect if the executive secretary rescinds the corresponding minor source baseline date in accordance with(a) above.

#### **R307-405-6. PSD Areas - New Sources and Modifications.**

(1) Emission Limitations. Any source constructed or modified in a PSD area must meet all applicable emissions requirements of R307 and the Utah State Implementation Plan. A proposed source or modification which is not a major source or major modification may be approved without meeting the requirements in (2) below, provided such source meets all other applicable requirements of these regulations. The emission limitations shall be stated as conditions of the approval order.

(2) Major Source and Major Modification Review. Every new major source or major modification must be reviewed by the Executive Secretary to determine the air quality impact of the source to include a determination whether the source will cause or contribute to a violation of the maximum allowable increases or the NAAQS in any area. The determination of air quality impact will be made as of the source's projected start-up date. Such determination shall take into account all allowable emissions of approved sources or modifications whether constructed or not, and, to the extent practicable, the cumulative effect on air quality of all sources and growth in the affected area.

(a) In addition to meeting all other requirements of these regulations, any major source or major modification which would be constructed in a PSD area, shall:

(i) Provide the following additional information with the notice of intent required pursuant to R307-401:

(A) An analysis of the air quality impact of the source or modification and a demonstration that allowable emissions increases from the source or modification, in conjunction with all other applicable emissions increases or reductions (including secondary emissions), will not cause or contribute to a violation of any maximum allowable

increase over the baseline concentration in any area or any NAAQS in any area.

(B) An analysis of ambient air quality in the affected area for each pollutant that a new source would have the potential to emit in a significant amount, and for each pollutant for which a modification would result in a significant net emissions increase. With respect to any such pollutant for which no NAAQS exists, the analysis shall contain such air quality monitoring data as the Executive Secretary determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of that pollutant would affect. With respect to any such pollutant (other than non-methane hydrocarbons) for which such a NAAQS does exist, the analysis shall contain continuous air quality monitoring data gathered for purposes of determining whether emissions of that pollutant would cause or contribute to a violation of the standard or any maximum allowable increase in any area that the emissions of that pollutant would affect. In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one year and shall represent at least the year preceding receipt of the notice of intent, except that, if the Executive Secretary determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one year (but not to be less than four months), the data that is required shall have been gathered over at least that shorter period. Any data used in the analysis must be gathered using EPA reference methods or equivalent and quality assurance procedures equivalent to 40 CFR Part 58, Appendix B. A monitoring plan will be submitted to the Executive Secretary for approval prior to data collection. The Executive Secretary may grant exceptions or modifications to these monitoring requirements when not inconsistent with federal law.

(C) Upon request of the Executive Secretary, the air quality impact of the source or modification, including meteorological and topographical data necessary to estimate such impact; and the air quality impact of any or all general commercial residential, industrial, and other growth which has occurred since the minor source baseline date in the area the source or modification would affect.

(D) An analysis of the air quality related impact of the source or modification including an analysis of the impairment to visibility, soils, and vegetation and the projected air quality impact from general commercial, residential, industrial, and other growth associated with the source or modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

(ii) After construction of the source or modification, conduct such ambient air quality monitoring as the Executive Secretary determines may be necessary to establish the effect which the emissions from the source or modification may have on the air quality in any area.

(b) If the Executive Secretary finds that the emissions from a proposed major source or major modification would cause a violation of any maximum allowable increase over the baseline concentration in any

area, the Executive Secretary shall approve the proposed source if and only if:

(i) the new source or modification is required to meet a more stringent emission limitation sufficient to avoid a violation of the maximum allowable increase and/or

(ii) the new source or modification has acquired sufficient offset to avoid a violation of the maximum allowable increase, and

(iii) the new emission limitations for the proposed source and for any affected existing sources are enforceable.

(c) If the Executive Secretary finds that the emissions from a proposed major source or major modification would contribute to a known violation of any maximum allowable increase over the baseline concentration in any area, the Executive Secretary shall approve the proposed source if and only if:

(i) the new source or modification has acquired sufficient emission offset so as to provide a positive net air quality benefit in the affected area, and

(ii) any new emission limitations for affected existing sources are enforceable.

(3) The requirements of (2)(a) above shall not apply to a major source or major modification if:

(a) The source is a portable stationary source which has previously received a permit under this paragraph, and

(i) The owner or operator proposes to relocate the source and emissions of the source at the new location would be temporary; and

(ii) The emissions from the source would not exceed its allowable emissions; and

(iii) The emissions from the source would impact no Class I area and no area where an applicable increment is known to be violated;

(b) The source or modification would be a non-profit health or non-profit educational institution and the Board approves a request that it be exempt from those requirements.

(c) The source or modification would be a major source or major modification only if fugitive emission and fugitive dust, to the extent quantifiable, are considered in calculating the potential to emit of the source or modification and the source does not belong to any of the following categories:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cement plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum or reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants (furnace process);
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants;
- (xxi) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;
- (xxvi) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
- (xxvii) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the federal Clean Air Act.

(d) With respect to a particular pollutant, the allowable emissions of that pollutant from the source, or the net emissions increase of that pollutant from the modification:

- (i) would impact no Class I area and no area where an applicable increment is known to be violated, and
- (ii) would be temporary.

(4) The requirements of (2)(a) above as they relate to any maximum allowable increase for a Class II area shall not apply to a major modification at a source that was in existence on March 1, 1978, if the net increase in allowable emissions for each pollutant from the modification after the application of best available control technology would be less than 50 tons per year.

(5)(a) The requirements of (2)(a)(i)(A) above pertaining to the impact analysis shall not apply to a source or modification with respect to any maximum allowable increase for nitrogen oxides if the owner or operator of the source or modification submitted a notice of intent before October 15, 1990, and the Executive Secretary subsequently determined that the notice of intent as submitted before that date was complete.

(b) The requirements of (2)(a)(i)(A) above concerning an analysis of the maximum allowable increase over the baseline concentration shall not apply to a stationary source or modification with respect to any maximum allowable increase for PM10 if the owner or operator of the source or modification submitted an application for a permit before December 15, 1994, and the executive secretary subsequently determined that the application as submitted before that date was complete. Instead, the applicable requirements shall be with respect to the maximum allowable increases for total suspended particulates as in effect on the date the application was submitted. These increments were, for the annual geometric mean: 5, 19, and 37 micrograms/cubic meter for Class I, II and III areas respectively and, for the 24-hour maximum: 10,

37 and 75 micrograms/cubic meter for Class I, II and III areas respectively.

(6) **Exemption - Monitoring Requirement**

(a) The Executive Secretary may grant exceptions or modifications to the monitoring requirements in (2)(a)(i)(B) above which are not inconsistent with federal law.

(b) The Executive Secretary may exempt a stationary source or modification from the requirements of (2)(a)(i)(B) above with respect to monitoring for a particular pollutant if:

(i) The emissions increase of the pollutant from the new source or the net emissions increase of the pollutant from the modification would cause, in any area, air quality impacts less than the following amounts:

Carbon monoxide - 575 ug/m<sup>3</sup>, 8-hour average;

Nitrogen dioxide - 14 ug/m<sup>3</sup>, annual average;

PM10 - 10 micrograms/cubic meter, 24-hour

average;

Sulfur dioxide - 13 ug/m<sup>3</sup>, 24-hour average;

Lead - 0.1 ug/m<sup>3</sup>, 24-hour average;

Mercury - 0.25 ug/m<sup>3</sup>, 24-hour average;

Beryllium - 0.0005 ug/m<sup>3</sup>, 24-hour average;

Ozone - No de minimis air quality level is

provided for ozone. However, any proposed source or modification subject to PSD with net increase of 100 tons per year or more of volatile organic compounds subject to PSD would be required to perform an ambient impact analysis including the gathering of ambient air quality data;

Fluorides - 0.25 ug/m<sup>3</sup>, 24-hour average;

Vinyl chlorides - 15 ug/m<sup>3</sup>, 24-hour average;

Total reduced sulfur - 10 ug/m<sup>3</sup>, 1-hour average;

Hydrogen sulfide - 0.04 ug/m<sup>3</sup>, 1-hour average;

Reduced sulfur compounds - 10 ug/m<sup>3</sup>, 1-hour

average; or

(ii) The concentrations of the pollutant in the area that the source or modification would affect are less than the concentrations listed or the pollutant is not listed in (i) above.

**R307-405-7. Increment Violations.**

Where the Board determines that an increment under R307-405-4 is violated, the Board shall promulgate a plan and implement regulations to eliminate the violation.

**R307-405-8. Banking of Emission Offset Credit in PSD Areas.**

Banking of emission offset credits in PSD areas will be permitted. To preserve banked emission reductions the Executive Secretary must identify them in either the Utah SIP or an order and shall provide a registry to identify the person, private entity, or government authority that has the right to use or allocate the banked emission reduction and to record any transfer of or lien on these rights.

**KEY: air pollution, PSD\*, Class I area\***

**July 12, 2001**

**19-2-104**

**R307. Environmental Quality, Air Quality.****R307-406. Visibility.****R307-406-1. Definitions.**

The following additional definition applies throughout R307-406:

"Adverse Impact on Visibility" means for purposes of R307-406, visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitors visual experience of a mandatory Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairments, and how these factors correlate with times of visitor use of the mandatory Class I area, and the frequency and timing of natural conditions that reduce visibility.

**R307-406-2. Source Review.**

(1) The Executive Secretary shall review any new major source or major modification proposed in either an attainment area or area of nonattainment area for the impact of its emissions on visibility in any mandatory Class I area. As a condition of any approval order issued to a source under R307-401, the Executive Secretary shall require the use of air pollution control equipment, technologies, methods or work practices deemed necessary to mitigate visibility impacts in Class I areas that would occur as a result of emissions from such source. The Executive Secretary shall take into consideration as a part of the review and control requirements:

- (a) the costs of compliance;
- (b) the time necessary for compliance;
- (c) the energy usage and conservation;
- (d) the non air quality environmental impacts of compliance;
- (e) the useful life of the source; and
- (f) the degree of visibility improvement which will be provided as a result of control.

(2) In determining visibility impact by a major new source or major modification, the Executive Secretary shall use, the procedures identified in the EPA publication "Workbook For Estimating Visibility Impacts" (EPA 450-4-80-031) November 1980, or equivalent.

(3) The Executive Secretary shall insure that source emissions will be consistent with making reasonable progress toward the national visibility goal referred to in 40 CFR, 51.300(a).

**R307-406-3. Notification of Federal Land Managers.**

(1) The Executive Secretary shall notify the Federal Land Manager having jurisdiction over any mandatory Class I area of any proposed new major source or major modification that may reasonably be expected to affect visibility in that mandatory Class I area. Such notification shall be in writing and shall include a copy of all information relevant to the Notice of Intent and visibility impact analysis submitted by the source. The notification shall be made within thirty (30) days of receipt of the completed Notice of Intent and at least sixty (60) days prior to any public hearing or the commencement of any public

comment period, held in accordance with R307-401-4 of these regulations, on the proposal. The Executive Secretary shall consider, as a part of the new or modified source review required by R307-406, any analysis performed by the Federal Land Manager that such proposed new major source or major modification may have an adverse impact on visibility in any mandatory Class I area, provided such analysis is submitted to the Executive Secretary within sixty (60) days of the notification to the Federal Land Manager as required by this paragraph. If the Executive Secretary determines that the major source or major modification will have an adverse impact on visibility in any mandatory Class I area, the Executive Secretary shall not issue the approval order. Where the Executive Secretary determines that such analysis does not demonstrate that adverse impact on visibility will result in a mandatory Class I area, the Executive Secretary will, in the notice of any public hearing held on the new major source or major modification proposal, explain the decision or give notice where the explanation can be obtained.

(2) Where the Executive Secretary receives advance notification or early consultation with a major new source or major modification which may affect visibility prior to the submission of a Notice of Intent to Construct for the major new source or major modification, the Executive Secretary will notify the affected Federal Land Manager within thirty (30) days of such advance notification.

**R307-406-4. Adverse Impact.**

If the analysis required by R307-406-2 predicts that an adverse impact on visibility may reasonably be expected to occur in a mandatory Class I area, the Executive Secretary may require a proposed new major source or major modification to perform pre-construction and/or post-construction visibility monitoring in any mandatory Class I area as deemed necessary and appropriate to assess the impact of the proposed source or modification on visibility. Such monitoring shall be conducted in accordance with a monitoring plan prepared by the owner or operator of the source or his representative and approved by the Executive Secretary.

**R307-406-5. Consideration in Review.**

The Executive Secretary will consider in review and permitting of a new major source or major modification to an existing source, any visibility monitoring data provided by the Federal Land Manager which may reasonably be expected to be impacted by the proposed new major source or major modification.

**R307-406-6. Audits for Permitting.**

The Executive Secretary may perform oversight audits of any network collecting visibility data which may be used as a part of the permitting process as determined necessary.

**KEY: air pollution, visibility\*, permits  
1998**

**19-2-104**

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

**R307-410. Permits: Emissions Impact Analysis.**

**R307-410-1. Definitions.**

The following additional definitions apply to R307-410.

"Dispersion Technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by:

- (1) Using that portion of a stack which exceeds good engineering practice stack height;
- (2) Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or
- (3) Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. The techniques described in this definition do not include:
  - (a) The reheating of a gas stream following the use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;
  - (b) The merging of exhaust gas streams where:
    - (i) The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams;
    - (ii) After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of "dispersion techniques" shall apply only to the emission limitation for the pollutant affected by such change in operation; or
    - (iii) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the Air Quality Board shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the Air Quality Board shall deny credit for the effects of such merging in calculating the allowable emissions for the source;
  - (c) Smoke management in agricultural or silvicultural prescribed burning programs;
  - (d) Episodic restrictions on residential wood-burning and open burning; or
  - (e) Techniques under (c) which increase final exhaust gas plume rise where the resulting allowable

emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.

"Excessive Concentration" is defined for the purpose of determining good engineering practice stack height under alternative (c) of the "Good Engineering Practice (GEP) Stack Height" definition and means:

(1) for sources seeking credit for stack height exceeding that established under alternative (b) of the "Good Engineering Practice (GEP) Stack Height" definition, a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to the prevention of significant deterioration program in R307-405, an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations under R307-410-5 shall be prescribed by the state approval order or the federal new source performance standard that is applicable to the source category, whichever is more stringent, unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the Executive Secretary, an alternative emission rate shall be established in consultation with the source owner or operator. The allowable emission rate to be used in making demonstrations under R307-410-5 for sources for which no federal new source performance standard or state approval order has been issued shall be established by the Executive Secretary in consultation with the source owner or operator.

(2) for sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under alternative (b) of the "Good Engineering Practice (GEP) Stack Height" definition either,

(a) a maximum ground-level concentration due in whole or part to downwash, wakes or eddy affects as provided in alternative (a) of the definition of "Excessive Concentration", except that the emission rate specified by any applicable State implementation plan (or, in the absence of such a limit, the actual emission rate) shall be used, or

(b) the actual presence of a local nuisance caused by the existing stack, as determined by the authority administering the State implementation plan.

(3) for sources seeking credit after January 12, 1983, for a stack height determined under alternative (b) of the "Good Engineering Practice (GEP) Stack Height" definition where the Executive Secretary requires the use of

a field study or fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equations in alternative (b) of the "Good Engineering Practice (GEP) Stack Height" definition, a maximum ground-level concentration due in whole or in part to downwash, wakes, or eddy effects that is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

"Good Engineering Practice (GEP) Stack Height" means the greater of:

- (1) Sixty-five (65) meters, measured from the ground-level elevation at the base of the stack;
- (2) Where  $H_g$ =good engineering practice stack height measured from the ground-level elevation at the base of the stack;  $H$ =height of nearby structure(s) measured from the ground-level elevation at the base of the stack;  $L$ =lesser dimension (height or projected width) of nearby structure(s), and provided that the Executive Secretary may require the use of a field study or fluid model to verify GEP stack height for the source:
  - (a) for stacks in existence on January 12, 1979, and for which the owner or operator had obtained all required air quality permits or approvals,  $H_g = 2.5L$  provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation;
  - (b) for all other stacks,  $H_g = H+1.5L$ ; or
  - (3) The height demonstrated by a fluid model or a field study approved by the Executive secretary, which ensures that the emissions from the stack do not result in excessive concentrations of air contaminants as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.

"Nearby" as used in subpart (b) of the definition "Good Engineering Practice (GEP) Stack Height" is defined for a specific structure or terrain feature and

- (1) for the purpose of applying the formulae provided in subpart (a) of the definition "Good Engineering Practice (GEP) Stack Height", means that distance up to five times the lesser of the height or the width dimension of a structure, but not to be greater than 1/2 mile, and
- (2) for conducting demonstrations using subpart (c) of the definition "Good Engineering Practice (GEP) Stack Height", means not greater than 1/2 mile, except that the portion of terrain feature may be considered to be nearby which falls within a distance of up to 10 times the maximum height of the feature, not to exceed 2 miles if such a feature achieves a height 1/2 mile from the stack that is at least 40 percent of the GEP stack height determined by the formulae provided in subpart (b)(ii) of the definition "Good Engineering Practice (GEP) Stack Height" of this part or 26 meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base from the stack.

"Stack in Existence" means that the owner or operator had

- (1) begun, or caused to begin, a continuous program of physical on-site construction of the stack, or
- (2) entered into binding agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

#### **R307-410-2. Use of Dispersion Models.**

All estimates of ambient concentrations derived in meeting the requirements of R307 shall be based on appropriate air quality models, data bases, and other requirements specified in 40 CFR Part 51, Appendix W, (Guideline on Air Quality Models). Where an air quality model specified in the Guideline on Air Quality Models or other EPA approved guidance documents is inappropriate, the Executive Secretary may authorize the modification of the model or substitution of another model. In meeting the requirements of federal law, any modification or substitution will be made only with the written approval of the Administrator, EPA.

#### **R307-410-3. Modeling of Criteria Pollutant Impacts in Attainment Areas.**

Prior to receiving an approval order, a new source in an attainment area with a total controlled emission rate per pollutant greater than or equal to amounts specified in Table 1, or a modification to an existing source located in an attainment area which increases the total controlled emission rate per pollutant of the source in an amount greater than or equal to those specified in Table 1, shall conduct air quality modeling, as identified in R307-410-2, to estimate the impact of the new or modified source on air quality unless previously performed air quality modeling for the source indicates that the addition of the proposed emissions increase would not violate a National Ambient Air Quality Standard or a Prevention of Significant Deterioration increment, as determined by the Executive Secretary.

TABLE 1

POLLUTANT	EMISSIONS
sulfur dioxide	40 tons per year
oxides of nitrogen	40 tons per year
PM10 - fugitive emissions and fugitive dust	5 tons per year
PM10 - non-fugitive emissions or non-fugitive dust	15 tons per year
carbon monoxide	As required under R307-405-6(2)
lead	0.6 tons per year

#### **R307-410-4. Documentation of Ambient Air Impacts for Hazardous Air Pollutants.**

- (1) Prior to receiving an approval order under R307-401, a source shall provide documentation of

increases in emissions of hazardous air pollutants as required under (c) below for all installations not exempt under (a) below.

(a) Exempted Installations.

(i) The requirements of R307-410-4 do not apply to installations which are subject to or are scheduled to be subject to an emission standard promulgated under 42 U.S.C. 7412 at the time a notice of intent is submitted, except as defined in (ii) below. This exemption does not affect requirements otherwise applicable to the source, including requirements under R307-401.

(ii) The executive secretary may, upon making a written determination that the delay in the implementation of an emission standard under 40 CFR Part 63 might reasonably be expected to pose an unacceptable risk to public health, require, on a case-by-case basis, notice of intent documentation of emissions consistent with (c) below.

(A) The executive secretary shall notify the source in writing of the preliminary decision to require some or all of the documentation as listed in (c) below.

(B) The source may respond in writing within thirty days of receipt of the notice, or such longer period as the executive secretary approves.

(C) In making a final determination, the executive secretary shall document objective bases for the determination, which may include public information and studies, documented public comment, the applicant's written response, the physical and chemical properties of emissions, and ambient monitoring data.

(b) Lead Compounds Exemption. The requirements of R307-410-4 do not apply to emissions of lead compounds. Lead compounds shall be evaluated pursuant to requirements of R307-410-3.

(c) Submittal Requirements.

(i) Each applicant's notice of intent shall include:

(A) the estimated maximum pounds per hour emission rate increase from each affected installation,

(B) the type of release, whether the release flow is vertically restricted or unrestricted, the maximum release duration in minutes per hour, the release height measured from the ground, the height of any adjacent building or structure, the shortest distance between the release point and any area defined as "ambient air" under 40 CFR 50.1(e) for each installation for which the source proposes an emissions increase,

(C) the emission threshold value, calculated to be the applicable threshold limit value - time weighted average (TLV-TWA) or the threshold limit value - ceiling (TLV-C) multiplied by the appropriate emission threshold factor listed in Table 2, except in the case of arsenic, benzene, beryllium, and ethylene oxide which shall be calculated using chronic emission threshold factors, and formaldehyde, which shall be calculated using an acute emission threshold factor. For acute hazardous air pollutant releases having a duration period less than one hour, this maximum pounds per hour emission rate shall be consistent with an identical operating process having a continuous release for a one-hour period.

EMISSION THRESHOLD FACTORS FOR  
HAZARDOUS AIR POLLUTANTS  
(cubic meter pounds per milligram hour)

VERTICALLY-RESTRICTED AND FUGITIVE  
EMISSION RELEASE POINTS

DISTANCE TO PROPERTY	BOUNDARY	ACUTE	CHRONIC
<b>CARCINOGENIC</b>			
20 Meters or less		0.038	0.051
21 - 50 Meters		0.051	0.066
51 - 100 Meters		0.092	0.123
Beyond 100 Meters		0.180	0.269
<b>VERTICALLY-UNRESTRICTED</b>			
<b>EMISSION RELEASE POINTS</b>			

DISTANCE TO PROPERTY	BOUNDARY	ACUTE	CHRONIC
<b>CARCINOGENIC</b>			
50 Meters or less		0.154	0.198
51 - 100 Meters		0.224	0.244
Beyond 100 Meters		0.310	0.368

(ii) A source with a proposed maximum pounds per hour emissions increase equal to or greater than the emissions threshold value shall include documentation of a comparison of the estimated ambient concentration of the proposed emissions with the applicable toxic screening level specified in (d) below.

(iii) A source with an estimated ambient concentration equal to or greater than the toxic screening level shall provide additional documentation regarding the impact of the proposed emissions. The executive secretary may require such documentation to include, but not be limited to:

(A) a description of symptoms and adverse health effects that can be caused by the hazardous air pollutant,

(B) the exposure conditions or dose that is sufficient to cause the adverse health effects,

(C) a description of the human population or other biological species which could be exposed to the estimated concentration,

(D) an evaluation of land use for the impacted areas,

(E) the environmental fate and persistency.

(d) Toxic Screening Levels and Averaging Periods.

(i) The toxic screening level for an acute hazardous air pollutant is 1/10th the value of the TLV-C, and the applicable averaging period shall be:

(A) one hour for emissions releases having a duration period of one hour or greater,

(B) one hour for emission releases having a duration period less than one hour if the emission rate used in the model is consistent with an identical operating

TABLE 2

process having a continuous release for a one-hour period or more, or

(C) the dispersion model's shortest averaging period when using an applicable model capable of estimating ambient concentrations for periods of less than one hour.

(ii) The toxic screening level for a chronic hazardous air pollutant is 1/30th the value of the TLV-TWA, and the applicable averaging period shall be 24 hours.

(iii) The toxic screening level for all carcinogenic hazardous air pollutants is 1/90 the value of the TLV-TWA, and the applicable averaging period shall be 24 hours, except in the case of formaldehyde which shall be evaluated consistent with (d)(i) above and arsenic, benzene, beryllium, and ethylene oxide which shall be evaluated consistent with (d)(ii) above.

#### **R307-410-5. Stack Heights and Dispersion Techniques.**

(1) The degree of emission limitation required of any source for control of any air contaminant to include determinations made under R307-401, R307-403 and R307-405, must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique except as provided in (2) below. This does not restrict, in any manner, the actual stack height of any source.

(2) The provisions in R307-410-5 shall not apply to:

(a) stack heights in existence, or dispersion techniques implemented on or before December 31, 1970, except where pollutants are being emitted from such stacks or using such dispersion techniques by sources which were constructed or reconstructed, or for which major modifications were carried out after December 31, 1970; or

(b) coal-fired steam electric generating units subject to the provisions of Section 118 of the Clean Air Act, which commenced operation before July 1, 1957, and whose stacks were constructed under a construction contract awarded before February 8, 1974.

(3) The Executive Secretary may require the source owner or operator to provide a demonstration that the source stack height meets good engineering practice as required by R307-410-5.

**KEY: air pollution, modeling, hazardous air pollutant\*, stack height\***

**1998**

**19-2-104**

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

##### **R307-413. Permits: Exemptions and Special Provisions.**

###### **R307-413-1. Definitions and General Requirements.**

(1) The following additional definitions apply to R307-413-7.

"Boiler" is defined in R315-1-1, which incorporates by reference 40 CFR 260.10, and is identified as follows:

(a) an industrial boiler located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;

(b) a utility boiler used to produce electric power, steam, heated or cooled air, or other gases or fluid for sale;

(c) a used-oil fired space heater provided that the burner meets the provisions of R315-15-2.4.

"Used Oil" is defined as any oil that has been refined from crude oil, used, and, as a result of such use contaminated by physical or chemical impurities.

(2) Any control apparatus installed on a source that is exempted under R307-413-2 through 6 shall be adequately and properly maintained. The owner or operator of any new or existing emission unit that is exempted under R307-413-2 through 6 is required to comply with all other applicable rules in Title R307.

(3) If the executive secretary has reason to believe, after completion of an appropriate analysis and evaluation in consultation with the source owner or operator, that the emissions from a source described in R307-413-2 through 6 are not meeting any specified approval order or State Implementation Plan limitation, or create an adverse impact to the environment, or would be injurious to human health or welfare, then the notice of intent and approval order provisions of R307-401 will apply.

#### **R307-413-2. Small Source Exemptions - De minimis Emissions.**

(1) A new or existing stationary source is exempt from the notice of intent and approval order requirements of R307-401 if the following conditions are met:

(a) it is not regulated by any standard or requirement of 42 U.S.C. 7411 or 7412;

(b) its potential to emit does not make it a stationary major source or require emission offset provisions as required by R307-403 for a new or modified source;

(c) its actual emissions are less than 5 tons per year per air contaminant of any of the following air contaminants: sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), particulate matter (PM<sub>10</sub>), ozone (O<sub>3</sub>), or volatile organic compounds (VOCs);

(d) its actual emissions are less than 500 pounds per year of any hazardous air pollutant and less than 2000 pounds per year of any combination of hazardous air pollutants;

(e) its actual emissions are less than 500 pounds per year of any air contaminant not listed in (c) or (d) above and less than 2000 pounds per year of any combination of air contaminants not listed in (c) or (d) above; and

(f) for purposes of determining applicability of R307-413-2, other air contaminants that are drawn from the environment through equipment in intake air and then are released back to the environment without chemical change, as well as carbon dioxide (CO<sub>2</sub>), nitrogen (N<sub>2</sub>), oxygen

(O<sub>2</sub>), argon (Ar), neon (Ne), helium (He), krypton (Kr), xenon (Xe) should not be included in emission calculations.

(2) Small Source Exemption - Registration

Required in Nonattainment and Maintenance Areas. The owner or operator of a stationary source located in a nonattainment area or a maintenance area for the air contaminants, including ozone precursors, that is claiming an exemption under R307-413-2 shall submit to the executive secretary a written registration notice. An existing source shall submit this registration notice no later than March 15, 1997. A new source shall submit the registration notice prior to commencing construction. The notice shall include the following minimum information:

(a) identifying information including company name and address, location of source, telephone number, and name of plant site manager or point of contact;

(b) a description of the nature of the processes involved, equipment, anticipated quantities of materials used, the type and quantity of fuel employed and nature and quantity of the finished product;

(c) identification of expected emissions;

(d) estimated annual emission rates;

(e) any control apparatus used; and

(f) typical operating schedule.

(3) The owner or operator of a temporary source that is claiming exemption under R307-413-2 must still comply with the conditions of R307-401-7.

**R307-413-3. Flexibility Changes.**

(1) A change to an existing stationary source is exempt from the notice of intent and approval order requirements of R307-401 if the source is covered by an approval order and the change satisfies the following conditions:

(a) the change is not regulated by any standard or requirement of 42 U.S.C. 7411 or 7412,

(b) the increases in allowable emissions from the change since the issuance of the current approval order for the source are less than:

(i) 5 tons per year per air contaminant of any of the following air contaminants: sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), particulate matter (PM<sub>10</sub>), ozone (O<sub>3</sub>), or volatile organic compounds (VOCs);

(ii) 500 pounds per year of any hazardous air pollutant and 2000 pounds per year of any combination of hazardous air pollutants; and

(iii) 500 pounds per year of any air contaminant not listed in (i) or (ii) above and 2000 pounds per year of any combination of air contaminants not listed in (i) or (ii) above;

(c) for purposes of determining applicability of R307-413-3, other air contaminants that are drawn from the environment through equipment in intake air and then are released back to the environment without chemical change, as well as carbon dioxide (CO<sub>2</sub>), nitrogen (N<sub>2</sub>), oxygen (O<sub>2</sub>), argon (Ar), neon (Ne), helium (He), krypton (Kr), xenon (Xe) should not be included in emission calculations;

(d) the increase of allowable emissions from the change is accompanied by an equivalent or greater decrease

of allowable emissions of the same air contaminants within the source at the time of the change, so long as the emissions decrease is enforceable in an approval order;

(e) the net emissions increase at the source, as defined in R307-101-2, as a result of the change shall not constitute a major modification, as defined in R307-101-2; and

(f) The owner or operator claiming an exemption pursuant to R307-413-3 submits to the executive secretary a written notice prior to the change. The notice shall include the information specified in R307-413-2(2)(a) through (f) and a description of where the owner or operator will reduce allowable emissions at least equal to any increase in emissions from the change.

(2) The approval order shall reflect emission increases and decreases of emitting units at the source resulting from the change.

(3) A source must go through the full Notice of Intent and Approval Order requirements of R307-401 to change any limitation which a source is relying on, either to avoid being classified as a major source, or to avoid having a change in emissions be considered a major modification.

(4) No comment period under R307-401-4 is required for this approval order change and update.

**R307-413-4. Other Exemptions.**

The following sources are exempt from the notice of intent and approval order requirements of R307-401.

(1) Fuel-burning equipment in which combustion takes place at no greater pressure than one inch of mercury above ambient pressure with a rated capacity of less than five million BTU per hour using no other fuel than natural gas or LPG or other mixed gas that meets the standards of gas distributed by a utility in accordance with the rules of the Public Service Commission of the State of Utah is exempt, unless there are emissions other than combustion products.

(2) Comfort heating equipment such as boilers, water heaters, air heaters and steam generators with a rated capacity of less than one million BTU per hour if fueled only by fuel oil numbers 1 - 6 is exempt.

(3) Emergency heating equipment, using coal or wood for fuel, with a rated capacity less than 50,000 BTU per hour is exempt.

(4) Exhaust systems for controlling steam and heat that do not contain combustion products are exempt.

(5) New parking areas of less than 600 vehicles capacity or modified parking areas increasing capacity by less than 350 vehicles are exempt.

(6) Emissions of 1,1,1-trichloroethane, trichlorofluoromethane, dichlorodifluoromethane, chlorodifluoromethane, trifluoromethane, 1,1,2-trichloro-1,2,2-trifluoroethane, 1,2-dichloro-1,1,2,2-tetrafluoroethane, methane, ethane, and chloropentafluoroethane are exempt. However, the owner or operator of a source emitting 10 tons per year or more of any of these compounds must submit a notice of intent to the executive secretary prior to construction of the source.

**R307-413-5. Replacement-in-Kind Equipment.**

(1) Applicability. The owner or operator of a stationary source of air contaminants who modifies any process or replaces any control apparatus that is covered by an existing approval order, a previous approval order that has been superseded by an operating permit, or a requirement contained in a State Implementation Plan is exempt from the notice of intent and approval order requirements of R307-401, when the replacement-in-kind equipment meets all of the following conditions:

- (a) potential to emit of the process equipment is the same or lower;
- (b) the number of emission points or emitting units is the same or lower;
- (c) no additional types of air contaminants are emitted as a result of the replacement;
- (d) the control apparatus or process equipment is essentially the same as that being replaced and is not regulated by any standard or requirement of 42 U.S.C. 7411 or 7412;
- (e) the replacement of the control apparatus or process equipment does not violate any other provision of Title R307.

(2) Replacement-in-Kind Procedures.

(a) In lieu of filing a notice of intent under R307-401, an owner or operator of a stationary source proposing to replace control apparatus or process equipment by in-kind equipment shall submit a written notification to the executive secretary for approval prior to initiation of replacement. The notification shall contain a description of the replacement-in-kind, to include the control capability of any control apparatus and a demonstration that the conditions of (1) above are met.

(b) If the replacement-in-kind meets the conditions of (1) above, the executive secretary will update the appropriate approval order and notify the owner or operator. No public comment period under R307-401-4 is required.

**R307-413-6. Reduction of Air Contaminants.**

(1) Applicability. The owner or operator of a stationary source of air contaminants covered by an existing approval order or a State Implementation Plan that reduces or eliminates air contaminants by changing, substituting, or eliminating process raw materials or process equipment, or uses a more efficient process design, is exempt from the notice of intent and approval order requirements of R307-401, when all the following are met:

- (a) there is a permanent reduction of air contaminants per year that is enforceable by an approval order;
- (b) there are no new air contaminants emitted as a result of the changes; and
- (c) the changes do not violate any provision of Title R307 rules.

(2) Procedures for the Reduction or Elimination of Air Contaminants Exemption. In lieu of filing a notice of intent under R307-401, an owner or operator of a stationary source making changes as described in (1) above shall

submit a written description of the changes to the executive secretary no later than 60 days after the changes are made. The approval order will be updated by the executive secretary to reflect the reductions and other changes; no comment period under R307-401-4 is required.

**R307-413-7. Exemption from Notice of Intent Requirements for Used Oil Fuel Burned for Energy Recovery.**

(1) Exemption. Boilers burning used oil for energy recovery are exempt from the notice of intent requirement of R307-401 if the following requirements are met:

- (a) The heat input design is less than one million BTU/hr.
- (b) Contamination levels of all used oil to be burned do not exceed any of the following values:
  - (i) Arsenic - 5 ppm by weight
  - (ii) Cadmium - 2 ppm by weight
  - (iii) Chromium - 10 ppm by weight
  - (iv) Lead - 100 ppm by weight
  - (v) Total halogens - 1,000 ppm by weight
  - (vi) Sulfur - 0.50% by weight.

(c) The flash point of all used oil to be burned is no less than 100 degrees Fahrenheit.

(2) Requirements. The owner/operator of boilers burning used oil for energy recovery which are exempt under (1) above shall only burn used oil meeting the requirements of (1)(b) and (c) above and shall test each load of used oil received or generated as directed by the executive secretary to insure it meets these requirements. Testing may be performed by the owner/operator or documented by test reports from the used fuel oil vendor. The flash point must be measured using the appropriate ASTM method as required by the executive secretary. Records for used oil consumption and test reports are to be kept for all periods when fuel burning equipment is in operation. The records shall be kept on site and made available to the executive secretary or his representative upon request. Records must be kept for a three year period.

**R307-413-8. De minimis Emissions From Air Strippers and Soil Venting Projects.**

(1) An owner or operator of an air stripper or soil venting system will not be required to obtain an approval order under R307-401 to conduct remediation of contaminated groundwater or soil, if the owner or operator submits written documentation of the following to the executive secretary prior to beginning the remediation project:

- (a) the estimated total air emissions of volatile organic compounds from a given project are less than the de minimis emissions listed in R307-413-2(1)(c), and
- (b) the level of any one hazardous air pollutant or any combination of hazardous air pollutants is below the levels listed in R307-410-4(1)(d).

(2) After beginning the soil remediation project, the owner or operator shall submit emissions information to the executive secretary to verify that the emission rates of

the volatile organic compounds and hazardous air pollutants in (1) are not exceeded. Emissions estimates of volatile organic compounds and hazardous air pollutants shall be based on test data obtained in accordance with the test method in the EPA document SW-846, Test #8020 or #8021 or other test or monitoring method approved by the executive secretary. Results of the test and calculated annual quantity of emissions of volatile organic compounds and hazardous air pollutants shall be submitted to the executive secretary within one month of sampling. The test samples shall be drawn on intervals of no less than twenty-eight days and no more than thirty-one days (i.e., monthly) for the first quarter, quarterly for the first year, and semi-annually thereafter or as determined necessary by the executive secretary.

(3) The following control devices do not require an approval order under R307-401 when used in relation to an air stripper or soil venting project applicable to this rule:

- (a) thermodestruction unit with a rated input capacity of less than five million BTU per hour using no other auxiliary fuel than natural gas or LPG, or
- (b) carbon adsorption unit.

#### **R307-413-9. De minimis Emissions From Soil Aeration Projects.**

An owner or operator of a soil remediation project is not required to obtain an approval order under R307-401 when soil aeration or land farming is used to conduct a soil remediation, if the owner or operator submits written documentation of the following to the executive secretary prior to beginning the remediation project:

- (1) the estimated total air emissions of volatile organic compounds, using an appropriate sampling method, from a given project are less than the de minimis emissions listed in R307-413-2(1)(c);
- (2) the levels of any one hazardous air pollutant or any combination of hazardous air pollutants are less than the levels in R307-410-4(1)(d); and
- (3) the location of the remediation and where the remediated material originated.

**KEY: waste oil\*, permits, exemption\*, de minimis\***  
**1998** **19-2-104**  
**19-2-108**

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

##### **R307-414. Permits: Fees for Approval Orders.**

###### **R307-414-1. Applicability and Definitions.**

The owner and operator of each new major source or major modification is required to pay a fee to the Department sufficient to cover the reasonable costs of reviewing and acting upon the notice of intent required pursuant to R307-401 for each new major source or major modification and implementing and enforcing requirements placed on such source by any approval order issued pursuant to such notice (not including any court costs associated with any enforcement action).

###### **R307-414-2. Bills for Service.**

(1) The Executive Secretary will provide the owner or operator of each new major source or major modification with an itemized bill for services upon issuance of an approval order. Such a bill for services shall represent the actual costs to the Department for reviewing and acting upon the notice of intent and shall be due and payable upon receipt.

(2) The Executive Secretary shall provide the owner or operator of each new major source or major modification with an itemized bill for services upon completion of an initial compliance inspection and/or source testing and/or any enforcement action brought about by the issuance of an approval order. Such bill shall represent the actual costs to the Department for the inspection, testing and/or enforcement action and shall be due and payable upon receipt.

**KEY: air pollution, fee**

**December 7, 2000**

**19-2-104(3)(o)**

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

##### **R307-415. Permits: Operating Permit Requirements.**

###### **R307-415-1. Purpose.**

Title V of the Clean Air Act (the Act) requires states to develop and implement a comprehensive air quality permitting program. Title V of the Act does not impose new substantive requirements. Title V does require that sources subject to R307-415 pay a fee and obtain a renewable operating permit that clarifies, in a single document, which requirements apply to a source and assures the source's compliance with those requirements. The purpose of R307-415 is to establish the procedures and elements of such a program.

###### **R307-415-2. Authority.**

R307-415 is required by Title V of the Act and 40 Code of Federal Regulations (CFR) Part 70, and is adopted under the authority of Section 19-2-104.

###### **R307-415-3. Definitions.**

(1) The definitions contained in R307-101-2 apply throughout R307-415, except as specifically provided in (2).

(2) The following additional definitions apply to R307-415.

"Act" means the Clean Air Act, as amended, 42 U.S.C. 7401, et seq.

"Administrator" means the Administrator of EPA or his or her designee.

"Affected States" are all states:

(a) Whose air quality may be affected and that are contiguous to Utah; or

(b) That are within 50 miles of the permitted source.

"Air Pollutant" means an air pollution agent or combination of such agents, including any physical,

chemical, biological, or radioactive (including source material, special nuclear material, and byproduct material) substance or matter which is emitted into or otherwise enters the ambient air. Such term includes any precursors to the formation of any air pollutant, to the extent the Administrator has identified such precursor or precursors for the particular purpose for which the term air pollutant is used.

"Applicable requirement" means all of the following as they apply to emissions units in a Part 70 source, including requirements that have been promulgated or approved by the Board or by the EPA through rulemaking at the time of permit issuance but have future-effective compliance dates:

- (a) Any standard or other requirement provided for in the State Implementation Plan;
- (b) Any term or condition of any approval order issued under R307-401;
- (c) Any standard or other requirement under Section 111 of the Act, Standards of Performance for New Stationary Sources, including Section 111(d);
- (d) Any standard or other requirement under Section 112 of the Act, Hazardous Air Pollutants, including any requirement concerning accident prevention under Section 112(r)(7) of the Act;
- (e) Any standard or other requirement of the Acid Rain Program under Title IV of the Act or the regulations promulgated thereunder;
- (f) Any requirements established pursuant to Section 504(b) of the Act, Monitoring and Analysis, or Section 114(a)(3) of the Act, Enhanced Monitoring and Compliance Certification;
- (g) Any standard or other requirement governing solid waste incineration, under Section 129 of the Act;
- (h) Any standard or other requirement for consumer and commercial products, under Section 183(e) of the Act;
- (i) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in an operating permit;
- (j) Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the Act;
- (k) Any standard or other requirement under rules adopted by the Board.

"Area source" means any stationary source that is not a major source.

"Designated representative" shall have the meaning given to it in Section 402 of the Act and in 40 CFR Section 72.2, and applies only to Title IV affected sources.

"Draft permit" means the version of a permit for which the Executive Secretary offers public participation under R307-415-7i or affected State review under R307-415-8(2).

"Emissions allowable under the permit" means a federally-enforceable permit term or condition determined at

issuance to be required by an applicable requirement that establishes an emissions limit, including a work practice standard, or a federally-enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

"Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any hazardous air pollutant. This term is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the Act, Acid Deposition Control.

"Final permit" means the version of an operating permit issued by the Executive Secretary that has completed all review procedures required by R307-415-7a through 7i and R307-415-8.

"General permit" means an operating permit that meets the requirements of R307-415-6d.

"Hazardous Air Pollutant" means any pollutant listed by the Administrator as a hazardous air pollutant under Section 112(b) of the Act.

"Major source" means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control)) belonging to a single major industrial grouping and that are described in paragraphs (a), (b), or (c) of this definition. For the purposes of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987. Emissions resulting directly from an internal combustion engine for transportation purposes or from a non-road vehicle shall not be considered in determining whether a stationary source is a major source under this definition.

(a) A major source under Section 112 of the Act, Hazardous Air Pollutants, which is defined as: for pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, ten tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of such hazardous air pollutants. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well, with its associated equipment, and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources.

(b) A major stationary source of air pollutants, as defined in Section 302 of the Act, that directly emits or has the potential to emit, 100 tons per year or more of any air pollutant, including any major source of fugitive emissions or fugitive dust of any such pollutant as determined by rule by the Administrator. The fugitive emissions or fugitive

dust of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the Act, unless the source belongs to any one of the following categories of stationary source:

- (i) Coal cleaning plants with thermal dryers;
- (ii) Kraft pulp mills;
- (iii) Portland cement plants;
- (iv) Primary zinc smelters;
- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;
- (viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- (x) Petroleum refineries;
- (xi) Lime plants;
- (xii) Phosphate rock processing plants;
- (xiii) Coke oven batteries;
- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants, furnace process;
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants;
- (xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;
- (xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
- (xxvii) Any other stationary source category, which as of August 7, 1980 is being regulated under Section 111 or Section 112 of the Act.

(c) A major stationary source as defined in part D of Title I of the Act, Plan Requirements for Nonattainment Areas, including:

(i) For ozone nonattainment areas, sources with the potential to emit 100 tons per year or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tons per year or more in areas classified as "serious," 25 tons per year or more in areas classified as "severe," and 10 tons per year or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tons per year of nitrogen oxides shall not apply with respect to any source for which the Administrator has made a finding, under Section 182(f)(1) or (2) of the Act, that requirements under Section 182(f) of the Act do not apply;

(ii) For ozone transport regions established pursuant to Section 184 of the Act, sources with the potential to emit 50 tons per year or more of volatile organic compounds;

(iii) For carbon monoxide nonattainment areas that are classified as "serious" and in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tons per year or more of carbon monoxide;

(iv) For PM-10 particulate matter nonattainment areas classified as "serious," sources with the potential to emit 70 tons per year or more of PM-10 particulate matter.

"Non-Road Vehicle" means a vehicle that is powered by an internal combustion engine (including the fuel system), that is not a self-propelled vehicle designed for transporting persons or property on a street or highway or a vehicle used solely for competition, and is not subject to standards promulgated under Section 111 of the Act (New Source Performance Standards) or Section 202 of the Act (Motor Vehicle Emission Standards).

"Operating permit" or "permit," unless the context suggests otherwise, means any permit or group of permits covering a Part 70 source that is issued, renewed, amended, or revised pursuant to these rules.

"Part 70 Source" means any source subject to the permitting requirements of R307-415, as provided in R307-415-4.

"Permit modification" means a revision to an operating permit that meets the requirements of R307-415-7f.

"Permit revision" means any permit modification or administrative permit amendment.

"Permit shield" means the permit shield as described in R307-415-6f.

"Proposed permit" means the version of a permit that the Executive Secretary proposes to issue and forwards to EPA for review in compliance with R307-415-8.

"Renewal" means the process by which a permit is reissued at the end of its term.

"Responsible official" means one of the following:

(a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) the operating facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million in second quarter 1980 dollars; or

(ii) the delegation of authority to such representative is approved in advance by the Executive Secretary;

(b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

(c) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of R307-415, a principal executive officer of a Federal agency includes the

chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency;

(d) For Title IV affected sources:

(i) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Act, Acid Deposition Control, or the regulations promulgated thereunder are concerned;

(ii) The responsible official as defined above for any other purposes under R307-415.

"Stationary source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any hazardous air pollutant.

"Title IV Affected source" means a source that contains one or more affected units as defined in Section 402 of the Act and in 40 CFR, Part 72.

#### **R307-415-4. Applicability.**

(1) Part 70 sources. All of the following sources are subject to the permitting requirements of R307-415, and unless exempted under (2) below are required to submit an application for an operating permit:

(a) Any major source;

(b) Any source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the Act, Standards of Performance for New Stationary Sources;

(c) Any source, including an area source, subject to a standard or other requirement under Section 112 of the Act, Hazardous Air Pollutants, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under Section 112(r) of the Act, Prevention of Accidental Releases;

(d) Any Title IV affected source.

(2) Source category exemptions. The following source categories are exempted from the requirement to obtain an operating permit.

(a) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters;

(b) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145, Standard for Demolition and Renovation. For Part 70 sources, demolition and renovation activities within the source under 40 CFR 61.145 shall be treated as a separate source for the purpose of R307-415.

(3) Emissions units and Part 70 sources.

(a) For major sources, the Executive Secretary shall include in the permit all applicable requirements for all relevant emissions units in the major source.

(b) For any area source subject to the operating permit program under R307-415-4(1) or (2), the Executive Secretary shall include in the permit all applicable requirements applicable to emissions units that cause the source to be subject to the operating permit program.

(4) Fugitive emissions. Fugitive emissions and fugitive dust from a Part 70 source shall be included in the

permit application and the operating permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of source categories contained in the definition of major source.

(5) Control requirements. R307-415 does not establish any new control requirements beyond those established by applicable requirements, but may establish new monitoring, recordkeeping, and reporting requirements.

(6) Synthetic minors. An existing source that wishes to avoid designation as a major Part 70 source under R307-415, must obtain federally-enforceable conditions which reduce the potential to emit, as defined in R307-101-2, to less than the level established for a major Part 70 source. Such federally-enforceable conditions may be obtained by applying for and receiving an approval order under R307-401. The approval order shall contain periodic monitoring, recordkeeping, and reporting requirements sufficient to verify continuing compliance with the conditions which would reduce the source's potential to emit.

#### **R307-415-5a. Permit Applications: Duty to Apply.**

For each Part 70 source, the owner or operator shall submit a timely and complete permit application. A pre-application conference may be held at the request of a Part 70 source or the Executive Secretary to assist a source in submitting a complete application.

(1) Timely application.

(a) Except as provided in the transition plan under (3) below, a timely application for a source applying for an operating permit for the first time is one that is submitted within 12 months after the source becomes subject to the permit program.

(b) Except as provided in the transition plan under (3) below, any Part 70 source required to meet the requirements under Section 112(g) of the Act, Hazardous Air Pollutant Modifications, or required to receive an approval order to construct a new source or modify an existing source under R307-401, shall file a complete application to obtain an operating permit or permit revision within 12 months after commencing operation of the newly constructed or modified source. Where an existing operating permit would prohibit such construction or change in operation, the source must obtain a permit revision before commencing operation.

(c) For purposes of permit renewal, a timely application is one that is submitted by the renewal date established in the permit. The Executive Secretary shall establish a renewal date for each permit that is at least six months and not greater than 18 months prior to the date of permit expiration. A source may submit a permit application early for any reason, including timing of other application requirements.

(2) Complete application.

(a) To be deemed complete, an application must provide all information sufficient to evaluate the subject source and its application and to determine all applicable requirements pursuant to R307-415-5c. Applications for

permit revision need supply such information only if it is related to the proposed change. A responsible official shall certify the submitted information consistent with R307-415-5d.

(b) Unless the Executive Secretary notifies the source in writing within 60 days of receipt of the application that an application is not complete, such application shall be deemed to be complete. A completeness determination shall not be required for minor permit modifications. If, while processing an application that has been determined or deemed to be complete, the Executive Secretary determines that additional information is necessary to evaluate or take final action on that application, the Executive Secretary may request such information in writing and set a reasonable deadline for a response. The source's ability to operate without a permit, as set forth in R307-415-7b(2), shall be in effect from the date the application is determined or deemed to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified in writing by the Executive Secretary.

(3) Transition Plan. A timely application under the transition plan is an application that is submitted according to the following schedule:

(a) All Title IV affected sources shall submit an operating permit application as well as an acid rain permit application in accordance with the date required by 40 CFR Part 72 effective April 11, 1995, Subpart C-Acid Rain Permit Applications;

(b) All major Part 70 sources operating as of July 10, 1995, except those described in (a) above, and all solid waste incineration units operating as of July 10, 1995, that are required to obtain an operating permit pursuant to 42 U.S.C. Sec. 7429(e) shall submit a permit application by October 10, 1995.

(c) Area sources.

(i) Except as provided in (c)(ii) and (c)(iii) below, each Part 70 source that is not a major source, a Title IV affected source, or a solid waste incineration unit required to obtain a permit pursuant to section 129(e) (42 U.S.C. 7429), is deferred from the obligation to submit an application until 12 months after the Administrator completes a rulemaking to determine how the program should be structured for area sources and the appropriateness of any permanent exemptions in addition to those provided in R307-415-4(2).

(ii) General Permits.

(A) The Executive Secretary shall develop general permits and application forms for area source categories.

(B) After a general permit has been issued for a source category, the Executive Secretary shall establish a due date for permit applications from all area sources in that source category.

(C) The Executive Secretary shall provide at least six months notice that the application is due for a source category.

(iii) Regulation-specific Requirements.

(A) If a regulation promulgated under Section 111 or 112 (42 U.S.C. 7411 or 7412) requires an area source

category to submit an application for a Part 70 permit, each area source covered by the requirement must submit an application in accordance with the regulation.

(d) Extensions. The owner or operator of any

Part 70 source may petition the Executive Secretary for an extension of the application due date for good cause. The due date for major Part 70 sources shall not be extended beyond July 10, 1996. The due date for an area source shall not be extended beyond twelve months after the due date in (c)(i) above.

(e) Application shield. If a source submits a timely and complete application under this transition plan, the application shield under R307-415-7b(2) shall apply to the source. If a source submits a timely application and is making sufficient progress toward correcting an application determined to be incomplete, the Executive Secretary may extend the application shield under R307-415-7b(2) to the source when the application is determined complete. The application shield shall not be extended to any major source that has not submitted a complete application by July 10, 1996, or to any area source that has not submitted a complete application within twelve months after the due date in (c)(i) above.

(4) Confidential information. Claims of confidentiality on information submitted to EPA may be made pursuant to applicable federal requirements. Claims of confidentiality on information submitted to the Department shall be made and governed according to Section 19-1-306. In the case where a source has submitted information to the Department under a claim of confidentiality that also must be submitted to the EPA, the Executive Secretary shall either submit the information to the EPA under Section 19-1-306, or require the source to submit a copy of such information directly to EPA.

(5) Late applications. An application submitted after the deadlines established in R307-415-5a shall be accepted for processing, but shall not be considered a timely application. Submitting an application shall not relieve a source of any enforcement actions resulting from submitting a late application.

#### **R307-415-5b. Permit Applications: Duty to Supplement or Correct Application.**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.

#### **R307-415-5c. Permit Applications: Standard Requirements.**

Information as described below for each emissions unit at a Part 70 source shall be included in the application except for insignificant activities and emissions

levels under R307-415-5e. The operating permit application shall include the elements specified below:

- (1) Identifying information, including company name, company address, plant name and address if different from the company name and address, owner's name and agent, and telephone number and names of plant site manager or contact.
- (2) A description of the source's processes and products by Standard Industrial Classification Code, including any associated with each alternate scenario identified by the source.
- (3) The following emissions-related information:
  - (a) A permit application shall describe the potential to emit of all air pollutants for which the source is major, and the potential to emit of all regulated air pollutants and hazardous air pollutants from any emissions unit, except for insignificant activities and emissions under R307-415-5e. For emissions of hazardous air pollutants under 1,000 pounds per year, the following ranges may be used in the application: 1-10 pounds per year, 11-499 pounds per year, 500-999 pounds per year. The mid-point of the range shall be used to calculate the emission fee under R307-415-9 for hazardous air pollutants reported as a range.
  - (b) Identification and description of all points of emissions described in (a) above in sufficient detail to establish the basis for fees and applicability of applicable requirements.
  - (c) Emissions rates in tons per year and in such terms as are necessary to establish compliance with applicable requirements consistent with the applicable standard reference test method.
  - (d) The following information to the extent it is needed to determine or regulate emissions: fuels, fuel use, raw materials, production rates, and operating schedules.
  - (e) Identification and description of air pollution control equipment and compliance monitoring devices or activities.
  - (f) Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated air pollutants and hazardous air pollutants at the Part 70 source.
  - (g) Other information required by any applicable requirement, including information related to stack height limitations developed pursuant to Section 123 of the Act.
  - (h) Calculations on which the information in items (a) through (g) above is based.
- (4) The following air pollution control requirements:
  - (a) Citation and description of all applicable requirements, and
  - (b) Description of or reference to any applicable test method for determining compliance with each applicable requirement.
- (5) Other specific information that may be necessary to implement and enforce applicable requirements or to determine the applicability of such requirements.
- (6) An explanation of any proposed exemptions from otherwise applicable requirements.
- (7) Additional information as determined to be necessary by the Executive Secretary to define alternative operating scenarios identified by the source pursuant to R307-415-6a(9) or to define permit terms and conditions implementing emission trading under R307-415-7d(1)(c) or R307-415-6a(10).
- (8) A compliance plan for all Part 70 sources that contains all of the following:
  - (a) A description of the compliance status of the source with respect to all applicable requirements.
  - (b) A description as follows:
    - (i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
    - (ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.
    - (iii) For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.
  - (c) A compliance schedule as follows:
    - (i) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
    - (ii) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.
    - (iii) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.
  - (d) A schedule for submission of certified progress reports every six months, or more frequently if specified by the underlying applicable requirement or by the Executive Secretary, for sources required to have a schedule of compliance to remedy a violation.
  - (e) The compliance plan content requirements specified in this paragraph shall apply and be included in the acid rain portion of a compliance plan for a Title IV affected source, except as specifically superseded by regulations promulgated under Title IV of the Act, Acid Deposition Control, with regard to the schedule and methods the source will use to achieve compliance with the acid rain emissions limitations.

- (9) Requirements for compliance certification, including all of the following:
  - (a) A certification of compliance with all applicable requirements by a responsible official consistent with R307-415-5d and Section 114(a)(3) of the Act, Enhanced Monitoring and Compliance Certification.
  - (b) A statement of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test method.
  - (c) A schedule for submission of compliance certifications during the permit term, to be submitted annually, or more frequently if specified by the underlying applicable requirement or by the Executive Secretary.
  - (d) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the Act.
- (10) Nationally-standardized forms for acid rain portions of permit applications and compliance plans, as required by regulations promulgated under Title IV of the Act, Acid Deposition Control.

**R307-415-5d. Permit Applications: Certification.**

Any application form, report, or compliance certification submitted pursuant to R307-415 shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under R307-415 shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

**R307-415-5e. Permit Applications: Insignificant Activities and Emissions.**

An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required under R307-415-9. The following lists apply only to operating permit applications and do not affect the applicability of R307-415 to a source, do not affect the requirement that a source receive an approval order under R307-401, and do not relieve a source of the responsibility to comply with any applicable requirement.

- (1) The following insignificant activities and emission levels are not required to be included in the permit application.
  - (a) Exhaust systems for controlling steam and heat that do not contain combustion products, except for systems that are subject to an emission standard under any applicable requirement.
  - (b) Air contaminants that are present in process water or non-contact cooling water as drawn from the environment or from municipal sources, or air contaminants that are present in compressed air or in ambient air, which may contain air pollution, used for combustion.
  - (c) Air conditioning or ventilating systems not designed to remove air contaminants generated by or released from other processes or equipment.

- (d) Disturbance of surface areas for purposes of land development, not including mining operations or the disturbance of contaminated soil.
- (e) Brazing, soldering, or welding operations.
- (f) Aerosol can usage.
- (g) Road and parking lot paving operations, not including asphalt, sand and gravel, and cement batch plants.
- (h) Fire training activities that are not conducted at permanent fire training facilities.
- (i) Landscaping, janitorial, and site housekeeping activities, including fugitive emissions from landscaping activities.
- (j) Architectural painting.
- (k) Office emissions, including cleaning, copying, and restrooms.
- (l) Wet wash aggregate operations that are solely dedicated to this process.
- (m) Air pollutants that are emitted from personal use by employees or other persons at the source, such as foods, drugs, or cosmetics.
- (n) Air pollutants that are emitted by a laboratory at a facility under the supervision of a technically qualified individual as defined in 40 CFR 720.3(ee); however, this exclusion does not apply to specialty chemical production, pilot plant scale operations, or activities conducted outside the laboratory.
- (o) Maintenance on petroleum liquid handling equipment such as pumps, valves, flanges, and similar pipeline devices and appurtenances when purged and isolated from normal operations.
- (p) Portable steam cleaning equipment.
- (q) Vents on sanitary sewer lines.
- (r) Vents on tanks containing no volatile air pollutants, e.g., any petroleum liquid, not containing Hazardous Air Pollutants, with a Reid Vapor Pressure less than 0.05 psia.
- (2) The following insignificant activities are exempted because of size or production rate and a list of such insignificant activities must be included in the application. The Executive Secretary may require information to verify that the activity is insignificant.
  - (a) Emergency heating equipment, using coal, wood, kerosene, fuel oil, natural gas, or LPG for fuel, with a rated capacity less than 50,000 BTU per hour.
  - (b) Individual emissions units having the potential to emit less than one ton per year per pollutant of PM10 particulate matter, nitrogen oxides, sulfur dioxide, volatile organic compounds, or carbon monoxide, unless combined emissions from similar small emission units located within the same Part 70 source are greater than five tons per year of any one pollutant. This does not include emissions units that emit air contaminants other than PM10 particulate matter, nitrogen oxides, sulfur dioxide, volatile organic compounds, or carbon monoxide.
  - (c) Petroleum industry flares, not associated with refineries, combusting natural gas containing no hydrogen sulfide except in amounts less than 500 parts per million by weight, and having the potential to emit less than five tons per year per air contaminant.

- (d) Road sweeping.
- (e) Road salting and sanding.
- (f) Unpaved public and private roads, except unpaved haul roads located within the boundaries of a stationary source. A haul road means any road normally used to transport people, livestock, product or material by any type of vehicle.
- (g) Non-commercial automotive (car and truck) service stations dispensing less than 6,750 gal. of gasoline/month
- (h) Hazardous Air Pollutants present at less than 1% concentration, or 0.1% for a carcinogen, in a mixture used at a rate of less than 50 tons per year, provided that a National Emission Standards for Hazardous Air Pollutants standard does not specify otherwise.
- (i) Fuel-burning equipment, in which combustion takes place at no greater pressure than one inch of mercury above ambient pressure, with a rated capacity of less than five million BTU per hour using no other fuel than natural gas, or LPG or other mixed gas distributed by a public utility.
- (j) Comfort heating equipment (i.e., boilers, water heaters, air heaters and steam generators) with a rated capacity of less than one million BTU per hour if fueled only by fuel oil numbers 1 - 6.
- (3) Any person may petition the Board to add an activity or emission to the list of Insignificant Activities and Emissions which may be excluded from an operating permit application under (1) or (2) above upon a change in the rule and approval of the rule change by EPA. The petition shall include the following information:
  - (a) A complete description of the activity or emission to be added to the list.
  - (b) A complete description of all air contaminants that may be emitted by the activity or emission, including emission rate, air pollution control equipment, and calculations used to determine emissions.
  - (c) An explanation of why the activity or emission should be exempted from the application requirements for an operating permit.
- (4) The executive secretary may determine on a case-by-case basis, insignificant activities and emissions for an individual Part 70 source that may be excluded from an application or that must be listed in the application, but do not require a detailed description. No activity with the potential to emit greater than two tons per year of any criteria pollutant, five tons of a combination of criteria pollutants, 500 pounds of any hazardous air pollutant or one ton of a combination of hazardous air pollutants shall be eligible to be determined an insignificant activity or emission under this subsection (4).

#### **R307-415-6a. Permit Content: Standard Requirements.**

Each permit issued under R307-415 shall include the following elements:

- (1) Emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance;

- (a) The permit shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

- (b) The permit shall state that, where an applicable requirement is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act, Acid Deposition Control, both provisions shall be incorporated into the permit.

- (c) If the State Implementation Plan allows a determination of an alternative emission limit at a Part 70 source, equivalent to that contained in the State Implementation Plan, to be made in the permit issuance, renewal, or significant modification process, and the Executive Secretary elects to use such process, any permit containing such equivalency determination shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

- (2) Permit duration. Except as provided by Section 19-2-109.1(3), the Executive Secretary shall issue permits for a fixed term of five years.

- (3) Monitoring and related recordkeeping and reporting requirements.

- (a) Each permit shall contain the following requirements with respect to monitoring:

- (i) All monitoring and analysis procedures or test methods required under applicable monitoring and testing requirements, including 40 CFR Part 64 and any other procedures and methods that may be promulgated pursuant to sections 114(a)(3) or 504(b) of the Act. If more than one monitoring or testing requirement applies, the permit may specify a streamlined set of monitoring or testing provisions provided the specified monitoring or testing is adequate to assure compliance at least to the same extent as the monitoring or testing applicable requirements that are not included in the permit as a result of such streamlining;

- (ii) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring, which may consist of recordkeeping designed to serve as monitoring, periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to (3)(c) below. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph;

- (iii) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

- (b) With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements and require, where applicable, the following:

- (i) Records of required monitoring information that include the following:

- (A) The date, place as defined in the permit, and time of sampling or measurements;
- (B) The dates analyses were performed;
- (C) The company or entity that performed the analyses;
- (D) The analytical techniques or methods used;
- (E) The results of such analyses;
- (F) The operating conditions as existing at the time of sampling or measurement;
- (ii) Retention of records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
- (c) With respect to reporting, the permit shall incorporate all applicable reporting requirements and require all of the following:
  - (i) Submittal of reports of any required monitoring every six months, or more frequently if specified by the underlying applicable requirement or by the Executive Secretary. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with R307-415-5d.
  - (ii) Prompt reporting of deviations from permit requirements including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The Executive Secretary shall define "prompt" in relation to the degree and type of deviation likely to occur and the applicable requirements. Deviations from permit requirements due to unavoidable breakdowns shall be reported according to the unavoidable breakdown provisions of R307-107. The Executive Secretary may establish more stringent reporting deadlines if required by the applicable requirement.
  - (d) Claims of confidentiality shall be governed by Section 19-1-306.
- (4) Acid Rain Allowances. For Title IV affected sources, a permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Act or the regulations promulgated thereunder.
  - (a) No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program, provided that such increases do not require a permit revision under any other applicable requirement.
  - (b) No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.
  - (c) Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Act.

- (5) A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.
- (6) Standard provisions stating the following:
  - (a) The permittee must comply with all conditions of the operating permit. Any permit noncompliance constitutes a violation of the Air Conservation Act and is grounds for any of the following: enforcement action; permit termination; revocation and reissuance; modification; denial of a permit renewal application.
  - (b) Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
  - (c) The permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition, except as provided under R307-415-7f(1) for minor permit modifications.
  - (d) The permit does not convey any property rights of any sort, or any exclusive privilege.
  - (e) The permittee shall furnish to the Executive Secretary, within a reasonable time, any information that the Executive Secretary may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Executive Secretary copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to EPA along with a claim of confidentiality.
  - (7) Emission fee. A provision to ensure that a Part 70 source pays fees to the Executive Secretary consistent with R307-415-9.
  - (8) Emissions trading. A provision stating that no permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit.
  - (9) Alternate operating scenarios. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Executive Secretary. Such terms and conditions:
    - (a) Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;
    - (b) Shall extend the permit shield to all terms and conditions under each such operating scenario; and
    - (c) Must ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of R307-415.

(10) Emissions trading. Terms and conditions, if the permit applicant requests them, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading such increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:

- (a) Shall include all terms required under R307-415-6a and 6c to determine compliance;
- (b) Shall extend the permit shield to all terms and conditions that allow such increases and decreases in emissions; and
- (c) Must meet all applicable requirements and requirements of R307-415.

#### **R307-415-6b. Permit Content: Federally-Enforceable Requirements.**

(1) All terms and conditions in an operating permit, including any provisions designed to limit a source's potential to emit, are enforceable by EPA and citizens under the Act.

(2) Notwithstanding (1) above, applicable requirements that are not required by the Act or implementing federal regulations shall be included in the permit but shall be specifically designated as being not federally enforceable under the Act and shall be designated as "state requirements." Terms and conditions so designated are not subject to the requirements of R307-415-7a through 7i and R307-415-8 that apply to permit review by EPA and affected states. The Executive Secretary shall determine which conditions are "state requirements" in each operating permit.

#### **R307-415-6c. Permit Content: Compliance Requirements.**

All operating permits shall contain all of the following elements with respect to compliance:

(1) Consistent with R307-415-6a(3), compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document, including any report, required by an operating permit shall contain a certification by a responsible official that meets the requirements of R307-415-5d;

(2) Inspection and entry requirements that require that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Executive Secretary or an authorized representative to perform any of the following:

(a) Enter upon the permittee's premises where a Part 70 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control

equipment), practices, or operations regulated or required under the permit;

(d) Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements;

(e) Claims of confidentiality on the information obtained during an inspection shall be made pursuant to Section 19-1-306;

(3) A schedule of compliance consistent with R307-415-5c(8);

(4) Progress reports consistent with an applicable schedule of compliance and R307-415-5c(8) to be submitted semiannually, or at a more frequent period if specified in the applicable requirement or by the Executive Secretary. Such progress reports shall contain all of the following:

- (a) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved;

- (b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted;

(5) Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include all of the following:

- (a) Annual submission of compliance certification, or more frequently if specified in the applicable requirement or by the Executive Secretary;

- (b) In accordance with R307-415-6a(3), a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices;

- (c) A requirement that the compliance certification include all of the following (provided that the identification of applicable information may reference the permit or previous reports, as applicable):

- (i) The identification of each term or condition of the permit that is the basis of the certification;

- (ii) The identification of the methods or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. Such methods and other means shall include, at a minimum, the methods and means required under R307-415-6a(3). If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Act, which prohibits knowingly making a false certification or omitting material information;

- (iii) The status of compliance with the terms and conditions of the permit for the period covered by the certification, based on the method or means designated in (ii) above. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is

required and in which an excursion or exceedance as defined under 40 CFR Part 64 occurred; and

(iv) Such other facts as the executive secretary may require to determine the compliance status of the source;

(d) A requirement that all compliance certifications be submitted to the EPA as well as to the Executive Secretary;

(e) Such additional requirements as may be specified pursuant to Section 114(a)(3) of the Act, Enhanced Monitoring and Compliance Certification, and Section 504(b) of the Act, Monitoring and Analysis;

(6) Such other provisions as the Executive Secretary may require.

#### **R307-415-6d. Permit Content: General Permits.**

(1) The Executive Secretary may, after notice and opportunity for public participation provided under R307-415-7i, issue a general permit covering numerous similar sources. Any general permit shall comply with all requirements applicable to other operating permits and shall identify criteria by which sources may qualify for the general permit. To sources that qualify, the Executive Secretary shall grant the conditions and terms of the general permit. Notwithstanding the permit shield, the source shall be subject to enforcement action for operation without an operating permit if the source is later determined not to qualify for the conditions and terms of the general permit. General permits shall not be issued for Title IV affected sources under the Acid Rain Program unless otherwise provided in regulations promulgated under Title IV of the Act.

(2) Part 70 sources that would qualify for a general permit must apply to the Executive Secretary for coverage under the terms of the general permit or must apply for an operating permit consistent with R307-415-5a through 5e. The Executive Secretary may, in the general permit, provide for applications which deviate from the requirements of R307-415-5a through 5e, provided that such applications meet the requirements of Title V of the Act, and include all information necessary to determine qualification for, and to assure compliance with, the general permit. Without repeating the public participation procedures required under R307-415-7i, the Executive Secretary may grant a source's request for authorization to operate under a general permit, but such a grant to a qualified source shall not be a final permit action until the requirements of R307-415-5a through 5e have been met.

#### **R307-415-6e. Permit Content: Temporary Sources.**

The owner or operator of a permitted source may temporarily relocate the source for a period not to exceed that allowed by R307-401-7. A permit modification is required to relocate the source for a period longer than that allowed by R307-401-7. No Title IV affected source may be permitted as a temporary source. Permits for temporary sources shall include all of the following:

(1) Conditions that will assure compliance with all applicable requirements at all authorized locations;

(2) Requirements that the owner or operator receive approval to relocate under R307-401-7 before operating at the new location;

(3) Conditions that assure compliance with all other provisions of R307-415.

#### **R307-415-6f. Permit Content: Permit Shield.**

(1) Except as provided in R307-415, the Executive Secretary shall include in each operating permit a permit shield provision stating that compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:

(a) Such applicable requirements are included and are specifically identified in the permit; or

(b) The Executive Secretary, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.

(2) An operating permit that does not expressly state that a permit shield exists shall be presumed not to provide such a shield.

(3) Nothing in this paragraph or in any operating permit shall alter or affect any of the following:

(a) The emergency provisions of Section 19-1-202 and Section 19-2-112, and the provisions of Section 303 of the Act, Emergency Orders, including the authority of the Administrator under that Section;

(b) The liability of an owner or operator of a source for any violation of applicable requirements under Section 19-2-107(2)(g) and Section 19-2-110 prior to or at the time of permit issuance;

(c) The applicable requirements of the Acid Rain Program, consistent with Section 408(a) of the Act;

(d) The ability of the Executive Secretary to obtain information from a source under Section 19-2-120, and the ability of EPA to obtain information from a source under Section 114 of the Act, Inspection, Monitoring, and Entry.

#### **R307-415-6g. Permit Content: Emergency Provision.**

(1) Emergency. An "emergency" is any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(2) Effect of an emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of (3) below are met.

(3) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) An emergency occurred and that the permittee can identify the causes of the emergency;
- (b) The permitted facility was at the time being properly operated;
- (c) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- (d) The permittee submitted notice of the emergency to the Executive Secretary within two working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of R307-415-6a(3)(c)(ii). This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(4) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

(5) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

#### **R307-415-7a. Permit Issuance: Action on Application.**

(1) A permit, permit modification, or renewal may be issued only if all of the following conditions have been met:

- (a) The Executive Secretary has received a complete application for a permit, permit modification, or permit renewal, except that a complete application need not be received before issuance of a general permit;
- (b) Except for modifications qualifying for minor permit modification procedures under R307-415-7f(1) and (2), the Executive Secretary has complied with the requirements for public participation under R307-415-7i;
- (c) The Executive Secretary has complied with the requirements for notifying and responding to affected States under R307-415-8(2);
- (d) The conditions of the permit provide for compliance with all applicable requirements and the requirements of R307-415;
- (e) EPA has received a copy of the proposed permit and any notices required under R307-415-8(1) and (2), and has not objected to issuance of the permit under R307-415-8(3) within the time period specified therein.

(2) Except as provided under the initial transition plan provided for under R307-415-5a(3) or under regulations promulgated under Title IV of the Act for the permitting of Title IV affected sources under the Acid Rain Program, the Executive Secretary shall take final action on each permit application, including a request for permit modification or renewal, within 18 months after receiving a complete application.

(3) The Executive Secretary shall promptly provide notice to the applicant of whether the application is complete. Unless the Executive Secretary requests additional information or otherwise notifies the applicant of incompleteness within 60 days of receipt of an application,

the application shall be deemed complete. A completeness determination shall not be required for minor permit modifications.

(4) The Executive Secretary shall provide a statement that sets forth the legal and factual basis for the draft permit conditions, including references to the applicable statutory or regulatory provisions. The Executive Secretary shall send this statement to EPA and to any other person who requests it.

(5) The submittal of a complete application shall not affect the requirement that any source have an approval order under R307-401.

#### **R307-415-7b. Permit Issuance: Requirement for a Permit.**

(1) Except as provided in R307-415-7d and R307-415-7f(1)(f) and 7f(2)(e), no Part 70 source may operate after the time that it is required to submit a timely and complete application, except in compliance with a permit issued under these rules.

(2) Application shield. If a Part 70 source submits a timely and complete application for permit issuance, including for renewal, the source's failure to have an operating permit is not a violation of R307-415 until the Executive Secretary takes final action on the permit application. This protection shall cease to apply if, subsequent to the completeness determination made pursuant to R307-415-7a(3), and as required by R307-415-5a(2), the applicant fails to submit by the deadline specified in writing by the Executive Secretary any additional information identified as being needed to process the application.

#### **R307-415-7c. Permit Renewal and Expiration.**

(1) Permits being renewed are subject to the same procedural requirements, including those for public participation, affected State and EPA review, that apply to initial permit issuance.

(2) Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with R307-415-7b and R307-415-5a(1)(c).

(3) If a timely and complete renewal application is submitted consistent with R307-415-7b and R307-415-5a(1)(c) and the Executive Secretary fails to issue or deny the renewal permit before the end of the term of the previous permit, then all of the terms and conditions of the permit, including the permit shield, shall remain in effect until renewal or denial.

#### **R307-415-7d. Permit Revision: Changes That Do Not Require a Revision.**

(1) Operational Flexibility.

(a) A Part 70 source may make changes that contravene an express permit term if all of the following conditions have been met:

(i) The source has obtained an approval order, or has met the exemption requirements under R307-402;

(ii) The change would not violate any applicable requirements or contravene any federally enforceable permit terms and conditions for monitoring, including test methods, recordkeeping, reporting, or compliance certification requirements;

(iii) The changes are not modifications under any provision of Title I of the Act; and the changes do not exceed the emissions allowable under the permit, whether expressed therein as a rate of emissions or in terms of total emissions.

(iv) For each such change, the source shall provide written notice to the Executive Secretary and send a copy of the notice to EPA at least seven days before implementing the proposed change. The seven-day requirement may be waived by the Executive Secretary in the case of an emergency. The written notification shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change. The permit shield shall not apply to these changes. The source, the EPA, and the Executive Secretary shall attach each such notice to their copy of the relevant permit.

(b) Emission trading under the State

Implementation Plan. Permitted sources may trade increases and decreases in emissions in the permitted facility, where the State Implementation Plan provides for such emissions trades, without requiring a permit revision provided the change is not a modification under any provision of Title I of the Act, the change does not exceed the emissions allowable under the permit, and the source notifies the Executive Secretary and the EPA at least seven days in advance of the trade. This provision is available in those cases where the permit does not already provide for such emissions trading.

(i) The written notification required above shall include such information as may be required by the provision in the State Implementation Plan authorizing the emissions trade, including at a minimum, when the proposed change will occur, a description of each such change, any change in emissions, the permit requirements with which the source will comply using the emissions trading provisions of the State Implementation Plan, and the pollutants emitted subject to the emissions trade. The notice shall also refer to the provisions with which the source will comply in the State Implementation Plan and that provide for the emissions trade.

(ii) The permit shield shall not extend to any change made under this paragraph. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the State Implementation Plan authorizing the emissions trade.

(c) If a permit applicant requests it, the Executive Secretary shall issue permits that contain terms and conditions, including all terms required under R307-415-6a and 6c to determine compliance, allowing for the trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with a federally-

enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. Such changes in emissions shall not be allowed if the change is a modification under any provision of Title I of the Act or the change would exceed the emissions allowable under the permit. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The Executive Secretary shall not include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements, and shall require the source to notify the Executive Secretary and the EPA in writing at least seven days before making the emission trade.

(i) The written notification shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

(ii) The permit shield shall extend to terms and conditions that allow such increases and decreases in emissions.

(2) Off-permit changes. A Part 70 source may make changes that are not addressed or prohibited by the permit without a permit revision, unless such changes are subject to any requirements under Title IV of the Act or are modifications under any provision of Title I of the Act.

(a) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition.

(b) Sources must provide contemporaneous written notice to the Executive Secretary and EPA of each such change, except for changes that qualify as insignificant under R307-415-5e. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change.

(c) The change shall not qualify for the permit shield.

(d) The permittee shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

(e) The off-permit provisions do not affect the requirement for a source to obtain an approval order under R307-401.

**R307-415-7e. Permit Revision: Administrative Amendments.**

(1) An "administrative permit amendment" is a permit revision that:

(a) Corrects typographical errors;

(b) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;

- (c) Requires more frequent monitoring or reporting by the permittee;
- (d) Allows for a change in ownership or operational control of a source where the Executive Secretary determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Executive Secretary;
- (e) Incorporates into the operating permit the requirements from an approval order issued under R307-401, provided that the procedures for issuing the approval order were substantially equivalent to the permit issuance or modification procedures of R307-415-7a through 7i and R307-415-8, and compliance requirements are substantially equivalent to those contained in R307-415-6a through 6g;
- (2) Administrative permit amendments for purposes of the acid rain portion of the permit shall be governed by regulations promulgated under Title IV of the Act.
- (3) Administrative permit amendment procedures. An administrative permit amendment may be made by the Executive Secretary consistent with the following:
  - (a) The Executive Secretary shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request, and may incorporate such changes without providing notice to the public or affected States provided that the Executive Secretary designates any such permit revisions as having been made pursuant to this paragraph. The Executive Secretary shall take final action on a request for a change in ownership or operational control of a source under (1)(d) above within 30 days of receipt of a request.
  - (b) The Executive Secretary shall submit a copy of the revised permit to EPA.
  - (c) The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.
  - (4) The Executive Secretary shall, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield for administrative permit amendments made pursuant (1)(e) above which meet the relevant requirements of R307-415-6a through 6g, 7 and 8 for significant permit modifications.

**R307-415-7f. Permit Revision: Modification.**

The permit modification procedures described in R307-415-7f shall not affect the requirement that a source obtain an approval order under R307-401 before constructing or modifying a source of air pollution. A modification not subject to the requirements of R307-401 shall not require an approval order in addition to the permit modification as described in this section. A permit modification is any revision to an operating permit that cannot be accomplished under the program's provisions for administrative permit amendments under R307-415-7e. Any permit modification for purposes of the acid rain portion of the permit shall be governed by regulations promulgated under Title IV of the Act.

- (1) Minor permit modification procedures.
  - (a) Criteria. Minor permit modification procedures may be used only for those permit modifications that:
    - (i) Do not violate any applicable requirement or require an approval order under R307-401;
    - (ii) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
    - (iii) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
    - (iv) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such term or condition would include a federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I or an alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the Act, Early Reduction; and
    - (v) Are not modifications under any provision of Title I of the Act.
  - (b) Notwithstanding (1)(a) above and (2)(a) below, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in the State Implementation Plan or an applicable requirement.
  - (c) Application. An application requesting the use of minor permit modification procedures shall meet the requirements of R307-415-5c and shall include all of the following:
    - (i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
    - (ii) The source's suggested draft permit;
    - (iii) Certification by a responsible official, consistent with R307-415-5d, that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used;
    - (iv) Completed forms for the Executive Secretary to use to notify EPA and affected States as required under R307-415-8.
  - (d) EPA and affected State notification. Within five working days of receipt of a complete permit modification application, the Executive Secretary shall notify EPA and affected States of the requested permit modification. The Executive Secretary promptly shall send any notice required under R307-415-8(2)(b) to EPA.
  - (e) Timetable for issuance. The Executive Secretary may not issue a final permit modification until after EPA's 45-day review period or until EPA has notified the Executive Secretary that EPA will not object to issuance of the permit modification, whichever is first.

Within 90 days of the Executive Secretary's receipt of an application under minor permit modification procedures or 15 days after the end of EPA's 45-day review period under R307-415-8(3), whichever is later, the Executive Secretary shall:

- (i) Issue the permit modification as proposed;
- (ii) Deny the permit modification application;

(iii) Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures; or

(iv) Revise the draft permit modification and transmit to EPA the new proposed permit modification as required by R307-415-8(1).

(f) Source's ability to make change. A Part 70 source may make the change proposed in its minor permit modification application immediately after it files such application if the source has received an approval order under R307-401 or has met the approval order exemption requirements under R307-413-1 through 6. After the source makes the change allowed by the preceding sentence, and until the Executive Secretary takes any of the actions specified in (1)(e)(i) through (iii) above, the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

(g) Permit shield. The permit shield under R307-415-6f shall not extend to minor permit modifications.

(2) Group processing of minor permit modifications. Consistent with this paragraph, the Executive Secretary may modify the procedure outlined in (1) above to process groups of a source's applications for certain modifications eligible for minor permit modification processing.

(a) Criteria. Group processing of modifications may be used only for those permit modifications:

(i) That meet the criteria for minor permit modification procedures under (1)(a) above; and

(ii) That collectively are below the following threshold level: 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in R307-415-3, or five tons per year, whichever is least.

(b) Application. An application requesting the use of group processing procedures shall meet the requirements of R307-415-5c and shall include the following:

(i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

(ii) The source's suggested draft permit.

(iii) Certification by a responsible official, consistent with R307-415-5d, that the proposed modification

meets the criteria for use of group processing procedures and a request that such procedures be used.

(iv) A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under R307-415-7e(2)(a)(ii).

(v) Certification, consistent with R307-415-5d, that the source has notified EPA of the proposed modification. Such notification need only contain a brief description of the requested modification.

(vi) Completed forms for the Executive Secretary to use to notify EPA and affected States as required under R307-415-8.

(c) EPA and affected State notification. On a quarterly basis or within five business days of receipt of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the threshold level set under (2)(a)(ii) above, whichever is earlier, the Executive Secretary shall notify EPA and affected States of the requested permit modifications. The Executive Secretary shall send any notice required under R307-415-8(2)(b) to EPA.

(d) Timetable for issuance. The provisions of (1)(e) above shall apply to modifications eligible for group processing, except that the Executive Secretary shall take one of the actions specified in (1)(e)(i) through (iv) above within 180 days of receipt of the application or 15 days after the end of EPA's 45-day review period under R307-415-8(3), whichever is later.

(e) Source's ability to make change. The provisions of (1)(f) above shall apply to modifications eligible for group processing.

(f) Permit shield. The provisions of (1)(g) above shall also apply to modifications eligible for group processing.

(3) Significant modification procedures.

(a) Criteria. Significant modification procedures shall be used for applications requesting permit modifications that do not qualify as minor permit modifications or as administrative amendments. Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping permit terms or conditions shall be considered significant. Nothing herein shall be construed to preclude the permittee from making changes consistent with R307-415 that would render existing permit compliance terms and conditions irrelevant.

(b) Significant permit modifications shall meet all requirements of R307-415, including those for applications, public participation, review by affected States, and review by EPA, as they apply to permit issuance and permit renewal. The Executive Secretary shall complete review on the majority of significant permit modifications within nine months after receipt of a complete application.

#### **R307-415-7g. Permit Revision: Reopening for Cause.**

(1) Each issued permit shall include provisions specifying the conditions under which the permit will be

reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of the following circumstances:

(a) New applicable requirements become applicable to a major Part 70 source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the terms and conditions of the permit have been extended pursuant to R307-415-7c(3).

(b) Additional requirements, including excess emissions requirements, become applicable to an Title IV affected source under the Acid Rain Program. Upon approval by EPA, excess emissions offset plans shall be deemed to be incorporated into the permit.

(c) The Executive Secretary or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

(d) EPA or the Executive Secretary determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(e) Additional applicable requirements are to become effective before the renewal date of the permit and are in conflict with existing permit conditions.

(2) Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

(3) Reopenings under (1) above shall not be initiated before a notice of such intent is provided to the Part 70 source by the Executive Secretary at least 30 days in advance of the date that the permit is to be reopened, except that the Executive Secretary may provide a shorter time period in the case of an emergency.

#### **R307-415-7h. Permit Revision: Reopenings for Cause by EPA.**

The Executive Secretary shall, within 90 days after receipt of notification that EPA finds that cause exists to terminate, modify or revoke and reissue a permit, forward to EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate. The Executive Secretary may request a 90-day extension if a new or revised permit application is necessary or if the Executive Secretary determines that the permittee must submit additional information.

#### **R307-415-7i. Public Participation.**

The Executive Secretary shall provide for public notice, comment and an opportunity for a hearing on initial permit issuance, significant modifications, reopenings for cause, and renewals, including the following procedures:

(1) Notice shall be given: by publication in a newspaper of general circulation in the area where the source is located; to persons on a mailing list developed by

the Executive Secretary, including those who request in writing to be on the list; and by other means if necessary to assure adequate notice to the affected public.

(2) The notice shall identify the Part 70 source; the name and address of the permittee; the name and address of the Executive Secretary; the activity or activities involved in the permit action; the emissions change involved in any permit modification; the name, address, and telephone number of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan or compliance and monitoring certification, and all other materials available to the Executive Secretary that are relevant to the permit decision; a brief description of the comment procedures; and the time and place of any hearing that may be held, including a statement of procedures to request a hearing, unless a hearing has already been scheduled.

(3) The Executive Secretary shall provide such notice and opportunity for participation by affected States as is provided for by R307-415-8.

(4) Timing. The Executive Secretary shall provide at least 30 days for public comment and shall give notice of any public hearing at least 30 days in advance of the hearing.

(5) The Executive Secretary shall keep a record of the commenters and also of the issues raised during the public participation process, and such records shall be available to the public and to EPA.

#### **R307-415-8. Permit Review by EPA and Affected States.**

(1) Transmission of information to EPA.

(a) The Executive Secretary shall provide to EPA a copy of each permit application, including any application for permit modification, each proposed permit, and each final operating permit, unless the Administrator has waived this requirement for a category of sources, including any class, type, or size within such category. The applicant may be required by the Executive Secretary to provide a copy of the permit application, including the compliance plan, directly to EPA. Upon agreement with EPA, the Executive Secretary may submit to EPA a permit application summary form and any relevant portion of the permit application and compliance plan, in place of the complete permit application and compliance plan. To the extent practicable, the preceding information shall be provided in computer-readable format compatible with EPA's national database management system.

(b) The Executive Secretary shall keep for five years such records and submit to EPA such information as EPA may reasonably require to ascertain whether the Operating Permit Program complies with the requirements of the Act or of 40 CFR Part 70.

(2) Review by affected States.

(a) The Executive Secretary shall give notice of each draft permit to any affected State on or before the time that the Executive Secretary provides this notice to the

public under R307-415-7i, except to the extent R307-415-7f(1) or (2) requires the timing to be different, unless the Administrator has waived this requirement for a category of sources, including any class, type, or size within such category.

(b) The Executive Secretary, as part of the submittal of the proposed permit to EPA, or as soon as possible after the submittal for minor permit modification procedures allowed under R307-415-7f(1) or (2), shall notify EPA and any affected State in writing of any refusal by the Executive Secretary to accept all recommendations for the proposed permit that the affected State submitted during the public or affected State review period. The notice shall include the Executive Secretary's reasons for not accepting any such recommendation. The Executive Secretary is not required to accept recommendations that are not based on applicable requirements or the requirements of R307-415.

(3) EPA objection. If EPA objects to the issuance of a permit in writing within 45 days of receipt of the proposed permit and all necessary supporting information, then the Executive Secretary shall not issue the permit. If the Executive Secretary fails, within 90 days after the date of an objection by EPA, to revise and submit a proposed permit in response to the objection, EPA may issue or deny the permit in accordance with the requirements of the Federal program promulgated under Title V of the Act.

(4) Public petitions to EPA. If EPA does not object in writing under R307-415-8(3), any person may petition EPA under the provisions of 40 CFR 70.8(d) within 60 days after the expiration of EPA's 45-day review period to make such objection. If EPA objects to the permit as a result of a petition, the Executive Secretary shall not issue the permit until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period and prior to an EPA objection. If the Executive Secretary has issued a permit prior to receipt of an EPA objection under this paragraph, EPA may modify, terminate, or revoke such permit, consistent with the procedures in 40 CFR 70.7(g) except in unusual circumstances, and the Executive Secretary may thereafter issue only a revised permit that satisfies EPA's objection. In any case, the source will not be in violation of the requirement to have submitted a timely and complete application.

(5) Prohibition on default issuance. The Executive Secretary shall not issue an operating permit, including a permit renewal or modification, until affected States and EPA have had an opportunity to review the proposed permit as required under this Section.

#### **R307-415-9. Fees for Operating Permits.**

(1) Definitions. The following definitions apply only to R307-415-9.

(a) "Allowable emissions" are emissions based on the potential to emit stated by the Executive Secretary in an approval order, the State Implementation Plan or an operating permit.

(b) "Chargeable pollutant" means any "regulated air pollutant" except the following:

- (i) carbon monoxide;
- (ii) any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated or established by Title VI of the Act, Stratospheric Ozone Protection;

(iii) any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Act, Prevention of Accidental Releases.

(2) Applicability. As authorized by Section 19-2-109.1, all Part 70 sources must pay an annual fee, based on annual emissions of all chargeable pollutants.

(a) Any Title IV affected source that has been designated as a "Phase I Unit" in a substitution plan approved by the Administrator under 40 CFR Section 72.41 shall be exempted from the requirement to pay an emission fee from January 1, 1995 to December 31, 1999.

(3) Calculation of Annual Emission Fee for a Part 70 Source.

(a) The emission fee shall be calculated for all chargeable pollutants emitted from a Part 70 source, even if only one unit or one chargeable pollutant triggers the applicability of R307-415 to the source.

(i) Fugitive emissions and fugitive dust shall be counted when determining the emission fee for a Part 70 source.

(ii) An emission fee shall not be charged for emissions of any amount of a chargeable pollutant if the emissions are already accounted for within the emissions of another chargeable pollutant.

(iii) An emission fee shall not be charged for emissions of any one chargeable pollutant from any one Part 70 source in excess of 4,000 tons per year.

(iv) Emissions resulting directly from an internal combustion engine for transportation purposes or from a non-road vehicle shall not be counted when calculating chargeable emissions for a Part 70 source.

(b) The emission fee for an existing source prior to the issuance of an operating permit, shall be based on the most recent emission inventory available unless a Part 70 source elected, prior to July 1, 1992, to base the fee for one or more pollutants on allowable emissions established in an approval order or the State Implementation Plan.

(c) The emission fee after the issuance or renewal of an operating permit shall be based on the most recent emission inventory available unless a Part 70 source elects, prior to the issuance or renewal of the permit, to base the fee for one or more chargeable pollutants on allowable emissions for the entire term of the permit.

(d) When a new Part 70 source begins operating, it shall pay an emission fee for that fiscal year, prorated from the date the source begins operating. The emission fee for a new Part 70 source shall be based on allowable emissions until that source has been in operation for a full calendar year, and has submitted an inventory of actual emissions. If a new Part 70 source is not billed in the first billing cycle of its operation, the emission fee shall be

calculated using the emissions that would have been used had the source been billed at that time. This fee shall be in addition to any subsequent emission fees.

(e) When a Part 70 source is no longer subject to Part 70, the emission fee shall be prorated to the date that the source ceased to be subject to Part 70. If the Part 70 source has already paid an emission fee that is greater than the prorated fee, the balance will be refunded.

(i) If that Part 70 source again becomes subject to the emission fee requirements, it shall pay an emission fee for that fiscal year prorated from the date the source again became subject to the emission fee requirements. The fee shall be based on the emission inventory during the last full year of operation. The emission fee shall continue to be based on actual emissions reported for the last full calendar year of operation until that source has been in operation for a full calendar year and has submitted an updated inventory of actual emissions.

(ii) If a Part 70 source has chosen to base the emission fee on allowable emissions, then the prorated fee shall be calculated using allowable emissions.

(f) Modifications. The method for calculating the emission fee for a source shall not be affected by modifications at that source, unless the source demonstrates to the Executive Secretary that another method for calculating chargeable emissions is more representative of operations after the modification has been made.

(g) The Executive Secretary may presume that potential emissions of any chargeable pollutant for the source are equivalent to the actual emissions for the source if recent inventory data are not available.

(4) Collection of Fees.

(a) The emission fee is due on October 1 of each calendar year or 45 days after the source has received notice of the amount of the fee, whichever is later.

(b) The Executive Secretary may require any person who fails to pay the annual emission fee by the due date to pay interest on the fee and a penalty under 19-2-109.1(7)(a).

(c) A person may contest an emission fee assessment, or associated penalty, under 19-2-109.1(8).

**KEY: air pollution, environmental protection, operating permit\*, emission fee\***

**August 1, 2002**

**19-2-109.1**

**Notice of Continuation March 1, 1999**

**19-2-104**

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

**R307-417. Permits: Acid Rain Sources.**

**R307-417-1. Part 72 Requirements.**

The provisions of 40 CFR Part 72, as in effect on July 1, 1998, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Clean Air Act, are incorporated into these rules by reference. The term "permitting authority" shall mean the Executive Secretary of the Air Quality Board, and the term "Administrator" shall mean the Administrator of the Environmental Protection Agency. If the provisions or

requirements of 40 CFR Part 72 conflict with or are not included in R307-415, Permits: Operating Permit Requirements, provisions and requirements of 40 CFR Part 72 shall apply and take precedence.

**KEY: acid rain, air quality, permitting authority\*, operating permit\***

**1999**

**19-2-101**

**19-2-104(3)(q)**

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

**R307-420. Permits: Ozone Offset Requirements in Davis and Salt Lake Counties.**

**R307-420-1. Purpose.**

The purpose of R307-420 is to maintain the offset provisions of the nonattainment area new source review permitting program in Salt Lake and Davis Counties after the area is redesignated to attainment for ozone. R307-420 also establishes more stringent offset requirements for nitrogen oxides that may be triggered as a contingency measure under the ozone maintenance plan.

**R307-420-2. Definitions.**

The following additional definitions apply to R307-420:

"Major Source" means:

(1)(a) any stationary source of air pollutants which emits, or has the potential to emit, fifty tons per year or more of volatile organic compounds; or

(b) any stationary source of air pollutants which emits, or has the potential to emit, one hundred tons per year or more of nitrogen oxides; or

(c) any physical change that would occur at a source not qualifying under (1)(a) or (b) as a major source, if the change would constitute a major source by itself.

(2) The fugitive emissions of a stationary source shall not be included in determining whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(a) Coal cleaning plants (with thermal dryers);

(b) Kraft pulp mills;

(c) Portland cement plants;

(d) Primary zinc smelters;

(e) Iron and steel mills;

(f) Primary aluminum ore reduction plants;

(g) Primary copper smelters;

(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(i) Hydrofluoric, sulfuric, or nitric acid plants;

(j) Petroleum refineries;

(k) Lime plants;

(l) Phosphate rock processing plants;

(m) Coke oven batteries;

(n) Sulfur recovery plants;

(o) Carbon black plants (furnace process);

(p) Primary lead smelters;

(q) Fuel conversion plants;

- (r) Sintering plants;
- (s) Secondary metal production plants;
- (t) Chemical process plants;
- (u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British Thermal Units per hour heat input;
- (v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (w) Taconite ore processing plants;
- (x) Glass fiber processing plants;
- (y) Charcoal production plants;
- (z) Fossil fuel-fired steam electric plants of more than 250 million British Thermal Units per hour heat input;
- (aa) Any other stationary source category which, as of August 7, 1980, is being regulated under 42 U.S.C. 7411 or 7412 (section 111 or 112 of the federal Clean Air Act).

"Significant" means, for the purposes of determining what is a significant net emission increase and therefore a major modification, a rate of emissions that would equal or exceed any of the following rates:

- (1) for volatile organic compounds, 25 tons per year,
- (2) for nitrogen oxides, 40 tons per year.

#### **R307-420-3. Applicability.**

(1) Nitrogen Oxides. Effective August 18, 1997, any new major source or major modification of nitrogen oxides in Davis County or Salt Lake County shall offset the proposed increase in nitrogen oxide emissions by a ratio of 1.15:1 before the executive secretary may issue an approval order to construct, modify, or relocate under R307-401.

(2) Volatile Organic Compounds. Effective December 2, 1998 any new major source or major modification of volatile organic compounds in Davis County or Salt Lake County shall offset the proposed increase in volatile organic compound emissions by a ratio of 1.2:1 before the executive secretary may issue an approval order to construct, modify, or relocate under R307-401.

#### **R307-420-4. General Requirements.**

(1) All emission offsets shall meet the general requirements for calculating and banking emission offsets that are established in R307-403-4, R307-403-7 and R307-403-8.

(2) Emission offset credits generated in Davis County or Salt Lake County may be used in either county.

(3) Offsets may not be traded between volatile organic compounds and nitrogen oxides.

#### **R307-420-5. Contingency Measure: Offsets for Oxides of Nitrogen.**

If the nitrogen oxide offset contingency measure described in Section IX, Part D.2.h(3) of the state implementation plan is triggered, the following conditions shall apply in Davis County and Salt Lake County.

(1) Paragraph (1)(b) in the term "major source," which is defined in R307-420-2, shall be changed to read: any stationary source of air pollutants which emits, or has

the potential to emit, fifty tons per year or more of nitrogen oxides.

(2) The nitrogen dioxide level that is included in the term "significant", which is defined in R307-420-2, shall be changed from 40 tons per year to 25 tons per year.

(3) The emission offset ratio shall be 1.2:1 for nitrogen oxides.

#### **KEY: air pollution, ozone, offset\***

**1999**

**19-2-104**

**19-2-108**

## **R307-800 Series. Asbestos and Lead Abatement.**

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

#### **R307-801. Asbestos.**

##### **R307-801-1. Purpose and Authority.**

Rule R307-801 establishes procedures and requirements for asbestos projects and training programs, procedures and requirements for the certification of persons engaged in asbestos activities, and work practice standards for performing such activities. This rule is promulgated under the authority of 19-2-104(1)(d), (3)(r), (3)(s), (3)(t). Penalties are authorized by 19-2-115.

##### **R307-801-2. Applicability and General Provisions.**

###### **(1) Applicability.**

(a) The following persons are operators and are subject to the requirements of R307-801:

- (i) Persons who contract for hire to conduct renovation of structures or facilities, or to conduct demolition of structures or facilities, except for residential outbuilding structures of less than 100 square feet;
- (ii) Persons who conduct renovation or demolition in areas to which the general public has unrestrained access; or
- (iii) Persons who conduct renovation or demolition in school buildings subject to AHERA or who conduct asbestos inspections in structures subject to TSCA Title II.

(b) The following persons are subject to certification requirements:

- (i) Persons required by TSCA Title II to be accredited as inspectors, management planners, project designers, supervisors, or workers;
- (ii) Persons who work on an asbestos project as workers, supervisors, inspectors, project designers, or management planners; and
- (iii) Companies that conduct asbestos projects or inspections, create project designs, or prepare management plans in structures or facilities.

(2) All persons who are required by R307-801 to obtain an approval, certification, determination or notification from the executive secretary must obtain it in writing.

(3) Persons wishing to deviate from the certification, notification, work practice, or other requirements of R307-801 may do so only after requesting and obtaining the written approval of the executive secretary.

##### **R307-801-3. Definitions.**

The following definitions apply to R307-801:

"Adequately Wet" means sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible

emissions is not sufficient evidence of being adequately wet.

"Amended Water" means a mixture of water and a chemical wetting agent that provides control of asbestos fiber release.

"AHERA" means the federal Asbestos Hazard Emergency Response Act of 1986 and the Environmental Protection Agency implementing regulations, 40 CFR Part 763, Subpart E - Asbestos-Containing Materials in Schools.

"Asbestos" means the asbestosiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, and actinolite-tremolite.

"Asbestos Containing Material (ACM)" means any material containing more than one percent (1%) asbestos by the method specified in Appendix A, Subpart F, 40 CFR Part 763 Section 1, Polarized Light Microscopy (PLM), or, if the asbestos content is less than 10%, the asbestos concentration must be determined by point counting using PLM procedure.

"Asbestos Inspection" means any activity undertaken to determine the presence or location, or to assess the condition, of asbestos-containing material or suspected asbestos-containing material, whether by visual or physical examination, or by taking samples of the material. This term includes re-inspections of the type described in AHERA, 40 CFR 763.85(b), of known or assumed asbestos-containing material which has been previously identified. The term does not include the following:

- (a) Periodic surveillance of the type described in AHERA, 40 CFR 763.92(b), solely for the purpose of recording or reporting a change in the condition of known or assumed asbestos-containing material;
- (b) Inspections performed by employees or agents of federal, state, or local government solely for the purpose of determining compliance with applicable statutes or regulations; or
- (c) Visual inspections of the type described in AHERA, 40 CFR 763.90(i), solely for the purpose of determining completion of response actions.

"Asbestos Project" means any activity involving the removal, renovation, repair, demolition, salvage, disposal, cleanup, or other disturbance of regulated asbestos-containing material greater than small scale short duration.

"Asbestos Removal" means the stripping of friable asbestos-containing material from surfaces or components of a structure or taking out structural components that contain or are covered with friable ACM from a structure.

"Asbestos Survey Report" means a written report as specified in R307-801-10(6) describing an asbestos inspection performed by a certified asbestos inspector.

"Asbestos Waste" means any waste that contains asbestos. This term includes filters from control devices, friable asbestos-containing waste material, and bags or other similar packaging contaminated with asbestos. As applied to demolition and renovations, this term includes materials contaminated with asbestos including disposable equipment and clothing.

"Containerized" means sealed in a leak-tight and durable container.

"Debris" means asbestos-containing material that has been dislodged and has fallen from its original substrate and position or which has fallen while remaining attached to substrate sections or fragments, and is friable or regulated in its current condition.

"Demolition" means the wrecking, salvage, or removal of any load-supporting structural member of a structure together with any related handling operations, or the intentional burning of any structure. This includes the moving of an entire building.

"Disturb" means to disrupt the matrix of ACM or regulated asbestos-containing material, crumble or pulverize ACM or regulated asbestos-containing material, or generate visible debris from ACM or regulated asbestos-containing material.

"Division" means the Division of Air Quality.

"Emergency Renovation Operation" means any asbestos project which was not planned and results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden as determined by the Division. This term includes operations necessitated by non-routine failure of equipment and does not include situations caused by the lack of planning.

"Encapsulant" means a permanent coating applied to the surface of friable ACM for the purpose of preventing the release of asbestos fibers. The encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

"Facility" means any institutional, commercial, public, industrial, or residential structure, installation, or building, including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential co-operative; any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to the NESHPA is not excluded, regardless of its current use or function. Public building and commercial building have the same meanings as they do in TSCA Title II.

"Friable Asbestos Containing Material (Friable ACM)" means any asbestos-containing material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

"Glovebag" means an impervious plastic bag-like enclosure, not more than a 60 x 60 inches, affixed around an asbestos-containing material, with glove-like appendages through which material and tools may be handled.

"HEPA Filtration" means the high efficiency particulate air filtration found in respirators and vacuum systems capable of filtering particles greater than 0.3 micron in diameter with 99.97% efficiency, designed for use in asbestos-contaminated environments.

"Inaccessible" means in a physically restricted or obstructed area or covered in such a way that detection or removal is prevented or severely hampered.

"Management Plan" means a document that meets the requirements of AHERA for management plans for asbestos in schools.

"Management Planner" means a person who prepares a management plan for a school building subject to AHERA.

"Model Accreditation Plan (MAP)" means 40 CFR Part 763, Subpart E, Appendix C, Asbestos Model Accreditation Plan.

"NESHPA" means the National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, Subpart M, the National Emission Standard for Asbestos.

"NESHPA Amount" means combined amounts in a project that total:

(a) 260 linear feet (80 meters) of pipe covered with RACM;

(b) 160 square feet (15 square meters) of RACM used to cover or coat any duct, boiler, tank, reactor, turbine, equipment, structure, structural member, or structural component; or

(c) 35 cubic feet (one cubic meter) of RACM removed from structural members or components where the length and area could not be measured previously.

"NESHPA-Sized Asbestos Project" means any asbestos project that involves at least a NESHPA amount of ACM.

"Regulated Asbestos-Containing Material (RACM)" means friable ACM, Category I nonfriable ACM that has become friable, Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.

"Renovation" means the alteration in any way of one or more structural components, excluding demolition.

"Small-Scale, Short-Duration (SSSD) Asbestos Project" means an asbestos project that removes or disturbs less than 3 square feet or 3 linear feet of RACM in a facility or structure.

"Strip" means to take off ACM from any part of a structure or structural component.

"Structural Component" means any pipe, duct, boiler, tank, reactor, turbine, or furnace at or in a structure, or any structural member of the structure.

"Structural Member" means any load-supporting member of a structure, such as beams and load-supporting walls or any non-load-supporting member, such as ceilings and non-load-supporting walls.

"Structure" means, for the purposes of R307-801, any institutional, commercial, residential, or industrial building, equipment, building component, installation, or other construction.

"TSCA Accreditation" means successful completion of training as an inspector, management planner, project designer, contractor-supervisor, or worker, as specified in the TSCA Title II.

"TSCA Title II" means 15 U.S.C. 2601 et seq., Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response, and 40 CFR Part 763, Subpart E - Asbestos-Containing Materials in Schools, including appendices, as in effect on July 1, 1999.

"Unrestrained Access" means without fences, closed doors, personnel, or any other method intended to restrict public entry.

"Waste Generator" means any owner or operator of an asbestos project covered by R307-801 whose act or process produces asbestos waste.

"Working Day" means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

#### **R307-801-4. Adoption and Implementation of TSCA Title II.**

- (1) The provisions of TSCA Title II are adopted and incorporated herein by reference.
- (2) Implementation of the provisions of 40 CFR Part 763, Subpart E, except for the Model Accreditation Plan, shall be limited to those provisions for which the EPA has waived its requirements in accordance with 40 CFR Subpart 763.98, Waiver; delegation to State, as published at 52 FR 41826, (October 30, 1987).

#### **R307-801-5. Company Certifications.**

(1) All persons must have an Asbestos Company Certification before contracting for hire to conduct asbestos inspections, create management plans, create project designs, monitor asbestos projects, or to remove or otherwise disturb more than the SSSD amount of asbestos.

(2) To obtain Utah Asbestos Company Certification, all persons shall submit a completed application for certification on a form provided by the executive secretary.

(3) Unless revoked or suspended, a company certification shall remain in effect until the end of the calendar year in which it was issued.

#### **R307-801-6. Individual Certification.**

- (1) To obtain certification as a worker, supervisor, inspector, project designer, or management planner, each person shall first:
  - (a) Provide personal identifying information;
  - (b) Pay the appropriate fee;

(c) Fill out the appropriate form provided by the executive secretary;

(d) Provide certificates of initial and current training that demonstrate accreditation in the corresponding discipline. Any of the following TSCA accreditation courses is acceptable unless the executive secretary has determined that the course does not meet the requirements of TSCA accreditation training required by R307-801: courses approved by the executive secretary, approved in a state that has a Contractor Accreditation Program that meets the TSCA Title II Appendix C Model Plan, or approved by EPA under TSCA Title II.

#### **(2) Duration and Renewal of Certification.**

(a) Unless revoked or suspended, a certification shall remain in effect until the expiration date of the current certificate of TSCA accreditation for the specific discipline.

(b) To renew certification, the individual shall first:

(i) Submit a completed application for renewal on a form provided by the executive secretary; and

(ii) Submit a current certificate of TSCA accreditation for initial or refresher training in the appropriate discipline.

#### **R307-801-7. Denial and Cause for Suspension and Revocation of Company and Individual Certifications.**

(1) An application for certification may be denied if the individual, applicant company, or any principle officer of the applicant company has a documented history of noncompliance with the requirements, procedures, or standards established by R307-801, R307-214, which incorporates 40 CFR Part 61, Subpart M, the National Emission Standard for Asbestos, AHERA, or with the requirements of any other entity regulating asbestos activities and training programs.

(2) The executive secretary may revoke or suspend any certification based upon documented violations of any requirement of R307-801, AHERA, or 40 CFR Part 61, Subpart M, including but not limited to:

(a) Falsification of or knowing omission in any written submittal required by those regulations;

(b) Permitting the duplication or use of a certificate or TSCA accreditation for the purpose of preparing a falsified written submittal; or

(c) Repeated work practice violations.

#### **R307-801-8. Approval of Training Courses.**

(1) To obtain approval of a training course, the course provider shall first provide a written application to the executive secretary that includes:

(a) Name, address, phone number, and institutional affiliation of person sponsoring the course;

(b) The course curriculum;

(c) A letter that clearly indicates how the course meets the Model Accreditation Plan and R307-801 requirements for length of training in hours or days, amount and type of hands-on training, examinations, including length, format, example of examination or

questions, and passing scores, and topics covered in the course;

- (d) A copy of all course materials, including student manuals, instructor notebooks, handouts, etc.;
- (e) Names and qualifications of all course instructors, including all academic credentials and field experience in asbestos abatement; and
- (f) Description and an example of numbered certificates issued to students who attend the course and pass the examination. The certificate shall include a unique certificate number, the name of the student and the course completed, the dates of the course and the examination, an expiration date one year from the date the student completed the course and examination, the name, address, and telephone number of the training provider that issued the certificate, and a statement that the person receiving the certificate has completed the requisite training for TSCA accreditation.

(2) To maintain approval of a training course, the course provider shall:

- (a) Provide training that meets the requirements of R307-801 and the MAP;
- (b) Provide the executive secretary with the names, social security numbers or government-issued picture identification card number, and certificate numbers of all persons successfully completing the course within 30 days of successful completion;
- (c) Keep the records specified for training providers in the MAP for three years;
- (d) Permit the executive secretary or authorized representative to attend, evaluate and monitor any training course without receiving advance notice from the executive secretary and without charge to the executive secretary; and
- (e) Notify the executive secretary of any new course instructor 10 working days prior to the day the new instructor presents or teaches any course for TSCA Accreditation purposes. The notification shall include:
  - (i) Name and qualifications of each course instructors, including all academic credentials and field experience in asbestos abatement; and
  - (ii) A list of the courses or specific topics that will be taught by the instructor.

(3) All course providers that provide an AHERA training course or refresher course in the state of Utah shall:

- (a) Notify the executive secretary of the location, date, and time of the course at least ten days before the first day of the course;
- (b) Update the notification as soon as possible, and no later than the original course date, if the course is rescheduled or cancelled before the course is held; and
- (c) Allow the executive secretary to conduct an audit of any course provided to determine whether the course provider meets the requirements of the MAP and of R307-801.

**R307-801-9. Renovation and Demolition:  
Requirement to Inspect.**

(1) Except as described in (2) below, the operator shall ensure that the structure or facility to be demolished or renovated is inspected for ACM by an inspector certified under the provisions of R307-801-6. An asbestos survey report shall be generated according to the provisions of R307-801-10. The operator shall make the asbestos survey report available on site to all persons who have access to the site for the duration of the renovation or demolition activities, and to the executive secretary upon request.

(2) If the structure has been ordered to be demolished because it is found by a local jurisdiction to be structurally unsound and in danger of imminent collapse, the operator may demolish the structure without having the structure or facility inspected for asbestos. If no asbestos inspection is conducted, the operator shall ensure that all resulting demolition debris is disposed of as asbestos waste, according to R307-801-15. If the demolition debris cannot be containerized, the operator shall obtain approval for an alternative procedure from the executive secretary.

**R307-801-10. Renovation and Demolition: Asbestos Inspection Procedures.**

Asbestos inspectors shall use the following procedures when conducting an asbestos inspection of facilities to be demolished or renovated.

- (1) Determine the scope of demolition or renovation activities.
- (2) Inspect the affected facility or part of the facility where the demolition or renovation operation will occur.
- (3) Identify all accessible suspect ACM building materials in the affected facility or part of the facility where the demolition or renovation operation will occur.
- (4) Follow a sampling method approved by the executive secretary, to demonstrate that suspect ACM does not contain asbestos.
- (5) Assume that unsampled suspect ACM contains asbestos and is ACM; and

(6) Complete an asbestos survey report containing all of the following information in a format approved by the executive secretary:

- (a) A brief description of the affected area;
- (b) A list of all suspect materials identified in the affected area. For each suspect material provide the following information:
  - (i) The amount of material in linear feet, square feet, or cubic yards;
  - (ii) A clear description of the distribution of the material in the affected area;
  - (iii) A statement of whether the material was assumed to contain asbestos, sampled and shown to contain asbestos, or sampled and demonstrated to not contain asbestos; and
  - (iv) A determination of whether the material is RACM or may become RACM when subjected to the proposed renovation or demolition activities.
- (c) A list of samples collected from suspect materials in the affected area. For each sample provide the following information:
  - (i) Which suspect material, in the above list, the sample represents;
  - (ii) A clear description of the original location of the sample;
  - (iii) The types of analyses performed on the sample;
  - (iv) The amounts of each type of asbestos in the sample as indicated by the analytical results.
- (d) A list of potential locations of suspect materials that were not accessible to inspection that may be part of the affected area.
- (7) Floor plans or architectural drawings and similar representations may be used to aid in conveying the location of suspect materials or samples, but if so, they must be appended to the asbestos survey report.

**R307-801-11. Renovation and Demolition: Notification and Asbestos Removal Requirements.**

(1) Demolitions.

- (a) If the amount of RACM in the structure is less than the SSSD amount, the operator shall submit a notification of demolition at least 10 working days before the start of demolition, and remove the RACM before commencing demolition.
- (b) If the amount of RACM in the structure is greater than or equal to the SSSD amount but less than the NESHP amount, the operator shall submit an asbestos notification at least 10 working days before the start of demolition and at least one working day before commencing removal, and shall remove the RACM according to the work practice provisions of R307-801 before demolition proceeds.
- (c) If the amount of RACM in the structure is greater than or equal to the NESHP amount, the operator shall submit an asbestos notification at least 10 working days before the asbestos removal begins. Demolition shall not proceed until after all RACM has been removed from the structure.

- (d) If any structure is to be demolished by intentional burning, the operator, in addition to the notification specified in (a), (b) or (c), shall ensure that all ACM, including non friable ACM and RACM, is removed from the structure before burning.
- (e) If the structure has been ordered to be demolished because it is found by a local jurisdiction to be structurally unsound and in danger of imminent collapse, the operator shall submit a notification of demolition as soon as possible, but no later than the next working day after demolition begins.
- (2) Renovations.
  - (a) If the amount of RACM that would be disturbed or rendered inaccessible by renovation activities is less than the SSSD amount, the operator shall remove the RACM before commencing the renovation.
  - (b) If the amount of RACM that would be disturbed or rendered inaccessible by renovation activities is greater than the SSSD amount but smaller than NESHP amount, the operator shall submit an asbestos notification at least one working day before asbestos removal begins, unless the removal was properly included in an annual asbestos notification submitted pursuant to (d) below, and shall remove RACM according to general work practices of R307-801 before performing renovation activities.
  - (c) If the amount of RACM that would be disturbed or rendered inaccessible by renovation activities is greater than or equal to the NESHP amount, then the operator shall submit an asbestos notification as described below, and shall ensure that RACM that would be disturbed by renovation activities and non-friable ACM that may be rendered friable or regulated by renovation activities is removed according to the work practice and disposal requirements of R307-801. The operator shall not commence renovation activities until the asbestos removal process is completed.
    - (i) If the renovation is an emergency renovation operation, then the notification shall be submitted as soon as possible before and no later than the next business day after asbestos removal begins.
    - (ii) If the renovation is not an emergency renovation operation, then the notification shall be submitted at least ten working days before asbestos removal begins.
    - (d) The operator shall submit an annual notification according to the requirements of 40 CFR 61.145(a)(4)(iii) no later than 10 working days before the first day of January of the year during which the work is to be performed in the following circumstances:
      - (i) The asbestos projects are unplanned operation and maintenance activities;
      - (ii) The asbestos projects are less than NESHP-sized; and
      - (iii) The total amount of asbestos to be disturbed in a single facility during these asbestos projects is expected to exceed the NESHP amount in a calendar year.

**R307-801-12. Renovation and Demolition: Notification Procedures and Contents.**

(1) All notifications required by R307-801 shall be in writing on the appropriate form provided by the executive secretary and shall be postmarked or received by the Division by the date specified. The type of notification and whether the notification is original or revised shall be indicated.

(2) If the notification is an original notification of demolition, an original asbestos notification for a NESHAP- sized asbestos project, or an original annual notification, the written notice shall be sent with an original signature by U.S. Postal Service, commercial delivery service, or hand delivery. If U.S. Postal Service is used, the submission date is the postmark date. If other service or hand delivery is used, the submission date is the date that the document is received at the Division.

(3) An original asbestos notification for a less than NESHAP-sized asbestos project or any revised notification may be submitted by any of the methods in (2), or by facsimile, by the date specified in R307-801-11. The sender shall ensure that the fax is legible.

(4) All original notifications shall contain the following information:

(a) The name, address, and telephone number of the owner of the structure, and of any contractor working on the project;

(b) Whether the operation is a demolition or a renovation project;

(c) A description of the structure that includes the size in square feet or square meters, the number of floors, the age, and the present and prior uses of the structure;

(d) The procedures, including analytical methods, used to inspect for the presence of ACM;

(e) The location and address, including building number or name and floor or room number, street address, city, county, state, and zip code of the structure being demolished or renovated;

(f) A description of procedures for handling the discovery of unexpected ACM or of nonfriable ACM that has become friable or regulated;

(g) A description of planned demolition or renovation work, including the demolition and renovation techniques to be used and a description of the affected structural components.

(5) In addition to the information in (4) above, an original demolition notification shall contain the following information:

(a) An estimate of the amount of non-friable and non-regulated ACM that will not become regulated as a result of demolition activities and that will remain in the building during demolition;

(b) The starting and ending dates of demolition activities; and

(c) If the structure will be demolished under an order of a state or local government agency, the name, title, and authority of the government representative ordering the demolition, the date the order was issued, and the date the

demolition was ordered to commence. A copy of the order shall be attached to the notification.

(6) In addition to the information in (4) and (5) above, an original asbestos notification or an annual notification shall contain the following information:

(a) An estimate of the approximate amount of ACM to be stripped, including which units of measure were used;

(b) The scheduled starting and completion dates of asbestos removal work in a renovation or demolition;

(c) The beginning and ending dates for preparation and asbestos removal, and of renovation activities if applicable;

(d) If an emergency renovation operation will be performed, the date and hour the emergency occurred, a description of the event and an explanation of how the event has caused unsafe conditions or would cause equipment damage or unreasonable financial burden;

(e) A description of work practices and engineering controls to be used to prevent emissions of asbestos at the demolition or renovation work site;

(f) The name and location of the waste disposal site where the asbestos waste will be deposited, including the name and telephone number of the waste disposal site contact;

(g) The name, address, contact person, and phone number of the waste transporters; and

(h) The name, contact person, and phone number of the person receiving the waste shipment record as required by 40 CFR 61.150(d)(1).

(7) A revised notification shall contain the following information:

(a) The name, address, and telephone number of the owner of the structure, and any demolition or asbestos abatement contractor working on the project;

(b) Whether the operation is a demolition or a renovation project;

(c) The date that the original notification was submitted;

(d) The applicable original start and stop dates for asbestos removal, renovation, or demolition;

(e) Revised start and stop dates, if applicable, for asbestos removal or demolition activities;

(f) Changes in amount of asbestos to be removed, if applicable; and

(g) All other changes.

(8) If a NESHAP-sized asbestos project that requires a notification under (4) above or a demolition project that requires a notification under (4) above will commence on a date other than the date submitted in the original written notification, the executive secretary shall be notified of the new starting date by the following deadlines.

(a) If the new starting date is later than the original starting date, notice by telephone shall be given as soon as possible before the original starting date and a revised notice shall be submitted in accordance with

R307-801-12(7) as soon as possible before, but no later than, the original starting date.

(b) If the new starting date is earlier than the original starting date, submit a written notice in accordance with R307-801-12(7) at least ten working days before beginning the project.

(c) In no event shall an asbestos project covered by this subsection begin on a date other than the new starting date submitted in the revised written notice.

#### **R307-801-13. Renovation and Demolition: Requirements for Certified Workers.**

(1) A supervisor who has been certified under R307-801 shall be on site during asbestos project setup, asbestos removal, stripping, cleaning and dismantling of the project, and other handling of uncontaminated RACM.

(2) All persons handling greater than the SSSD amount of uncontaminated RACM shall be workers or supervisors certified under R307-801.

#### **R307-801-14. Renovation and Demolition: Asbestos Work Practices.**

(1) Persons performing any asbestos project shall follow the work practices in this subsection. Where the work practices in R307-801-14(1) and (2) are required, wrap and cut, open top catch bags, glove bags, and mini-enclosures may be used in combination with those work practices.

(a) Adequately wet RACM with amended water before exposing or disturbing it.

(b) Install barriers and post warning signs to prevent access to the work area. Warning signs shall conform to the specifications of 29 CFR 1926.1101(k)(7).

(c) Keep RACM adequately wet until it is containerized and disposed of in accordance with R307-801-15.

(d) Ensure that RACM that is stripped or removed is promptly containerized.

(e) Prevent visible particulate matter and uncontaminated asbestos-containing debris and waste originating in the asbestos work area from being released outside of the negative pressure enclosure or designated work area.

(f) Filter all waste water to 5 microns before discharging it to a sanitary sewer.

(g) Decontaminate the outside of all persons, equipment and waste bags before they leave the work area.

(h) Apply encapsulant to RACM that is exposed but not removed during stripping.

(i) Clean the work area, drop cloths, and other interior surfaces of the enclosure using HEPA vacuum and wet cleaning techniques until there is no visible residue before dismantling barriers.

(j) After cleaning and before dismantling enclosure barriers, mist the space and surfaces inside of the enclosure with a penetrating encapsulant designed for that purpose.

(k) Handle and dispose of friable ACM or RACM according to the disposal provisions of R307-801.

(2) All operators of NESHAP-sized asbestos projects shall install a negative pressure enclosure using the following work practices.

(a) All openings to the work area shall be covered with at least one layer of 6 mil or thicker polyethylene sheeting sealed with duct tape or an equivalent barrier to air flow.

(b) If RACM debris is present, the site shall be prepared by removing the debris using the work practice and disposal requirements of R307-801. If the total amount of loose visible RACM debris throughout the entire work area is less than the SSSD amount, then site preparation may begin after notification and before the end of the ten-day waiting period.

(c) All persons shall enter and leave the negative pressure enclosure or work area only through the decontamination unit.

(d) All persons subject to R307-801 shall shower before entering the clean-room of the decontamination unit when exiting the enclosure.

(e) No materials may be removed from the enclosure or brought into the enclosure through any opening other than a waste load-out or a decontamination unit.

(f) The negative pressure enclosure of the work area shall be constructed with the following specifications:

(i) Apply at least two layers of 6 mil or thicker polyethylene sheeting or its equivalent to the floor extending at least one foot up every wall and seal in place with duct tape or its equivalent;

(ii) Apply at least 2 layers of 4 mil or thicker polyethylene sheeting or its equivalent to the walls without locating seams in wall or floor corners;

(iii) Seal all seams with duct tape or its equivalent; and

(iv) Maintain the integrity of all enclosure barriers.

(v) Where a wall or floor will be removed as part of the asbestos project, polyethylene sheeting need not be applied to that component.

(g) View ports shall be installed in the enclosure or barriers where feasible. View ports shall be:

(i) At least one foot tall and one foot wide;

(ii) Made of clear material that is impermeable to the passage of air, such as an acrylic sheet;

(iii) Positioned so as to maximize the view of the inside of the enclosure from a position outside the enclosure; and

(iv) Accessible to a person outside of the enclosure.

(h) A decontamination unit shall be constructed according to the following specifications:

(i) The unit shall be attached to the enclosure or work area;

(ii) The decontamination unit shall consist of at least 3 chambers as specified by 29 CFR 1926.1101(j)(1);

(iii) The clean room, which is the chamber that opens to the outside, shall be no less than 3 feet wide by 3 feet long;

(iv) The dirty room, which is the chamber that opens to the negative pressure enclosure or the designated work area, shall be no less than 3 feet wide by 3 feet long;

(v) The dirty room shall be provided with an accessible waste bag at any time that asbestos work is being done.

(i) A separate waste load-out following the specifications below may be attached to the enclosure for removal of decontaminated waste containers and decontaminated or wrapped tools from the enclosure.

(i) The waste load-out shall consist of at least one chamber constructed of 6 mil or thicker polyethylene walls and 6 mil or thicker polyethylene flaps or the equivalent on the outside and inside entrances;

(ii) The waste load-out chamber shall be at least 3 feet long, 3 feet high, and 3 feet wide; and

(iii) The waste load-out supplies shall be sufficient to decontaminate bags, and may include a water supply with filtered drain, clean rags and clean bags.

(j) Negative air pressure and flow shall be established and maintained within the enclosure by:

(i) Maintaining four air changes per hour in the enclosure;

(ii) Routing the exhaust from HEPA filtered ventilation units to the outside of the structure whenever possible;

(iii) Maintaining a minimum of 0.02 column inches of water pressure differential relative to outside pressure; and

(iv) Maintaining a monitoring device to measure the negative pressure in the enclosure.

(3) In lieu of two layers of polyethylene on the walls and the floors as required by R307-801-(2)(f)(i) and (ii), the following work practices and controls may be used only under the circumstances described below:

(a) If an asbestos project is conducted in a crawl space or pipe chase and the available space is less than 6 feet high or is less than 3 feet wide, then the following may be used:

(i) Drop cloths extending at least 6 feet around all RACM to be removed, or extended to a wall and attached with duct tape or equivalent; and

(ii) Either glovebags, wrap and cut, or the open top catch bag method must be used. The open top catch bag method may be used only if the material to be removed is pre-formed RACM pipe insulation.

(b) Scattered ACM. If the RACM is scattered in small patches, such as isolated pipe fittings, the following procedures may be used.

(i) Glovebags, mini-enclosures as described in R307-801-14(5), or wrap and cut methods with drop cloths large enough to capture all RACM fragments that fall from the work area may be used.

(ii) If all asbestos disturbance is limited to the inside of negative pressure glovebags or mini-enclosure, then openings need not be sealed and negative pressure

need not be maintained outside of the glovebags or mini-enclosure during the asbestos removal operation.

(iii) A remote decontamination unit may be used as described in R307-801-14(5)(d) only if an attached decontamination unit is not feasible.

(4) During outdoor asbestos projects, the work practices of R307-801-8 shall be followed, with the following modifications:

(a) Negative pressure need not be maintained if there is not an enclosure;

(b) Six mil polyethylene or equivalent drop cloth large enough to capture all RACM fragments that fall from the work area shall be used; and

(c) A remote decontamination unit as described in R307-801-14(5)(d) may be used.

(5) Special work practices.

(a) If the wrap and cut method is used:

(i) The component shall be cut at least 6 inches from any RACM on that component;

(ii) If asbestos will be removed from the component to accommodate cutting, the asbestos removal shall be done using a single glove bag for each cut, and no RACM shall be disturbed outside of a glove bag;

(iii) The wrapping shall be leak tight and shall consist of two layers of 6 mil polyethylene, each individually sealed with duct tape, and all RACM between the cuts shall be sealed inside wrap; and

(iv) The wrapping shall remain intact and leak-tight throughout the removal and disposal process.

(b) If the open top catch bag method is used:

(i) Asbestos waste bags that are leak tight and strong enough to hold contents securely shall be used;

(ii) The bag shall be placed underneath the stripping operation to minimize ACM falling onto the drop cloth;

(iii) All material stripped from the component shall be placed in the bag;

(iv) One worker shall hold the bag and another worker shall strip the ACM into the bag; and

(v) A drop cloth large enough to capture all RACM originating in the work area shall be used.

(c) If glove bags are used, they shall be negative pressure, and the procedures required by 29 CFR 1926.1101(g)(5) shall be followed.

(d) A remote decontamination unit may be used under the conditions set forth in R307-801-14(3)(b) or (4), or when approved by the executive secretary. The remote decontamination unit and procedures shall include:

(i) Outerwear shall be HEPA vacuumed or removed, and additional clean protective outerwear shall be put on;

(ii) Either polyethylene sheeting shall be placed on the path to the decontamination unit and the path shall be blocked or taped off to prevent public access, or workers shall be conveyed to the remote decontamination unit in a vehicle that has been lined with two layers of 6 mil or thicker polyethylene sheeting or its equivalent; and

(iii) The polyethylene path or vehicle liner shall be removed at the end of the project, and disposed of as asbestos waste.

(e) Mini-enclosures, when used under approved conditions, shall conform to the requirements of 29 CFR 1926.1101(g)(5)(vi).

**R307-801-15. Disposal and Handling of Asbestos Waste.**

- (1) Containerize ACWM while adequately wet.
- (2) Asbestos waste containers shall be leak-tight and strong enough to hold contents securely.
- (3) Containers shall be labeled with the waste generator's name, address, and phone number, and the contractor's name and address, before they are removed from the work area.
- (4) Containerized RACM shall be disposed of at a landfill which complies with 40 CFR 61.150.

(5) The waste shipment record shall include a list of items and the amount of asbestos waste being shipped. The waste generator originates and signs this document.

**R307-801-16. Records.**

(1) Certified asbestos companies shall maintain records of all asbestos projects that they perform and shall make these records available to the executive secretary upon request. The records shall be retained for at least five years. Maintained records shall include the following:

- (a) Names and state certification numbers of the asbestos workers and supervisors who performed the asbestos project;
- (b) Location and description of the asbestos project and amount of Friable ACM removed;
- (c) Starting and completion dates of the asbestos project;
- (d) Summary of the procedures used to comply with applicable requirements including copies of all notifications; and
- (e) Waste shipment records maintained in accordance with 40 CFR Part 61, Subpart M, NESHAP.
- (f) Asbestos surveys associated with the asbestos project.

(2) All other persons subject to the inspection requirements of R307-801-9 shall maintain copies of asbestos survey reports for at least one year after renovation or demolition activities have ceased, and shall make these reports available to the executive secretary upon request.

**KEY: air pollution, asbestos, asbestos hazard emergency response\*, schools**

**2000** **19-2-104(1)(d)**  
**Notice of Continuation April 22, 2002**  
**19-2-104(3)(r) through (t)**  
**40 CFR Part 61, Subpart M**  
**40 CFR Part 763, Subpart E**

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

**R307-840. Lead-Based Paint Accreditation, Certification and Work Practice Standards.**

**R307-840-1. Purpose and Applicability.**

(1) Rule R307-840 establishes procedures and requirements for the accreditation of lead-based paint activities training programs, procedures and requirements for the certification of individuals and firms engaged in lead-based paint activities, and work practice standards for performing such activities. This rule also requires that, except as outlined in (2), all lead-based paint activities, as defined in this rule, must be performed by certified individuals and firms.

(2) R307-840 applies to all individuals and firms who are engaged in lead-based paint activities as defined in R307-840-2, except persons who perform these activities within residential dwellings that they own, unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level.

(3) Each department, agency, and instrumentality of the executive, legislative and judicial branches of the Federal Government having jurisdiction over any property or facility, or engaged in any activity resulting, or which may result, in a lead-based paint hazard, and each officer, agent, or employee thereof shall be subject to, and comply with, all Federal, State, interstate, and local requirements, both substantive and procedural, including the requirements of R307-840 regarding lead-based paint, lead-based paint activities, and lead-based paint hazards.

(4) While Rule R307-840 establishes specific requirements for performing lead-based paint activities should they be undertaken, nothing in R307-840 requires that the owner or occupant undertake any particular lead-based paint activity.

**R307-840-2. Definitions.**

(1) Definitions found in 40 CFR 745.63 and 40 CFR 745.223, in effect as of April 10, 2003, are hereby adopted and incorporated by reference, with the substitution found in (2) below and the modification found in (3) below.

(2) Substitute "Executive Secretary" for all references to "EPA," except in the definition of "Recognized laboratory" found in 40 CFR 745.223.

(3) Delete the definition of "Lead-based paint hazard" found in 40 CFR 745.223.

**R307-840-3. Accreditation, Certification and Work Standards: Target Housing and Child-Occupied Facilities.**

(1) The following requirements, in effect as of April 10, 2003, are adopted and incorporated by reference, with the substitutions found in (2) below and the modifications found in (3) below:

- (a) 40 CFR 745.61, 745.65, 745.225(a) through (g) and (i), 745.226 (a) through (h), 745.227, and 745.233.
- (2) Substitutions.
  - (a) Substitute "Executive Secretary" for all references to "EPA" with the following exceptions:
    - (i) Sec. 745.65(d).
    - (ii) Sec. 745.225(b)(1)(iii), Sec. 745.225(b)(1)(iv), Sec. 745.225(c)(2)(ii), Sec. 745.225(c)(10), Sec. 745.225(e)(5)(iii), and Sec. 745.225(e)(5)(iv).
    - (iii) The last reference to EPA in Sec. 745.226 (a)(1)(ii) and the second reference to EPA in Sec. 745.226(d)(1).
    - (iv) The first three references to EPA in Sec. 745.227(a)(3), Sec. 745.227(a)(4), the second reference to EPA in Sec. 745.227(e)(4), and Sec. 745.227(f)(2).
    - (v) Substitute "Executive Secretary or Executive Secretary's authorized representative" for references to "EPA" in Sec. 745.225(c)(12), Sec. 745.225(f)(4), and Sec. 745.225(i)(1).
  - (b) Substitute "the current Department of Environmental Quality Fee Schedule" for all references to "Sec. 745.238."
  - (c) Substitute "Sec 745.63(b)" for "Sec 745.227(b)" in 40 CFR 745.227(h)(2)(i).
- (3) Modifications.
  - (a) Change the date in Sec. 745.226(a)(5), Sec. 745.226(d)(2), Sec. 745.226(f)(1), and Sec. 745.227(a)(1) to August 30, 1999.
  - (b) Modify Sec. 745.225(b)(1)(iii) by deleting the statement, "or training materials approved by a State or Indian Tribe that has been authorized by EPA under subpart Q of this part,".
  - (c) Modify Sec. 745.225(b)(1)(iv) by deleting the statement, "or training materials approved by an authorized State or Indian Tribe."
  - (d) Modify Sec. 745.225(c)(2)(ii) by including the statement, "Executive Secretary-accredited," before the statement "EPA-accredited."
  - (e) Modify Sec. 745.225(e)(5)(iii) by deleting the statement, "or training materials approved by a State or Indian Tribe that has been authorized by EPA under subsection 745.324 to develop its refresher training course materials,".
  - (f) Modify Sec. 745.225 (e)(5)(iv) by deleting the statement, "or training materials approved by an authorized State or Indian Tribe."
  - (g) Modify Sec. 745.226 (a)(1)(ii) by including the statement, "EPA or" after the word "from."
  - (h) Modify Sec. 745.227 (a)(3) by deleting the statement, "Regulations, guidance, methods, or protocols issued by States and Indian Tribes that have been authorized by EPA;".
  - (i) Modify Sec. 745.226(f)(7) by deleting the statement "every 3 years."

**KEY: air pollution, paint, lead-based paint**  
**2003** **19-2-104(1)(i)**