State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Tim Davis
Commissioner

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-038-26

UTAH AIR QUALITY BOARD MEETING
TENTATIVE AGENDA

Wednesday, September 2, 2026
195 North 1950 West, Salt Lake City, Utah 84116

Board Working Meeting – 11:30 a.m.
Four Corners Conference Rooms (4th floor)

Annual Open and Public Meetings Act training and rulemaking informational presentation.
This in-person meeting is open to the public.

Board Meeting – 1:30 p.m.
DEQ 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 and Roll Call.

II. Annual Election of Chair and Vice-Chair. Introduction by Bryce Bird.

III. Date of the Next Air Quality Board Meeting: October 7, 2026

IV. Approval of the Minutes for the August 5, 2026, Board Meeting.

V. Five-Year Reviews: R307-110. General Requirements: State Implementation Plan; R307-120. General Requirements: Tax Exemption for Air Pollution Control Equipment; R307-130. General Penalty Policy; R307-135. Enforcement Response Policy for Asbestos Hazard Emergency Response Act; R307-320. Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program; R307-325. Ozone Nonattainment and Maintenance Areas: General Requirements; R307-326. Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries; R307-327. Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage; R307-328. Gasoline Transfer and Storage; R307-335. Degreasing; R307-341. Ozone Nonattainment and Maintenance Areas: Cutback Asphalt; and R307-343. Wood Furniture Manufacturing Operations. Presented by Jazmine Lopez.

VI. Propose for Final Adoption: Amendment to Rule R307-102. General Requirements: Broadly Applicable Requirements. Presented by Jazmine Lopez.

VII. Propose for Final Adoption: Amendment to Section R307-110-34 to incorporate Utah State Implementation Plan Section X.D, Utah County Vehicle Inspection and Maintenance Program.. Presented by Devin Mulrooney.

VIII. Informational Items.

A. Air Toxics. Presented by Leonard Wright.

B. Compliance. Presented by Harold Burge, Rik Ombach, and Chad Gilgen.

C. Monitoring. Presented by Bo Call.

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.

Board Working Meeting

2026 Air Quality Board Training

Braden W. Asper, Assistant Attorney General

Marisa Heiling, Assistant Attorney General

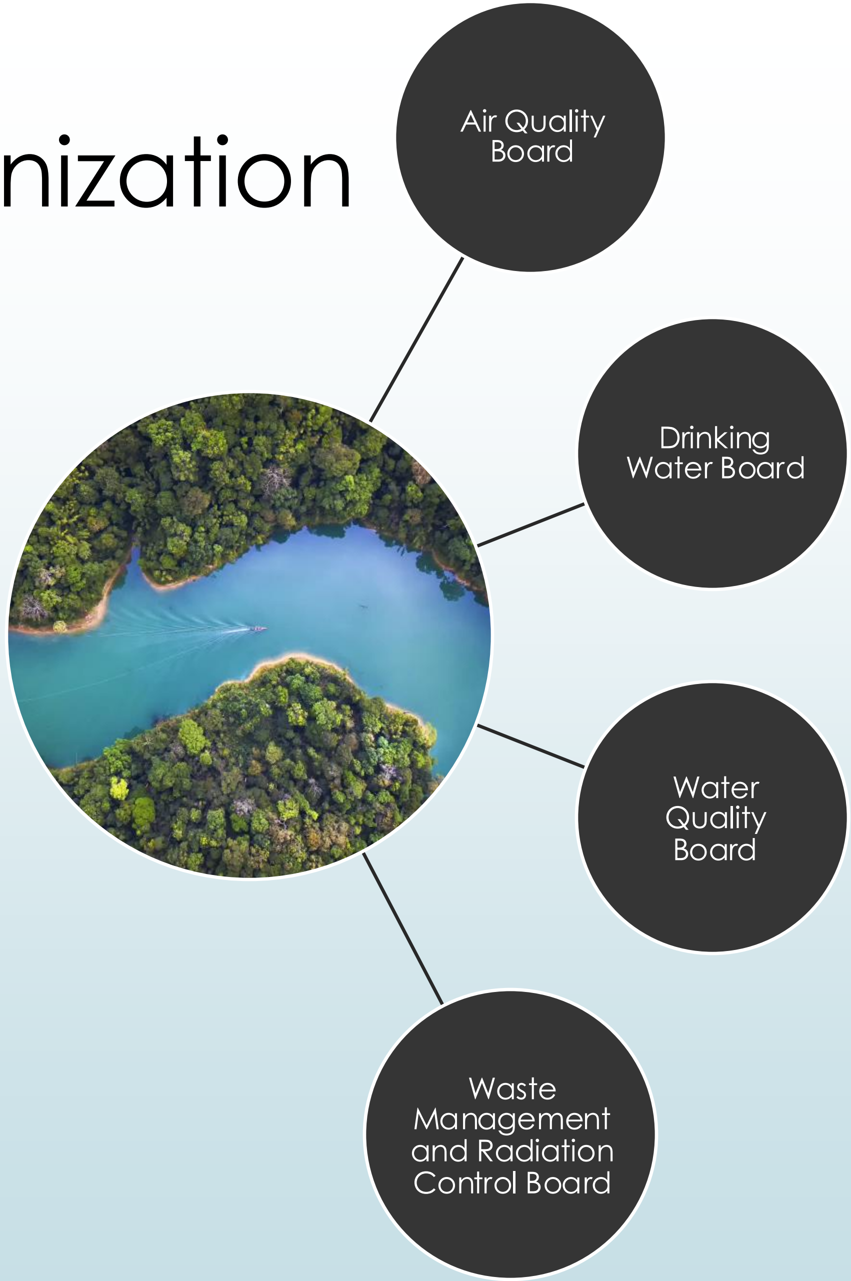
September 2, 2026

Topics Covered

- Board Organization
- Board Powers
  - Settlements Review
- Duties of Board Members
  - Attendance
  - Conflict of Interest (Ethics Act and R305-9)
- Ethics Act Prohibitions
- Open Public Meetings Act
- GRAMA

Board Organization

- Utah Code 19-1-106



Air Board Organization
Utah Code §19-2-103

- 9-member Board
- 5 members constitute a quorum
- Knowledgeable about air pollution matters; resident of Utah
- The Executive Director of DEQ is a non-voting member (only votes in the event of a tie)
- The DDW Director acts as the executive secretary (non-board member)

Air Board Organization
cont'd

- 4-year terms
- Could serve more than 1 term
- Annual selection of chair and vice-chair
- Meet at least quarterly
- Power to hold special meetings (chair, director, or by request of 3 members): 3-day notice to the board members

Air Quality Board Powers

Rulemaking board (not management board)

Established by statute (Title 19, Chapter 2 – Utah Air Conservation Act) defines board powers and duties

Powers

Utah Code 19-2-104(1)

- Rulemaking – Title 63G, Ch. 3 Utah Administrative Rulemaking Act
  - control, abatement, and prevention of air pollution
  - establishment of the maximum quantity of air pollutants that may be emitted by an air pollutant source
  - establishing air quality standards
  - Require permitting (not conduct permitting)
  - Implementing federal laws
    - Toxic Substances Control Act,
      - Asbestos and Lead Based Paint
    - National Emission Standards for Hazardous Air Pollutants (NESHAP)

Other Powers

Utah Code 19-2-104(3)

- Board MAY:
- Hold a Hearing (but not special adjudicative proceeding – NOV or Permit challenge)
- Recommendations to the Director (issue/enforce order, judicial proceedings, cooperation with other agencies)
- Establish asbestos certification requirements
- Board SHALL:
  - Review and approve/disapprove a settlement over $25,000
  - Meet requirements of federal air pollution laws
  - Establish work practice standards
  - A few more narrow "shalls" in 104.

Power Limitations

2025 Amendments effective May 5, 2026

(5) Nothing in this chapter authorizes the board to require installation of or payment for any monitoring equipment by the owner or operator of a source if the owner or operator has installed or is operating monitoring equipment that is equivalent to equipment which the board would require under this section.

(6)(a) The board may not **make rules to** require ~~testing~~ **an inspection and sample analysis** for asbestos or related materials on a residential property with four or fewer units **if the property's construction was completed on or after January 1**, ~~unless:~~ **1992.**

(~~i) the property's construction was completed before January 1~~ **b) The board may make rules to require an inspection and sample analysis for asbestos or related materials on a renovation**, ~~1981;~~ **demolition,** or **disposal project impacting asbestos or related materials on a residential property with four or fewer units if the property's construction was completed:**

(i) before January 1, 1981; or

(ii) **on or after January 1, 1981, and before January 1, 1992, and** the ~~testing is for~~ **inspection or sample analysis is used to determine the presence of asbestos before renovation, demolition, or disposal of**:

(A) a sprayed-on ~~or painted on~~ **textured** ceiling treatment ~~that contained or may contain asbestos fiber~~ ;

(B) asbestos cement siding or roofing materials;

May NOT: make rules to require an inspection and sample analysis for asbestos or related materials on a residential property with four or fewer units if the property's construction was completed on or after January 1, 1992.

Power Limitation

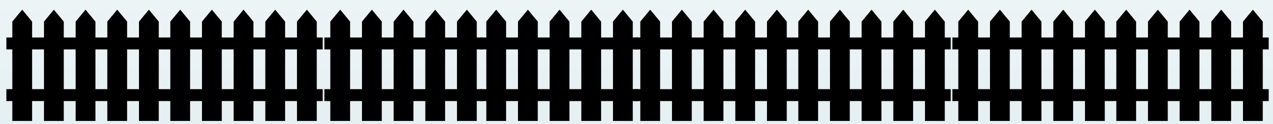
No authority to issue/amend/revoke permits, licenses, registrations, certifications, and any other administrative authorizations issued by the Director

An individual member cannot speak for the board unless: the board authorized by the majority/quorum in a board meeting

Power Limitations: Boundaries

Utah Code 19-2-106

STATE LAW FEDERAL LAW



1. **Public Comment Period and public hearing**

2. **Finding that the different rule provides reasonable added protections to public health or environment in UT**

Settlements Review

- 19-2-107(2)(b)(viii)
  - Director settles enforcements
- 19-2-115 Civil Penalties
  - Violations subject to a penalty in a civil judicial proceeding not to exceed $10,000 **per day** for **each violation**.
- Utah Admin. Code R 307-130 General Penalty Policy
  - Negotiated administrative penalties for consent agreements to resolve noncompliance

Utah Admin. Code R307-130

Penalty Policy

- **Step 1**: Determine the violation category to determine the range of the daily penalty amount

Categories: A ($7,000 - $10,000)

B ($2,000 - $7,000)

C (up to $2,000)

D (up to $299)

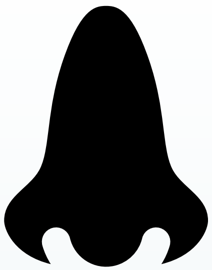
- **Step 2**: Determine the exact amount within range based on gravity criteria: emissions, knowledge, cooperation, and return to compliance

Penalty Policy

- **Step 3:** Determine duration
- Length can vary from a one-time violation to a multi-day violation
- We can civilly enforce on violations that are up to 2 years old, but settlement calculations may go beyond that period.
- Have discretion to add economic benefit and penalties for repeat violations
- Try to stay consistent with prior settlements

Ethics Act & Utah Admin. Code R305-9

Duties: Ethics



- Conflict of Interest laws for Board Members:
  - Utah Public Officers' and Employees' Ethics Act (Ethics Act) (Utah Code, Title 67, Chapter 16)
  - DEQ Conflict of Interest Rules adopted under Utah Code §19-1-201(1)(d)(i)(B): Utah Admin. Code R305-9
- By statute, board members are representatives of various interests and groups (conflict is inherent)

Ethics: Prohibitions

- § 67-16-4 Improperly disclosing or using controlled information; using position to secure privileges
- § 67-16-5 Accepting gift, compensation or loan
  - UAC R477-9-3 DHRM Rule
- § 67-16-5.3 & 5.6 Requiring or offering donation, payment or service to agency in exchange for approval
- § 67-16-6 Receiving compensation for assistance in transaction involving agency

Ethics: Substantial Interests

Utah Code 67-16

Utah Admin. Code R305-9-102

- Disclosure is required when a Board member is an officer, director, or employee; or has a substantial interest in a business regulated by DEQ
- Must file a form provided by the Department
- Must disclose the position held and the precise nature and value of the interest (n/a if the value is less than $2,000)

Utah Admin. Code R305-9-102

Ethics: Substantial Interests
Cont’d

A “substantial interest” is:

- Ownership (legal or equitable) of at least:
  - 10% of the outstanding capital stock of a corporation, or
  - 10% interest in any other business entity
- By an individual, individual’s spouse, or minor children
- New conflict: new disclosure form must be filed

Identifying Conflicts: Actual v. Potential

U.C. 67-16-9

Actual: prohibited by the Ethics Act (previous slide)

No personal investments in any business entity which will create a substantial conflict between the public officer's private interests and public duties.

DEQ rules in R305-9 draw a distinction

R305-9-104

Potential:

When participation may be prohibited under the Ethics Act or

Participation will result in due process violation

Recusal

R305-9-103

R305-9-105

- Actual Conflict
  - Shall be recused from voting
  - May be recused from participating in discussion (Board can decide)
- Potential Conflict
  - Board member may recuse himself/herself from discussion and vote, or
  - Disclose the potential conflict and seek a determination by the Board about how to proceed

Potential Recusal
Cont'd

R305-9-106

- Decision of the Board
  - Nature of the matter before the board
  - Nature of the potential conflict
  - Intent that the board reflect balanced viewpoints
  - Recuse from voting and discussion or recuse from voting but let participate in the discussion

Consequences from Non-Compliance

- May void or rescind any action taken by the Board in a particular matter (UCA 67-16-14)
- May result in the removal of the offending Board member (UCA 67-16-12)
- A knowing or intentional violation may also result in criminal penalties (UCA 67-16-12):
  - Second-degree felony – compensation, conflict of interest, or assistance exceeds $1000
  - Third-degree felony - more than $250 but less than $1000 (or two prior smaller convictions)
  - Class A misdemeanor – more than $100 but less than $250
  - Class B misdemeanor - $100 or less

Open and Public Meetings Act

Utah Code Title 52 Chapter 4

- Purpose: Utah State business is deliberated and conducted openly
- "…the legislature finds and declares that the state, its agencies and political subdivisions, exist to aid in the conduct of the *people*'s business. It is the intent of the law that their actions and their deliberations be conducted openly."
- CAUTION:
  - Texts
  - Emails

What is the "Meeting"?

- **Meeting Definition:** gathering (including electronic meetings, workshops, & executive sessions) of a public body with a quorum, properly convened for matters that the Board has jurisdiction or advisory power for the purpose of:
  - Receiving public comment on a relevant matter;
  - Deliberating on a relevant matter; or
  - Taking action on a relevant.
- **Relevant Matter**: a matter that is within the scope of the board
- **Notice**: An agenda must be posted at least 24 hours before a meeting, stati the date, time, & place of the meeting
- Closed Meeting (limited):
  - Character/professional competence, health of a person
  - Collective bargaining strategies
  - Pending or imminent litigation
  - Sale or acquisition of real property
  - Security personnel or devices
  - Criminal misconduct
- Written minutes and a recording

Open Public Meetings Act Electronic Meetings

- § 52-4-207(2)(a) …must be a rule governing the use of electronic meetings
- § 52-4-207(4)(a) …anchor location required (exception for special findings by Chair)
  - MASOB
- DEQ adopted a rule for electronic meetings at Utah Code R305-2
- Still requires notice – 24 hrs

Open Public Meetings Act Electronic Meetings

- § 52-4-207(5)– no anchor location
- The Chair is required to:
  - Make a written determination regarding risk associated with an anchor location which must be included in meeting notice
  - The determination must be read at beginning of meeting
  - The public notice/agenda must provide information regarding how public can access, observe and make comments

Open Public Meetings Act Electronic Meetings R305-2-3

- Quorum: Any member appearing electronically is counted for purposes of quorum
- Vote Counting: Votes by members not present at the physical location must be confirmed (on the record) by the chair
- Roll Call: Requires votes taken in an electronic meeting to be taken by a roll call vote except for a unanimous vote
- No Proxy Voting

Open Public Meetings Act Penalties & Remedies

- Violations of the Act (Utah Code § 52-4-303)
  - may be set aside on judicial review
  - costs and attorneys fees to a successful plaintiff
- § 52-4-304 release of minutes or record of a closed meeting
- § 52-4-305 criminal penalties for knowing or intentional violation
- §52-4-301 a person who willfully disrupts meeting may be removed

Utah Admin. Code R305-8

Duties: Attendance

Regularly attend board meetings

- Ask the Board Chair 2 business days before the meeting to be excused
- Noncompliant if:
  - 2 unexcused absences within one year
  - Misses three consecutive meetings
  - Misses 1/3 of the meetings in a year

Key Points

- Do not call an informal gathering to quickly resolve issues. Only take actions during noticed Board meetings (or other duly called meetings) , and if a meeting needs to be closed, discuss the need to close it in advance.
- Do not conduct Board business at social gatherings or during site visits. Wait until you convene at the next Board meeting to discuss and vote on potential action items.
- Allowing public attendance is essential, but the Board can remove individuals who disrupt the meeting such that the conduct of the Board is seriously compromised.
- Take votes by roll call whenever holding an electronic meeting (unless unanimous): it makes recording the votes easier.

Final Thoughts on Open Public Meetings Act

What it is

- Take actions items openly
- Conduct deliberations openly
- Get public input

What it is not

- A public comment period
  Utah Admin. Code 63G-3-301
- Opening confidential legal consultation to the public
- A time to interrogate board members with verbal questions

Government Records Access and Management Act (GRAMA)

Utah Code Title 63G, Chapter 2

Open and Public Meetings Act Section 210

Transmitting electronic messages b/w Board members is not a meeting and is permitted

Policy Behind GRAMA:

- The public's right of access to information concerning the conduct of the public's business; and
- The public's right of privacy in relation to personal data gathered by governmental entities.

Records Subject to Disclosure under GRAMA

- Governmental Entities Subject to GRAMA: Boards and Commissions funded or established by the government to carry out the public's business.
- Record: A book, letter, document, paper, map, plan, photograph, film, card, tape recording, electronic data, or other documentary material, regardless of physical form or characteristics:
  - That is prepared, owned, received, or retained by a governmental entity or political subdivision; and
  - Where all the information in the original is reproducible by photocopy or other mechanical or electronic means.

Records NOT Subject to Disclosure under GRAMA

- Personal note or personal communication prepared by or received by an employee or officer of a governmental entity in the employee's or officer's private capacity.
- A temporary draft or similar material prepared for the originator's personal use or prepared by the originator for the personal use of an individual for whom the originator is working.
- A daily calendar or other personal note prepared by the originator for the originator's personal use or for the personal use of an individual for whom the originator is working.

Board GRAMA Requirements

Communications of board members with the agency, legal counsel, and each other regarding public business may be records subject to GRAMA

Board members may be required to search email addresses used for public business

Food for Thought

Do not write or record anything in an email, voice mail, text message, or elsewhere concerning Board business that will make you uncomfortable if it appears in the press.

Presume that all recordable communications will reach the media/social media.

GRAMA applies to both personal and work communication devices. The substance of the communication triggers GRAMA, not the ownership of the device.

Questions

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bradenasper@agutah.gov

385-272-4968

Rulemaking: Process and Timeframes

Jazmine Lopez
Rules Coordinator

Department *of* Environmental Quality

Division *of* Air Quality

Rulemaking Process

The process in which:

- An agency drafts rule text and completes a rule analysis.
- An agency files the draft and analysis with the Office of Administrative Rules (OAR).
- OAR and Governor's Office review the filing.
- The filing is published in the Utah State Bulletin and is up for public viewing and comment.
- An agency reviews each comment, makes necessary changes, and makes the rule effective.
- DAQ has two Board meetings per rule. One to propose the rule for public comment, and one to make the rule effective.

See Utah Code 63G-3-301

Parts of the Board Packet

- Air Quality Board Memorandum
- OAR Rules Analysis Form (RAF)
- Attachments, Responses to Public Comments, SIP Text, etc.

Types of Rulemaking

- New Rule
- Amendment
- Change in Proposed Rule (CPR)
- 5-Year Review

Parts of the Board Packet

Board Memorandum

- Summary of the rule, history, who the rule affects, summary of comments, etc.
- Summary of new changes being made and why they're being made.
    - New State / Federal Legislation
    - Public Request
    - Internal Review
    - Can be as simple as adding clarifying language to an already existing rule
- Recommendation statement to the Board.
    - Approve for proposal for public comment or approve for final adoption

Parts of the Board Packet

Rules Analysis Form

- Required by Office of Administrative Rules to make changes
- General Information of Rule
  - History and specific reason for change / description of change
  - Incorporation by Reference updates or additions
  - Anticipated costs or savings to affected parties
  - Citation Information / Statutory Authority
  - Public Notice / Hearing Information
  - Anticipated Effective Date
  - Rule Text (with strikethroughs and underlines to show changes)

See Utah Code 63G-3-301, 303

Utah Rule Writing Manual Standards

Utah Rule Writing Manual

Issues	Do	Don't	Tips	Manual Reference
Using the word "above" to reference a location in rule	"Except for requirements listed in Subsection R15-1-1(3)"	"Except for requirements listed above..."	Use "Ctrl+F" and search for the word "above." Check if it is ever being used to reference to a rule location.	Pg. 43 when citing the administrative code, an agency should also cite the specific designation
Using the word "all" when "each," "any," or some other article is more accurate		"The director shall review all submissions" vs. "The director shall review each submission"	Use "Ctrl+F" and search for "all." Review each instance of the word to determine if it is necessary.	Pg. 35 of the rulewriting manual explains how using "all" incorrectly can introduce ambiguity and offers alternatives.
"and/or" in rule text	"for a performance or payment bond"	"for a performance bond and/or payment bond"	Use "Ctrl+F" and search for "and/or." If found, choose to use either "and" or "or"	Pg. 35 Never use "and/or. The rulewriter should be able to determine which term is correct."
Using the word "below" to reference a location in rule	Except for the requirements listed in Subsection R15-1-1(3)"	"Except for the requirements listed below..."	Use "Ctrl+F" and search for the word "above." Check if it is ever being used to reference to a rule location.	Pg. 43 when citing the administrative code, an agency should also cite the specific designation
Using abbreviations such as: etc., e.g., and i.e.	"Including a drivers license or identification card"	"Drivers license, identification card, etc."	Use "Ctrl+F" and search for abbreviations	Pg. 33 "Avoid most abbreviations except to cite other laws lide federal or state statutes and to indicate the time of day"
Including "for the purpose of" when not necessary.	"To distribute funds..."	"For the purpose of distributing funds..."	Use "Ctrl+F" and search for "the purpose of"	Pg. 73 "for the purpose of" can often be replaced with "to" and have the same meaning.
Gendered language in rule	"After interviewing the offender, the board shall determine if the offender..."	"After interviewing the offender, the board shall determine if he"	Use "Ctrl+F" to search for "he," "she," "he/she," "his," "her," "his/her," "herself," "himself"	Pg. 13 of the rulewriting manual states gender neutral language should be used in rule and provides information on alternatives.
Using the phrase "in order to" when unnecessary	"To accomplish net zero..."	"In order to accomplish net zero..."	Use "Ctrl+F" and search for the phrase "in order to"	Pg. 73 of the rulewriting manual states the phrase "in order to" can generally be replaced with "to" and have the same meaning
Using any variation of the phrase "but not limited to"	"including cows, sheep, and chickens"	"including, but not limited to, cows, sheep, and chickens"	Use "Ctrl+F" and search for the phrase "limited to"	Pg. 32 states this phrase is generally unnecessary and can be replaced with "including."
Referring to a specific time with "oclock" or "o'clock"	"Facilities shall close at 5 p.m."	"Facilities shall close at 5 o'clock p.m."	Use "Ctrl+F" and search for "oclock" and "o'clock"	Pg. 28 states that when referring to a specific time, an agency should only use either "a.m." or "p.m."
Using the phrase "provisions of" or "provision of" before a citation	"...shall adhere to Section 63G-3-401"	"...shall adhere to the provisions of Section 63G-3-401"	Use "Ctrl+F" to search for "provisions of" and "provision of"	Pg. 36 of the rulewriting manual states including this phrase before a citation is unnecessary

Publication

- Utah State Bulletin is published on the 1st and 15th of every month.
- Filing deadlines are 2 weeks prior to publishing.
- Only filings that have gone through the OAR and Governor's Office checks and have been approved are published.
- First possible effective date, thus codification, determined by publication date. DAQ effective dates are also determined by Board meeting dates because we have two meetings for each rule.
- Rules can be made effective no more than 120 days after publication in the Utah State Bulletin! If a CPR is required, the 120 days is reset.

See Utah Code 63G-3-303

Rulemaking Steps

1. Pre-proposal Phase:
   a. Need for a new or amended rule is identified
2. Proposal Phase and Air Quality Board Meeting 1
   a. Memo, RAF, updated rule texts are created / presented
3. Submittal to OAR for publication in Bulletin
   a. Bulletin is posted on the 1st and 15th of each month
   b. Because our Board Meetings are on the first Wednesday of each month, our proposed rules will be published on the 1st of the following month
4. Public Comment Period and Public Hearing
   a. 30-day minimum Public Comment Period
   b. Hearing must be advertised for 30 days and then it can be cancelled if no one requests a hearing
5. Public Comment Response
   a. Comment responses are included in the 2nd Board packet
6. Adoption Phase and AQB Meeting 2
   a. New Memo, RAF, Comment Responses, updated rule texts are created / presented
7. Submittal to OAR for publication in Bulletin on 1st of next month
8. 30-day wait period (no public comment)
9. Rule can be made effective!

See Utah Code 63G-3-302

Example Schedule

1st Board meeting: September 2, 2026

1st Bulletin publish date: October 1, 2026

Public comment period: October 1, 2026 – November 2, 2026 (30 days)

Public hearing: October 25, 2026 (notice must be advertised for 30 days then hearing can be cancelled)

Comment Response Period: 7 or more days

2nd Board meeting: December 2, 2026

If no changes are required (CPR), rule can be made effective after board meeting

1st Possible Effective Date: December 2, 2026

Or 2nd Bulletin publish date: January 1, 2027

30-day wait period

February 2, 2027

OAR Bulletin Schedule

2026-2027 Rulemaking Calendar

Department of Environmental Quality

Division of Air Quality

Major Projects

Regional Haze Round 2 SIP Amendments

- Proposed in August 2026
- Final in November 2026

NWF Moderate Ozone SIP Amendments

- Timeline still unknown

Infrastructure SIPs

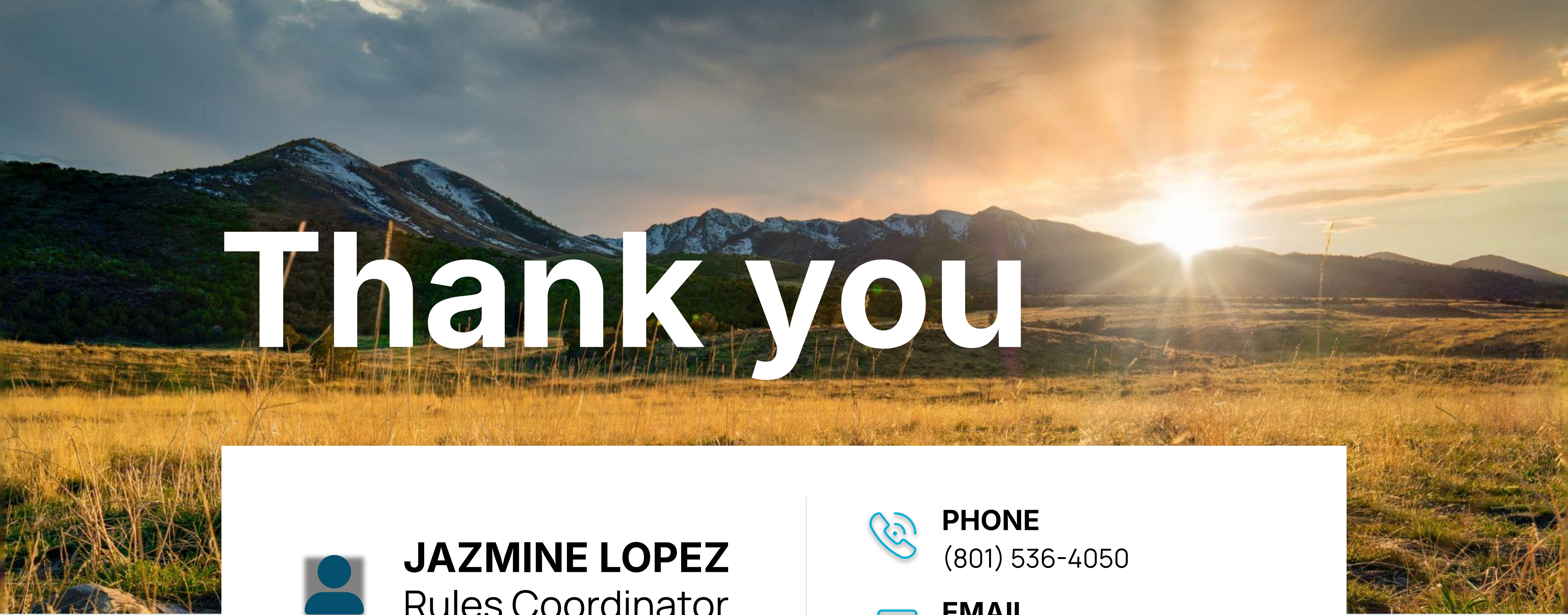
- PM2.5 - Feb. 2027
- SO2 - Dec. 2027

Ozone VOC Rules in Progress

- **Accounting for Past Rules**
  0.15 tpd
- **Refinery tank controls**
  0.89 tpd @ $13.5k/ton - 2037+
- **Gas dispensing**
  0.42 tpd @ $6k - $9k/ton - 2035
- **Commercial Composting**
  0.66 tpd @ $0 - $75/ton - 2031
- **Lawn and Garden equipment**
  Remaining @ $0 - $5k/ton - 2037
  Electrification sales targets

Other Rules in Progress

- Updating Fugitive Dust Rules (R307-205 and R307-309) to align with HB378 signage requirements
- I/M programs updated to align with HB22 to remove two-speed idle testing
- Potential data center rules in 2027



Thank you

JAZMINE LOPEZ
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Board Meeting

ITEM 4

State of Utah

SPENCER J. COX
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DEIDRE HENDERSON
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Department of
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Tim Davis
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DIVISION OF AIR QUALITY
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DAQ-040-26

UTAH AIR QUALITY BOARD MEETING
August 5, 2026 – 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

DRAFT MINUTES

I. Call-to-Order and Roll Call

Kim Frost called the meeting to order at 1:30 p.m.

Board members present: Kim Frost, Dave Spence, John Rasband, Colton Norman, Michelle Bujdoso (attended electronically), Seth Lyman (attended electronically), Sonja Norton (attended electronically), Lorin Palmer (attended electronically)

Excused: Tim Davis

Executive Secretary: Bryce Bird

II. Date of the Next Air Quality Board Meeting: September 2, 2026

The annual Board training will be held at 11:30 a.m. on September 2, prior to the 1:30 p.m. Board meeting.

III. Approval of the Minutes for July 1, 2026, Board Meeting.

- Dave Spence motioned to adopt the July meeting minutes. Colton Norman seconded. The motion carries unanimously.

IV. Propose for Public Comment: Amend Rule R307-101. General Requirements. Presented by Jazmine Lopez.

Jazmine Lopez, Rules Coordinator at DAQ, stated that section R307-101-3, Version of Code of Federal Regulations Incorporated by Reference, must be amended to reflect changes to the federal air quality regulations as published in Title 40 of the Code of Federal Regulations (40 CFR).

Rule R307-101 is being amended to identify the most recent version of 40 CFR, June 30, 2026, as the version that is incorporated throughout the Utah Air Quality rules. By referencing the federal rules directly this ensures consistency with federal standards, simplifies state rulemaking, and ensures that the state can enforce federal regulations to comply with Clean Air Act (CAA) requirements. This amendment reflects any changes to 40 CFR from October 1, 2025, to June 30, 2026. This amendment also changes all references in rule R307-101 of the “Executive Director” of the Department of Environmental Quality to “commissioner” to comply with House Bill 384 from the 2026 General Session. The division is updating the rule text to reflect the dates that certain areas in Utah were designated as maintenance areas for sulfur dioxide (SO_x), PM_{10}, and $PM_{2.5}$. Staff recommend the Board approve the amendments to rule R307-101, General Requirements, for a 30-day public comment period.

- Colton Norman motioned to approve amendment to R307-101 for a 30-day public comment period. John Rasband seconded. The motion carries unanimously.

V. Propose for Public Comment: Amend Rule R307-105. General Requirements: Emergency Controls. Presented by Jazmine Lopez.

Jazmine Lopez, Rules Coordinator at DAQ, stated that during the 2026 General Session, the Utah Legislature passed House Bill 384 which changed the title of the “Executive Director” of the Department of Environmental Quality to “commissioner.” The amendment to rule R307-105 changes all references of “Executive Director” to “commissioner” to align with this statute change. The division is also making additional necessary amendments to rule R307-105 to bring the rule into compliance with Executive Order 2021-12 requiring all departments to update their respective rules to align with the state rule writing manual standards. Staff recommend the Board approve the amendments to rule R307-105, General Requirements: Emergency Controls, for a 30-day public comment period.

Staff were asked if there are other rules in R307 referencing the “Executive Director?” Also, do previously approved state implementation plans (SIPs) referencing the “Executive Director” need to be updated and how that would be handled. Staff responded that federally approved SIPs cannot be retroactively changed; they remain as approved, but all future references will use “commissioner.” Final actions remain historically accurate to when they were created. Existing guidance documents won't change because they are referenced in current rules and permitting actions.

- John Rasband motioned the Board approve amendment to rule R307-105 for public comment. Sonja Norton seconded. The motion carries unanimously.

VI. Propose for Final Adoption: Amendment to Section R307-110-13 to incorporate Utah State Implementation Plan Section IX, Control Measures for Area and Point Sources, Part D, Ozone; Section IX.D.13.a, 2020 Uinta Basin Periodic Inventory Report and Section IX.D.13.b, 2023 Uinta Basin Periodic Inventory Report. Presented by Sheila Vance.

Sheila Vance, Environmental Scientist at DAQ, stated that under the CAA there is a requirement to have periodic emission inventories submitted every three years to meet the requirements as a marginal ozone nonattainment. The Uinta Basin (UB) was designated as a marginal ozone nonattainment area (NAA) in August 2018. The path since that designation has been a little complicated, the area met the CAA requirements allowing the state of Utah to request two one-year extensions to the attainment date.

In December 2024, EPA denied the second one-year request and reclassified the area to moderate nonattainment. In February 2025, the state of Utah requested that EPA reconsider their December 2024 decision and filed in court a request for a stay of the decision. EPA agreed to reconsider the December 2024 decision, and a judicial stay was granted. These decisions leave the UB NAA in a marginal NAA status currently and all CAA requirements for a marginal NAA remain in place.

On April 23, 2026, the EPA proposed a reconsideration of the second one-year extension request denial and have now proposed to grant the extension request and make the determination that the area has attained the 2025 ozone standard by the marginal attainment date. The submission of these periodic inventories will support EPA's proposal as the state is required to meet all state implementation plan requirements for a marginal NAA to grant such extensions to the attainment date.

A public hearing was conducted on May 13, 2026, as it was requested in accordance with Utah rulemaking procedures. A summary of the public comments received, and the division's responses are provided in Appendix A of the Board packet.

None of the relevant public comments warranted changes to the periodic emission inventories, but during the public comment period, division staff identified several technical errors in the inventory data that required correction. Although these errors were not considered significant, they warranted updates to the inventory documents.

Staff recommend the Board approve the amendment to section R307-110-13, Section IX, Control Measures for Area and Point Sources, Part D, Ozone; Utah State Implementation Plan, section IX.D.13.a, 2020 Uinta Basin Periodic Inventory Report and section IX.D.13.b, 2023 Uinta Basin Periodic Inventory Report, for final adoption.

Mr. Rasband asked how many sources this affects and do individual sources provide the inventories? Ms. Vance clarified that the periodic emission inventory report covers only sources under state jurisdiction. These are facilities that submit data every three years as part of their triennial reporting. Consequently, that triennial inventory would be adapted into the required format for this report.

Dr. Lyman states that in the comments, the Utah Petroleum Association (UPA) commented on their disagreements with some of the methods in developing inventories. Could staff talk about this and does the division have plans to address discrepancy for future inventories. Ms. Vance acknowledged UPA's concerns, but state officials remain confident in current emissions inventory methods, which rely on EPA emission factors to accurately reflect UB emissions. If rulemaking is pursued, the state will engage UPA and stakeholders, but currently remains satisfied with its approach and EPA's support.

Ms. Norton asks, since our nonattainment status is driven by weather, a factor outside our control, how can we address this moving forward? While we continue reducing emissions and detecting leaks to be better stewards, what additional steps can we take to account for the unmanageable impact of weather? Ms. Vance responded that achieving three years of good data (2020–2022) met CAA requirements, forming the basis for the EPA's reconsideration. Despite weather-related challenges like wintertime ozone in 2023, which the EPA does not classify as an exceptional event due to annual snowfall, attainment was reached for those three years. If the EPA finalizes its proposal, the focus will shift to developing a maintenance plan. Meanwhile, work will continue to reduce emissions and maintain the standard.

Ms. Norton asks staff if they see the attainment level changing? Ms. Vance stated that the 2015 ozone standard was set at 70 parts per billion (ppb), despite support for 68 ppb, and has not been reconsidered. Although national ambient air quality standards require review every five years, no reconsideration has occurred, leaving future updates dependent on the Administration.

Ms. Bujdoso states that if future rulemaking occurs, some of UPA's concerns may be addressed. However, her concern is that past SIPs relied on EPA's inventory as the basis for required reductions. Once emissions inventories are approved and locked in, the baseline years and necessary reductions cannot easily be changed. In a previous SIP, we faced an issue with the inventory but were forced to use it as the unalterable baseline. Therefore, any concerns regarding an emission inventory should be resolved now, rather than waiting for future rulemaking. Ms. Vance responded that periodic emissions inventories represent a point-in-time requirement for marginal NAA. While currently serving as a baseline for 2020 and 2023, these inventories can still be updated if needed, particularly if reclassification to moderate or serious status requires more granular detail for a SIP.

Dr. Lyman noted that while EPA-approved methods, such as the EPA AP-42 emission factors, are required for establishing inventory factors, they have limitations and can produce different results than non-regulatory alternative methods preferred by UPA. For example, there is no established method to determine emission rates for facilities like produced water farms. This creates tension because UDAQ must rely on regulatory-approved methods using the best available data, even if current science offers better measurement techniques. Although these methods could be improved, that work follows a different timeline than DAQ's inventory requirements. Ms. Vance responded that the methodology relies on collected data, explaining that because many sources do not exist, the division is developing a more robust inventory based on joint studies with the EPA. These reports show a 33 percent reduction in VOCs, confirming that monitors in the UB indicate compliance with the standard.

Mr. Spence asked if there was any staff follow-up on the miscommunication when the original public hearing notice went out. Staff responded that responses to comments on the UB emission inventory reports rulemaking are available. Public confusion arose when a third-party Facebook group misidentified the public hearing as being about the Box Elder County data center. Although staff contacted the group beforehand and the post was taken down, several individuals traveled long distances to attend and comment on the data center. Staff clarified that no permit application for the data center has been received yet and explained that any future application will follow the standard CAA review process. Staff stayed after the hearing to speak with attendees and explain the permitting process.

Ms. Frost inquired regarding the one-year extension granted by the EPA. She sought clarification on whether the extension applied to the current 2020–2023 inventory period and asked when the subsequent reporting would be due. Ms. Vance explained that the extension set an attainment date of August 2023, providing three years of good data. If the extension request and determination of attainment are finalized, the area cannot be reclassified as moderate or serious. Instead, it will remain a marginal NAA and we must continue submitting periodic inventory reports to the EPA until requesting redesignation. The next periodic inventory report will likely be submitted for 2026.

- Dave Spence motioned to approve the final adoption to amendments to section R307-110-13. Seth Lyman seconded. The motion carries unanimously.

VII. Propose for Public Comment: Amend Section R307-110-13 to incorporate Utah State Implementation Plan Section IX, Control Measures for Area and Point Sources, Part D, Ozone; Section IX.D.12.a, 2020 Southern Wasatch Front Periodic Inventory Report and Section IX.D.12.b, 2023 Southern Wasatch Front Periodic Inventory Report. Presented by Ryan Bares.

Ryan Bares, Environmental Scientist at DAQ, stated that this proposal is for a 30-day public comment period, amendments to section R307-110-13 as necessary to incorporate periodic emission inventories for the Southern Wasatch Front (SWF) ozone nonattainment area for the years 2020 and 2023 as required under section 182(a)(3)(A) of the CAA.

On August 3, 2018, the U.S. Environmental Protection Agency designated Utah's SWF as a marginal NAA for the 2015 ozone standard. In August 2020, the Utah Division of Air Quality submitted a 2017 base-year inventory for the area which was subsequently approved by EPA in August 2021. This 2017 inventory serves as effectively the starting point for periodic inventories the division is proposing for public comment today.

In October 2022, the EPA determined that the SWF attained the health-based standard by the marginal attainment date. While the area has attained the standard, it is important to note that it will not be reclassified as attainment until the state meets additional CAA requirements and will remain designated as marginal until that time. Consequently, the SWF is still subject to certain CAA requirements, including the requirement to submit periodic emission inventories for the area once every three years.

These reports serve to track the trends of human-caused ozone precursor emissions including emissions of nitrogen oxides (NO_x) and volatile organic compounds (VOC). Importantly, these reports show that total human caused ozone precursor emissions in the SWF continued to trend downward from 2017 through 2023, especially as it relates to emissions of NO_x.

Staff recommends that the Board approve amendment to section R307-110-13 to incorporate Utah State Implementation Plan; section IX.D.12.a, 2020 Southern Wasatch Front Periodic Inventory Report and section IX.D.12.b, 2023 Southern Wasatch Front Periodic Inventory Report for a 30-day public comment period.

In response to questions, Ms. Lopez explained that the Office of Administrative Rules (OAR) puts the month and year as a place holder in the rule. The OAR will put the actual date in the rule once the rule is made effective.

- Kim Frost motioned to propose for public comment, amend section R307-110-13 to incorporation Utah SIP Section IX, Control Measures for Area and Point Sources, Part D, Ozone. Dave Spence seconded. The motion carries unanimously.

VIII. Propose for Public Comment: Amend Section R307-110-28. Regional Haze; Utah State Implementation Plan, Section XX.A.1; Amend Section R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits. Presented by Devin Mulrooney.

Devin Mulrooney, Environmental Scientist at DAQ, stated in summary that in August 2022, Utah submitted its Regional Haze (RH) SIP for the Second Implementation Period to the EPA, incorporating various four-factor analyses and emission reductions. Subsequently, in December 2024, the EPA granted partial approval and issued a partial disapproval of the submission. Today's proposed revisions to the Board address those disapproved sections by updating the long-term strategy specifically for two facilities: US Magnesium and the Intermountain Power Plant (IPP). The remaining aspects of the disapproval are being handled separately by the EPA through agency reconsideration.

During development of the Second Implementation Period SIP, US Magnesium completed a four-factor analysis. That analysis determined that installation of flue gas recirculation to reduce SO_x emissions represented a reasonable control measure. Since that time, however, the facility voluntarily ceased operations in 2021 and, in 2026, the property was purchased by Utah Forestry, Fire, and State Lands.

Because the facility is no longer operating, this revision updates the SIP to reflect the correct ownership and modifies the compliance schedule so that installation of flue gas recirculation would be required by 2028 or prior to any future restart of the facility, whichever occurs later. We are not removing any controls. We are just allowing the facility to not have to stall control if the facility is not operating. Ultimately there will be no visibility impact.

The most complex revisions pertain to IPP, a coal-based electricity generating unit located in Delta, Utah. Under the original SIP, the coal units were scheduled to be voluntarily shut down, because IPP was constructing two new natural gas plants. IPP initiated construction on these facilities primarily because 98% of its generated power is supplied to California utilities, which operate under strict emissions performance standards that prohibit the purchase of coal-generated power.

However, significant legislative shifts regarding coal-fired power have since occurred at both state and federal levels. At the state level, Utah raised concerns about decommissioning key energy assets amidst rising electricity demand. At the federal level, updated RH guidance has encouraged moving away from embedding fixed closure dates directly within RH SIPs. Consequently, the retirement deadline is being removed to allow for a full re-evaluation of the facility.

During this re-evaluation, a new four-factor analysis was conducted where particulate matter and SO_x was determined to be effectively controlled under current operations. NO_x controls, while selective non-catalytic reduction (SNCR) proved cost-effective under high utilization, a holistic review of all four factors indicated that a mass-based emission limit was necessary to ensure reasonable progress.

To achieve this, a 35 percent reduction in potential to emit was established, establishing a new NO_x limit for IPP of 14,340 tons per year (down from 21,234 tons per year). This framework grants IPP the flexibility to select its preferred compliance strategy, whether that involves installing control technology, reducing utilization, or implementing alternative methods.

Additionally, the DAQ conducted updated visibility modeling using a conservative worst-case scenario that assumed simultaneous operation of both coal units and both natural gas units. The modeling demonstrated that all of Utah's Class I areas remain comfortably below the Uniform Rate of Progress glidepath, which tracks the required trajectory for state visibility improvements.

Staff consulted with the federal land managers, tribes, neighboring states, environmental groups, and industry. Stakeholders were given the opportunity to ask questions and provide feedback. Ultimately, these revisions will address EPA's disapproval and Utah will maintain its reasonable progress towards natural visibility conditions for its Class I areas.

Staff recommend that the Board approve amendments to rule R307-110-28, Regional Haze; Utah SIP, section XX.A.1, and R307-110-17, section IX, Control Measures for Area and Point Sources, Part H, Emission Limits, for a 30-day public comment period.

When asked whether staff had received any indication from the EPA regarding the timeline for feedback on its reconsideration of parts of the partial disapproval, Mr. Mulrooney explained that the EPA is waiting for Utah's updated information before taking action. In addition, EPA actions in other states suggest Utah's current approach aligns with the agency's existing practices.

Dr. Lyman commented that the EPA previously experienced issues regarding specific facilities, partly due to pending court cases. Is there a possibility that submitting this today will require a re-submission later because these legal matters remain unresolved? Mr. Mulrooney responds that EPA intends to address the remaining facilities, PacifiCorp's Hunter and Huntington, Sunnyside, and GNG, independently. Based on prior discussions with the EPA, further action should not be required for IPP and US Magnesium. Approval of those facilities is anticipated.

Dr. Lyman asked whether the specific action being considered today for IPP, US Magnesium, and other facilities could be evaluated separately as part of the state's RH plan if necessary. Mr. Mulrooney responded that the EPA will pursue two separate actions: they will incorporate today's decision into their information and independently re-evaluate the existing information they have on those other facilities.

- John Rasband motioned to propose for public comment to amend section R307-110-28, Regional Haze; Utah State Implementation Plan, section XX.A.1; to amend section R307-110-17, section IX, Control Measures for Area and Point Sources, Part H, Emission Limits. Colton Norman seconded. The motion carries unanimously.

IX. Informational Items.

A. Air Toxics. Presented by Leonard Wright.

B. Compliance. Presented by Harold Burge, Rik Ombach, and Chad Gilgen.

C. Monitoring. Presented by Lucas Bohne.

Lucas Bohne, Environmental Scientist at DAQ, updated the Board on monitoring information and answered Board member questions.

D. Other Items to be Brought Before the Board.

Ms. Bujdoso, Vice Chair of the Board, announced her resignation from the Air Quality Board, and that a replacement has been found who Bryce will announce. She continues that serving on the Board has been a highlight of her career. She appreciates the opportunity to work closely with Bryce, benefiting from his air quality expertise and guidance on SIPs over the past 20+ years. She also recognizes the dedicated staff for their hard work. The improvements in air quality, monitoring, and attainment designations over recent years reflect their commitment, and she is proud to have been a part of it. Thank you.

Mr. Bird states that Ms. Bujdoso served as a representative of the fuels industry, which has proposed a new nominee. The Governor supported the nomination and sent a recommendation letter to the Senate last month, with Senate action scheduled for August 18. If the process is delayed, Michelle has agreed to remain as long as necessary. The Governor's nominee is Lauren VanderWerff, Environmental Manager at Chevron.

E. Board Meeting Follow-up Items.

Meeting adjourned at 2:26 p.m.

ITEM 5

State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Tim Davis
Commissioner

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-041-26

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: August 14, 2026

SUBJECT: FIVE-YEAR REVIEWS: R307-110. General Requirements: State Implementation Plan; R307-120. General Requirements: Tax Exemption for Air Pollution Control Equipment; R307-130. General Penalty Policy; R307-135. Enforcement Response Policy for Asbestos Hazard Emergency Response Act; R307-320. Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program; R307-325. Ozone Nonattainment and Maintenance Areas: General Requirements; R307-326. Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries; R307-327. Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage; R307-328. Gasoline Transfer and Storage; R307-335. Degreasing; R307-341. Ozone Nonattainment and Maintenance Areas: Cutback Asphalt; and R307-343. Wood Furniture Manufacturing Operations.

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 rules R307-110, R307-120, R307-130, R307-135, R307-320, R307-325, R307-326, R307-327, R307-328, R307-335, R307-341, or R307-343.

The division has completed the five-year review of rules:

- R307-110. General Requirements: State Implementation Plan.
- R307-120. General Requirements: Tax Exemption for Air Pollution Control Equipment.
- R307-130. General Penalty Policy.
- R307-135. Enforcement Response Policy for Asbestos Hazard Emergency Response Act.
- R307-320. Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program.
- R307-325. Ozone Nonattainment and Maintenance Areas: General Requirements.
- R307-326. Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries.
- R307-327. Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage.
- R307-328. Gasoline Transfer and Storage.
- R307-335. Degreasing.
- R307-341. Ozone Nonattainment and Maintenance Areas: Cutback Asphalt.
- R307-343. Wood Furniture Manufacturing Operations.

The results of these five-year reviews are found in the attached Five-Year Notice of Review and Statement of Continuation forms.

Recommendation: Staff recommend that the Board continues rules R307-110, R307-120, R307-130, R307-135, R307-320, R307-325, R307-326, R307-327, R307-328, R307-335, R307-341, and R307-343 by approving the attached Five-Year Notice of Review and Statement of Continuation forms to be filed with the Office of Administrative Rules.

State of Utah
Administrative Rule Analysis
Revised May 2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R307-110**	**Filing ID: OFFICE USE ONLY**

Effective date:	**OFFICE USE ONLY**

1. Agency Information

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

2. Contact Persons

Name:	**Phone:**	**Email:**
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-110: General Requirements: State Implementation Plan.

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Section 19-2-104	Section 19-2-104 gives authority to the Utah Air Quality Board to adopt rules including those that require air pollution sources to perform air quality monitoring and install controls to meet the National Ambient Air Quality Standards (NAAQS). Section 19-2-104 also allows the Board to adopt rules related to county vehicle emissions inspection and maintenance programs.
Clean Air Act	The Clean Air Act identifies requirements that states must submit to the Environmental Protection Agency as part of their State Implementation Plans (SIP) to maintain the NAAQS.

C. 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 comments have been received since the last five-year review of this rule.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The Utah State Implementation Plan is a collection of emissions inventories, monitoring commitments, emission reduction strategies, emission budgets, and contingency measures used to implement, maintain, and enforce the NAAQS and to fulfill other requirements of the Clean Air Act. Rule R307-110 incorporates by reference each section of the SIP into state rule and is necessary to maintain federal compliance and protect public health. Rule R307-110 is a federally approved rule and part of the SIP.

4. 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 *Utah State Bulletin*.			
Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	**Date:**	08/12/2026
Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or a nonsubstantive change.			

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

To meet requirements of the Federal Clean Air Act, the Utah State Implementation Plan (SIP) must be incorporated by reference into these rules. Copies of the SIP are available on the division's website.

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

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

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

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

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

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

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

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

R307-110-6. Section V, Resources.

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

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

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

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

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

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

The Utah State Implementation Plan, Section VIII, Prevention of Significant Deterioration, as most recently amended by the Utah Air Quality Board on March 8, 2006, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

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

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter, as most recently amended by the Utah Air Quality Board on December 4, 2019, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

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

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part B, Sulfur Dioxide, as most recently amended by the Utah Air Quality Board on July 1, 2026, pursuant to Section 19-2-104, is incorporated by reference and made a part of Rule R307-110.

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

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide, as most recently amended by the Utah Air Quality Board on June 6, 2018, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

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

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part D, Ozone, as most recently amended by the Utah Air Quality Board on November 6, 2024, pursuant to Section 19-2-104, is incorporated by reference and made a part of Rule R307-110.

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

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

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

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

R307-110-16. (Reserved.)

Reserved.

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

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits and Operating Practices, as most recently amended by the Utah Air Quality Board on July 1, 2026, pursuant to Section 19-2-104, is incorporated by reference and made a part of Rule R307-110.

R307-110-18. Reserved.

Reserved.

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

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

R307-110-20. Section XII, Transportation Conformity Consultation.

The Utah State Implementation Plan, Section XII, Transportation Conformity Consultation, as most recently amended by the Utah Air Quality Board on May 2, 2007, pursuant to 19-2-104, is hereby incorporated by reference and made a part of these rules.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

R307-110-28. Regional Haze.

The Utah State Implementation Plan, Section XX, Regional Haze, as most recently amended by the Utah Air Quality Board on July 6, 2022, pursuant to Section 19-2-104, is incorporated by reference and made a part of these rules.

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

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

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

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

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

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability, as most recently amended by the Utah Air Quality Board on February 7, 2024, pursuant to Section 19-2-104, is incorporated by reference and made a part of this rule.

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

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part B, Davis County, as most recently amended by the Utah Air Quality Board on February 7, 2024, pursuant to Section 19-2-104, is incorporated by reference and made a part of this rule.

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

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County, as most recently amended by the Utah Air Quality Board on October 6, 2004, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

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

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County, as most recently amended by the Utah Air Quality Board on December 5, 2012, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

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

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County, as most recently amended by the Utah Air Quality Board on March 4, 2020, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

R307-110-36. Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County, as most recently adopted by the Utah Air Quality Board on February 5, 2025, pursuant to Section 19-2-104, is incorporated by reference and made a part of this rule.

R307-110-37. Section XXIII, Interstate Transport.

The Utah State Implementation Plan, Section XXIII, Interstate Transport, as most recently adopted by the Utah Air Quality Board on February 7, 2007, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, PM10, PM2.5, ozone
Date of Last Change: July 1, 2026
Notice of Continuation: December 1, 2021
Authorizing, and Implemented or Interpreted Law: 19-2-104

State of Utah
Administrative Rule Analysis
Revised May 2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R307-120**	**Filing ID: OFFICE USE ONLY**

Effective date:	**OFFICE USE ONLY**

1. Agency Information

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

2. Contact Persons

Name:	**Phone:**	**Email:**
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-120. General Requirements: Tax Exemption for Air Pollution Control Equipment.

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Section 19-12-201 and Section 19-12-202	Section 19-12-201 describes the sales and use tax exemptions for certain purchases or leases related to pollution control. Section 19-12-202 describes the certification requirements necessary before a person may claim a sales and use tax exemption related to pollution control.
Section 19-12 Part 3	Section 19-12 Part 3 describes the application and procedures for certification and revocation of certification of pollution control facilities and freestanding pollution control property. Section 19-12-305 provides the rulemaking authority given to the Air Quality Board to adopt rules regarding these certification procedures.

C. 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 comments have been received since the last five-year review of this rule.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Subsection 19-12-202(2) allows the director of the Division of Air Quality to issue or revoke certification of air pollution control equipment. Rule R307-120 establishes the application, issuance, exemption, and appeal procedures related to air pollution control equipment tax exemptions. This rule is necessary to fulfil the obligations of Subsection 19-12-202(2).

4. 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 *Utah State Bulletin*.			
Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	**Date:**	08/12/2026
Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or a nonsubstantive change.			

R307. Environmental Quality, Air Quality.
R307-120. General Requirements: Tax Exemption for Air Pollution Control Equipment.
R307-120-1. Applicability.

This rule shall apply to purchases described in Section 19-12-201.

R307-120-2. Definitions.

The following definitions apply to R307-120:

"Freestanding pollution control property" means freestanding pollution control property as defined in Section 19-12-102.

"Pollution control facility" means pollution control facility as defined in Section 19-12-102.

R307-120-3. Application for Certification.

(1) An application for certification shall be made on the form provided by the director.

(2) The application shall include all information requested thereon and such additional information as is requested by the director. At a minimum, the application shall contain:

(a) a description of the pollution control facility or the freestanding pollution control property;

(b) a description of the property, part, product, or service for a purchase or lease of property, a part, a product or a service for which a person seeks to claim a sales and use tax exemption under Section 19-12-201;

(c) the existing or proposed operation procedure for the pollution control facility or freestanding pollution control property; and

(d) a statement of the purpose served or to be served by the pollution control facility or freestanding pollution control property.

(3) Applications for certification shall include:

(a) a reference to the approval order issued under R307-401-8 that requires the pollution control facility or the freestanding pollution control property; or

(b) a reference to the section of the State Implementation Plan that requires the pollution control facility or the freestanding pollution control property; or

(c) an estimate of emission reductions (in tons per year) resulting from the use of the pollution control facility or the freestanding pollution control property.

(4) The director may require an application to contain additional information that the director finds necessary to determine whether to grant certification under Section 19-12-303.

R307-120-4. Issuance of Certification.

(1) The filing date of the application shall be the date the director receives a complete application with all of the information as described in R307-120-3. Within 120 days of the filing date of the application, the director will:

(a) issue a written certification of the pollution control facility or the freestanding pollution control property; or

(b) provide a written statement of the reason for the denial of certification.

(2) The director shall issue a certification of a pollution control facility or a freestanding pollution control property to the applicant if the director determines that:

(a) the application meets the requirements of Section 19-12-301(3) or 19-12-302(2);

(b) the facility or property that is the subject of the application is a pollution control facility or a freestanding pollution control property.

(c) the person who files the application is a person described in Section 19-12-301(1) or 19-12-302(1); and

(d) the purchases or leases for which the person seeks to claim a sales and use tax exemption are exempt under Section 19-12-201.

(3) The director may issue one certification for one or more pollution control facilities or freestanding pollution control properties that constitute an operational unit.

(4) If the director does not issue or deny a certification within 120 days after the date a person files an application, the director shall issue a certification to the person at the person's request.

R307-120-5. Exemptions from Certification.

The director shall not issue a certification for the following:

(1) a replacement of freestanding pollution control property; or

(2) property, a part, a product, or a service described in Sections 19-12-201(1)(b) through (e) used or performed in a repair or replacement related to:

(a) a pollution control facility; or

(b) a freestanding pollution control property.

(3) a pollution control facility or a freestanding pollution control property that has already received a certification under R307-120-5.

R307-120-6. Appeal and Revocation.

(1) A decision of the director may be reviewed by filing a Request for Agency Action as provided in R305-7.

(2) The director may revoke a certification issued under Section 19-12-303 if the director makes a determination as contained in Section 19-12-304.

KEY: air pollution, tax exemptions, equipment
Date of Last Change: March 5, 2015
Notice of Continuation: December 1, 2021
Authorizing, and Implemented or Interpreted Law: 19-12-101; 19-12-102; 19-12-201; 19-12-202; 19-12-203; 19-12-301; 19-12-302; 19-12-303; 19-12-304; 19-12-305

State of Utah
Administrative Rule Analysis
Revised May 2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R307-130**	**Filing ID: OFFICE USE ONLY**

Effective date:	**OFFICE USE ONLY**

1. Agency Information

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

2. Contact Persons

Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-130. General Penalty Policy.

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Section 19-2-104	Subsection 19-2-104 gives authority to the Utah Air Quality Board to adopt rules including those that require air pollution sources to perform air quality monitoring and install controls to meet the National Ambient Air Quality Standards (NAAQS).
Section 19-2-115	Section 19-2-115 describes fines or penalties associated with violations of air quality rules, orders, or permits.

C. 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 comments have been received since the last five-year review of this rule.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Section 19-2-115 describes fines or penalties associated with violations of air quality rules, orders, or permits. Rule R307-130 describes the categories of violation and the penalty amounts and any adjustments allowed. This rule is necessary to address non-compliance with air quality rules, orders, and permits. Rule R307-130 is a federally approved rule and part of the Utah State Implementation Plan.

4. 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 *Utah State Bulletin*.			
Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	**Date:**	08/12/2026
Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or a nonsubstantive change.			

R307. Environmental Quality, Air Quality.
R307-130. General Penalty Policy.
R307-130-1. Scope.

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

R307-130-2. Categories.

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

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

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

(a) Violation of emission standards and limitations of NESHAP.

(b) Emissions contributing to nonattainment area or PSD increment exceedences.

(c) Emissions resulting in documented public health effects and/or environmental damage.

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

Violations of the Utah Air Conservation Act, applicable State and Federal regulations, and orders to include:

(a) Significant levels of emissions resulting from violations of emission limitations or other regulations which are not within Category A.

(b) Substantial non-compliance with monitoring requirements.

(c) Significant violations of approval orders, compliance orders, and consent agreements not within Category A.

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

(e) Violations of reporting requirements of NESHAP.

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

Minor violations of the Utah Air Conservation Act, applicable State and Federal Regulations and orders having no significant public health or environmental impact to include:

(a) Reporting violations

(b) Minor violations of monitoring requirements, orders and agreements

(c) Minor violations of emission limitations or other regulatory requirements.

(4) Category D. Up to $299.00.

Violations of specific provisions of R307 which are considered minor to include:

(a) Violation of automobile emission standards and requirements

(b) Violation of wood-burning regulations by private individuals

(c) Open burning violations by private individuals.

R307-130-3. Adjustments.

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

(1) Good faith efforts to comply or lack of good faith. Good faith takes into account the openness in dealing with the violations, promptness in correction of problems, and the degree of cooperation with the State to include accessibility to information and the amount of State effort necessary to bring the source into compliance.

(2) Degree of wilfulness and/or negligence. In assessing wilfulness and/or negligence, factors to be considered include how much control the violator had over and the foreseeability of the events constituting the violation, whether the violator made or could have made reasonable efforts to prevent the violation, and whether the violator knew of the legal requirements which were violated.

(3) History of compliance or non-compliance. History of non-compliance includes consideration of previous violations and the resource costs to the State of past and current enforcement actions.

(4) Economic benefit of non-compliance. The amount of economic benefit to the source of non-compliance would be added to any penalty amount determined under this policy.

(5) Inability to pay. An adjustment downward may be made or a delayed payment schedule may be used based on a documented inability of the source to pay.

R307-130-4. Options.

Consideration may be given to suspension of monetary penalties in trade-off for expenditures resulting in additional controls and/or emissions reductions beyond those required to meet existing requirements. Consideration may be given to an increased amount of suspended penalty as a deterrent to future violations where appropriate.

KEY: air pollution, penalty
Date of Last Change: July 13, 2007
Notice of Continuation: December 1, 2021
Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-2-115

State of Utah
Administrative Rule Analysis
Revised May 2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R307-135**	**Filing ID: OFFICE USE ONLY**

Effective date:	**OFFICE USE ONLY**

1. Agency Information

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

2. Contact Persons

Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-135. Enforcement Response Policy for Asbestos Hazard Emergency Response Act.

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 19-2-104(1)(d)	Subsection 19-2-104(1)(d) gives authority to the Air Quality Board to adopt rules related to implementing the Toxic Substances Control Act, Subchapter II, Asbestos Hazard Emergency Response, 15 U.S.C. 2601 et seq. and 40 CFR Part 763 and 40 CFR Part 61. The Board also has authority to review and approve asbestos management plans submitted by local education agencies.
Section 19-2-115	Section 19-2-115 describes fines or penalties associated with violations of air quality rules, orders, or permits.
Section 19-2-116	Section 19-2-116 describes injunction or other remedies to prevent violations of air quality rules, orders, or permits.

C. 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 comments have been received since the last five-year review of this rule.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Section 19-2-115 describes fines or penalties associated with violations of air quality rules, orders, or permits. Rule R307-135 is necessary because it details the enforcement policy for violations of the Asbestos Hazard Emergency Response Act and sets penalties for non-compliance.

4. 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 *Utah State Bulletin*.			
Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	**Date:**	08/12/2026
Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or a nonsubstantive change.			

R307. Environmental Quality, Air Quality.
R307-135. Enforcement Response Policy for Asbestos Hazard Emergency Response Act.
R307-135-1. AHERA Penalty Policy Definitions.

The following additional definitions apply to R307-135:

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

"Local Education Agency" means:

(1) any local education agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381),

(2) the owner of any nonpublic, nonprofit elementary or secondary school building, or

(3) the governing authority of any school operated under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

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

(1) inspects the property of Local Education Agencies for asbestos-containing building materials for the purpose of the Local Education Agency's AHERA inspection requirements;

(2) prepares management plans for the purpose of the Local Education Agency's AHERA management plan requirements;

(3) designs or conducts response actions at Local Education Agency properties;

(4) analyzes bulk samples or air samples for the purpose of the compliance of the Local Education Agency with the AHERA requirements; or

(5) contracts with the Local Education Agency to perform any other AHERA-related function.

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

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

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

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

(a) first-time level 1 or 2 violations as specified in R307-135-5,

(b) subsequent level 3, 4, 5, or 6 violations as specified in R307-135-5,

(c) failure to inspect and submit a management plan within 60 days of issuance of a Notice of Noncompliance,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

R307-135-5. AHERA Enforcement Response Policy Penalties.

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

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

(a) Levels 1 and 2 (High): It is probable that the violation will cause harm.

(b) Levels 3 and 4 (Medium): There is a significant chance the violation will cause harm.

(c) Levels 5 and 6 (Low): There is a small chance the violation will result in harm.

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

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

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

(a) Major: violations involving more than 3,000 square feet or 1,000 linear feet of ACBM.

(b) Significant: violations involving more than 160 square feet or 260 linear feet but less than or equal to 3,000 square feet or 1,000 linear feet.

(c) Minor: violations involving less than or equal to 160 square feet or 260 linear feet.

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

TABLE 1

BASE PENALTY FOR LOCAL EDUCATION AGENCIES

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

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

TABLE 2

BASE PENALTY FOR OTHER PERSONS

CIRCUMSTANCES EXTENT

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

R307-135-6. Injunctive Relief.

(1) In accordance with Sections 19-2-116 and 117, the director may seek injunctive relief:

(a) in cases of imminent and substantial endangerment to human health and environment;

(b) where a Local Education Agency's non-compliance will significantly undermine the intent of the AHERA regulations; and

(c) for violations including, but not limited to:

(i) failure or refusal to make a management plan available to the public without cost or restriction;

(ii) failure or refusal to conduct legally sufficient air monitoring following a response action; or

(iii) the initiation of a response action without accredited personnel; or

(d) to restrain any violation of Title 19, Chapter 2 or R307 or any final order issued by the director when it appears to be necessary for the protection of health or welfare.

R307-135-7. Criminal Penalties.

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

KEY: air pollution, hazardous pollutant, asbestos, schools
Date of Last Change: November 8, 2012
Notice of Continuation: December 1, 2021
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(d); 19-2-115; 19-2-116; 19-2-117

State of Utah
Administrative Rule Analysis
Revised May 2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R307-320**	**Filing ID: OFFICE USE ONLY**

Effective date:	**OFFICE USE ONLY**

1. Agency Information

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

2. Contact Persons

Name:	**Phone:**	**Email:**
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-320. Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program.

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Section 19-2-104	Section 19-2-104 gives authority to the Utah Air Quality Board to adopt rules including those that require air pollution sources to perform air quality monitoring and install controls to meet the National Ambient Air Quality Standards (NAAQS). Subsection 19-2-104(1)(h) gives authority to the Board to adopt rules related to employer-based trip reduction programs in air quality nonattainment areas and for businesses with more than 100 employees at a single location. Subsection 19-2-104(2) requires the Board to consider the impact of the business on air quality and the need of the business to use automobiles to carry out business purposes when making rules related to employer-based trip reduction programs.
Clean Air Act Sections 182 and 189	Clean Air Act Sections 182 and 189 establish that states must submit provisions to the State Implementation Plan requiring the implementation of reasonable controls to meet ozone and particulate matter requirements, respectively.

C. 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 comments have been received since the last five-year review of this rule.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R307-320 details the employer-based trip reduction program for ozone maintenance areas in Utah and as a contingency measure for carbon monoxide in Ogden City. The purpose of this program is to reduce the number of measurable vehicle miles driven by employees commuting to and from work by requiring employers with work sites within ozone maintenance areas to implement strategies designed to reduce the employee drive-alone rate. This rule is authorized under Subsection 19-2-104(1)(h) and remains necessary to allow employer-based trip reduction programs.

4. 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 *Utah State Bulletin*.			
Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	**Date:**	08/12/2026
Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or a nonsubstantive change.			

R307. Environmental Quality, Air Quality.

R307-320. Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program.

R307-320-1. Purpose.

The purpose of this program is to reduce the number of measurable vehicle miles driven by employees commuting to and from work by requiring employers with work sites within ozone maintenance areas to implement strategies designed to reduce the employee drive-alone rate. An employer-based trip reduction program is authorized under 19-2-104(1)(h) and (2). It is a state implementation plan control strategy to reduce ambient ozone and is a potential contingency measure for carbon monoxide. An added benefit of the program is reducing the number of cars on increasingly congested roadways.

R307-320-2. Applicability.

(1) R307-320 applies to any federal, state, or local entity, or any other public department, district (including public universities and public school districts), or agency in Davis or Salt Lake County.

(2) If the contingency requirements for carbon monoxide are triggered as outlined in Section IX.C.8.f of the State Implementation Plan, R307-320 applies to any federal, state, or local entity, or any other public department, district (including public universities and public school districts), or agency in Ogden City.

R307-320-3. Definitions.

The following additional definitions apply to R307-320:

"Compressed Work Week" means any work schedule that eliminates at least one commute trip to a work site in each two week period.

"Drive-alone Rate" means the number of single-occupancy vehicles divided by the sum of single-occupancy vehicles, plus employees using mass transit, ridesharing, biking, walking, telecommuting or having credit for a compressed work week. The drive-alone rate calculation must be based on a typical Monday through Friday work week.

Drive-alone Rate = single-occupancy vehicles/(single-occupancy vehicles + mass transit users + rideshare participants + bikers + walkers + telecommuters + credit for compressed work week).

"Employee" means any person including persons employed by public universities or school districts, who works at or reports to a single work site at least three days per week for at least six months of the year.

"Employee Transportation Coordinator" means a person assigned the responsibility of developing, implementing, monitoring, tracking, and marketing the trip reduction plan for the employer.

"Employer" means federal, state, or local entity, or any other public department, district (including public universities or public school districts), or agency.

"Peak Travel Period" means the period beginning at 6 a.m. and ending at 10 a.m., Mondays through Fridays.

"Ridesharing" means transportation of more than one person for commute purposes in a vehicle.

"Single-occupancy Vehicles" means vehicles traveling to the work site with a driver and no passengers during the peak travel period.

"Target Drive-alone Rate" means a twenty percent reduction in the drive alone rate based on the 1990 census data for modes of travel in each county. The target drive-alone rate schedule is as follows:

TABLE
TARGET DRIVE-ALONE RATE SCHEDULE

	Davis County Drive-Alone Rate	Salt Lake County Drive-Alone Rate
From 1990 Census Data	0.76	0.77
1st year interim target drive-alone rate	0.72	0.73

2nd year interim target drive-alone rate	0.68	0.69
3rd year interim target drive-alone rate	0.67	0.67
4th year interim target drive-alone rate	0.65	0.65
5th year interim target drive-alone rate	0.63	0.64
6th year interim target drive-alone rate	0.61	0.62
Target drive-alone rate	0.61	0.62

"Telecommuting" means working at home or at a satellite work site, provided the employee does not use a single-occupancy vehicle to travel to the satellite work site.

"Trip Reduction Plan" means a set of strategies designed to reduce the drive-alone rate.

"Vehicle" means motorcycles and on-road vehicles powered by a gasoline or diesel internal combustion engine with nine or less seating positions for adults.

"Work Site" means a building and any group of buildings that are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of way.

R307-320-4. Employer Requirements.

(1) Each employer shall assign an employee trip reduction coordinator within 30 days after the effective date of R307-320.

(2) Each employer shall determine the drive-alone rate per work site on an annual basis for a typical Monday through Friday work week during the peak travel period. The drive-alone rate can be determined by one of the following methods in (a), (b) or (c) below.

(a) Information from an annual employee survey.

(i) The employer must use a standardized survey approved by the director. The survey shall ask the travel distance from the employee's home to the work site, what frequency and mode of transportation the employee used to get to work, and how often the employee participates in a telecommuting program or compressed work week schedule.

(ii) The employer shall administer the survey and shall capture, at a minimum, 75% of the employee population arriving at the work site during the peak travel period.

(b) Verifiable information, less than one year old of the submittal due date, from employer records including:

(i) employee work schedules;

(ii) employee participation in telecommuting schedules;

(iii) employee participation of mass transit;

(iv) employee participation in rideshare arrangements; and

(v) employee participation in non-vehicular transit.

(c) Another method of the employer's choosing, with written approval from the director.

(3) Each employer shall design and submit to the director an approvable trip reduction plan for each work site to meet the target drive-alone rate as specified by the target drive-alone rate schedule in R307-320-3.

(a) An employer may combine more than one work site in a trip reduction plan submittal.

(i) The target drive-alone rate for a multi-work site submission shall be a weighted average of the drive-alone rates for the individual work sites.

(ii) The employer may combine a trip reduction plan for any work site within the same county.

(b) The trip reduction plan submittal shall adhere to the following schedule:

(i) Submittal of a trip reduction plan shall be annually on or before the anniversary of the initial due date.

(ii) For employers within ozone maintenance areas:

(A) The trip reduction plan must be submitted for approval within 90 days after the employer has been notified.

(B) If the employer has not been notified, then the trip reduction plan must be submitted no later than 360 days after the effective date of this rule.

(c) Materials and information submitted to the director shall include:

(i) A letter of commitment to fully implement an approved trip reduction plan signed by an authorized employee at the work site.

(ii) The name and signature of the employee transportation coordinator;

(iii) The drive-alone rate for the work site;

(iv) General work site information including name and address of organization; general layout of buildings and parking areas; location of major streets; location of nearby mass transit stops; number of total employees; number of employees arriving at the work site during peak travel periods; current and planned incentives, disincentives, and facilities available encouraging alternatives to single-occupant vehicle commuting; the type of activities conducted at the work site; and the time spent by the employee transportation coordinator in complying with the plan.

(d) A trip reduction plan designed to meet the target drive-alone rate schedule may include but is not limited to employer involvement in the following:

(i) Subsidized bus passes;

(ii) Rideshare matching programs;

(iii) Vanpool leasing programs;

(iv) Telecommuting programs;

(v) Compressed work week schedule programs and flexible work schedule programs;

(vi) Work site parking fee programs;

(vii) Preferential parking for rideshare participants;

(viii) Transportation for business related activities;

(ix) A guaranteed ride home program;

(x) On-site facility improvements;

(xi) Soliciting feedback from employees;

(xii) On-site daycare facilities;

(xiii) Coordination with local transit authorities for improved mass transit service and information on mass transit programs; and

(xiv) Recognition and rewards for employee participation.

(e) An approvable plan shall contain all the information required in R307-320-4. The director will approve or request revision of the trip reduction plan within 60 days of the plan submittal.

(4) Each employer shall implement a trip reduction plan approved by the director.

(5) Each employer shall inform employees of the trip reduction plan and options available to them for participation.

R307-320-5. Recordkeeping.

(1) The employer shall keep records of all documents necessary to prove compliance with and verify implementation of an approved trip reduction plan for at least two years from the plan approval date.

(2) Approved trip reduction plans shall be kept for five years from date of approval.

(3) Employer trip reduction records are subject to review by representatives of the director.

R307-320-6. Violations.

(1) The following are violations of this rule:

(a) failure to submit an approvable employer-based trip reduction plan as specified in R307-320-4;
(b) providing false information;
(c) failure to submit a revised employer-based trip reduction plan when requested by the director;
(d) failure to implement an approved trip reduction plan;
(e) failure to maintain records as specified in R307-320-5;
(f) upon receipt of the second disapproval notice and until a revised plan is submitted and approved, the employer is in violation of this rule.
(2) Failure to achieve the target drive-alone rate is not a violation of this rule.

R307-320-7. Exemptions.

(1) An employer with less than 100 employees at a work site is exempt from the requirements of this rule.
(2) An employer who has met the target drive-alone rate is exempt from requirements stated in R307-320-4(3) and (4). The employer must still submit the drive-alone rate information to the director annually.
(3) Employees using vehicles for commute purposes as part of their job responsibility for emergency response are exempt from the drive-alone rate determination if they do not have the option, because of employer policies, to participate in telecommuting programs, compressed work week schedules, or as a rideshare driver, as approved by the director.
(a) An employer seeking exemption status shall comply with all requirements of the rule until an exemption is granted.
(b) The director shall approve or deny a request for exemption within 90 days of application.
(4) Other exemptions may be granted on a case by case basis and must be approved by the director.
(a) The employer seeking exemption must be able to demonstrate that the trip reduction program causes an adverse impact on the employer's ability to provide services or creates an undue hardship.
(b) The employer may also seek an exemption by providing an alternative to the Trip Reduction Program that shows, at a minimum, for the work site seeking exemption, a reduction in oxides of nitrogen equivalent to that achieved by the Trip Reduction Program when implemented to the target drive-alone rate schedule in the table in R307-320-3. The employer shall provide all substantiating information and calculations.
(c) An employer seeking exemption status shall comply with all requirements of the rule until an exemption is granted.
(d) The director shall approve or deny a request for exemption within 90 days of application.

KEY: air pollution, motor vehicles, trip reduction
Date of Last Change: March 9, 2007
Notice of Continuation: December 1, 2021
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(h)

State of Utah
Administrative Rule Analysis
Revised May 2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R307-325**	**Filing ID: OFFICE USE ONLY**
Effective date:	**OFFICE USE ONLY**	

1. Agency Information

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

2. Contact Persons

Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-325. Ozone Nonattainment and Maintenance Areas: General Requirements.

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Subsection 19-2-104(1)(a)	Subsection 19-2-104(1)(a) gives authority to the Utah Air Quality Board to adopt rules including those that require air pollution sources to perform air quality monitoring and install controls to meet the National Ambient Air Quality Standards (NAAQS).
Clean Air Act Sections 182 and 189	Clean Air Act Sections 182 and 189 establish that states must submit provisions to the State Implementation Plan requiring the implementation of reasonable controls to meet ozone and particulate matter requirements, respectively.

C. 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 comments have been received since the last five-year review of this rule.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R307-325 establishes the general requirements for control of volatile organic compounds in any nonattainment or maintenance area. This rule is federally approved, part of the Utah State Implementation Plan, and necessary to comply with Clean Air Act requirements and to protect public health.

4. 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 *Utah State Bulletin*.			
Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	**Date:**	08/12/2026
Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or a nonsubstantive change.			

R307. Environmental Quality, Air Quality.
R307-325. Ozone Nonattainment and Maintenance Areas: General Requirements.
R307-325-1. Purpose.

The purpose of R307-325 is to establish general requirements for control of volatile organic compounds (VOCs) in any nonattainment or maintenance area.

R307-325-2. Applicability.

R307-325 applies to all sources located in any nonattainment or maintenance area for ozone.

R307-325-3. Definition and General Requirement.

No person shall allow or cause volatile organic compounds (VOCs) to be spilled, discarded, stored in open containers, or handled in any other manner that would result in greater evaporation of VOCs than would have if reasonably available control technology (RACT) had been applied.

R307-325-4. Compliance Schedule.

All sources within any newly designated nonattainment area for ozone shall be in compliance with this rule within 180 days of the effective date of designation to nonattainment.

KEY: air pollution, emission controls, ozone, RACT
Date of Last Change: March 9, 2007
Notice of Continuation: December 1, 2021
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

State of Utah
Administrative Rule Analysis
Revised May 2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R307-326**	**Filing ID: OFFICE USE ONLY**

Effective date:	**OFFICE USE ONLY**

1. Agency Information

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

2. Contact Persons

Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-326. Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries.

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Subsection 19-2-104(1)(a)	Subsection 19-2-104(1)(a) gives authority to the Utah Air Quality Board to adopt rules including those that require air pollution sources to perform air quality monitoring and install controls to meet the National Ambient Air Quality Standards (NAAQS).
Clean Air Act Sections 182 and 189	Clean Air Act Sections 182 and 189 establish that states must submit provisions to the State Implementation Plan requiring the implementation of reasonable controls to meet ozone and particulate matter requirements, respectively.

C. 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 comments have been received since the last five-year review of this rule.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The purpose of Rule R307-326 is to establish Reasonably Available Control Technology (RACT), as required by Section 182(b)(2)(A) of the Clean Air Act, for the control of hydrocarbon emissions from petroleum refineries that are located in ozone nonattainment and maintenance areas. This rule is federally approved, part of the Utah State Implementation Plan, and necessary to comply with Clean Air Act requirements and to protect public health.

4. 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 *Utah State Bulletin*.			
Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	**Date:**	08/12/2026
Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or a nonsubstantive change.			

R307. Environmental Quality, Air Quality.

R307-326. Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries.

R307-326-1. Purpose.

The purpose of R307-326 is to establish Reasonably Available Control Technology (RACT), as required by section 182(b)(2)(A) of the Clean Air Act, for the control of hydrocarbon emissions from petroleum refineries that are located in ozone nonattainment and maintenance areas. The rule is based on federal control technique guidance documents.

R307-326-2. Applicability.

R307-326 applies to the owner or operator of any petroleum refinery located in any ozone nonattainment or maintenance area.

R307-326-3. Definitions.

The following additional definitions apply to R307-326.

"Accumulator" means the reservoir of a condensing unit receiving the condensate from the condenser.

"Condenser" means any device that removes condensable vapors by a reduction in the temperature of captured gases.

"Control System" means any number of control devices, including condensers, that are designed and operated to reduce the quantity of VOCs emitted to the atmosphere.

"Hot Well" means the reservoir of a condensing unit receiving the warm condensate consisting primarily of water from the condenser.

"Petroleum Refinery Complex" means any source or installation engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products through distillation of petroleum or through redistillation, cracking, rearrangement, or reforming of unfinished petroleum derivatives.

"Process Drain" means any drain used in a refinery complex on equipment that processes or transfers a VOC or a mixture of VOCs.

"Process Unit Turnaround" means the procedure of shutting a refinery unit down after a run to do necessary maintenance and repair work and putting the unit back in operation.

"Vacuum Producing System" means any reciprocating, rotary, or centrifugal blower or compressor, or any jet ejector or device that takes suction from a pressure below atmospheric and discharges against atmospheric pressure.

R307-326-4. Vacuum Producing Systems.

The emission of noncondensable VOCs from the condensers, hot wells, or accumulators of vacuum producing systems shall be controlled by:

(1) piping the noncondensable vapors to a firebox or incinerator, or

(2) compressing the vapors and adding them to the refinery fuel gas, or

(3) other equally effective means provided the design and effectiveness of such means are documented and submitted to and approved by the director.

R307-326-5. Wastewater (Oil/Water) Systems.

Any wastewater separator handling VOCs shall be equipped with:

(1) covers and seals approved by the Director on all separators and forebays,

(2) lids or seals on all openings in covers, separators, and forebays. Such lids or seals shall be in the closed position at all times except when in actual use.

R307-326-6. Process Unit Turnaround.

The owner or operator of a petroleum refinery shall insure that a minimum of VOCs are emitted to the atmosphere during process unit turnarounds. The owner or operator shall develop and submit to the director for approval a procedure for minimizing VOC emissions during turnarounds. At a minimum the procedure shall provide for:

(1) venting of the process unit or vessel during depressurization and purging to a vapor recovery system, flare or firebox, and

(2) preventing discharge to the atmosphere of emissions of VOCs from a process unit or vessel until its internal pressure is 136 kPa (19.7 psia) or less; or

(3) an equally effective system provided the design and effectiveness of such system are documented and submitted to and approved by the director.

(4) keeping records of the following items:

(a) every date that each process unit or vessel is shut down;

(b) the approximate vessel VOC concentration when the VOCs were first discharged to the atmosphere; and

(c) the approximate total quantity of VOCs emitted to the atmosphere.

(5) maintaining records. The records required in (4) above shall be kept for at least two years and shall be made available for review by the director or the director's representative.

R307-326-7. Catalytic Cracking Units.

Flue gas produced by catalytic cracker catalyst regeneration units shall be vented to a waste heat boiler or a process heater firebox, or incinerated, or controlled by other methods, provided the design and effectiveness of such methods are documented, submitted to, and approved by the director.

R307-326-8. Safety Pressure Relief Valves.

All safety pressure relief valves handling organic material shall be vented to a flare, firebox, or vapor recovery system, or controlled by the inspection, monitoring, and repair requirements described in R307-326-9.

R307-326-9. Monitoring of Leaks from Petroleum Refinery Equipment.

(1) The owner or operator of a petroleum refinery complex shall develop and conduct a VOC monitoring program and shall follow the recording, reporting, and operating requirements consistent with R307-326-9. The monitoring program shall be submitted 30 days prior to start up of the petroleum refinery complex or as determined necessary by the director.

(2) Any affected component within a petroleum refinery complex found to be leaking shall be repaired and retested as soon as practicable, but not later than fifteen (15) days after the leak is detected. A leaking component is defined as one that has a concentration of VOCs exceeding 10,000 parts per million by volume (ppmv) when tested by a VOC detection instrument at the leak source in the manner described in 40 CFR 60, Appendix A, Reference Method 21, using methane or hexane as the calibration gas. Components not subject to New Source Performance Standards Subpart GGG shall use methane or hexane as calibration gas, provided a relative response factor for each individual instrument is determined for the calibration gas used. Those leaks that cannot be repaired until the unit is shut down for turnaround shall be identified with a tag and recorded as per (6) below and shall be reported as per (7) below. The Director, in coordination with the refinery owner or operator, may require early unit turnaround based on the number and severity of tagged leaks awaiting turnaround.

(3) Monitoring Requirements.

(a) In order to ensure that all existing VOC leaks are identified and that new VOC leaks are located as soon as practicable, the refinery owner or operator shall perform necessary monitoring using visual observations when specified or the method described in 40 CFR 60, Appendix A, Reference Method 21, as follows:

(i) Monitor at least one time per year (annually) all pump seals, valves in liquid service, and process drains;

(ii) Monitor four times per year (quarterly) all compressor seals, valves in gaseous service, and pressure relief valves in gaseous service;

(iii) Monitor visually 52 times per year (weekly) all pump seals;

(iv) Monitor within 24 hours (with a portable VOC detection device) or repair within 15 days any pump seal from which liquids are observed dripping;

(v) Monitor any relief valve within 24 hours after it has been vented to the atmosphere;

(vi) Monitor immediately after repair any component that was found leaking;

(vii) For all other valves considered "unsafe-to-monitor" or inaccessible during an annual inspection, the owner or operator shall document to the director the number of valves considered "unsafe-to-monitor" or inaccessible, the dangers involved or reasons for inaccessibility, the location of these valves, and the procedures that the owner or operator shall follow to ensure that the valves do not leak. The documentation for each calendar year shall be submitted for approval to the director 15 days after the last day of each calendar year. At a minimum, the inaccessible valves shall be monitored at least once per year (annually).

(b) For the purpose of R307-326, gaseous service for pipeline valves and pressure relief valves is defined as the VOCs being gaseous at conditions that prevail in the components during normal operations. Pipeline valves and pressure relief valves in gaseous service and other components subject to leaks shall be noted or marked so that their location within the refinery complex is obvious to the refinery operator performing the monitoring and to the State of Utah, Division of Air Quality.

(4) Exemptions. The following are exempt from the monitoring requirements of (3) above:

(a) Pressure relief devices that are connected to an operating flare header, firebox, or vapor recovery devices, storage tank valves, and valves that are not externally regulated;

(b) Refinery equipment containing a stream composition less than 10 percent by weight VOCs; and

(c) Refinery equipment containing natural gas supplied by a public utility as defined by the Utah Public Service Commission.

(5) Alternate Monitoring Methods and Requirements.

(a) If at any time after two complete liquid service inspections and five complete gaseous service inspections, the owner or operator of a petroleum refinery can demonstrate that modifications to (3) above are in order, he may apply in writing to the Air Quality Board for a variance from the requirements of (3) above.

(b) This submittal shall include data that have been developed to justify the modification to (3) above. As a minimum, the submittal should contain the following information:

(i) the name and address of the company;

(ii) the name and telephone number of the responsible company representative;

(iii) a description of the proposed alternate monitoring procedures; and

(iv) a description of the proposed alternate operational or equipment controls.

(6) Recording Requirements. Identified leaks shall be noted and affixed with a readily visible and weatherproof tag bearing the identification of the leak and the date the leak was detected. The tag shall remain in place until the leaking component is repaired. The presence of the leak shall also be noted in a log maintained by the operator or owner of the refinery. The log shall contain, at a minimum, the name of the process unit where the component is located, the type of component, the tag number, the date the leak is detected, the date repaired, and the date and instrument reading when the recheck of the component is made. The log should also indicate those leaks that cannot be repaired until turnaround, and summarize the total number of components found leaking. The operator or owner of the refinery complex shall retain the leak detection log for two years after the leak has been repaired and shall make the log available to the director upon request.

(7) Reporting Requirements. The operator or owner of a petroleum refinery complex shall submit a report to the director by the 15th day of January, April, July, and October of each year listing the total number of components inspected, all leaks that have been located during the previous 3 calendar months but not repaired within 15 days, all leaking components awaiting unit turnaround and the total number of components found leaking. In addition, the refinery operator or owner shall submit a signed statement with each report that all monitoring has been performed as stipulated in R307-326-9.

(8) Additional Requirements. Any time a valve, with the exception of safety pressure relief valves, is located at the end of a pipe or line containing VOCs, the end of the line shall be sealed with one of the following: a second valve, a blind flange, a plug or a cap. This sealing device shall only be removed when the line is in use for sampling.

R307-326-10. Alternate Methods of Control.

(1) Any person may apply to the director for approval of an alternate test method, an alternate method of control, an alternate compliance period, an alternate emission limit, or an alternate monitoring schedule. The application must include a demonstration that the proposed alternate produces an equal or greater air quality benefit than that required by R307-326, or that the alternate test method is equivalent to that required by these rules. The director shall obtain concurrence from EPA when approving an alternate test method, an alternate method of control, an alternate compliance period, an alternate emission limit, or an alternate monitoring schedule.

(2) Manufacturer's operational specifications, records, and testings of any control system shall use the applicable EPA Reference Methods of 40 CFR Part 60, the most recent EPA test methods, or EPA-approved state methods, to determine the efficiency of the control device. In addition, the owner or operator must meet the applicable requirements of record keeping for any control device. A record of all tests, monitoring, and inspections required by R307-326 shall be maintained by the owner or operator for a minimum of 2 years and shall be made available to the director or the director's representative upon request. Any malfunctioning control device shall be repaired within 15 calendar days after it is found by the owner or operator to be malfunctioning, unless otherwise approved by the director.

(3) For purposes of determining compliance with emission limits, VOCs and nitrogen oxides will be measured by the test methods identified in federal regulation or approved by the director. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emissions standard.

R307-326-11. Compliance Schedule.

All sources within any newly designated nonattainment area for ozone shall be in compliance with this rule within 180 days of the effective date of designation to nonattainment.

KEY: air pollution, refinery, gasoline, ozone
Date of Last Change: March 9, 2007
Notice of Continuation: December 1, 2021
Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104(1)(a)

State of Utah
Administrative Rule Analysis
Revised May 2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R307-327**	**Filing ID: OFFICE USE ONLY**

Effective date:	**OFFICE USE ONLY**

1. Agency Information

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

2. Contact Persons

Name:	**Phone:**	**Email:**
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-327. Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage.

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Subsection 19-2-104(1)(a)	Subsection 19-2-104(1)(a) gives authority to the Utah Air Quality Board to adopt rules including those that require air pollution sources to perform air quality monitoring and install controls to meet the National Ambient Air Quality Standards (NAAQS).
Clean Air Act Sections 182 and 189	Clean Air Act Sections 182 and 189 establish that states must submit provisions to the State Implementation Plan requiring the implementation of reasonable controls to meet ozone and particulate matter requirements, respectively.

C. 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 comments have been received since the last five-year review of this rule.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The purpose of Rule R307-327 is to establish Reasonably Available Control Technology (RACT), as required by section 182(2)(A) of the Clean Air Act, for petroleum refineries and petroleum liquid storage facilities that are located in any ozone nonattainment or maintenance area. This rule is federally approved, part of the Utah State Implementation Plan, and necessary to comply with Clean Air Act requirements and to protect public health.

4. 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 *Utah State Bulletin*.			
Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	**Date:**	08/12/2026
Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or a nonsubstantive change.			

R307. Environmental Quality, Air Quality.
R307-327. Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage.
R307-327-1. Purpose.

The purpose of R307-327 is to establish Reasonably Available Control Technology (RACT), as required by section 182(2)(A) of the Clean Air Act, for petroleum refineries and petroleum liquid storage facilities that are located in any ozone nonattainment or maintenance area. The rule is based on federal control technique guidance documents.

R307-327-2. Applicability.

R307-327 applies to the owner or operator of any petroleum refinery or petroleum liquid storage facility located in any ozone nonattainment or maintenance area.

R307-327-3. Definitions.

The following additional definitions apply to R307-327:

"Average Monthly Storage Temperature" means the average daily storage temperature measured over a period of one month.

"Waxy, Heavy Pour Crude Oil" means a crude oil with a pour point of 50 degrees F or higher as determined by the American Society for Testing and Materials Standard D97-66, "Test for pourpoint of petroleum oils."

R307-327-4. General Requirements.

(1) Any existing stationary storage tank, reservoir or other container with a capacity greater than 40,000 gallons (150,000 liters) that is used to store volatile petroleum liquids with a true vapor pressure greater than 10.5 kilo pascals (kPa) (1.52 psia) at storage temperature shall be fitted with control equipment that will minimize vapor loss to the atmosphere. Storage tanks, except those erected before January 1, 1979, which are equipped with external floating roofs, shall be fitted with an internal floating roof that shall rest on the surface of the liquid contents and shall be equipped with a closure seal or seals to close the space between the roof edge and the tank wall, or alternative equivalent controls, provided the design and effectiveness of such equipment is documented and submitted to and approved by the director. The owner or operator shall maintain a record of the type and maximum true vapor pressure of stored liquid.

(2) The owner or operator of a petroleum liquid storage tank not subject to (1) above, but containing a petroleum liquid with a true vapor pressure greater than 7.0 kPa (1.0 psia), shall maintain records of the average monthly storage temperature, the type of liquid, throughput quantities, and the maximum true vapor pressure.

R307-327-5. Installation and Maintenance.

(1) The owner or operator shall ensure that all control equipment on storage vessels is properly installed and maintained.

(a) There shall be no visible holes, tears or other openings in any seal or seal fabric and all openings, except stub drains, shall be equipped with covers, lids, or seals.

(b) All openings in floating roof tanks, except for automatic bleeder vents, rim space vents, and leg sleeves, shall provide a projection below the liquid surface.

(c) The openings shall be equipped with a cover, seal, or lid.

(d) The cover, seal, or lid is to be in a closed position at all times except when the device is in actual use.

(e) Automatic bleeder vents shall be closed at all times except when the roof is floated off or landed on the roof leg supports. Rim vents shall be set to open when the roof is being floated off the leg supports or at the manufacturer's recommended setting.

(f) Any emergency roof drain shall be provided with a slotted membrane fabric cover or equivalent cover that covers at least 90 percent of the area of the opening.

(2) The owner or operator shall conduct routine inspections from the top of the tank for external floating roofs or through roof hatches for internal floating roofs at six month or shorter intervals to insure there are no holes, tears, or other openings in the seal or seal fabric.

(a) The cover must be uniformly floating on or above the liquid and there must be no visible defects in the surface of the cover or petroleum liquid accumulated on the cover.

(b) The seal(s) must be intact and uniformly in place around the circumference of the cover between the cover and tank wall.

(3) A close visible inspection of the primary seal of an external floating roof is to be conducted at least once per year from the roof top unless such inspection requires detaching the secondary seal, which would result in damage to the seal system.

(4) Whenever a tank is emptied and degassed for maintenance, an emergency, or any other similar purpose, a close visible inspection of the cover and seals shall be made.

(5) The director must be notified 7 days prior to the refilling of a tank that has been emptied, degassed for maintenance, an emergency, or any other similar purpose. Any non-compliance with this rule must be corrected before the tank is refilled.

R307-327-6. Retrofits for Floating Roof Tanks.

(1) Except where specifically exempted in (3) below, all existing external floating roof tanks with capacities greater than 950 barrels (40,000 gals) shall be retrofitted with a continuous secondary seal extending from the floating roof to the tank wall (a rim-mounted secondary seal) if:

(a) The tank is a welded tank, the true vapor pressure of the contained liquid is 27.6 kPa (4.0 psia) or greater and the primary seal is one of the following:

(i) A metallic type shoe seal, a liquid-mounted foam seal, a liquid-mounted liquid-filled seal, or

(ii) Any other primary seals that can be demonstrated equivalent to the above primary seals.

(b) The tank is a riveted tank, the true vapor pressure of the contained liquid is 10.5 kPa (1.5 psia) or greater, and the primary seal is as described in (a) above.

(c) The tank is a welded or riveted tank, the true vapor pressure of the contained liquid is 10.5 kPa (1.5 psia) or greater and the primary seal is vapor-mounted. When such primary seal closure device can be demonstrated equivalent to the primary seals described in (a) above, these processes apply.

(2) The owner or operator of a storage tank subject to this rule shall ensure that all the seal closure devices meet the following requirements:

(a) There shall be no visible holes, tears, or other openings in the seals or seal fabric.

(b) The seals must be intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall.

(c) For vapor mounted primary seals, the accumulated area of gaps between the secondary seal and the tank wall shall not exceed 21.2 cm^2 per meter of tank diameter (1.0 in^2 per ft. of tank diameter) and the width of any gap shall not exceed 1.27 cm (1/2 in.). The owner or operator shall measure the secondary seal gap annually and make a record of the measurement.

(3) The following are specifically exempted from the requirements of (1) above:

(a) External floating roof tanks having capacities less than 10,000 barrels (420,000 gals) used to store produced crude oil and condensate prior to custody transfer.

(b) A metallic type shoe seal in a welded tank that has a secondary seal from the top of the shoe seal to the tank wall (a shoe mounted secondary seal).

(c) External floating roof tanks storing waxy, heavy pour crudes.

(d) External floating roof tanks with a closure seal device or other devices installed that will control volatile organic compounds (VOC) emissions with an effectiveness equal to or greater than the seals required in (1) above. It shall be the responsibility of the owner or operator of the source to demonstrate the effectiveness of the alternative seals or devices to the director. No exemption under (3) shall be granted until the alternative seals or devices are approved by the director.

R307-327-7. Alternate Methods of Control.

(1) Any person may apply to the director for approval of an alternate test method, an alternate method of control, an alternate compliance period, an alternate emission limit, or an alternate monitoring schedule. The application must include a demonstration that the proposed alternate produces an equal or greater air quality benefit than that required by R307-327, or that the alternate test method is equivalent to that required by these rules. The director shall obtain concurrence from EPA when approving an alternate test method, an alternate method of control, an alternate compliance period, an alternate emission limit, or an alternate monitoring schedule.

(2) Manufacturer's operational specifications, records, and testings of any control system shall use the applicable EPA Reference Methods of 40 CFR Part 60, the most recent EPA test methods, or EPA-approved state methods, to determine the efficiency of the control device. In addition, the owner or operator must meet the applicable requirements of record keeping for any control device. A record of all tests, monitoring, and inspections required by R307-327 shall be maintained by the owner or operator for a minimum of 2 years and shall be made available to the director or the director's representative upon request. Any malfunctioning control device shall be repaired within 15 calendar days after it is found by the owner or operator to be malfunctioning, unless otherwise approved by the director.

(3) For purposes of determining compliance with emission limits, VOCs and nitrogen oxides will be measured by the test methods identified in federal regulation or approved by the director. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emissions standard.

R307-327-8. Compliance Schedule.

All sources within any newly designated nonattainment area for ozone shall be in compliance with this rule within 180 days of the effective date of designation to nonattainment.

KEY: air pollution, petroleum, gasoline, ozone
Date of Last Change: March 9, 2007
Notice of Continuation: December 1, 2021
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

State of Utah
Administrative Rule Analysis
Revised May 2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R307-328**	**Filing ID: OFFICE USE ONLY**

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1. Agency Information

Title catchline:	Environmental Quality, Air Quality
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Street address:	195 N 1950 W
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Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-328. Gasoline Transfer and Storage.

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Subsection 19-2-104(1)(a)	Subsection 19-2-104(1)(a) gives authority to the Utah Air Quality Board to adopt rules including those that require air pollution sources to perform air quality monitoring and install controls to meet the National Ambient Air Quality Standards (NAAQS).
Clean Air Act Sections 182 and 189	Clean Air Act Sections 182 and 189 establish that states must submit provisions to the State Implementation Plan requiring the implementation of reasonable controls to meet ozone and particulate matter requirements, respectively.

C. 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 comments have been received since the last five-year review of this rule.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The purpose of Rule R307-328 is to establish requirements for the control of gasoline vapors during the filling of gasoline cargo tanks and storage tanks. The rule is based on federal stage I vapor recovery control technique guidance documents. This rule is federally approved, part of the Utah State Implementation Plan, and necessary to comply with Clean Air Act requirements and to protect public health.

4. Agency Authorization Information

<table>
<tr><td colspan="4">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 Utah State Bulletin.</td></tr>
<tr><td>Agency head or designee and title:</td><td>Bryce C. Bird, Director, Division of Air Quality</td><td>Date:</td><td>08/12/2026</td></tr>
<tr><td colspan="4">Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or a nonsubstantive change.</td></tr>
</table>

R307. Environmental Quality, Air Quality.
R307-328. Gasoline Transfer and Storage.
R307-328-1. Purpose.

The purpose of Rule R307-328 is to establish requirements for the control of gasoline vapors during the filling of gasoline cargo tanks and storage tanks. The rule is based on federal control technique guidance documents. These requirements are commonly referred to as stage I vapor recovery.

R307-328-2. Applicability.

(1) Gasoline cargo tanks. Rule R307-328 applies to the owner or operator of any gasoline cargo tank that loads or unloads gasoline in Utah.

(2) Gasoline dispensing. Rule R307-328 applies to the owner or operator of any bulk terminal, bulk plant, stationary storage container, or service station located in Utah that dispenses 10,000 gallons or more in any one calendar month.

(3) Subsection R307-328-5(3)(c) applies to gasoline service stations located in Utah.

(4) References to 40 CFR in Rule R307-328 shall mean the version of the Code of Federal Regulations that is effective as of the date referenced in Section R307-101-3.

R307-328-3. Definitions.

The following additional definitions apply to Rule R307-328.

"Bottom filling" means the filling of a tank through an inlet at or near the bottom of the tank designed to have the opening covered by the liquid after the pipe normally used to withdraw liquid can no longer withdraw any liquid.

"Submerged fill pipe" means any fill pipe with a discharge opening that is entirely submerged when the liquid level is 6 inches above the bottom of the tank and the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid.

"Gasoline cargo tank" means gasoline cargo tank as defined in 40 CFR 63.421 that is incorporated by reference.

R307-328-4. Loading of Tank Trucks, Trailers, Railroad Tank Cars, and Other Transport Vehicles.

(1) No person shall load or permit the loading of gasoline into any gasoline cargo tank unless the emissions from such vehicle are controlled by use of a vapor collection and control system and submerged or bottom filling. Vapor emissions to the atmosphere shall not exceed 0.640 pounds per 1,000 gallons transferred.

(2) The vapor collection and control system required by Subsection (1) shall be properly installed and maintained.

(3) The loading device shall not leak.

(4) The loading device shall utilize the dry-break loading design couplings and shall be maintained and operated to allow no more than an average of 15 cc drainage per disconnect for five consecutive disconnects.

(5) Loading and vapor lines shall be equipped with fittings which make a vapor tight connection and shall automatically close upon disconnection to prevent the release of organic material.

(6) A gasoline storage and transfer installation that receives inbound loads and dispatches outbound loads (bulk plant) need not comply with Section R307-328-4 if it does not have a daily average throughput of more than 3,900 gallons or 15,000 or more liters of gasoline based upon a 30-day rolling average. Such installations shall on-load and off-load gasoline by use of bottom or submerged filling. The emission limitation is based on operating procedures and equipment specifications using Reasonably Available Control Technology as defined in EPA documents EPA 450/2-77-026 October 1977, "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals," and EPA-450/2-77-035 December 1977, "Control of Volatile Organic Emissions from Bulk Gasoline Plants." The design effectiveness of

such equipment and the operating procedures must be documented and submitted to and approved by the director.

(7) Hatches of gasoline cargo tanks shall not be opened at any time during loading operations except to avoid emergency situations or during emergency situations. Pressure relief valves on storage tanks and gasoline cargo tanks shall be set to release at the highest possible pressure, in accordance with State or local fire codes and National Fire Prevention Association guidelines. Pressure in the vapor collection system shall not exceed the gasoline cargo tank pressure relief setting.

(8) Each owner or operator of a gasoline storage or dispensing installation shall conduct testing of vapor collection systems used at such installation and shall maintain records of tests for no less than two years. Testing procedures of vapor collection systems shall be approved by the director and shall be consistent with the procedures described in the EPA document, "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems," EPA-450/2-78-051.

(9) Semi-annual testing shall be conducted and records maintained of such test. The frequency of tests may be altered by the director upon submittal of documentation that would justify a change.

(10) The vapor collection and vapor processing equipment shall be designed and operated to prevent gauge pressure in the gasoline cargo tank from exceeding 18 inches of water and prevent vacuum from exceeding 6 inches of water. During testing and monitoring, there shall be no reading greater than or equal to 100% of the lower explosive limit measured at 1.04 inches around the perimeter of a potential leak source as detected by a combustible gas detector. Potential leak sources include piping, seals, hoses, connections, pressure or vacuum vents, and vapor hoods. In addition, no visible liquid leaks are permitted during testing or monitoring.

R307-328-5. Stationary Source Container Loading.

(1) No person shall transfer or permit the transfer of gasoline from any gasoline cargo tank into any stationary storage container with a capacity of 250 gallons or greater unless such container is equipped with a submerged fill pipe that extends to no more than 12 inches from the bottom of the storage tank for fill pipes installed on or before November 9, 2006, and no more than six inches from the bottom of the storage tank for fill pipes installed after November 9, 2006, and at least 90% of the gasoline vapor, by weight, displaced during the filling of the stationary storage container is prevented from being released to the atmosphere. This requirement shall not apply to:

(a) the transfer of gasoline into any stationary storage container of less than 550 gallons used primarily for the fueling of implements of husbandry if such container is equipped with a permanent submerged fill pipe;

(b) the transfer of gasoline into any stationary storage container having a capacity of less than 2,000 gallons which was installed before January 1, 1979, if such container is equipped with a permanent submerged fill pipe; or

(c) the transfer of gasoline to storage tanks equipped with floating roofs or their equivalent which have been approved by the director.

(2) The 90% performance standard of the vapor control system shall be based on operating procedures and equipment specifications. The design effectiveness of such equipment and the operating procedure must be documented and submitted to and approved by the director.

(3) Each owner or operator of a gasoline storage tank or the owner or operator of the gasoline cargo tank subject to Subsection (1) shall install vapor control equipment, which includes:

(a) vapor return lines and connections sufficiently free of restrictions to allow transfer of vapor to the gasoline cargo tank or to the vapor control system, and to achieve the required recovery;

(b) a means of assuring that the vapor return lines are connected to the gasoline cargo tank, or vapor control system, and storage tank during tank filling;

(c) restrictions in the storage tank vent line designed and operated to prevent:

(i) the release of gasoline vapors to the atmosphere during normal operation; and

(ii) gauge pressure in the gasoline cargo tank from exceeding 18 inches of water and vacuum from exceeding 6 inches of water; and

(d) a pressure vacuum relief valve on the vent line of each storage tank that:

(i) is set to open at eight oz. per square inch or greater pressure and four oz. per square inch or greater vacuum; and

(ii) is tested initially and every three years thereafter using the California Air Resources Board Test Procedure 201.1E.

(e) Test records shall be submitted to the director.

R307-328-6. Gasoline Cargo Tank.

(1) Gasoline cargo tanks must be designed and maintained to be vapor tight during loading and unloading operations as well as during transport, except for normal pressure venting required under United States Department of Transportation Regulations.

(2) The design of the vapor recovery system shall be such that when the gasoline cargo tank is connected to an approved storage tank vapor recovery system or loading terminal, 90% vapor recovery efficiencies are realized. The connectors of the gasoline cargo tanks shall be compatible with the fittings on the fill pipes and vapor vents at the storage containers and gasoline loading terminals where the gasoline cargo tank will service or be serviced. Adapters may be used to achieve compatibility.

(3) No person shall knowingly allow the introduction of gasoline into, dispensing of gasoline from, or transportation of gasoline in a gasoline cargo tank that does not meet the leak tight testing requirements of Section R307-328-7.

(4) A vapor-laden gasoline cargo tank may be refilled only at installations equipped to recover, process, or dispose of vapors. Gasoline cargo tanks that only service locations with storage containers specifically exempted from the requirements of Section R307-328-5 need not be retrofitted to comply with Subsections R307-328-6(1) through (3), provided such gasoline cargo tanks are loaded through a submerged fill pipe or equivalent equipment provided the design and effectiveness of such equipment are documented and submitted to and approved by the director.

R307-328-7. Vapor Tightness Testing.

(1) Gasoline cargo tanks and their vapor collection systems shall be tested annually for leakage in accordance with the test methods and vapor tightness standards in 40 CFR 63.425(e) which are incorporated by reference.

(2) Each owner or operator of a gasoline cargo tank shall have documentation in their possession demonstrating that the gasoline cargo tank has passed the annual test in Subsection (1) within the preceding 12 months.

(3) The vapor tightness documentation described in Subsection (2), as well as record of any maintenance performed, shall be retained by the owner or operator of the gasoline cargo tank for a two-year period and be available for review by the director or the director's representative.

(4) The owner or operator of a railcar gasoline cargo tank may use the testing, recordkeeping, and reporting requirements in 40 CFR 63.425(i), which is incorporated by reference as an alternative to the annual testing requirements in Subsections (1) through (3).

R307-328-8. Alternate Methods of Control.

(1) Any person may apply to the director for approval of an alternate test method, an alternate method of control, an alternate compliance period, an alternate emission limit, or an alternate monitoring schedule. The application must include a demonstration that the proposed alternate produces an equal or greater air quality benefit than that required by Rule R307-328, or that the alternate test method is equivalent to that required by Rule R307-328. The director shall obtain concurrence from EPA when approving an alternate test method, an alternate method of control, an alternate compliance period, an alternate emission limit, or an alternate monitoring schedule.

(2) Manufacturer's operational specifications, records, and testing of any control system shall use the applicable EPA Reference Methods of 40 CFR Part 60 or other EPA-approved methods, to determine the efficiency of the control device. In addition, the owner or operator must meet the applicable

requirements of record keeping for any control device. A record of all tests, monitoring, and inspections required by Rule R307-328 shall be maintained by the owner or operator for a minimum of two years and shall be made available to the director or the director's representative upon request. Any malfunctioning control device shall be repaired within 15 calendar days after it is found by the owner or operator to be malfunctioning unless otherwise approved by the director.

(3) For purposes of determining compliance with emission limits, volatile organic compounds and nitrogen oxides will be measured by the test methods identified in federal regulations or approved by the director. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emissions standard.

R307-328-9. Compliance Schedule.

(1) Effective May 1, 2023, facilities subject to this rule shall be in compliance with this rule.

R307-328-10. Authorized Contractors.

Modifications performed on underground storage tanks regulated by Title 19, Chapter 6, Part 4, the Utah Underground Storage Tank Act shall be performed by contractors certified under Rule R311-201 to bring these underground storage tanks into compliance with Rule R307-328.

KEY: air pollution, gasoline transport, ozone
Date of Last Change: February 2, 2023
Notice of Continuation: December 1, 2021
Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104(1)(a)

State of Utah
Administrative Rule Analysis
Revised May 2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R307-335**	**Filing ID: OFFICE USE ONLY**
Effective date:	**OFFICE USE ONLY**	

1. Agency Information

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

2. Contact Persons

Name:	**Phone:**	**Email:**
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-335. Degreasing.

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Subsection 19-2-104(1)(a)	Subsection 19-2-104(1)(a) gives authority to the Utah Air Quality Board to adopt rules including those that require air pollution sources to perform air quality monitoring and install controls to meet the National Ambient Air Quality Standards (NAAQS).
Clean Air Act Sections 182 and 189	Clean Air Act Sections 182 and 189 establish that states must submit provisions to the State Implementation Plan requiring the implementation of reasonable controls to meet ozone and particulate matter requirements, respectively.

C. 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 comments have been received since the last five-year review of this rule.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The purpose of Rule R307-335 is to limit volatile organic compound (VOC) emission from degreasing operations. This rule is federally approved, part of the Utah State Implementation Plan, and necessary to comply with Clean Air Act requirements and to protect public health.

4. 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 *Utah State Bulletin*.			
Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	**Date:**	08/12/2026
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R307. Environmental Quality, Air Quality.
R307-335. Degreasing.
R307-335-1. Purpose.

The purpose of this rule is to limit volatile organic compound (VOC) emission from degreasing operations.

R307-335-2. Applicability.

R307-335 applies to degreasing operations that use VOCs and that are located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, or Weber counties.

R307-335-3. Definitions.

The following additional definitions apply to R307-335:

"Batch open top vapor degreasing" means the batch process of cleaning and removing grease and soils from metal surfaces by condensing hot solvent vapor on the colder metal parts.

"Cold cleaning" means the batch process of cleaning and removing soils from metal surfaces by spraying, brushing, flushing or immersing while maintaining the solvent below its boiling point.

"Conveyorized degreasing" means the continuous process of cleaning and removing greases and soils from metal surfaces by using either cold or vaporized solvents.

"Freeboard ratio" means the freeboard height (distance between solvent line and top of container) divided by the width of the degreaser.

"Open top vapor degreaser" means the batch process of cleaning and removing soils from metal surfaces by condensing low solvent vapor on the colder metal parts.

R307-335-4. Cold Cleaning Facilities.

No owner or operator shall operate a degreasing or solvent cleaning operation unless conditions in R307-335-4(1) through (7) are met.

(1) A cover shall be installed which shall remain closed except during actual loading, unloading or handling of parts in cleaner. The cover shall be designed so that it can be easily operated with one hand if:

(a) The volatility of the solvent is greater than 2 kPa (15 mm Hg or 0.3 psi) measured at 38 degrees C (100 degrees F),

(b) The solvent is agitated, or

(c) The solvent is heated.

(2) An internal draining rack for cleaned parts shall be installed on which parts shall be drained until all dripping ceases. If the volatility of the solvent is greater than 4.3 kPa (32 mm Hg at 38 degrees C (100 degrees F)), the drainage facility must be internal, so that parts are enclosed under the cover while draining. The drainage facility may be external for applications where an internal type cannot fit into the cleaning system.

(3) Waste or used solvent shall be stored in covered containers.

(4) Tanks, containers and all associated equipment shall be maintained in good operating condition, and leaks shall be repaired immediately or the degreaser shall be shutdown.

(5) Written procedures for the operation and maintenance of the degreasing or solvent cleaning equipment shall be permanently posted in an accessible and conspicuous location near the equipment.

(6) If the solvent volatility is greater than 4.3 kPa (33 mm Hg or 0.6 psi) measured at 38 degrees C (100 degrees F), or if solvent is heated above 50 degrees C (120 degrees F), then one of the following control devices shall be used:

(a) Freeboard that gives a freeboard ratio greater than 0.7;

(b) Water cover if the solvent is insoluble in and heavier than water); or

(c) Other systems of equivalent control, such as a refrigerated chiller or carbon adsorption.

(7) If used, the solvent spray shall be a solid fluid stream at a pressure that does not cause excessive splashing and may not be a fine, atomized or shower type spray.

R307-335-5. Open Top Vapor Degreasers.

Owners or operators of open top vapor degreasers shall, in addition to meeting the requirements of R307-335-4(3), (4) and (5),

(1) Equip the vapor degreaser with a cover that can be opened and closed without disturbing the vapor zone. The cover shall be closed except when processing work loads through the degreaser;

(2) Install one of the following control devices:

(a) Equipment necessary to sustain:

(i) A freeboard ratio greater than or equal to 0.75, and

(ii) A powered cover if the degreaser opening is greater than 1 square meter (10.8 square feet),

(b) Refrigerated chiller,

(c) Enclosed design (cover or door opens only when the dry part is actually entering or exiting the degreaser),

(d) Carbon adsorption system, with ventilation greater than or equal to 15 cubic meters per minute per square meter (50 cubic feet per minute per square foot) of air/vapor area when cover is open and exhausting less than 25 parts per million of solvent averaged over one complete adsorption cycle;

(3) Minimize solvent carryout by:

(a) Racking parts to allow complete drainage,

(b) Moving parts in and out of the degreaser at less than 3.3 meters per minute (11 feet per minute),

(c) Holding the parts in the vapor zone at least 30 seconds or until condensation ceases,

(d) Tipping out any pool of solvent on the cleaned parts before removal, and

(e) Allowing the parts to dry within the degreaser for at least 15 seconds or until visibly dry.

(4) Spray parts only in or below the vapor level;

(5) Not use ventilation fans near the degreaser opening, nor provide exhaust ventilation exceeding 20 cubic meters per minute per square meter (65 cubic feet per minute per square foot) in degreaser open area, unless necessary to meet state and federal occupational, health, and safety requirements.

(6) Not degrease porous or absorbent materials, such as cloth, leather, wood or rope;

(7) Not allow work loads to occupy more than half of the degreaser's open top area;

(8) Ensure that solvent is not visually detectable in water exiting the water separator;

(9) Install safety switches on the following:

(a) Condenser flow switch and thermostat (shuts off sump heat if condenser coolant is either not circulating or too warm); and

(b) Spray switch (shuts off spray pump if the vapor level drops excessively, i.e., greater than 10 cm (4 inches).

(10) Open top vapor degreasers with an open area smaller than one square meter (10.8 square feet) are exempt from R307-335-5(2)(b) and (d).

R307-335-6. Conveyorized Degreasers.

Owners and operators of conveyorized degreasers shall, in addition to meeting the requirements of R307-335-4(3), (4) and (5) and R307-335-5(5):

(1) Install one of the following control devices for conveyorized degreasers with an air/vapor interface equal to or greater than two square meters (21.5 square feet):

(a) Refrigerated chiller; or

(b) Carbon adsorption system, with ventilation greater than or equal to 15 cubic meters per minute per square meter (50 cubic feet per minute per square foot) of air/vapor area when downtime covers are open, and exhausting less than 25 parts per million of solvent, by volume, averaged over a complete adsorption cycle.

(2) Equip the cleaner with equipment, such as a drying tunnel or rotating (tumbling) basket, sufficient to prevent cleaned parts from carrying out solvent liquid or vapor.

(3) Provide downtime covers for closing off the entrance and exit during shutdown hours. Ensure that down-time cover is placed over entrances and exits of conveyorized degreasers immediately after the conveyor and exhaust are shut down and is removed just before they are started up.

(4) Minimize carryout emissions by racking parts for best drainage and maintaining the vertical conveyor speed at less than 3.3 meters per minute (11 feet per minute).

(5) Minimize openings: Entrances and exits should silhouette work loads so that the average clearance (between parts and the edge of the degreaser opening) is either less than 10 cm (4 inches) or less than 10% of the width of the opening.

(6) Install safety switches on the following:

(a) Condenser flow switch and thermostat - shuts off sump heat if coolant is either not circulating or too warm;

(b) Spray switch - shuts off spray pump or conveyor if the vapor level drops excessively, i.e., greater than 10 cm or (4 inches); and

(c) Vapor level control thermostat - shuts off sump level if vapor level rises too high.

(7) Ensure that solvent is not visibly detectable in the water exiting the water separator.

R307-335-7. Recordkeeping.

The owner or operator shall maintain, for a minimum of two years, appropriate records to demonstrate compliance with R307-335.

KEY: air pollution, degreasing
Date of Last Change: October 29, 2017
Notice of Continuation: December 1, 2021
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

State of Utah
Administrative Rule Analysis
Revised May 2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R307-341**	**Filing ID: OFFICE USE ONLY**
Effective date:	**OFFICE USE ONLY**	

1. Agency Information

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

2. Contact Persons

Name:	**Phone:**	**Email:**
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-341. Ozone Nonattainment and Maintenance Areas: Cutback Asphalt.

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Subsection 19-2-104(1)(a)	Subsection 19-2-104(1)(a) gives authority to the Utah Air Quality Board to adopt rules including those that require air pollution sources to perform air quality monitoring and install controls to meet the National Ambient Air Quality Standards (NAAQS).
Clean Air Act Sections 182 and 189	Clean Air Act Sections 182 and 189 establish that states must submit provisions to the State Implementation Plan requiring the implementation of reasonable controls to meet ozone and particulate matter requirements, respectively.

C. 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 comments have been received since the last five-year review of this rule.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R307-341 establishes Reasonably Achievable Control Technology (RACT) requirements for the use or application of cutback asphalt in ozone nonattainment and maintenance areas. This rule is federally approved, part of the Utah State Implementation Plan, and necessary to comply with Clean Air Act requirements and to protect public health.

4. 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 *Utah State Bulletin*.			
Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	**Date:**	08/12/2026
Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or a nonsubstantive change.			

R307. Environmental Quality, Air Quality.

R307-341. Ozone Nonattainment and Maintenance Areas: Cutback Asphalt.

R307-341-1. Purpose.

This rule establishes reasonably achievable control technology (RACT) requirements for the use or application of cutback asphalt in ozone nonattainment and maintenance areas.

R307-341-2. Applicability.

R307-341 applies to any person who uses or applies asphalt in any ozone nonattainment or maintenance area.

R307-341-3. Definitions.

The following additional definitions apply to R307-341:

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

"Asphalt Concrete" means a waterproof and durable paving material composed of dried aggregate that is evenly coated with hot asphalt cement.

"Cutback Asphalt" means any asphalt that has been liquified by blending with petroleum solvents (diluents) or, in the case of some slow cure asphalts (road oils), which have been produced directly from the distillation of petroleum.

"Emulsified Asphalt" means asphalt emulsions produced by combining asphalt with water that contains an emulsifying agent.

"Patch Mix" means a mixture of an asphalt binder and aggregate in which cutback or emulsified asphalts are used either as sprayed liquid or as a binder.

"Penetrating Prime Coat" means an application of low-viscosity liquid asphalt to an absorbent surface in order to prepare it for paving with asphaltic concrete.

R307-341-4. Limitations on Use of Cutback Asphalt.

No person shall cause, allow, or permit the use or application of cutback asphalt, or emulsified asphalt containing more than 7 percent oil distillate, as determined by ASTM distillation test D-244, except as provided below:

(1) Where the use or application commences on or after October 1 of any year and such use or application is completed by April 30 of the following year;

(2) Where long-life (longer than 1 month) stockpile storage of patch mix is demonstrated to the director to be necessary;

(3) Where the asphalt is to be used solely as a penetrating prime coat;

(4) Where the user can demonstrate that there are no emissions of volatile organic compounds from the asphalt under conditions of normal use;

(5) Where the use or application is for the paving of parking lots smaller than 300 parking stalls.

R307-341-5. Recordkeeping.

Any person subject to R307-341 shall keep records for at least two years of the types and amounts of cutback or emulsified asphalt used, the amounts of solvents added, and the location where the asphalt is applied. The records shall be made available to the director upon request.

R307-341-6. Compliance Schedule.

All sources within any newly designated nonattainment area for ozone shall be in compliance with this rule within 180 days of the effective date of designation to nonattainment.

KEY: air pollution, emission controls, asphalt, solvent

Date of Last Change: January 16, 2007

Notice of Continuation: December 1, 2021

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

State of Utah
Administrative Rule Analysis
Revised May 2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R307-343**	**Filing ID: OFFICE USE ONLY**
Effective date:	**OFFICE USE ONLY**	

1. Agency Information

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

2. Contact Persons

Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-343. Wood Furniture Manufacturing Operations.

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Subsection 19-2-104(1)(a)	Subsection 19-2-104(1)(a) gives authority to the Utah Air Quality Board to adopt rules including those that require air pollution sources to perform air quality monitoring and install controls to meet the National Ambient Air Quality Standards (NAAQS).
Clean Air Act Sections 182 and 189	Clean Air Act Sections 182 and 189 establish that states must submit provisions to the State Implementation Plan requiring the implementation of reasonable controls to meet ozone and particulate matter requirements, respectively.

C. 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 comments have been received since the last five-year review of this rule.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The purpose of Rule R307-343 is to limit volatile organic compound (VOC) emissions from wood furniture manufacturing operations. This rule is federally approved, part of the Utah State Implementation Plan, and necessary to comply with Clean Air Act requirements and to protect public health.

4. 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 *Utah State Bulletin*.			
Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	**Date:**	08/12/2026
Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or a nonsubstantive change.			

R307. Environmental Quality, Air Quality.

R307-343. Wood Furniture Manufacturing Operations.

R307-343-1. Purpose.

The purpose of R307-343 is to limit volatile organic compound (VOC) emissions from wood furniture manufacturing operations.

R307-343-2. Applicability.

(1) R307-343 applies to wood furniture manufacturing coating operations located in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties.

(2) Before September 1, 2018, R307-343 applies to wood furniture manufacturing operations that have the potential to emit 2.7 tons per year or more of VOC, including related cleaning activities.

(3) Effective September 1, 2018, R307-343 shall apply to wood furniture manufacturing operations that use a combined 20 gallons or more of coating products and associated solvents per year.

R307-343-3. Definitions.

The following additional definitions apply to R307-343:

"As applied" means the volatile organic compound and solids content of the finishing material that is actually used for coating the substrate. It includes the contribution of materials used for in-house dilution of the finishing material.

"Control system" means the combination of capture and control devices used to reduce emissions to the atmosphere.

"Conventional Air Spray" means a spray coating method in which the coating is atomized by mixing it with compressed air at an air pressure greater than ten pounds per square inch (gauge) at the point of atomization. Airless, air assisted airless spray technologies, and electrostatic spray technology are not considered conventional air spray.

"Finishing material" means a coating used in the wood furniture industry, including basecoats, stains, washcoats, sealers, and topcoats.

"Finishing Operation" means those activities in which a finishing material is applied to a substrate and is subsequently air-dried, cured in an oven, or cured by radiation.

"Sealer" means a finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. A washcoat used to optimize aesthetics is not a sealer.

"Solids" means the part of the coating that remains after the coating is dried or cured; solids content is determined using data from EPA Method 24.

"Stain" means any color coat having a solids content by weight of no more than 8.0% that is applied in single or multiple coats directly to the substrate, including nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains, and toners.

"Topcoat" means the last film-building finishing material applied in a finishing system. Non-permanent final finishes are not topcoats.

"Touch-up and Repair" means the application of finishing materials to cover minor finishing imperfections.

"Washcoat" means a transparent special purpose coating having a solids content by weight of 12.0% or less that is applied over initial stains to protect and control color and to stiffen the wood fibers in order to aid sanding.

"Washoff operations" means those operations in which organic solvent is used to remove coating from a substrate.

"Wood furniture" means any product made of wood that is manufactured under any of the following standard industrial classification codes: 2434, 2511, 2512, 2517, 2519, 2521, 2531, 2541, 2599, or 5712. This includes wood products such as rattan or wicker and engineered wood products such as particleboard.

"Wood furniture manufacturing operations" means the finishing, cleaning, and washoff operations associated with the production of wood furniture or wood furniture components.

R307-343-4. VOC Content Limits.

(1) No owner or operator shall apply coatings with a VOC content in excess of the amounts specified in Table 1, unless the owner or operator uses an add-on control device as specified in R307-343-6.

Table 1

WOOD MANUFACTURING COATING LIMITS
(values in pounds VOC per pound of solids, minus water and exempt solvents (compounds not classified as VOC as defined in R307-101-2), as applied)

Coating Category	VOC Content Limit (lb/lb)
Topcoat	0.4
Single component, non-catalyzed sealer	0.9
Single component, non-catalyzed topcoat	0.9
Acid -- cured single and 2 component sealer	1.2
Acid -- cured single and 2 component topcoat	1.0
2 component polyurethane topcoat	1.0
2 component polyurethane sealer	1.0
Cobalt peroxide cured polyester sealer/topcoat	1.0
Formaldehyde free acid catalyzed sealer/topcoat	1.0
Strippable spray booth coatings	0.8

(2) The limits in Table 1 do not apply to canned aerosol coating products used exclusively for touch-up or repair.

R307-343-5. Application Equipment Requirements.

(1) All coatings shall be applied using equipment having a minimum 65% transfer efficiency, except as allowed under R307-343-5(3) and operated according to the equipment manufacturer specifications. Equipment meeting the transfer efficiency requirement includes:

(a) Brush, dip, or roll coating;

(b) Electrostatic application; and

(c) High volume, low pressure (HVLP) spray equipment.

(2) Other coating application methods that achieve transfer efficiency equivalent to HVLP or electrostatic spray application methods may be used.

(3) Conventional air spray methods may be used under the following circumstances:

(a) To apply finishing materials that have no greater than 1.0 pound of VOC per pound of solids, as applied;

(b) For touch-up and repair under the following circumstances:

(i) The touch-up and repair occurs after completion of the finishing operation; or

(ii) The touch-up and repair occurs after the application of stain and before the application of any other type of finishing material, and the materials used for touch-up and repair are applied from a container that has a volume of no more than 2.0 gallons;

(c) When the spray gun is aimed and operated automatically, not manually;

(d) When the emissions from the finishing application station are directed to a control device as specified in R307-343-6;

(e) When the conventional air gun is used to apply no more than 10% of the total gallons of finishing material used during the calendar year; or

(f) When the conventional air gun is used to apply stain on a part for which it is technically or economically infeasible to use any other spray application technology. The following criteria shall be used, either independently or in combination, to support the affected source's claim of technical or economic infeasibility:

(i) The production speed is too high or the part shape is too complex for one operator to coat the part and the application station is not large enough to accommodate an additional operator; or

(ii) The excessively large vertical spray area of the part makes it difficult to avoid sagging or runs in the stain.

R307-343-6. Add-on Controls Systems Operations.

(1) If an add-on control system is used, the owner or operator shall install and maintain the add-on emission control system in accordance with the manufacturer recommendations and maintain 85% or greater capture and control efficiency. The overall capture and control efficiency shall be determined using EPA approved methods, as follows.

(a) The capture efficiency of a VOC emission control system's VOC collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and 40 CFR Part 51, Appendix M, Methods 204-204F, as applicable.

(b) The control efficiency of a VOC emission control system's VOC control device shall be determined using test methods in Appendices A-1, A-6, and A-7 to 40 CFR Part 60, for measuring flow rates, total gaseous organic concentrations, or emissions of exempt compounds, as applicable.

(c) An alternative test method may be substituted for the preceding test methods after review and approval by the EPA Administrator.

R307-343-7. Work Practices.

(1) Control techniques and work practices for coatings shall be implemented at all times to reduce VOC emissions. Control techniques and work practices shall include:

(a) Storing all VOC-containing coatings, thinners, and coating-related waste materials in closed containers;

(b) Ensuring that mixing and storage containers used for VOC-containing coatings, thinners, and coating-related waste material are kept closed at all times except when depositing or removing these materials;

(c) Minimizing spills of VOC-containing coatings, thinners, and coating-related waste materials; and

(d) Conveying VOC-containing coatings, thinners, and coating-related waste materials from one location to another in closed containers or pipes.

(2) The work practices for cleaning materials shall be implemented at all times to reduce VOC emissions. The work practices shall include:

(a) Storing all VOC-containing cleaning materials and used shop towels in closed containers;

(b) Ensuring that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;

(c) Minimizing spills of VOC-containing cleaning materials;

(d) Conveying VOC-containing cleaning materials from one location to another in closed containers or pipes; and

(e) Minimizing VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

(3) Solvent cleaning operations shall be performed using cleaning materials having a VOC composite vapor pressure no greater than 1 mm Hg or less at 20 degrees Celsius, unless an add-on control device is used as specified in R307-343-6.

R307-343-8. Recordkeeping.

(1) The owner or operator shall maintain records of the following:

(a) Records that demonstrate compliance with R307-343. Records must include, but are not limited to, inventory and product data sheets of all coatings and solvents subject to R307-343.

(b) If an add-on control device is used, records of key system parameters necessary to ensure compliance with R307-343-6.

(i) Key system parameters shall include, but are not limited to, temperature, pressure, flow rates, and an inspection schedule.

(ii) Key inspection parameters shall be in accordance with the manufacturer's recommendations, and as required to demonstrate operations are providing continuous emission reduction from the source during all periods that the operations cause emissions from the source.

(2) All records shall be maintained for a minimum of 2 years.

(3) Records shall be made available to the director upon request.

KEY: air pollution, wood furniture, coatings
Date of Last Change: December 6, 2017
Notice of Continuation: December 1, 2021
Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a); 19-2-104(3)(e)

ITEM 6

State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Tim Davis
Commissioner

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-042-26

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: August 19, 2026

SUBJECT: PROPOSE FOR FINAL ADOPTION: Amendment to Rule R307-102. General Requirements: Broadly Applicable Requirements.

During the 2026 General Session, the Utah Legislature passed House Bill 147 which requires state agencies to provide an electronic filing option for submitting forms. While the Division of Air Quality already accepts many submissions by electronic means, the amendment to rule R307-102 clarifies that the division accepts submissions in person, by mail, or electronically except reports that are applicable to the Environmental Protection Agency's Cross-Media Electronic Reporting Rule (CROMERR) requirements which does not allow for reports to be submitted via email attachment and does not consider scanned signatures to be valid e-signatures. Persons who must adhere to CROMERR original signature requirements are still required to submit documents in person or by mail, including compliance and Title V documents with a signed certification statement.

On June 3, 2026, the Utah Air Quality Board proposed amendments to rule R307-102 for a public comment period which was held from July 1, 2026, to July 31, 2026. No comments were received during this time, and no public hearing was requested by the associated due date.

<u>Recommendation</u>: Staff recommend the Board approve the amendments to rule R307-102, General Requirements: Broadly Applicable Requirements, for final adoption.

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58034**
Rule or section number:	**R307-102**

1. Agency Information

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

2. Contact Persons

Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule or section catchline:

R307-102. General Requirements: Broadly Applicable Requirements.

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

This rule amendment is being made in response to HB 147 (2026 General Session), Government Form Submission Amendments, which requires that a state agency provide an electronic filing option for submitting forms.

This amendment adds a statement to Rule R307-102 clarifying the accepted methods for submissions.

C. Summary of the new rule or change:

While the Division of Air Quality (Division) already accepts many submissions by electronic means, this amendment adds a statement to Rule R307-102 clarifying that the Division accepts submissions in person, by mail, or electronically except reports that are applicable to the Environmental Protection Agency's Cross-Media Electronic Reporting Rule (CROMERR) Requirements which does not allow for reports to be submitted via email attachment and does not consider scanned signatures to be valid e-signatures.

Changes are also being made to bring Rule R307-102 into compliance with the Utah Rulewriting Manual for Utah and the Executive Order No. 2021-12.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 147 (2026 General Session)

5. Fiscal Information

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

A. State budget:

This rule amendment will have no effect on the state budget because it will not change the workload or operating procedures of state government.

B. Local governments:

This rule amendment will have no impact on local governments because it does not apply to local governments.

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

Although many small businesses already submit documents electronically, this rule amendment may have a small impact on small businesses who submit documents in person or by mail by saving costs associated with postal mailing or driving mileage.

This cost is unquantifiable as the Division has no data to estimate how much postal mailing or driving mileage currently costs these small businesses.

Small businesses who must adhere to CROMERR original signature requirements are still required to submit documents in person or by mail.

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

Although many non-small businesses already submit documents electronically, this rule amendment may have a small impact on non-small businesses who submit documents in person or by mail by saving costs associated with postal mailing or driving mileage.

This cost is unquantifiable as the Division has no data to estimate how much postal mailing or driving mileage currently costs these non-small businesses.

Non-small businesses who must adhere to CROMERR original signature requirements are still required to submit documents in person or by mail.

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***)**:**

Although many persons other than small businesses, non-small businesses, state, or local government entities already submit documents electronically, this rule amendment may have a small impact on persons who submit documents in person or by mail by saving costs associated with postal mailing or driving mileage.

This cost is unquantifiable as the Division has no data to estimate how much postal mailing or driving mileage currently costs these persons.

Persons who must adhere to CROMERR original signature requirements are still required to submit documents in person or by mail.

F. Compliance costs for affected persons:

There is no compliance costs associated with this rule amendment.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
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	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
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**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

9. Citation Information

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	Cross-Media Electronic Reporting Rule (CROMERR)	Section 63G-34-102

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

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)**:**
07/28/2026	9:00AM - 10:00AM	A public hearing is set for 07/28/2026. Further details may be found below. The hearing will be cancelled should no request for one be made by 07/23/2026, at 10 AM MST. The final status of the public hearing will be posted on 07/23/2026, after 10 AM MST. The status of the public hearing may be checked at the following website location under the corresponding rule. https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment Interested Persons can participate in person or electronically, via the internet. In Person: MASOB 195 N 1950 W Salt Lake City, UT First Floor, Air Quality Board Room Virtual Attendance: Time zone: America/Denver Google Meet joining info: Video call link: https://meet.google.com/sax-euqt-ncc Or dial: (US) +1 443-585-0419 PIN: 227 819 682#

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	09/02/2026

13. Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	**Date:**	05/18/2026

R307. Environmental Quality, Air Quality.

R307-102. General Requirements: Broadly Applicable Requirements.

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

(1) Emission of air pollutants in sufficient quantities to cause air pollution as defined in Section R307-101-2 is prohibited. The [~~S~~]state statute provides for penalties up to $50,000[~~/~~] per day for violation of [~~S~~]state statutes, regulations, rules or standards. [~~(~~]See Section 19-2-115 for further details[~~)~~].

(2) Periodic Reports and Availability of Information. The owner or operator of any stationary air pollutant source in Utah shall furnish to the director the periodic reports required under [~~Section~~]Subsection 19-2-104(1)(c) and any other information as the director may [~~deem~~]consider necessary to determine whether the source is in compliance with Utah and Federal regulations and standards. The information thus obtained will be correlated with applicable emission standards or limitations and will be available to the public during normal business hours at the Division of Air Quality. Reports, forms, and information submitted to the Division of Air Quality may be submitted in person, by mail, or electronically, except reports that are applicable to the Environmental Protection Agency's Cross-Media Electronic Reporting Rule (CROMERR) original signature requirements.

R307-102-2. Confidentiality of Information.

Any person submitting information pursuant to [~~these regulations~~]Title R307 may request that such information be treated as a trade secret or on a confidential basis, in which case the director shall so treat such information. If no claim is made at the time of submission, the director may make the information available to the public without further notice. Information required to be disclosed to the public under [~~S~~]state or [~~F~~]federal law may not be requested to be kept confidential. Justification supporting claims of confidentiality shall be provided at the time of submission on the information. Each page claimed "confidential" shall be marked "confidential business information" by the applicant and the confidential information on each page shall be clearly specified. Claims of confidentiality for the name and address of applicants for an approval order will be denied. Confidential information or any other information or report received by the director shall be available to EPA upon request and the person who submitted the information shall be notified simultaneously of its release to EPA.

R307-102-3. Reserved.

Reserved.

R307-102-4. Variances Authorized.

(1) Variance from [~~these regulations~~]Title R307 may be granted by the Board as provided by law, [~~(S~~]see Section 19-2-113,[~~)~~] unless prohibited by the Clean Air Act:

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

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

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

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

R307-102-5. No Reduction in Pay.

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

R307-102-6. Emissions Standards.

Other provisions of Title R307 may require more stringent controls than listed [~~herein~~]in this rule, in which case those requirements must be met.

KEY: air pollution, confidentiality of information, variances
Date of Last Change: [~~December 15, 2015~~]2026
Notice of Continuation: December 7, 2022
Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-2-113

ITEM 7

State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Tim Davis
Commissioner

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-039-26

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: Devin Mulrooney, Environmental Scientist

DATE: August 13, 2026

SUBJECT: PROPOSE FOR FINAL ADOPTION: Amend Section R307-110-34 to incorporate Utah State Implementation Plan Section X.D, Utah County Vehicle Inspection and Maintenance Program.

Section R307-110-34 incorporates Utah State Implementation Plan Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County and includes the Utah County Vehicle Inspection and Maintenance (I/M) Program. This revision incorporates changes adopted in Utah County Ordinance 2025-1065 and reflects the requirements of House Bill 22, *Vintage Vehicle Amendments* (2026 General Session).

The revision includes three changes:

1. Prohibits denial of vehicle registration based solely on the presence of a defeat device covered under the *Mercedes-Benz USA, LLC and Mercedes-Benz Group AG* consent decree.
2. Exempts vehicles of model year 1995 and older from the I/M program.
3. Exempts vehicles that were not originally equipped with On-Board Diagnostics II (OBD II) technology, provided they have not been tampered with or modified.

The exemptions for 1995-and-older vehicles and vehicles not originally equipped with OBD II technology address the increasing cost of conducting Two-Speed Idle testing, which has become economically impractical for inspection stations due to the declining number of affected vehicles. Air quality modeling demonstrated that exempting these vehicles would have a minimal impact on emissions because they represent a very small portion of the on-road fleet.

On June 3, 2026, the Utah Air Quality Board proposed these amendments for public comment from July 1, 2026, through July 30, 2026. No comments were received during the public comment period. A public hearing was tentatively scheduled for July 30, 2026, but was canceled because no hearing request was received by the required deadline. No changes were made between proposal and final adoption.

Recommendation: Staff recommends that the Board approve the amendments to Section R307-110-34 to incorporate Utah State Implementation Plan Section X.D, Utah County Vehicle Inspection and Maintenance Program, for final adoption.

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58035**
Rule or section number:	**R307-110-34**

1. Agency Information

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

2. Contact Persons

Name:	Phone:	Email:
Devin Mulrooney	385-315-3368	dmulrooney@utah.gov
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule or section catchline:

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

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

The Utah Air Quality Board (Board) has proposed for public comment amended Utah State Implementation Plan (SIP), Section X, Part D.

Section R307-110-34 incorporates SIP Section X, Part D, into this section and must be amended to change the Board adoption date to the anticipated adoption date of the amended plan.

C. Summary of the new rule or change:

Section R307-110-34 incorporates Section X Part D of the SIP. Part D contains the requirements of Utah County's Vehicle Inspection/Maintenance (I/M) program. Amendments to Part D update the plan to incorporate changes to Utah County's I/M regulation to ensure that the SIP reflects the current program.

This rule amendment aligns the SIP with the current Utah County Ordinance 2025-1065 and recently enacted HB 22, Vintage Vehicle Amendments (passed in the 2026 General Session).

HB 22 (2026) includes several statutory changes affecting vehicle regulation, three of which directly impact I/M programs in Utah. Specifically, the bill:
(1) prohibits denial of vehicle registration based solely on the presence of a defeat device covered under the Mercedes-Benz USA, LLC and Mercedes-Benz Group AG consent decree;

(2) exempts vehicles of model year 1995 and older; and

(3) exempts vehicles not equipped with On-Board Diagnostics II (OBDII) technology, provided they have not been tampered with or modified.

Section R307-110-34 is amended by changing the date of the last adoption by the Air Quality Board to 09/02/2026.

These changes were already legally enforceable, and the amendment is bringing this rule in line with federal law.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 22 (2026 General Session)

5. Fiscal Information

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

A. State budget:

This rule change will not have any fiscal impact on the state budget because it does not enact or remove any new requirements.

B. Local governments:

This rule change will result in a minor negative fiscal impact to local governments, specifically the Utah County Health Department, which administers the vehicle Inspection and Maintenance program.

Utah County operates a decentralized I/M program through a network of private inspection stations. As part of each emissions test, the County is authorized to collect a $3.25 fee for each test, which supports program operations.

Under this rule change, vehicles model year 1995 and older will no longer be subject to emissions testing.

In the calendar year 2024, approximately 6,358 such vehicles were tested. Based on the $3.25 per-test fee, this corresponds to an estimated annual revenue reduction of approximately $20,000.

For context, Utah County conducted approximately 373,657 total emissions tests in 2024, generating roughly $1,400,000 in fee revenue. The estimated $20,000 reduction represents about 2% of total program revenues.

This impact is expected to decline over time as older vehicles naturally phase out of the fleet.

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

This rule change will result in a minor positive fiscal impact to small businesses, specifically automotive repair shops that conduct emissions inspections of which the majority are small businesses.

Inspection stations typically charge between $30 and $50 per emissions test, including the county administrative fee ($3.25). Utah County's average price for an emissions test is $45. The inspection station retains $41.75 after the county fee. Based on 6,358 model year 1995 and older vehicles tested in Utah County in 2024, this corresponds to approximately $265,000 in gross revenue associated with these tests.

However, this revenue does not reflect profitability. Testing older vehicles requires specialized emissions testing equipment and additional technician training, both of which have become increasingly costly. At the same time, the number of vehicles requiring this type of test has steadily declined, resulting in low utilization of the required equipment. As a result, many inspection stations incur ongoing equipment and training costs that exceed the revenue generated from testing these vehicles.

Because equipment and service arrangements vary by vendor and by shop and depend on factors such as shop size and testing volume, quantifying these costs is not practicable.

However, based on stakeholder input from small businesses requesting this change, it is reasonable to conclude that these tests were operating at a net loss for some inspection stations.

Accordingly, eliminating the requirement to test model year 1995 and older vehicles is expected to reduce or eliminate these losses, resulting in a net positive fiscal impact to affected small businesses.

The overall fiscal impact to small business will be estimated as a net zero because of the lack of quantifiability.

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

This rule change will result in a minor positive fiscal impact to non-small businesses, specifically automotive repair shops that conduct emissions inspections of which few are non-small businesses.

Inspection stations typically charge between $30 and $50 per emissions test, including the county administrative fee ($3.25). Utah County's average price for an emissions test is $45. The inspection station retains $41.75 after the county fee. Based on 6,358 model year 1995 and older vehicles tested in Utah County in 2024, this corresponds to approximately $265,000 in gross revenue associated with these tests.

However, this revenue does not reflect profitability. Testing older vehicles requires specialized emissions testing equipment and additional technician training, both of which have become increasingly costly. At the same time, the number of vehicles requiring this type of test has steadily declined, resulting in low utilization of the required equipment. As a result, many inspection stations incur ongoing equipment and training costs that exceed the revenue generated from testing these vehicles.

Because equipment and service arrangements vary by vendor and by shop and depend on factors such as shop size and testing volume, quantifying these costs is not practicable.

However, based on stakeholder input from non-small businesses requesting this change, it is reasonable to conclude that these tests were operating at a net loss for some inspection stations. Accordingly, eliminating the requirement to test model year 1995 and older vehicles is expected to reduce or eliminate these losses, resulting in a net positive fiscal impact to affected non-small businesses. The overall fiscal impact to non-small business will be estimated as a net zero because of the lack of quantifiability.
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***)**:**
Individual citizens will experience a minor positive fiscal impact. Owners of model year 1995 and older vehicles will no longer be required to obtain an emissions inspection in order to register their vehicles. This will result in an estimated annual savings of approximately $45 per affected vehicle, in addition to reduced time spent obtaining an emissions test prior to registration. Based on 2024 data, there were 6,358 vehicles tested, and we estimate a total savings of $286,110 for vehicle owners in Utah county. Six thousand vehicles were used to calculate the FY impact in Section 6 of this rule analysis form.
F. Compliance costs for affected persons:
No additional compliance costs are anticipated as a result of this rule change. Instead, compliance costs for owners of model year 1995 and older vehicles will be eliminated because these vehicles will no longer be required to obtain an emissions inspection as a condition of registration.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$0	$0	$0	$0	$0
Local Governments	$20,000	$20,000	$20,000	$20,000	$20,000
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	**$20,000**	**$20,000**	**$20,000**	**$20,000**	**$20,000**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
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	$270,000	$270,000	$270,000	$270,000	$270,000
Total Fiscal Benefits	**$270,000**	**$270,000**	**$270,000**	**$270,000**	**$270,000**
Net Fiscal Benefits	**$250,000**	**$250,000**	**$250,000**	**$250,000**	**$250,000**

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒

B. Summary of reasonable alternatives or modifications:
This rule will positively impact family stability by decreasing the fees they have to pay for vehicle emissions tests providing relief.

9. Citation Information

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	40 CFR 51 Subpart S	Section 41-6a-1642

10. Incorporation by Reference Information

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)	Utah State Implementation Plan, Section X.D, Utah County Vehicle Inspection and Maintenance Program.
Publisher	Division of Air Quality, Utah Department of Environmental Quality
Issue Date	September 2, 2026

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	07/31/2026

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)**:**
07/30/2026	2:00PM - 3:00PM	A public hearing is set for 07/30/2026. Further details may be found below. The hearing will be cancelled should no request for one be made by 07/27/2026, at 10 AM MST. The final status of the public hearing will be posted on 07/27/2026, after 10 AM MST. The status of the public hearing may be checked at the following website location under the corresponding rule. https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment Interested Persons can participate in person or electronically, via the internet. In Person: MASOB 195 N 1950 W Salt Lake City, UT First Floor, Air Quality Board Room Virtual Attendance: Time zone: America/Denver Google Meet joining info: Video call link: https://meet.google.com/rpm-xnmm-cai Or dial: (US) +1 334-518-1186 PIN: 188 519 873#

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	09/02/2026

13. Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	**Date:**	05/18/2026

R307. Environmental Quality, Air Quality.
R307-110. General Requirements: State Implementation Plan.
R307-110-34. Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County.

The Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County, as most recently amended by the Utah Air Quality Board on [~~December 5, 2012~~]September 2, 2026, pursuant to Section 19-2-104, is [~~hereby~~]incorporated by reference and made a part of [~~these rules~~]Rule R307-110.

KEY: air pollution, PM10, PM2.5, ozone
Date of Last Change: [~~July 2, 2025~~]2026
Notice of Continuation: December 1, 2021
Authorizing, and Implemented or Interpreted Law: 19-2-104

UTAH STATE IMPLEMENTATION PLAN

SECTION X

VEHICLE INSPECTION AND MAINTENANCE PROGRAM

PART D

UTAH COUNTY

Adopted by the Utah Air Quality Board
September 2, 2026

Table of Contents

SECTION X, PART D
UTAH COUNTY
Appendices

1 Vehicle Emissions Inspection/Maintenance Program, Ordinance 2025-1065 [~~2011-42]~~, revised December 11, 2025 [~~November 22, 2011]~~.
2 Provo I/M Ordinance 1994-106, December 12, 1994
3 Audit Policies

UTAH STATE IMPLEMENTATION PLAN
SECTION X
AUTOMOTIVE INSPECTION AND MAINTENANCE (I/M) PROGRAM
PART D
UTAH COUNTY

1. Applicability

Utah County I/M program requirements: Provo City was designated nonattainment for the carbon monoxide (CO) National Ambient Air Quality Standards (NAAQS) on January 6, 1992 (56 FR 56846, November 6, 1991) and was classified as a "moderate" area. The Provo City CO nonattainment area was redesignated to attainment for the CO NAAQS on January 3, 2006 (70 FR 66264, November 2, 2005).

Utah was previously required by Sections 182 and 187 of the Clean Air Act to implement and maintain an I/M program in Utah County that met the minimum requirements of 40 CFR Part 51 Subpart S and that was at least as effective as the EPA's Basic Performance Standard as specified in 40 CFR 51.352. However, the Basic Performance Standard requirement is no longer applicable as the nonattainment area in Utah County has been redesignated to attainment / maintenance for the CO NAAQS. Parts A and D of Section X, together with the referenced appendices, continue to demonstrate compliance with the 40 CFR Part 51 provisions for Inspection and Maintenance Program Requirements for Utah County and produce mobile source emission reductions that are sufficient to demonstrate continued maintenance of the CO NAAQS. In addition, the Utah County I/M program is a control measure to attain and maintain EPA's particulate NAAQS in Utah County.

Provo City ordinance: In addition to the Utah County ordinance, Provo City ordinance requires that the vehicles operated by people staying in Provo for more than sixty days be inspected and repaired as specified in the Utah County I/M ordinance regardless of where the vehicle is registered. These ordinances are provided in Section X, Part D, Appendix 1-2.

2. Summary of Utah County I/M Program

Below is a summary of Utah County's I/M program. Section X, Part D Appendices 1 – 3 contain the essential documents for Utah County's I/M program.

Network Type: Utah County's I/M program is a decentralized, test-and-repair network, as approved by EPA on November 2, 2005 (70 FR 66264).

Test Convenience: There are approximately 200 permitted I/M stations within Utah County. Specific operating hours are not specified by the county. Some stations that test and/or service only one type of vehicle are permitted. There are also government and private fleet permitted stations that are not open to the public.

Subject fleet: All model year 1996[~~1968~~] and newer vehicles registered or principally-operated in Utah are subject to the I/M program except for exempt vehicles.

Test frequency: Vehicles less than two years old as of January 1 on any given year are exempt from an emissions inspection. Vehicles two years old and less than six years old as of January 1 on any given year are inspected every other year as per Utah Code 41-6a-1642(6). All vehicles six years old and older as of January 1 on any given year are inspected annually.

Station/inspector Audits: Utah County's I/M program will regularly audit all permitted I/M inspectors and stations to ensure compliance with county I/M ordinances and policies. Particular attention will be given to identifying and correcting any fraud or incompetence with respect to vehicle emissions inspections. Compliance with recordkeeping, document security, analyzer maintenance, and program security requirements will be scrutinized. Utah County I/M program will have an active covert compliance program to minimize potential fraudulent testing. Utah county audit policy is provided in Appendix 3 of this Part of Section X.

Waivers: Utah County's I/M program may issue waivers under limited circumstances. The [~~wavier~~] waiver procedure can be found in Utah County's I/M ordinance provided in Appendix 1. Utah County will take corrective action as needed to maintain a maximum waiver rate of 5% of the initially failed vehicles, or the Utah Air Quality Board will revise the SIP and emission reductions claimed based on the actual waiver rate. The procedure for issuing waivers is specified in Utah County's I/M ordinance provided in Appendix 1 of this Part of the SIP and meets the minimum waiver issuance criteria specified in 40 CFR Subparts 51.360.

Test Equipment: Specifications for Utah County's emission analyzer and its I/M test procedures, standards and analyzers are provided in Utah County's I/M ordinance provided in Appendix 1. Test equipment and procedure were developed according to good engineering practices to ensure test accuracy. Analyzer calibration specifications and emissions test procedures meet the minimum standards established in Appendix A of the EPA's I/M Guidance Program Requirements, 40 CFR Part 51 Subpart S.
Test Procedures:

- The following vehicles are subject to an On Board Diagnostic System, second generation (OBDII) inspection:
    - 1996 and newer light duty vehicles[1] and
    - 2008 and newer medium duty vehicles[2]

[1] Light duty vehicles have a Gross Vehicle Weight of 8500 lbs or less.
[2] Medium duty vehicles have a Gross Vehicle Weight greater than 8,500 lbs but less than 14,000 lbs.

- The following vehicles are subject to a modified test that includes a partial OBDII test that checks Malfunction Indicator Light (MIL) command status, Diagnostic Trouble Codes (DTC) presence, and MIL bulb functionality. Overall pass/fail determination will be based on passing all of these parameters. OBDII system readiness is not used in determining a pass or fail on these vehicles.
  - 1996-2007 medium duty vehicles[3]
  - 1996-2004 vehicles that run on dedicated CNG, or bi-fuel CNG/gasoline

- ~~[The following vehicles are subject to a two-speed idle test that is compatible with Section VI (Preconditioned Two Speed Idle Test) in Appendix B of the EPA I/M Guidance Program Requirements, 40 CFR 51, Subpart S:~~

  - ~~1995 and older vehicles,~~
  - ~~1996 to 2007 medium and heavy duty vehicles[4] and~~
  - ~~2008 and newer heavy duty vehicles.]~~

3. I/M SIP implementation

The I/M program ordinances, policies, procedures, and activities specified in this I/M SIP revision have been implemented and shall continue until a maintenance plan without an I/M program is approved by EPA in accordance with Section 175 of the Clean Air Act as amended.

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[3] Medium duty vehicles have a Gross Vehicle Weight greater than 8,500 lbs but less than 14,000 lbs.

[4] ~~[Heavy Duty vehicles have a Gross Vehicle Weight greater 14,000 lbs.]~~

Section X
Part D
Appendix 1

ENT 96741:2025 PG 1 of 47
ANDREA ALLEN
UTAH COUNTY RECORDER
2025 Dec 11 11:07 AM FEE 0.00 BY TM
RECORDED FOR UTAH COUNTY HEALTH

ORDINANCE NO. 2025 - 1065

AN ORDINANCE AMENDING THE UTAH COUNTY VEHICLE EMISSIONS INSPECTION/MAINTENANCE PROGRAM

The County Legislative Body of Utah County ordains as follows:

Part I.
The Utah County Vehicle Emissions Inspection/Maintenance Program is hereby amended to read as follows:

VEHICLE EMISSIONS INSPECTION/MAINTENANCE PROGRAM

INDEX

SECTIONS **PAGE**

1.0 DEFINITIONS.

For the purpose of these Regulations, the following terms, phrases, and words shall have the following meanings, unless otherwise defined:

1.1 Accreditation: Certification that the instrument and instrument manufacturer meets the operating criteria, specifications and requirements of the Utah County Health Department;

1.2 Accuracy: The degree by which an instrument is able to determine the true concentration of pollutants of interest;

1.3 Air Intake Systems: Systems that allow for the induction of ambient air, including preheated air into the engine combustion chamber for the purpose of mixing with a fuel for combustion;

1.4 AIR System: Air Injection Reaction System; A system for providing supplementary air into a vehicle's exhaust system to promote further oxidation of HC and CO gases and to assist catalytic reaction;

1.5 Basic Engine Systems: Parts or assemblies that provide efficient conversion of a compressed air/fuel charge into useful power, including but not limited to, valve train mechanisms, cylinder head to block integrity, piston ring cylinder sealing integrity and post combustion emissions control device integrity;

1.6 Catalytic Converter: A post combustion device that oxidizes HC and CO gases and/or reduces oxides of nitrogen gases;

1.7 Certificate: A Certificate of Compliance or Certificate of Waiver;

1.8 Certificate of Compliance: A document used in the Vehicle Emissions Inspection/Maintenance Program to certify that a vehicle meets all applicable requirements of the program;

1.9 Certification: Assurance by an authorized source, whether it be a laboratory, the manufacturer, the State, or the Department, that a specific product or statement is in fact true and meets all necessary requirements;

1.10 Certified Emissions Technician (Technician): A person who has successfully completed all certification requirements, and has been issued a current valid permit by the Department;

1.11 Certified Mobile Emissions Technician: A person who has successfully completed all certification requirements, has been issued a current valid permit by the Department, and is authorized to perform vehicle emissions inspections at varying locations within Utah County using Department-approved mobile equipment;

1.12 CTE: Certified Testing Equipment; computerized emissions testing equipment approved by the Department and provided by the Contractor for use in performing vehicle emissions inspections in accordance with applicable federal, state, and county requirements;

1.13 CO: Carbon monoxide;

1.14 CO2: Carbon dioxide;

1.15 Commercial Address: Any location used primarily for business purposes, including but not limited to automobile dealerships, repair facilities, fleet yards, or other business premises;

1.16 Compliance: Verification that certain submission data and hardware submitted by a manufacturer for accreditation consideration, meets all accreditation requirements;

1.17 Contractor: The entity under contract with the Department to provide test authorizations, maintain, and support the CTE, software, and related services used by the I/M Program Station;

1.18 County: Utah County, Utah;

1.19 DLC: Data Link Connector;

1.20 DTC: Diagnostic Trouble Codes;

1.21 Dedicated printer: The printer on the approved CTE which is used solely to print certificates and vehicle inspection reports;

1.22 Department: The Utah County Health Department, the Local Health Department for the County;

1.23 Director: The Director of the Utah County Health Department or his authorized representative;

1.24 EGR System: The Exhaust Gas Recirculation System; an emissions control system that recycles or re-circulates a portion of the exhaust gases back to the engine combustion chambers;

1.25 Emissions Control Systems: Parts, assemblies or systems originally installed by the manufacturer in or on a vehicle for the sole or primary purpose of reducing emissions;

1.26 Electronic Certificate: An electronic number generated by an emissions CTE when a tested vehicle passes an emission test and used as verification that emission test requirements have been met.

1.27 Evaporative Control System: An emissions control system that prevents the escape of fuel vapors from the fuel tank or air cleaner and stores them in a charcoal canister to be burned in the combustion chamber;

1.28 Exemption Form: A document used to verify that a vehicle is exempt from the testing and repair/adjustment requirements of these Regulations;

1.29 Fleet Station: An entity approved by the Department to perform emissions inspections on its own publicly owned vehicles with "EX" plates that are a part of its organizational fleet and are not open to the public for testing;

1.30 Fuel Control Systems: Mechanical, electro-mechanical, galvanic or electronic parts or assemblies that regulate the air/fuel ratio in an engine to provide a combustible charge;

1.31 Gaseous Fuel: Means, but is not limited to, liquefied petroleum gases and natural gases in liquefied or gaseous forms;

1.32 HC: Hydrocarbons;

1.33 Ignition Systems: Parts or assemblies that are designed to cause and time the ignition of a compressed air/fuel charge;

1.34 I/M Program Station: A stationary Vehicle Emissions Inspection and Maintenance Station that qualifies and has a valid permit, issued by the Department, to operate as an emissions inspection and maintenance station in the Vehicle Emissions Inspection/Maintenance Program;

1.35 Inspection: An official vehicle emissions inspection performed for the purpose of issuing a Certificate of Compliance or Waiver;

1.36 Inspection Area: The area that is occupied by the CTE, sample hose, and the vehicle being inspected;

1.37 Lane Cameras: Cameras supplied and generally placed by Contractor that provide continuous visual coverage of the vehicle inspection area during the entirety of an emissions inspection;

1.38 GCWR: Manufacture Gross Vehicle Weight Rating; the gross vehicle weight rating as determined by the vehicle manufacturer. The amount is typically found on the door jamb label on the vehicle.

1.39 MIL: Malfunction Indicator Light;

1.40 Mobile Emissions Inspection: An entity that has been trained and approved by the Department to conduct the inspection of motor vehicles for compliance with applicable emissions standards conducted outside of a permitted stationary I/M Program Station;

1.41 Motor Vehicle: A self-propelled motorized vehicle with an internal combustion powered engine which is licensed for operation on public roads and/or streets. Motor Vehicles exempted from the inspection requirements of these Regulations are listed in Section 6.6 of these Regulations;

1.42 Motorcycle: Every motor vehicle having, or designed to have, a saddle for the use of the rider and is designed to travel with not more than three wheels in contact with the ground, but excluding a tractor;

1.43 Non-certified Person: Any person who has not been certified by the Department to perform official emissions inspections;

1.44 O2: Oxygen;

1.45 OBD: On Board Diagnostic System;

1.46 OBDII: On Board Diagnostic System, second generation;

1.47 OBD Deficient: A vehicle in which the OBD system does not function as it was intended for the purpose of diagnosing emission failures or vehicle readiness accuracy;

1.48 Off-highway Vehicles: A vehicle licensed to operate exclusively off highways;

1.49 One-Time Waiver: A waiver from visual inspection requirements as set forth in these Regulations to allow time, as determined by the Department, for repairs to be made while the vehicle is driven. A waiver issued under these Regulations is limited to one per vehicle lifetime.

1.50 Original Condition: The condition of the emission control system(s) as installed by the manufacturer, but not necessarily to the original level of effectiveness;

1.51 PCV System: Positive Crankcase Ventilation System - an emissions control system which returns crankcase vapors and blow-by gases to the combustion chamber to be burned;

1.52 Primary Residence: Is the place where an individual intends to permanently reside, maintains a permanent residence more than six (6) months during a calendar year, or where an individual lives more than six (6) months during a calendar year;

1.53 Private Residence: A dwelling occupied for residential purposes, together with its associated driveway or parking area;

1.54 Publicly owned vehicles: A motor vehicle owned by a government entity, including but not limited to the federal government or any agency thereof, the State of Utah or any agency or political subdivision thereof;

1.55 Readiness: Flags set in the OBDII system that indicate a vehicle's readiness to be OBDII tested;

1.56 Reciprocity: Recognition by all Utah I/M counties of the validity of certificates granted by the other Local Health Departments required under federal law to utilize a motor vehicle emissions inspection program.

1.57 Revoke: To formally cancel, to make null and void by withdrawing, recalling, or reversing. To retract, repeal, or invalidate a station or Technician permit for a minimum period of five years;

1.58 Station: An I/M Program Station including all station personnel, employees, and owner(s);

1.59 Technical Bulletin: A document, issued to Certified Emissions Technicians and/or I/M Program Stations by the Department to update, clarify, or establish policies and/or procedures for their implementation in the Vehicle Emissions Inspection/Maintenance Program;

1.60 Temporary Waiver: A waiver that may be issued by the Director which will allow the temporary registration of a vehicle based upon a vehicle owner's compliance with the conditions of the waiver;

1.61 Test Authorization: A prepaid fee purchased by an I/M Program Station in bundles of 100, which grants the station the ability to initiate a vehicle emissions inspection.

1.62 Training Program: A formal program administered, conducted, or approved by the Department for the education of emission Technicians in basic emission control technology, inspection procedures, diagnosis, and repair of emissions related problems, I/M Program policies, procedures, and these Regulations;

1.63 Utah County Board of Health: The Utah County Health Council of Utah County as authorized by Title 26A, Chapter 1 Part 1, Utah Code;

1.64 Utah County Board of Commissioners (Board of Commissioners): The elected Utah County Commissioners;

1.65 Vehicle Emissions Inspection/Maintenance Program: The program established by the Department pursuant to Utah Code §41-6a-1642, or subsequent reference if recodified or moved;

1.66 VIR: Vehicle Inspection Report; A report printed by the CTE and signed by the Certified Emissions Technician at the end of each inspection that enumerates the results.

1.67 Waiver or Certificate of Waiver: A document used to verify that a vehicle has met the repair or adjustment requirements of the I/M Program Rules and Regulations even though specific emission standards have not been met.

2.0 PURPOSE.

It is the purpose of these Regulations to reduce air pollution levels by requiring inspections in accordance with the schedule adopted by the Board of County Commissioners and by requiring emission related repairs/adjustments for those vehicles that fail to meet prescribed standards so as to:

2.1 Protect and promote public health, safety and welfare;

2.2 Improve air quality;

2.3 Comply with federal regulations contained in the Clean Air Act of 1970, 42 USC 7401-7671; and the Amendments to the Act, Amendments of 1977, PL 95-95, PL 95-190; and Amendments of 1990, PL 101-549; and any subsequent amendments, and

2.4 Comply with Utah Code, particularly § 41-6a-1642.

3.0 JURISDICTION OF THE DEPARTMENT.

All aspects of the Vehicle Emissions Inspection/Maintenance Program within the County enumerated in this ordinance shall be subject to the direction and control of the Department.

4.0 POWERS AND DUTIES.

4.1 The Department, by the Director, shall be responsible for the enforcement and administration of these Rules and Regulations and any other powers vested in it by law and shall:

4.1.1 Require the submission of information, reports, plans, and specifications from I/M Program Stations as necessary to implement the provisions, requirements, and standards of these Regulations;

4.1.2 Issue permits, certifications, and charge fees, as necessary, to implement the provisions, requirements and standards of these Regulations;

4.1.3 Perform inspections (audits) of any I/M Program Station, issue orders and/or notices, hold hearings, and levy administrative penalties, as necessary to effect the purposes of these Regulations,

4.1.4 Make analyses required to ensure that the provisions of these Regulations are met; and

4.1.5 Make policies and procedures necessary to ensure that the provisions of these Regulations are met and that the purposes of these Regulations are accomplished.

4.2 The Department may suspend, revoke, or deny a permit, subject to the Penalty Schedule in Appendix D, of an I/M Program Station and/or require the surrender of the permit and unused Certificates of Compliance of such I/M Program Station upon showing that:

4.2.1 A vehicle was inspected and issued a Certificate by the station personnel that did not, at the time of inspection, comply with all applicable policies, procedures, Technical Bulletins, and these Regulations. Any violations of this section are subject to penalties established in Appendix D, category 2;

4.2.2 A vehicle was inspected and rejected by the station when, in fact, the vehicle was determined, by the Director, to be in such condition that it did comply with the requirements of these Regulations. Any violations of this section are subject to penalties established in Appendix D, category 3;

4.2.3 A vehicle was inspected and passed for the tampering inspection as detailed in Section 9.10 of these Regulations that did not at the time of inspection comply with the requirements of the Section 9.10 tampering inspection. Any violations of this section are subject to penalties established in Appendix D, category 2;

4.2.4 The station is not open and available to perform inspections during a major portion of the normal business hours of 8:00 AM to 5:00 PM Mondays through Fridays (except fleet stations, as defined by this ordinance). Any violations of this section are subject to penalties established in Appendix D, category 6;

4.2.5 The station has violated any provisions of these Regulations, or any Rule, Regulation, or Department policy properly promulgated for the operation of an I/M Program Station. Any violations of this section are subject to penalties established in Appendix D, category 5;

4.2.6 The station was not equipped as required by Section 8.0 of these Regulations, or in any other way failed to comply with that Section. Any violations of this section are subject to penalties established in Appendix D, category 6 or 7;

4.2.7 The station is not operating from a location specified on the permit, except for authorized mobile emissions inspection conducted in accordance with section 10. Any violations of this section are subject to penalties established in Appendix D, category 4;

4.2.8 An official inspection was done by a non-certified person, a non-certified person gained access to the official inspection portion of the CTE, or a non-certified person signed a Certificate. Any violations of this section are subject to penalties established in Appendix D, category 4;

4.2.9 Certified Emissions Technician failed to maintain physical control of the CTE and remain within view of the lane camera while in official inspection mode. Any violations of this section are subject to penalties established in Appendix D, category 6;

4.2.10 The computerized CTE has been tampered with or altered in any way contrary to the certification and maintenance requirements of the CTE. Any violations of this section are subject to penalties established in Appendix D, category 3;

4.2.11 The station denies access to a representative of the Department to conduct an audit/inspection or other necessary business during regular business hours, including by intimidation, harassment, or creation of a hostile work environment that unreasonably interferes with the representative's ability to perform their duties. Any violations of this section are subject to penalties established in Appendix D, category 4. If the denial of access includes any physical action, meaning threatening or assaultive behaviors beyond intimidation or harassment, the violation may be subject to penalties established in Appendix D, category 3 or 8.

4.2.12 The station attempts to influence the auditor or Department representative to obtain a specific outcome, whether through bribery or any other improper means. Any violations of this section are subject to penalties established in Appendix D, category 4;

4.2.13 In accordance with Utah Code § 41-6a-1642, an emissions inspection for a resident of a county with reciprocity, was performed but not as required by the Regulations/Ordinances adopted by the applicable county. Any violations of this section are subject to penalties established in Appendix D, category 6.

4.2.14 The I/M fee signage procedures are not followed as specified in Section 6.8. Any violations of this section are subject to penalties established in Appendix D, category 5; or

4.2.15 The I/M fee has been determined by the Department to be discriminatory. I/M fees cannot be discriminatory in that different fees are assessed dependent upon vehicle ownership, vehicle make or model, owner residence, etc. Any violations of this section are subject to penalties established in Appendix D, category 4.

4.3 The Department may suspend, revoke, or deny the certificate of an official emissions Technician, subject to the Penalty Schedule in Appendix D, and require the surrender of this certificate upon showing that:

4.3.1 The Certified Emissions Technician caused a Certificate of Compliance to be issued without an approved inspection being made. Any violations of this section are subject to penalties established in Appendix D, category 1;

4.3.2 The Certified Emissions Technician denied the issuance of a Certificate of Compliance to a vehicle that, at the time of the inspection, complied with the law for issuance of said certificate. Any violations of this section are subject to penalties established in Appendix D, category 3;

4.3.3 The Certified Emissions Technician issued a Certificate of Compliance to a vehicle that, at the time of issuance, was in such condition that it did not comply with these Regulations. Any violations of this section are subject to penalties established in Appendix D, category 2;

4.3.4 The Certified Emissions Technician inspected and recorded "pass" on the tampering inspection for a vehicle that did not at the time of inspection comply with the tampering requirements of the tampering inspection detailed in Section 9.10, regardless of whether a Certificate of Compliance was issued or not. Any violations of this section are subject to penalties established in Appendix D, category 5;

4.3.5 Inspections were performed by the Certified Emissions Technician, but not in accordance with applicable policies, procedures, Technical Bulletins, and these Regulations. Any violations of this section are subject to penalties established in Appendix D, category 6;

4.3.6 The Certified Emissions Technician allowed a non-certified person to perform an official I/M inspection or gain access to the official inspection portion of the CTE. Any violations of this section are subject to penalties established in Appendix D, category 4;

4.3.7 The Certified Emissions Technician signed a VIR or submitted an electronic pass for vehicle registration stating that the technician had performed the emissions inspection when, in fact, the technician did not. Any violations of this section are subject to penalties established in Appendix D, category 1;

4.3.8 The Certified Emissions technician is not operating from a location specified on the permit. Any violations of this section are subject to penalties established in Appendix D, category 4;

4.3.9 Certified Emissions Technician failed to maintain physical control of the CTE, and remain within view of the lane camera while in official testing mode. Any violations of this section are subject to penalties established in Appendix D, category 4;

4.3.10 The Certified Emissions Technician denies access to a representative of the Department to conduct an audit/inspection or other necessary business during regular business hours, including by intimidation, harassment, or creation of a hostile work environment that unreasonably interferes with the representative's ability to perform their duties. Any violations of this section are subject to penalties established in Appendix D, category 4. If the denial of access includes any physical action, meaning threatening or assaultive behaviors beyond intimidation or harassment, the violation may be subject to penalties established in Appendix D, category 3 or 8;

4.3.11 The Certified Emissions Technicians attempts to influence the auditor or Department representative to obtain a specific outcome, whether through bribery or any other improper means. Any violations of this section are subject to penalties established in Appendix D, category 4;

4.3.12 The Certified Emissions Technician performed at a county with reciprocity as required by Utah Code § 41-6a-1642, but did not perform it as required by the Regulations or Ordinances governing such testing in these counties. Any violations of this section are subject to penalties established in Appendix D, category 6; or

4.3.13 Mobile emissions technicians shall comply with the reinspection requirements applicable to I/M Program Stations, including performing at least one free reinspection scheduled within fifteen (15) calendar days of the initial inspection, subject to requirements of 10.1.8. The reinspection shall be performed either at the same location as the initial inspection or at a location mutually agreed upon, provided it is within the County. Any violations of this section are subject to penalties established in Appendix D, category 6.

4.4 The Department shall respond to public complaints regarding the fairness and integrity of inspections they receive and shall provide a method that inspection results may be challenged if there is a reason to believe them to be inaccurate. If it is determined that the station did not follow Department procedures. Violations of this section are subject to penalties established in Appendix D, category 2.

4.5 Vehicle Idling

4.5.1 Education, Requirements and Exemptions for Owners, Operators, and Dealers of Motor Vehicles.

(a) The primary purpose of Section 4.5 is to educate the public on the health and environmental consequences of vehicle idling;

(b) Vehicle Idling Limitation. No owner or operator of a motor vehicle shall allow or permit such vehicle to remain in an idling mode or condition for a period of time exceeding two (2) cumulative minutes within a 15-minute period;

(c) Exemption to Idling Limitations. Vehicles may be exempted from the idling limitation requirements of section 4.5.1(a) under the following conditions, when not otherwise in violation of Utah State Code 41-6a-1403:

(i) The vehicle is forced to remain motionless on a roadway because of traffic conditions for which the driver has no control;

(ii) The vehicle is an authorized emergency vehicle used in an emergency situation;

(iii) Vehicle idling is necessary for auxiliary power for law enforcement equipment, fire, emergency and water equipment, refrigeration units, loading and unloading lifts, well drilling, farming, battery charging, or is required for proper functioning of other commercial equipment that is part of the vehicle;

(iv) Vehicle idling is necessary for repair or inspection of the vehicle;

(v) The health or safety of a driver or passenger, including service animals, requires the vehicle to idle, including instances where the temperature is below 32 degrees F or above 90 degrees F. This exception also includes idling needed to operate window defrosters and other equipment necessary to promote safe driving conditions; and

(vi) Vehicle idling is necessary for efficient operation of a turbo-charged heavy-duty vehicle (e.g., buses) or to operate a vehicle within manufacturer's operating requirements. This includes building air pressure in air brake systems, among other requirements.

(c) Provisions of section 4.5 may only be enforced when the idling vehicle is found on:

(i) Public property, or

(ii) Private property that is open to the public unless the private property owner:

(A) Has a private business that has a drive-through service as a component of the private property owner's business operation and posts a sign provided by or acceptable to the County informing its customers and the public of the County's time limit of two cumulative minutes in a fifteen-minute period for idling vehicle engines; or

(B) Adopts an idle reduction education policy approved by the County.

4.5.2 Enforcement

(a) Section 4.5 shall be enforced in such a manner as to provide for the safety of the law enforcement officers or designees who enforce it;

(b) An operator of a vehicle who is in violation of Section 4.5 shall be subject to a fine under the same fine structure as a parking violation in the jurisdiction where the violation is issued. Such fine may only be imposed upon an operator after at least three (3) warning citations have been issued to that operator.

5.0 SCOPE.

It shall be unlawful for any person to fail to comply with any policy, procedure, Technical Bulletin, or regulation promulgated by the Department, unless expressly waived by these Regulations.

6.0 GENERAL PROVISIONS.

Subject to the exceptions in Section 6.6, and pursuant to the schedule in Section 6.1, individuals with their primary residence in the County must register their motor vehicles in the County. Motor vehicles (of model years as determined by state statute) that are, or will be registered in the County, or operated from a facility within the County shall be subject to an OBDII emissions test or other approved emissions test method performed by an I/M Program station or other entity approved by the Director. In an effort to ensure program integrity, the Department may require select vehicles to be tested only at the Utah County Technical Center. Vehicles tested by the Department will be required to meet the same inspection standards as vehicles tested at the decentralized stations, potentially using alternative methods to determine emission compliance. All provisions in this Ordinance, including Appendices A-I may apply.

6.1 Beginning July 1, 1986, a Certificate of Compliance or Waiver, or evidence that the motor vehicle is exempt from the Inspection/Maintenance Program requirements (as defined in Section 6.6) shall be electronically transferred to the County Assessor or the Utah State Tax Commission and the Air Pollution Control Fee paid (See Section 6.10.1) as conditions precedent to annual registration or annual renewal of registration of a motor vehicle.

6.2 If Utah Code § 53-8-205, concerning safety inspections is in effect, the official vehicle emissions inspection shall occur, and a Certificate of Compliance or Waiver shall be issued within the same time period as applicable in Section 53-8-205.

6.3 If Utah Code § 53-8-205, concerning safety inspections is not in effect, the official vehicle emissions inspection shall occur, and a Certificate of Compliance or Waiver shall be issued within 60 days prior to the date of the motor vehicle registration. Any Certificate of Compliance, Deferral, or Waiver older than 60 days from the date of issuance shall be considered expired and will not be accepted for registration purposes.

6.4 A certificate issued to an automobile dealer licensed with the State of Utah and issued in the dealer's number shall be valid for registration purposes for a period of eleven months. The purchaser's name, address, and phone number shall be recorded by the dealer on the back of the certificate.

6.4.1 If the title of a used motor vehicle is being transferred, an inspection certificate issued for the motor vehicle during the previous eleven months may be used to satisfy registration requirements.

6.4.2 If the title of a leased vehicle is being transferred to the lessee of the vehicle, an inspection certificate issued during the previous eleven months may be used to satisfy the registration requirements.

6.4.3 Any vehicle issued a 11-month certification may be re-tested by the County auditors at any time during regular business hours at the dealership where it is for sale. The key must be provided to the County auditors for the purpose of performing an emissions test on the dealer's property. Failing that test, will result in the previous passing inspection being voided. Refusal by the dealership may result in previous passing inspection being voided. This inspection may be arranged to take place at the dealership or may be required to be inspected at the Utah County Emissions facility, within a timeframe specified by the County.

6.4.4 All 11-month certificates must have the dealer number input in the license plate field of the CTE during the emissions test. Failure to do so will be penalized as per Appendix D "Failure to Follow Proper Test Procedures".

6.5 Publicly Owned Vehicles.

Owners of publicly owned vehicles shall comply with the inspection program requirements pursuant to a schedule determined by the Department. Federally owned vehicles and vehicles of employees operated on a federal installation that do not require registration in the State of Utah shall comply with the emissions inspection requirements on a basis pursuant to a schedule determined by the Department.

6.6 The following vehicles are exempt from these Vehicle Emissions Inspection/Maintenance requirements:

6.6.1 Any vehicle of model year 1967 or older, unless modified by legislature;

6.6.2 All implements of husbandry as defined in Utah Code § 41-1a-102 and any motor vehicle that qualifies for an exemption as provided by Utah Code § 41-6a-1642(4)(b) and (f);

6.6.3 Any vehicle used for maintenance or construction and not designed or licensed to operate on the highway;

6.6.4 Any motorcycle or motor driven cycle (including vehicles which operate with an engine normally used in a motorcycle);

6.6.5 Any vehicle that operates exclusively on electricity;

6.6.6 Any vehicle that is less than two years old on January 1, based on the age of the vehicle determined by the model year identified by the manufacturer.

6.6.7 Any motor vehicle which qualifies for legislative exemptions.

6.6.8 Any motor vehicle which is powered by an engine that is 650cc or less.

6.6.9 Any motor vehicle which is powered by a 2-cycle engine.

6.6.10 Any diesel fueled vehicle with a manufacture designated GVW greater than 14,000 pounds;

6.6.11 Any diesel fueled vehicle 1997 and older;

6.6.12 Any diesel fueled vehicle that is less than 5 model years old as of Jan 1 of the current year.

6.7 It shall be the responsibility of the Technician if a vehicle exempted from these Regulations by Section 6.6 of these Regulations is brought to the Technician for an official emission test to inform the owner/operator of the vehicle that the vehicle is not required to have an official emission inspection for vehicle registration purposes. If owner still requests a test, knowing it is not necessary for registration, the station must perform the test at their established and posted price. Any violations of this section are subject to penalties established in Appendix D, category 6.

6.8 Official Signs:

6.8.1 All I/M Program Stations, except those stations authorized to inspect only their own motor vehicles as a fleet inspection station, shall display in a conspicuous location on the premises an official sign provided or approved by the Department. Any violations of this section are subject to penalties established in Appendix D, category 5.

6.8.2 Mobile emissions inspection operations shall have a Department approved decal on the side of their vehicle or trailer. They must also display all required signs, including all those set forth in this section, on a temporary, portable stand such as an A-frame, easel, or similar device, positioned so as to be clearly visible to the public. Any violations of this section are subject to penalties established in Appendix D, category 5.

6.8.3 The station shall post a sign stating all fees that will be charged by the station for emissions inspection. The sign shall be clear and legible and be no less than two square feet in size, and in a conspicuous place at the station. Block lettering of the sign shall be a minimum of one inch in height on a sign that is easily visible. Any violations of this section are subject to penalties established in Appendix D, category 5;

6.8.4 The signs required by Sections 6.8.1, 6.8.2, and 6.8.3 shall be located so as to be easily in the public view Any violations of this section are subject to penalties established in Appendix D, category 5.

6.9 Equipment Available for Inspection.

Required tools and equipment as noted in Section 8.1.4, supplies, records, and other required forms, shall be kept at the official I/M Program Station at all times, or in the case of a mobile emissions inspection operation, with the mobile unit during operating hours, and shall be available for inspection and, if applicable, collection by the Department at any time the inspection station is open for business. Any violations of this section are subject to penalties established in Appendix D, category 5 or 7. Every inspection that an item remains out of compliance shall constitute a separate violation.

6.9.1 A periodic unannounced inspection and audit including review of test procedures captured by the CTE shall be made by a Department representative to verify compliance with these Regulations for each I/M Program Station. As part of the periodic inspection and audit of the I/M Program Station the Department representative shall, as applicable, examine inspection records as well as other required tools, reference materials, reports, forms, or records to see that the use of these items is in compliance with these Regulations and the policies and procedures of the Department. Any violations of this section are subject to penalties established in Appendix D, category 5. Every inspection that an item remains out of compliance shall constitute a separate violation.

6.9.2 During the time of the inspection and audit by the Department, the Department representative shall have exclusive access to the approved CTE(s). Any violations of this section are subject to penalties established in Appendix D, category 4. If the denial includes any physical action, meaning threatening or assaultive behaviors beyond intimidation or harassment, the violation may be subject to penalties established in Appendix D, category 3 or 8;

6.10 Fees.

The fees assessed upon I/M Program Stations and Certified Emissions Technicians shall be determined according to a fee schedule adopted by the Board of County Commissioners. The fee schedule is referenced in Appendix B to these Regulations and may be amended by the Board of County Commissioners as the Board deems necessary to accomplish the purposes of these Regulations.

6.10.1 The following fee is hereby assessed upon every motor vehicle registered in the County annually at the time of registration of the vehicle: Air Pollution Control Fee -- not to exceed the amount specified in Appendix B. This fee assessment is included on all motorized vehicles including those that are exempted from the inspection requirements of these Regulations by Section 6.6 unless a separate fee is assessed on other motor vehicles by other County Ordinances.

6.10.2 Those stations participating in the program hereunder may charge fees for the required service. Those fees may not exceed, for each vehicle inspected, the following amounts:

6.10.2.1 Emissions inspection not to exceed the amount specified in Appendix B. I/M fees must be uniformly applied and cannot be discriminatory in that different fees are assessed dependent upon vehicle ownership, vehicle type, owner residence, etc. Any violations of this section are subject to penalties established in Appendix D, category 4.

6.10.2.2 Fixed Location Station: If a vehicle fails the inspection, the owner is entitled to one free re-inspection if they return to the station that performed the original inspection within fifteen (15) calendar days from the date of the initial inspection. The station shall extend the fifteen-day free re-inspection time to accommodate the vehicle owner if the station is unable to schedule the retest of the vehicle within the fifteen-day time period. The emissions inspection fee shall be the same whether the vehicle passes or fails the emission test. At the request of the Department, an official emissions station shall extend the free retest time for vehicle owners who were unable to complete emissions repairs because of the unavailability of parts to make the necessary repairs. In no case shall this extended time exceed 60 days. Any violations of this section are subject to penalties established in Appendix D, category 6.

6.10.2.3 Mobile Station: A mobile emissions testing operation shall meet the same standards found in 6.10.2.1 and provide the reinspection at the same location of the original test or at another location in the County that is mutually agreed upon by both parties. Any violations of this section are subject to penalties established in Appendix D, category 6.

6.10.2.4 Duplicate VIRs issued to a vehicles owner(s)/operator(s), not to exceed the amount specified in Appendix B. Any violations of this section are subject to penalties established in Appendix D, category 6.

6.10.3 If a vehicle fails the emissions test, and is within the time and mileage requirements of the federal emissions warranty contained in the Federal Clean Air Act, the Technician shall inform the owner/operator that they may qualify for warranty coverage of emission related repairs as provided by the vehicle manufacturer and mandated by the Federal Environmental Protection Agency. The Technician shall provide the owner with a copy or copies of the applicable emissions warranty information provided by the Department and printed by the CTE. The station shall display in an area readily accessible to the public any informational pamphlets required by the Department. Any violations of this section are subject to penalties established in Appendix D, category 5.

7.0 STANDARDS AND REQUIREMENTS FOR CERTIFIED TEST EQUIPMENT (CTE)

7.1 CTE Approval Requirements

7.1.1 Transfer of ownership of CTE and associated equipment will be prohibited, unless written approval by the Department has been given prior to the transfer. Equipment that has not received this approval will not be allowed for future use in the County I/M Program.

7.1.2 All Certified Test Equipment (CTE) must meet the equipment standards, including those outlined in Appendix A. Equipment must also be certified by the manufacturer as meeting the Federal requirements of the Clean Air Act. Stations are responsible for keeping their equipment in good working condition, ensuring it is properly maintained, updated, and used according to the manufacturer's instructions. It shall be the station's responsibility to ensure all supplied equipment is present and operational. Any violations of this Section are subject to penalties established in Appendix D, category 7.

7.1.3 Periodically, equipment upgrades or replacements may be required due to new technology, legislative changes, or updates to national air quality standards. Decisions concerning what costs will be the responsibility of the Contractor compared with the I/M Program Stations will be determined by the Department and Contractor. The Department will set the timeline for any required updates. Station owners may be responsible for some or all upgrade costs and will receive advance notice before any changes take effect. Station is obligated to allow updates or repairs to be made by Contractor or Department representatives. Failure to properly upgrade equipment is subject to penalties in Appendix D, Category 7 or 8.

7.1.4 Periodically software upgrades may be required due to new technology, legislative changes, or updates to national air quality standards. After approval by the Department, the Contractor shall provide reasonable software updates, including communication with new model vehicles, at no charge, through the life of the program operation. Station owners may be responsible for some or all upgrade costs. Station is obligated to allow updates to be made by Contractor or Department representatives. Failure to properly upgrade equipment are subject to penalties in Appendix D, Category 7or 8.

7.1.5 If new emission-testing equipment becomes available in the future, the manufacturer must provide proof of current BAR certification and must meet all County equipment approval requirements before their equipment can be sold or used in the County I/M Program.

7.2 REGISTERING AND USING CERTIFIED TEST EQUIPMENT

All CTE used by a station must be provided by the Contractor and be approved and registered with the Department. When required, equipment will be issued a registration sticker, which cannot be transferred to another station or device. Any new or used equipment added after a station is approved must also receive Department approval before use. If a station uses temporary equipment while their registered CTE is down for repair, the temporary unit does not need a registration sticker, but it does need to be provided by the Contractor and meets all other requirements and must be approved by the Department in advance. Any violations of this Section are subject to penalties established in Appendix D, category 6 or 7.

7.2.1 Stations must maintain their CTE printer so that all printed vehicle inspection reports are clearly readable. If the printer is not working properly, testing must stop until it is repaired.

7.2.2 Modifications of CTE hardware or software are prohibited unless directed by the Contractor and the Department.

7.3 WARRANTY AND APPROVED CTE

7.3.1 CTE must be connected to a 110V power source. Using any other power supply can damage the equipment and may void the warranty.

7.3.2 Only equipment from an approved provider of the CTE for the County I/M Program is allowed. Using other equipment or non-Contractor approved replacement parts may void your warranty.

7.3.3 Contractor-Provided Equipment May Include Elements Such As:

- Tablet with integrated OBD, barcode scanner, and 6' OBD cable
- Tablet Docking Station
- Self-Test Cable and Power Adapter

- Compatible Printer and High-Yield Toner
- Lane Camera Kit
- Wireless Router
- Waterproof Camera (minimum 16 MP)
- 4-Port Compact USB Hub
- All necessary USB Adapters

7.4 REPORTING EQUIPMENT ISSUES

If your CTE requires repair and cannot meet program requirements, you must report it to the Department as "Out-of-Service." You must also notify the Department once repairs are completed and before you resume vehicle testing.

7.5 STATION AGREEMENT REQUIRMENT

All certified stations must complete and submit a Station Agreement with the approved Contractor. before they are allowed to purchase Certified Test Equipment. Visit: **https://www.aircheckutahcounty.org/**

8.0 PERMIT REQUIREMENTS OF THE VEHICLE EMISSIONS INSPECTION/MAINTENANCE PROGRAM STATION.

8.1 Permit Required.

8.1.1 No person shall in any way represent any place as an official I/M Program Station unless the station is operated under a valid permit issued by the Department. Any operation that is not currently authorized by the Department, holding themselves out to be a I/M Program Station will be subject to civil and criminal penalties.

8.1.2 The Director is authorized to issue or deny station permits for the emissions inspection of vehicles and the issuance of Certificate of Compliance. Waivers may be permitted as approved by the Department.

8.1.3 No permit for any official I/M Program Station may be assigned, transferred, or used by any person other than the original owner identified on the permit application for that specific I/M Program Station. The permit shall be posted in a conspicuous place within public view on the premises.

8.1.4 Application for an I/M Program Station permit shall be made to the Department upon a form provided by the Director. No permit shall be issued unless the Director finds that the facilities are properly zoned; has a current business license in the County; a property lease agreement of at least 12 months or proof of ownership, and tools and equipment of the applicant comply with the requirements of these Regulations and that competent personnel, certified under the provisions of Section 12.0, are employed and will be available to make inspections, and the operation thereof will be properly conducted in accordance with these Regulations.

8.1.4.1 An I/M Station shall notify the Department if the station does not have a Certified Emissions Technician employed. Any violations of this section are subject to penalties established in Appendix D, category 6.

8.1.4.2 An I/M station shall comply with all the terms stated in the permit application submitted annually and all the requirements of these Regulations, including any technical bulletins sent to the station.

8.1.4.3 As a condition for permitting all I/M Program Stations, the following tools and materials shall be available for performance of the inspection and maintenance of motor vehicles:

(a) A Department approved CTE, as referenced in APPENDIX A;

(b) Department approved vehicle repair information which includes emissions components design and repair specifications. The station shall also have Department approved ready reference information covering the application of emissions control systems for the model years and makes of vehicles involved in the Vehicle Emissions Inspection/Maintenance Program;

(c) Sufficient hand tools for proper performance of the inspection and maintenance of the vehicle including a method to gain access for the required pictures;

(d) The CTE manufacturer's maintenance manual, in whatever form it may be provided by the Contractor, must be retained in the inspection area and immediately accessible;

(e) All forms, Technical Bulletins, and other information materials provided by the Department.

8.1.5 All facets of the official I/M Program shall be performed by the Certified Emissions Technician including:

8.1.5.1 CTE preparation;

8.1.5.2 Accessing the official emissions inspection section of the CTE. Any violations of this section are subject to penalties established in Appendix D, category 4;

8.1.5.3 All other aspects of the official emissions test including but not limited to: the tampering inspection, entering data into the CTE, and capturing images as required by the CTE. Any violations of this section are subject to penalties established in Appendix D, category 4.

8.2 An I/M Program Station shall be kept in good repair and in a safe condition for inspection purposes, free of obstructions and hazards. Any violations of this section are subject to penalties established in Appendix D, category 7.

8.3 Permit Duration and Renewal.

8.3.1 The permit for I/M Program Stations, including mobile units shall be issued annually and shall expire on the last day of the year in which it was issued, unless the Department determines that it is best to permit annually based on date of first issuance. The permit shall be renewable sixty days prior to the date of expiration.

8.3.2 It is the responsibility of the owner/operator of the inspection station or mobile unit to pursue the permit renewal through appropriate channels. An application for renewal shall be submitted each year in the form and manner prescribed by the Department, and no permit shall be renewed without a completed application.

8.3.3 Inspection Station or mobile units to hold County Harmless: In making application for a permit or for its renewal, such action shall constitute a declaration by the applicant that the County shall be held harmless from liability incurred due to action or inaction of I/M Program Station's or mobile units' owners or their employees.

8.4 Any violation of section 8.0 may be subject to penalties established in Appendix D.

9.0 INSPECTION PROCEDURE.

9.1 The official emissions inspection shall be solely performed by a Certified Emissions Technician who has been certified at the station where the inspection is being performed. The Certified Emissions Technician shall follow the prompts of the CTE to conduct the inspection and Department approved inspection procedures are to be followed. The entire inspection procedure must be performed by the Certified Emissions Technician whose credentials accessed the testing portion of the CTE. Any violations of this section are subject to penalties established in Appendix D, category 4.

9.2 If the Technician is unable, unqualified, or unwilling to make the required repairs or adjustments, should the vehicle fail the emissions test, they shall notify the owner/operator of the vehicle before the emissions test is administered. Any violations of this section are subject to penalties established in Appendix D, category 6.

9.3 The entire inspection shall take place within view of the lane camera unless otherwise exempted by the Department, generally only applicable to oversized vehicles that do not fit in the bay. Any violations of this section are subject to penalties established in Appendix D, category 6.

9.3.1 If a vehicle is too large to fit in the inspection lane, the inspection may be conducted outside the view of the lane camera after the Department has been notified.

9.3.2 If the Department determines the lane camera is not placed to sufficiently capture all aspects of the inspection procedure, the CTE may be locked out and testing suspended until required corrections are made. Any violations of this section are subject to penalties established in Appendix D, category 7.

9.4 The temperature of the inspection area shall be between 41° Fahrenheit and 110° Fahrenheit during the inspection. Any violations of this section are subject to penalties established in Appendix D, category 7.

9.5 The CTE shall be kept in an area that provides adequate protection from the weather, wind, and extreme temperatures. Any violations of this section are subject to penalties established in Appendix D, category 7.

9.6 The electrical supply to the CTE shall be able to meet the CTE manufacturer's requirements for voltage and frequency stability. Any violations of this section are subject to penalties established in Appendix D, category 7.

9.7 The emissions Technician shall not inspect or test any motor vehicle with a mechanical condition which may cause injury to inspection personnel or damage to the inspection station or test equipment, or which may affect the validity of the test, until such condition is corrected. Such conditions include, but are not limited to: coolant, oil, or fuel leaks, low oil or low fluid levels; exhaust leaks; transmission problems or visible emissions. Vehicles with visible emissions shall not receive a Certificate of Compliance. Smoking vehicle test procedures are defined in APPENDIX G. Any violations of this section are subject to penalties established in Appendix D, category 6.

9.8 Any time an engine stalls during an emissions test, the test shall be restarted. If a certified emissions technician cannot complete a test because of continuous stalling, fluctuating RPM measurements, or RPM measurements that are not within the Department specified parameters, then these problems shall be corrected before the test is continued.

9.9 When using a vehicle title, registration or previous test record, the Technician shall verify the vehicle identification number (VIN) with that on the vehicle and shall accurately record it on the CTE. Additionally, the Technician shall enter completely and accurately all the information required as part of the data entry procedure for the official vehicle emissions test on the CTE. Any violations of this section are subject to penalties established in Appendix D, category 5.

9.10 The Technician shall for all gasoline, gasoline hybrid, compressed natural gas (CNG), liquid propane gas (LPG), fueled vehicles:

9.10.1 Examine the emissions/tune-up specification decal (sticker) under the hood and check an approved reference manual to determine if the vehicle was manufactured with a catalytic converter, air injection reaction (AIR) system, PCV System, EGR System, and Fuel Evaporative System. Emission devices or components replaced with other than OEM parts must be U.S. EPA or C.A.R.B. Certified for the specific vehicle.

9.10.2 On 1996 and newer model year, gasoline, gasoline hybrid, compressed natural gas (CNG), liquid propane gas (LPG), fueled vehicles follow the OBD test procedures in accordance with Appendix F.

9.10.2.1 On 1996 and newer vehicles, fail the OBDII system tampering inspection if it is determined that the vehicle computer has been reprogrammed to defeat the factory OBDII system. This includes, but is not limited to, reprogramming to ignore readiness monitors, hard coding readiness monitor status, ignoring DTCs or reporting false information to the emissions CTE.

9.10.2.2 On 1996 and newer vehicles, fail the OBDII system tampering inspection if it is determined that the vehicle has any computer sensor bypass or emulator devices installed to defeat the factory OBDII system. This includes, but is not limited to, oxygen sensor emulators, oxygen sensor extenders or spacers, fixed or variable resistors installed in place of engine sensors, reprogramming the vehicle computer to emulate proper OBDII function or reporting false information to the vehicle computer.

9.10.2.3 If the vehicle has any aftermarket programmers or modifications to the fuel management system, they must be EPA or CARB approved and bear the proper indication of such. It shall be the owner/operator's burden of proof to show verification of EPA or CARB certification. Non-verifiable EPA or CARB approved modifications will fail the tampering inspection if present.

9.10.3 On 1996 and newer , gasoline, gasoline hybrid, compressed natural gas (CNG), liquid propane gas (LPG), fueled vehicles, visually inspect for the presence and apparent operability of the AIR System, catalytic converter, EGR System, Evaporative Control System, PCV System, and gas tank cap in accordance with Department procedures and record the information in the CTE. If these parts or systems have been removed or are inoperable, the owner shall repair or replace the parts or systems before the emissions test may be continued.

9.10.4 As long as authorized by state code, 1995 and older gasoline, gasoline hybrid, compressed natural gas (CNG), liquid propane gas (LPG), fueled vehicles, shall be visually inspected for the presence and apparent operability of the AIR system catalytic converter, EGR System, Evaporative Control System, PCV System, and gas tank cap in accordance with Department procedures, and record the information in the CTE.

9.10. 5 For all gasoline, gasoline hybrid, compressed natural gas (CNG), liquid propane gas (LPG), fueled vehicles, if a part or parts are necessary to bring a vehicle into compliance is/are not available by the time the vehicle's registration is due, the owner/operator may obtain a signed form to that effect from a manufacturer, dealer, or mechanic who has verified the non-availability of the part(s). The owner/operator shall then take such proof to the Department. The Director may issue a Temporary Waiver, for a period of time and under such conditions as they have determined, so that the vehicle may be registered. The owner shall have until the expiration of the time period specified by the Director to complete the necessary repairs or replacement, and submit a Certificate of Compliance or Waiver to the Director to verify that the part(s) have been installed and that the vehicle is in compliance with all provisions of these Regulations. The Director is under no obligation to issue these Waivers.

9.10. 6 A time extension, not to exceed the period of the inspection frequency, may be granted to obtain needed repairs on a vehicle in the case of economic hardship when waiver requirements have not been met. After having received a time extension, a vehicle must fully pass the applicable test standards before becoming eligible for another time extension. The extension for a vehicle shall be tracked and reported by the program. The Director is under no requirement or obligation to issue these time extensions.

9.11 As long as authorized by stated code, vehicles 1995 and older model year gasoline, gasoline hybrid, compressed natural gas (CNG), liquid propane gas (LPG), fueled vehicles that receive visual inspection only. The inspection shall be performed with the transmission in "park" or "neutral" and with all accessories off and the emergency brake applied.

9.12 A Certificate of Compliance shall be electronically submitted for gasoline, gasoline hybrid, compressed natural gas (CNG), liquid propane gas (LPG), fueled vehicles:

9.12.1 For 1990 through 1995 model year vehicles, the vehicle passes or fails the visual inspection described in Section 9.10, and

9.12.2 For 1989 and older model year vehicle, the vehicle passes or fails the visual inspection in Section 9.10, and

9.12.3 For 1996 and newer model year vehicle, the vehicle passes the visual inspection described in Section 9.10 and the vehicle passes the OBDII test described in APPENDIX F.

9.13 All inspection procedures shall be followed as contained in the CTE specifications referenced in Appendix A.

9.14 If the gasoline, gasoline hybrid, compressed natural gas (CNG),or liquid propane gas (LPG) fueled vehicle fails the initial emissions inspection, the owner shall have fifteen calendar days in which to have repairs or adjustments made and return the vehicle to the I/M Program Station that performed the initial inspection for one (1) free re-inspection. In order to be in compliance, the vehicle that failed the initial test shall meet the following conditions:

9.14.1 A Certificate of Compliance shall be issued if all of the following are met:

9.14.1.1 The vehicle is re-tested;

9.14.1.2 For 1996 and newer Model Year Vehicles, the vehicle passes the visual inspection described in Section 9.10 and the vehicle passes the OBDII test described in APPENDIX F.

9.14.1.3 The Department and their employees shall not be held responsible for any failure of vehicle components or systems occurring during an inspection.

9.15 A Certificate of Waiver shall be issued for gasoline, gasoline hybrid, compressed natural gas (CNG), liquid propane gas (LPG), fueled vehicles by meeting cut points as established in Appendix E, and subject to the following conditions:

9.15.1 A Certificate of Waiver shall not be issued for 1968 to 1995 model year vehicles..

9.15.2 A Certificate of Waiver shall be issued for 1996 and newer model year gasoline, gasoline hybrid, compressed natural gas (CNG), liquid propane gas (LPG), fueled vehicles if all of the following requirements are met:

9.15.2.1 The appropriate air pollution control devices installed by the manufacturer are in place and operable on the vehicle. If the devices have been removed or rendered inoperable, they shall be replaced or repaired before a Waiver is granted; and

9.15.2.2 At least four hundred fifty dollars ($450) has been spent on qualifying emissions related repair costs for that specific vehicle, and if proof of repair costs for that specific vehicle have been provided to the Department in the form of an itemized bill, invoice, work order, manifest or statement in which emissions related parts are specifically identified. If repairs are made by the vehicle owner or by someone who does not possess a valid business license for automotive work, then the cost of labor shall not be included in the $450; and

9.15.2.3 The vehicle is not within the time and mileage requirements of the federal emissions warranties. Any vehicle that is within the time and mileage requirements of the federal emissions warranties shall not be eligible for an emissions repair waiver, but shall be repaired to pass the emissions standards.

9.15.3 Any gasoline, gasoline hybrid, compressed natural gas (CNG), liquid propane gas (LPG), fueled vehicle that experiences an increase in the number of OBDII fault codes shall not be eligible for an emissions repair waiver regardless of the amount spent in attempting to repair the vehicle.

9.15.4 As used in Sections 9.15.1 and 9.15.2, acceptable emissions related repairs:

9.15.4.1 Refers to those expenditures and costs associated with the adjustment, maintenance, and repair of the motor vehicle which are directly related to reduction of exhaust emissions necessary to comply with the applicable emissions standards, cut-points, and procedures;

9.15.4.2 Does not include adjustments, maintenance, or repairs performed more than 60 days prior to the official emissions test.

9.15.4.3 Does not include the fee paid for the test;

9.15.4.4 Does not include costs associated with the repairs or replacements required by Section 9.10 or the replacement, and/or repair of air pollution control equipment on the vehicle if the need for such adjustment, maintenance, replacement, or repair is due to disconnection of, tampering with, or abuse of the emissions control systems.

9.15.4.5 Does <u>not</u> include repairs performed to the vehicle's exhaust system to correct problems with excessive exhaust dilution for the qualification process outlined in Appendix E.

9.15.4.6 Refers to repairs, maintenance, and diagnostic evaluations of the following systems, if done according to manufacturer's specifications, to the extent that the purpose is to reduce exhaust emissions:

(a) Air Intake Systems;
(b) Ignition Systems:
(c) Fuel Control Systems;
(d) Emissions Control Systems
(e) Basic Engine Systems.

9.16 Qualifying repairs include repairs of emission control components listed in section 9.15.4.1 and 9.15.4.6 performed within 60 days of the test date.

9.17 Certificates of Waiver shall only be issued by the Department, unless the Department determines other acceptable methods of issuing the Waivers. A waiver shall only be issued after determining that the vehicle complies with the requirements of this Section for waiver issuance. An automobile dealer is not eligible to receive a waiver on a vehicle being sold and registered by a licensed dealership.

9.18 Prior to referring the owner to the Department for determining waiver eligibility, the I/M Station/Technician shall verify that the repair and eligibility requirements of this Section have been met. Any violations of this section are subject to penalties established in Appendix D, category 5.

9.19 The Certificate and Inspection records shall be completed accurately as required by the Department. The customer shall be given the VIR. Any violations of this section are subject to penalties established in Appendix D, category 5.

9.20 When a vehicle owner requests an emissions test, the Technician shall perform the inspection in the inspection mode of the CTE. Performing a screening test in the manual mode of the CTE or on a non-approved CTE such as an OBDII reader (scan-tool) as part of the emissions inspection process shall be a violation of these Regulations if the vehicle owner requested an emissions test. No adjustments or repairs shall be made prior to a requested I/M inspection. Any violations of this section are subject to penalties established in Appendix D, category 6.

9.21 Appendix H shall be used for those diesel-powered motor vehicles for which emission inspection is required.

9.22 If inspection procedures are not followed, Station and technician may be subject to penalties established in Appendix D, category 6.

9.23 Vehicles with visible emissions shall not receive a Certificate of Compliance. Smoking vehicle test procedures are defined in APPENDIX G.

10.0 MOBILE EMISSION INSPECTION

10.1 As of March 31, 2026, technicians and stations may become properly certified by the Department to perform mobile emissions inspections within the boundaries of the County.

10.1.1 Mobile technicians must be connected to the internet through a secure method, such as Wi-Fi, a hotspot, or other reliable connection, to transmit inspection results in real time to the Department and the Utah DMV system.

10.1.2 The mobile emissions Technician shall set up lane cameras in each location where inspections are performed. The entirety of the inspection must be conducted within the view of these lane cameras. Any violations of this section are subject to penalties established in Appendix D, category 6.

10.1.3 If the Department determines the lane camera is not placed to sufficiently capture all aspects of the mobile inspection procedure, the CTE may be locked out and inspection suspended until required corrections are made. The CTE may not be unlocked until mobile Emissions Technicians have been sufficiently retrained by the Department. Any violations of this section are subject to penalties established in Appendix D, category 7.

10.1.4 Using the tablet's external camera, the technician shall take pictures and document the condition of required emissions control equipment, including but not limited to catalytic converters, downstream oxygen sensors, diesel particulate filters (DPF), selective catalyst reduction systems (SCR), diesel exhaust fluid (DEF) tanks, exhaust gas recirculation (EGR), and diesel oxidation catalysts (DOC), as applicable and as required by the CTE software. Technicians shall also document any emissions-related equipment that is tampered with, inoperative, or removed. Any violations of this section are subject to penalties established in Appendix D, category 6.

10.1.5 Mobile technicians shall keep a log and document the location where inspections are performed each day. Any violations of this section are subject to penalties established in Appendix D, category 6.

10.1.6 Mobile emissions inspections must be performed entirely within the County boundaries. It is unlawful for a mobile technician working under this Ordinance to conduct emissions inspections outside of the County. Technicians seeking to perform inspections in other counties must complete the certification process for the county in which they intend to work in. Any violations of this section are subject to penalties established in Appendix D, category 4.

10.1.7 Mobile emissions inspection tablets shall implement geofencing. The tablet shall not initiate a test if the vehicle is located outside of the approved geofence or more than 500 feet from the designated inspection area.

10.1.8 Mobile technicians shall be subject to both overt and covert audits at the Department's discretion. Technicians must provide access to all inspection records, the tablet, emissions equipment, and any other materials necessary to verify compliance during an audit. Failure to comply with audit requests may result in suspension, revocation, or other penalties as determined by the Department. Any violations of this section are subject to penalties established in Appendix D, category 4.

10.1.9 Mobile technicians may not refuse inspection requests within the County due to distance or location. Upon request, technicians must provide mobile inspection within a reasonable timeframe, not to exceed five (5) business days. Any violations of this section are subject to penalties established in Appendix D, category 6.

10.1.10 Technicians are responsible for maintaining proper operation of all emissions inspection equipment and ensuring all inspections are accurate, complete, and compliant with all applicable regulations.

10.1.11 If mobile inspection requirements and procedures are not followed, Station and technician may be subject to penalties outlined in Appendix D.

11.0 ENGINE CHANGES.

11.1 All vehicles which qualify for testing under this section shall be tested by the Department only.

11.2 Vehicles qualifying for inspection under this section shall not be eligible for a repair waiver.

11.3 Engine switching guidance will be enforced according to state and federal rules and guidance. There will be no downgrades allowed (i.e., OBDII certification of the powertrain must remain OBDII compliant). Engine upgrades will be considered on a case-by-case basis to ensure they meet or exceed all standards listed in this section and the modification is not likely to result in the motor vehicle having increased emissions relative to the emissions of the motor vehicle before the modification.

11.4 Vehicles not meeting the requirements of this section shall be deemed tampered and dealt with in accordance with the tampering provisions of this ordinance.

11.5 If the engine has been converted to another fuel, the vehicle must comply with all laws governing the type of fuel being used.

12.0 TESTING AND CERTIFICATION OF APPLICANT FOR EMISSIONS TECHNICIANS.

12.1 Certification Required.

12.1.1 No person shall perform any part of the official emissions inspection for the issuance of a Certification of Compliance unless the person possesses a valid emissions Technician certificate issued by the Department. Certified Technician that initiates a test on the CTE must follow all provisions prescribed in section 4.2. As a condition of certification, each new applicant and existing Technicians agree to allow the Department to keep a facial photograph, which is updated annually, on file to be used for identification or administrative purposes.

12.1.2 Applications for an Official Emissions Technicians Certificate will be subject to a prescreening process and shall be made upon a form to be prescribed by the Department. No certificate shall be issued unless the applicant has shown adequate competence by successfully completing the written and practical portions of the emissions Technician certification requirements as specified in these Regulations.

12.1.2.1 The prescreening prerequisite may be met by:

- Passing a Department administered pretest with 80% or better,
- Current ASE Certifications in (A1, A2, A6, A8), or L1,
- Two-year degree or certificate in Automotive,
- Current or previously certified in an EPA approved inspection program in the State of Utah, or
- Any other applicable certification as approved by the Department.

12.1.2.2 No certificate shall be issued if the Department determines that the applicants transportation vehicle does not comply with the vehicle registration requirements and emissions inspection requirements for an EPA approved inspection program in the State of Utah.

12.1.3 An applicant shall comply with all of the terms stated in the permit application and with all the requirements of these Regulations.

12.1.4 An applicant shall complete a Department approved training course and shall demonstrate knowledge and skill concerning the performance of emissions inspections and a basic understanding of the vehicle emissions systems and manufacturer's specifications. Such knowledge and skill shall be shown by passing:

12.1.4.1 A written qualification test including knowledge of the following:

(a) Operation and purposes of emission control systems;
(b) Relationship of HC, CO, CO2, O2, and NOX to vehicle emissions control;
(c) Inspection procedures as outlined in these Rules and Regulations;
(d) The provisions of Section 207(b) warranty provisions of the Federal Clean Air Act; and
(e) The provisions of these Regulations and other Department policies and procedures.

12.1.4.2 A performance qualification test including the following:

(a) Visual inspection and knowledge of the function of the required emission control equipment;
(b) Demonstration of skill in the proper use, care, and maintenance of the CTE;
(c) Demonstration of ability to conduct the emissions inspection;
(d) Demonstration of ability to accurately complete the CTE inspection procedure.

12.1.5 A Hands-on Performance audit shall be necessary for successful completion of the Practical Application Test. The Hands-on Practical shall be observed and documented by Department personnel or other person approved by the Department.

12.1.6 The Department shall issue an Emission Technician Certificate to an applicant upon successful completion of the requirements of Section 12.0.

12.1.7 The Emissions Technician Certificate shall be valid only in stations where the Technician is presently approved by the Department. The Technician shall notify the Department of any request for changes. They shall also be required to be certified there prior to performing any emissions tests. A separate certificate may be issued for use at the additional station as determined by the Department. Also, an additional Technician certification fee shall be charged as specified in Appendix B. That certification will expire on the same date as the original.

12.1.8 The Department may deny, suspend, revoke, or refuse to renew a certificate if the applicant or Technician:

(a) knowingly provides false or misleading information;
(b) conducts fraudulent or inaccurate tests;
(c) issues or denies Certificates of Compliance contrary to these regulations;
(d) allows a non-certified person to perform any part of the inspection;
(e) engages in hostile, intimidating, or insubordinate behavior toward Department staff, station management, or members of the public in connection with emissions inspection or program activities; or
(f) otherwise violates provisions of these regulations.

(g) Any violations of this section are subject to the applicable penalties established in Appendix D.

12.2 Requalification Requirements for All Emissions Technicians.

12.2.1 Upon determination, by the Director, of the necessity of updating the qualifications for emissions Technicians, they shall be required to re-qualify.

12.2.2 Emissions Technicians shall be required to re-qualify annually and within a specified time period, determined by the Director. Failure to re-qualify within the required period of time shall result in suspension or revocation of the emissions Technician's certification as described in these Regulations.

12.2.3 The Department may require update or refresher training as part of the overall training program. Failure to complete such training within the required timeframe shall result in the suspension or revocation of the Technician's certification until required training is completed.

12.3 Certification Expiration.

12.3.1 The Technician Certificate shall be issued at the completion of the certification or recertification process, and all Technician certificates shall expire on December 31st of each year. The certificate shall be renewable up to sixty days prior to the date of expiration. Technician certificates that are issued in the last quarter shall not expire until December 31st of the following year.

12.3.2 It is the responsibility of the Technician to pursue the renewal of the Technician Certificate.

12.3.3 It is the responsibility of the technician renewing to complete a Hands-on Performance audit shall be necessary for successful completion of the Practical Application Test. The Hands-on Practical shall be observed and documented by Department personnel or other person approved by the Department.

13.0 CERTIFICATES OF COMPLIANCE AND WAIVERS.

13.1 No person shall make, issue or knowingly use any imitation or counterfeit of an official Certificate of Compliance or Waiver/number, or any other official program document. Any violations of this section are subject to penalties established in Appendix D, category 1.

13.2 No person shall knowingly use stolen or counterfeit certificates/numbers. Any violations of this section are subject to penalties established in Appendix D, category 1.

13.3 No Certificate of Compliance or Waiver or any other official program document shall be issued based upon any fraudulent method used to defeat or bypass the OBDII system. Any individual found performing such activities may be subject to criminal penalties. Additionally, any violations of this section are subject to penalties established in Appendix D, category 1.

13.4 No refund or credit shall be allowed for unused Test Authorizations, except as provided in Section 13.9.

13.5 Purchase of Test Authorizations.

13.5.1 Test Authorizations shall be purchased only from the Department approved Contractor. Payment for Test Authorizations shall be made by electronic transfer, or other methods approved by the Department and Contractor. Sales shall only be made to a representative of the I/M Program Station possessing an acceptable form of identification. Test Authorizations purchased will be loaded into the I/M Program station CTE following a successful transaction.

13.5.2 Test Authorizations shall be sold at the cost adopted by the Board of County Commissioners and referenced in Appendix B, in lots to be determined by the Department.

13.5.3 Test Authorizations shall not be sold, loaned, transferred, or given to any other I/M Program Station, or any unauthorized individual. The I/M Program Station shall at all times account for all Test Authorizations that have been purchased by the station. Any violations of this section are subject to penalties established in Appendix D, category 8.

13.6 Certificates of Compliance shall only be issued via electronic communication to the Utah Division of Motor Vehicles. Paper certificates, handwritten information, or printed certificates from any device are prohibited. Any violations of this section are subject to penalties established in Appendix D, category 4.

13.7 Certificates of Compliance and Waivers shall not be issued until an inspection has been performed and passed as required by these Regulations.

13.8 I/M Program Stations shall have Test Authorizations on hand at all times. Any violations of this section are subject to penalties established in Appendix D, category 6.

13.9 Upon final cancellation, suspension, or revocation of the I/M Program Permit of any station, the station owner, manager or other responsible person shall immediately surrender all unused Test Authorizations. The Department shall receipt and authorize a refund to be paid by the Contractor for unused Test Authorizations to the station owner. Upon transfer or termination of business ownership, the station permit and sign shall be immediately returned to the Department. Any person acquiring a business that has been permitted as an official I/M Program Station, is prohibited from using any Permit or emissions Test Authorizations issued to the former business. Any violations of this section are subject to penalties established in Appendix D, category 4. Additionally, any violations of this section are subject to penalties established in Appendix D, category 7.

13.10 Any CTE Contractor, their authorized representative, or any other entity who repossesses or otherwise removes an approved I/M CTE from an official I/M Station shall immediately notify the Department.

13.11 Reciprocity of Certificate shall be granted when issued by a qualifying agency as defined in this ordinance.

14.0 DISCIPLINARY PENALTIES AND RIGHT TO APPEAL.

14.1 When the Department, or its representative(s), receives information of a violation of any regulation contained herein which may result in a permit denial, revocation or suspension, the department shall, notify the affected entity, in writing, informing the entity of the violation and penalties to be enforced, and further informing the entity of the right of appeal and of the date, time, and location of an appeals hearing, if one has been scheduled, together with a copy of Appendix D. No appeal may be made regarding a formal warning.

14.1.1 In considering the appropriate administrative action to be taken as indicated in Appendix D, the Director shall consider the following:

14.1.1.1 whether the violation was unintentional or careless;

14.1.1.2 the frequency of the violation or violations;

14.1.1.3 the audit and covert audit history of the station and the Technician;

14.1.1.4 whether the fault lies with the Technician or with the station.

14.1.2 After consideration of the factors in Section 14.1.1 the Director may take appropriate administrative action as indicated in Appendix D against either the I/M station, the I/M Technician or both.

14.2 Appeals Hearing Procedure:

14.2.1 A recorded appeals hearing shall be held at the request of the affected entity or individual in order to determine the accuracy of information obtained by the department and whether there are mitigating factors which would justify the imposed penalties.

14.2.2 The requesting party may bring to the hearing any witnesses and any evidence believed to be pertinent to disciplinary action.

14.2.3 The appeal shall be heard by the Vehicle Inspection and Maintenance Appeal Board ("I/M Board"), a Board consisting of at least three persons, who are not employees of the Utah County Health Department, appointed by the Utah County Commission. The I/M Board shall have the discretion to determine which witnesses shall be heard and what evidence is relevant.

14.2.4 Violations determined to be intentional or flagrant shall result in the maximum enforcement of the penalty schedule pursuant to Appendix D herein.

14.2.5 In considering a penalty indicated by Appendix D, the I/M Board and the Department shall consider the following:

14.2.5.1 whether the violation was unintentional or careless;

14.2.5.2 the frequency of the violation or violations;

14.2.5.3 the audit and covert audit history of the station and the Technician

14.2.5.4 whether the fault lies with the Technician or with the station.

14.3 Written notice of the final determination of the I/M Board, including the Board=s finding under Section 14.2.5 hereof, shall be made within ten (10) working days after the conclusion of the appeals hearing.

14.4 After receiving a suspension, a station may request a reduction in length of the suspension pursuant to a consent agreement, which the Department may accept. A substitute consent agreement allows the Department to substitute a monetary penalty in lieu of the suspension time.

14.4.1 As a condition of a consent agreement and depending on the severity and nature of the violation(s), the station owner may be required to install video surveillance monitoring of all inspection areas. The station owner shall bear the cost of installation and maintenance of this equipment. The duration of the installation and operation of the video equipment will be determined by the Department and shall not exceed two (2) years from the original suspension. Access to the inspection area video images shall be available to the Department any time during the required duration without advanced station notification or approval.

14.5 For stations, monetary penalties assessed pursuant to a consent agreement shall be as follows: A sliding percentage scale based on the number of similar violation occurrences within a two year time period (2)(average I/M tests per day [calculated from tests conducted over the last 12 months or length of time the station has been open, whichever is less)(number of suspension days)(dollar amount per test). The maximum monetary fee settlement cannot exceed 10,000.00.

14.6 For Technicians, monetary penalties assessed pursuant to a consent agreement shall be as follows: $100 minimum to $500 maximum in $100 increments (equal to 15 days or any portion thereof, of suspension time, up to 75 days) in lieu of all or a portion of the suspension.

15.0 PENALTY.

15.1 Any person who is found guilty of violating any of the provisions of these Rules and Regulations, either by failing to do those acts required herein or by doing a prohibited act, shall be guilty of a class B misdemeanor pursuant to Utah Code § 26A-1-123,. If a person is found guilty of a subsequent similar violation within two years, he or she shall be guilty of a class A misdemeanor pursuant to Utah Code § 26A-1-123,.

15.2 Each day such violation is committed or permitted to continue shall constitute a separate violation.

15.3 The city attorney, or, if appropriate, the County Attorney, may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these Rules and Regulations.

15.4 A person may not be charged with a criminal violation of this ordinance if the conduct for which the person is being charged constitutes a violation of another provision of state or federal law for which a greater penalty is provided.

15.5 In addition to other penalties imposed by a court of competent jurisdictions, any person(s) found guilty of violating any of these Rules and Regulations shall be liable for all expenses incurred by the Department.

15.6 A Penalty Schedule for permit warning, suspension, or revocation is adopted as Appendix D and may be amended by the County Commission as the Commission deems necessary to accomplish the purposes of these Regulations.

16.0 SEVERABILITY.

If any provision, clause, sentence, or paragraph of these Regulations or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of these Regulations. The valid part of any clause, sentence, or paragraph of these Regulations shall be given independence from the invalid provisions or application and to this end the provisions of these Regulations are hereby declared to be severable.

17.0 EFFECTIVE DATE.

January 1, 2026.

APPENDIX A

REVISED CTE EMISSION INSPECTION SYSTEM SPECIFICATIONS

January 2026

1.0 GENERAL

This appendix contains standards for Emission Inspection System Contractors (hereafter, Contractors) to design Inspection Equipment to be used in the Utah County Vehicle Emissions Inspection and Maintenance Program (hereafter, I/M Program). Testing Equipment to be used in the I/M Program must be capable of performing On-Board Diagnostics (OBD) emissions inspections.

1.1 Design Goals

Inspection Equipment must be designed and constructed to provide reliable and accurate service in the automotive service environment and have a useful life of at least five years. The software must be designed for maximum operational simplicity and be capable of providing emissions readings or codes that can be used for vehicle diagnostics. A manual, non-test mode should be available to perform vehicle diagnostics. The software must prevent users from performing any actions that could change the results of an official emissions test. In addition, the Testing Equipment must include security measures that will prevent unauthorized modifications to the software or inspection data, record unauthorized entry, also known as tampering, and prevent subsequent inspections when tampering is detected.

These technical specifications contain the minimum requirements for Inspection Equipment used to perform emissions inspections in the I/M Program. Contractors may include additional items with approval from the Utah County Health Department (hereafter, the Department).

1.1.1 Identification Data

A nameplate including the following information must be permanently affixed to the housing of the Testing Equipment:

- Name and address of manufacturer;
- Model description;
- Serial number.

1.1.2 The Testing Equipment must prevent Contractor-authorized repair technicians from performing the following, except in a manner approved by the Department:

- Clearing a County lockout;
- Adding, deleting, or modifying test data;
- Adding, deleting, or modifying I/M Program Station information or a Certified Emissions Technician's license number.

2.0 Customer Service, Quality Assurance, and Preventive Maintenance

2.1 A Contractor-authorized repair technician is a Testing Equipment service technician that is authorized by the Contractor to perform service on their fleet of Testing Equipment. Only Contractor-authorized repair technicians may access the secure areas on the Testing Equipment.

2.2 Response times for equipment repairs to average no more than 8 business hours.

2.3 Maintain, in stock and at competitive retail prices for I/M Program stations, an inventory of consumable items required by the I/M program (This does not preclude I/M Program stations from purchasing consumable items from other businesses as long as the items meet the specifications).

2.4 Contractor-designed public website home page to be used for all transactions with the Contractor.

3.0 Insurance

3.1 The Contractor, at its own cost, shall secure and maintain during the term of the agreement, the following minimum insurance coverage as specified in agreement with Department.

APPENDIX B
FEE SCHEDULE

The assessed fees for implementing the requirements of Section 6.10 of the Vehicle Emissions Inspection/Maintenance Program shall be:

Annual Official I/M Program Station Permit..200.00

New I/M Station Plan Review..100.00

Annual Mobile I/M Station Permit...200.00

Additional Certified Testing Equipment Fee...60.00

Pre-qualifying Technician Exam..10.00

Annual Renewal of Expired Station Permit..100.00

I/M Station at a New Location...80.00

Temporary I/M Station Permit..50.00

Technician Certification Exam and Certification Course..........................100.00

Technician Transfer or Multiple Station Certification...............................25.00

Tamper Detection Class Mandatory..50.00

Permitting an Official I/M Emissions Technician...................................25.00

Annual Renewal of an I/M Emissions Technician Permit..........................25.00

Annual Renewal of Expired Technician Permit......................................50.00

Test Authorization Fee..6.00

Duplicate Certificate of Compliance...3.00

Duplicate Technician or Station Certificate..10.00

Emissions Inspection Fee...Set By Station

Air Pollution Control Fee..2.00

Technician Handbook...20.00

Replacement Station Sign...100.00

Gray Market/Engine Change Vehicle Inspection....................................75.00

Gray Market Renewal Inspection..25.00

Deferral...25.00

Effective Date January 1, 2026

APPENDIX C

PUBLICLY OWNED VEHICLES EMISSIONS TESTING AND REPORTING REQUIREMENTS

1.0 Any entity issued Publicly owned vehicles residing in Utah County shall account to the Utah County Air Quality Division annually for all Publicly owned vehicles, the passing status for emission testing and shall include:

1.1 Vehicle Identification number;

1.2 Vehicle year;

1.3 Vehicle make;

1.4 Vehicle model;

1.5 Vehicle plate number;

1.6 Emission Certificate number for the reporting year;

1.7 Indicate if the vehicle is new to the entity during the reporting year;

1.8 Indicate if the entity transfers or assigns title or interest in the vehicle during the reporting year.

1.9 If an entity fails to comply with this section, the Utah County Air Quality Division May:

1.9.1 Request license revocation from the Utah Department of Motor Vehicles:

1.9.2 For all non-reported vehicles;

1.9.3 Vehicles for which a valid emission Certificate has not been issued at the time of reporting.

Appendix D
PENALTY SCHEDULE

Classification	Violation (resets after 2 years of no similar violations unless revoked)	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence
Category 1	*(Intentional Pass)*	**Tech:** 180 day suspension and mandatory retraining	**Tech:** Revocation of permit for 5 years		
		Station: 180 day suspension	**Station:** 270 day suspension	**Station:** Revocation of inspection station permit for 5 years	
Category 2	*(Gross Negligence)*	**Tech:** 30 day suspension and mandatory retraining	**Tech:** 60 day suspension and mandatory retraining	**Tech:** Revocation of permit for 5 years	
		Station: 15 day suspension	**Station:** 30 day suspension	**Station:** 60 day suspension	**Station:** Revocation of inspection station permit for 5 years
Category 3	*(Serious Intentional)*	**Tech:** 180 day suspension and mandatory retraining	**Tech:** Revocation of permit for 5 years		
		Station: 180 day suspension	**Station:** 270 day suspension	**Station:** Revocation of inspection station permit for 5 years	
Category 4	*(Intentional)*	**Tech:** 60 day suspension and mandatory retraining	**Tech:** 180 day suspension and mandatory retraining	**Tech:** Revocation of permit for 5 years	
		Station: 60 day suspension and mandatory retraining	**Station:** 180 day suspension and mandatory retraining	**Station:** Revocation of inspection station permit for 5 years	

Category 5	***(Incompetence)***	**Tech:** Formal warning and mandatory retraining	**Tech:** 30 day suspension and mandatory retraining	**Tech:** 90 day suspension and mandatory retraining	**Tech:** Revocation of permit for 5 years
		Station: Formal warning	**Station:** 15 day suspension	**Station:** 45 day suspension	**Station:** Revocation of inspection station permit for 5 years
Category 6	***(Serious Incompetence)***	**Tech:** 30 day suspension and mandatory retraining	**Tech:** 90 day suspension and mandatory retraining	**Tech:** Revocation of permit for 5 years	
		Station: 15 day suspension	**Station:** 45 day suspension	**Station:** Revocation of inspection station permit for 5 years	
Category 7	***(Equipment Problem/Unusable)***				
		Station: Lockout until corrected			
Category 8	***(Revocation Offence)***	**Tech:** Revocation of permit for 5 years			
		Station: Revocation of inspection station permit for 5 years			

Violations that have been determined to be intentional or flagrant shall result in the maximum penalties. Permit revocations are not eligible for Negotiated Consent Agreement.

All potential penalties will be reviewed by the department to determine the merit of violations for all categories prior to penalties being enforced. If a violation is not specifically listed in the Ordinance, or if another violation is more appropriate, the Department may apply the penalty category in Appendix D that most closely matches the nature of the violation.

APPENDIX E

EMISSION STANDARDS
WAIVER CUTPOINTS

1.0 For purposes of this Appendix, the following definitions are applicable:

1.1. CTE: An engine exhaust gas CTE, or emissions test equipment capable of reading and deciphering OBD systems;

1.2. Bar 97: Refers to California Bureau of Automotive Repair Exhaust Gas CTE Specifications, which became effective in 1997;

1.3. Cut Points: The maximum allowable concentration of carbon monoxide (CO) and hydrocarbons (HC) for a given weight class and model year of a motor vehicle, as provided by these Regulations, using an approved infrared exhaust gas CTE;

1.4. Engine Exhaust Gas CTE: An instrument that is capable of measuring the concentrations of certain air contaminants in the exhaust gas emanating from a motor vehicle which is approved by the Department for this use in accordance with these Regulations as an official test instrument;

1.5. Gas Calibration Check: A procedure using known concentrations of HC and CO span gases to verify the accuracy of an CTE in measuring HC and CO;

1.6. Idle Mode: A condition where the vehicle engine is warm and running at the rate specified by the manufacturer's curb idle, where the engine is not propelling the vehicle, and where the throttle is in the closed or idle stop position. This condition must be achieved without placing a load on the vehicle to decrease the RPM to the specified rate;

1.7. Leak Check: A vacuum decay test of the entire CTE sample system including hoses, filters, probes and fittings performed using the equipment manufacturers approved procedure.

2.0 Purpose

2.1 This section establishes the testing method which the Department may use an Engine Exhaust Gas CTE to determine eligibility for a waiver following a failed emissions inspection.

2.2 In order for a waiver to be granted, the subject vehicle must first qualify by not exceeding the following maximum allowable concentrations for carbon monoxide (CO) and Hydrocarbons (HC) for both cars and trucks as determined by an approved infrared gas CTE using the prescribed procedures. Vehicles with visible tailpipe emissions (smoke) are not eligible for waivers

3.0 Scope

3.1 This method applies to all vehicles subject to emissions inspection within the County that are eligible for a waiver under Section 9.15.

3.2 Emissions Cut Points established by model year and GVWR are defined in the below chart.

ALL PASSENGER VEHICLES
8,500 POUNDS GVWR OR LESS
MAXIMUM CONCENTRATION STANDARDS

MODEL YEAR	PERCENT CARBON MONOXIDE	PARTS PER MILLION HYDROCARBONS
1996 - NEWER	1.2	220

HEAVY DUTY TRUCKS AND VANS
OVER 8,500 POUNDS GVWR
MAXIMUM CONCENTRATION STANDARDS

1996-NEWER	4.0	1000

The minimum dilution factor must also be reached as part of the testing requirement. The dilution factor shall be verified according to CTE specifications and is updated as deemed necessary.

Vehicles that produce visible emissions are not eligible for an emissions Waiver, and are subject to requirements in Appendix G.

NOTE: These should be considered as "cut points" for maximum allowable emissions levels. Vehicles must never be tuned to these emission levels when readjustments are made, but rather shall be adjusted using manufacturer's specifications. By using manufacturers' specifications, the emissions levels should be well below the "cut points".

4.0 Engine Exhaust Gas CTE Standards

4.1 Approved Engine Exhaust Gas CTE will meet BAR 97 standards, and accurately measure HC, CO, CO2, and O2. The CTE may include all amendments made to the BAR 97 hardware specifications to present date.

4.2 Engine Exhaust Gas CTE shall be maintained, Gas Calibration Check, and Leak Check performed in accordance with manufacture specifications.

5.0 Procedure

5.1 The Department and their employees shall not be held responsible for any failure of vehicle components or systems occurring during the Waiver qualification process.
5.2 Each vehicle shall be checked to determine that it is at normal operating temperature by feeling the top radiator hose or by checking the temperature gauge. Each vehicle shall be at normal operating temperature before performing the Waiver qualification process.

5.3 The CTE probe shall be inserted into the exhaust pipe at least twelve inches or as recommended by the CTE manufacturer.

5.4 With Tachometer properly attached through the OBD port, or other RPM monitoring method;

5.5 Engine will be tested in Idle Mode for 30 seconds and again at 2500 ± 300 RPM for 30 seconds to ensure accurate readings.

5.6 Vehicles capable of being operated on both gaseous and liquid petroleum fuels shall be tested for both fuels.

Department personnel shall not inspect or test any motor vehicle with a mechanical condition which may cause injury to inspection personnel or damage to the inspection station or test equipment, or which may affect the validity of the test, until such condition is corrected. Such conditions include, but are not limited to: coolant, oil, or fuel leaks, low oil or low fluid levels; exhaust leaks; transmission problems or visible emissions Vehicles with visible emissions shall not receive a Certificate of Waiver. Smoking vehicle test procedures are defined in APPENDIX G.

APPENDIX F

OBDII TEST PROCEDURES

The following test procedure is to be followed for 1996 model year vehicles or newer:

1. A complete official test must be performed anytime an inspection is requested. Do not perform the tampering inspection or any part of the OBDII inspection without initiating an official test on the CTE.

2. Locate the DLC on the vehicle being tested. Connect the vehicle to the CTE. If the DLC is missing, has been tampered with, or is otherwise inoperable then the vehicle fails the test and must be repaired.

3. Turn the ignition switch to the off position for at least 30 seconds.

4. Visually examine the instrument panel to determine if the malfunction indicator light (MIL) illuminates when the ignition key is turned to the key on/engine off position. Enter your visual inspection result into the CTE.

5. Start the engine and follow the CTE screen prompts until the test is complete.

6. For 1996-2000 model year vehicles two (2) not ready flags are allowed for a passing test. For 2001 and newer vehicles one (1) not ready flag is allowed. If the not ready status exceeds these numbers, the vehicle must be driven additional miles until readiness monitors are set "ready" or repairs have been made allowing readiness flags to set ready.

7. Vehicles with MIL illumination while running, regardless of DTC'S, fail the inspection and will require repairs.

8. Certain vehicles have been determined by the EPA to be OBDII deficient. The CTE software will maintain a list of these vehicles and perform a modified OBDII test.

9. 1996-2004 vehicles that run on dedicated CNG, or bi-fuel CNG/gasoline, will receive a modified test that includes a partial OBDII test that checks MIL command status, DTC presence and MIL bulb functionality. Overall Pass/fail determination will be based on passing all of these parameters. OBDII system readiness is not used in determining a pass or fail on these vehicles.

10. 1996-2007 vehicles between 8501 and 14,000 GVWR will receive a modified test that includes a partial OBDII test that checks MIL command status, DTC presence and MIL bulb functionality. Overall pass/fail determination will be based on passing all of these parameters. OBDII system readiness is not used in determining a pass or fail on these vehicles.

APPENDIX G

SMOKING VEHICLE TEST PROCEDURES

The following test procedures shall be used to validate repairs on vehicles that have been cited by law enforcement under Title 41-6a-1626 of the Motor Vehicle Act as having excessive visible emissions and issued a "fix it" ticket. These test procedures may also be used to determine whether or not a vehicle is in violation of state or local vehicle emission laws as a result of a documented smoking vehicle complaint submitted by a citizen, or other legitimate source. A violation may also be issued based upon observation of visible emissions made by law enforcement, or health official staff.

G-1.1 Gasoline Vehicles.

(1)(a) In accordance with Utah Code 41-6a-1626(2)(i) and State Code R307-305-3 (2) a gasoline powered vehicle may not emit visible contaminants during operation. Steam emitted from the tailpipe of a vehicle during winter months is not considered a visible contaminant.

(1)(b) The Department shall use a smoke opacity meter or EPA method 9 to determine visual opacity. If no visible emissions are observed, the vehicle shall receive a two-speed idle test as described in section 9.0 of this ordinance. A two-speed idle test may be used on all vehicles regardless of model year when determining the presence of excess exhaust pollutants.

(1)(c) If the Department determines that testing in addition to subsection (1)(b) is necessary to make a final determination the vehicle shall be operated on a chassis dynamometer to simulate normal operating conditions ranging between 0 and 50 MPH.

(1)(d) If the vehicle is determined to have visual emissions after these tests are completed, additional repairs must be performed to correct the problem. The vehicle will also be prevented from being tested at any of the County decentralized testing stations until proper repairs have been completed and verified by the Department.

(1)(e) If it is determined that the vehicle has been sufficiently repaired or does not emit any visible emissions a certificate of compliance will be issued to the owner for use in satisfying the repair requirement of the "fix it" ticket.

G-1.2 Diesel Vehicles.

(2)(a) 1998 and newer diesel vehicles may be tested by the Department or one of the the County certified decentralized diesel inspection stations. All 1997 and older diesel vehicles must be tested at the Health Department Technical Center. The vehicle owner will be responsible to pay the posted inspection fee amount to the testing entity.

2)(b) In accordance with Utah Code 41-6a-1626 (3)(c) and State Code R-307-305-6 all emission control equipment that was originally installed on the vehicle must be properly maintained and operational at all times.

(2)(c) A diesel powered vehicle must pass a tampering inspection of the following applicable components:

1. (CAT) Catalytic Converter
2. (DPF) Diesel Particulate Filter
3. (SCR) Select Catalytic Reduction (diesel exhaust fluid)
4. (EGR) Exhaust Gas Recirculation
5. OBDII System

(2)(d) Vehicles 1997 and older will be tested for opacity with a smoke opacity meter or EPA Method 9 while being operated on a chassis dynamometer at a steady state speed of 50 MPH and at the maximum fuel delivery rate with the transmission in direct drive. The opacity limits listed in Utah Code Title 41-6a-1626 shall be used to determine a passing or failing result. The limits are:

> For vehicles manufactured before January 1, 1973, and all non-turbocharged vehicles, visual contaminants shall not exceed 40% opacity.
>
> For vehicles manufactured on or after January 1, 1973, visual contaminants shall not exceed 20% opacity.

(2)(e) Vehicles 1998 and newer will be tested using their OBDII system, if originally equipped by the manufacturer. If a vehicle was not originally equipped with OBDII technology when manufactured, then the visual tampering portion of the inspection will be used to determine a passing or failing result. If OBDII test results have been determined to be inconclusive the vehicle may be tested for opacity using the test procedures outlined in (2)(d) above. The OBDII inspection will test the following items:

1. (MIL) Malfunction Indicator Lamp (must pass bulb check)
2. Readiness monitors (must all be set to ready)
3. (DTC) Diagnostic Trouble Codes (must not have any current codes)
4. MIL must not be illuminated, or commanded on, while running
5. The manufactures original computer program or an EPA or CARB (California Air Resources Board) approved aftermarket program.

(2)(f) Vehicles that have an off-road program installed or have had their OBDII system removed, illegally modified, or rendered inoperable will fail the OBDII System visual tampering portion of the inspection and must be repaired. If the Department does not recognize an aftermarket computer program as certified or approved, it shall be the vehicle owner's responsibility to provide documented proof of certification by a recognized laboratory or regulatory agency.

(2)(g) If it is determined by testing that the vehicle fails the tampering inspection, exceeds the opacity standards or fails the OBDII test then additional repairs must be performed to correct the problem.

(2)(h) If it is determined by testing that the vehicle has been sufficiently repaired or passes these testing requirements a certificate of compliance will be issued to the owner for use in satisfying the repair portion of the "fix it" ticket.

(2)(i) Vehicles over 14,001 GVWR will be tested using a SAE (Society of Automotive Engineers) J1667 snap idle smoke test.

APPENDIX H

DIESEL FUELED VEHICLE TEST PROCEDURE

1.0 All diesel fueled vehicles with a model year of 2007 and newer, with a manufacture gross vehicle weight rating of 14,000 pounds or less, and with a model year that is five years old or older requiring an emissions test, shall be subject to a computerized emission inspection, and tested in accordance with the following procedure:

1.1 Verify vehicle information;

1.2 Accurately enter information into CTE at the required prompts;

1.3 Review the information entered into data review screens and make corrections if needed;

1.4 **Perform visual anti-tampering inspection of all emission control devices**. The procedure in APPENDIX H Sections 2.1- 2.3 shall be followed;

1.5 Turn ignition key to the off position;

1.6 Locate the Diagnostic Link Connector (DLC) and connect the OBD lead from the CTE;

1.7 **Check for the correct operation of the Malfunction Indicator Light (MIL)**;

1.8 Follow CTE prompts and continue test;

1.9 The CTE will communicate with the vehicle and read fault codes and readiness status;

1.10 When prompted, turn off the engine, put ignition in the off position, and remove OBD lead;

1.11 If the MIL is not functioning the vehicle fails the OBDII test and requires repair;

1.12 If the MIL is commanded **ON** the vehicle fails. The vehicle has a problem and has stored a Diagnostic Trouble Code (DTC). This DTC needs to be diagnosed for repairs;

1.13 If the test results say **Not Ready**, the vehicle needs to complete one or more drive cycles to reset and run the readiness monitors;

1.14 If the MIL is functioning correctly and the readiness monitors are set correctly, the MIL is off and no codes are stored, the vehicle passes the OBDII test;

1.15 If the vehicle passes the anti-tampering inspection (section 1.4) but fails the test, the vehicle may qualify for a 1-year waiver upon the owner spending $750 in acceptable emissions related repairs with at least as good as, or better than the first test results (have no additional DTC's or not ready's stored). The vehicle may not have any visible emissions. Verification will be required at the Utah County Tech Center where the waiver may then be issued;

1.16 As used in Appendix H, Sections 1.15, acceptable emissions related repairs:

1.16.1 Refers to those expenditures and costs associated with the adjustment, maintenance, and repair of the motor vehicle which are directly related to reduction of exhaust emissions necessary to comply with the applicable emissions standards, cut-points, and procedures;

1.16.2 Does <u>not</u> include adjustments, maintenance, or repairs performed more than 60 days prior to the official emissions test.

1.16.3 Does <u>not</u> include the fee paid for the test;

1.16.4 Does <u>not</u> include costs associated with the repairs or replacements required by Appendix H Section 2.0 or the replacement, and/or repair of air pollution control equipment on the vehicle if the need for such adjustment, maintenance, replacement, or repair is due to disconnection of, tampering with, or abuse of the emissions control systems.

1.16.5 Does <u>not</u> include repairs performed to the vehicle's exhaust system to correct problems with excessive exhaust dilution.

1.16.6 Refers to repairs, maintenance, and diagnostic evaluations of the following systems, if done according to manufacturer's specifications, to the extent that the purpose is to reduce exhaust emissions:

(a) Air Intake Systems;

(b) Fuel Control Systems;

(c) Emissions Control Systems except as noted in Appendix H Section 1.15 and 1.16.4

(d) Basic Engine Systems.

1.17 Acceptable emissions related repairs includes repairs of emission control components listed in Appendix H section 1.15 and 1.16 performed within 60 days of the test date.

1.18 A Certificate of Compliance shall be issued if the vehicle passes the visual tampering inspection (Appendix H sections 2.1, 2.2 and 2.3) and the OBDII test (Appendix H Section 1.14).

2.0 All diesel fueled vehicles with a model year between 1997-2006, with a manufacturer gross vehicle weight rating of 14,000 pounds or less, and with a model year that is five years old or older shall be subject to a **visual anti-tampering inspection**. The air pollution control devices identified in the emissions decal shall be in place and apparently operable on the vehicle.

2.1 If the emissions decal is missing the vehicle owner/operator shall have the decal replaced or documentation that otherwise proves the emissions certification, before the inspection can continue.

2.2 The devices listed on the emissions decal must be present and apparently operable to pass the emissions inspection.

2.2.1 If the emissions decal is missing and is no longer available for replacement the vehicle owner/operator shall provide written documentation to the Department stating such. Approved documentation shall come from an authorized dealer or manufacturer of the vehicle in question.

2.2.2 If the emissions decal is missing and the vehicle meets the requirements of Section 2.3, the following emissions control devices shall be present and apparently operable if factory equipped:

Catalyst;
Exhaust Gas Recirculation System (EGR);
Diesel Particulate System (DPF);
Air Injection Reaction System (AIR);
Urea System (SCR); and
OBD II System.

2.2.3 A 1997 model year vehicle that fails this section may receive a one-time waiver for the first licensing required after December 31, 2018. A vehicle may only be issued one "one-time waiver" unless otherwise determined by the Department.

2.3 If the vehicle has any aftermarket programmers or modifications to the fuel management system they must be EPA or CARB approved and bear the proper indication of such. It shall be the owner/operators burden of proof to show verification of EPA or CARB certification. Non-verifiable EPA or CARB approved modifications will fail the tampering inspection if present.

2.4 A Certificate of Compliance shall be issued if the vehicle passes the **visual anti-tampering inspection** (sections 2.1, 2.2 and 2.3).

3.0 Fleets of 101 vehicles or more may not use certificate issued more than 11 months prior to renewal.

4.0 A report will be presented to Natural Resources, Agriculture and Environment Interim Committee, once between January 1, 2020 and August 31, 2020, and once between January 1, 2021 and August 31, 2021.

4.1 The report will contain the following:

4.1.1 the total number of diesel-powered motor vehicles that were computer tested (OBD);

4.1.2 passage and failure rates of diesel-powered motor vehicles using OBD technology by model year;

4.1.3 the total number of visual inspections;

4.1.4 passage and failure rates of diesel-powered motor vehicles visually inspected by model year; and

4.1.5 total number of diesel-powered motor vehicles visually inspected where tampering with emissions equipment was found, by model year.

5.0 Technician Update Training Requirements:

5.1 All currently certified emissions technicians must attend an update training on diesel testing procedures as determined by the Department.

5.1.1 The Department may designate a third-party entity to provide the training upon determining that the third-party curriculum, attendance expectations, and testing procedures meet the Department requirements.

5.1.2 The Department shall be permitted to inspect, audit, or otherwise monitor a third-party entity providing update training.

5.1.3 The update training will be scheduled and offered to all certified technicians. Certified technicians may attend the class time and date of their choosing depending on space available. It will be the technician's responsibility to attend one of the offered classes.

5.1.4 Technicians must attend the entire training class and pass the final written test with a score of 80% or higher, to meet the diesel certification requirements (Diesel Certification).

5.1.5 Diesel certification will be a requirement for license renewal in 2019.

5.1.6 After the completion of the last scheduled diesel update training class offered by the Department for currently certified technicians, any technician failing to obtain diesel certification will be required to complete re-certification by retaking the certification course including paying all associated fees.

5.1.7 Non-certified technicians seeking certification in the last quarter of 2018 and thereafter will receive training as part of the regular certification course at the Department.

5.1.8 The director may, at his discretion, offer additional update trainings in lieu of complete re-certification requirement, for any technicians that were certified in 2018.

5.1.9 The cost for the technician to attend the training shall be no more than $8.00 per technician and will be set by the Department.

6.0 Participation Requirements:

6.1 All stations will be required to have a technician certified for diesel testing designated to their station and agree to follow procedures set forth in these Regulations prior to performing any vehicle inspections as of January 1, 2019 and thereafter.

APPENDIX I
PAPERLESS CERTIFICATE PROCEDURES

1.0 Any station required, or opting, to use paperless certificates will only use paperless electronic number created by the CTE and will not provide any paper certificate or electronic number, to the owner/operator.

2.0 Will provide a paper Vehicle Inspection Report which will be printed by the CTE and indicate to the vehicle operator the pass/fail status of the inspection to the owner/operator for whom the test was provided.

2.1 The vehicle inspection report must be signed by the certified Technician immediately upon printing.

2.2 Will provide a duplicate VIR when requested.

Part II:
If any of the sections, sentences, clauses or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

Part III:
This ordinance shall become effective on January 1, 2026, at least fifteen (15) days after its passage, upon depositing a copy of the ordinance with the county clerk, and at least one (1) publication in a newspaper published in and having general circulation in Utah County.

PASSED and ordered published this 10th day of December 2025.

BOARD OF COUNTY COMMISSIONERS
UTAH COUNTY, UTAH

Brandon B. Gordon, Chair

ACKNOWLEDGEMENT

STATE OF UTAH)
ss:
COUNTY OF UTAH)

The foregoing ordinance was acknowledged before me on this 10th day of December 2025 by BRANDON B. GORDON, being duly sworn did say that he is the chair of the Board of County Commissioners, Utah County, Utah, and is authorized to execute the foregoing document on behalf of the Board of County Commissioners, Utah County, Utah.

JOLYNN CLEGG
NOTARY PUBLIC-STATE OF UTAH
My Commission Expires Aug. 29, 2029
COMMISSION NUMBER 744861

Notary Public

ATTEST:
Aaron R. Davidson
Utah County Clerk

By: Deputy Clerk/Jolynn Clegg

APPROVED AS TO FORM AND LEGALITY:
Jeffrey S. Gray
Utah County Attorney

By: Deputy County Attorney/Zachary Zundel

STATE OF UTAH
COUNTY
CLERK
UTAH COUNTY

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH	VOTE YEA	NAY
BRANDON B. GORDON, CHAIR	X	
SKYLER BELTRAN, VICE CHAIR	X	
AMELIA POWERS GARDNER, COMMISSIONER	X	

Date of Publication: once only, as soon as possible

Section X
Part D
Appendix 2

ORDINANCE NUMBER 1994- 106

SHORT TITLE:

AN ORDINANCE ENACTING SECTION 9.32.180 IN THE PROVO CITY ORDINANCES MAKING IT UNLAWFUL TO OPERATE A MOTOR VEHICLE IN PROVO CITY FOR AN AGGREGATE OF MORE THAN SIXTY DAYS EACH YEAR WITHOUT FIRST OBTAINING AN ANNUAL VEHICLE EMISSION INSPECTION MAINTENANCE TEST.

I

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER
N WEST	DAVID L. RAIL				✓	
N EAST	JANE L. CARLILE		✓	✓		
EAST	JAMES H. DALEY				✓	
S WEST	GREGORY A. HUDNALL			✓		
CU I	KARL J. THALMAN			✓		
CU II	SHARI C. HOLWEG				✓	
CU III	DENNIS R. HALL	✓		✓		
			TOTALS	4	3	

This ordinance was passed by the Municipal Council of Provo City, on the 12th day of December, 1994 on a roll call vote as described above. Signed this 12th day of December, 1994.

David L. Rail
Chairman

II

APPROVAL BY MAYOR

This ordinance is approved by me this 12th day of December 1994.

[illegible signature]
Mayor

ORDINANCE NUMBER 1994-106

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 19th day of December 1994, with a short summary being published on the 16th day of December 1994, in The Daily Herald, a newspaper published in Provo, Utah. I hereby certify and attest that the foregoing constitute a true and accurate record of proceedings with respect to Ordinance Number 1994-106.

Signed this 19th day of December 1994.

Marilyn T. Perry

City Recorder

AN ORDINANCE ENACTING SECTION 9.32.180 IN THE PROVO CITY ORDINANCES MAKING IT UNLAWFUL TO OPERATE A MOTOR VEHICLE IN PROVO CITY FOR AN AGGREGATE OF MORE THAN SIXTY DAYS EACH YEAR WITHOUT FIRST OBTAINING AN ANNUAL VEHICLE EMISSION INSPECTION MAINTENANCE TEST.

WHEREAS, state and federal laws impose air quality standards on Provo City; and

WHEREAS, Provo City desires to comply with these requirements and to promote the general health, safety, and welfare and improve air quality by requiring motor vehicle owners who operate a vehicle in Provo City for more than an aggregate of sixty days per year to pass an annual state or county motor vehicle emission inspection maintenance test, established pursuant to United States Environmental Protection Agency air quality regulations; and

WHEREAS, to promote compliance by non-resident students, and long-term visitors and employees with this provision of the law Provo City desires to require owners of vehicles to provide proof of compliance with this section; and

WHEREAS, Utah Code § 19-2-121 grants political subdivisions of the state of Utah authority to enact and enforce ordinances to control air pollution;

NOW THEREFORE, be it ordained by the Municipal Council of Provo City, Utah as follows:

PART I:

Section 9.32.180 of the Provo City Ordinances is hereby enacted, the contents of which shall be as described in the attached exhibit.

PART II:

This ordinance shall take effect January 1, 1995.

END OF ORDINANCE.

9.32.180. Motor Vehicle Emissions Tests Required.

(1) It shall be unlawful, and a class C misdemeanor, for the owner or operator of a motor vehicle which has not passed an annual state or county motor vehicle emission inspection maintenance test, established pursuant to United States Environmental Protection Agency air quality regulations, within the last year, to operate or permit another to operate the motor vehicle within the municipal limits of Provo City for an aggregate total of more than sixty (60) days per any calendar year without obtaining a Utah County Vehicle Emission Inspection Maintenance Program test certificate valid for the date the motor vehicle is being operated within the municipal limits of Provo City.

(2) For purposes of this Section, any motor vehicle expressly exempt from obtaining a vehicle emission inspection maintenance test under the Utah County Vehicle Emission Inspection Maintenance Program because of the vehicle's use, engine type, or age, etc., shall also be exempt from the requirements of this Section.

(3) Upon request of a Provo City police officer, the operator of a motor vehicle shall provide evidence (i) that the vehicle has passed a vehicle inspection maintenance test in compliance with the requirements of subsection (1) above; (ii) is exempt pursuant to subsection (2) above; or (iii) is not being operated in Provo City for an aggregate total of more than sixty (60) days per any calendar year. Failure to provide such evidence shall constitute a prima facie case that the operator is in violation of this Section, however, a charge brought pursuant to this Section shall be dismissed by the court if a person charged with violating this Section provides the court with proof of compliance with this Section.

(4) The evidence of compliance required by subsection (3) may include, but shall not be limited to, a current emission test certificate or motor vehicle registration indicating the vehicle is in compliance with a state or county motor vehicle emission inspection maintenance program established pursuant to United States Environmental Protection Agency air quality regulations, evidence that shows that due to of the age of the vehicle, its type of engine, etc., that the vehicle is exempt from obtaining a vehicle emission inspection maintenance test under the Utah County Vehicle Emission Inspection Maintenance Program, or evidence that the vehicle is registered in another county or state and is not being operated in Provo for more than an aggregate total of more than sixty (60) days each calendar year.

Section X
Part D
Appendix 3

Station Audits:

I/M Program Stations are to be audited on a regular basis. (Not less than every other month). Audit frequency should be altered to a degree to help prevent the predictability of the audit date by station personnel. Station audits may be more frequent than every other month for high volume stations or stations that display possible problem areas regarding compliance with Department Rules and Regulations.

If the analyzer is warmed up, a sample system leak check (including dual probe adapters) and a gas audit shall be performed by the station compliance officer using Department span gas. A copy of the gas audit shall be included with the I/M Station Audit Report. If the analyzer fails the sample system leak check and is not capable of being repaired while the audit is being conducted, the analyzer shall be locked out of TSI testing and allowed to perform OBDII only testing for a period of time not exceeding two weeks. A follow up audit shall be performed within a reasonable time after the station owner notifies our office that sample system repairs have been completed. If the analyzer fails the gas audit, this is to be noted on the I/M Station Audit Report. The analyzer will be automatically locked out of operation until a successful gas calibration is performed.

An I/M Station Audit Report is to be filled out during each audit or follow-up audit. Follow up audits are to be clearly marked as to the type of audit they are and which item(s) required a follow up visit. All items listed on the report are to be checked each audit. Violations and obvious problem areas shall be noted on the report and brought to the attention of the station owner or responsible individual. Station personnel are required to sign reports. A copy of the report is provided to the station and a copy is submitted to the Program Manager for review. Violations that have not been corrected after a second warning, or by a defined date, shall result in an equipment lockout until violations have been corrected.

Where possible, the compliance officer should attempt to observe an actual emissions test during the station audit. (this test may be used for annual mechanic recertification) Also, vehicles that have already been tested or are waiting to be tested may be checked for tampering violations.

Data analysis using the Oracle program and/or the online VID should be included in station audits. The compliance officer should review test records before, during or after each station audit to identify possible procedural errors, anomalies or violations of Department Rules and Regulations.

ITEM 8

Air Toxics

State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Tim Davis
Commissioner

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQA-581-26

M E M O R A N D U M

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: August 5, 2026

SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – July 2026

Asbestos Demolition/Renovation NESHAP Inspections	5
Asbestos AHERA Inspections	2
Asbestos State Rules Only Inspections	18
Asbestos Notification Forms Accepted	190
Asbestos Telephone Calls	344
Asbestos Individuals Certifications Approved	97
Asbestos Company Certifications	14
Asbestos Alternate Work Practices Approved	7
Lead-Based Paint (LBP) Inspections	6
LBP Notification Forms Approved	3
LBP Telephone Calls	85
LBP Letters Prepared and Mailed	1
LBP Courses Reviewed/Approved	0
LBP Course Audits	0
LBP Individual Certifications Approved	19
LBP Firm Certifications	8

195 North 1950 West • Salt Lake City, Utah
Mailing Address: P.O. Box 144820 • Salt Lake City, Utah 84114-4820
Telephone (801) 536-4000 • Fax (801) 536-4099 • T.D.D. 800 346-3128
www.deq.utah.gov

Notices of Violation Sent	0
Compliance Advisories Sent	14
Warning Letters Sent	5
Settlement Agreements Finalized	2
Penalties Agreed to:	
Asbestos Abatement of Utah/John Hoskins	$2,025.00
Ballard Enterprises, Inc./Jeff Ballard	$2,452.50
Total:	$4,477.50

Compliance

State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Tim Davis
Commissioner

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQC-978-26

M E M O R A N D U M

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: August 5, 2026

SUBJECT: Compliance Activities – July 2026

ACTIVITIES:

Activity	Monthly Total
Inspections	61
On-Site Stack Test & CEM Audits	7
Stack Test & RATA Report Reviews	76
Emission Report Reviews	22
Temporary Relocation Request Reviews	3
Fugitive Dust Control Plan Reviews	167
Soil Remediation Report Reviews	1
Open Burn Permits Issued	0
Miscellaneous Inspections[1]	49
Complaints Received	92
Wood Burning Complaints Received	0
Breakdown Reports Received	7
Compliance Actions Resulting from a Breakdown	0
VOC Inspections (Gas station vapor recovery)	0
Warning Letters Issued	1
Notices of Violation Issued	0
Compliance Advisories Issued	13
No Further Action Letters Issued	4
Settlement Agreements Reached	5
Penalties Assessed	$5,337

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

SETTLEMENT AGREEMENTS:

Party	Amount
Varex Imaging Corporation	$695
E.T. Technologies Incorporated	$583
Intrepid Potash – Wendover	$471
Rulon Harper Construction – Pit #12	$2,781
M&T Enterprises – Edge Homes	$807

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/Amrize	12/19/2023
Holcim/Amrize	03/27/2024
Holcim/Amrize	08/02/2024
CKC Operations, LLC	02/18/2025
Bedrock Sand & Gravel	05/21/2025
Ash Grove Cement (2)	10/30/2025

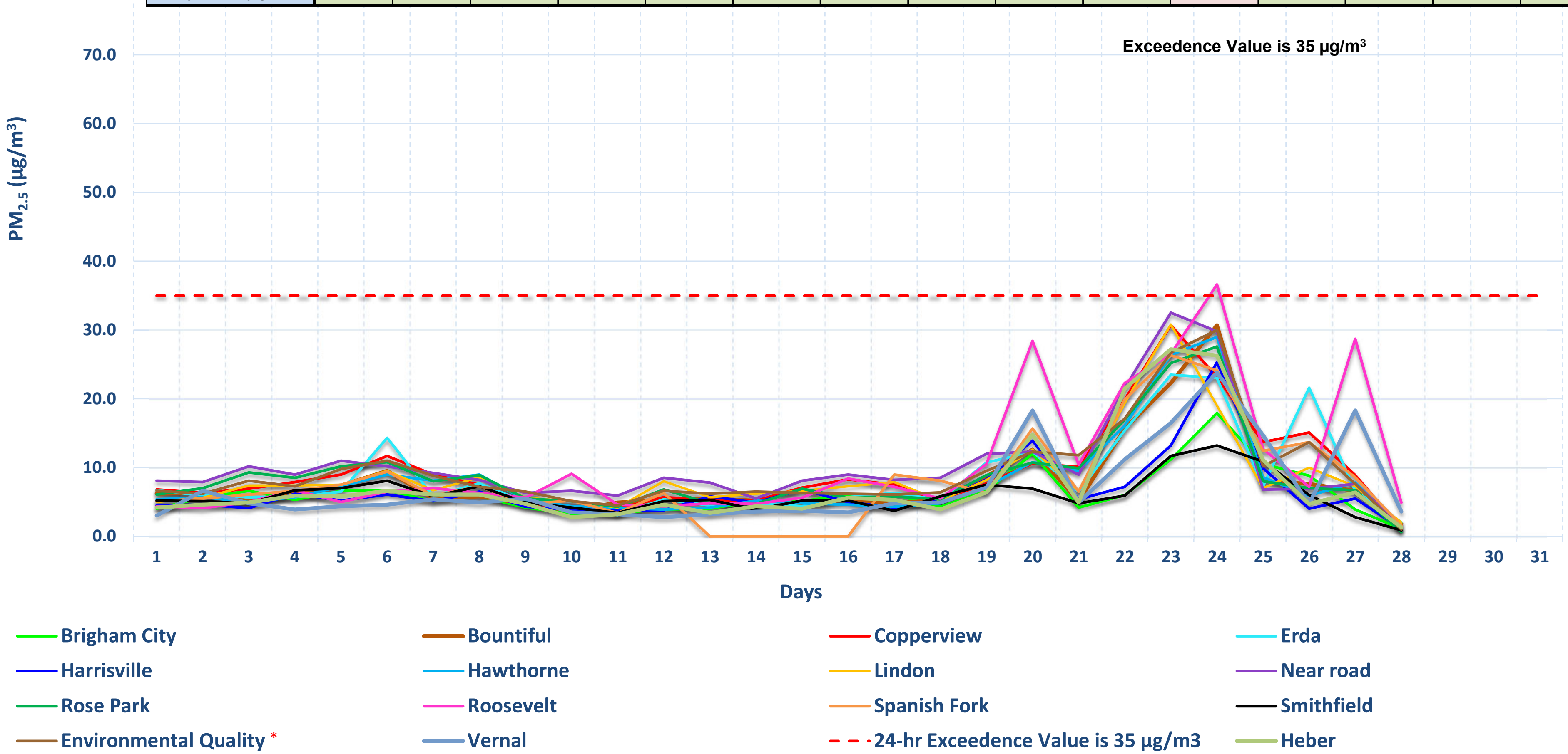
HOLLYFRONTIER SINCLAIR 2008 CONSENT DECREE UPDATE:

On June 2, 2026, EPA issued a Notice of Assessment of Stipulated Penalties for $600,000 to HollyFrontier Sinclair Woods Cross Refining for supposed violations of the 2008 Consent Decree. In accordance with the Consent Decree, on July 28, 2026, $300,000 of the total $600,000 stipulated penalty was paid to DAQ by HollyFrontier Sinclair. In accordance with Utah Code 19-1-603(3), 80% of the $300,000 payment ($240,000) was placed in the Utah Environmental Mitigation and Response Fund and the remaining $60,000 was placed in the Utah General Fund.

Monitoring

Utah 24-Hr $PM_{2.5}$ Data June 2026

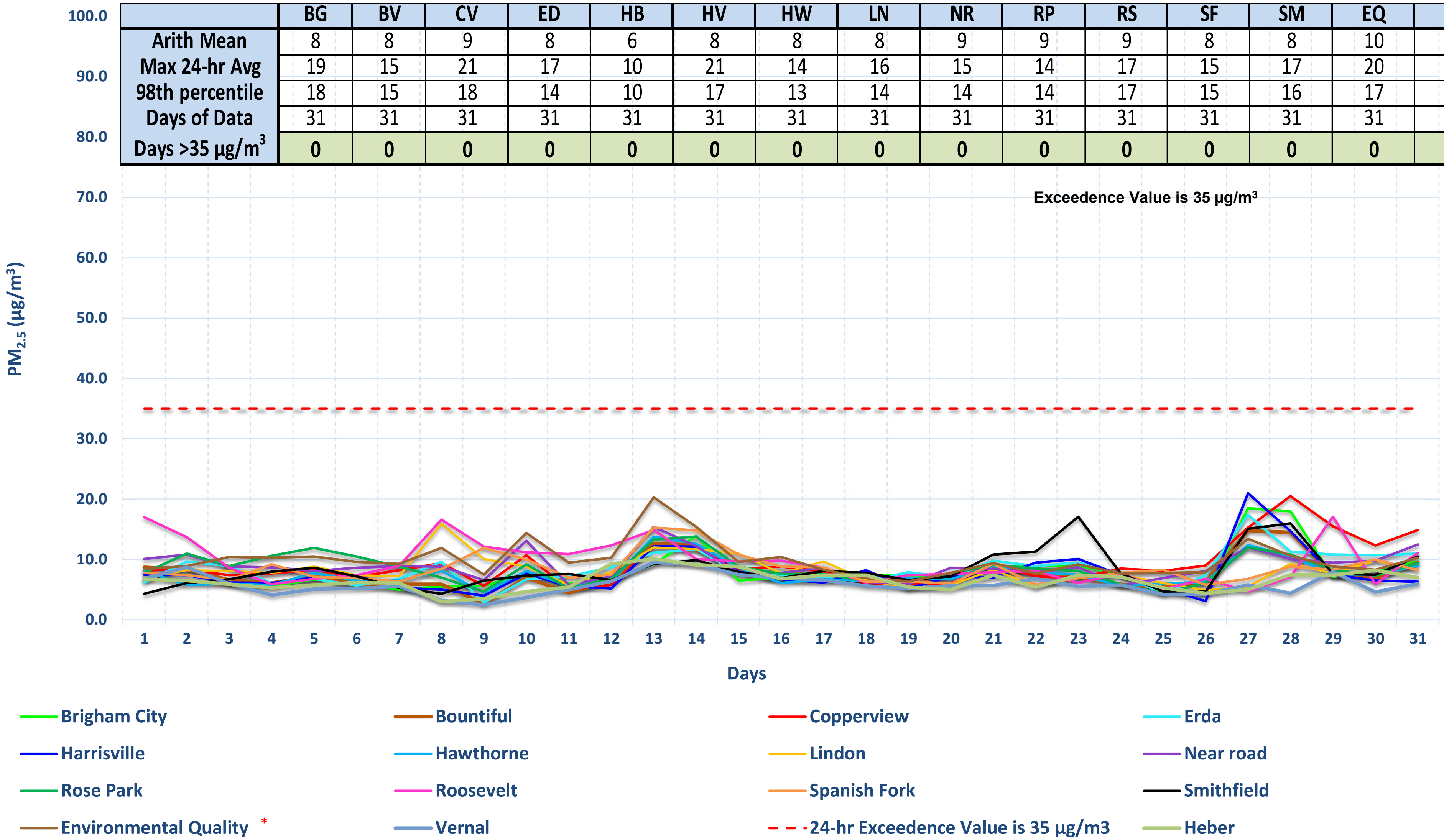
	BG	BV	CV	ED	HB	HV	HW	LN	NR	RP	RS	SF	SM	EQ	V4
Arith Mean	6	8	9	8	7	6	8	9	10	9	10	9	6	9	7
Max 24-hr Avg	18	31	31	24	27	25	29	31	33	28	37	26	13	30	24
98th percentile	7	9	11	12	6	7	9	9	11	11	9	9	8	11	6
Days of Data	29	29	29	29	29	29	29	29	29	29	29	25	29	29	29
Days >35 µg/m^3	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0



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

Utah 24-Hr $PM_{2.5}$ Data July 2026

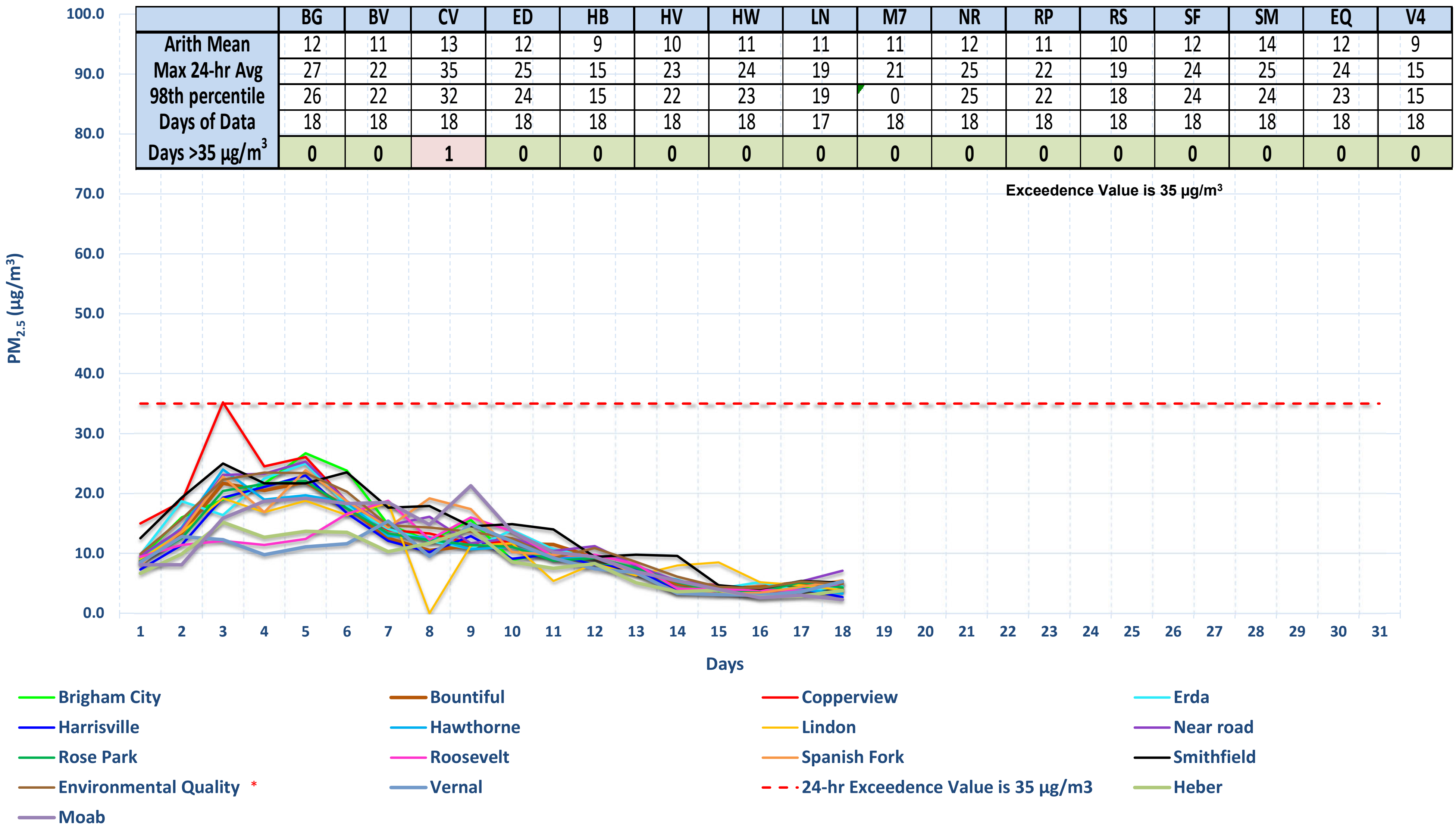
	BG	BV	CV	ED	HB	HV	HW	LN	NR	RP	RS	SF	SM	EQ	V4
Arith Mean	8	8	9	8	6	8	8	8	9	9	9	8	8	10	6
Max 24-hr Avg	19	15	21	17	10	21	14	16	15	14	17	15	17	20	10
98th percentile	18	15	18	14	10	17	13	14	14	14	17	15	16	17	9
Days of Data	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31
Days >35 $\mu g/m^3$	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**



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

Utah 24-Hr $PM_{2.5}$ Data July 2026

	BG	BV	CV	ED	HB	HV	HW	LN	M7	NR	RP	RS	SF	SM	EQ	V4
Arith Mean	12	11	13	12	9	10	11	11	11	12	11	10	12	14	12	9
Max 24-hr Avg	27	22	35	25	15	23	24	19	21	25	22	19	24	25	24	15
98th percentile	26	22	32	24	15	22	23	19	0	25	22	18	24	24	23	15
Days of Data	18	18	18	18	18	18	18	17	18	18	18	18	18	18	18	18
Days >35 µg/m³	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0



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

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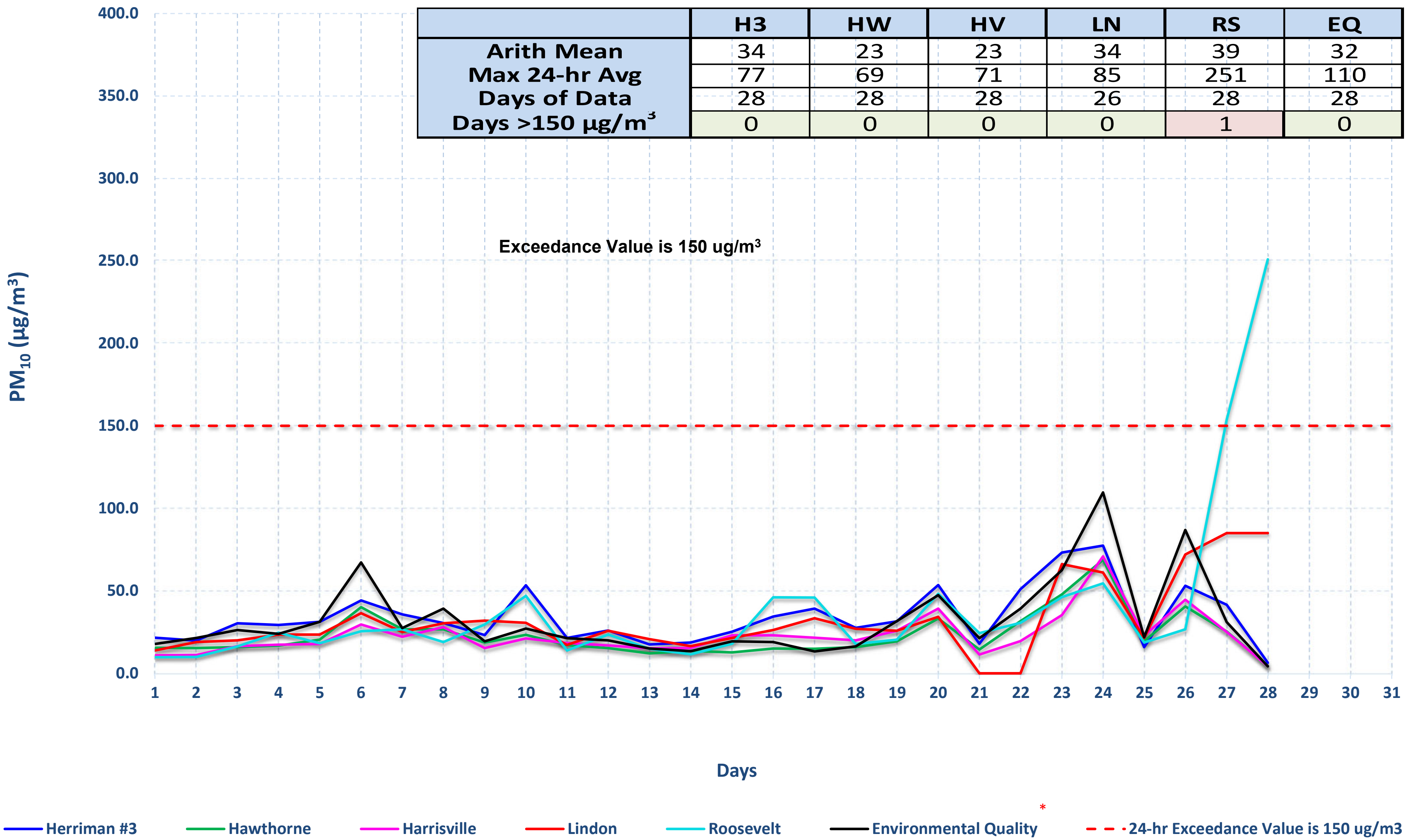
Utah 24-hr PM_{10} Data June 2026

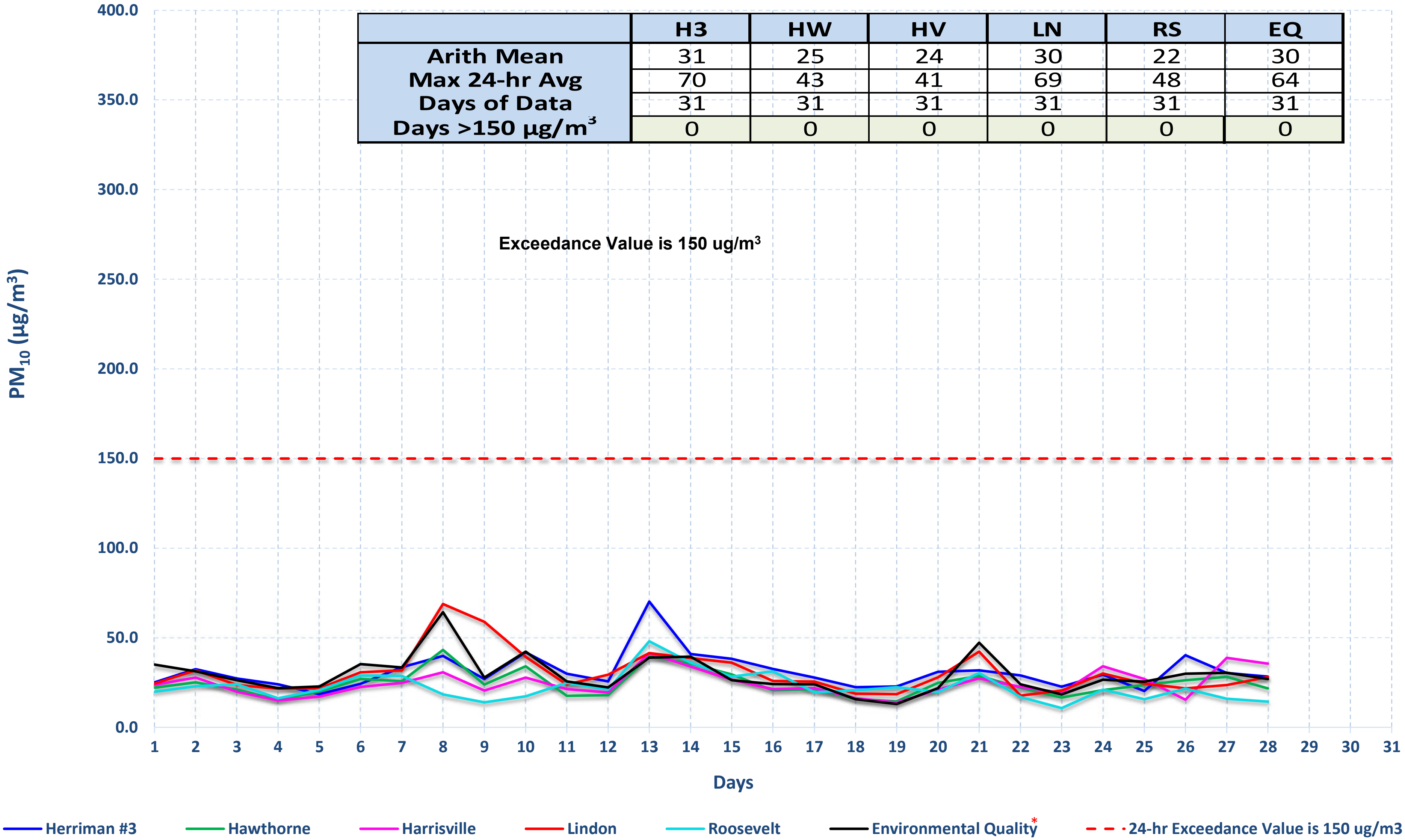
	H3	HW	HV	LN	RS	EQ
Arith Mean	34	23	23	34	39	32
Max 24-hr Avg	77	69	71	85	251	110
Days of Data	28	28	28	26	28	28
Days >150 µg/m³	0	0	0	0	1	0



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

Utah 24-hr PM_{10} Data July 2026

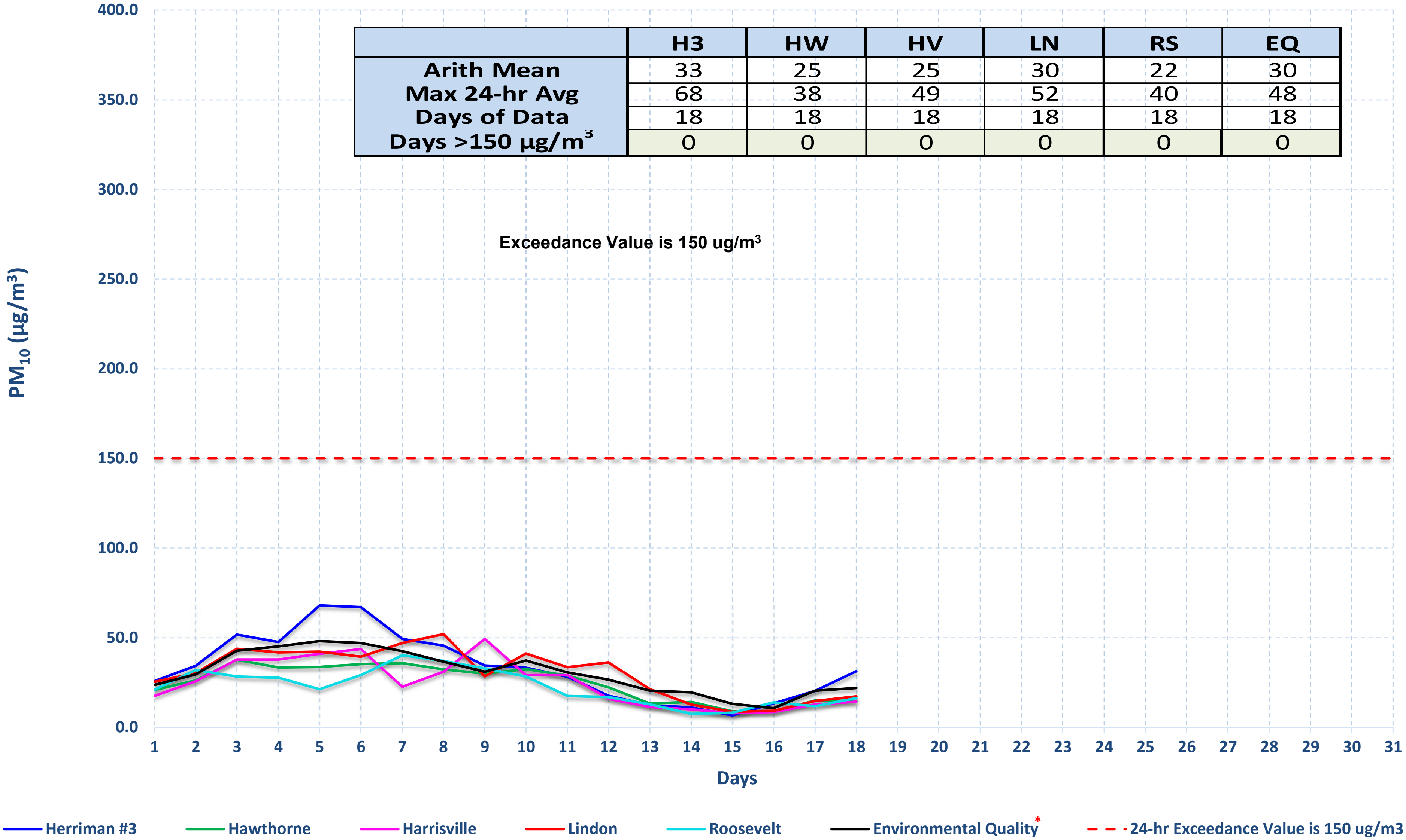
	H3	HW	HV	LN	RS	EQ
Arith Mean	31	25	24	30	22	30
Max 24-hr Avg	70	43	41	69	48	64
Days of Data	31	31	31	31	31	31
Days >150 µg/m³	0	0	0	0	0	0



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

Utah 24-hr PM_{10} Data August 2026

	H3	HW	HV	LN	RS	EQ
Arith Mean	33	25	25	30	22	30
Max 24-hr Avg	68	38	49	52	40	48
Days of Data	18	18	18	18	18	18
Days >150 µg/m³	0	0	0	0	0	0



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

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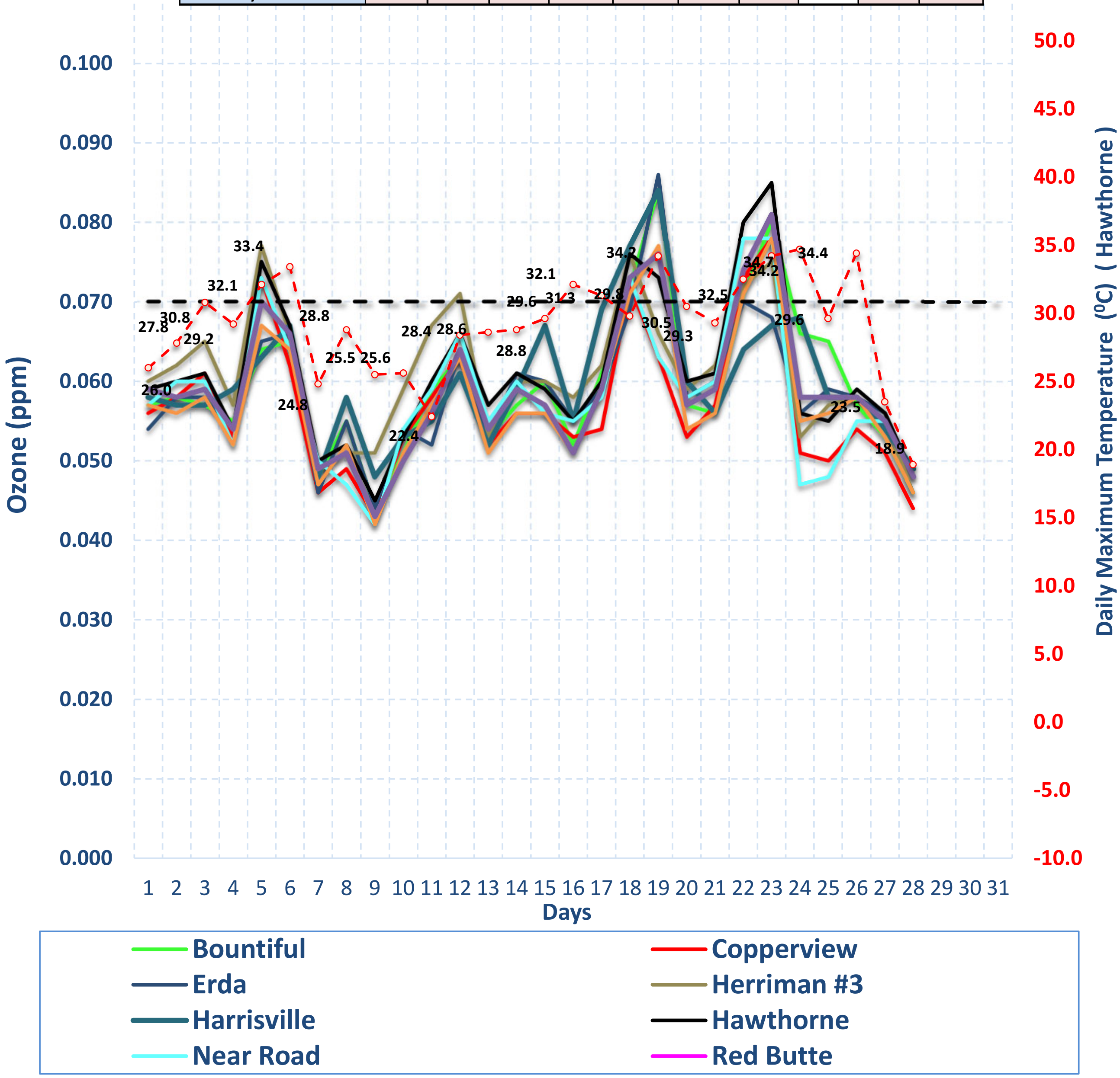
Highest 8-hr Ozone Concentration & Daily Maximum Temperature June 2026

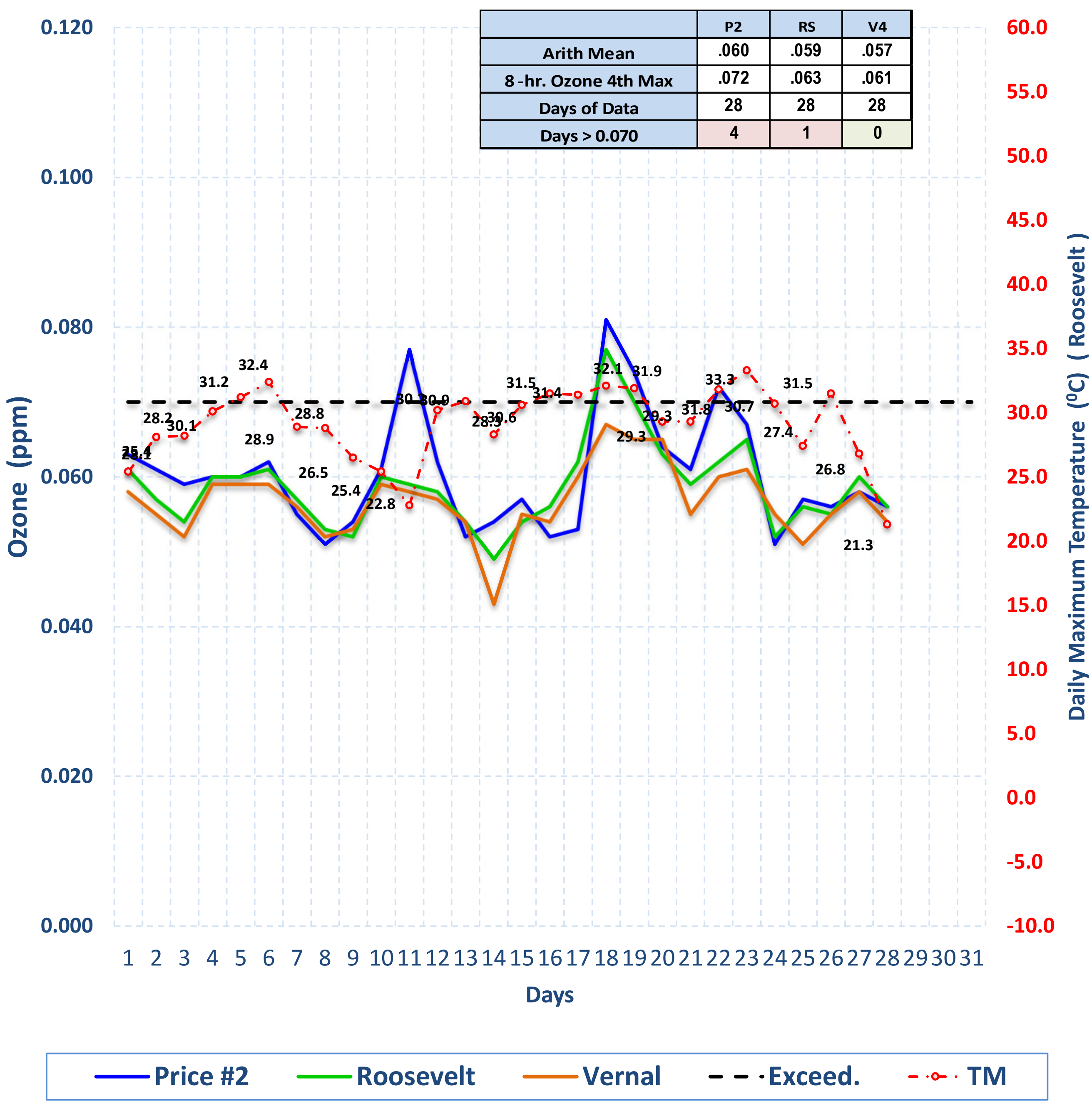
O3 Jun 2026	BV	CV	ED	H3	HV	HW	NR	RB	RP	EQ
Arith Mean	.060	.057	.059	.061	.060	.061	.058		.058	.059
8 -hr. Ozone 4th Max	.071	.072	.068	.072	.068	.075	.073		.071	.073
Days of Data	28	28	28	28	28	28	28		28	28
Days > 0.070	4	4	1	5	2	5	4		4	4



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

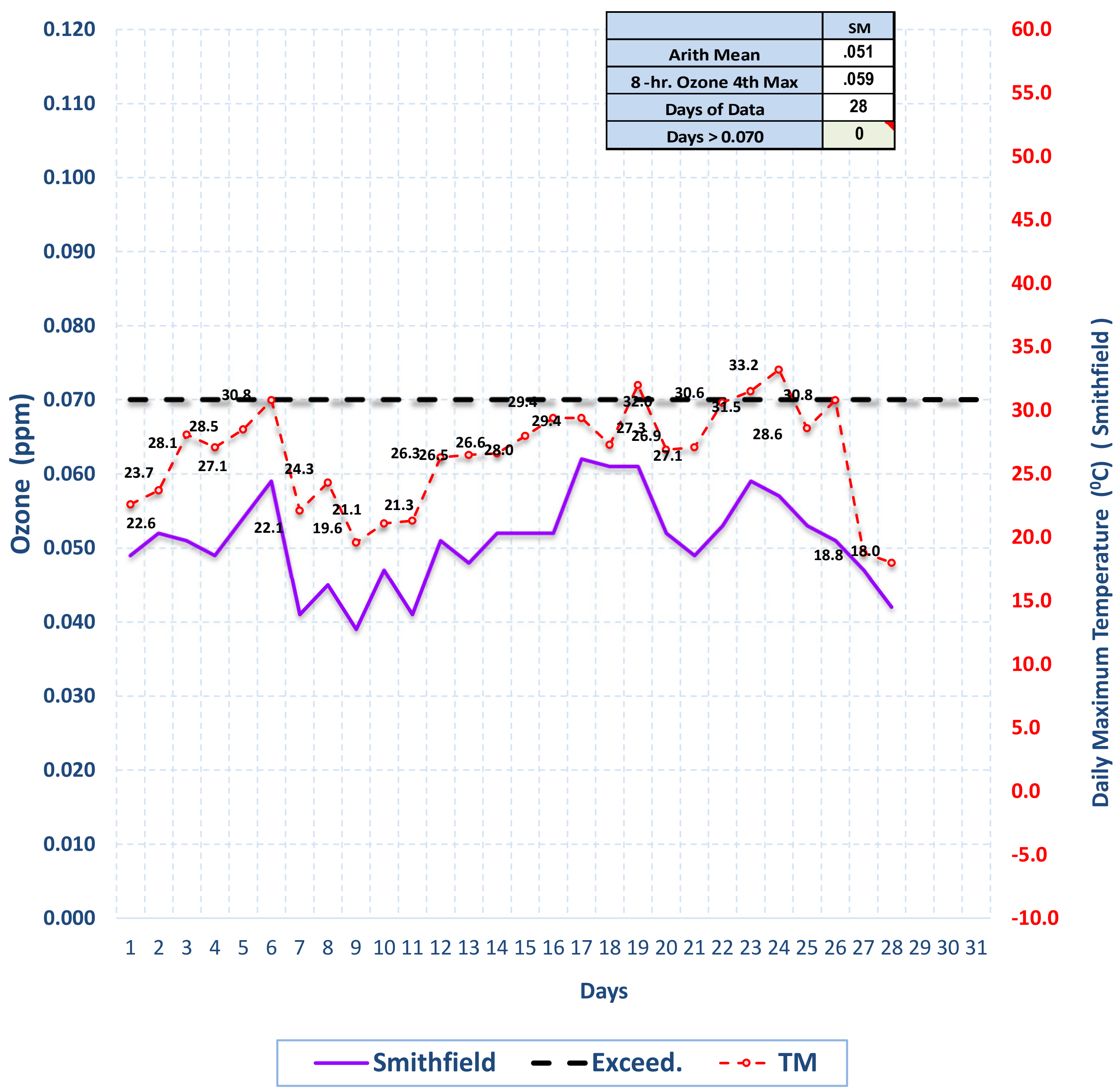
** Controlling Monitor

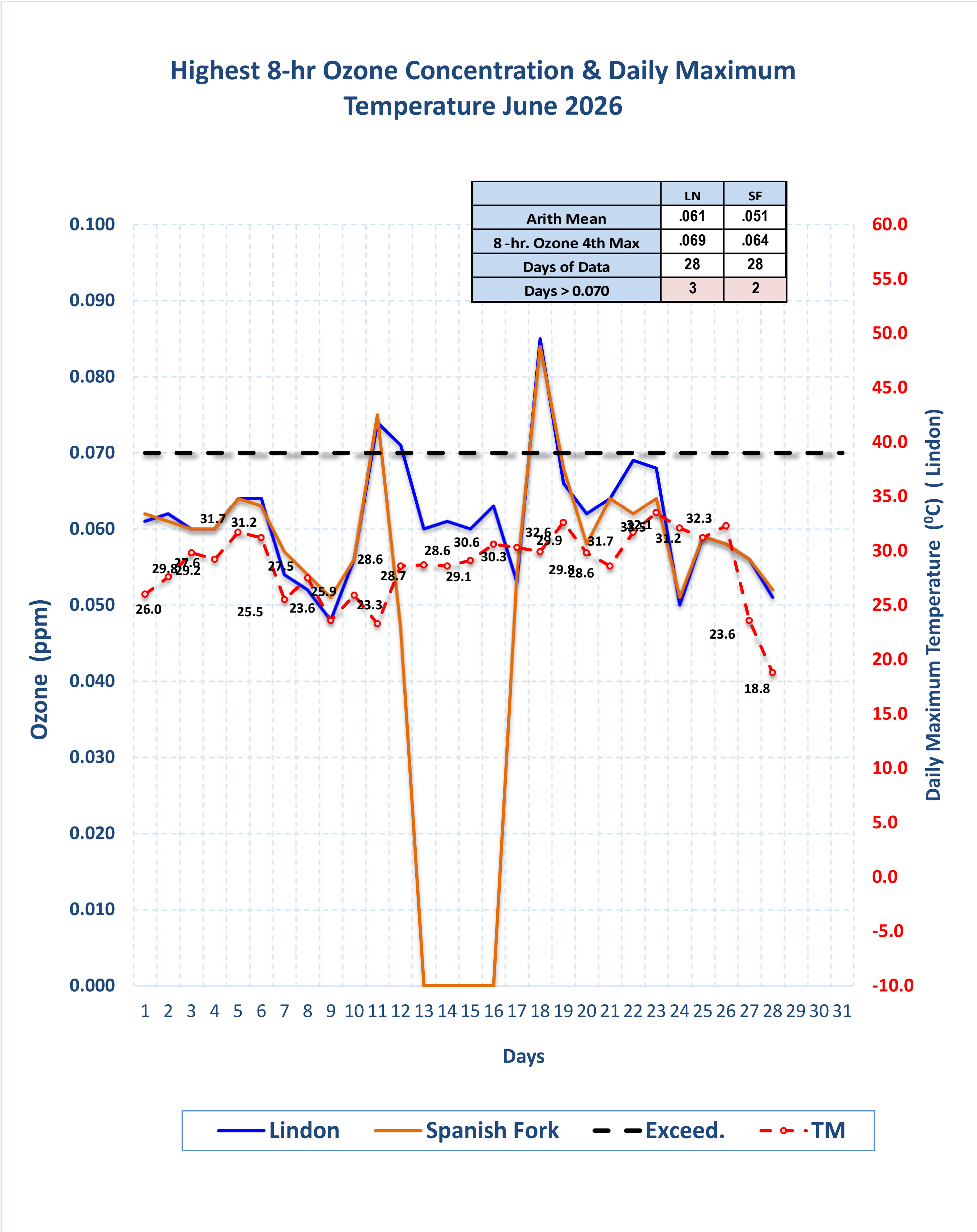
Highest 8-hr Ozone Concentration & Daily Maximum Temperature June 2026



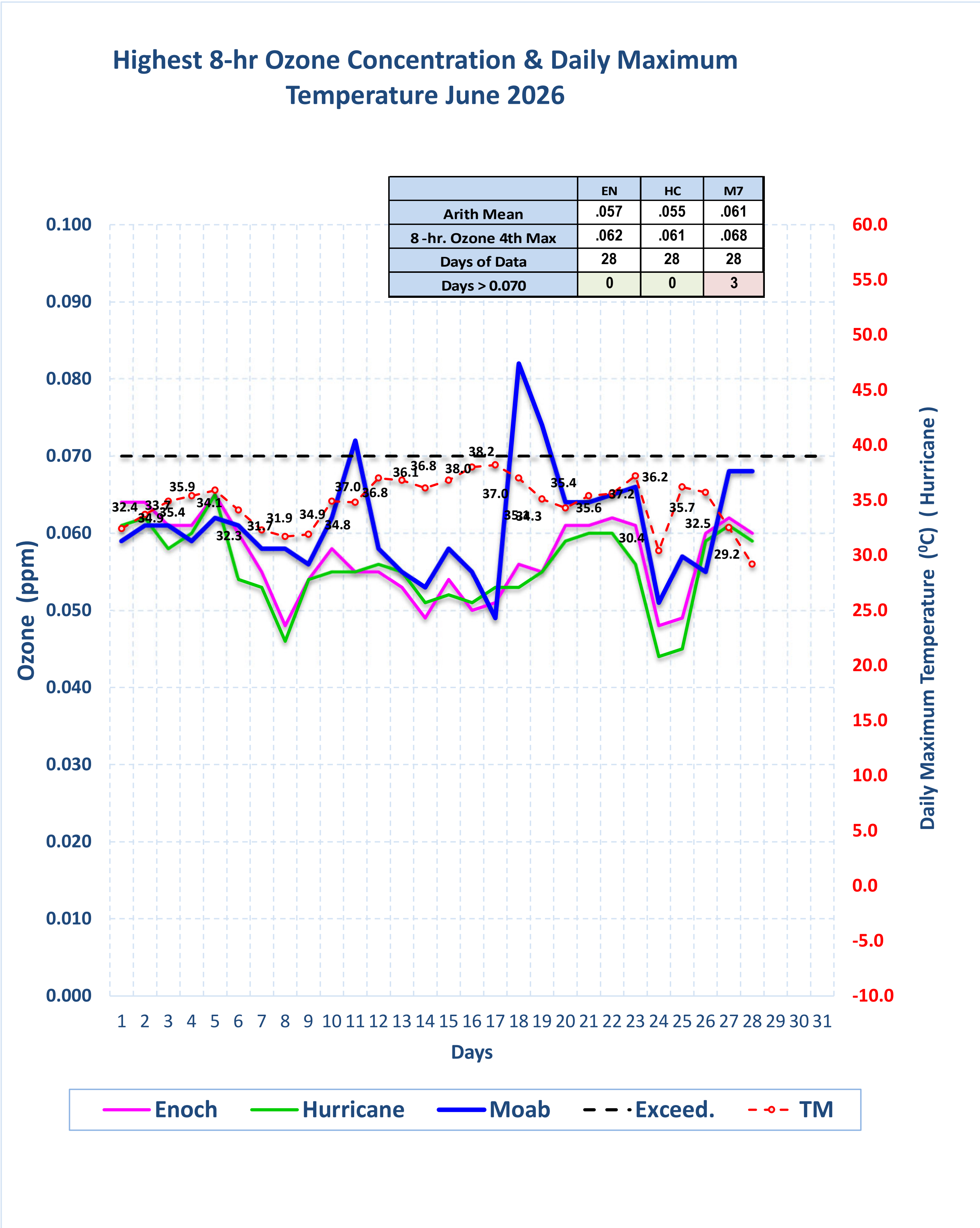
	P2	RS	V4
Arith Mean	.060	.059	.057
8 -hr. Ozone 4th Max	.072	.063	.061
Days of Data	28	28	28
Days > 0.070	4	1	0

Highest 8-hr Ozone Concentration & Daily Maximum Temperature June 2026

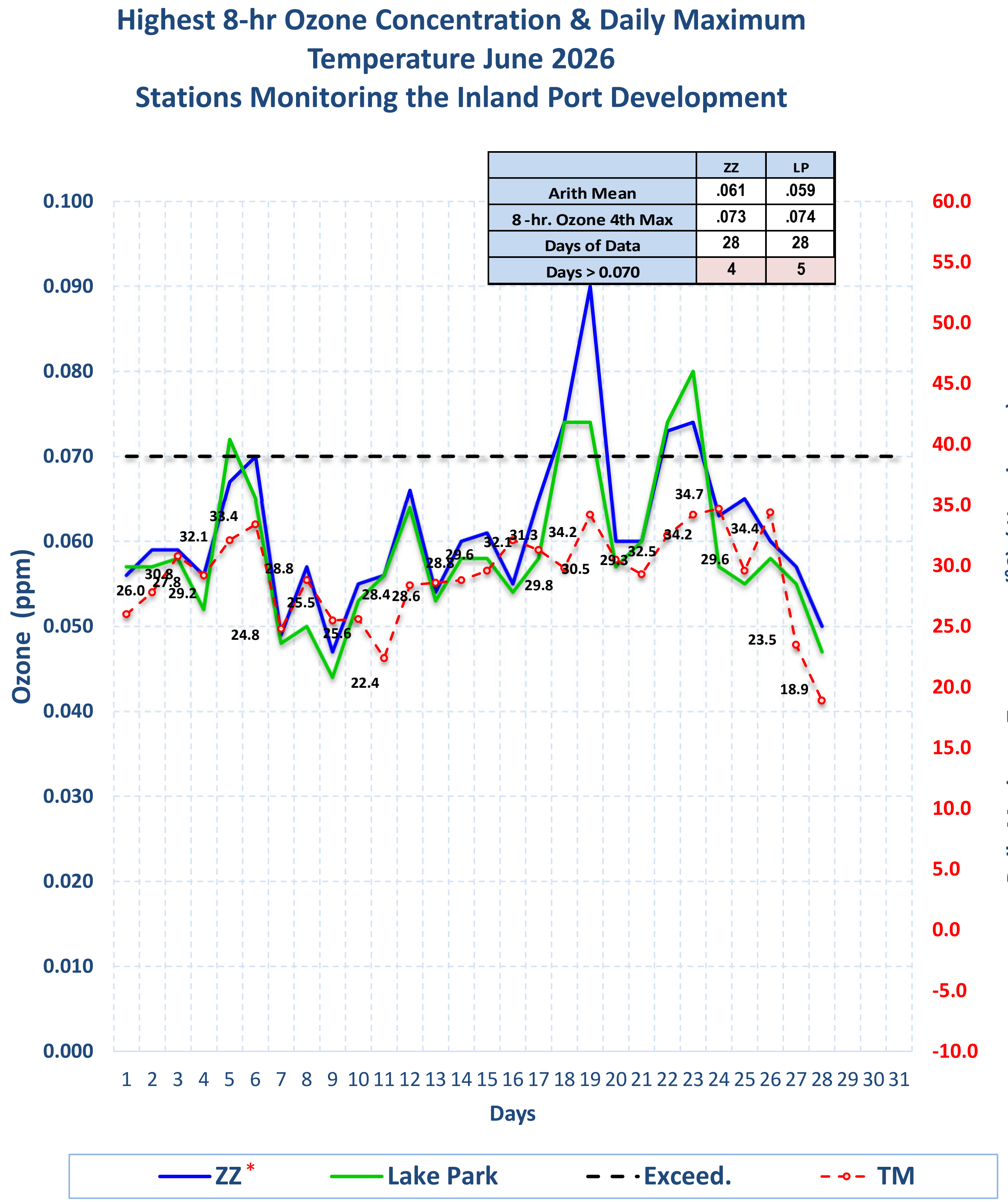




	LN	SF
Arith Mean	.061	.051
8 -hr. Ozone 4th Max	.069	.064
Days of Data	28	28
Days > 0.070	3	2



	EN	HC	M7
Arith Mean	.057	.055	.061
8 -hr. Ozone 4th Max	.062	.061	.068
Days of Data	28	28	28
Days > 0.070	0	0	3

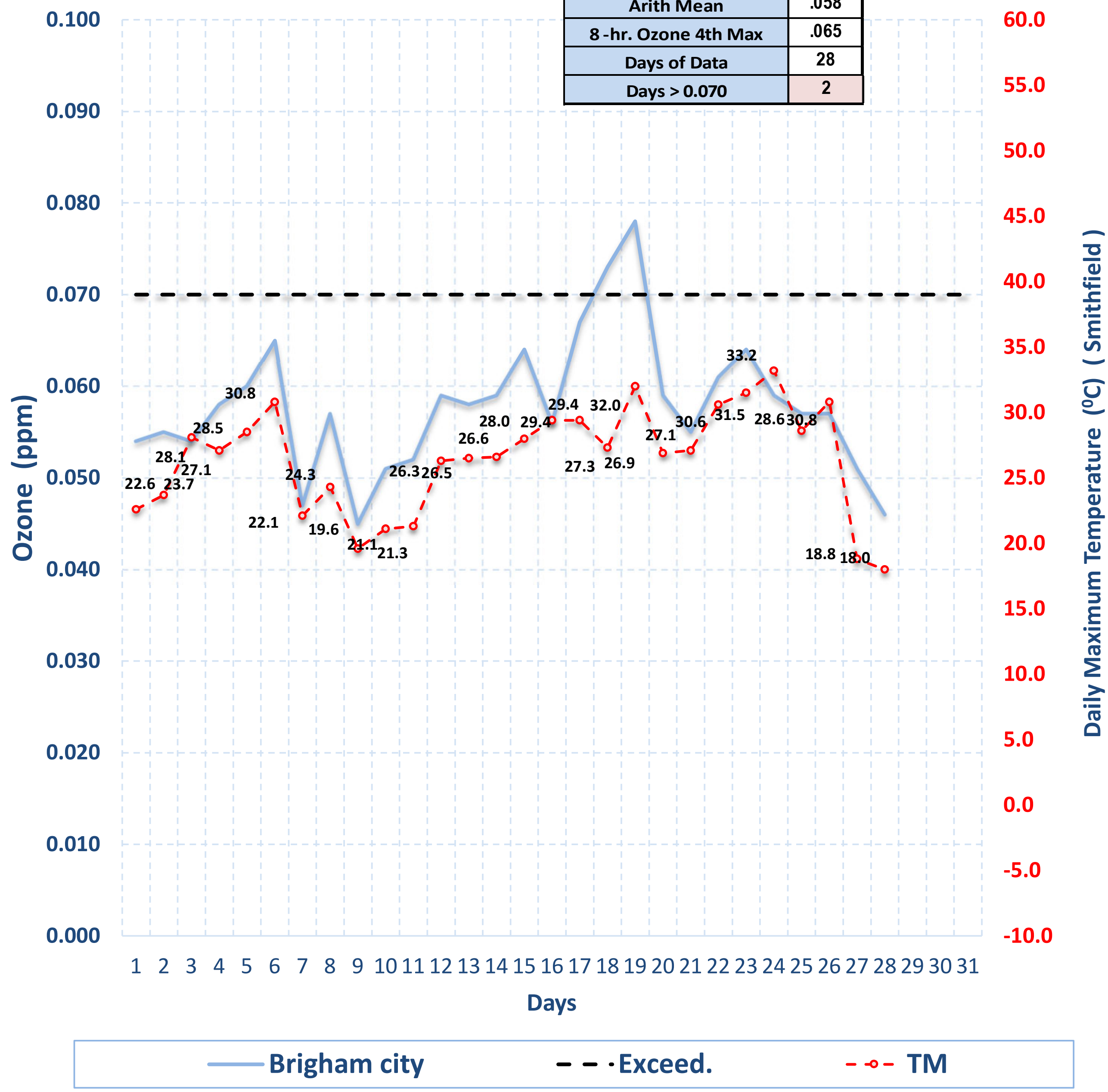


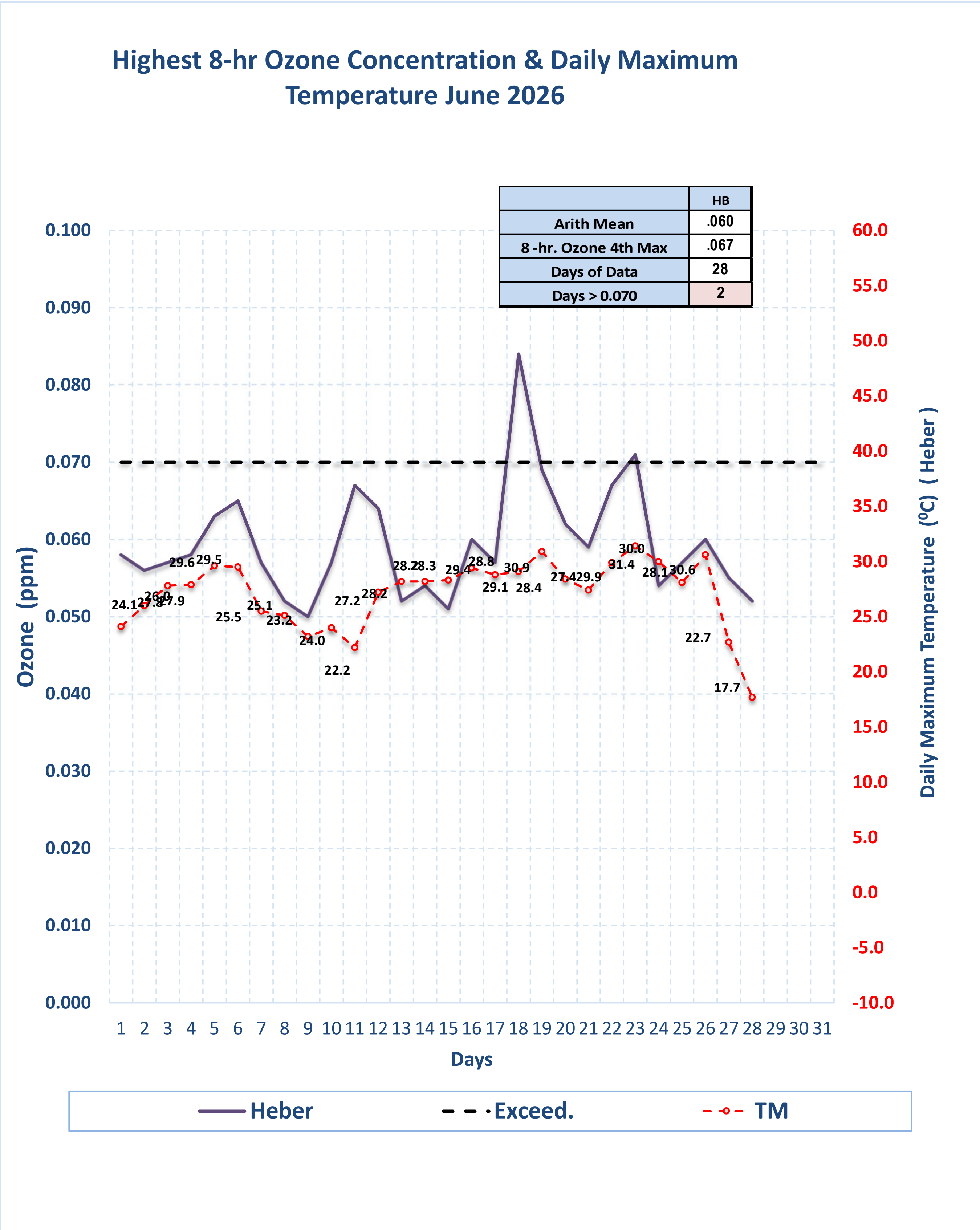
	ZZ	LP
Arith Mean	.061	.059
8 -hr. Ozone 4th Max	.073	.074
Days of Data	28	28
Days > 0.070	4	5

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

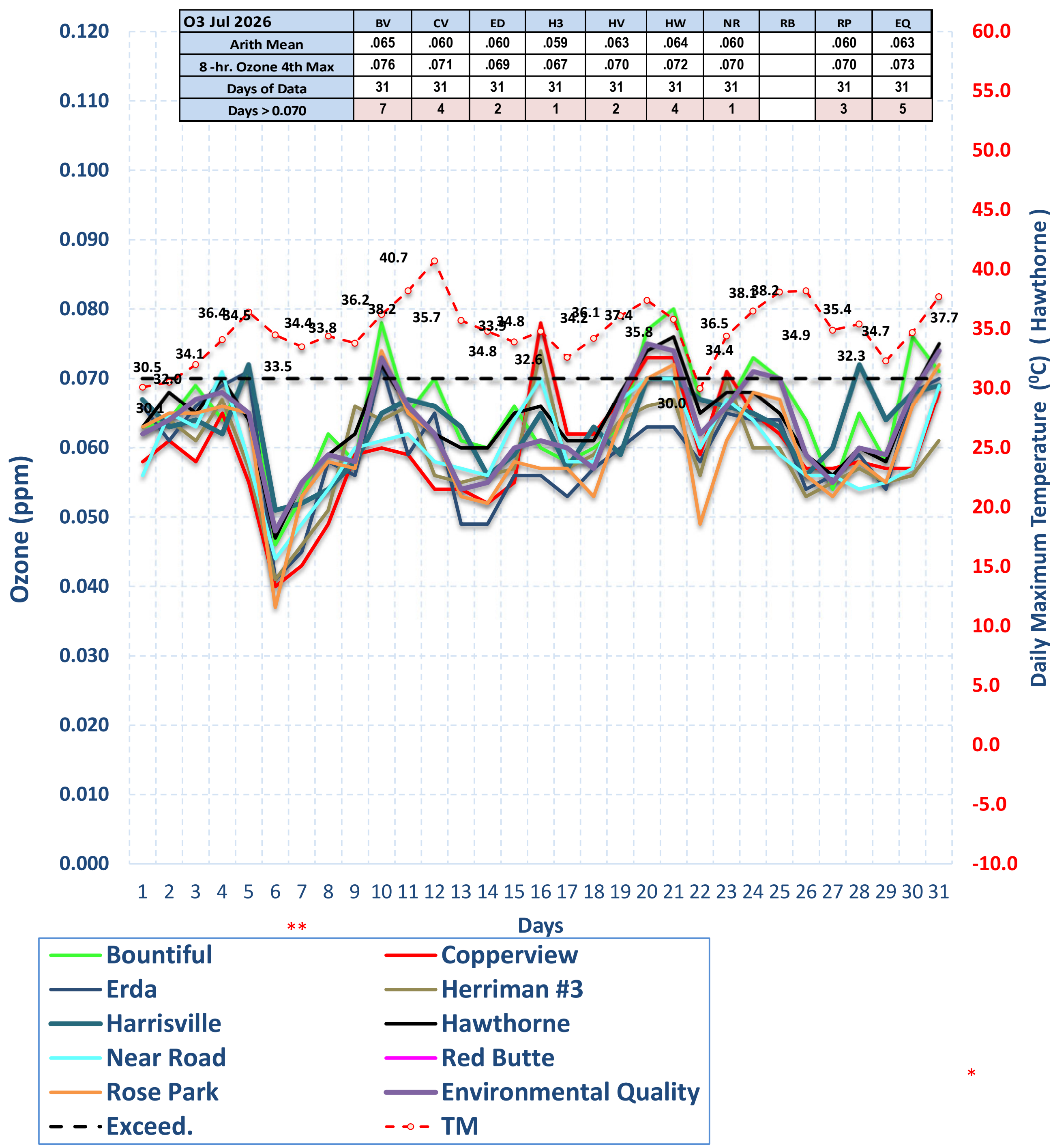
Highest 8-hr Ozone Concentration & Daily Maximum Temperature June 2026

	BG
Arith Mean	.058
8 -hr. Ozone 4th Max	.065
Days of Data	28
Days > 0.070	2




Highest 8-hr Ozone Concentration & Daily Maximum Temperature June 2026
HB
Arith Mean .060
8 -hr. Ozone 4th Max .067
Days of Data 28
Days > 0.070 2
Ozone (ppm)
Daily Maximum Temperature (⁰C) (Heber)
Days
Heber
Exceed.
TM

Highest 8-hr Ozone Concentration & Daily Maximum Temperature July 2026

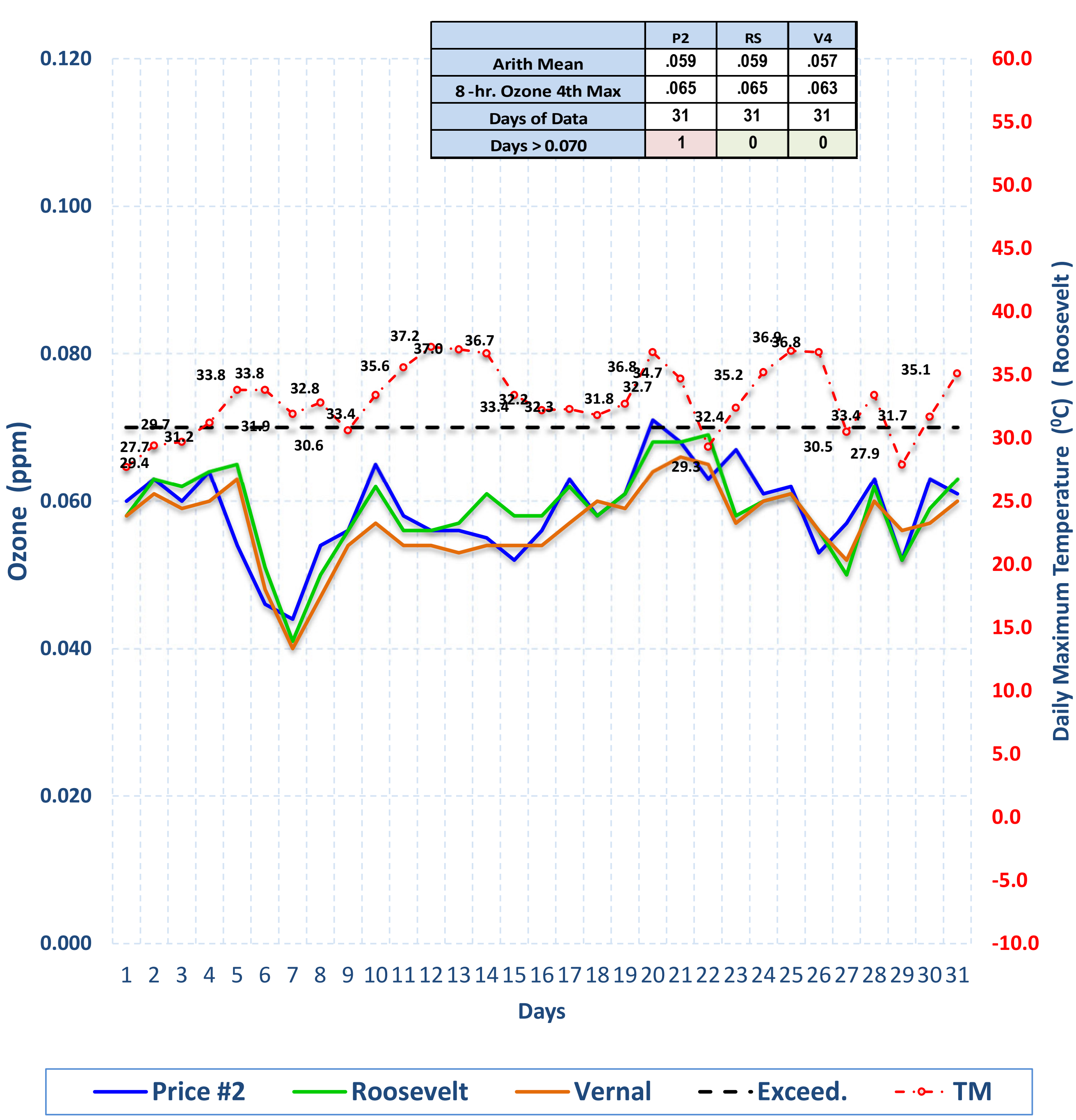


O3 Jul 2026	BV	CV	ED	H3	HV	HW	NR	RB	RP	EQ
Arith Mean	.065	.060	.060	.059	.063	.064	.060		.060	.063
8 -hr. Ozone 4th Max	.076	.071	.069	.067	.070	.072	.070		.070	.073
Days of Data	31	31	31	31	31	31	31		31	31
Days > 0.070	7	4	2	1	2	4	1		3	5

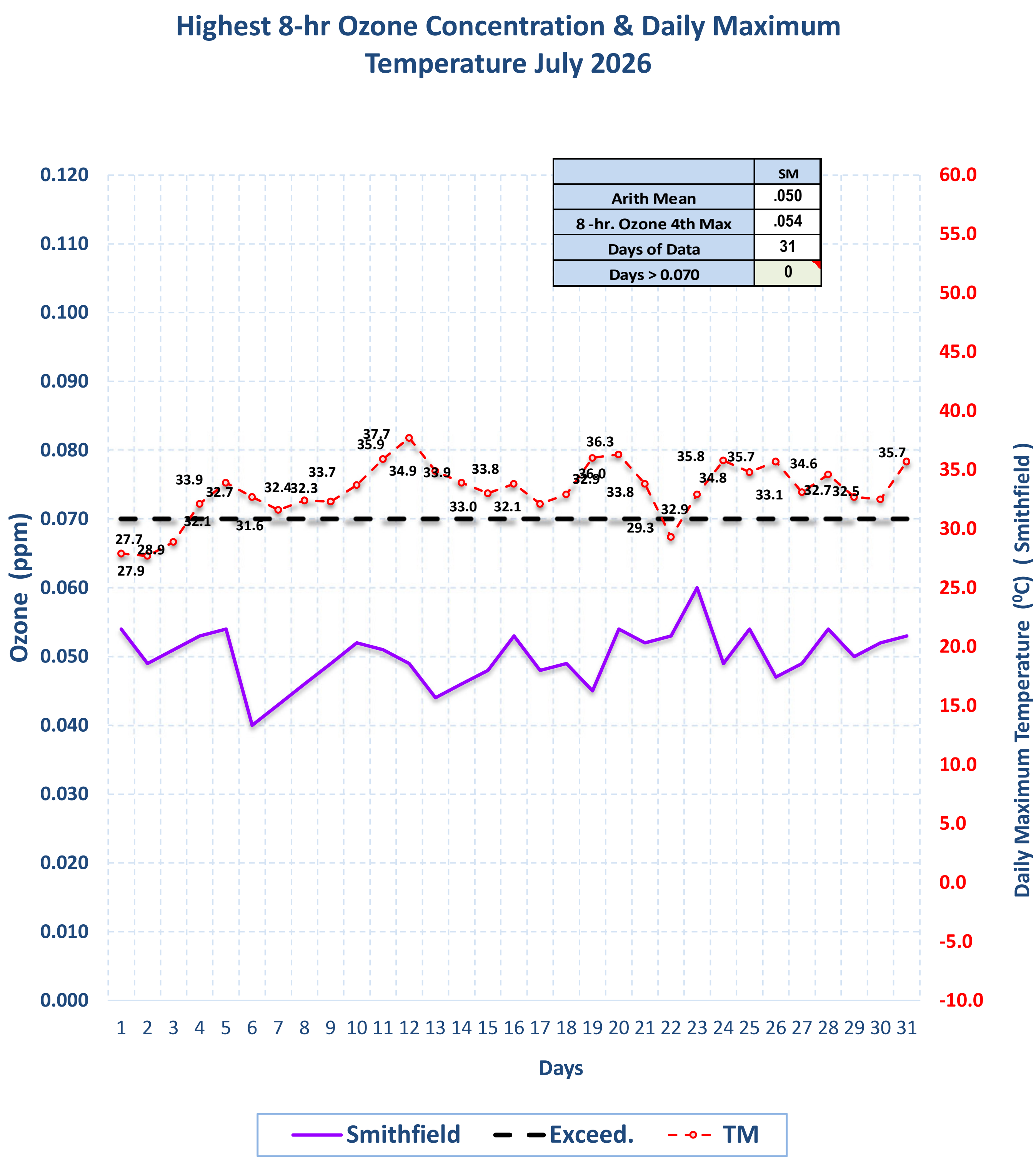
* Environmental Quality (**EQ**) previously named Technical Support Center (**TSC**)

** Controlling Monitor

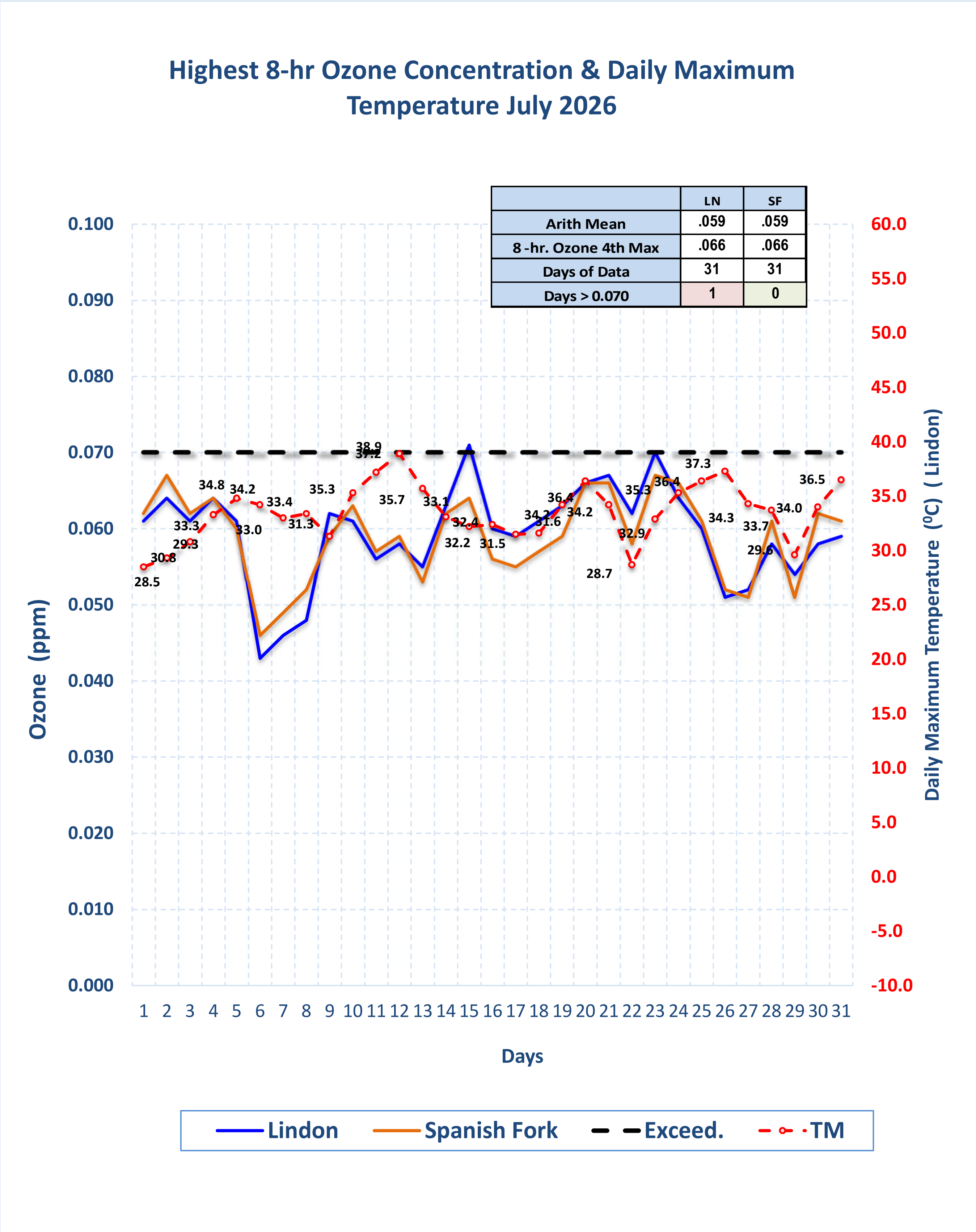
Highest 8-hr Ozone Concentration & Daily Maximum Temperature July 2026



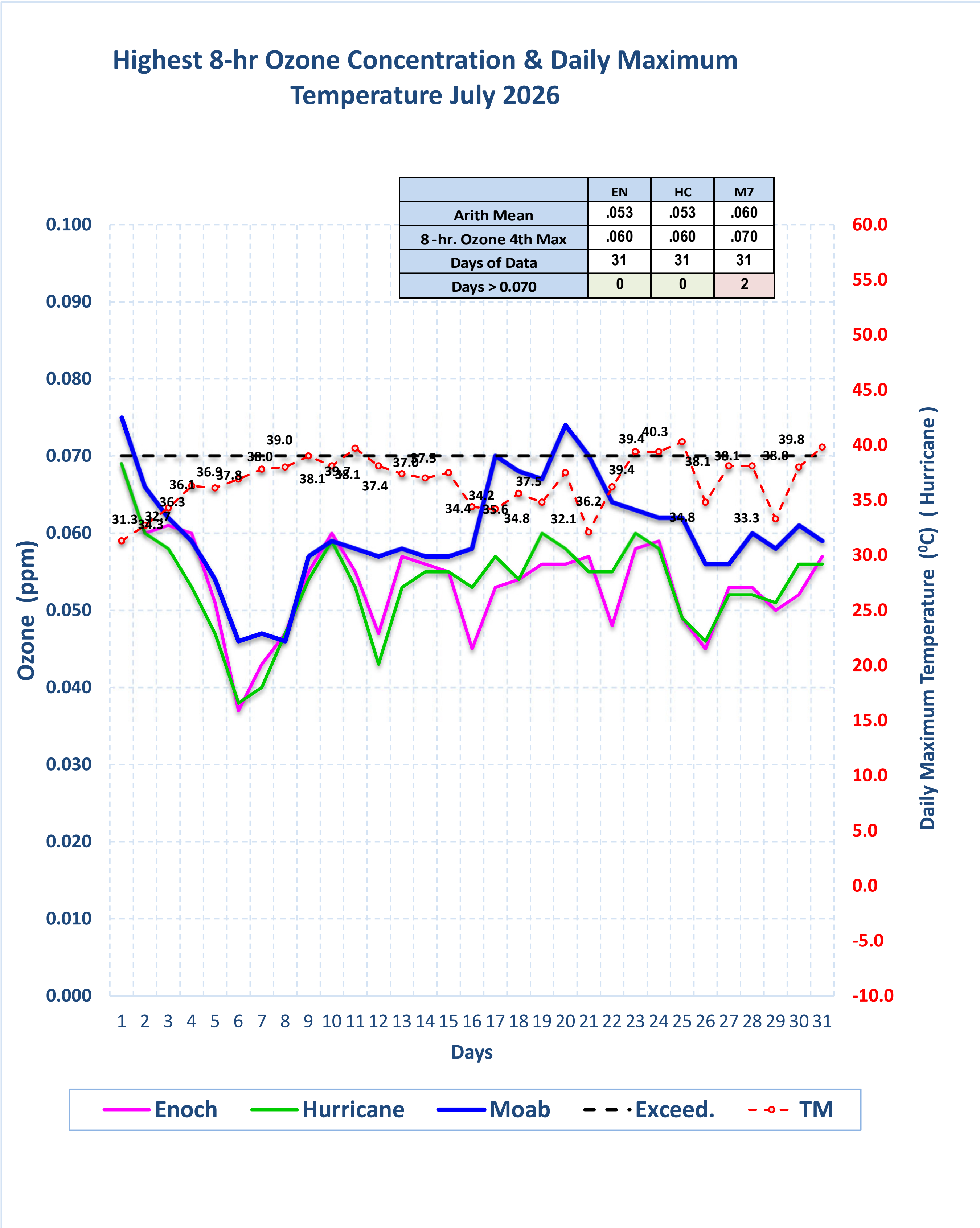
	P2	RS	V4
Arith Mean	.059	.059	.057
8 -hr. Ozone 4th Max	.065	.065	.063
Days of Data	31	31	31
Days > 0.070	1	0	0



	SM
Arith Mean	.050
8 -hr. Ozone 4th Max	.054
Days of Data	31
Days > 0.070	0

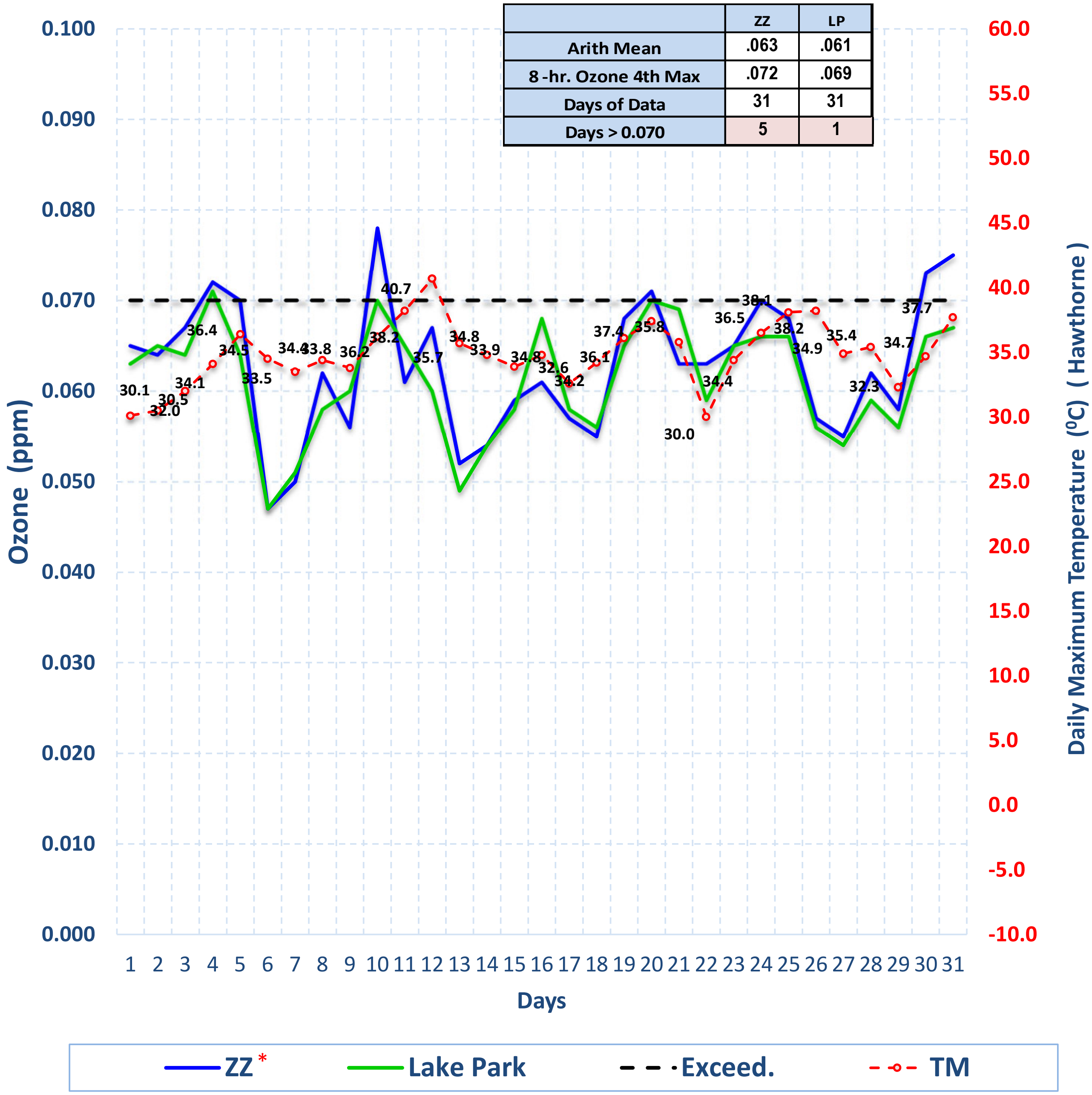


	LN	SF
Arith Mean	.059	.059
8 -hr. Ozone 4th Max	.066	.066
Days of Data	31	31
Days > 0.070	1	0



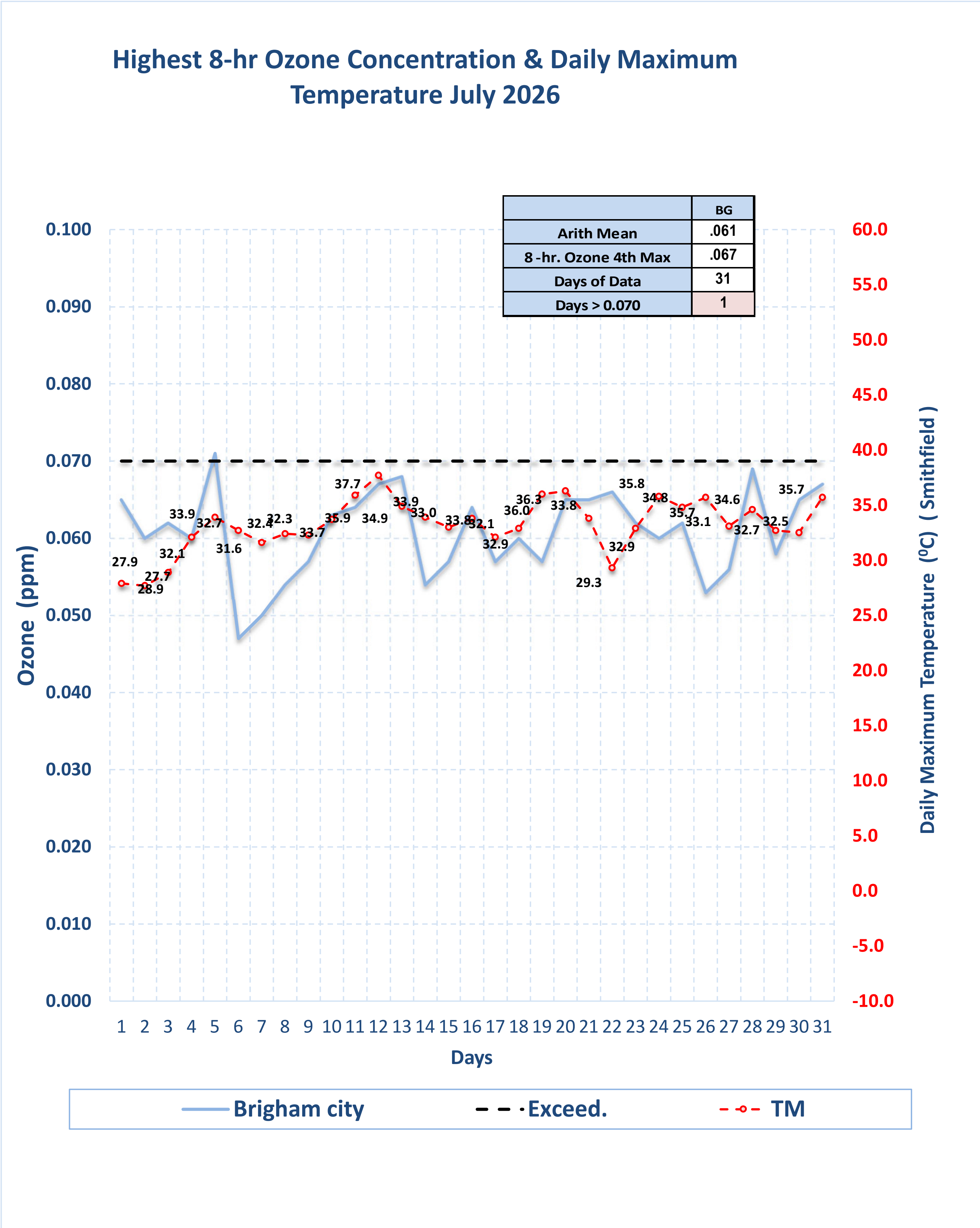
	EN	HC	M7
Arith Mean	.053	.053	.060
8 -hr. Ozone 4th Max	.060	.060	.070
Days of Data	31	31	31
Days > 0.070	0	0	2

Highest 8-hr Ozone Concentration & Daily Maximum Temperature July 2026
Stations Monitoring the Inland Port Development



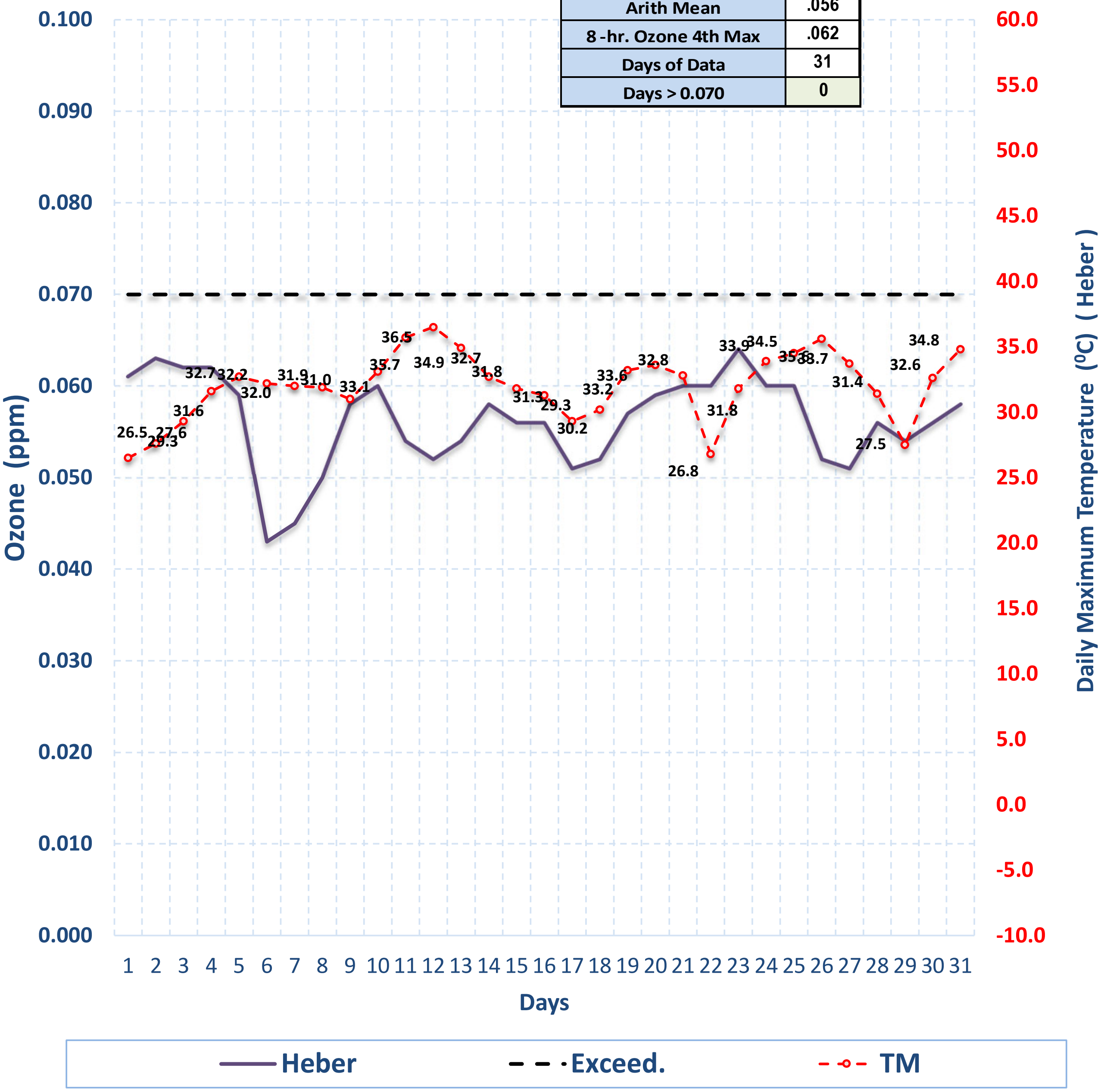
	ZZ	LP
Arith Mean	.063	.061
8-hr. Ozone 4th Max	.072	.069
Days of Data	31	31
Days > 0.070	5	1

* **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 July 2026
BG
Arith Mean .061
8 -hr. Ozone 4th Max .067
Days of Data 31
Days > 0.070 1
Ozone (ppm)
Daily Maximum Temperature (⁰C) (Smithfield)
Days
Brigham city
Exceed.
TM

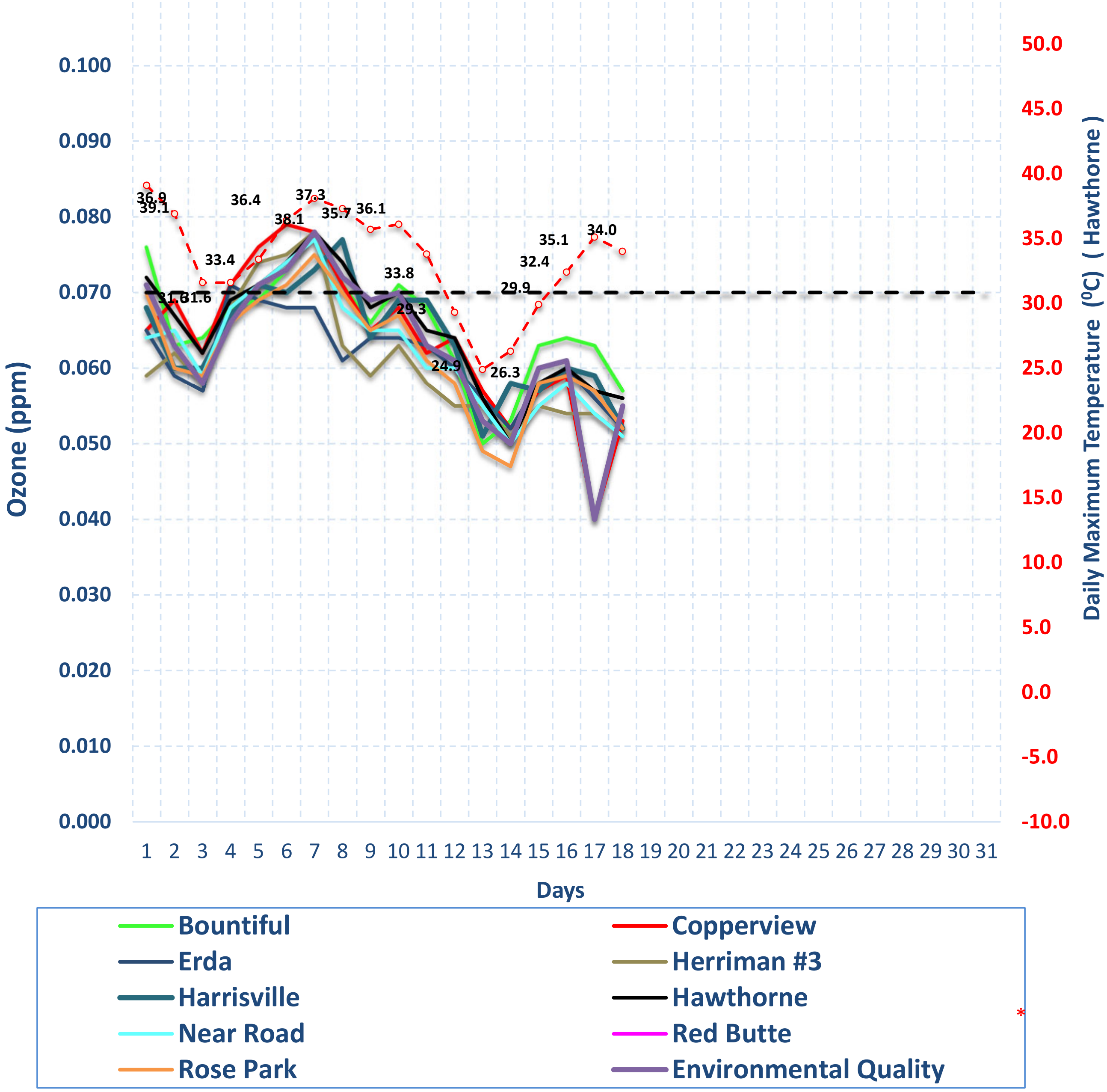
Highest 8-hr Ozone Concentration & Daily Maximum Temperature July 2026

	HB
Arith Mean	.056
8 -hr. Ozone 4th Max	.062
Days of Data	31
Days > 0.070	0



Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2026

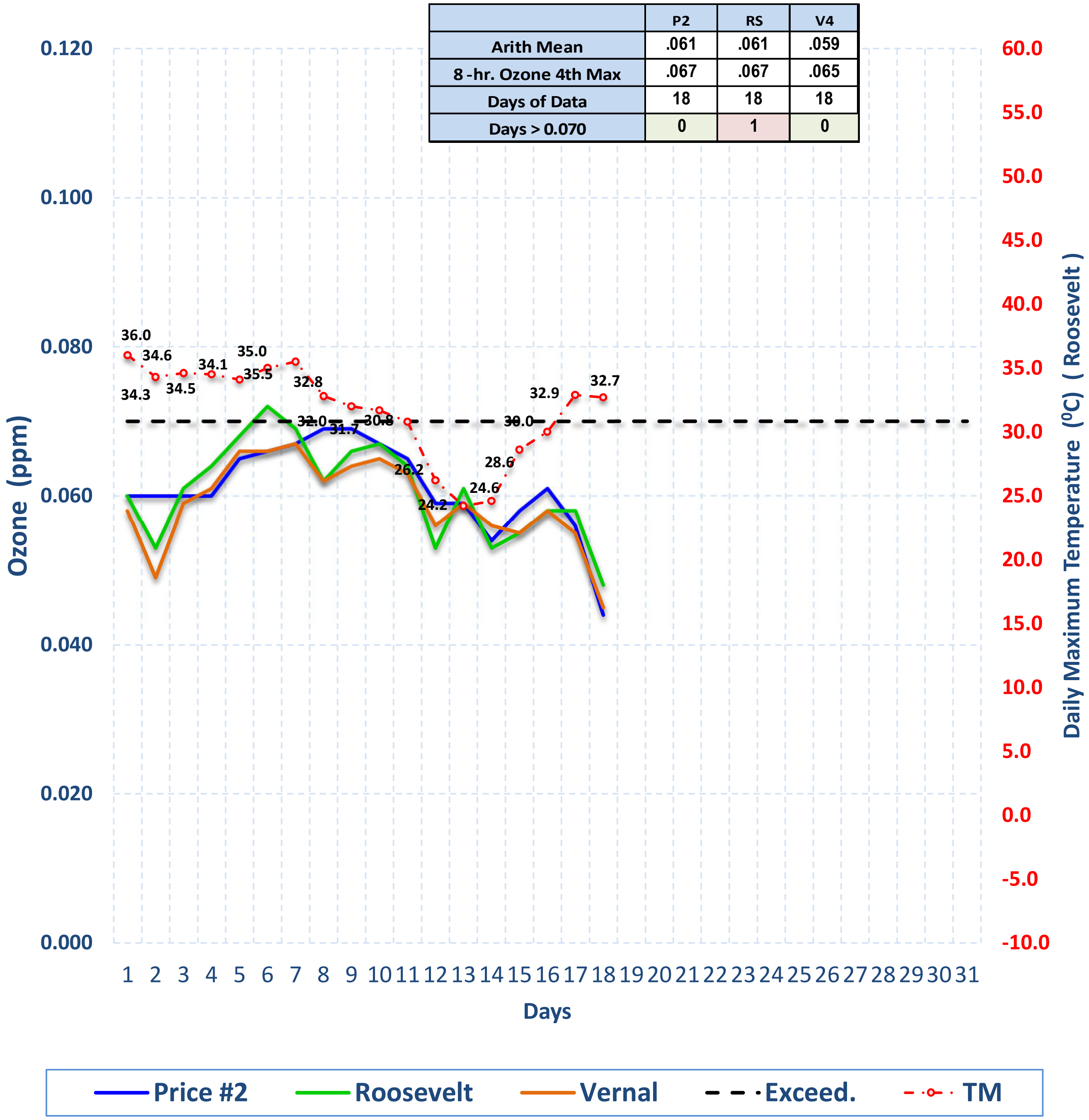
O3 Aug 2026	BV	CV	ED	H3	HV	HW	NR	RB	RP	EQ
Arith Mean	.065	.064	.061	.061	.064	.065	.062		.062	.063
8 -hr. Ozone 4th Max	.071	.071	.068	.068	.070	.072	.068		.070	.071
Days of Data	18	18	18	18	18	18	18		18	18
Days > 0.070	5	5	1	3	3	5	3		2	5

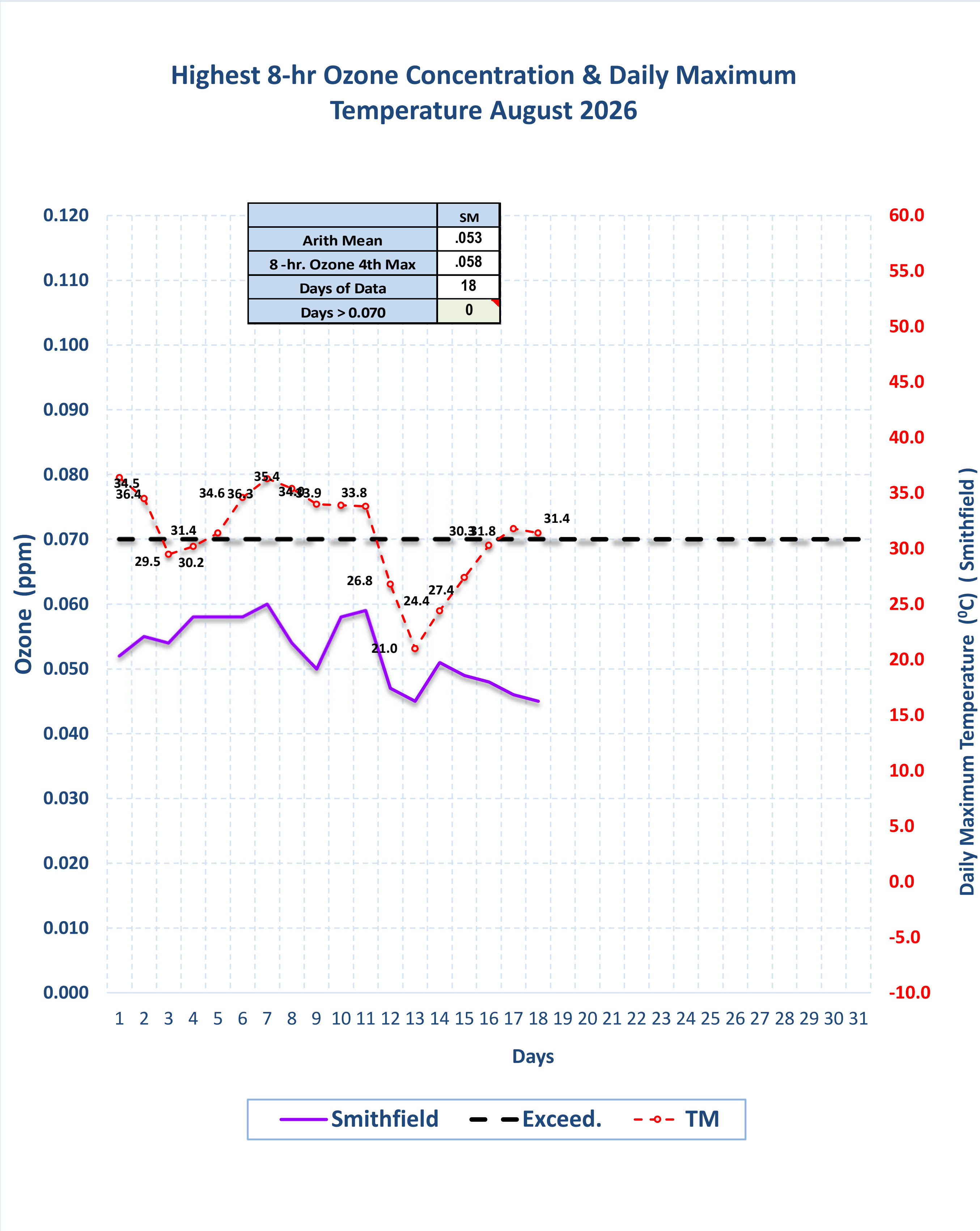


* Environmental Quality (**EQ**) previously named Technical Support Center (**TSC**)
** Controlling Monitor

Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2026

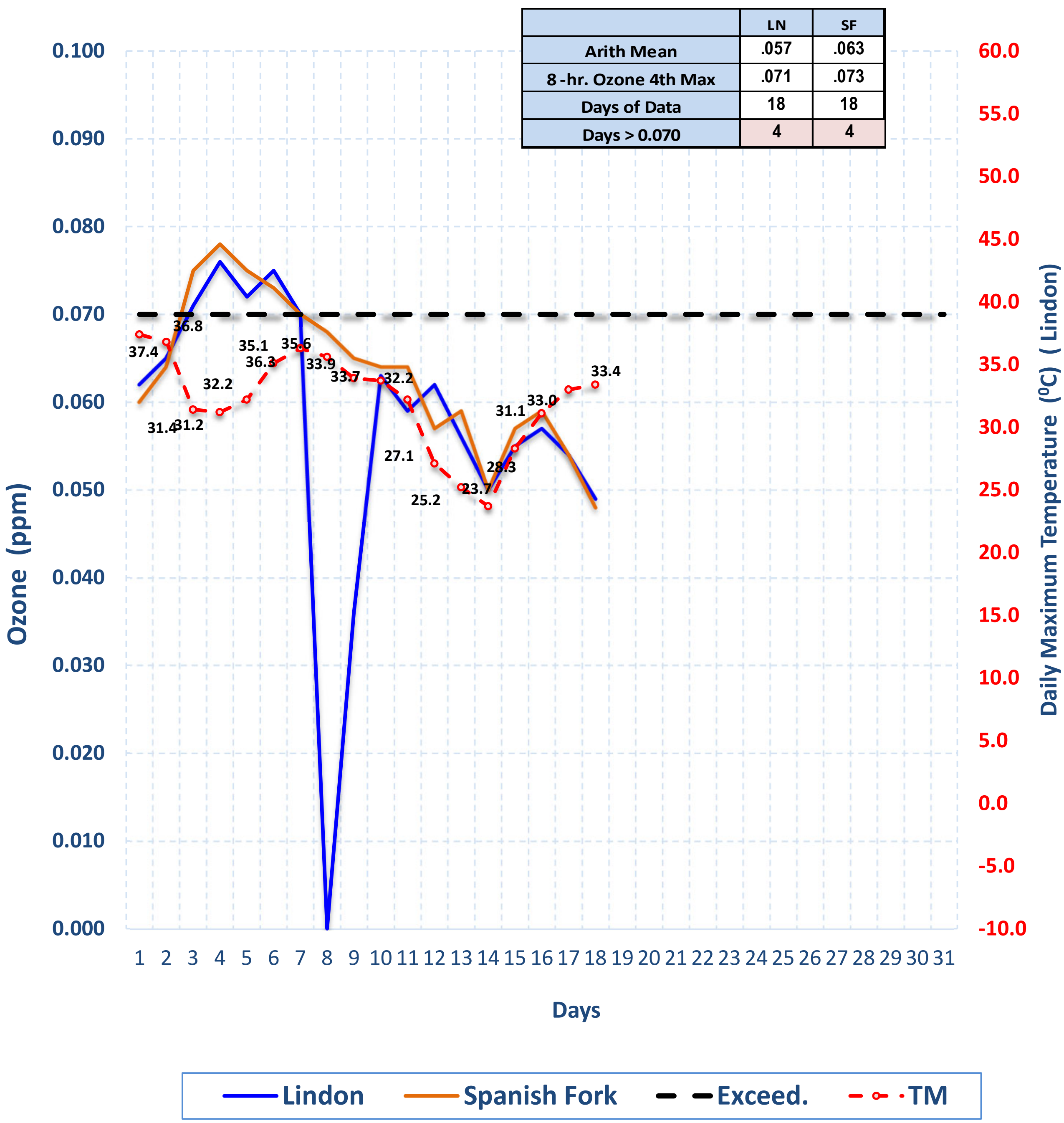
	P2	RS	V4
Arith Mean	.061	.061	.059
8 -hr. Ozone 4th Max	.067	.067	.065
Days of Data	18	18	18
Days > 0.070	0	1	0

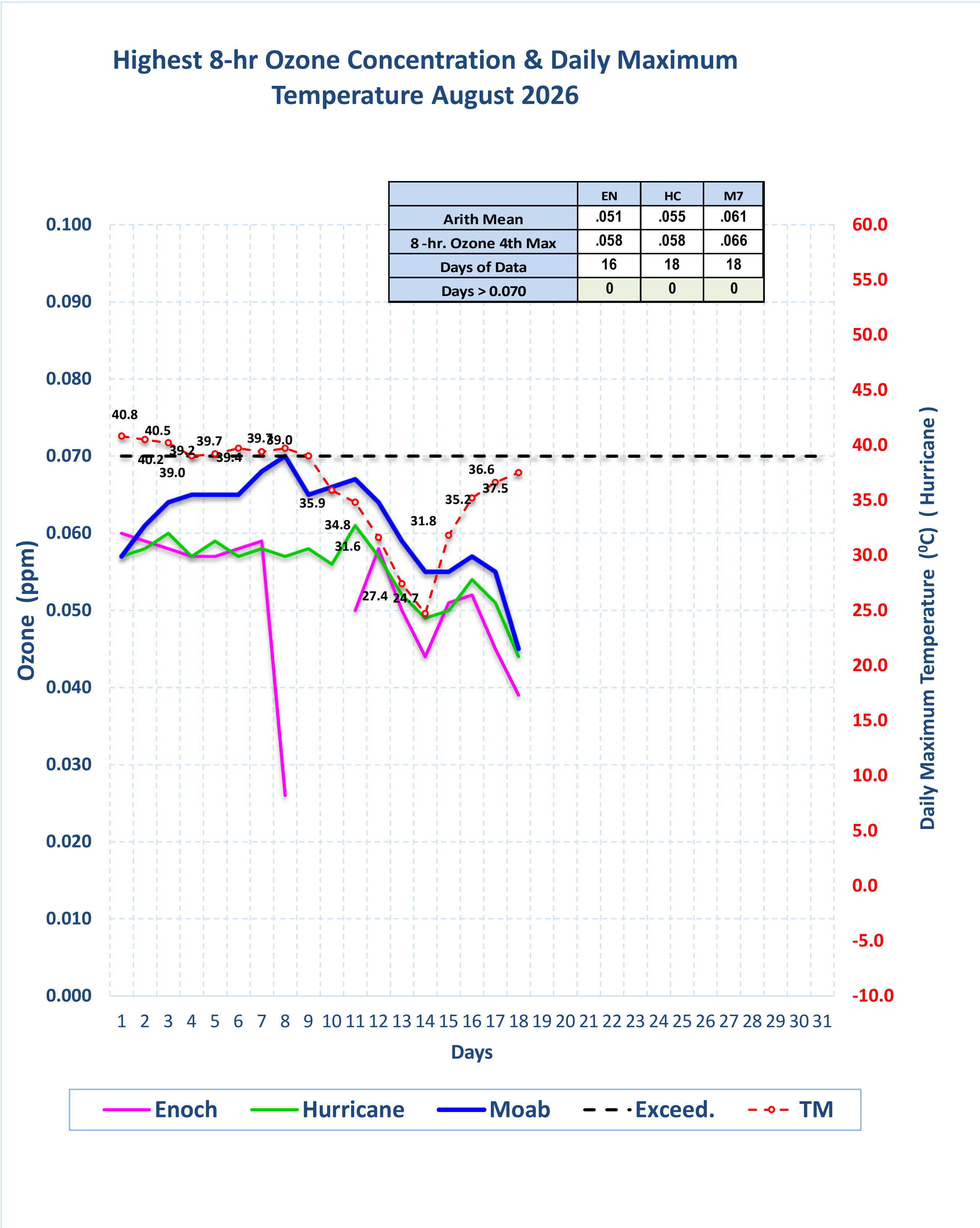




Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2026
SM
Arith Mean .053
8 -hr. Ozone 4th Max .058
Days of Data 18
Days > 0.070 0
Ozone (ppm)
Daily Maximum Temperature (⁰C) (Smithfield)
0.120
0.110
0.100
0.090
0.080
0.070
0.060
0.050
0.040
0.030
0.020
0.010
0.000
60.0
55.0
50.0
45.0
40.0
35.0
30.0
25.0
20.0
15.0
10.0
5.0
0.0
-5.0
-10.0
34.5
36.4
29.5
31.4
30.2
34.6
36.3
35.4
34.9
33.9
33.8
26.8
21.0
24.4
27.4
30.3
31.8
31.4
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
Days
Smithfield
Exceed.
TM

Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2026

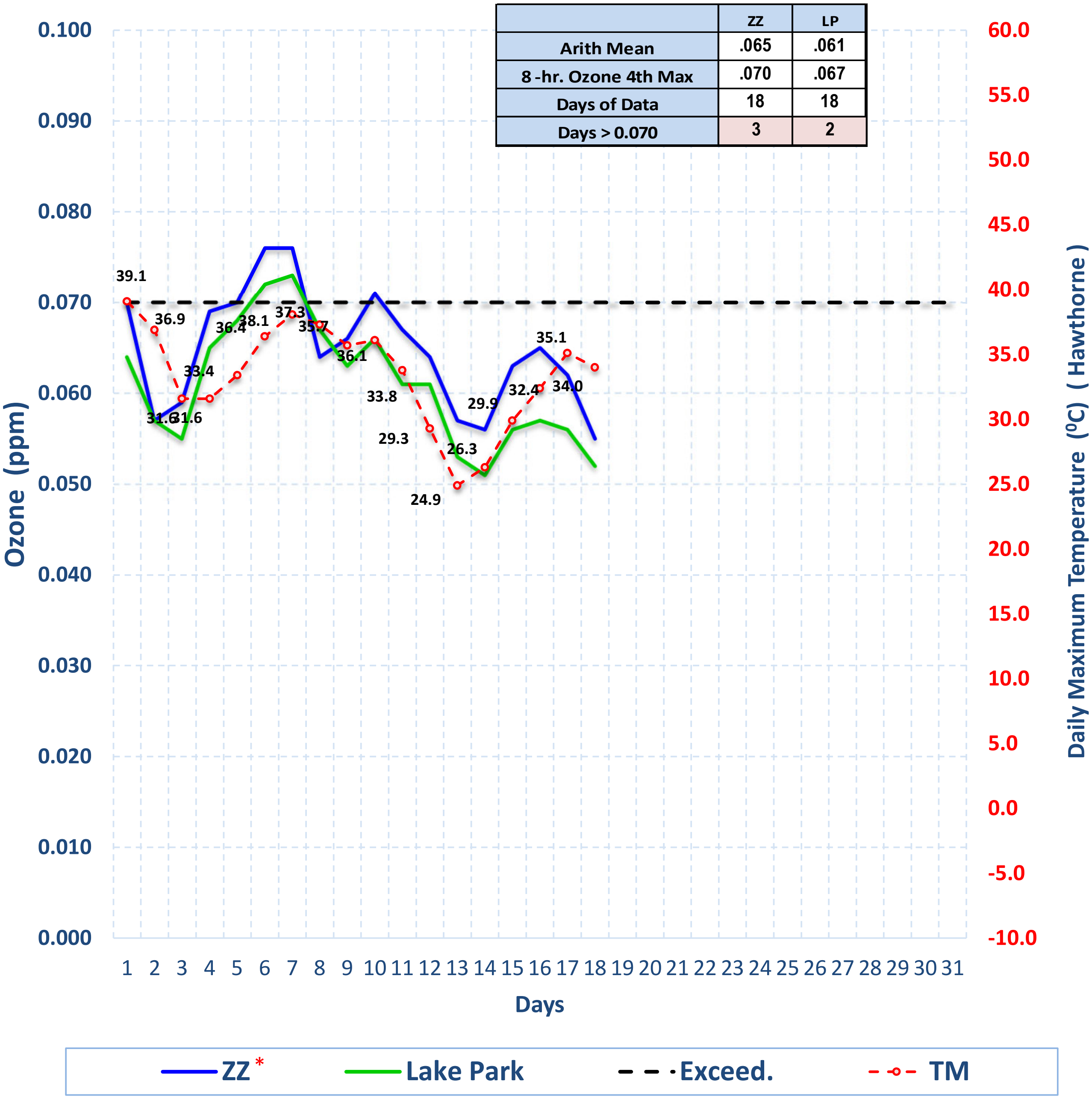




	EN	HC	M7
Arith Mean	.051	.055	.061
8 -hr. Ozone 4th Max	.058	.058	.066
Days of Data	16	18	18
Days > 0.070	0	0	0

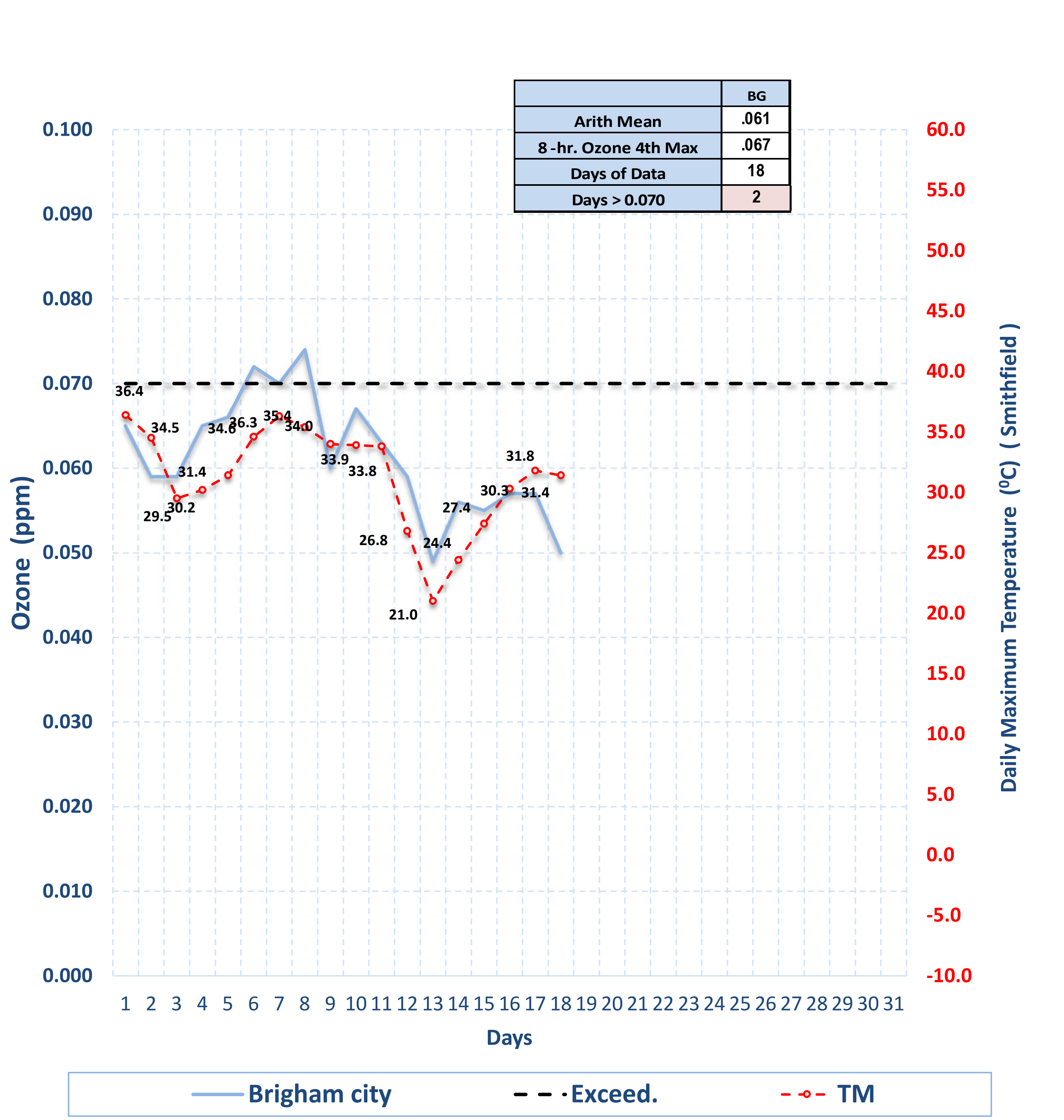
Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2026
Stations Monitoring the Inland Port Development

	ZZ	LP
Arith Mean	.065	.061
8 -hr. Ozone 4th Max	.070	.067
Days of Data	18	18
Days > 0.070	3	2



* **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 August 2026



Highest 8-hr Ozone Concentration & Daily Maximum Temperature August 2026

	HB
Arith Mean	.061
8 -hr. Ozone 4th Max	.067
Days of Data	18
Days > 0.070	1