



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of Environmental Quality

Tim Davis
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

Air Quality Board
Kim Frost, *Chair*
Michelle Bujdoso, *Vice-Chair*
Tim Davis
Seth Lyman
Colton Norman
Sonja Norton
John Rasband
Jeff Silvestrini
Dave Spence
Bryce C. Bird,
Executive Secretary

DAQ-053-25

UTAH AIR QUALITY BOARD MEETING TENTATIVE AGENDA

Wednesday, August 6, 2025
195 North 1950 West, Salt Lake City, Utah 84116

Board Working Meeting – 11:00 a.m.
Conference Rooms 1019 A/B (1st floor)

Annual Open and Public Meetings Act training and board member orientation.
This in-person working lunch meeting is open to the public.

Board Meeting – 1:30 p.m.
Board Room 1015 (1st floor)

Board members may be participating electronically. Interested persons can participate telephonically by dialing 1-475-299-8810 using access code: 449-801-632#, or via the Internet at meeting link:
meet.google.com/dpm-oqgm-nzk

- I. Call-to-Order
- II. Date of the Next Air Quality Board Meeting: September 15, 2025
- III. Approval of the Minutes for the June 4, 2025, Board Meeting.
- IV. Five-Year Review: R307-240. Prescribed Burning. Presented by Jazmine Lopez.
- V. Propose for Final Adoption: Amend R307-230. NO_x Emission Limits for Natural Gas-Fired Water Heaters. Presented by Glade Sowards.
- VI. Propose for Public Comment: Amend R307-205. Emission Standards: Fugitive Emissions and Fugitive Dust. Presented by Rachel Chamberlain.
- VII. Propose for Public Comment: Amend R307-401. Permit: New and Modified Sources. Presented by Christine Bodell.

- VIII. Propose for Public Comment: New Rule R307-431. Emission Unit Exemptions From Obtaining an Approval Order Under Section R307-401-8: Permit by Rule for Emission Units. Presented by Christine Bodell.
- IX. Propose for Public Comment: New Rule R307-432. Source Category Exemptions From Obtaining an Approval Order Under Section R307-401-8: Permit by Rule for Source Categories. Presented by Christine Bodell.
- X. Informational Items.
 - A. Air Toxics. Presented by Leonard Wright.
 - B. Compliance. Presented by Harold Burge, Rik Ombach, and Chad Gilgen.
 - C. Monitoring. Presented by Thomas Greene.
 - D. Other Items to be Brought Before the Board.
 - E. Board Meeting Follow-up Items.

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact LeAnn Johnson, Office of Human Resources at (385) 226-4881, TDD (801) 536-4284 or by email at leannjohnson@utah.gov.

ITEM 4



State of Utah

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Department of
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DIVISION OF AIR QUALITY
Bryce C. Bird
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DAQ-055-25

M E M O R A N D U M

TO: Air Quality Board
THROUGH: Bryce C. Bird, Executive Secretary
FROM: Jazmine Lopez, Rules Coordinator
DATE: July 21, 2025
SUBJECT: FIVE-YEAR REVIEW: R307-240. Prescribed Burning.

Utah Code Title 63G-3-305 requires each agency to review and justify each of its rules within five years of a rule's original effective date or within five years of the filing of the last five-year review. This review process is not a time to revise or amend the rules, but only to verify that the rule is still necessary and allowed under state and federal statute. As part of this process, we are required to identify any comments received during and since the last five-year review of each rule. This process is not the time to revisit those comments or to respond to them. There have not been any comments received on R307-240.

DAQ has completed the five-year review for rule R307-240, Prescribed Burning. The result of the five-year review is found in the attached Five-Year Notice of Review and Statement of Continuation form.

Recommendation: Staff recommends the Board continue rule R307-240, Prescribed Burning, by approving the attached Five-Year Notice of Review and Statement of Continuation form to be filed with the Office of Administrative Rules.

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

| | | |
|-----------------|-----------------|----------------------------|
| Rule number: | R307-240 | Filing ID: OFFICE USE ONLY |
| Effective date: | OFFICE USE ONLY | |

Agency Information

| | | |
|----------------------|------------------------------------|----------------------------|
| 1. Title catchline: | Environmental Quality, Air Quality | |
| Building: | Multi-Agency State Office Building | |
| Street address: | 195 N 1950 W | |
| City, state: | Salt Lake City, UT | |
| Mailing address: | PO Box 144820 | |
| City, state and zip: | Salt Lake City, UT 84114-4820 | |
| Contact persons: | | |
| Name: | Phone: | Email: |
| Rachel Chamberlain | 801-414-3390 | rachelchamberlain@utah.gov |
| Jazmine Lopez | 801-536-4050 | jazminelopez@utah.gov |
| | | |

Please address questions regarding information on this notice to the persons listed above.

General Information

| | | | | |
|--|--|--|--|--|
| 2. Rule catchline: | R307-240. Prescribed Burning. | | | |
| 3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions: | | | | |
| Subsections 19-2a-105(3) through 19-2a-105(5) | Utah Code Subsections 19-2a-105(3) through 19-2a-105(5) describes the conditions in which directors can approve prescribed burning or pile burning in the state of Utah. | | | |
| Utah Code Section 19-2-104 | Utah Code Section 19-2-104 grants the Air Quality Board the authority to make rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act. | | | |
| 4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule: | | | | |
| No written comments have been received since the rule became effective in 2020. | | | | |
| 5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any: | | | | |
| Rule R307-240 must be continued because it is used to permit applications for prescribed burning under Subsections 19-2a-105(3) through 19-2a-105(5). Rule R307-240 ensures safe prescribed burning occurs when the clearing index allows. | | | | |

Agency Authorization Information

| |
|--|
| To the agency: Information requested on this form is required by Section 63G-3-305. The office may return incomplete forms to the agency, possibly delaying publication in the <i>Utah State Bulletin</i> . |
| Agency head or designee and title: Bryce C. Bird, Director, Division of Air Quality |
| Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or a nonsubstantive change. |

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

2 **R307-240. Prescribed Burning.**

3 **R307-240-1. Purpose.**

4 The purpose of Rule R307-240 is to permit prescribed burning and pile burning under the conditions
5 outlined in Subsections 19-2a-105(3) through 19-2a-105(5).

6 **R307-240-2. Applicability.**

7 Rule R307-240 applies to land managers who conduct prescribed burns and pile burns in wildland and
8 non-wildland areas.

9 **R307-240-3. Definitions.**

10 The definitions in Section 19-2a-105 apply to Rule R307-240.

11 **R307-240-4. Special Condition Burn Permit.**

12 (1) Land managers who request a burn permit when the clearing index is below 500 shall submit to
13 the Director an application that demonstrates that the conditions in Subsections 19-2a-105(3) through 19-2a-
14 105(5) are met.

15 (2) Land managers shall not conduct prescribed burning or pile burning when the clearing index is
16 below 500 until the Director approves the application required in Subsection R307-240-4(1).

17 **KEY: air quality, prescribed burning**

18 **Date of Enactment or Last Substantive Amendment: November 5, 2020**

19 **Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104; 19-2a-105; 19-2-107(2)(b)(ix)**

ITEM 5



State of Utah

SPENCER J. COX
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DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Tim Davis
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-054-25

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

THROUGH: Jazmine Lopez, Rules Coordinator

FROM: Glade Sowards, Environmental Scientist

DATE: July 18, 2025

SUBJECT: PROPOSE FOR FINAL ADOPTION: Amend R307-230. NO_x Emission Limits for Natural Gas-Fired Water Heaters.

During the 2025 General Session, the Utah State Legislature passed House Bill 313, Construction Industry Amendments, which amended Utah State Code 19-2-107.7 to limit the applicability of the nitrogen oxide emission limits for natural gas-fired water heaters from applying statewide to only applying in PM_{2.5} and ozone nonattainment areas in the state. Rule R307-230 must be amended to reflect the applicability limitations found in Subsection 19-2-107.7(4) as amended in House Bill (H.B.) 313, which went into effect on July 1, 2025. At its May 7, 2025, meeting, the Board proposed amendments to rule R307-230 for a 30-day public comment period, which was held from June 1, 2025, to July 1, 2025. During this period, the Division of Air Quality received three sets of comments via email. No public hearing was requested by the associated due date.

The comments and the division's responses to them are included in the Board packet. Generally, the comments can be summarized as follows:

- Requests for compliance guidance and related materials;
- Questions for clarification as to which parties are affected by the changes in House Bill 313 and rule R307-230;
- Questions and concerns about equitable and effective enforcement; and
- Requests for contact information and future communication opportunities.

In response to these comments, the division developed a Background and Guidance document, which has been shared with interested parties and posted to the Compliance section of the Division of Air Quality website. Relatedly, the division developed a web-based compliance tool to help identify whether so-called “ultra-low NO_x water heaters” are required for installation at a given location. Finally, the division notes that most of the concerns relating to the proposed rule amendments actually stem from the changes to State Code made by the Legislature in House Bill 313. The division encourages affected parties to contact their representatives with further questions and concerns regarding this legislation, as the proposed amendments to rule R307-230 were largely developed in response to these changes.

Recommendation: Staff recommends the Board approve the amendments to rule R307-230, NO_x Emission Limits for Natural Gas-Fired Water Heaters, for final adoption.

APPENDIX A: Amendment to Rule R307-230, NO_x Emission Limits for Natural Gas-Fired Water Heaters. Responses to Public Comment

During the 2025 General Session, the Utah State Legislature passed House Bill 313, Construction Industry Amendments, which amended Utah State Code 19-2-107.7 to limit the applicability of the nitrogen oxide emission limits for natural gas-fired water heaters set in 15A-6-102 from applying statewide to only applying in ozone and PM_{2.5} nonattainment areas in the state, as shown in the figure below. This law went into effect on July 1, 2025. On May 7, 2025, the Utah Air Quality Board proposed an amendment to rule R307-230 to align with the statute and to reflect the new applicability limitations required by House Bill (H.B.) 313. The public comment period began June 1, 2025, and ended July 1, 2025. The Utah Division of Air Quality (UDAQ) received comments from two different commenters, one of which – the Utah Plumbing and Heating Contractors Association (UPHCA) – included questions and comments from some of its members. The division has reviewed and evaluated all comments received during the 30-day public comment period in accordance with the Utah Administrative Rulemaking Act, Utah Code 63G-3-301(11)(b). Below is a summation of comments and UDAQ responses.

UPHCA Comment #1:

“[What is] the DAQ going to do with the overall enforcement of this change of law. Are you able to give me any further information to disseminate to the industry, contractors, and manufacturers. Additionally, do you have a list of zip codes for ULN compliance?”

UDAQ Response:

UDAQ developed a [Background and Guidance document](#) that it shared with UPHCA and other interested parties. Because PM_{2.5} and ozone nonattainment area boundaries do not conform neatly to ZIP Code boundaries, UDAQ developed a [web-based compliance tool](#) that allows potentially affected parties to see if an ultra-low NO_x water heater is required for a given point of installation in Utah. All sellers, purchasers, and installers of water heaters in Utah may be affected parties and should consult this tool to determine whether a compliant water heater is required.

UPHCA Comment #2 (representing questions from a member firm):

“Here are a few questions I have [an] individual company asking about:

- Would you send me any guidance documents in the future?
- Who will enforce the compliance process?
- Who will be the responsible party to ensure compliance? In other words, will each plumbing company be required to check the app, or will suppliers, homeowners, and large box stores be responsible for determining if the individual purchasing the water heater is required to have an ULN?
- Are materials being developed to communicate the information?
- Will you be the go-to person for ongoing questions?”

UDAQ Response:

The UDAQ Minor Source Compliance Section is responsible for enforcing this rule. As stated above, UDAQ developed a [Background and Guidance document](#) that it shared with stakeholders. As indicated in

that document, all sellers, purchasers, and installers of water heaters in Utah may be affected parties and should consult the web-based compliance tool to determine whether a compliant water heater is required. Stakeholders should contact Chad Gilgen of the UDAQ Minor Source Compliance Section, at cgilgen@utah.gov, with any questions.

UPHCA Comment #3 (originating with member firm):

“I find it interesting that the state is now going to change the [ultra-low NO_x] requirements. The real problem is the Home Depot in Park [C]ity... now stocks [ultra-low NO_x] water heaters and regular water heaters side-by-side. [N]o one asks where you live when you go buy a water heater because I asked. The Mountainland in Spanish Fork also has both types of water heaters. I'm sure this is rampant throughout. I'm not sure these large private equity [companies] who own many of the service companies have that kind of integrity. The difference in cost is \$225 roughly.”

UDAQ Response:

UDAQ appreciates this feedback and will work to develop compliance mechanisms to ensure a level playing field.

Bradford White Comment:

“Given that the rule implementation is right around the corner, we are looking to provide our wholesalers with direction. We have a couple of questions.

1. Can the department please provide a list of affected zipcodes which require Ultra Low NO_x as we discussed during our call?
2. We have not seen the proposed rule language, other than what was written in [H.B. 313] and the Utah State Bulletin. There seems to be a discrepancy in how this rule will be enforced. [H.B. 313] clearly states the rule affects installations, while the bulletin references "sale or installation" of regulated products.
 - a. Can the department please clarify how the rule will be enforced?”

UDAQ Response:

As stated above, UDAQ has developed and shared a [web-based compliance tool](#) to help identify whether ultra-low NO_x water heaters are required for a given location. All sellers, purchasers, and installers of water heaters in Utah may be affected parties and should consult this tool to determine whether a compliant water heater is required. The rule will be enforced by UDAQ's Minor Source Compliance Section.

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

2 **R307-230. NO_x Emission Limits for Natural Gas-Fired Water Heaters.**

3 **R307-230-1. Purpose.**

4 The purpose of Rule R307-230 is to reduce emissions of nitrogen oxides (NO_x) from natural gas-
5 fired water heaters.

6 **R307-230-2. Applicability.**

7 Rule R307-230 applies to the sale or installation of natural gas-fired water heaters on or after July
8 1, 2018, as limited by Subsection 19-2-107.7(4).

9 **R307-230-3. Emission Limits and Requirements.**

10 (1) The State Construction and Fire Codes Act, [Subsection]Section 15A-6-102, Enacted by
11 Chapter 236, 2017 General Session, is [hereby]incorporated by reference.

12 (2) Manufacturers shall use the South Coast Air Quality Management District Method 100.1 to
13 comply with the NO_x emission limits.

14 **KEY: water heaters, natural gas, NO_x, air quality**

15 **Date of Last Change: 2025[August 3, 2017]**

16 **Notice of Continuation: July 12, 2022**

17 **Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104; 19-2-107.7**

ITEM 6



State of Utah

SPENCER J. COX
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DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Tim Davis
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-056-25

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

THROUGH: Jazmine Lopez, Rules Coordinator

FROM: Rachel Chamberlain, Environmental Scientist

DATE: July 23, 2025

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-205. Emission Standards: Fugitive Emissions and Fugitive Dust.

The proposed amendment to rule R307-205 revises the statewide fugitive emissions and fugitive dust rule to be consistent with rule R307-309, Nonattainment and Maintenance Areas for PM10 and PM2.5: Fugitive Emissions and Fugitive Dust. Currently, rule R307-309 exempts agricultural dust from fugitive emissions requirements, while rule R307-205 does not. As a result, the statewide rule imposes stricter controls on agricultural sources than are required within nonattainment areas. This regulatory inconsistency creates confusion and imposes a disproportionate burden on agricultural operations outside nonattainment areas.

A review of the historical record, including public comments and the intent behind the original rulemaking, suggests that the statewide rule was not intended to be more stringent than the nonattainment area rule. Rather, the goal was to establish parity between the two, by recognizing the limited impact and control options associated with agricultural dust and ensuring a balanced regulatory approach statewide.

Recommendation: Staff recommends the Board approve the amendments to rule R307-205, Emission Standards: Fugitive Emissions and Fugitive Dust, for a 30-day public comment period.

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

| | | |
|--|----------|-----------------------------------|
| Rule or section number: | R307-205 | Filing ID: OFFICE USE ONLY |
| Date of previous publication (only for CPRs): | | |

Agency Information

| | | |
|-----------------------------|------------------------------------|----------------------------|
| 1. Title catchline: | Environmental Quality, Air Quality | |
| Building: | Multi-Agency State Office Building | |
| Street address: | 195 N 1950 W | |
| City, state: | Salt Lake City, UT | |
| Mailing address: | PO Box 144820 | |
| City, state and zip: | Salt Lake City, UT 84114-4820 | |
| Contact persons: | | |
| Name: | Phone: | Email: |
| Rachel Chamberlain | 385-414-3390 | rachelchamberlain@utah.gov |
| Jazmine Lopez | 801-536-4050 | jazminelopez@utah.gov |

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R307-205. Emission Standards: Fugitive Emissions and Fugitive Dust.

3. Are any changes in this filing because of state legislative action? Changes are not because of legislative action.

If yes, any bill number and session:

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

The proposed amendment to Rule R307-205 revises the statewide fugitive emissions and fugitive dust rule to be consistent with Rule R307-309, Nonattainment and Maintenance Areas for PM10 and PM2.5: Fugitive Emissions and Fugitive Dust. Currently, Rule R307-309 exempts agricultural dust from fugitive emissions requirements, while Rule R307-205 does not. As a result, the statewide rule imposes stricter controls on agricultural sources than are required within nonattainment areas. A review of the historical record, including public comments and the intent behind the original rulemaking, suggests that the statewide rule was not intended to be more stringent than the nonattainment area rule. Rather, the goal was to establish parity between the two, by recognizing the limited impact and control options associated with agricultural dust, and ensuring a balanced regulatory approach statewide. This regulatory inconsistency creates confusion and imposes a disproportionate burden on agricultural operations outside nonattainment areas. The amendment to Rule R307-205 will bring the agricultural fugitive dust standard in both nonattainment areas and statewide into alignment.

5. Summary of the new rule or change:

The amendment to Rule R307-205 includes the addition of the following language: "agriculturally derived fugitive dust and." The addition of this language makes the statewide rule equally as stringent as the fugitive dust control rule for nonattainment areas, Rule R307-309, bringing both rules into alignment with one another and creating consistent language. Additionally, other revisions have been made to bring the rule into compliance with EO 2021-12 and the Utah Rulewriting Manual.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A. State budget:

This rule amendment does not have any anticipated costs or savings associated with the state budget because this rule will not create any new associated compliance workload for staff due to agricultural entities no longer being under compliance purview for agricultural fugitive dust.

B. Local governments:

This rule amendment will not affect local governments costs or savings because it does not apply to local governments.

C. Small businesses ("small business" means a business employing 1-49 persons):

This rule may provide some cost savings to small businesses due to the reduction of associated regulatory compliance costs, however the exact savings are unknown.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

This rule may provide some cost savings to non-small businesses due to the reduction of associated regulatory compliance costs, however the exact savings are unknown.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule may provide some cost savings to persons other than small businesses, non-small businesses, state, or local government entities due to the reduction of associated regulatory compliance costs, however the exact savings are unknown.

F. Compliance costs for affected persons:

This rule may provide some cost savings to affected persons due to the reduction of associated regulatory compliance costs, however the exact savings are unknown.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table

| Fiscal Cost | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 |
|------------------------------|------------|------------|------------|------------|------------|
| State Budget | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 | \$0 | \$0 |
| Fiscal Benefits | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 |
| State Budget | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total Fiscal Benefits | \$0 | \$0 | \$0 | \$0 | \$0 |
| Net Fiscal Benefits | \$0 | \$0 | \$0 | \$0 | \$0 |

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

| | | |
|------------------|--|--|
| Section 19-2-104 | | |
| | | |
| | | |

Incorporation by Reference Information

8. Incorporation by Reference (if this rule incorporates more than two items by reference, please include additional tables):**A. This rule adds or updates the following title of material incorporated by reference** (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

| |
|---|
| Official Title of Materials Incorporated (from title page) |
|---|

| | |
|-------------------------|--|
| Publisher | |
| Issue Date | |
| Issue or Version | |

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

| | |
|---|--|
| Official Title of Materials Incorporated (from title page) | |
| Publisher | |
| Issue Date | |
| Issue or Version | |

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 10/01/2025

B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):

| Date: | Time (hh:mm AM/PM): | Place (physical address or URL): |
|--------------|----------------------------|--|
| 09/24/2025 | 1:00 PM – 2:00 PM | <p>A public hearing is set for Wednesday, September 24, 2025.</p> <p>Further details may be found below. The hearing will be cancelled should no request for one be made by Monday, September 22, 2025, at 10 AM MT. The final status of the public hearing will be posted on Monday, September 22, 2025, after 10 AM MT. The status of the public hearing may be checked at the following website location under the corresponding rule.</p> <p>https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment</p> <p>Interested Persons can participate in person or electronically, via the internet.</p> <p>In Person:</p> <p>MASOB 195 N. 1950 W. Salt Lake City, UT, 84116, First Floor, Air Quality Board Room</p> <p>Virtual Attendance:</p> <p>Time zone: America/Denver</p> <p>Google Meet joining info:</p> <p>Video call link: https://meet.google.com/exs-dpew-xnz</p> <p>Or dial: (US) +1 724-990-0971 PIN: 930 563 355#</p> |

To the agency: If more than one hearing is planned to take place, continue to add rows.

| | |
|---|------------|
| 10. This rule change MAY become effective on: | 11/05/2025 |
| NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. | |

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

| | | | |
|---|--|--------------|------------|
| Agency head or designee and title: | Bryce C. Bird, Director, Division of Air Quality | Date: | 07/17/2025 |
|---|--|--------------|------------|

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

2 **R307-205. Emission Standards: Fugitive Emissions and Fugitive Dust.**

3 **R307-205-1. Purpose.**

4 Rule R307-205 establishes minimum work practices and emission standards for sources of
5 fugitive emissions and fugitive dust for sources located in all areas in the state except those listed in
6 [s]Section IX, Part H of the state implementation plan or located in a PM10 nonattainment or
7 maintenance area.

8 **R307-205-2. Applicability.**

9 Rule R307-205 applies statewide to all sources of fugitive emissions and fugitive dust, except
10 for agriculturally derived fugitive dust and agricultural or horticultural activities specified in Section
11 19-2-114(1)-(3) and any source listed in [s]Section IX, Part H of the state implementation plan or
12 located in a PM10 nonattainment or maintenance area.

13 **R307-205-3. Definitions.**

14 The following definition applies throughout Rule R307-205:

15 "Material" means sand, gravel, soil, minerals, or other matter that may create fugitive dust.

16 **R307-205-4. Fugitive Emissions.**

17 Fugitive emissions from sources which were constructed on or before April 25, 1971, shall not
18 exceed 40% opacity. Fugitive emissions from sources constructed or modified after April 25, 1971,
19 shall not exceed 20% opacity.

20 **R307-205-5. Fugitive Dust.**

21 (1) Storage and Handling of Materials. Any person owning, operating, or maintaining a new
22 or existing material storage, handling, or hauling operation shall minimize fugitive dust from such an
23 operation. Such control may include the use of enclosures, covers, stabilization, or other equivalent
24 methods or techniques as approved by the director.

25 (2) Construction and Demolition Activities.

26 (a) Any person engaging in clearing or leveling of land greater than one-quarter acre in size,
27 earthmoving, excavation, or movement of trucks or construction equipment over cleared land greater
28 than one-quarter acre in size or access haul roads shall take steps to minimize fugitive dust from such
29 activities. Such control may include watering and chemical stabilization of potential fugitive dust
30 sources or other equivalent methods or techniques approved by the director.

31 (b) The owner or operator of any land area greater than one-quarter acre in size that has been
32 cleared or excavated shall take measures to prevent fugitive particulate matter from becoming
33 airborne. Such measures may include:

34 (i) planting vegetative cover[;];
35 (ii) providing synthetic cover[;];
36 (iii) watering[;];
37 (iv) chemical stabilization[;];
38 (v) wind breaks[;]; or
39 (vi) other equivalent methods or techniques approved by the director.

40 (c) Any person engaging in demolition activities including razing homes, buildings, or other
41 structures or removing paving material from roads or parking areas shall take steps to minimize
42 fugitive dust from such activities. Such control may include watering and chemical stabilization or
43 other equivalent methods or techniques approved by the director.

44 **R307-205-6. Roads.**

45 (1) The director may require persons owning, operating, or maintaining any new or existing
46 road, or having right-of-way easement or possessory right to use the same, to supply traffic count

1 information as determined necessary to ascertain whether or not control techniques are adequate or
2 additional controls are necessary.

3 (2) Any person who deposits materials that may create fugitive dust on a public or private
4 paved road shall clean the road promptly.

5 **R307-205-7. Mining Activities.**

6 (1) Fugitive dust, construction activities, and roadways associated with mining activities are
7 regulated under the provisions of Section R307-205-7 and not by Sections R307-205-5 and R307-205-6.

8 (2) Any person who owns or operates a mining operation shall minimize fugitive dust as an
9 integral part of site preparation, mining activities, and reclamation operations.

10 (3) The fugitive dust control measures to be used may include:

11 (a) periodic watering of unpaved roads[;];

12 (b) chemical stabilization of unpaved roads[;];

13 (c) paving of roads[;];

14 (d) prompt removal of coal, rock minerals, soil, and other dust-forming debris from roads and
15 frequent scraping and compaction of unpaved roads to stabilize the road surface[;];

16 (e) restricting the speed of vehicles in and around the mining operation[;];

17 (f) revegetating, mulching, or otherwise stabilizing the surface of all areas adjoining roads that
18 are a source of fugitive dust[;];

19 (g) restricting the travel of vehicles on other than established roads[;];

20 (h) enclosing, covering, watering, or otherwise treating loaded haul trucks and railroad cars, to
21 minimize loss of material to wind and spillage[;];

22 (i) substitution of conveyor systems for haul trucks and covering of conveyor systems when
23 conveyed loads are subject to wind erosion[;];

24 (j) minimizing the area of disturbed land[;];

25 (k) prompt revegetation of regraded lands[;];

26 (l) planting of special windbreak vegetation at critical points in the permit area[;];

27 (m) control of dust from drilling, using water sprays, hoods, dust collectors, or other controls
28 approved by the director[;];

29 (n) restricting the areas to be blasted at any one time[;];

30 (o) reducing the period of time between initially disturbing the soil and revegetating or other
31 surface stabilization[;];

32 (p) restricting fugitive dust at spoil and coal transfer and loading points[;];

33 (q) control of dust from storage piles through use of enclosures, covers, or stabilization and
34 other equivalent methods or techniques as approved by the director[;]; or

35 (r) other techniques as determined necessary by the director.

36 **R307-205-8. Tailings Piles and Ponds.**

37 (1) Fugitive dust, construction activities, and roadways associated with tailings piles and
38 ponds are regulated under the provisions of Section R307-205-8 and not by Sections R307-205-5 and
39 R307-205-6.

40 (2) Any person owning or operating an existing tailings operation where fugitive dust results
41 from grading, excavating, depositing, or natural erosion or other causes in association with such
42 operation shall take steps to minimize fugitive dust from such activities. Such controls may include:

43 (a) watering[;];

44 (b) chemical stabilization[;];

45 (c) synthetic covers[;];

46 (d) vegetative covers[;];

47 (e) wind breaks[;];

48 (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 director.

KEY: air pollution, fugitive emissions, mining, tailings

Date of Last Change: July 7, 2005

Notice of Continuation: October 2, 2024

Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104; 19-2-109

ITEM 7



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Tim Davis
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-057-25

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

THROUGH: Jazmine Lopez, Rules Coordinator

FROM: Alan Humpherys, Minor New Source Review Section Manager

DATE: July 23, 2025

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-401. Permit: New and Modified Sources.

On January 7, 2025, Governor Spencer Cox issued Executive Order 2025-01 to the Department of Environmental Quality. The Executive Order requires the department to evaluate the implementation and expansion of Permit by Rule and general permitting. In addition, House Bill 85 (2025 General Session) requires the Division of Air Quality to conduct a study on the feasibility of expanding Permit by Rule programs and make rules to include at least five categories listed in the bill. In response to Executive Order 2025-01 and House Bill 85 (H.B. 85), the division is proposing additions and changes to the Permit by Rule program.

House Bill 85 lists 20 categories that the division must evaluate. To meet the requirements of H.B. 85, the division is proposing to implement Permit by Rule options for seven categories at this time. Some of the existing categories are being updated to better align with Executive Order 2025-01 and H.B. 85.

Existing section R307-401-10 listed various source categories and emission units that did not need to obtain an approval order. Emission units are discrete items that would be exempt from the need to obtain an approval order. Source categories include entire sources that would be exempt from the requirement to obtain an approval order.

To assist in readability and clarity, the specific exempted items were removed from section R307-401-10 and placed under new individual rules, R307-431 and R307-432. The definitions for the exempted items

were also transferred to those new rules. The amended section R307-401-10 refers to the two new rules for the specific items that are exempt.

Section R307-401-10 includes an option for sources to submit a registration to the director. This registration is not required under section R307-401-10; however, well sites and portable aggregate processing plants are required to submit a registration under other applicable rules.

The proposed rule texts, as well as a fact sheet went out for Advanced Notice of Proposed Rulemaking, and feedback was accepted from July 1, 2025, to July 15, 2025. The division received comments from one commenter. The commenter requested additional rulemakings for more categories than was previously included in these proposed rules. The division will explore options to expand the categories for permits by rule after the rulemaking on these categories is complete. The division will continue to work with stakeholders and receive feedback on ways to improve air permitting.

The commenter also requested to allow the option for major sources to conduct minor modifications by permit by rule. The proposed rules do not evaluate all options for minor source permitting at major sources. Seven of the ten emission units included in rule R307-431 would be exempt from permitting at major sources. The division will work with stakeholders to evaluate the feasibility of expanding permit by rule options. However, the division did not have sufficient time or resources to expand permit by rule options for source categories or emissions units outside the scope of H.B. 85 to ensure the deadlines of H.B. 85 were met.

The commenter requested some language changes to the language of the proposed rules. The commenter requested to change language from “may submit” to “registration is optional.” The “may submit” language was borrowed from existing section R307-401-9 for the small source exemption. To be consistent with existing language, the division is proposing to keep the existing language.

The commenter asked for clarification on the reasoning for two different rules: R307-431 and R307-432 instead of just one rule. “Source” and “emission unit” are defined in section R307-101-2. Each term is specifically defined. The division created a rule for emission units and one rule for sources. This was done to better meet the rule definitions. Source categories could be misinterpreted to mean that the entire source is exempt or that the source must only consist of the exempt items listed in the rule. To better clarify the intent of the rule, the division updated the language to be consistent with the definitions in section R307-101-2. In addition, the division feels the separation of the rules will improve the readability, clarity, and intent of the rules.

The division will continue to work with stakeholders and evaluate options to implement more permit by rule options. The division will wait until this rulemaking is complete before starting additional rule making regarding permit by rule, but the division will work with stakeholders in the meantime to evaluate possible improvements.

Recommendation: Staff recommends the Board approve the amendments to rule R307-401, Permit: New and Modified Sources, for a 30-day public comment period.

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

| | | |
|--|----------|-----------------------------------|
| Rule or section number: | R307-401 | Filing ID: OFFICE USE ONLY |
| Date of previous publication (only for CPRs): | | |

Agency Information

| | | |
|-----------------------------|------------------------------------|-----------------------|
| 1. Title catchline: | Environmental Quality, Air Quality | |
| Building: | Multi-Agency State Office Building | |
| Street address: | 195 N 1950 W | |
| City, state: | Salt Lake City, UT | |
| Mailing address: | PO Box 144820 | |
| City, state and zip: | Salt Lake City, UT 84114-4820 | |
| Contact persons: | | |
| Name: | Phone: | Email: |
| Alan Humpherys | 801-536-4142 | ahumpherys@utah.gov |
| Jazmine Lopez | 801-536-4050 | jazminelopez@utah.gov |

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R307-401. Permit: New and Modified Sources.

3. Are any changes in this filing because of state legislative action? Changes are because of legislative action.

If yes, any bill number and session: HB 85 (2025 General Session)

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

HB 85 requires the DAQ to create at least five new permit-by-rule categories in its rules. The DAQ currently has several categories listed in Section R307-401-10. To assist with rule clarity and make rules easier to understand, Section R307-401-10 is being split into three separate rules. This rule will specify the rule location for the exemptions from permitting.

5. Summary of the new rule or change:

This rule will point to two new rules that will list the emission units and source categories that are exempt from the requirement to obtain Approval Order under Section R307-401-8. Existing categories will be transferred to new rules to add clarity and assist with readability.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A. State budget:

The state budget is not expected to experience an impact with regards to this rule. The items that are being exempted usually do not require a permit under the small source exemption in Section R307-401-9; therefore, no additional revenue would be lost. In addition, larger sources that may have emission units covered under this rule require permits and permit updates for other emission units that are not exempt. Therefore, the normal revenue would be received from sources because of the larger emissions units, not the exempted emission units. DAQ staff may save time during permit reviews because these emission units will no longer need to be reviewed as part of the permitting process. This will not reflect a change in revenue or costs because the time saved by DAQ staff will then be spent on other projects.

B. Local governments:

Local governments will not expect to see a change in costs or savings. Local governments do not receive revenue from air permitting, so any change in permitting regulations will not affect revenue streams. The rule is an exemption from permitting, so no additional costs would be needed to acquire a permit.

C. Small businesses ("small business" means a business employing 1-49 persons):

Small businesses will not expect to see a change in costs or savings. Small businesses that currently do not need a permit will still not need a permit with the passage of this rule. The rule will add permitting exemptions, which would allow greater flexibility for small businesses that currently do not need a permit. Small businesses that currently require a permit may no longer need a permit if these exemptions apply to the source. However, most sources that have a current permit need a permit for other reasons than the exempted emission units listed in this rule. Businesses may save some time and money by not needing to include these exempted emission units in their permit applications; however, the exact savings are unknown because the majority of costs are for other emission units besides the proposed exempted emission units.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

Non-small businesses will not expect to see a change in costs or savings. Businesses that currently do not need a permit will still not need a permit with the passage of this rule. The rule will add permitting exemptions, which would allow greater flexibility for businesses that currently do not need a permit. Businesses that currently require a permit may no longer need a permit if these exemptions apply to the source. However, most sources that have a current permit need a permit for other reasons than the exempted emission units listed in this rule. Businesses may save some time and money by not needing to include these exempted emission units in their permit applications; however, the exact savings are unknown because the majority of costs are for other emission units besides the proposed exempted emission units.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule specifically exempts emission units that would otherwise need an air quality permit. The only financial impacts would be to individuals that may require an air quality permit. Businesses have been the only entities that have requested air quality permits. Therefore, other persons would not be financially impacted.

F. Compliance costs for affected persons:

This rule is an exemption from permitting. Affected persons not wanting to be exempted from permitting would continue to obtain a permit as currently allowed, which would not add any costs than what the individual is currently paying.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table

| Fiscal Cost | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 |
|------------------------------|------------|------------|------------|------------|------------|
| State Budget | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 | \$0 | \$0 |
| Fiscal Benefits | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 |
| State Budget | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total Fiscal Benefits | \$0 | \$0 | \$0 | \$0 | \$0 |
| Net Fiscal Benefits | \$0 | \$0 | \$0 | \$0 | \$0 |

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

| | | |
|--------------------|--|--|
| Section 19-2-104 | | |
| Section 19-2-109.7 | | |

Incorporation by Reference Information

| | |
|---|--|
| 8. Incorporation by Reference (if this rule incorporates more than two items by reference, please include additional tables): | |
| A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>): | |
| Official Title of Materials Incorporated (from title page) | |
| Publisher | |
| Issue Date | |
| Issue or Version | |

| | |
|---|--|
| B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>): | |
| Official Title of Materials Incorporated (from title page) | |
| Publisher | |
| Issue Date | |
| Issue or Version | |

Public Notice Information

| 9. The public may submit written or oral comments to the agency identified in box 1. | | |
|--|---------------------|--|
| A. Comments will be accepted until: | | 10/01/2025 |
| B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.): | | |
| Date: | Time (hh:mm AM/PM): | Place (physical address or URL): |
| 09/24/2025 | 12:00 PM – 1:00 PM | <p>A public hearing is set for Wednesday, September 24, 2025.</p> <p>Further details may be found below. The hearing will be cancelled should no request for one be made by Monday, September 22, 2025, at 10 AM MT. The final status of the public hearing will be posted on Monday, September 22, 2025, after 10 AM MT. The status of the public hearing may be checked at the following website location under the corresponding rule.</p> <p>https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment</p> <p>Interested Persons can participate in person or electronically, via the internet.</p> <p>In Person:</p> <p>MASOB 195 N. 1950 W. Salt Lake City, UT, 84116, First Floor, Air Quality Board Room</p> <p>Virtual Attendance:</p> <p>Time zone: America/Denver</p> <p>Google Meet joining info:</p> <p>Video call link: https://meet.google.com/dsv-yjvv-rmp</p> <p>Or dial: (US) +1 929-324-2373 PIN: 449 866 031#</p> |

To the agency: If more than one hearing is planned to take place, continue to add rows.

| | |
|---|------------|
| 10. This rule change MAY become effective on: | 11/05/2025 |
| NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. | |

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

| | | | |
|---|---|--------------|------------|
| Agency head or designee and title: | Bryce C. Bird, Director, Division of Air Quality | Date: | 07/21/2025 |
|---|---|--------------|------------|

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

2 **R307-401. Permit: New and Modified Sources.**

3 **R307-401-1. Purpose.**

4 This rule establishes the application and permitting requirements for new installations and
5 modifications to existing installations throughout the state. Additional permitting requirements apply to
6 larger installations or installations located in nonattainment or maintenance areas. These additional
7 requirements can be found in Rules R307-403, R307-405, R307-406, R307-420, and R307-421. Modeling
8 requirements in Rule R307-410 may also apply. Each of the permitting rules establishes independent
9 requirements, and the owner or operator shall comply with each of the requirements that apply to the
10 installation. Exemptions under Rule R307-401 do not affect applicability of the other permitting rules.

11 **R307-401-2. Definitions.**

12 "Actual emissions" means the actual rate of emissions of an air pollutant from an emissions unit,
13 as determined in accordance with Subsections R307-401-2(1) through R307-401-2(3).

14 (1) In general, actual emissions as of a particular date shall equal the average rate, in tons per
15 year, at which the unit actually emitted the air pollutant during a consecutive 24-month period which
16 precedes the particular date and which is representative of normal source operation. The director shall
17 allow the use of a different time period upon a determination that it is more representative of normal
18 source operation. Actual emissions shall be calculated using the unit's actual operating hours, production
19 rates, and types of materials processed, stored, or combusted during the selected time period.

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

22 (3) For any emissions unit that has not begun normal operations on the particular date, actual
23 emissions shall equal the potential to emit of the unit on that date.

24 "Best available control technology" means an emissions limitation, including a visible emissions
25 standard, based on the maximum degree of reduction for each air pollutant which would be emitted from
26 any proposed stationary source or modification which the director, on a case-by-case basis, taking into
27 account energy, environmental, and economic impacts and other costs, determines is achievable for such
28 source or modification through application of production processes or available methods, systems, and
29 techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of
30 such pollutant. In no event shall application of best available control technology result in emissions of any
31 pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60
32 and 61. If the director determines that technological or economic limitations on the application of
33 measurement methodology to a particular emissions unit would make the imposition of an emissions
34 standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may
35 be prescribed instead to satisfy the requirement for the application of best available control technology.
36 Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation
37 of such design, equipment, work practice or operation, and shall provide for compliance by means which
38 achieve equivalent results.

39 "Air Strippers" are systems designed to pump groundwater to the surface for treatment, usually by
40 aeration.

41 "Building, structure, facility, or installation" means all of the pollutant-emitting activities which
42 belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and
43 are under the control of the same person, or persons under common control, except the activities of any
44 vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they
45 belong to the same Major Group which have the same two-digit code as described in the Standard
46 Industrial Classification Manual, 1972, as amended by the 1977 Supplement, [U.S. Government Printing
47 Office stock numbers 4101-0066 and 003-005-00176-0, respectively].

48 "Construction" means any physical change or change in the method of operation including
49 fabrication, erection, installation, demolition, or modification of an emissions unit that would result in a
50 change in emissions.

51 "Emissions unit" means any part of a stationary source that emits or would have the potential to
52 emit any air pollutant.

1 "Fugitive emissions" means those emissions which could not reasonably pass through a stack,
2 chimney, vent, or other functionally equivalent opening.

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

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

11 "Secondary emissions" means emissions which occur as a result of the construction or operation
12 of a major stationary source or major modification, but do not come from the major stationary source or
13 major modification itself. Secondary emissions include emissions from any offsite support facility which
14 would not be constructed or increase its emissions except as a result of the construction or operation of the
15 major stationary source or major modification. Secondary emissions do not include any emissions which
16 come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train,
17 or from a vessel.

18 "Soil Aeration" is an ex-situ treatment process where excavated soil from a remediation project is
19 spread in a thin layer to encourage biodegradation of soil contamination. Biodegradation may be
20 stimulated through aeration or the addition of minerals, nutrients, or moisture.

21 "Soil Vapor Extraction", or SVE, is a system designed to extract vapor phase contaminants from
22 the subsurface. SVE systems are often combined with other technologies, such as air sparging or vacuum-
23 enhanced recovery systems.

24 "Stationary source" means any building, structure, facility, or installation which emits or may
25 emit an air pollutant.

26 "Vapor Mitigation System", or VMS, is a sub-slab system whose primary purpose is mitigating
27 vapor intrusion into an occupied, or occupiable, structure and is not intended or designed for the
28 remediation of contaminated soil or groundwater. This definition includes both active and passive
29 systems. Passive systems consist of a vapor barrier either below or above the slab of a structure and a
30 venting system installed under a structure to divert vapor from beneath the structure to the sides or roofline
31 of a structure. Active systems are similar to passive systems but incorporate a blower or fan to actively
32 extract air from beneath the structure.

33 **R307-401-3. Applicability.**

34 (1) Rule R307-401 applies to any person planning to:

35 (a) construct a new installation that will or might reasonably be expected to be a source or an
36 indirect source of air pollution;

37 (b) make modifications to or relocate an existing installation that will or might reasonably be
38 expected to increase the amount of or change the character or effect of air pollutants discharged, so that
39 the installation may be expected to be a source or indirect source of air pollution; or

40 (c) install an air cleaning device or other equipment intended to control emission of air pollutants.

41 (2) Rules R307-403, R307-405, and R307-406 may establish additional permitting requirements
42 for new or modified sources.

43 (a) Exemptions contained in Rule R307-401 do not affect applicability or other requirements
44 under Rule R307-403, R307-405, or R307-406.

45 (b) Exemptions contained in Rule R307-403, R307-405, or R307-406 do not affect applicability
46 or other requirements under Rule R307-401, unless specifically authorized in this rule.

47 **R307-401-4. General Requirements.**

48 The general requirements in Subsections R307-401-4(1) through R307-401-4(4) apply to any new
49 and modified installations, including installations that are exempt from the requirement to obtain an
50 approval order.

51 (1) Any control apparatus installed on an installation shall be adequately and properly
52 maintained.

(2) If the director determines that an exempted installation is not meeting an approval order or State Implementation Plan limitation, is creating an adverse impact to the environment, or would be injurious to human health or welfare, the director may require the owner or operator to submit a notice of intent and obtain an approval order in accordance with Sections R307-401-5 through R307-401-8. The director will complete an appropriate analysis and evaluation in consultation with the owner or operator before determining that an approval order is required.

(3) Low Oxides of Nitrogen Burner Technology.

(a) Except as provided in Subsection R307-401-4(3)(b), when existing fuel combustion burners are replaced, the owner or operator shall install low oxides of nitrogen burners or equivalent oxides of nitrogen controls, as determined by the director, unless such equipment is not physically practical or cost effective. The owner or operator shall submit a demonstration that the equipment is not physically practical or cost effective to the director for review and approval before beginning construction.

(b) Subsection (a) does not apply to non-commercial, residential buildings.

(4) A person may not operate a source of air pollution that is required to have a permit under Rule R307-401 unless the person has obtained a permit for the source under the procedures of Rule R307-401.

R307-401-5. Notice of Intent.

(1) Except as provided in Sections R307-401-9 through R307-401-17, any person subject to Rule R307-401 shall submit a notice of intent to the director and receive an approval order precedent to the construction, modification, installation, establishment, or relocation of an air pollutant source or indirect source. The notice of intent shall be in a format specified by the director.

(2) The notice of intent shall include the following information:

(a) 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.

(b) The expected composition and physical characteristics of effluent stream both before and after treatment by any control apparatus, including emission rates, volume, temperature, air pollutant types, and concentration of air pollutants.

(c) The size, type, and performance characteristics of any control apparatus.

(d) An analysis of best available control technology for the proposed source or modification.

When determining best available control technology for a new or modified source in an ozone nonattainment or maintenance area that will emit volatile organic compounds or nitrogen oxides, the owner or operator of the source shall consider EPA Control Technique Guidance (CTG) documents and Alternative Control Technique documents that are applicable to the source. Best available control technology shall be at least as stringent as any published CTG that applies to the source.

(e) The location and elevation of the emission point and other factors relating to dispersion and diffusion of the air pollutant in relation to nearby structures and window openings, and other information necessary to appraise the possible effects of the effluent.

(f) 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.

(g) The typical operating schedule.

(h) A schedule for construction.

(i) Any plans, specifications, and related information that are in final form at the time of submission of notice of intent.

(j) Any additional information required by:

(i) Rule R307-403, Permits: New and Modified Sources in Nonattainment Areas and

Maintenance Areas;

(ii) Rule R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD);

(iii) Rule R307-406, Visibility;

(iv) Rule R307-410, Permits: Emissions Impact Analysis;

(v) Rule R307-420, Permits: Ozone Offset Requirements in Davis and Salt Lake Counties; or

(vi) Rule R307-421, Permits: PM10 Offset Requirements in Salt Lake County and Utah County.

(k) Any other information necessary to determine if the proposed construction, modification, installation, or establishment will be in accord with Title R307.

(1) The payment of a new source review fee established under Subsection 19.1-201(6)(i).

(3) Notwithstanding the exemptions in Sections R307-401-9 through R307-401-16, any person that is subject to Rule R307-403, R307-405, or R307-406 shall submit a notice of intent to the director and receive an approval order precedent to the construction, modification, installation, establishment, or relocation of an air pollutant source or indirect source.

R307-401-6. Review Period.

(1) Completeness Determination. Within 30 days after receipt of a notice of intent, or any additional information necessary to the review, the director will advise the applicant of any deficiency in the notice of intent or the information submitted.

(2) Within 90 days after the receipt of a complete application including the information described in Section R307-401-5, the director will:

(a) issue an approval order for the proposed construction, installation, modification, relocation, or establishment pursuant to the requirements of Section R307-401-8; or

(b) issue an order prohibiting the proposed construction, installation, modification, relocation or establishment if it is determined that any part of the proposal will not be in [the] accord with the requirements of Title R307.

(3) The review period under Subsection R307-401-6(2) may be extended by up to three 30-day extensions if more time is needed to review the proposal.

R307-401-7. Public Notice.

(1) Issuing the Notice. Before issuing an approval or disapproval order of the proposed construction, installation, modification, relocation, or establishment, the director shall:

(a) publish a legal notice of the intent to approve or disapprove on the public legal notice website under Subsection 45-1-101(2);

(b) notify the public of the intent to approve or disapprove on the Division's website; and

(c) post the draft permit and administrative record for the draft permit, or information on how to access the administrative record for the draft permit, on the Division's website during the public comment period.

(2) Opportunity for Review and Comment.

(a) At least one location will be provided where the information submitted by the owner or operator, the director's analysis of the notice of intent proposal, and the proposed approval order conditions will be available for public inspection.

(b) Public Comment.

(i) A 30-day public comment period will be established.

(ii) A request to extend the length of the comment period, up to 30 days, may be submitted to the director within 15 days of the date the legal notice in Subsection R307-401-7(1)(a) is published.

(iii) Public Hearing. A request for a hearing on the proposed approval or disapproval order may be submitted to the director within 15 days of the date the legal notice in Subsection R307-401-7(1)(a) is published.

(iv) The hearing will be held in the area of the proposed construction, installation, modification, relocation, or establishment.

(v) The public comment and hearing procedure may not be required when an order is issued to extend the time required by the director to review plans and specifications.

(3) The director will consider comments received during the public comment period and at the public hearing and, if appropriate, will make changes to the proposal in response to comments before issuing an approval order or disapproval order.

R307-401-8. Approval Order.

(1) The director will issue an approval order if the following conditions have been met:

(a) The degree of pollution control for emissions, to include fugitive emissions and fugitive dust, is at least best available control technology. When determining best available control technology for a new

1 or modified source in an ozone nonattainment or maintenance area that will emit volatile organic
2 compounds or nitrogen oxides, best available control technology shall be at least as stringent as any
3 Control Technique Guidance document that has been published by EPA that applies to the source.

4 (b) The proposed installation will meet the applicable requirements of:

5 (i) Rule R307-403, Permits: New and Modified Sources in Nonattainment Areas and
6 Maintenance Areas;

7 (ii) Rule R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD);

8 (iii) Rule R307-406, Visibility;

9 (iv) Rule R307-410, Permits: Emissions Impact Analysis;

10 (v) Rule R307-420, Permits: Ozone Offset Requirements in Davis and Salt Lake Counties;

11 (vi) Rule R307-210, Standards of Performance for New Stationary Sources;

12 (vii) National Primary and Secondary Ambient Air Quality Standards;

13 (viii) Rule R307-214, National Emission Standards for Hazardous Air Pollutants;

14 (ix) Rule R307-110, General Requirements: State Implementation Plan; and

15 (x) any other requirements of Title R307.

16 (2) The approval order will require that any pollution control equipment be adequately and
17 properly maintained.

18 (3) Receipt of an approval order does not relieve any owner or operator of the responsibility to
19 comply with the requirements of Title R307 or the State Implementation Plan.

20 (4) To accommodate staged construction of a large source, the director may issue an order
21 authorizing construction of an initial stage before receipt of detailed plans for the entire proposal provided
22 that, through a review of general plans, engineering reports, and other information, the proposal is
23 determined feasible by the director under the intent of Title R307. Subsequent detailed plans will then be
24 processed as prescribed in this [S]subsection. For staged construction projects the previous determination
25 under Subsections R307-401-8(1) and (2) will be reviewed and modified as appropriate at the earliest
26 reasonable time before commencement of construction of each independent phase of the proposed source
27 or modification.

28 (5) If the director determines that a proposed stationary source, modification, or relocation does
29 not meet the conditions established in Subsection (1), the director will not issue an approval order.

31 **R307-401-9. Small Source Exemption.**

32 (1) A small stationary source is exempt from the requirement to obtain an approval order in
33 Sections R307-401-5 through R307-401-8 if the following conditions are met.

34 (a) its actual emissions are less than [S] five tons per year per air pollutant of any of the following
35 air pollutants: sulfur dioxide, carbon monoxide, nitrogen oxides, PM₁₀, ozone, or volatile organic
36 compounds;

37 (b) its actual emissions are less than 500 pounds per year of any hazardous air pollutant and less
38 than 2,000 pounds per year of any combination of hazardous air pollutants;

39 (c) its actual emissions are less than 500 pounds per year of any air pollutant not listed in
40 Subsection (a) or (b) and less than 2,000 pounds per year of any combination of air pollutants not listed in
41 Subsection (a) or (b) [above].

42 (d) Air pollutants that are drawn from the environment through equipment in intake air and then
43 are released back to the environment without chemical change, as well as carbon dioxide, nitrogen,
44 oxygen, argon, neon, helium, krypton, and xenon should not be included in emission calculations when
45 determining applicability under Subsections (a) through (c) [above].

46 (2) The owner or operator of a source that is exempted from the requirement to obtain an
47 approval order under Subsection (1) [above] shall no longer be exempt if actual emissions in any
48 subsequent year exceed the emission thresholds in Subsection (1) [above]. The owner or operator shall
49 submit a notice of intent under Section R307-401-5 no later than 180 days after the end of the calendar
50 year in which the source exceeded the emission threshold.

51 (3) Small Source Exemption - Registration. The director will maintain a registry of sources that
52 are claiming an exemption under Section R307-401-9. The owner or operator of a stationary source that is
53 claiming an exemption under Section R307-401-9 may submit a written registration notice to the director.
54 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.

(4) An exemption under Section R307-401-9 does not affect the requirements of Section R307-401-17, Temporary Relocation.

(5) A stationary source that is not required to obtain a permit under Rule R307-405 for greenhouse gases, as defined in Subsection R307-405-3(9)(a), is not required to obtain an approval order for greenhouse gases under Rule R307-401. This exemption does not affect the requirement to obtain an approval order for any other air pollutant emitted by the stationary source.

R307-401-10. Emission Unit and Source Category Exemptions For Permit by Rule.

[The source categories described in Section R307.401-10 are exempt from the requirement to obtain an approval order found in Sections R307.401-5 through R307.401-8. The general provisions in Section R307.401-4 shall apply to these sources.]

(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, 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;

(3) Emergency heating equipment, using coal or wood for fuel, with a rated capacity less than 50,000 BTU per hour.

(4) Exhaust systems for controlling steam and heat that do not contain combustion products.

(5) A well site as defined in 40 CFR 60.5430a, including centralized tank batteries, that is not a major source as defined in Section R307-101-2, and is registered with the Division as required by Rule R307-505.

(6) A gasoline dispensing facility as defined in 40 CFR 63.11132 that is not a major source as defined in Section R307-101-2. These sources shall comply with the applicable requirements of Rule R307-328 and 40 CFR 63 Subpart CCCCCC: National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

(7) A Vapor Mitigation System as defined in Section R307.401.2.

(8) A Portable Aggregate Processing Plant as defined in Section R307-209-2.]

An owner or operator of an emission unit contained in Rule R307-431 or an owner or operator of a source category contained in Rule R307-432 is exempt from the requirement to obtain an approval order found in Sections R307-401-5 through R307-401-8. An owner or operator that is claiming an exemption under Section R307-401-10 may submit a written registration notice to the director unless otherwise required by federal or state rules and regulations. The general provisions in Section R307-401-4 shall apply to each emission unit and source category.

R307-401-11. Replacement-in-Kind Equipment.

(1) Applicability. Existing process equipment or pollution control equipment that is covered by an existing approval order or State Implementation Plan requirement may be replaced using the procedures in Subsection (2) if:

- (a) the 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 pollutants are emitted as a result of the replacement;
- (d) the process equipment or pollution control equipment is identical to or functionally equivalent to the replaced equipment;

- (e) the replacement does not change the basic design parameters of the process unit or pollution control equipment;
- (f) the replaced process equipment or pollution control equipment is permanently removed from the stationary source, otherwise permanently disabled, or permanently barred from operation;
- (g) the replacement process equipment or pollution control equipment does not trigger New Source Performance Standards or National Emissions Standards for Hazardous Air Pollutants under 42 U.S.C. 7411 or 7412; and
- (h) the replacement of the control apparatus or process equipment does not violate any other requirement of Title R307.

(2) Replacement-in-Kind Procedures.

(a) In lieu of filing a notice of intent under Section R307-401-5, the owner or operator of a stationary source shall submit a written notification to the director before replacing the equipment. The notification shall contain a description of the replacement-in-kind equipment, including the control capability of any control apparatus and a demonstration that the conditions of Subsection (1) are met.

(b) If the replacement-in-kind meets the conditions of Subsection (1), the director will update the source's approval order and notify the owner or operator. Public review under Section R307-401-7 is not required for the update to the approval order.

(3) If the replaced process equipment or pollution control equipment is brought back into operation, it shall constitute a new emissions unit.

R307-401-12. Reduction in Air Pollutants.

(1) Applicability. The owner or operator of a stationary source of air pollutants that reduces or eliminates air pollutants is exempt from the requirement to submit a notice of intent and obtain an approval order before construction if:

(a) the project does not increase the potential to emit of any air pollutant or cause emissions of any new air pollutant; and

(b) the director is notified of the change and the reduction of air pollutants is made enforceable through an approval order in accordance with Subsection (2).

(2) Notification. The owner or operator shall submit a written description of the project to the director no later than 60 days after the changes are made. The director will update the source's approval order or issue a new approval order to include the project and to make the emission reductions enforceable. Public review under Section R307-401-7 is not required for the update to the approval order.

R307-401-13. Plantwide Applicability Limits.

A plantwide applicability limit under Section R307-405-21 does not exempt a stationary source from the requirements of Rule R307-401.

R307-401-14. Used Oil Fuel Burned for Energy Recovery.

(1) Definitions.

"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) An emission unit that burns used oil, as defined in Section R315-15-1, for energy recovery is exempt from the requirement to obtain an approval order in Sections R307-401-5 through R307-401-8 if the owner or operator complies with Section R315-15-6 and the heat input design of the emission unit is not more than 0.5 MMBtu/hr.

R307-401-15. Air Strippers and Soil Vapor Extraction Systems.

Section R307-401-15 applies to remediation systems with the potential to generate air emissions, such as air strippers and soil vapor extraction (SVE) as defined in Section R307-401-2.

(1) The owner or operator of an air stripper or SVE remediation system is exempt from the notice of intent and approval order requirements of Sections R307-401-5 through R307-401-8 if the following conditions are met:

(a) actual emissions of volatile organic compounds from a given project are less than [§] five tons per year; and

(b) emission rates of hazardous air pollutants are below their respective threshold values contained in Subsection R307-410-5(1)(c)(i)(C).

(2) The owner or operator shall submit documentation to the director that demonstrates the project meets the exemption criteria in Subsection R307-401-15(1). Required documentation includes:

(a) project summary, including location, system description, operational schedule, and schedule for construction;

(b) emission calculations and any laboratory sampling data used in calculations; and

(c) plans and specifications for the system and equipment.

(3) After beginning the soil remediation project, the owner or operator shall conduct testing to demonstrate compliance with the exemption levels in Subsections R307-401-15(1)(1) and (b). Monitoring and reporting shall be conducted as follows:

(a) Emissions for air strippers shall be based on the following:

(i) influent and effluent water samples analyzed for volatile organic compounds and hazardous air pollutants using [the most recent version of] USEPA Test Method 8260, Method 8021, or other EPA approved testing methods acceptable to the director; and

(ii) design water flow rate of the system or the water flow rates measured during the sample period.

(b) Emissions for SVE systems shall be based on the following:

(i) Air samples collected from a sample port in the exhaust stack of the SVE system and analyzed for volatile organic compounds and hazardous air pollutants using USEPA ~~[t]Test [m]Method~~ TO-15, or other EPA approved testing methods acceptable to the director.

(ii) Design air flow rate of the system or the air flow rates measured at the outlet of the SVE system during the sample period. Flow rates should be measured and reported at actual conditions.

(c) Within one month of sampling, the owner or operator shall submit to the director the sample results, estimated emissions of volatile organic compounds, and estimated emission rates of hazardous air pollutants.

(d) Samples shall be collected at the following frequencies or more frequently as determined necessary by the director:

(i) no less than 28 days and no more than 31 days, monthly, after startup for the first quarter;

(ii) quarterly for the remainder of the first year; and

(iii) semi-annually thereafter for the life of the project or as allowed in Subsection R307-401-

15(3)(f).

(e) If an SVE or air stripper system

shutdown, the owner or operator shall recommence the sampling schedule in Subsection R307-415(3)(d), unless otherwise approved by the director.

(f) The owner or operator may request to discontinue sampling after three years of operation. To discontinue sampling, the owner or operator shall submit to the director a request to discontinue monitoring.

(i) The request shall include documentation demonstrating emissions have remained below the exemption levels in Subsections R307-401-15(1)(a) and (b) since startup of the system.

(ii) The request is subject to approval from the director upon consultation with other regulatory agencies involved in the project, such as Division of Environmental Response and Remediation or Division of Waste Management and Radiation Control.

(4) The following control devices do not require a notice of intent or approval order when used in relation to an air stripper or soil vapor extraction system that is exempted under Section R307-401-15:

(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.

R307-401-16. Soil Aeration Projects.

Section R307-401-16 applies to soil aeration projects used to conduct soil remediation.

(1) The owner or operator of a soil aeration project is not subject to the notice of intent and approval order requirements of Sections R307-401-5 through R307-401-8, if the following conditions are met:

(a) emissions of volatile organic compounds from a given soil aeration project are less than [§] five tons per year; and

(b) emission rates of hazardous air pollutants are below their respective threshold values contained in Subsection R307-410-(1)(c)(i)(C).

(2) The owner or operator shall submit documentation to the director demonstrating the project meets the exemption criteria in Subsection R307-401-16(1). The owner or operator shall receive approval from the director for the exemption before beginning the remediation project. Required documentation includes:

(a) calculated emissions of volatile organic compounds and estimated emission rates of hazardous air pollutants from any soils to be treated from the soil aeration project.

(b) Emission calculations shall be based on soil samples of the soils to be remediated. Samples shall be analyzed for volatile organic compounds and hazardous air pollutants using [the most recent version of] USEPA Test Method 8260, Method 8021, or other EPA approved testing methods acceptable to the director. Emission calculations should be based on the methodology in EPA guidance "Air Emissions from the Treatment of Soils Contaminated with Petroleum Fuels and Other Substances" (EPA-600/R-92-124) or other methodology acceptable to the director.

(c) Location where soil aeration will occur and where the remediated material originated.

(3) The owner or operator is exempt from the reporting requirements in Subsection R307-401-16(2) if excavated soils are disposed of at a disposal or treatment facility, such as a landfill, solid waste management facility, or a landfarm facility, that is owned or operated by a third party and operates under an existing approval order.

R307-401-17. Temporary Relocation.

The owner or operator of a stationary source previously approved under Rule R307-401 may temporarily relocate and operate the stationary 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 director will evaluate the expected emissions impact at the site and compliance with applicable Title R307 rules as the basis 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 submitted to the director 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 director as requested. Section R307-401-7, Public Notice, does not apply to temporary relocations under Section R307-401-17.

R307-401-18. Eighteen Month Review.

Approval orders issued by the director in accordance with Rule R307-401 will be reviewed 18 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 director may revoke the approval order.

R307-401-19. General Approval Order.

(1) The director may issue a general approval order that would establish conditions for similar new or modified sources of the same type or for specific types of equipment. The general approval order may apply throughout the state or in a specific area.

(a) A major source or major modification as defined in Rule R307-403, R307-405, or R307-420 for each respective area is not eligible for coverage under a general approval order.

- (b) A source that is subject to the requirements of Section R307-403-5 is not eligible for coverage under a general approval order.
- (c) A source that is subject to the requirements of Section R307-410-4 is not eligible for coverage under a general approval order unless a demonstration that meets the requirements of Section R307-410-4 was conducted.

(d) A source that is subject to the requirements of Subsection R307-410-5(1)(c)(ii) is not eligible for coverage under a general approval order unless a demonstration that meets the requirements of Subsection R307-410-5(1)(c)(ii) was conducted.

1 (e) A source that is subject to the requirements of Subsection R307-410-5(1)(c)(iii) is not eligible
2 for coverage under a general approval order.

3 (2) A general approval order shall meet applicable requirements of Section R307-401-8.

4 (3) The public notice requirements in Section R307-401-7 shall apply to a general approval order.

5 (4) Application.

6 (a) After a general approval order has been issued, the owner or operator of a proposed new or
7 modified source may apply to be covered under the conditions of the general approval order.

8 (b) The owner or operator shall submit the application on forms provided by the director in lieu
9 of the notice of intent requirements in Section R307-401-5 for equipment covered by the general approval
10 order.

11 (c) The owner or operator may request that an existing, individual approval order for the source
12 be revoked, and that it be covered by the general approval order.

13 (d) The owner or operator that has applied to be covered by a general approval order may not
14 initiate construction, modification, or relocation until the application has been approved by the director.

15 (5) Approval.

16 (a) The director will review the application and approve or deny the request based on criteria
17 specified in the general approval order for that type of source. If approved, the director will issue an
18 authorization to the applicant to operate under the general approval order.

19 (b) The public notice requirements in Section R307-401-7 do not apply to the approval of an
20 application to be covered under the general approval order.

21 (c) The director will maintain a record of stationary sources that are covered by a specific general
22 approval order and this record will be available for public review.

23 (6) Exclusions and Revocation.

24 (a) The director may require any source that has applied for or is authorized by a general
25 approval order to submit a notice of intent and obtain an individual approval order under Section R307-
26 401-8. Cases where the director will require an individual approval order include the following:

27 (i) the director determines that the source does not meet the criteria specified in the general
28 approval order;

29 (ii) the director determines that the application for the general approval order did not contain the
30 necessary information to evaluate applicability under the general approval order;

31 (iii) modifications were made to the source that were not authorized by the general approval
32 order or an individual approval order;

33 (iv) the director determines the source may cause a violation of a national ambient air quality
34 standard;

35 (v) the director determines that an approval order is required based on the compliance history and
36 current compliance status of the source or applicant; or

37 (vi) the director determines that an approval order is required for any other reason.

38 (b)(i) Any source authorized by a general approval order may request to be excluded from the
39 coverage of the general approval order by submitting a notice of intent under Section R307-401-5 and
40 receiving an individual approval order under Section R307-401-8.

41 (ii) When the director issues an individual approval order to a source subject to a general
42 approval order, the applicability of the general approval order to the individual source is revoked on the
43 effective date of the individual approval order.

44 (7) Modification of General Approval Order. The director may modify, replace, or discontinue
45 the general approval order.

46 (a) Administrative corrections may be made to the existing version of the general approval order.
47 These corrections are to correct typographical errors or similar minor administrative changes.

48 (b) Any other modifications or the discontinuation of a general approval order may not apply to
49 any source authorized under previous versions of the general approval order unless the owner or operator
50 submits an application to be covered under the new version of the general approval order. Modifications
51 under Subsection R307-401-19(7)(b) shall meet the public notice requirements in Subsection R307-401-
52 19(3).

53 (c) A general approval order shall be reviewed at least every three years. The review of the
54 general approval order shall follow the public notice requirements of Subsection R307-401-19(3).

(8) Modifications at a source covered by a general approval order. A source may make modifications only as authorized by the approved general approval order. Modifications outside the scope authorized by the approved general approval order shall require a new application for either an individual approval order under Section R307-401-8 or a general approval order under Section R307-401-19.

KEY: air pollution, permits, approval orders, greenhouse gases

Date of Last Change: March 5, 2025

Notice of Continuation: May 4, 2022

Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(b)(iii); 19-2-108

ITEM 8



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Tim Davis
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-058-25

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

THROUGH: Jazmine Lopez, Rules Coordinator

FROM: Alan Humpherys, Minor New Source Review Section Manager

DATE: July 23, 2025

SUBJECT: PROPOSE FOR PUBLIC COMMENT: New Rule R307-431. Emission Unit Exemptions From Obtaining an Approval Order Under Section R307-401-8: Permit by Rule for Emission Units.

On January 7, 2025, Governor Spencer Cox issued Executive Order 2025-01 to the Department of Environmental Quality. The Executive Order requires the department to evaluate the implementation and expansion of Permit by Rule and general permitting. In addition, House Bill 85 (2025 General Session) requires the Division of Air Quality to conduct a study on the feasibility of expanding Permit by Rule programs and make rules to include at least five categories listed in the bill. In response to Executive Order 2025-01 and House Bill 85, the division is proposing additions and changes to the Permit by Rule program.

House Bill 85 (H.B. 85) lists 20 categories that the division must evaluate. To meet the requirements of H.B. 85, the division is proposing to implement Permit by Rule options for seven categories at this time. Some of the existing categories are being updated to better align with Executive Order 2025-01 and H.B. 85.

Existing section R307-401-10 listed various source categories and emission units that did not need to obtain an approval order. Emission units are discrete items that would be exempt from the need to obtain an approval order. Source categories include entire sources that would be exempt from the requirement to obtain an approval order.

To assist in readability and clarity, the specific exempted items were removed from section R307-401-10 and placed under new individual rules, R307-431 and R307-432. The definitions for the exempted items were also transferred to those new rules.

Rule R307-431 will specify emission units that are exempt from the requirement to obtain an approval order under section R307-401-8.

Existing emission units that will be transferred from section R307-401-10 to this rule include: natural gas-fired heaters and boilers, comfort heating equipment, emergency heating equipment, exhaust systems, and vapor mitigation systems. The language in these exemptions is updated to add clarity and assist with readability.

New emission units that will be added to this rule include: fuel storage tanks, abrasive blasting operations, degreasing operations, municipal solid waste landfills, and emergency engines. Various thresholds were added to the conditions to ensure these emission units would not negatively impact air quality.

The proposed rule texts, as well as a fact sheet went out for Advanced Notice of Proposed Rulemaking, and feedback was accepted from July 1, 2025, to July 15, 2025. The division received comments from one commenter. The commenter requested additional rulemakings for more categories than was previously included in these proposed rules. The division will explore options to expand the categories for permits by rule after the rulemaking on these categories is complete. The division will continue to work with stakeholders and receive feedback on ways to improve air permitting.

The commenter requested changes to the boiler exemption by changing the definition of “boiler,” which would remove the natural gas requirement as a fuel. This exemption is already in section R307-401-10. The existing rule limits the fuel use to natural gas. The proposed change to this rule is to remove the applicability requirement of the pressure in which combustion occurs. The division did not change the intent of this existing exemption. The division did not evaluate the impacts of changing the fuel type used in boilers; therefore, the division did not change the requirement that this exemption only applies to natural gas as a fuel.

The commenter requested changes to the boiler option to remove the rating of the boiler to which the exemption applies. The boiler exemption is an existing exemption under section R307-401-10. The requirement in the existing rule is for the emission unit to have a rating less than 5 MMBtu/hr. The division did not evaluate this threshold at this time; therefore, the division is not changing this rating. However, the division may work with stakeholders and evaluate possible changes to the threshold in the future.

The commenter requested justification on the thresholds in the degreasing operations exemptions. The division reviewed TCEQ’s rules and used those thresholds; however, the commenter requested that the division justify these thresholds and not copy them. The division agrees with this evaluation. The division conducted a more detailed evaluation compared to division rules and has updated the thresholds that were listed in the Advanced Notice. The division is lowering the total solvent usage from 1,500 gallons to 1,200 gallons and is decreasing the chlorinated solvents from 660 gallons to 40 gallons. The reasoning for this is as follows:

The division has an existing small source exemption for sources that emit less than 5 tons per year of VOC (and other criteria pollutants), 500 pounds of any one hazardous air pollutant, and 2,000 pounds of all hazardous air pollutants combined. Using a somewhat dense solvent of acetic acid, which is a VOC, the division determined that approximately 1,200 gallons of this solvent would equal about 5 tons per year of VOC. Most other common solvents have a lighter density and would therefore produce lower emissions at the same volume. A common chlorinated solvent is carbon tetrachloride, which is a hazardous air pollutant.

Using the existing threshold of 500 pounds per year would equate to about 40 gallons of this solvent. Most other chlorinated solvents have a lower density than this, which would produce lower emissions at the same volume.

The division will continue to work with stakeholders and evaluate options to implement more permit by rule options. The division will wait until this rulemaking is complete before starting additional rule making regarding permit by rule, but the division will work with stakeholders in the meantime to evaluate possible improvements.

Recommendation: Staff recommends the Board approve new rule R307-431, Emission Unit Exemptions From Obtaining an Approval Order Under Section R307-401-8: Permit by Rule for Emission Units, for a 30-day public comment period.

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New

| | | |
|--|----------|-----------------------------------|
| Rule or section number: | R307-431 | Filing ID: OFFICE USE ONLY |
| Date of previous publication (only for CPRs): | | |

Agency Information

| | | |
|-----------------------------|------------------------------------|-----------------------|
| 1. Title catchline: | Environmental Quality, Air Quality | |
| Building: | Multi-Agency State Office Building | |
| Street address: | 195 N 1950 W | |
| City, state: | Salt Lake City, UT | |
| Mailing address: | PO Box 144820 | |
| City, state and zip: | Salt Lake City, UT 84114-4820 | |
| Contact persons: | | |
| Name: | Phone: | Email: |
| Alan Humpherys | 801-536-4142 | ahumpherys@utah.gov |
| Jazmine Lopez | 801-536-4050 | jazminelopez@utah.gov |

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R307-431. Emission Unit Exemptions From Obtaining an Approval Order Under Section R307-401-8: Permit by Rule for Emission Units.

3. Are any changes in this filing because of state legislative action? Changes are because of legislative action.

If yes, any bill number and session: HB 85 (2025 General Session)

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

HB 85 requires the DAQ to create at least five new permit-by-rule categories in its rules. The DAQ currently has several categories listed in Section R307-401-10. This new rule will incorporate existing categories under Section R307-401-10 and add new categories. Section R307-401-10 is being split into three separate rules to assist with rule clarity and make rules easier to understand. This rule will address emission units that qualify for a permit by rule.

5. Summary of the new rule or change:

This rule will specify emission units that are exempt from the requirement to obtain an Approval Order under Section R307-401-8.

Existing emission units that will be transferred from Section R307-401-10 to this rule include: natural gas-fired heaters and boilers, comfort heating equipment, emergency heating equipment, exhaust systems, and vapor mitigation systems. The language in these exemptions is updated to add clarity and assist with readability.

New emission units that will be added to this rule include: fuel storage tanks, abrasive blasting operations, degreasing operations, municipal solid waste landfills, and emergency engines. Various thresholds were added to the conditions to ensure these emission units would not negatively impact air quality.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A. State budget:

The state budget is not expected to experience an impact with regards to this rule. The emission units that are being exempted usually do not require a permit under the small source exemption in Section R307-401-9; therefore, no additional revenue would be lost. In addition, larger sources that may have emission units covered under this rule require permits and permit updates for other emission units that are not exempt. Therefore, the normal revenue would be received from sources because of the larger emissions units, not the exempted emission units. DAQ staff may save time during permit reviews because these emission units will no longer need to be reviewed as part of the permitting process. This will not reflect a change in revenue or costs because the time saved by DAQ staff will then be spent on other projects.

B. Local governments:

Local governments will not expect to see a change in costs or savings. Local governments do not receive revenue from air permitting, so any change in permitting regulations will not affect revenue streams. The rule is an exemption from permitting, so no additional costs would be needed to acquire a permit.

C. Small businesses ("small business" means a business employing 1-49 persons):

Small businesses will not expect to see a change in costs or savings. Small businesses that currently do not need a permit will still not need a permit with the passage of this rule. The rule will add permitting exemptions, which would allow greater flexibility for small businesses that currently do not need a permit. Small businesses that currently require a permit may no longer need a permit if these exemptions apply to the source. However, most sources that have a current permit need a permit for other reasons than the exempted emission units listed in this rule. Businesses may save some time and money by not needing to include these exempted emission units in their permit applications; however, the exact savings are unknown because the majority of costs are for other emission units besides the proposed exempted emission units.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

Non-small businesses will not expect to see a change in costs or savings. Businesses that currently do not need a permit will still not need a permit with the passage of this rule. The rule will add permitting exemptions, which would allow greater flexibility for businesses that currently do not need a permit. Businesses that currently require a permit may no longer need a permit if these exemptions apply to the source. However, most sources that have a current permit need a permit for other reasons than the exempted emission units listed in this rule. Businesses may save some time and money by not needing to include these exempted emission units in their permit applications; however, the exact savings are unknown because the majority of costs are for other emission units besides the proposed exempted emission units.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule specifically exempts emission units that would otherwise need an air quality permit. The only financial impacts would be to individuals that may require an air quality permit. Businesses have been the only entities that have requested air quality permits. Therefore, other persons would not be financially impacted.

F. Compliance costs for affected persons:

This rule is an exemption from permitting. Affected persons not wanting to be exempted from permitting would continue to obtain a permit as currently allowed, which would not add any costs than what the individual is currently paying.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table

| Fiscal Cost | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 |
|------------------------------|------------|------------|------------|------------|------------|
| State Budget | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 | \$0 | \$0 |
| Fiscal Benefits | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 |
| State Budget | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total Fiscal Benefits | \$0 | \$0 | \$0 | \$0 | \$0 |
| Net Fiscal Benefits | \$0 | \$0 | \$0 | \$0 | \$0 |

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

| | | |
|--------------------|--|--|
| Section 19-2-104 | | |
| Section 19-2-109.7 | | |

Incorporation by Reference Information

8. Incorporation by Reference (if this rule incorporates more than two items by reference, please include additional tables):

A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

| | |
|---|--|
| Official Title of Materials Incorporated (from title page) | |
| Publisher | |
| Issue Date | |
| Issue or Version | |

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

| | |
|---|--|
| Official Title of Materials Incorporated (from title page) | |
| Publisher | |
| Issue Date | |
| Issue or Version | |

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 10/01/2025

B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):

| Date: | Time (hh:mm AM/PM): | Place (physical address or URL): |
|--------------|----------------------------|---|
| 09/24/2025 | 12:00 PM – 1:00 PM | <p>A public hearing is set for Wednesday, September 24, 2025.</p> <p>Further details may be found below. The hearing will be cancelled should no request for one be made by Monday, September 22, 2025, at 10 AM MT. The final status of the public hearing will be posted on Monday, September 22, 2025, after 10 AM MT. The status of the public hearing may be checked at the following website location under the corresponding rule.</p> <p>https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment</p> <p>Interested Persons can participate in person or electronically, via the internet.</p> <p>In Person:</p> <p>MASOB 195 N. 1950 W. Salt Lake City, UT, 84116, First Floor, Air Quality Board Room</p> <p>Virtual Attendance:</p> <p>Time zone: America/Denver</p> <p>Google Meet joining info:</p> <p>Video call link: https://meet.google.com/dsv-yjvv-rmp</p> |

To the agency: If more than one hearing is planned to take place, continue to add rows.

10. This rule change MAY become effective on:

11/05/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

| | | | |
|---|--|--------------|------------|
| Agency head or designee and title: | Bryce C. Bird, Director, Division of Air Quality | Date: | 07/21/2025 |
|---|--|--------------|------------|

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

2 **R307-431. Emission Unit Exemptions From Obtaining an Approval Order Under Section R307-**
3 **401-8: Permit by Rule for Emission Units.**

4 **R307-431-1. Purpose.**

5 This rule lists emission units that are exempt from the requirement to obtain an approval order
6 found in Sections R307-401-5 through R307-401-8.

7 **R307-431-2. Definitions.**

8 “Boiler” means the same as defined in Section R307-316-3.
9 “Confined Blasting” means the same as defined in Section R307-306-2.
10 “Controlled Landfill” means the same as defined in 40 CFR 62.16730.
11 “Emergency Engine” means emergency stationary reciprocating internal combustion engine
12 (RICE) as defined in 40 CFR 63.6675.
13 “Hydroblasting” means the same as defined in Section R307-306-2.
14 “Major Source” means the same as defined in Section R307-101-2.
15 “Municipal Solid Waste Landfill” means the same as defined in 40 CFR 62.16730.
16 “Process Heater” means the same as defined in Section R307-316-3.
17 “Unconfined Blasting” means the same as defined in Section R307-306-2.
18 “Wet Abrasive Blasting” means the same as defined in Section R307-306-2.
19 “Vapor Mitigation System,” or VMS, is a sub-slab system whose primary purpose is mitigating
20 vapor intrusion into an occupied, or occupiable, structure and is not intended or designed for the
21 remediation of contaminated soil or groundwater. This definition includes both active and passive
22 systems. Passive systems consist of a vapor barrier either below or above the slab of a structure and a
23 venting system installed under a structure to divert vapor from beneath the structure to the sides or roofline
24 of a structure. Active systems are similar to passive systems but incorporate a blower or fan to actively
25 extract air from beneath the structure.
26

27 **R307-431-3. Applicability.**

28 Rule R307-431 applies to the emission units listed in this rule. This rule does not exempt emission
29 units from complying with other applicable state and federal rules and requirements.
30

31 **R307-431-4. Natural Gas-Fired Boilers and Heaters.**

32 An owner or operator of a boiler, process heater, water heater, air heater, forced-air furnace, or
33 steam generator is not required to obtain an Approval Order under Section R307-401-8 if the emission
34 unit meets the requirements of Subsections R307-431-4(1), (2), and (3):

35 (1) Rated capacity of the emission unit is less than five million BTU per hour;
36 (2) No other fuel than natural gas or LPG or other mixed gas that meets the standards of gas
37 distributed by a utility in accordance with the rules of the Public Service Commission of the State of Utah
38 is used; and
39 (3) No other emissions than combustion products are emitted from the emission unit.

40 **R307-431-5. Comfort Heating Equipment.**

41 An owner or operator of comfort heating equipment such as boilers, water heaters, air heaters, and
42 steam generators is not required to obtain an Approval Order under Section R307-401-8 if the emission
43 unit meets the requirements of Subsections R307-431-5(1) and (2):

44 (1) Rated capacity of the emission unit is less than one million BTU per hour; and
45 (2) No other fuel than fuel oil numbers 1 -- 6 is used.

46 **R307-431-6. Emergency Heating Equipment.**

47 An owner or operator of emergency heating equipment is not required to obtain an Approval
48 Order under Section R307-401-8 if the emission unit meets the requirements of Subsections R307-431-
49 6(1) and (2):

50 (1) Rated capacity of the emission unit is less than 50,000 BTU per hour; and
51 (2) No other fuel than coal or wood is used.

1

R307-431-7. Exhaust Systems.

2

3 An owner or operator of an exhaust system for controlling steam and heat that does not contain

4 combustion products is not required to obtain an Approval Order under Section R307-401-8.

5

R307-431-8. Vapor Mitigation Systems.

6

7 An owner or operator of a Vapor Mitigation System is not required to obtain an Approval Order

8 under Section R307-401-8.

9

R307-431-9. Fuel Storage Tanks.

10

11 An owner or operator of a fuel storage tank that meets the requirements of Subsections R307-431-

12 9(1), (2), and (3) is not required to obtain an Approval Order under Section R307-401-8 if the fuel storage

13 tank:

14 (1) Dispenses gasoline or diesel fuel into the fuel tank of a motor vehicle, motor vehicle engine,

15 nonroad vehicle, nonroad engine, or emergency engine.

16 (2) Is not located at a major source.

17 (3) Complies with the applicable requirements of 40 CFR 63 Subpart CCCCCC if the fuel

18 storage tank contains gasoline.

19

R307-431-10. Abrasive Blasting Operations.

20

21 An owner or operator of Abrasive Blasting Operations that comply with the applicable

22 requirements of Rule R307-206 or Rule R307-306 is not required to obtain an Approval Order under

23 Section R307-401-8 if the abrasive blasting operations meet the requirements of Subsections R307-431-

24 10(1) and (2):

25 (1) The Abrasive Blasting Operations are conducted as confined blasting, hydroblasting, or wet

26 abrasive blasting.

27 (2) The Abrasive Blasting Operations are conducted as unconfined blasting and the unconfined

28 blasting complies with Rule R307-306 regardless of the applicability provisions of Rule R307-306.

29

R307-431-11. Degreasing Operations.

30

31 (1) An owner or operator of Degreasing Operations that comply with Rule R307-335 that uses

32 less than the following solvents site-wide is not required to obtain an Approval Order under Section R307-

33 401-8:

34 (a) 40 gallons per year of chlorinated solvents;

35 (b) 1,200 gallons per year of all other solvents.

36 (2) The owner or operator of a degreasing operation shall keep records of annual solvent usage.

37 Total solvent makeup is made of gross usage minus waste disposal.

38

R307-431-12. Municipal Solid Waste Landfills.

39

40 An owner or operator of a Municipal Solid Waste Landfill that is not located at a major source is

41 not required to obtain an Approval Order under Section R307-401-8. This includes a controlled landfill

42 that is in compliance with 40 CFR 62 Subpart OOO.

43

R307-431-13. Emergency Engines.

44

45 An owner or operator of an emergency engine that meets the requirements of Subsections R307-

46 431-13(1) through (6) is not required to obtain an Approval Order under Section R307-401-8 if:

47 (1) The emergency engine is not located at a major source.

48 (2) The emergency engine does not operate more than 100 hours per calendar year for non-

49 emergency situations, which includes maintenance checks and readiness testing. There is no time limit on

50 the use of emergency engines in emergency situations.

51 (3) The emergency engine is not located at a source with a combined site emergency engine

52 rating greater than 3,200 horsepower.

53 (4) Any emergency engine rated more than 750 horsepower is not operated for maintenance and

54 testing purposes at the same time as any other emergency engine.

1 (5) Each emergency engine installed after the effective date of this rule shall have a manufacturer
2 date of January 1, 2009, or later.

3 (6) The owner or operator of an emergency engine shall keep records of the emergency engine's
4 operation in accordance with 40 CFR 63.6655(f).

5
6 **KEY: air pollution, permits, approval orders, greenhouse gases**

7 **Date of Last Change:**

8 **Notice of Continuation:**

9 **Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(b)(iii); 19-2-108**

ITEM 9



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Tim Davis
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-059-25

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

THROUGH: Jazmine Lopez, Rules Coordinator

FROM: Alan Humpherys, Minor New Source Review Section Manager

DATE: July 23, 2025

SUBJECT: PROPOSE FOR PUBLIC COMMENT: New Rule R307-432. Source Category Exemptions From Obtaining an Approval Order Under Section R307-401-8: Permit by Rule for Source Categories.

On January 7, 2025, Governor Spencer Cox issued Executive Order 2025-01 to the Department of Environmental Quality. The Executive Order requires the department to evaluate the implementation and expansion of Permit by Rule and general permitting. In addition, House Bill 85 (2025 General Session) requires the Division of Air Quality to conduct a study on the feasibility of expanding Permit by Rule programs and make rules to include at least five categories listed in the bill. In response to Executive Order 2025-01 and House Bill 85, the division is proposing additions and changes to the Permit by Rule program.

House Bill 85 (H.B. 85) lists 20 categories that the division must evaluate. To meet the requirements of H.B. 85, the division is proposing to implement Permit by Rule options for seven categories at this time. Some of the existing categories are being updated to better align with Executive Order 2025-01 and H.B. 85.

Existing section R307-401-10 listed various source categories and emission units that did not need to obtain an approval order. Emission units are discrete items that would be exempt from the need to obtain an approval order. Source categories include entire sources that would be exempt from the requirement to obtain an approval order.

To assist in readability and clarity, the specific exempted items were removed from section R307-401-10 and placed under new individual rules, R307-431 and R307-432. The definitions for the exempted items were also transferred to those new rules.

Rule R307-432 will specify source categories that are exempt from the requirement to obtain an approval order under section R307-401-8.

Existing source categories that will be transferred from section R307-401-10 to this rule include: well sites, gasoline dispensing facilities, and portable aggregate processing plants. The language in these exemptions is updated to add clarity, assist with readability, and conform to existing federal rules.

New source categories that will be added to this rule include: dry cleaners and automotive refinishing sources. This rule reflects existing federal and state requirements.

The proposed rule texts, as well as a fact sheet went out for Advanced Notice of Proposed Rulemaking, and feedback was accepted from July 1, 2025, to July 15, 2025. The division received comments from one commenter. The commenter was in support of the expanded definitions included in NSPS Subpart OOOOb.

The division will continue to work with stakeholders and evaluate options to implement more permit by rule options. The division will wait until this rulemaking is complete before starting additional rule making regarding permit by rule, but the division will work with stakeholders in the meantime to evaluate possible improvements.

Recommendation: Staff recommends the Board approve new rule R307-432, Source Category Exemptions From Obtaining an Approval Order Under Section R307-401-8: Permit by Rule for Source Categories, for a 30-day public comment period.

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New

| | | |
|--|----------|-----------------------------------|
| Rule or section number: | R307-432 | Filing ID: OFFICE USE ONLY |
| Date of previous publication (only for CPRs): | | |

Agency Information

| | | |
|-----------------------------|------------------------------------|-----------------------|
| 1. Title catchline: | Environmental Quality, Air Quality | |
| Building: | Multi-Agency State Office Building | |
| Street address: | 195 N 1950 W | |
| City, state: | Salt Lake City, UT | |
| Mailing address: | PO Box 144820 | |
| City, state and zip: | Salt Lake City, UT 84114-4820 | |
| Contact persons: | | |
| Name: | Phone: | Email: |
| Alan Humpherys | 801-536-4142 | ahumpherys@utah.gov |
| Jazmine Lopez | 801-536-4050 | jazminelopez@utah.gov |

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R307-432. Source Category Exemptions From Obtaining an Approval Order Under Section R307-401-8: Permit by Rule for Source Categories.

3. Are any changes in this filing because of state legislative action? Changes are because of legislative action.

If yes, any bill number and session: HB 85 (2025 General Session)

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

HB 85 requires the DAQ to create at least five new permit-by-rule categories in its rules. The DAQ currently has several categories listed in Section R307-401-10. This rule will incorporate existing categories under R307-401-10 and add new categories. R307-401-10 is being split into three separate rules to assist with rule clarity and make rules easier to understand. This rule will address source categories that qualify for a permit by rule.

5. Summary of the new rule or change:

This rule will specify source categories that are exempt from the requirement to obtain an Approval Order under Section R307-401-8.

Existing source categories that will be transferred from Section R307-401-10 to this rule include: well sites, gasoline dispensing facilities, and portable aggregate processing plants. The language in these exemptions is updated to add clarity, assist with readability, and conform to existing federal rules.

New source categories that will be added to this rule include: dry cleaners and automotive refinishing sources. This rule reflects existing federal and state requirements.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A. State budget:

The state budget is not expected to experience an impact with regards to this rule. The source categories that are being exempted do not require a permit under the small source exemption in Section R307-401-9; therefore, no additional revenue would be lost. DAQ is unaware of any existing permit that covers the proposed source categories.

B. Local governments:

Local governments will not expect to see a change in costs or savings. Local governments do not receive revenue from air permitting, so any change in permitting regulations will not affect revenue streams. The rule is an exemption from permitting, so no additional costs would be needed to acquire a permit.

C. Small businesses ("small business" means a business employing 1-49 persons):

Small businesses will not expect to see a change in costs or savings. Small businesses that currently do not need a permit will still not need a permit with the passage of this rule. The rule will add permitting exemptions, which would allow greater flexibility for small businesses that currently do not need a permit. DAQ is unaware of any permitted sources that would be affected by the proposed changes.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

Non-small businesses will not expect to see a change in costs or savings. Businesses that currently do not need a permit will still not need a permit with the passage of this rule. The rule will add permitting exemptions, which would allow greater flexibility for businesses that currently do not need a permit. DAQ is unaware of any permitted sources that would be affected by the proposed changes.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

This rule specifically exempts emission units that would otherwise need an air quality permit. The only financial impacts would be to individuals that may require an air quality permit. Businesses have been the only entities that have requested air quality permits. Therefore, other persons would not be financially impacted.

F. Compliance costs for affected persons:

This rule is an exemption from permitting. Affected persons not wanting to be exempted from permitting would continue to obtain a permit as currently allowed, which would not add any costs than what the individual is currently paying.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

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| Small Businesses | \$0 | \$0 | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 | \$0 | \$0 |
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| Total Fiscal Cost | \$0 | \$0 | \$0 | \$0 | \$0 |
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| Total Fiscal Benefits | \$0 | \$0 | \$0 | \$0 | \$0 |
| Net Fiscal Benefits | \$0 | \$0 | \$0 | \$0 | \$0 |

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

| | | |
|--------------------|--|--|
| Section 19-2-104 | | |
| Section 19-2-109.7 | | |

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| | |
|---|--|
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| A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>): | |
| Official Title of Materials Incorporated (from title page) | |
| Publisher | |
| Issue Date | |
| Issue or Version | |

| | |
|---|--|
| B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>): | |
| Official Title of Materials Incorporated (from title page) | |
| Publisher | |
| Issue Date | |
| Issue or Version | |

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 10/01/2025

B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):

| Date: | Time (hh:mm AM/PM): | Place (physical address or URL): |
|--------------|----------------------------|--|
| 09/24/2025 | 12:00 PM – 1:00 PM | <p>A public hearing is set for Wednesday, September 24, 2025.</p> <p>Further details may be found below. The hearing will be cancelled should no request for one be made by Monday, September 22, 2025, at 10 AM MT. The final status of the public hearing will be posted on Monday, September 22, 2025, after 10 AM MT. The status of the public hearing may be checked at the following website location under the corresponding rule.</p> <p>https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment</p> <p>Interested Persons can participate in person or electronically, via the internet.</p> <p>In Person:</p> <p>MASOB 195 N. 1950 W. Salt Lake City, UT, 84116, First Floor, Air Quality Board Room</p> <p>Virtual Attendance:</p> <p>Time zone: America/Denver</p> <p>Google Meet joining info:</p> <p>Video call link: https://meet.google.com/dsv-yjvv-rmp</p> <p>Or dial: (US) +1 929-324-2373 PIN: 449 866 031#</p> |

To the agency: If more than one hearing is planned to take place, continue to add rows.

| | |
|---|------------|
| 10. This rule change MAY become effective on: | 11/05/2025 |
| NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. | |

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

| | | | |
|---|---|--------------|------------|
| Agency head or designee and title: | Bryce C. Bird, Director, Division of Air Quality | Date: | 07/21/2025 |
|---|---|--------------|------------|

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

2 **R307-432. Source Category Exemptions From Obtaining an Approval Order Under Section R307-**
3 **401-8: Permit by Rule for Source Categories.**

4 **R307- 432-1. Purpose.**

5 This rule lists source categories that are exempt from the requirement to obtain an approval order
6 found in Sections R307-401-5 through R307-401-8.

7 **R307- 432-2. Definitions.**

8 “Automotive Refinishing” means the same as defined in Rule R307-354.

9 “Centralized Production Facility” means the same as defined in 40 CFR 60.5430b.

10 “Dry Cleaning Facility” means the same as defined in 40 CFR 63.320.

11 “Gasoline Dispensing Facility” means the same as defined in 40 CFR 63.11132.

12 “Major Source” means the same as defined in Section R307-101-2.

13 “Petroleum Dry Cleaning Plant” means the same as defined in 40 CFR 60.621.

14 “Portable Aggregate Processing Plant” means the same as defined in Section R307-209-2.

15 “Well Site” means the same as defined in 40 CFR 60.5430b.

16 **R307- 432-3. Applicability.**

17 (1) Rule R307-432 applies to the source categories listed in this rule. This rule does not exempt
18 source categories from complying with other applicable state and federal rules and requirements.

19 (2) Rule R307-432 does not apply to major sources. A major source must apply for and obtain an
20 Approval Order under Section R307-401-8 before commencing construction.

21 **R307-432-4. Well Sites.**

22 An owner or operator of a well site, including a centralized production facility, is not required to
23 obtain an Approval Order under Section R307-401-8 if the well site is registered with the Division as
24 required by Rule R307-505.

25 **R307-432-5. Gasoline Dispensing Facilities.**

26 An owner or operator of a gasoline dispensing facility is not required to obtain an Approval Order
27 under Section R307-401-8. Each gasoline dispensing facility shall comply with the applicable
28 requirements of Rule R307-328 and 40 CFR 63 Subpart CCCCCC: National Emission Standards for
29 Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

30 **R307-432-6. Portable Aggregate Processing Plants.**

31 An owner or operator of a portable aggregate processing plant is not required to obtain an
32 Approval Order under Section R307-401-8. An owner or operator of a portable aggregate processing plant
33 shall submit a Notice of Temporary Relocation according to Section R307-209-4.

34 **R307-432-7. Dry Cleaners.**

35 An owner or operator of a dry cleaning facility or a petroleum dry cleaning plant is not required to
36 obtain an Approval Order under Section R307-401-8. A dry cleaning facility shall be in compliance with
37 40 CFR 63 Subpart M. A petroleum dry cleaning plant shall be in compliance with 40 CFR 60 Subpart
38 JJJ. In accordance with 40 CFR Part 751, Subpart G, use of Perchloroethylene (PCE) for dry cleaning and
39 spot cleaning will be phased out in stages beginning June 16, 2025, with all such uses prohibited after
40 December 19, 2034.

41 **R307-432-8. Automotive Refinishing Sources.**

42 An owner or operator of a source consisting only of automotive refinishing is not required to
43 obtain an Approval Order under Section R307-401-8. A source subject to Rule R307-354 shall comply
44 with Rule R307-354.

45 **KEY: air pollution, permits, approval orders, greenhouse gases**

46 **Date of Last Change:**

- 1 **Notice of Continuation:**
- 2 **Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(b)(iii); 19-2-108**

ITEM 10

Air Toxics



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Tim Davis
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQA-422-25

M E M O R A N D U M

TO: Air Quality Board
FROM: Bryce C. Bird, Executive Secretary
DATE: June 5, 2025
SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – May 2025

| | |
|---|-----|
| Asbestos Demolition/Renovation NESHAP Inspections | 16 |
| Asbestos AHERA Inspections | 15 |
| Asbestos State Rules Only Inspections | 5 |
| Asbestos Notification Forms Accepted | 197 |
| Asbestos Telephone Calls | 435 |
| Asbestos Individuals Certifications Approved | 77 |
| Asbestos Company Certifications | 7 |
| Asbestos Alternate Work Practices Approved | 7 |
| Lead-Based Paint (LBP) Inspections | 4 |
| LBP Notification Forms Approved | 2 |
| LBP Telephone Calls | 57 |
| LBP Letters Prepared and Mailed | 0 |
| LBP Courses Reviewed/Approved | 0 |
| LBP Course Audits | 1 |
| LBP Individual Certifications Approved | 47 |

| | |
|---------------------------------|----|
| LBP Firm Certifications | 11 |
| Notices of Violation Sent | 0 |
| Compliance Advisories Sent | 9 |
| Warning Letters Sent | 8 |
| Settlement Agreements Finalized | 0 |



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Tim Davis
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQA-492-25

M E M O R A N D U M

TO: Air Quality Board
FROM: Bryce C. Bird, Executive Secretary
DATE: July 6, 2025
SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – June 2025

| | |
|---|-----|
| Asbestos Demolition/Renovation NESHAP Inspections | 22 |
| Asbestos AHERA Inspections | 19 |
| Asbestos State Rules Only Inspections | 5 |
| Asbestos Notification Forms Accepted | 210 |
| Asbestos Telephone Calls | 357 |
| Asbestos Individuals Certifications Approved | 83 |
| Asbestos Company Certifications | 8 |
| Asbestos Alternate Work Practices Approved | 3 |
| Lead-Based Paint (LBP) Inspections | 1 |
| LBP Notification Forms Approved | 1 |
| LBP Telephone Calls | 39 |
| LBP Letters Prepared and Mailed | 7 |
| LBP Courses Reviewed/Approved | 0 |
| LBP Course Audits | 0 |
| LBP Individual Certifications Approved | 35 |

| | |
|---------------------------------|----|
| LBP Firm Certifications | 11 |
| Notices of Violation Sent | 0 |
| Compliance Advisories Sent | 5 |
| Warning Letters Sent | 2 |
| Settlement Agreements Finalized | 0 |

Compliance



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Tim Davis
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQC-538-25

M E M O R A N D U M

TO: Air Quality Board
FROM: Bryce C. Bird, Executive Secretary
DATE: June 6, 2025
SUBJECT: Compliance Activities – May 2025

ACTIVITIES:

| Activity | Monthly Total | 36-Month Average |
|---|---------------|------------------|
| Inspections | 55 | 64 |
| On-Site Stack Test & CEM Audits | 2 | 5 |
| Stack Test & RATA Report Reviews | 43 | 39 |
| Emission Report Reviews | 16 | 21 |
| Temporary Relocation Request Reviews | 8 | 6 |
| Fugitive Dust Control Plan Reviews | 154 | 118 |
| Soil Remediation Report Reviews | 4 | 2 |
| Open Burn Permits Issued | 1,847 | 672 |
| Miscellaneous Inspections ¹ | 16 | 16 |
| Complaints Received | 31 | 22 |
| Wood Burning Complaints Received | 0 | 3 |
| Breakdown Reports Received | 1 | 1 |
| Compliance Actions Resulting from a Breakdown | 0 | 0 |
| VOC Inspections (Gas station vapor recovery) | 0 | 0 |
| Warning Letters Issued | 3 | 2 |
| Notices of Violation Issued | 2 | 0 |
| Compliance Advisories Issued | 8 | 6 |
| No Further Action Letters Issued | 0 | 2 |
| Settlement Agreements Reached | 5 | 2 |
| Penalties Assessed | \$4,818.00 | \$93,731.31 |

¹Miscellaneous inspections include, e.g., surveillance, complaint, on-site training, dust patrol, smoke patrol, open burning, etc.

SETTLEMENT AGREEMENTS:

| Party | Amount |
|---|---------------|
| Wolverine Gas & Oil | \$471.00 |
| Kilgore Companies – Moab Pit | \$1,054.00 |
| Kilgore Companies – Mona Pit | \$584.00 |
| Kilgore Companies – Ogden Hot Mix Asphalt Plant | \$2,160.00 |
| Cambelt Corporation | \$549.00 |

UNRESOLVED NOTICES OF VIOLATION:

| Party | Date Issued |
|---|--------------------|
| Citation Oil and Gas (in administrative litigation) | 01/15/2020 |
| Uinta Wax Operating (formerly CH4 Finley) | 07/24/2020 |
| Finley Resources | 09/15/2022 |
| Holcim | 12/19/2023 |
| Holcim | 03/27/2024 |
| Big West Oil | 07/19/2024 |
| Holcim | 08/02/2024 |
| Big West Oil | 10/01/2024 |
| CKC Operations, LLC | 02/18/2025 |
| Green Natural Gas Ventures, LLC – Lisbon Valley | 02/24/2025 |
| Parowan Rock Products | 05/15/2025 |
| Bedrock Sand & Gravel | 05/21/2025 |



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Tim Davis
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQC-659-25

M E M O R A N D U M

TO: Air Quality Board
FROM: Bryce C. Bird, Executive Secretary
DATE: July 7, 2025
SUBJECT: Compliance Activities – June 2025

ACTIVITIES:

| Activity | Monthly Total | 36-Month Average |
|---|---------------|------------------|
| Inspections | 67 | 63 |
| On-Site Stack Test & CEM Audits | 8 | 5 |
| Stack Test & RATA Report Reviews | 58 | 40 |
| Emission Report Reviews | 26 | 21 |
| Temporary Relocation Request Reviews | 4 | 6 |
| Fugitive Dust Control Plan Reviews | 145 | 117 |
| Soil Remediation Report Reviews | 2 | 2 |
| Open Burn Permits Issued | 48 | 665 |
| Miscellaneous Inspections ¹ | 33 | 16 |
| Complaints Received | 292 | 22 |
| Wood Burning Complaints Received | 0 | 3 |
| Breakdown Reports Received | 1 | 1 |
| Compliance Actions Resulting from a Breakdown | 0 | 0 |
| VOC Inspections (Gas station vapor recovery) | 0 | 0 |
| Warning Letters Issued | 4 | 2 |
| Notices of Violation Issued | 0 | 0 |
| Compliance Advisories Issued | 2 | 6 |
| No Further Action Letters Issued | 1 | 2 |
| Settlement Agreements Reached | 5 | 2 |
| Penalties Assessed | \$4,201 | \$93,842.72 |

¹Miscellaneous inspections include, e.g., surveillance, complaint, on-site training, dust patrol, smoke patrol, open burning, etc.

SETTLEMENT AGREEMENTS:

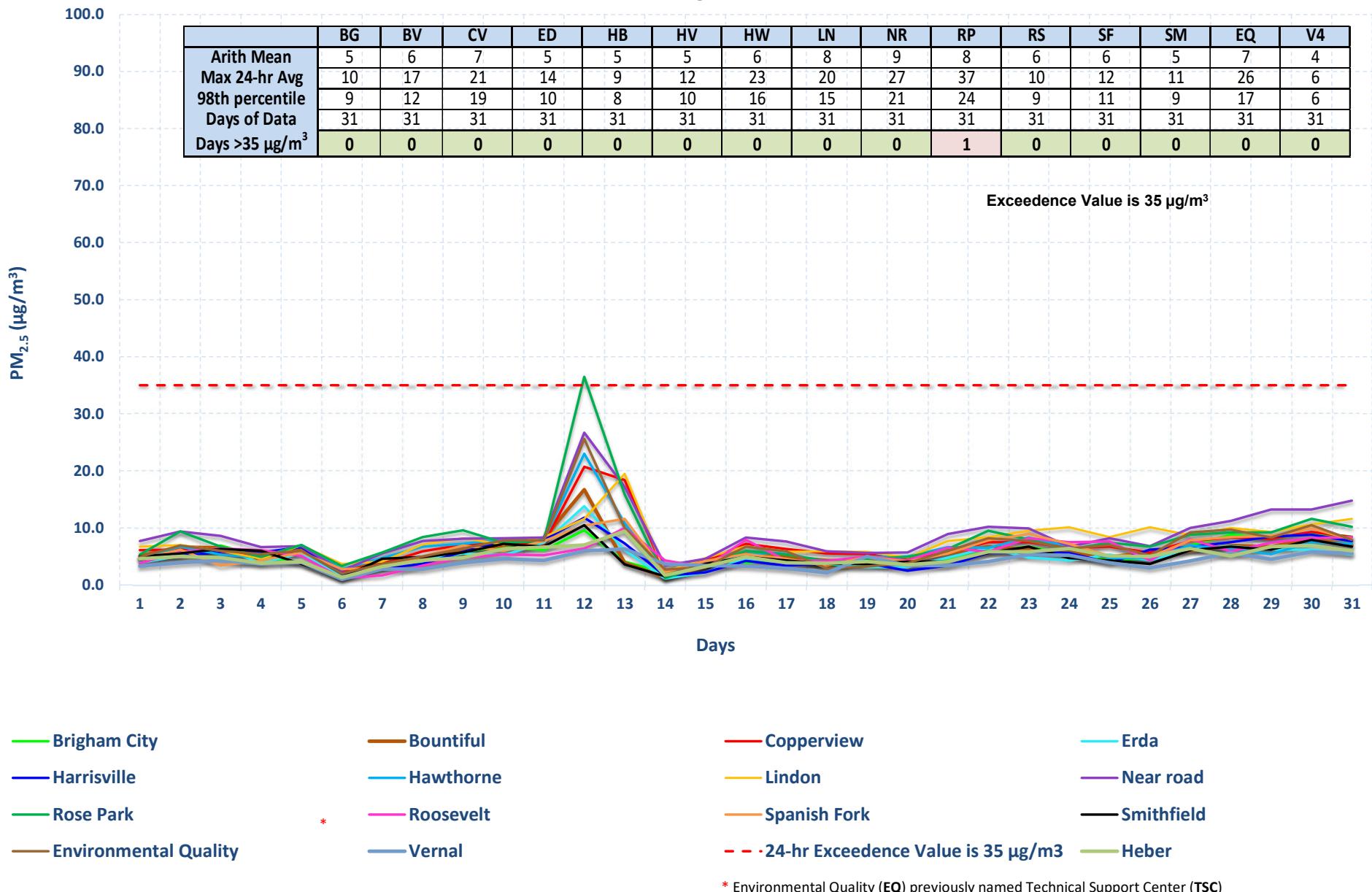
| Party | Amount |
|--|---------------|
| Deseret Laboratories fka Standard Gypsum | \$695.00 |
| Schuff Steel | \$471.00 |
| Ashdown Brothers | \$1,390.00 |
| Kilgore Companies – Stockton Pit | \$695.00 |
| St. Mark's Hospital | \$950.00 |

UNRESOLVED NOTICES OF VIOLATION:

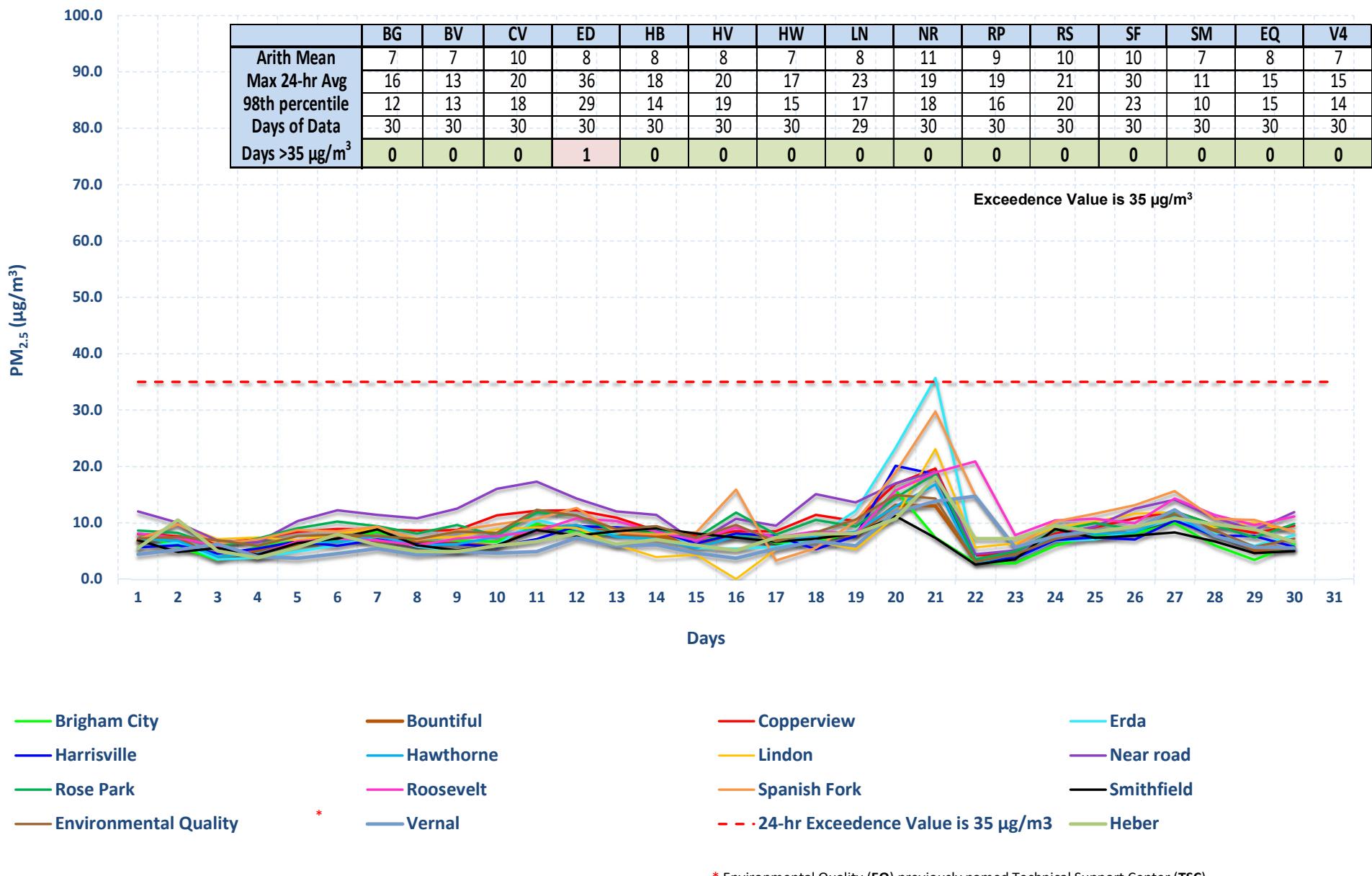
| Party | Date Issued |
|---|--------------------|
| Citation Oil and Gas (in administrative litigation) | 01/15/2020 |
| Uinta Wax Operating (formerly CH4 Finley) | 07/24/2020 |
| Finley Resources | 09/15/2022 |
| Holcim | 12/19/2023 |
| Holcim | 03/27/2024 |
| Big West Oil | 07/19/2024 |
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| CKC Operations, LLC | 02/18/2025 |
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| Parowan Rock Products | 05/15/2025 |
| Bedrock Sand & Gravel | 05/21/2025 |

Monitoring

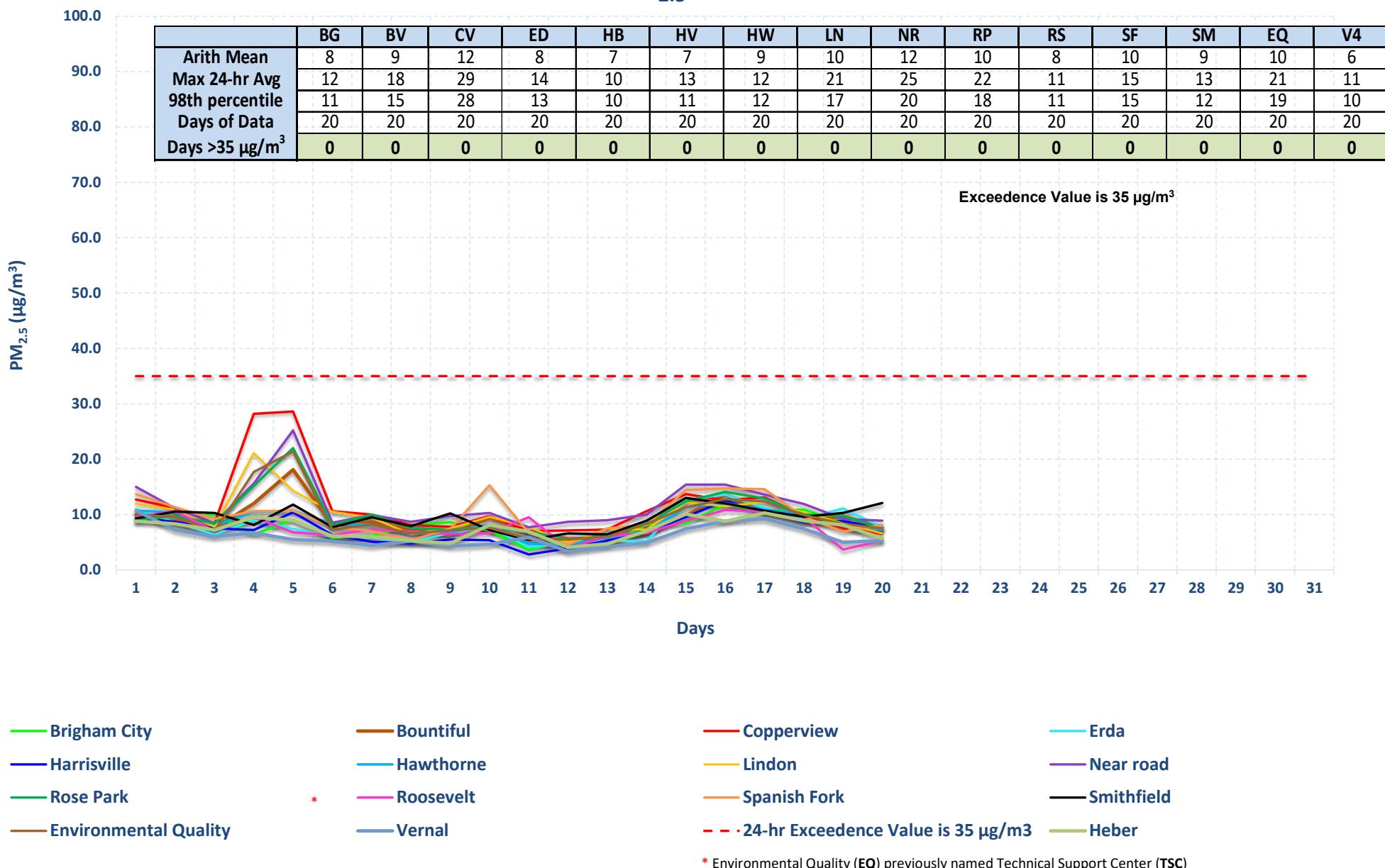
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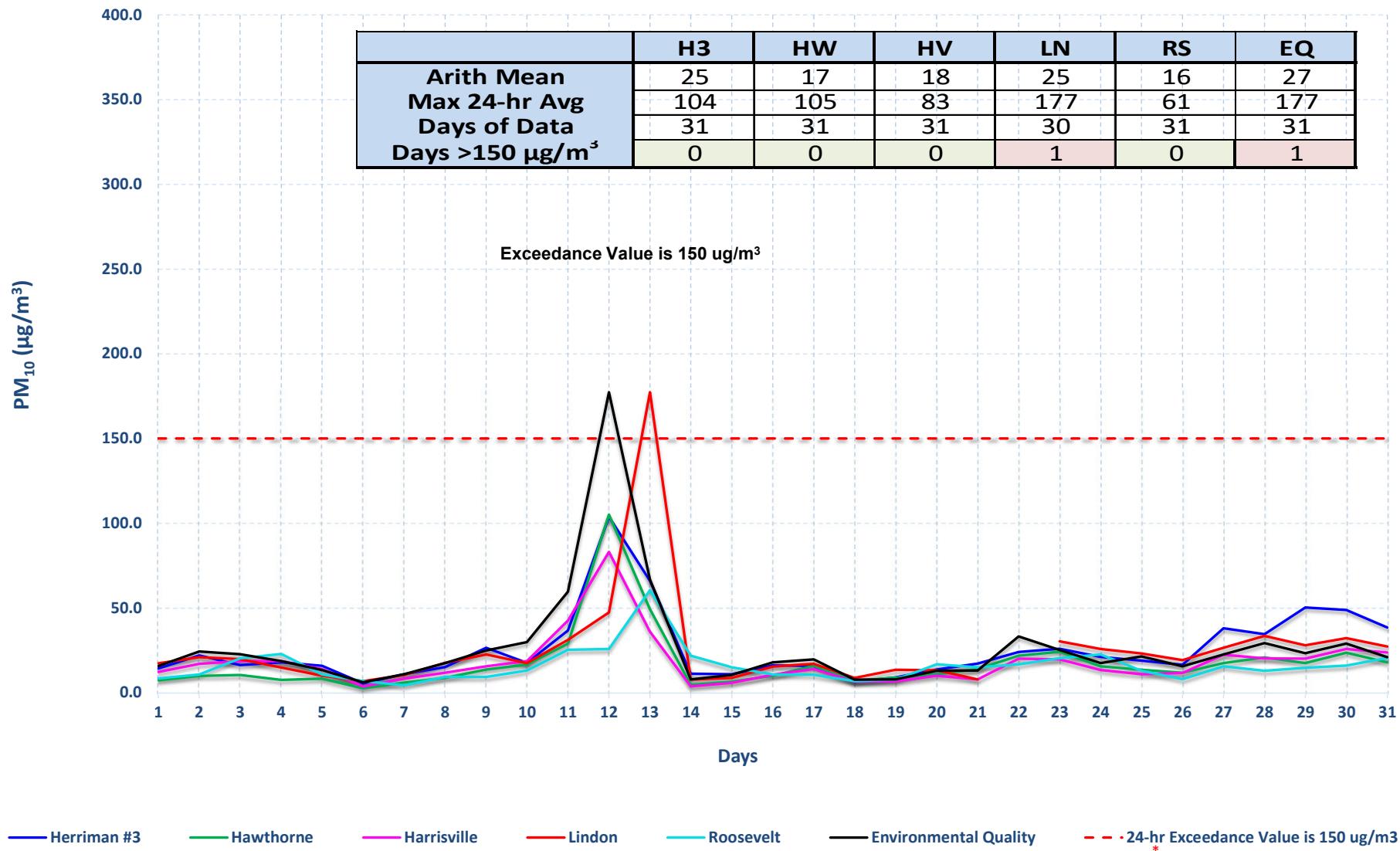
Utah 24-Hr PM_{2.5} Data June 2025



Utah 24-Hr PM_{2.5} Data July 2025

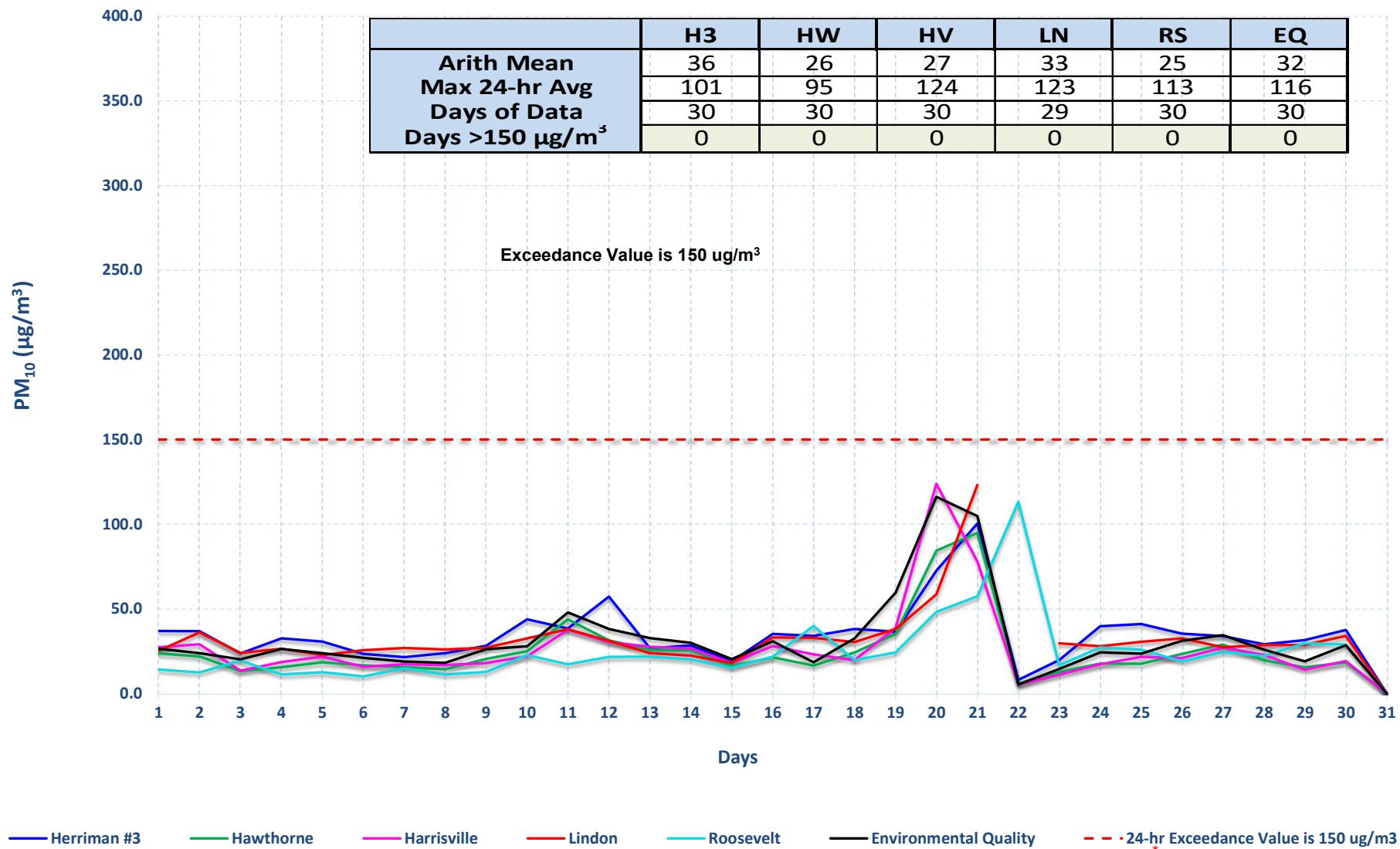


Utah 24-hr PM₁₀ Data May 2025



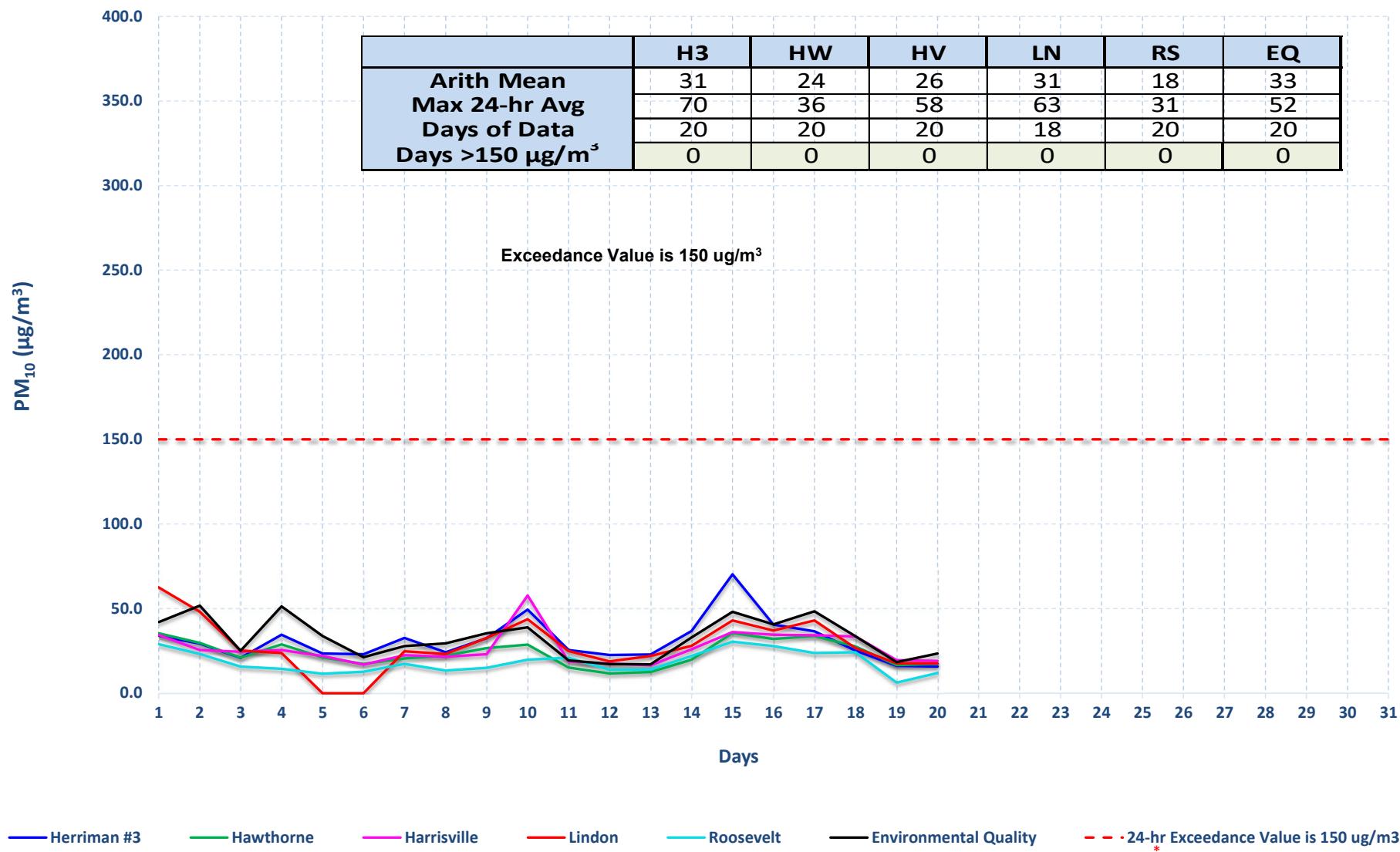
* Environmental Quality (EQ) previously named Technical Support Center (TSC)

Utah 24-hr PM₁₀ Data June 2025



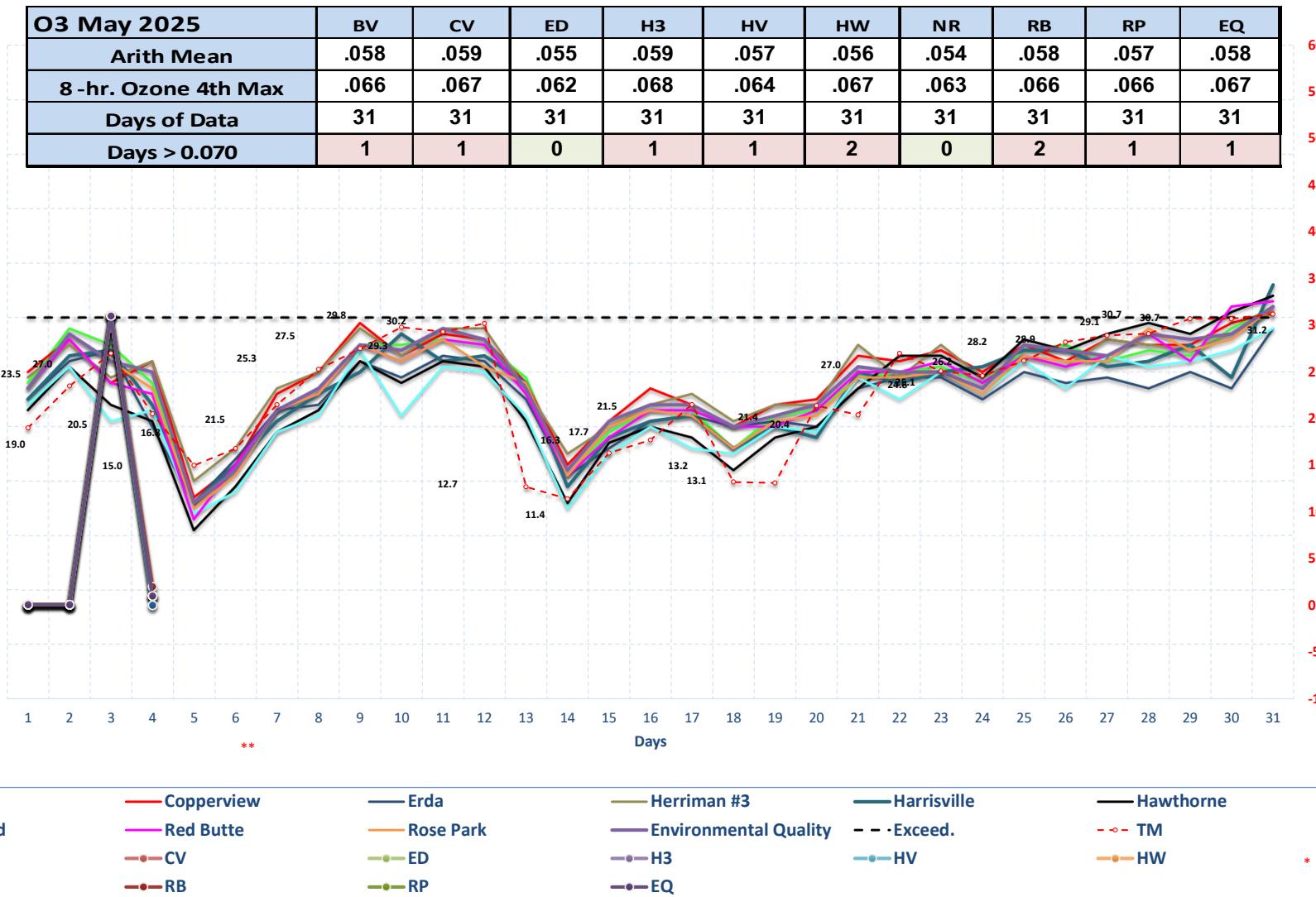
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Utah 24-hr PM₁₀ Data July 2025



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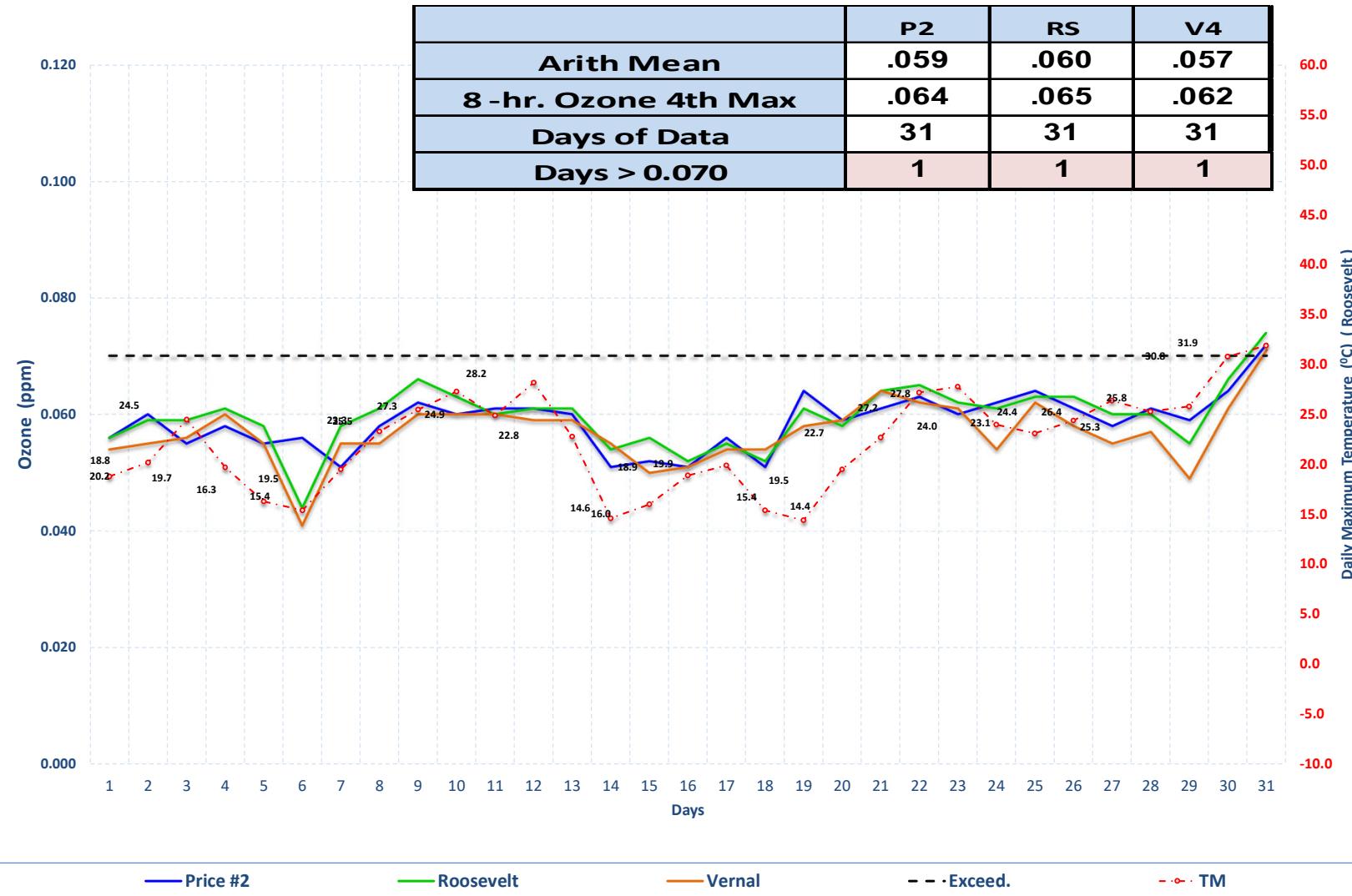
Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2025



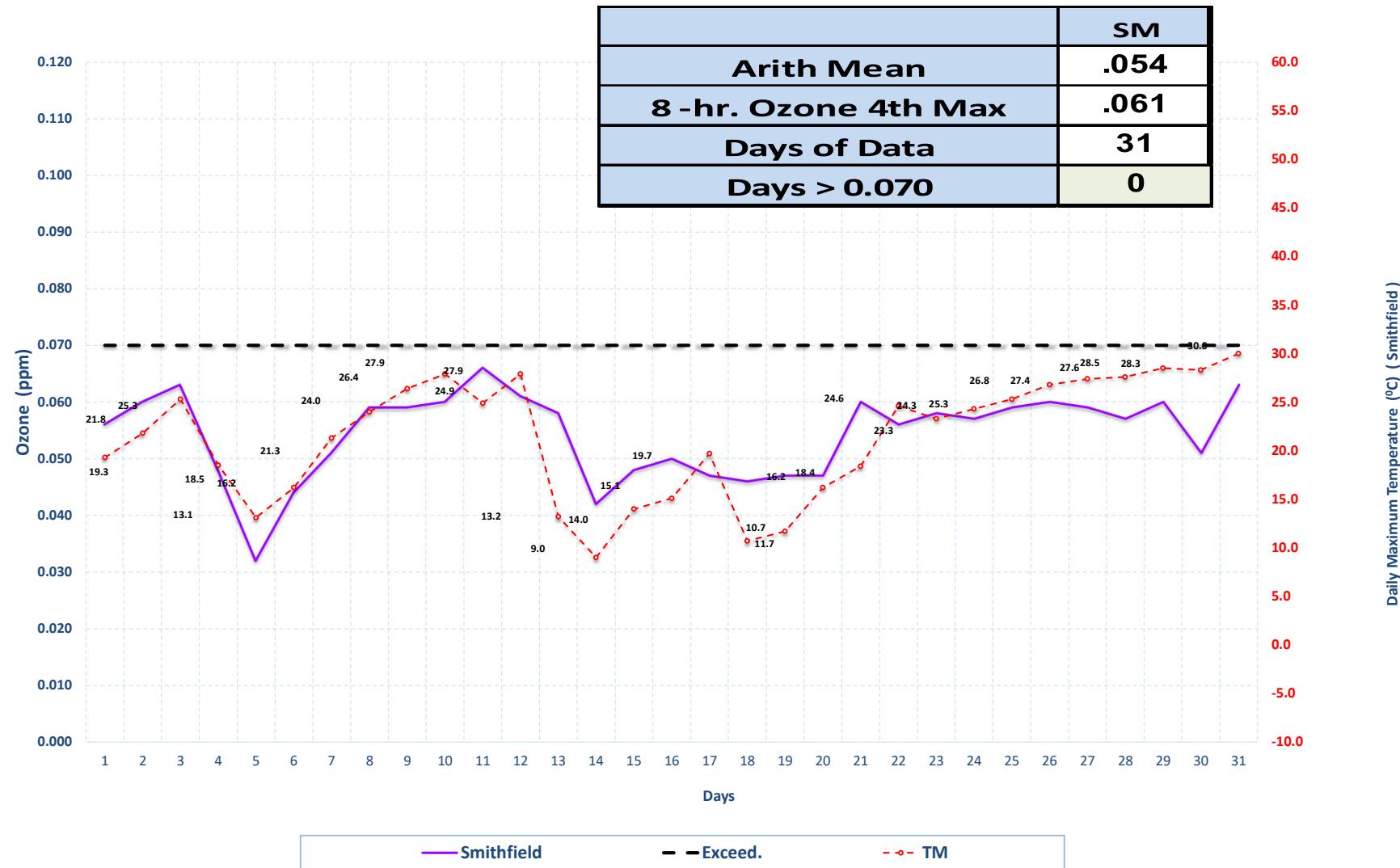
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** Controlling Monitor

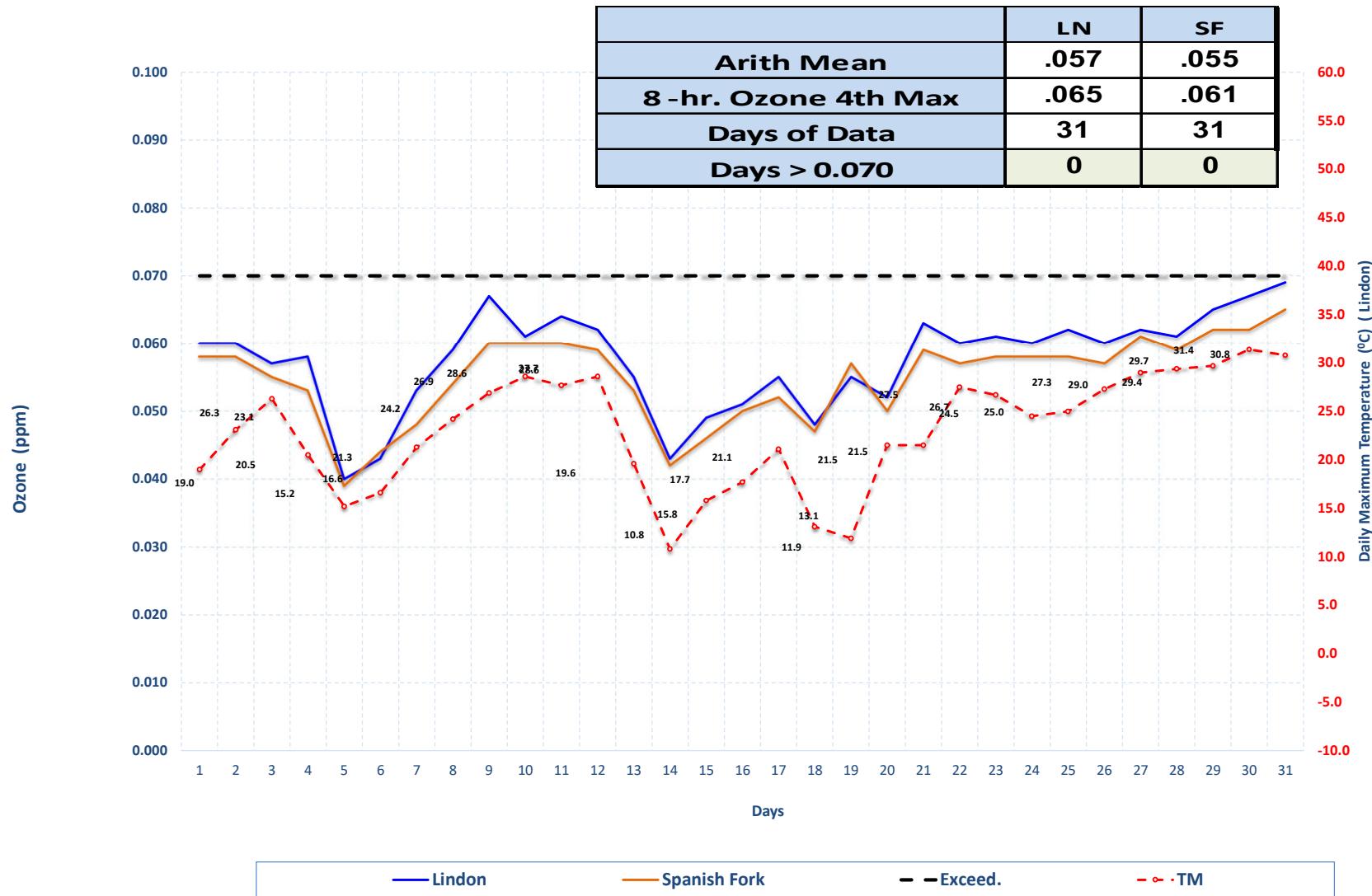
Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2025



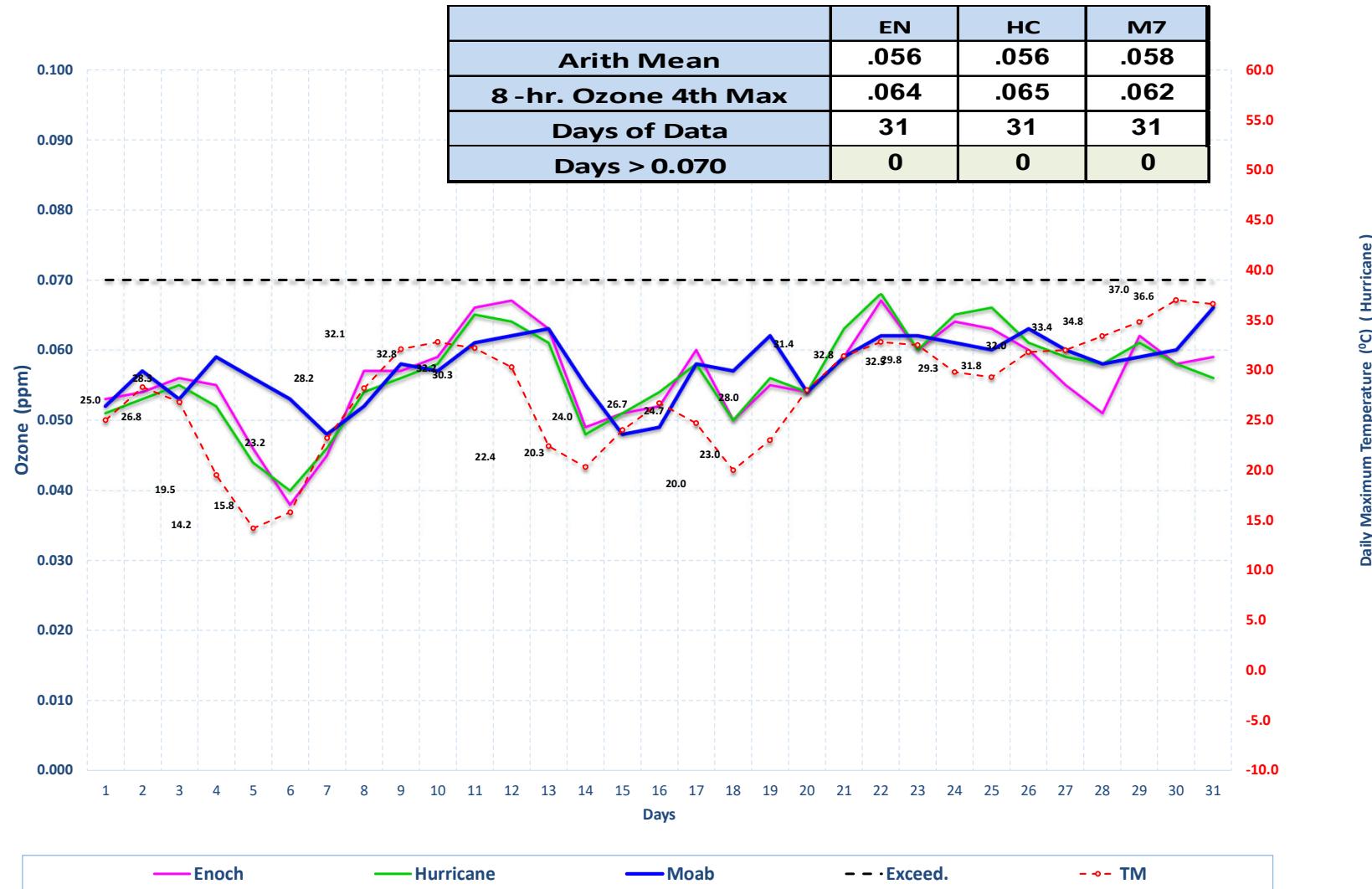
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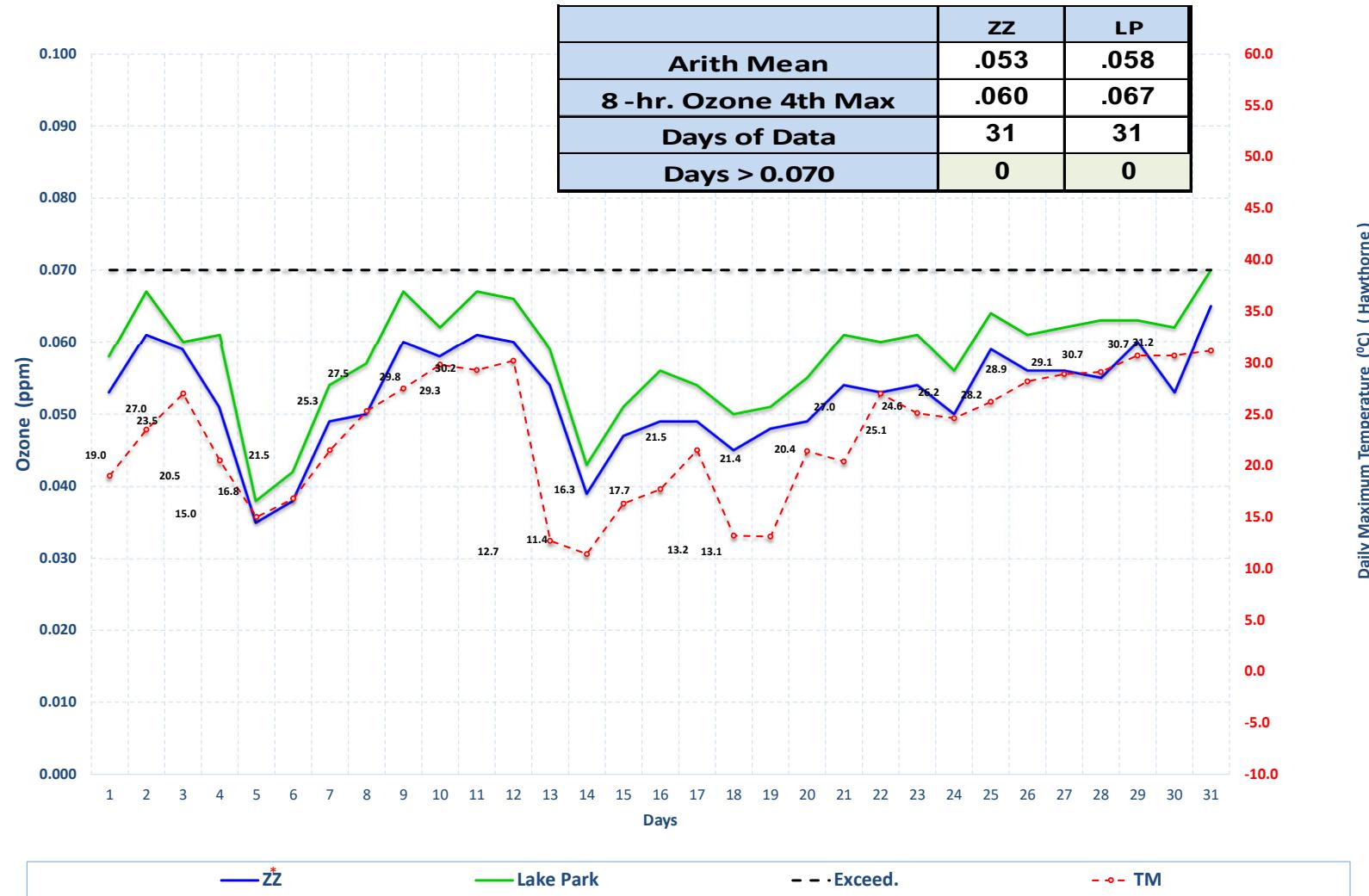


Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2025



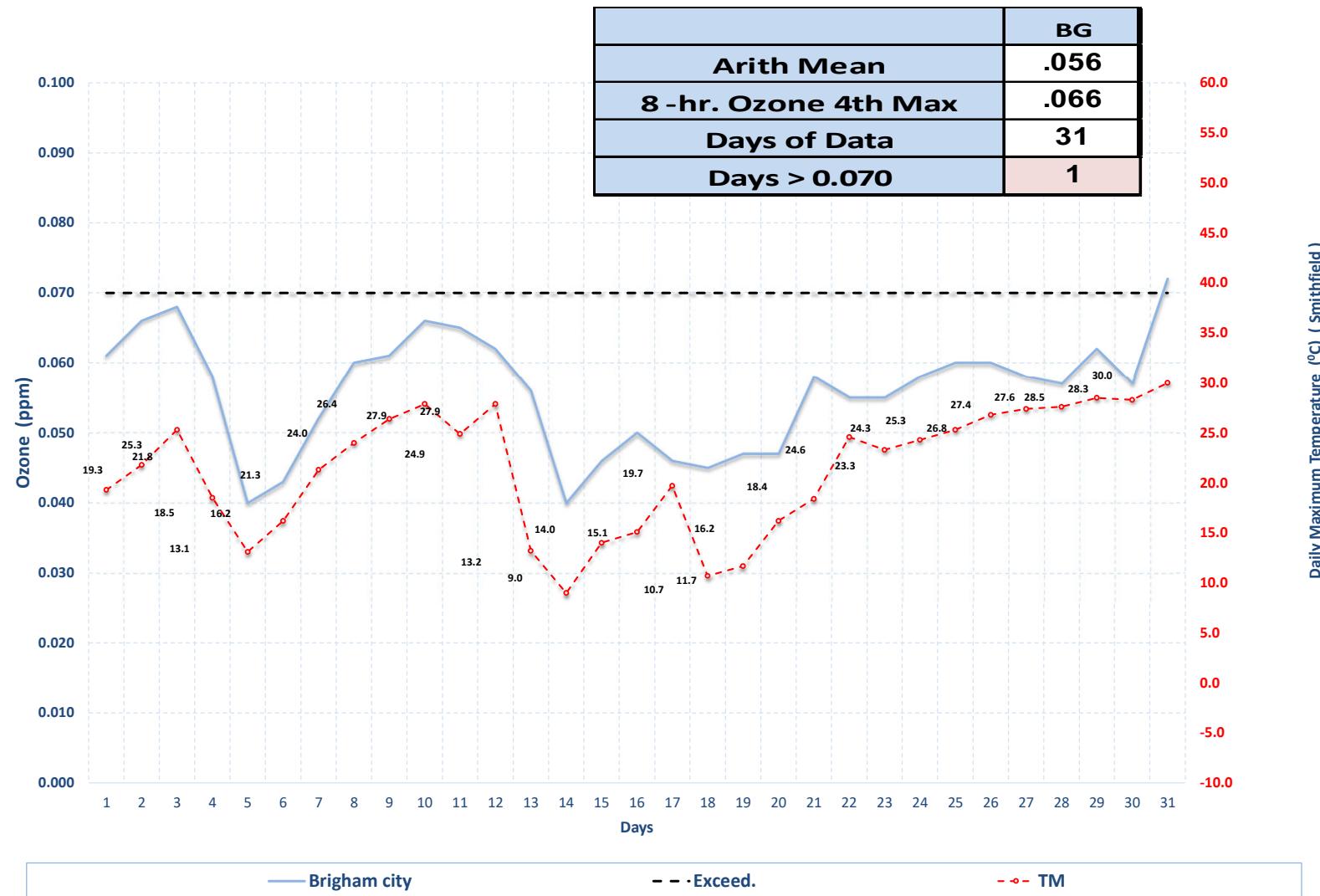
Highest 8-hr Ozone Concentration and Daily Maximum Temperature May 2025

Stations Monitoring the Inland Port Development

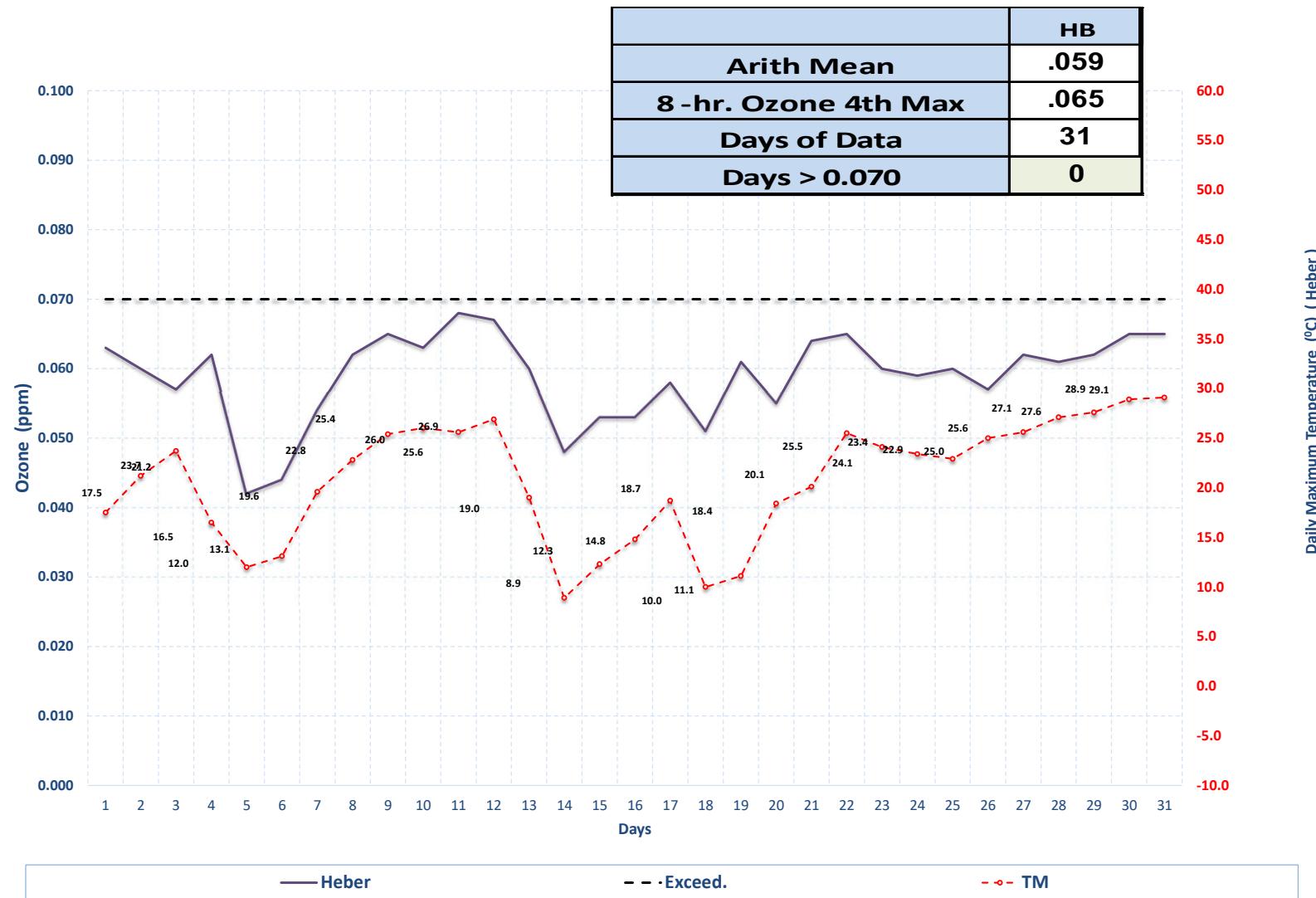


* ZZ is located at the New Utah State Prison (1480 North 8000 West, SLC).
This site was previously named IP

Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2025

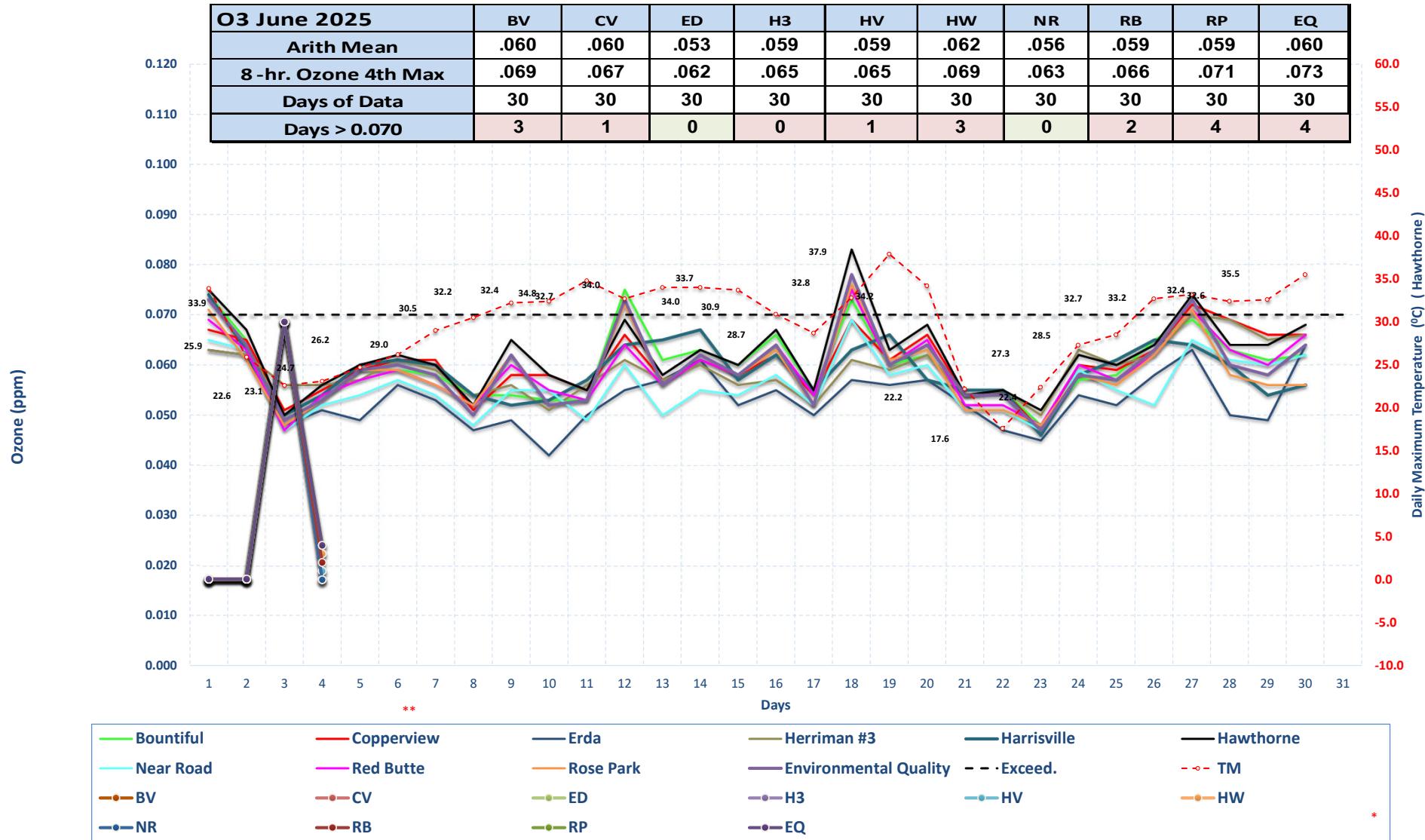


Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2025



Highest 8-hr Ozone Concentration & Daily Maximum Temperature June 2025

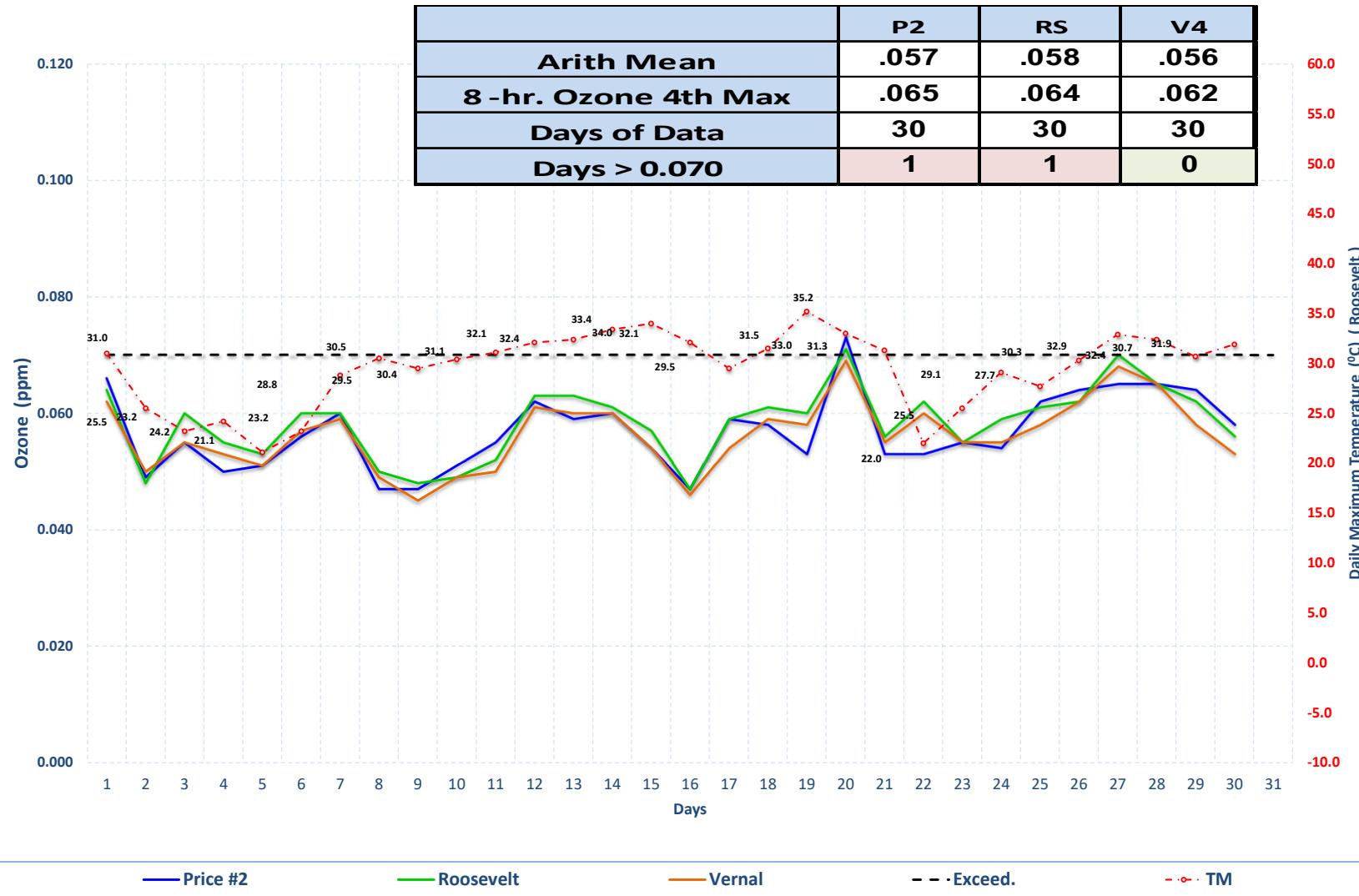
| O3 June 2025 | BV | CV | ED | H3 | HV | HW | NR | RB | RP | EQ |
|---------------------|------|------|------|------|------|------|------|------|------|------|
| Arith Mean | .060 | .060 | .053 | .059 | .059 | .062 | .056 | .059 | .059 | .060 |
| 8-hr. Ozone 4th Max | .069 | .067 | .062 | .065 | .065 | .069 | .063 | .066 | .071 | .073 |
| Days of Data | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| Days > 0.070 | 3 | 1 | 0 | 0 | 1 | 3 | 0 | 2 | 4 | 4 |



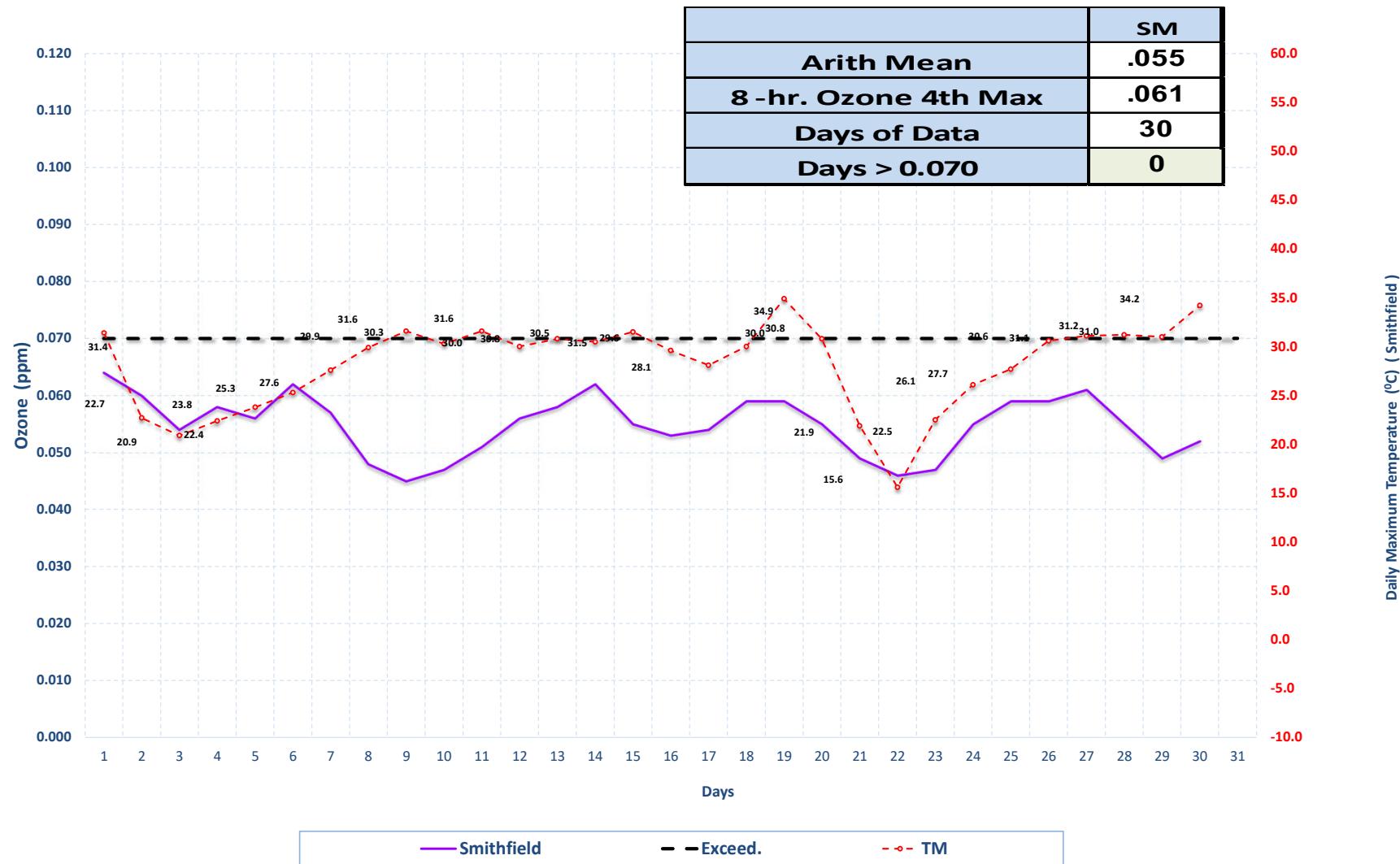
* Environmental Quality (EQ) previously named Technical Support Center (TSC)

** Controlling Monitor

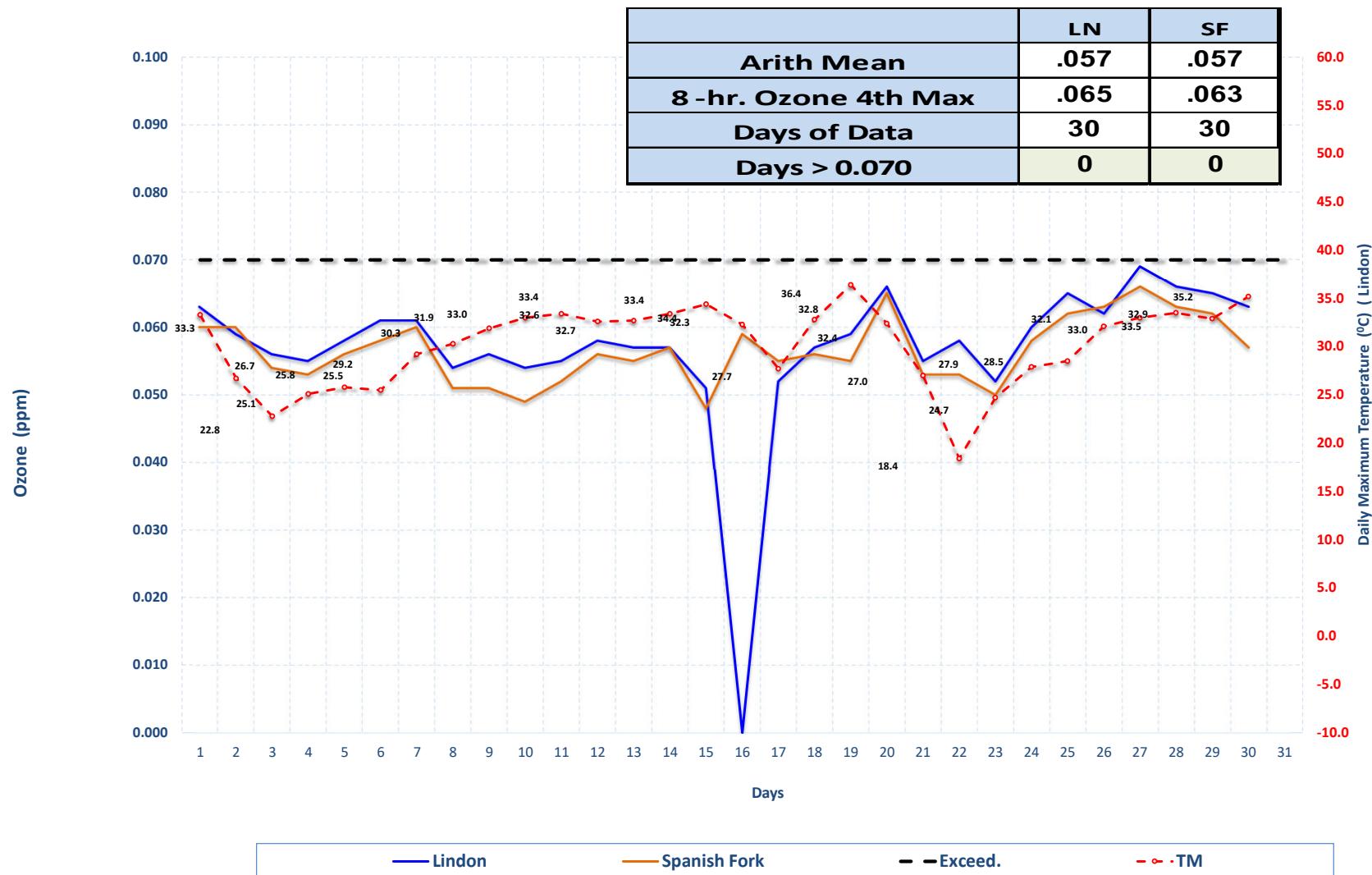
Highest 8-hr Ozone Concentration & Daily Maximum Temperature June 2025



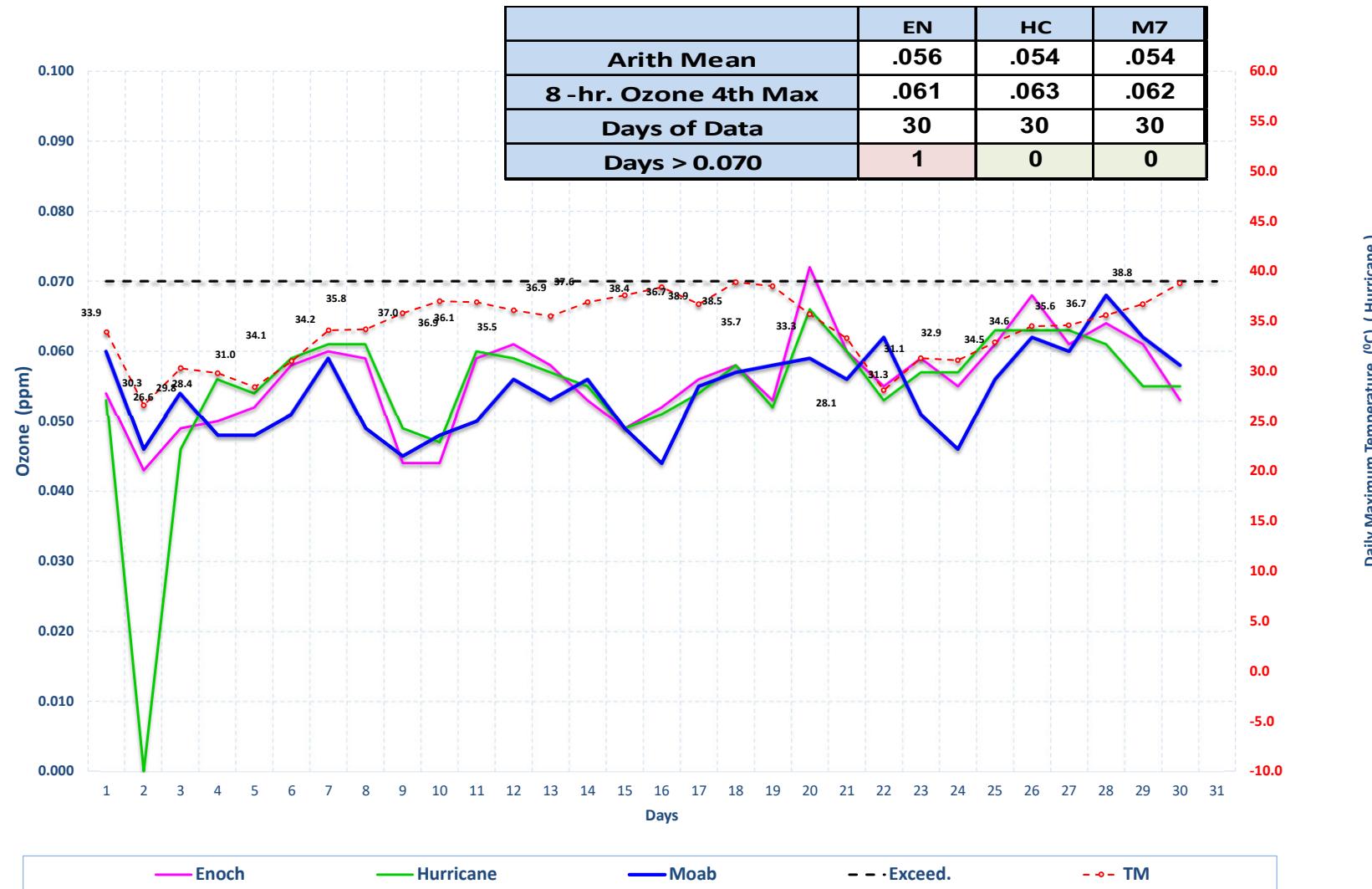
Highest 8-hr Ozone Concentration & Daily Maximum Temperature June 2025



Highest 8-hr Ozone Concentration & Daily Maximum Temperature June 2025

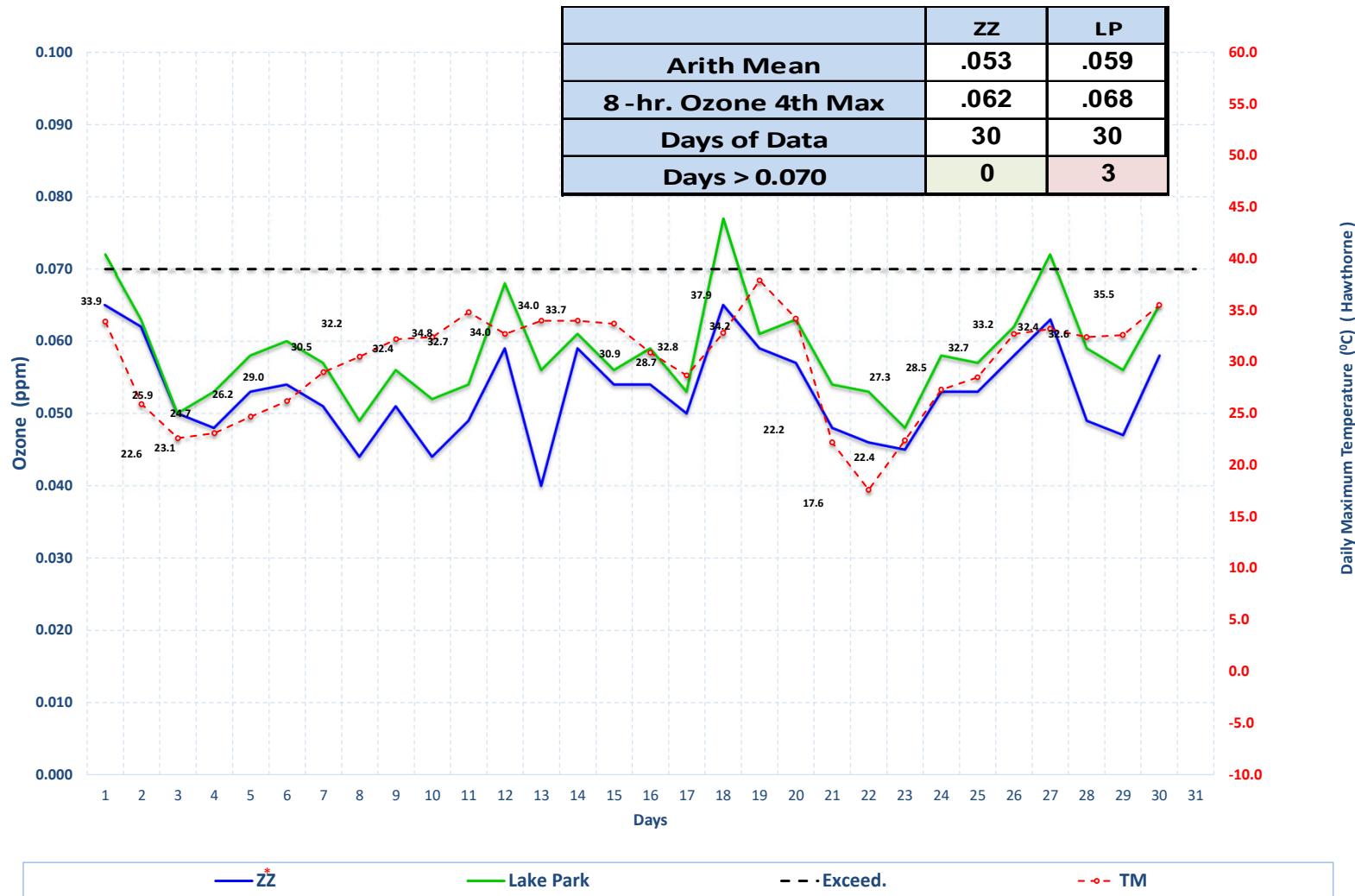


Highest 8-hr Ozone Concentration & Daily Maximum Temperature June 2025



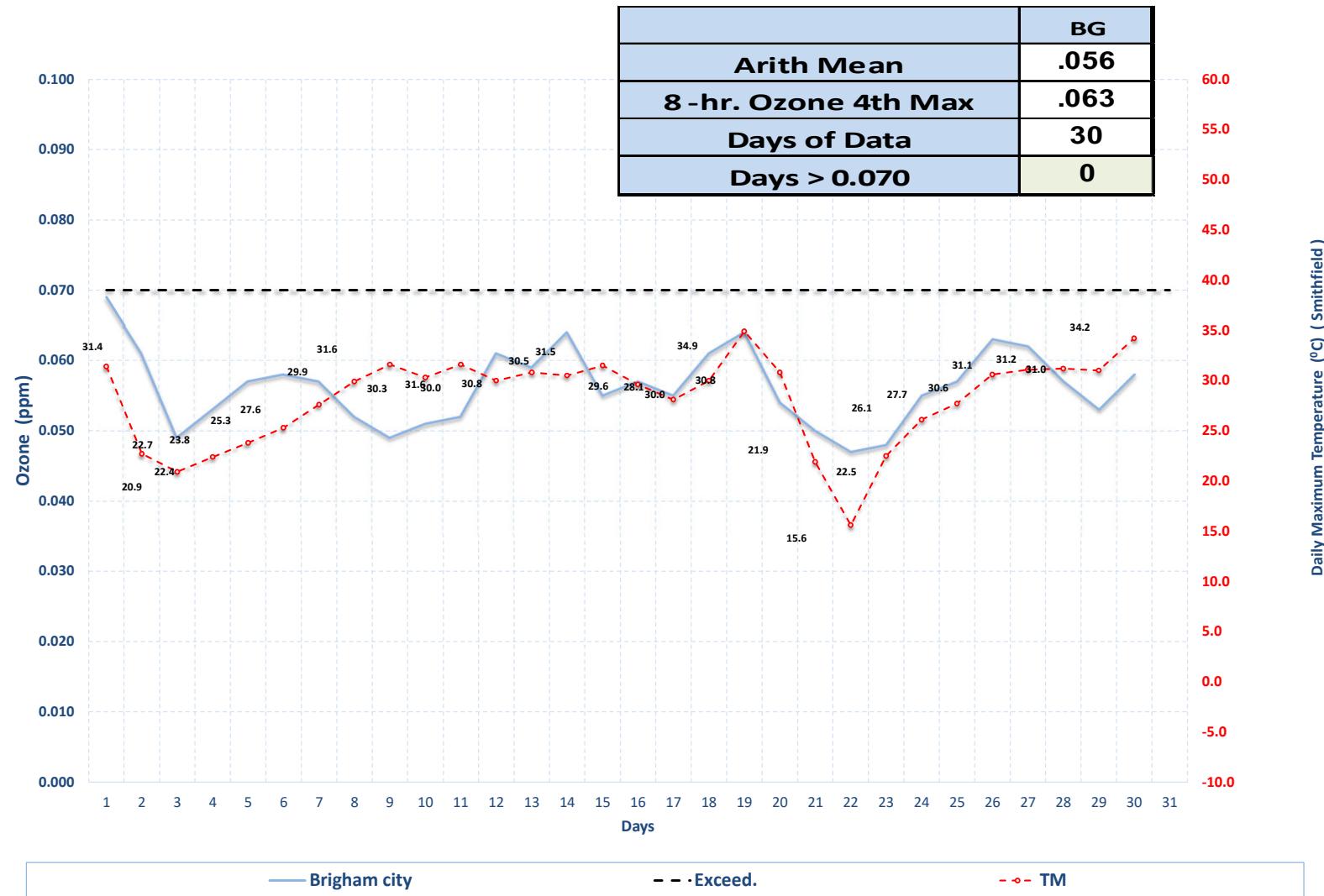
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Stations Monitoring the Inland Port Development

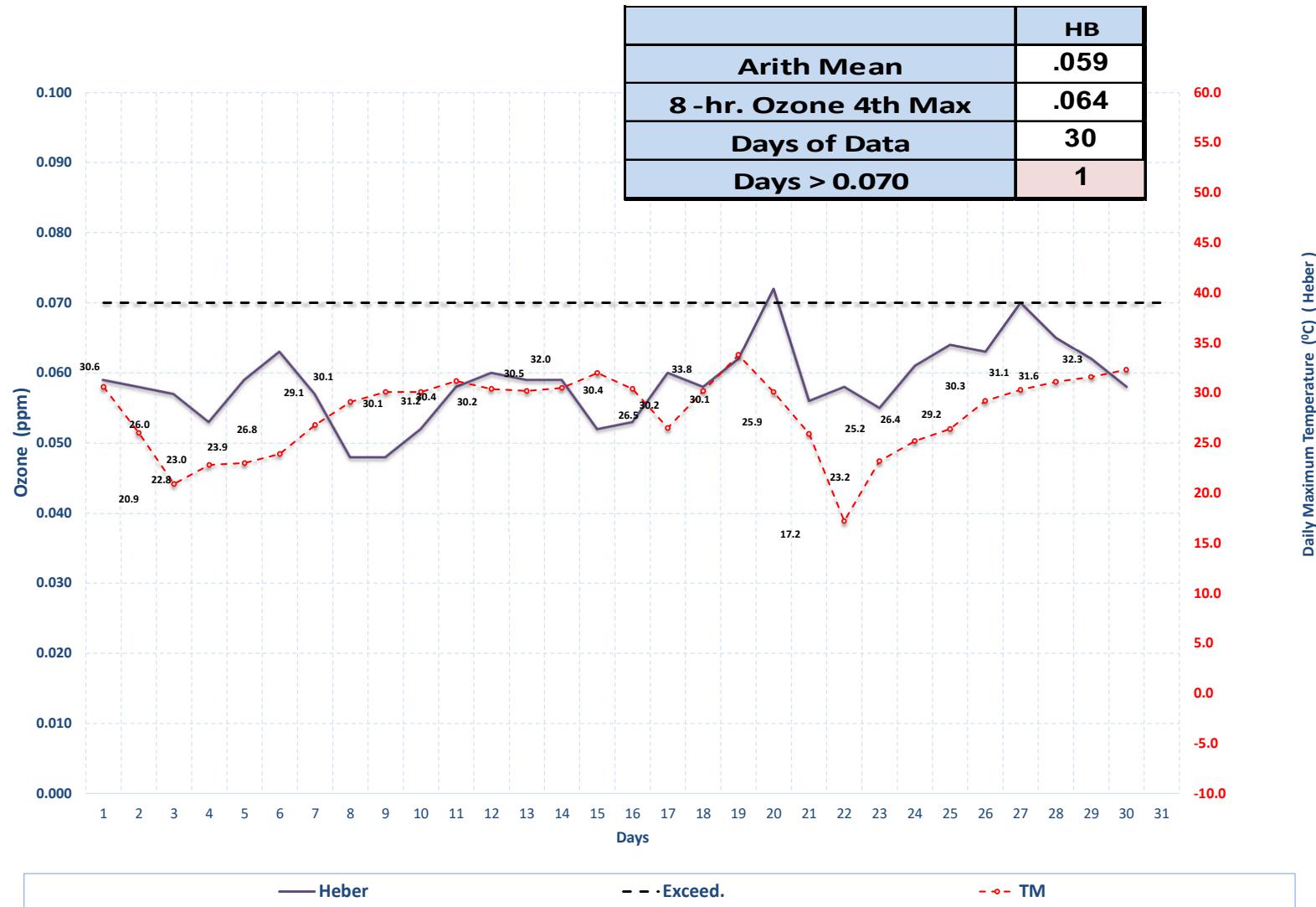


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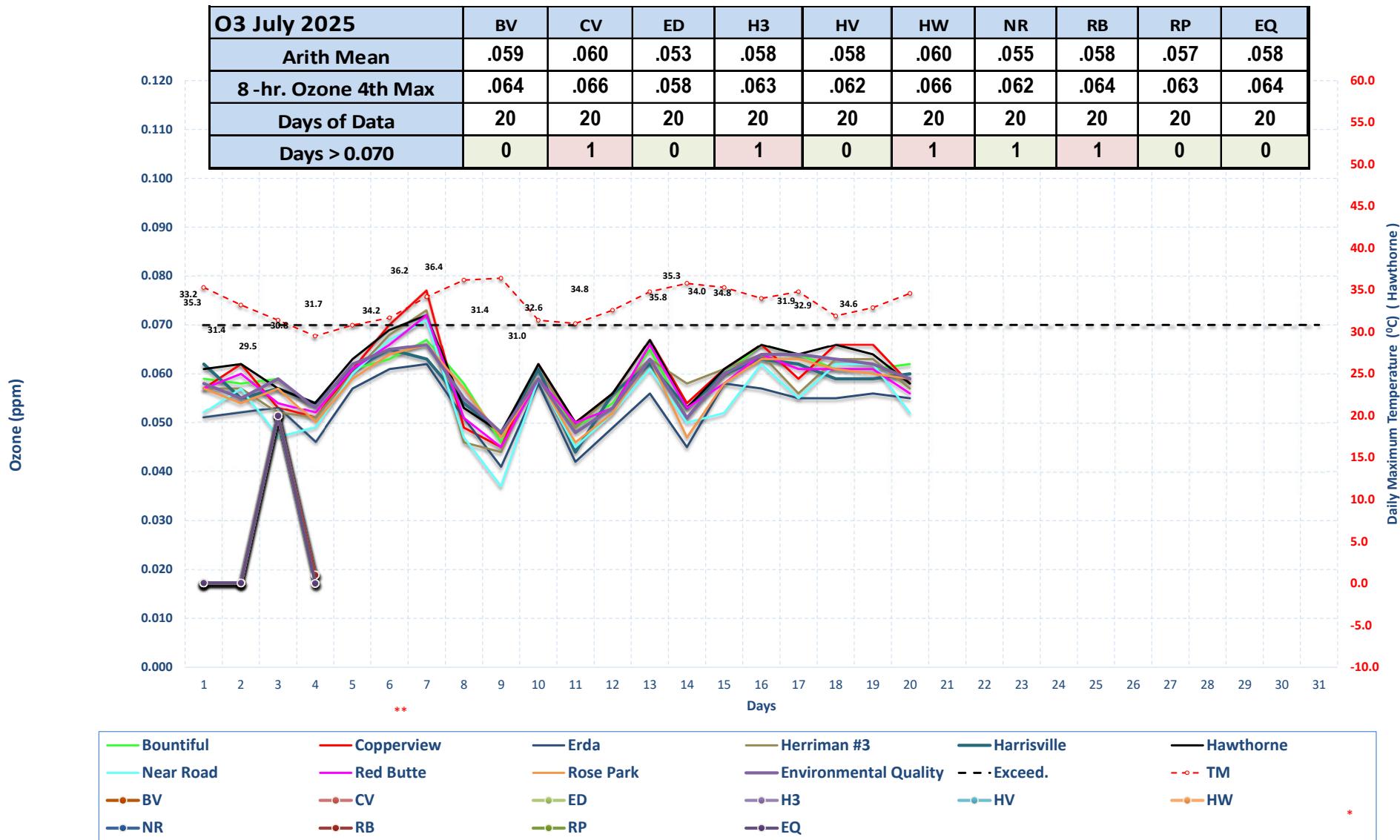
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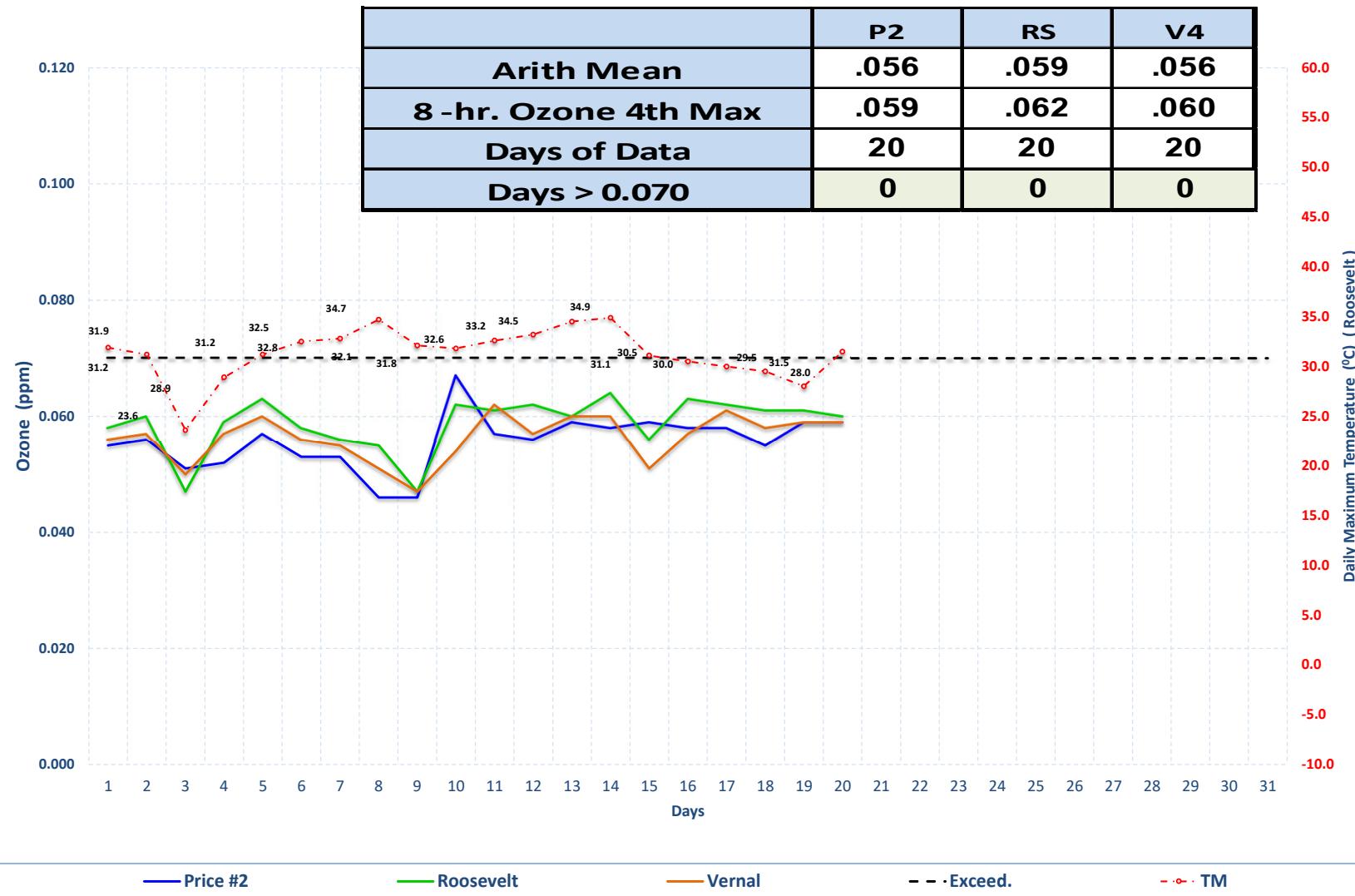
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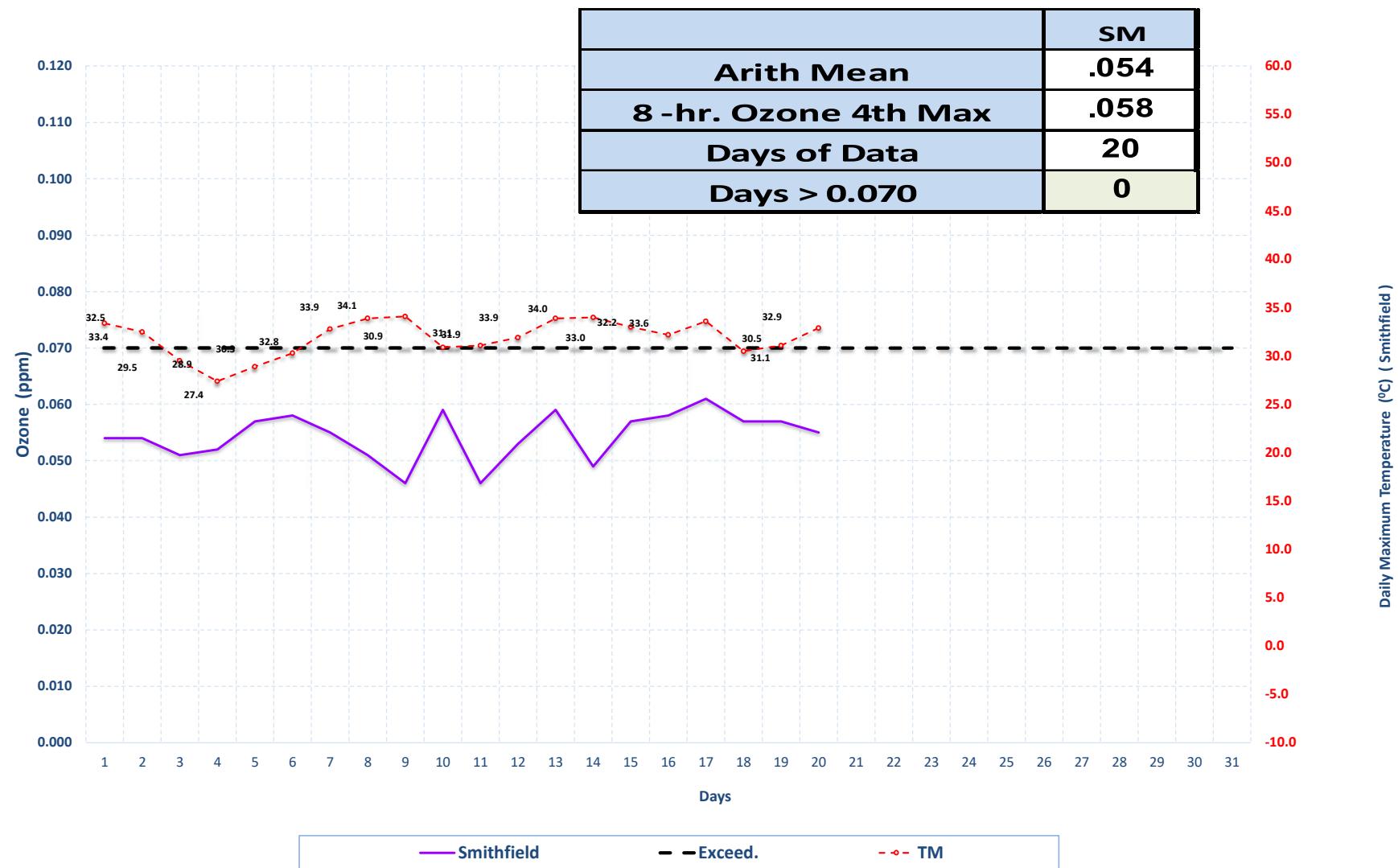
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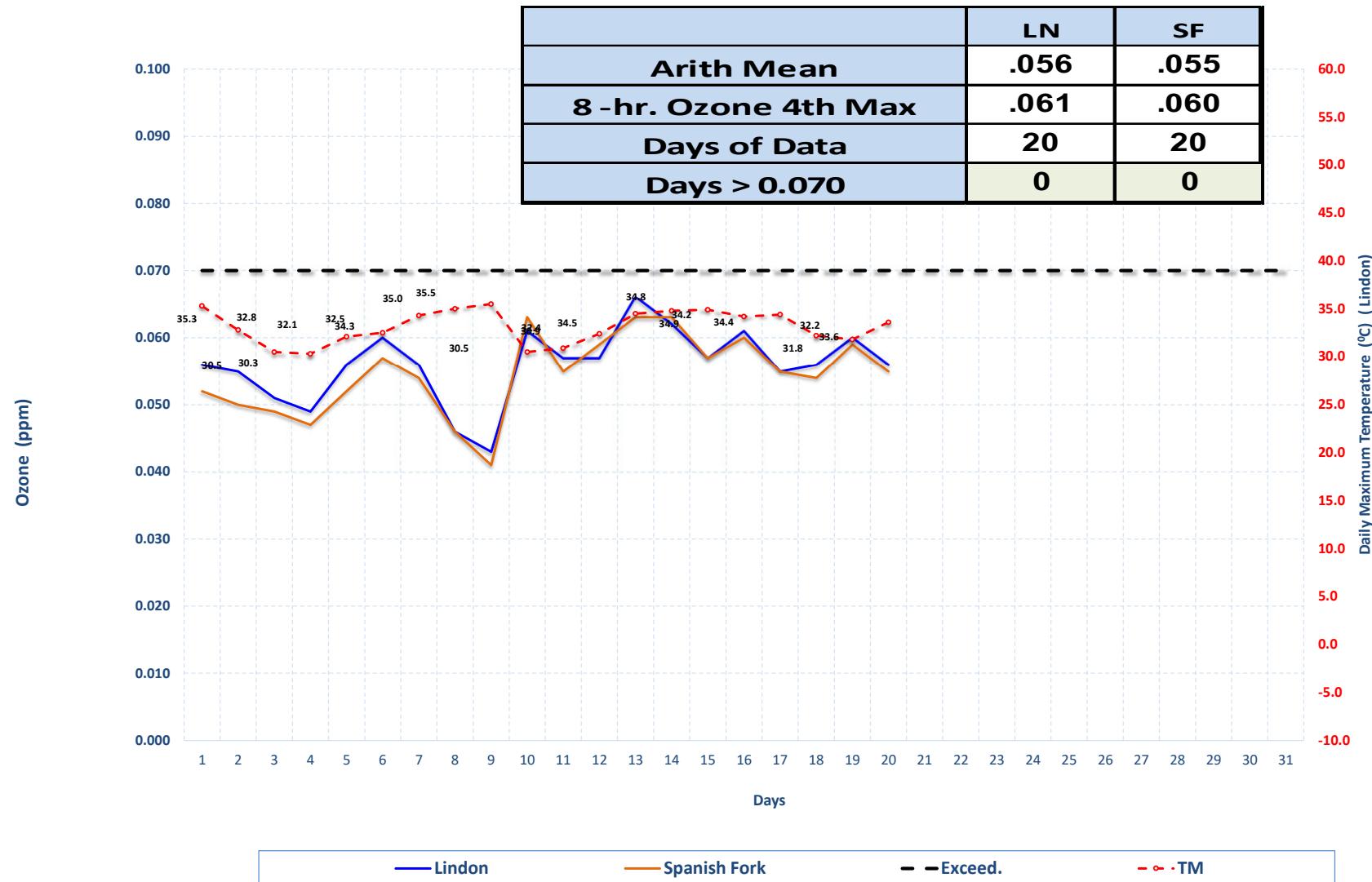
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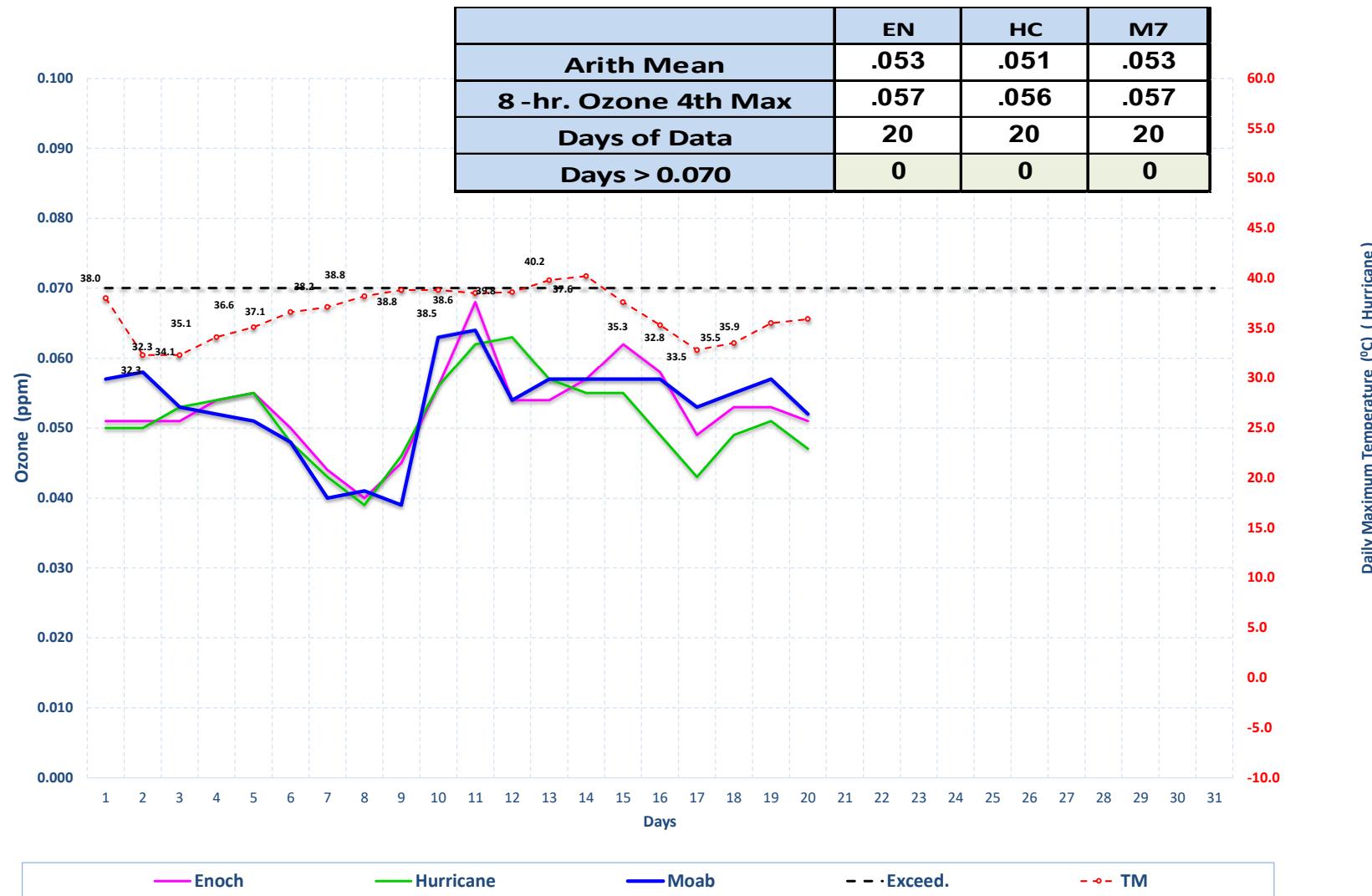
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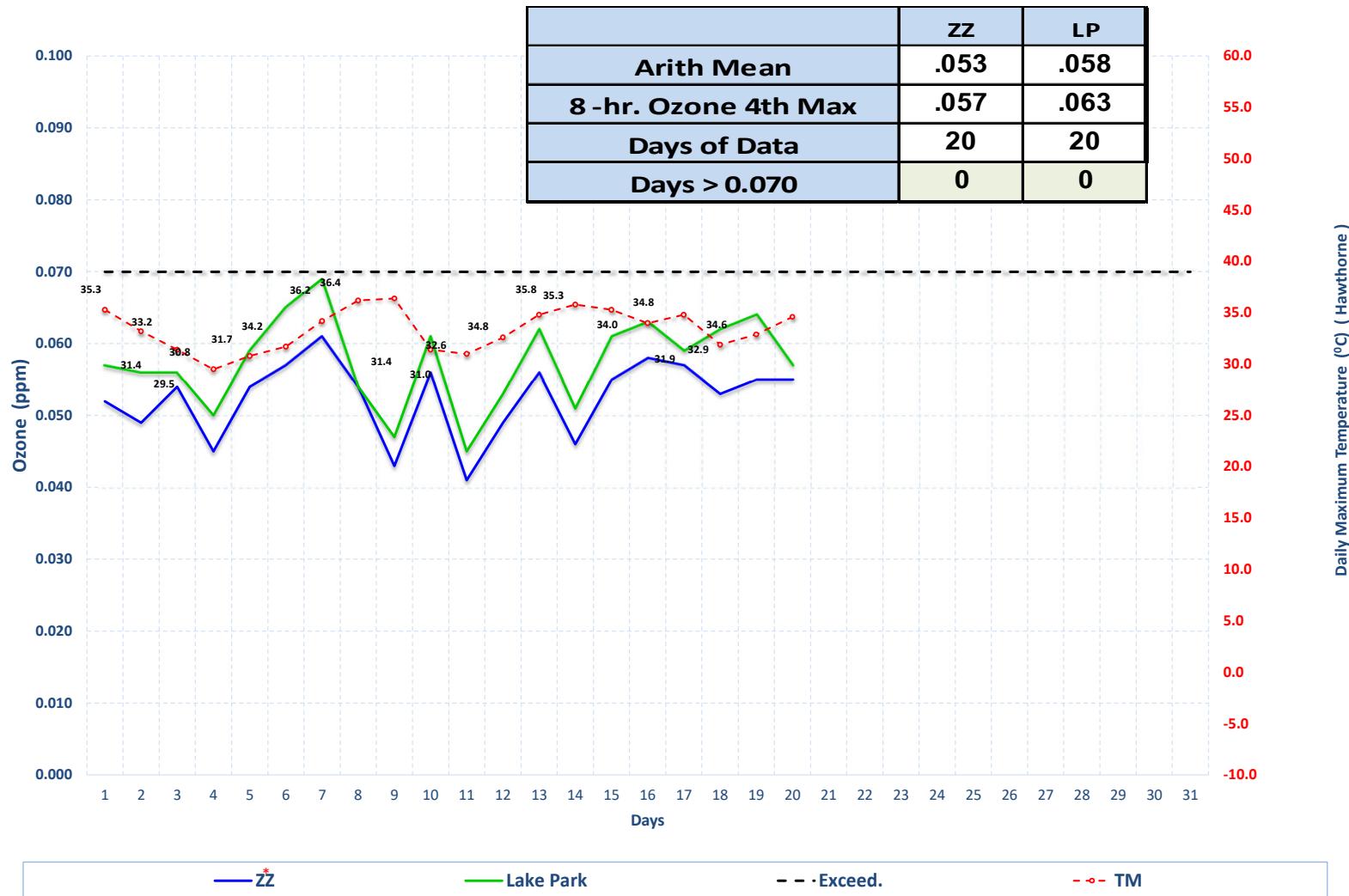


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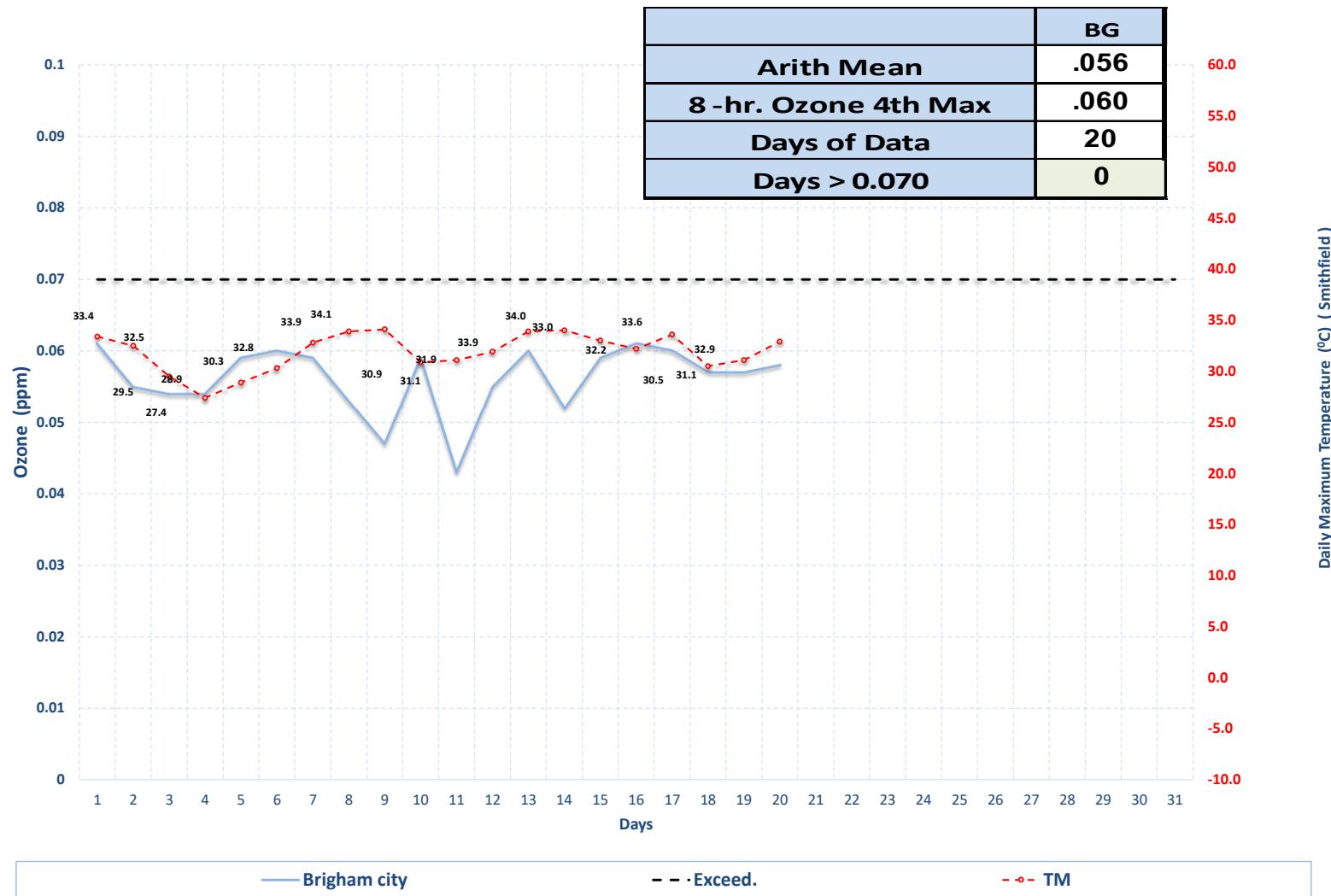
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