



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

Air Quality Board
Stephen C. Sands II, *Chair*
Kerry Kelly, *Vice-Chair*
Alan Matheson
Erin Mendenhall
Robert Paine III
Arnold W. Reitze Jr
Michael Smith
William C. Stringer
Karma M. Thomson
Bryce C. Bird,
Executive Secretary

DAQ-002-16a

UTAH AIR QUALITY BOARD MEETING
February 3, 2016 – 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

FINAL AGENDA

- I. Call-to-Order
- II. Date of the Next Air Quality Board Working Lunch and Meeting: March 2, 2016
Working Lunch at 11:30 a.m. and Board Meeting at 1:30 p.m.
- III. Approval of the Minutes for December 2, 2015, Board Meeting.
- IV. Final Adoption: Amend R307-101-2. Definitions; R307-312-5. Hot Mix Asphalt Plants; and R307-328-4. Loading of Tank Trucks, Trailers, Railroad Tank Cars, and Other Transport Vehicles. Presented by Ryan Stephens.
- V. Final Adoption: Amend R307-405-3. Definitions; and R307-415-3. Definitions. Presented by Ryan Stephens.
- VI. Final Adoption: Amend R307-110-28. Regional Haze. Presented by Ryan Stephens.
- VII. Propose for Public Comment: Amend R307-801. Utah Asbestos Rule. Presented by Ryan Stephens.
- VIII. Propose for Public Comment: Amend R307-841-8. Renovator Certification and Dust Sampling Technician Certification. Presented by Ryan Stephens.
- IX. Informational Items.
 - A. Air Toxics. Presented by Robert Ford.
 - B. Compliance. Presented by Jay Morris and Harold Burge.
 - C. Monitoring. Presented by Bo Call.
 - D. Other Items to be Brought Before the Board.

ITEM 3



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UTAH AIR QUALITY BOARD MEETING
December 2, 2015 – 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

DRAFT MINUTES

I. Call-to-Order

Steve Sands called the meeting to order at 1:30 p.m.

Board members present: Steve Sands, Erin Mendenhall, Michael Smith, Robert Paine, Kerry Kelly, Alan Matheson, and Arnold Reitze

Excused: Karma Thomson and William Stringer

Executive Secretary: Bryce Bird

II. Date of the Next Air Quality Board Meeting: February 3, 2016

The January 6, 2016, meeting was canceled.

III. Approval of the Minutes for October 7, 2015, Board Meeting.

- Kerry Kelly moved to approve the minutes as submitted. Robert Paine seconded. The Board approved unanimously.

IV. Final Adoption: Repeal of Existing SIP Subsection IX.A.10 and Re-enact with SIP Subsection IX.A.11: PM10 Maintenance Provisions for Salt Lake County, as Amended. Presented by Bill Reiss.

Bill Reiss, Environmental Engineer at DAQ, summarized that agenda items four, five, six, and seven represent a maintenance plan for PM₁₀ and briefly reviewed the proposals that were presented in September 2015 to the Board. He stated this project is mostly an administrative effort to finish PM₁₀ and move on with efforts to address PM_{2.5}. There are essentially two parts to this state implementation plan (SIP) revision, Part A which contains the SIP narratives addressing the monitored attainment of the standards; and Part H which is the location of the emissions limits belonging to the identified stationary sources. A 30-day public comment period was held and comments were received and a summary of each of those comments, along with DAQ's responses,

were included in the information provided to the Board. In this plan DAQ has addressed and corrected a number of the issues that EPA had raised in 2005 when they proposed to disapprove the last maintenance plan DAQ proposed. Many of EPA's comments were editorial in nature and some did point out simple corrections that have since been made. Other comments, not from EPA, dealt with things not explicitly required as part of a PM₁₀ maintenance plan but might be regarded as measures to strengthen the SIP in a general way. Mr. Reiss then noted some changes were made to the narratives in Part A and in renumbering. A few technical changes were made to select inventory numbers, errors in transcription, and error in the modeling result for 2028. Other comments had to do with the technical support document (TSD). The TSD is not explicitly part of this rulemaking but he stated that DAQ has talked with EPA about how DAQ intends to fix the TSD and those corrections will be made prior to submitting the package to EPA.

In discussion, it was stated that the modeling is essentially the same modeling domain as was done for the PM_{2.5} SIP, and it is inclusive of all three PM₁₀ nonattainment areas as well. Mr. Reiss also explained the removal of the Board's authority through the Director to amend approval orders and some items in the SIP goes back to original PM₁₀ SIP work in 1991. There were quite a few rules that affected area sources and the administration of the SIP in general that were codified into R307 at that time. One of those rules gave the Director the authority to modify some of the limits belonging to the stationary sources that were identified. In looking forward, it was recognized that this would be a problem and there were going to be a lot of reasonable available control technology (RACT) requirements made of those sources. The authority was already held by the Director and it was made an issue when it was held on to again throughout PM₁₀. Since EPA did not approve of the Board's approval to remove in R307 the rule that permitted the Board, through the Director's authority, to make these kinds of revision the rule still sits on the federal books as part of the official SIP for Utah. The rule has been stricken from the state books but still sits on the federal books.

Mr. Reiss also addressed that a comment was received dealing with a particular rule that was developed as part of the PM₁₀ SIP to mitigate against growth. That is a feature of the minor source permitting program that requires offsets when the expected emissions increase from a new source or modified source would reach a level of either 25 or 50 tons when you combined PM₁₀ plus SO_x plus NO_x. There are emission credits on our books that applicants are required to obtain and then trade for these expected increases. That rule applies to minor sources in PM₁₀ nonattainment areas specifically. The question is raised that if EPA approves this plan and then redesignates us, would that then still apply since it specifically does not apply in PM₁₀ maintenance areas. This rule has been effective but certainly is not perfect. It does bring up the need to think of ways to keep emissions down and at the same time it has kind of created a viable pool of emission credits that allow permitting to go forward and recognize improvements in technology and efficiency that have actually lead over time to lesser emissions than was expected in 1991. DAQ is always looking to make sure that the rules are effective and serve their intended purpose.

- Erin Mendenhall moved to approve final adoption, repeal of existing SIP Subsection IX.A.10 and re-enact with SIP Subsection IX.A.11: PM₁₀ Maintenance Provisions for Salt Lake County, as amended. Robert Paine seconded. The Board approved unanimously.

V. Final Adoption: Repeal of Existing SIP Subsection IX.A.11 and Re-enact with SIP Subsection IX.A.12: PM₁₀ Maintenance Provisions for Utah County, as Amended. Presented by Bill Reiss.

Bill Reiss, Environmental Engineer at DAQ, stated his presentation of the previous item covers this item for Utah County.

In discussion, Mr. Reiss responded that DAQ We had a good cooperative effort with EPA and staff feels all the questions/comments that came up have been resolved. In response to how the accuracy of the model compare with the safety margin, he responded the model is always kind of plus or minus. Nevertheless, what we start with are some monitored design values that are well beneath the standard of 150 micrograms per cubic meter. What we are really looking at is a huge margin. The metropolitan planning organizations are going to have budgets in the PM_{2.5} SIPs as well which will end up being the more restrictive budgets. For Utah County, there is a particular monitor that only collects data every three days and so the way the PM₁₀ standard is structured it's a pass/fail test with the National Ambient Air Quality Standards (NAAQS) which is based on the number of exceedances. This resulted in a much higher design value for Utah County even though it really does behave a lot more like Salt Lake County. There was just not as much headroom left to carve out a safety margin as there was in Salt Lake County.

- Kerry Kelly moved for final adoption to repeal of existing SIP Subsection IX.A.11 and re-enact with SIP Subsection IX.A.12: PM₁₀ Maintenance Provisions for Utah County, as amended. Michael Smith seconded. The Board approved unanimously.

VI. Final Adoption: Repeal of Existing SIP Subsection IX.A.12 and Re-enact with SIP Subsection IX.A.13: PM10 Maintenance Provisions for Ogden City, as Amended. Presented by Bill Reiss.

No questions or comments from the Board on this agenda item as it was covered in the summary given for agenda item four.

- Arnold Reitze moved for final adoption of repeal of existing SIP Subsection IX.A.12 and re-enact with SIP Subsection IX.A.13: PM₁₀ Maintenance Provision for Ogden City, as amended. Robert Paine seconded. The Board approved unanimously.

VII. Final Adoption: Repeal Existing SIP Subsections IX. Part H. 1, 2, 3, and 4 and Re-enact with SIP Subsections IX. Part H. 1, 2, 3, and 4: Control Measures for Area and Point Sources, Emission Limits and Operating Practices, PM10 Requirements, as Amended. Presented by Bill Reiss.

Bill Reiss, Environmental Engineer at DAQ, stated Part H is kind of the second piece to this overall maintenance plan where the source specific emissions limits that belong in the SIP are housed. Limits are required as part of any SIP and their inclusion in the SIP makes them federally enforceable. There are no new RACT requirements associated with the maintenance plan. There are no new limits for additional PM₁₀ control. However, we made an effort to harmonize the PM₁₀ limits with other regulatory limits. So these conditions look like and have been structured very much like the PM_{2.5} conditions that were recently approved into Subsections 10, 11, and 12 of Part H. A 30-day public comment period was held and comments were collected which are summarized, along with DAQ's responses, as part of the packet to the Board. The majority of EPA's comments could be categorized as a continuing refinement involving concerns remaining from some of the previous iterations of the PM_{2.5} SIP. Some areas of focus included the pairing of averaging periods for emission limits with the 24 hours averaging period of the PM₁₀ NAAQS, emissions during start up, shut down, and malfunction, and the enforceability of the emission limits in Part H, including greater stack test frequency. Staff worked closely with EPA and almost all of the concerns EPA had raised through this process have been addressed through revisions to the language in Part H. As with Part A, some of the comments received were directed at the TSD

which is not part of this rulemaking. DAQ is well on the way to resolving all of those TSD issues and expects to have that done before the package is submitted to EPA.

- Robert Paine moved for final adoption to repeal existing SIP Subsections IX. Part H. 1, 2, 3, and 4 and re-enact with SIP Subsections IX. Part H. 1, 2, 3, and 4: Control Measures for Area and Point Sources, Emission Limits and Operating Practices, PM₁₀ Requirements, as amended. Erin Mendenhall seconded. The Board approved unanimously.

VIII. Final Adoption: Amend R307-110-10. Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter; and Amend R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated the final adoption to these rules incorporates the amended Section IX.A and Section IX.H of the SIP in the Utah Air Quality Rules. A 30-day public comment period was held and no comments were received. Staff recommends the Board adopt R307-110-10 and R307-110-17 as amended.

In discussion, it was noted the date of enactment in these rules will be corrected to December 2, 2015. Also, there are definitions for area and point source in the general definitions section in the permitting rule R307-415-3, which is for Title V. Since this agenda item is for final adoption to incorporate the SIP maintenance plan that was just approved by the Board, it is suggested that a future action would be to look at possibly putting these definitions into R307-101-2 at some point. After further discussion, it was decided the request to amend the definitions of area and point source would be discussed in agenda item nine under R307-101-2.

- Michael Smith moved that the Board approve final adoption amend R307-110-10, Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter; and amend R307-110-17, Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits. Erin Mendenhall seconded. The Board approved unanimously.

IX. Final Adoption: Amend R307-101-2. Definitions; R307-102-1. Air Pollution Prohibited; Periodic Reports Required; R307-150. Emission Inventories; R307-201-3. Visible Emissions Standards; R307-206. Emission Standards: Abrasive Blasting; R307-303. Commercial Cooking; R307-305-3. Visible Emissions; R307-306. PM10 Nonattainment and Maintenance Areas: Abrasive Blasting; R307-401. Permit: New and Modified Sources; R307-410. Permits: Emissions Impact Analysis; R307-415. Permits: Operating Permit Requirements. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated these rule amendments are in response to House Bill 229 which revised several air quality related terms in the Utah Code. The proposed rules amend the current air quality rules so that they reflect the changes made to Utah Code. The amendments create consistency across state regulations, state statutes, and the Clean Air Act (CAA). A 30-day public comment period was held and no comments were received on any of these rules. Staff recommends the Board these amended rules.

Besides an amendment to area and point source definitions as discussed in the previous agenda item, there was also a question with the term air pollution where one interpretation may suggest that we don't have air pollution until the NAAQS is exceeded, and questions whether or not the term is used correctly.

Staff responded that is not the case because the NAAQS are particular to the criteria pollutants established in the CAA which is only a small portion of the overall air pollutants. That defines it more if it's only the NAAQS pollutants and air pollution altogether would involve the hazardous air pollutants and any other substance that could meet those requirements. So it is not limited only by the NAAQS. Furthermore, that definition was what the Legislature set in statute in 19-2-102. The real question may be how is the term air pollution used throughout the regulations and changing the definition could have ripple effects. We are limited in what can be done, number one because it's defined in statute and number two a search of the entire rules would need to be done to see what the implications would be.

Another question raised was with the definition of actual emissions. If you get a construction permit, what would be the test for actual emissions if a source has not yet moved to operation? To which staff responded the language was taken directly from the Code of Federal Regulations. When looking at netting requirements that is addressed under the permitting program process. It is part of the federal definition but where it becomes in practice is when looking at the permit application a source would need to either account for or credit actual versus potential. That is usually the context of netting analysis and the permitting process.

After discussion, the Board would approve this item as presented with amendment to R307-101-2 to include definitions for area and point source. Also, staff is asked to review the definition of air pollution and report that back to the Board.

- Erin Mendenhall moved the Board approve final adoption to amend R307-101-2. Definitions; R307-102-1. Air Pollution Prohibited; Periodic Reports Required; R307-150. Emission Inventories; R307-201-3. Visible Emissions Standards; R307-206. Emission Standards: Abrasive Blasting; R307-303. Commercial Cooking; R307-305-3. Visible Emissions; R307-306. PM10 Nonattainment and Maintenance Areas: Abrasive Blasting; R307-401. Permit: New and Modified Sources; R307-410. Permits: Emissions Impact Analysis; R307-415. Permits: Operating Permit Requirements, with the inclusion of definitions of area and point source to R307-101-2 as proposed. Kerry Kelly seconded. The Board approved unanimously.

X. Propose for Public Comment: New Rule R307-104. Conflict of Interest. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated that a similar rule was proposed a few months ago which was withdrawn before it went out to public comment because of deficiencies. DAQ incorporated a Utah State Code section by reference which is not allowed under the rulemaking act. DAQ amended the rule without incorporating by reference any other areas of the code. This rule is being proposed in response to EPA's partial disapproval of Utah's Infrastructure SIP for PM_{2.5}. The disapproval was based on the fact that Utah no longer had a rule or statute that complied with Section 128(a)(2) of the CAA. The rule provides an enforceable requirement that any potential conflicts of interest involving any member of the Board or body which approves permits or enforcement orders, the DAQ Director, with similar powers, and the DEQ Executive Director with similar powers, are disclosed which would satisfy Section 128 of the CAA. The DAQ has worked with EPA and the Utah Attorney General's Office to develop this rule. Staff recommends the Board propose new rule R307-104, Conflict of Interest, for public comment.

- Michael Smith moved to propose for public comment new rule R307-104, Conflict of Interest. Robert Paine seconded. The Board approved unanimously.

XI. Propose for Public Comment: Amend R307-101-2. Definitions. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated the main change is that the date July 6, 2005, was changed to December 2, 2015, to take into account the most recent maintenance plan. Another minor change revised a reference to the CAA as amended in 1990. The rule has been changed to reference the federal CAA as found in 42 U.S.C. Chapter 85. Staff recommends the Board propose for public comment R307-101-2, Definitions.

In response to questions, staff stated it is important to get this rule out to public comment because it is going to be part of the SIP revision which will be submitted to EPA and it has a definition of what a maintenance area is. It will not affect the timeline previously stated.

- Erin Mendenhall moved the Board propose for public comment to amend R307-101-2, Definitions. Kerry Kelly seconded. The Board approved unanimously.

XII. Informational Items.

A. EPA's Proposed Discretionary Reclassification. Presented by Bryce Bird.

Bryce Bird, Division Director and Executive Secretary to the Board, stated that as previously discussed EPA had intended to propose a discretionary reclassification to a serious nonattainment area for each of the current PM_{2.5} nonattainment areas. EPA published that in the Federal Register on November 9, 2015, and the comment period runs through December 9, 2015. This issue is related to the provisions under the CAA, under Part D Subpart 4 that EPA had originally implemented the PM_{2.5} provisions under Subpart 1 and because of a Supreme Court decision it was moved to Subpart 4. Under that new rule EPA has established a classification system where you originally are designated as a moderate nonattainment area and then if you don't attain the standard by the moderate attainment date you would be reclassified by operation of law to a serious nonattainment area within six months after passing that date without making that demonstration. EPA in their proposal is proposing to reclassify and under that process the initial portions of the new serious nonattainment SIP would still be required within 18 months. The final implementation plan that describes the attainment plan would be required three years after designation or reclassification.

What this does in a practical sense is that the major source requirements, the inventory requirements, would all be in place within 18 months no matter which pathway an area reached serious nonattainment. But the overall planning requirement would allow the state to have more years of implementation of the moderate plan to be effective at adjusting the design value before the final plan was developed which is why the state has discussed this with EPA. It's not to forestall or delay any requirement because the substantive requirements and attainment date do stay the same. The new serious area permitting requirements still happen within 18 months. Again, the only difference is that the timing of the plan allows more time for the implementation strategies of the moderate plan to be in effect.

Complicating factors are that EPA has not developed an implementation rule for PM_{2.5} under the Subpart 4 requirements and the CAA does not address PM_{2.5} at all or what the test is for meeting the moderate area test. With that, DAQ still believes it is in the state's best interest to move in that direction and is encouraged by EPA giving DAQ that option.

Another challenge is that currently all areas are meeting the initial test for the moderate area attainment year. And that is during this year all areas are currently meeting, at least for one year, the PM_{2.5} standard. In looking between now and the end of the year, there is a possibility that we could remain in attainment for this year, especially in the Logan nonattainment area where they haven't exceeded the standard this year except for a few days of exceptional events in August during smoke events.

The state will be making comments and in the next week will try to predict what the rest of the year will bring and whether or not we move forward with a submission of an extension of the moderate attainment status for another year or whether we take advantage of some of the benefits that come from the moving from serious nonattainment classification by this discretionary mechanism.

There is some uncertainty in what the timeline will be after EPA reaches a final decision. In reading a combination of what the CAA says and what EPA did in earlier implementation rules the CAA requirement is that the discretionary reclassification will need to take effect before the date that would trigger an operation of law classification. Under that reading EPA would have to make the final Federal Register notice before the end of the year which would be a very quick turnaround for them. Also, in that same provision in the CAA it says it is triggered off when the SIP was due. Because of the deadlines rule that EPA published our SIP was due later than it would have been under that scenario and so that deadline would be six months later. That may be some of our comments, that EPA may not have to make the decision now because the deadline of the SIP was changed by that timing rule that was published. There is some uncertainty but the strictest reading is that they would have to publish before the end of the year.

- B. Air Toxics. Presented by Robert Ford.**
- C. Compliance. Presented by Jay Morris and Harold Burge.**
- D. Monitoring. Presented by Bo Call.**

Bo Call, Air Monitoring Section Manager at DAQ, updated the Board on the monitoring data and answered questions from the Board. He noted that negative values at some of the monitors were due to wires being crossed from the machines and negative numbers were being collected instead of the real number.

In other discussion, Mr. Call responded the annual numbers are not available yet, but he knows at the regulatory site, Hawthorne, we were well above the ozone standard. The timeline for designation under the new ozone standard is the state submits the attainment status of all areas of the state in October 2016 and then EPA has up until October 2017 to make the final designations. Then EPA is anticipating having the guidance for the designation process out by the end of this year so we know what the breakout is for the different levels of classification. We don't have that yet so it is unknown if it will be marginal, moderate, severe, or extreme until we know what those classification criteria are, and they have not been published yet.

In regards to last month's request for monitoring at point of the mountain, staff responded that there is a whole set of rules that must be followed about where to place a monitor. There is also the challenge of having the infrastructure available and the cost run such a

monitor. DAQ is behind in replacing current equipment that is beyond its useful life, and so does not have spare monitors that can be placed in different requested areas.

E. Other Items to be Brought Before the Board.

Written comment in relation to R307-801, Asbestos Rule, from Eldon Romney was introduced. Mr. Romney requests that in the future a committee be set up to vet asbestos related rules prior to an asbestos rule going to the Legislature.

Meeting adjourned at 3:02 p.m.

DRAFT

ITEM 4



State of Utah

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Lieutenant Governor

Department of
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Alan Matheson
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DIVISION OF AIR QUALITY
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DAQ-005-16

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Joel Karmazyn, Environmental Scientist

DATE: January 21, 2016

SUBJECT: FINAL ADOPTION: Amend R307-101-2. Definitions; R307-312-5. Hot Mix Asphalt Plants; and R307-328-4. Loading of Tank Trucks, Trailers, Railroad Tank Cars, and Other Transport Vehicles.

On August 25, 2015, the EPA proposed conditional approval of sections of Utah's PM_{2.5} State Implementation Plan (SIP). As a condition for approving the SIP, the EPA is requiring the State to amend R307-101-2, R307-312-5, and R307-328-4. The state sent a letter to the EPA that committed to revising the rules. The Board proposed amendments that would satisfy that commitment on October 7, 2015. The amendments are described below.

Amendments to R307-101-2: The definition of PM_{2.5} included a description of all PM_{2.5} precursors, with the exception of ammonia. The amendment removed the PM_{2.5} precursors from the definition of PM_{2.5}.

Amendments to R307-312-5: The rule stated that "production shall be determined by scale house records or equivalent method on a daily basis." The EPA requested three equivalent methods. The amendment replaced "equivalent method" with "belt scale records" and "manifests statements." The rule now provides three equivalent methods as the EPA requested.

Amendments to R307-328-4: The rule stated that gasoline loading shall be performed by "submerged filling or alternative equivalent methods." The amendment removed "alternative equivalent methods" because filling should be performed via submerged delivery to reduce the volatile organic compound generation.

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A 30 day comment period was held regarding these rules, no comments were received, and a hearing was not requested.

Staff Recommendation: Staff recommends that the Board adopt the amendments to R307-101-2, R307-312-5, and R307-328-4 as proposed.

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

2 **R307-101. General Requirements.**

3 **R307-101-2. Definitions.**

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

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

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

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

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

26 (4) For an electric utility steam generating unit (other
27 than a new unit or the replacement of an existing unit) actual
28 emissions of the unit following the physical or operational change
29 shall equal the representative actual annual emissions of the
30 unit, provided the source owner or operator maintains and submits
31 to the director, on an annual basis for a period of 5 years from
32 the date the unit resumes regular operation, information
33 demonstrating that the physical or operational change did not
34 result in an emissions increase. A longer period, not to exceed
35 10 years, may be required by the director if the director
36 determines such a period to be more representative of normal
37 source post-change operations.

38 "Acute Hazardous Air Pollutant" means any noncarcinogenic
39 hazardous air pollutant for which a threshold limit value -
40 ceiling (TLV-C) has been adopted by the American Conference of
41 Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit
42 Values for Chemical Substances and Physical Agents and Biological
43 Exposure Indices, (2009)."

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

47 "Air Contaminant Source" means any and all sources of

1 emission of air contaminants whether privately or publicly owned
2 or operated (Section 19-2-102(2)).

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

10 "Allowable Emissions" means the emission rate of a source
11 calculated using the maximum rated capacity of the source (unless
12 the source is subject to enforceable limits which restrict the
13 operating rate, or hours of operation, or both) and the emission
14 limitation established pursuant to R307-401-8.

15 "Ambient Air" means the surrounding or outside air (Section
16 19-2-102(4)).

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

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

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

28 "Board" means Air Quality Board. See Section 19-2-102(8)(a).

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

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

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

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

46 "Carcinogenic Hazardous Air Pollutant" means any hazardous
47 air pollutant that is classified as a known human carcinogen (A1)

1 or suspected human carcinogen (A2) by the American Conference of
2 Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit
3 Values for Chemical Substances and Physical Agents and Biological
4 Exposure Indices, (2009)."

5 "Chargeable Pollutant" means any regulated air pollutant
6 except the following:

7 (1) Carbon monoxide;

8 (2) Any pollutant that is a regulated air pollutant solely
9 because it is a Class I or II substance subject to a standard
10 promulgated or established by Title VI of the Act, Stratospheric
11 Ozone Protection;

12 (3) Any pollutant that is a regulated air pollutant solely
13 because it is subject to a standard or regulation under Section
14 112(r) of the Act, Prevention of Accidental Releases.

15 "Chronic Hazardous Air Pollutant" means any noncarcinogenic
16 hazardous air pollutant for which a threshold limit value - time
17 weighted average (TLV-TWA) having no threshold limit value -
18 ceiling (TLV-C) has been adopted by the American Conference of
19 Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit
20 Values for Chemical Substances and Physical Agents and Biological
21 Exposure Indices, (2009)."

22 "Clean Air Act" means federal Clean Air Act as amended in
23 1990.

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

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

39 "Clearing Index" means an indicator of the predicted rate of
40 clearance of ground level pollutants from a given area. This
41 number is provided by the National Weather Service.

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

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

1 (2) Entered into binding agreements or contractual
2 obligations, which cannot be canceled or modified without
3 substantial loss to the owner or operator, to undertake a program
4 of actual construction of the source to be completed within a
5 reasonable time.

6 "Condensable PM2.5" means material that is vapor phase at
7 stack conditions, but which condenses and/or reacts upon cooling
8 and dilution in the ambient air to form solid or liquid
9 particulate matter immediately after discharge from the stack.

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

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

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

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

21 "Director" means the Director of the Division of Air Quality.
22 See Section 19-1-103(1).

23 "Division" means the Division of Air Quality.

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

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

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

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

43 (2) Information necessary to determine the identity, amount,
44 frequency, concentration, or other characteristics (to the extent
45 related to air quality) of any air contaminant which, under an
46 applicable standard or limitation, the source operation was
47 authorized to emit (including, to the extent necessary for such

1 purposes, a description of the manner or rate of operation of the
2 source operation), or any combination of the foregoing; and

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

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

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

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

23 "EPA" means Environmental Protection Agency.

24 "EPA Method 9" means 40 CFR Part 60, Appendix A, Method 9,
25 "Visual Determination of Opacity of Emissions from Stationary
26 Sources," and Alternate 1, "Determination of the opacity of
27 emissions from stationary sources remotely by LIDAR."

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

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

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

38 "Filterable PM_{2.5}" means particles with an aerodynamic
39 diameter equal to or less than 2.5 micrometers that are directly
40 emitted by a source as a solid or liquid at stack or release
41 conditions and can be captured on the filter of a stack test
42 train.

43 "Fireplace" means all devices both masonry or factory built
44 units (free standing fireplaces) with a hearth, fire chamber or
45 similarly prepared device connected to a chimney which provides
46 the operator with little control of combustion air, leaving its
47 fire chamber fully or at least partially open to the room.

1 Fireplaces include those devices with circulating systems, heat
2 exchangers, or draft reducing doors with a net thermal efficiency
3 of no greater than twenty percent and are used for aesthetic
4 purposes.

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

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

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

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

20 "Hazardous Air Pollutant (HAP)" means any pollutant listed by
21 the EPA as a hazardous air pollutant in conformance with Section
22 112(b) of the Clean Air Act. A list of these pollutants is
23 available at the Division of Air Quality.

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

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

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

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

39 "Maintenance Area" means an area that is subject to the
40 provisions of a maintenance plan that is included in the Utah
41 state implementation plan, and that has been redesignated by EPA
42 from nonattainment to attainment of any National Ambient Air
43 Quality Standard.

44 (a) The following areas are considered maintenance areas for
45 ozone:

- 46 (i) Salt Lake County, effective August 18, 1997; and
47 (ii) Davis County, effective August 18, 1997.

1 (b) The following areas are considered maintenance areas for
2 carbon monoxide:

3 (i) Salt Lake City, effective March 22, 1999;

4 (ii) Ogden City, effective May 8, 2001; and

5 (iii) Provo City, effective January 3, 2006.

6 (c) The following areas are considered maintenance areas for
7 PM10:

8 (i) Salt Lake County, effective on the date that EPA
9 approves the maintenance plan that was adopted by the Board on
10 July 6, 2005; and

11 (ii) Utah County, effective on the date that EPA approves
12 the maintenance plan that was adopted by the Board on July 6,
13 2005; and

14 (iii) Ogden City, effective on the date that EPA approves
15 the maintenance plan that was adopted by the Board on July 6,
16 2005.

17 (d) The following area is considered a maintenance area for
18 sulfur dioxide: all of Salt Lake County and the eastern portion
19 of Tooele County above 5600 feet, effective on the date that EPA
20 approves the maintenance plan that was adopted by the Board on
21 January 5, 2005.

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

34 (1) routine maintenance, repair and replacement;

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

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

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

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

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

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

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

4 (7) any change in ownership at a source

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

9 (a) when the director has reason to believe that the
10 pollution control project would result in a significant net
11 increase in representative actual annual emissions of any criteria
12 pollutant over levels used for that source in the most recent air
13 quality impact analysis in the area conducted for the purpose of
14 Title I of the Clean Air Act, if any, and

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

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

21 (a) the Utah State Implementation Plan; and

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

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

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

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

35 (b) any source located in Salt Lake or Davis Counties or in
36 a nonattainment area for ozone which emits, or has the potential
37 to emit, VOC or nitrogen oxides in the amounts outlined in Section
38 182 of the federal Clean Air Act with respect to the severity of
39 the nonattainment area as outlined in Section 182 of the federal
40 Clean Air Act; or

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

46 (2) any physical change that would occur at a source not
47 qualifying under subpart 1 as a major source, if the change would

1 constitute a major source by itself;

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

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

8 (b) Kraft pulp mills;

9 (c) Portland cement plants;

10 (d) Primary zinc smelters;

11 (e) Iron and steel mills;

12 (f) Primary aluminum or reduction plants;

13 (g) Primary copper smelters;

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

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

17 (j) Petroleum refineries;

18 (k) Lime plants;

19 (l) Phosphate rock processing plants;

20 (m) Coke oven batteries;

21 (n) Sulfur recovery plants;

22 (o) Carbon black plants (furnace process);

23 (p) Primary lead smelters;

24 (q) Fuel conversion plants;

25 (r) Sintering plants;

26 (s) Secondary metal production plants;

27 (t) Chemical process plants;

28 (u) Fossil-fuel boilers (or combination thereof) totaling
29 more than 250 million British Thermal Units per hour heat input;

30 (v) Petroleum storage and transfer units with a total
31 storage capacity exceeding 300,000 barrels;

32 (w) Taconite ore processing plants;

33 (x) Glass fiber processing plants;

34 (y) Charcoal production plants;

35 (z) Fossil fuel-fired steam electric plants of more than 250
36 million British Thermal Units per hour heat input;

37 (aa) Any other stationary source category which, as of
38 August 7, 1980, is being regulated under section 111 or 112 of the
39 federal Clean Air Act.

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

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

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

1 (1) any increase in actual emissions from a particular
2 physical change or change in method of operation at a source; and

3 (2) any other increases and decreases in actual emissions at
4 the source that are contemporaneous with the particular change and
5 are otherwise creditable. For purposes of determining a "net
6 emissions increase":

7 (a) An increase or decrease in actual emissions is
8 contemporaneous with the increase from the particular change only
9 if it occurs between the date five years before construction on
10 the particular change commences; and the date that the increase
11 from the particular change occurs.

12 (b) An increase or decrease in actual emissions is
13 creditable only if it has not been relied on in issuing a prior
14 approval for the source which approval is in effect when the
15 increase in actual emissions for the particular change occurs.

16 (c) An increase or decrease in actual emission of sulfur
17 dioxide, nitrogen oxides or particulate matter which occurs before
18 an applicable minor source baseline date is creditable only if it
19 is required to be considered in calculating the amount of maximum
20 allowable increases remaining available. With respect to
21 particulate matter, only PM10 emissions will be used to evaluate
22 this increase or decrease.

23 (d) An increase in actual emissions is creditable only to
24 the extent that the new level of actual emissions exceeds the old
25 level.

26 (e) A decrease in actual emissions is creditable only to the
27 extent that:

28 (i) The old level of actual emissions or the old level of
29 allowable emissions, whichever is lower, exceeds the new level of
30 actual emissions;

31 (ii) It is enforceable at and after the time that actual
32 construction on the particular change begins; and

33 (iii) It has approximately the same qualitative significance
34 for public health and welfare as that attributed to the increase
35 from the particular change.

36 (iv) It has not been relied on in issuing any permit under
37 R307-401 nor has it been relied on in demonstrating attainment or
38 reasonable further progress.

39 (f) An increase that results from a physical change at a
40 source occurs when the emissions unit on which construction
41 occurred becomes operational and begins to emit a particular
42 pollutant. Any replacement unit that requires shakedown becomes
43 operational only after a reasonable shakedown period, not to
44 exceed 180 days.

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

1 "Nonattainment Area" means an area designated by the
2 Environmental Protection Agency as nonattainment under Section
3 107, Clean Air Act for any National Ambient Air Quality Standard.
4 The designations for Utah are listed in 40 CFR 81.345.

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

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

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

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

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

19 "PM2.5" means particulate matter with an aerodynamic diameter
20 less than or equal to a nominal 2.5 micrometers as measured by an
21 EPA reference or equivalent method.

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

25 "PM10 Precursor" means any chemical compound or substance
26 which, after it has been emitted into the atmosphere, undergoes
27 chemical or physical changes that convert it into particulate
28 matter, specifically PM10.

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

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

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

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

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

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

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

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

19 "Primary PM2.5" means the sum of filterable PM2.5 and
20 condensable PM2.5.

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

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

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

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

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

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

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

46 "Reasonable Further Progress" means annual incremental
47 reductions in emission of an air pollutant which are sufficient to

1 provide for attainment of the NAAQS by the date identified in the
2 State Implementation Plan.

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

4 "Regulated air pollutant" means any of the following:

5 (a) Nitrogen oxides or any volatile organic compound;

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

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

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

14 (e) Any pollutant subject to a standard promulgated under
15 Section 112, Hazardous Air Pollutants, or other requirements
16 established under Section 112 of the Act, including Sections
17 112(g), (j), and (r) of the Act, including any of the following:

18 (i) Any pollutant subject to requirements under Section
19 112(j) of the Act, Equivalent Emission Limitation by Permit. If
20 the Administrator fails to promulgate a standard by the date
21 established pursuant to Section 112(e) of the Act, any pollutant
22 for which a subject source would be major shall be considered to
23 be regulated on the date 18 months after the applicable date
24 established pursuant to Section 112(e) of the Act;

25 (ii) Any pollutant for which the requirements of Section
26 112(g)(2) of the Act (Construction, Reconstruction and
27 Modification) have been met, but only with respect to the
28 individual source subject to Section 112(g)(2) requirement.

29 "Repowering" means replacement of an existing coal-fired
30 boiler with one of the following clean coal technologies:
31 atmospheric or pressurized fluidized bed combustion, integrated
32 gasification combined cycle, magnetohydrodynamics, direct and
33 indirect coal-fired turbines, integrated gasification fuel cells,
34 or as determined by the Administrator, in consultation with the
35 Secretary of Energy, a derivative of one or more of these
36 technologies, and any other technology capable of controlling
37 multiple combustion emissions simultaneously with improved boiler
38 or generation efficiency and with significantly greater waste
39 reduction relative to the performance of technology in widespread
40 commercial use as of November 15, 1990.

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

44 (2) The director shall give expedited consideration to
45 permit applications for any source that satisfies the requirements
46 of this definition and is granted an extension under section 409
47 of the Clean Air Act.

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

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

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

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

27 "Residential Solid Fuel Burning" device means any residential
28 burning device except a fireplace connected to a chimney that
29 burns solid fuel and is capable of, and intended for use as a
30 space heater, domestic water heater, or indoor cooking appliance,
31 and has an air-to-fuel ratio less than 35-to-1 as determined by
32 the test procedures prescribed in 40 CFR 60.534. It must also
33 have a useable firebox volume of less than 6.10 cubic meters or 20
34 cubic feet, a minimum burn rate less than 5 kilograms per hour or
35 11 pounds per hour as determined by test procedures prescribed in
36 40 CFR 60.534, and weigh less than 800 kilograms or 362.9 pounds.
37 Appliances that are described as prefabricated fireplaces and are
38 designed to accommodate doors or other accessories that would
39 create the air starved operating conditions of a residential solid
40 fuel burning device shall be considered as such. Fireplaces are
41 not included in this definition for solid fuel burning devices.

42 "Road" means any public or private road.

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

47 "Secondary Emissions" means emissions which would occur as a

1 result of the construction or operation of a major source or major
2 modification, but do not come from the major source or major
3 modification itself.

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

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

16 "Secondary PM2.5" means particles that form or grow in mass
17 through chemical reactions in the ambient air well after dilution
18 and condensation have occurred. Secondary PM2.5 is usually formed
19 at some distance downwind from the source.

20 "Significant" means:

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

25 Carbon monoxide: 100 ton per year (tpy);

26 Nitrogen oxides: 40 tpy;

27 Sulfur dioxide: 40 tpy;

28 PM10: 15 tpy;

29 PM2.5: 10 tpy;

30 Particulate matter: 25 tpy;

31 Ozone: 40 tpy of volatile organic compounds;

32 Lead: 0.6 tpy.

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

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

38 "Source" means any structure, building, facility, or
39 installation which emits or may emit any air pollutant subject to
40 regulation under the Clean Air Act and which is located on one or
41 more continuous or adjacent properties and which is under the
42 control of the same person or persons under common control. A
43 building, structure, facility, or installation means all of the
44 pollutant-emitting activities which belong to the same industrial
45 grouping. Pollutant-emitting activities shall be considered as
46 part of the same industrial grouping if they belong to the same
47 "Major Group" (i.e. which have the same two-digit code) as

1 described in the Standard Industrial Classification Manual, 1972,
2 as amended by the 1977 Supplement (US Government Printing Office
3 stock numbers 4101-0065 and 003-005-00176-0, respectively).

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

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

10 "State" means Utah State.

11 "Temporary" means not more than 180 calendar days.

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

18 "Threshold Limit Value - Ceiling (TLV-C)" means the airborne
19 concentration of a substance which may not be exceeded, as adopted
20 by the American Conference of Governmental Industrial Hygienists
21 in its "Threshold Limit Values for Chemical Substances and
22 Physical Agents and Biological Exposure Indices, (2009)."

23 "Threshold Limit Value - Time Weighted Average (TLV-TWA)"
24 means the time-weighted airborne concentration of a substance
25 adopted by the American Conference of Governmental Industrial
26 Hygienists in its "Threshold Limit Values for Chemical Substances
27 and Physical Agents and Biological Exposure Indices, (2009)."

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

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

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

38 "Volatile Organic Compound (VOC)" means VOC as defined in 40
39 CFR 51.100(s), effective as of the date referenced in R307-101-3,
40 is hereby adopted and incorporated by reference.

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

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

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KEY: air pollution, definitions

Date of Enactment or Last Substantive Amendment: 2015

Notice of Continuation: May 8, 2014

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

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R307. Environmental Quality, Air Quality.

R307-312. Aggregate Processing Operations for PM2.5 Nonattainment Areas.

R307-312-5. Hot Mix Asphalt Plants.

(1) The filterable PM2.5 emission rate from a hot mix asphalt plant dryer shall not exceed 0.024 grains per dscf.

(a) Filterable PM2.5 emissions shall be determined by 40 CFR 51, Appendix M, Method 201A.

(2) From November 1 to March 1, a hot mix asphalt plant burning a fuel other than natural gas or liquefied petroleum gas (LPG) shall not produce more than 50% of its rated capacity.

(a) Production shall be determined by scale house records, belt scale records or manifest statements on a daily basis.

(b) Compliance shall be based on either the daily amount of hot mix asphalt produced averaged over the operating day or the daily amount of hot mix asphalt produced while burning a fuel other than natural gas or LPG averaged over the time the plant is operating while burning a fuel other than natural gas or LPG each day.

(c) Compliance shall be determined by production records and fuel records.

KEY: air pollution, aggregate, asphalt, concrete

Date of Enactment or Last Substantive Amendment: 2015

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

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

2 **R307-328. Gasoline Transfer and Storage.**

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

5 (1) No person shall load or permit the loading of gasoline
6 into any gasoline cargo tank unless the emissions from such
7 vehicle are controlled by use of a vapor collection and control
8 system and submerged or bottom filling. RACT shall be required
9 and in no case shall vapor emissions to the atmosphere exceed
10 0.640 pounds per 1,000 gallons transferred.

11 (2) Such vapor collection and control system shall be
12 properly installed and maintained.

13 (3) The loading device shall not leak.

14 (4) The loading device shall utilize the dry-break loading
15 design couplings and shall be maintained and operated to allow no
16 more than an average of 15 cc drainage per disconnect for 5
17 consecutive disconnects.

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

22 (6) A gasoline storage and transfer installation that
23 receives inbound loads and dispatches outbound loads ("bulk
24 plant") need not comply with R307-328-4 if it does not have a
25 daily average throughput of more than 3,900 gallons (15,000 or
26 more liters) of gasoline based upon a 30-day rolling average.
27 Such installations shall on-load and off-load gasoline by use of
28 bottom or submerged filling. The emission limitation is based on
29 operating procedures and equipment specifications using Reasonably
30 Available Control Technology as defined in EPA documents EPA
31 450/2-77-026 October 1977, "Control of Hydrocarbons from Tank
32 Truck Gasoline Loading Terminals," and EPA-450/2-77-035 December
33 1977, "Control of Volatile Organic Emissions from Bulk Gasoline
34 Plants." The design effectiveness of such equipment and the
35 operating procedures must be documented and submitted to and
36 approved by the director.

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

45 (8) Each owner or operator of a gasoline storage or
46 dispensing installation shall conduct testing of vapor collection
47 systems used at such installation and shall maintain records of

1 all tests for no less than two years. Testing procedures of vapor
2 collection systems shall be approved by the director and shall be
3 consistent with the procedures described in the EPA document,
4 "Control of Volatile Organic Compound Leaks from Gasoline Tank
5 Trucks and Vapor Collection Systems," EPA-450/2-78-051.

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

10 (10) The vapor collection and vapor processing equipment
11 shall be designed and operated to prevent gauge pressure in the
12 gasoline cargo tank from exceeding 18 inches of water and prevent
13 vacuum from exceeding 6 inches of water. During testing and
14 monitoring, there shall be no reading greater than or equal to 100
15 percent of the lower explosive limit measured at 1.04 inches
16 around the perimeter of a potential leak source as detected by a
17 combustible gas detector. Potential leak sources include, but are
18 not limited to, piping, seals, hoses, connections, pressure or
19 vacuum vents, and vapor hoods. In addition, no visible liquid
20 leaks are permitted during testing or monitoring.

21

22 **KEY: air pollution, gasoline transport, ozone**

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

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

25 **Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-**
26 **104(1)(a)**

ITEM 5



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-004-16

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

THROUGH: Regg Olsen, Permitting Branch Manager

FROM: David Beatty, Operating Permit Section Manager

DATE: January 21, 2016

SUBJECT: FINAL ADOPTION: Amend R307-405-3. Definitions; and R307-415-3. Definitions.

On August 12, 2015, the EPA issued a good cause final rule to remove portions of its Prevention of Significant Deterioration (PSD) and Title V permitting regulations that were initially promulgated in 2010 and that the Court of Appeals for the District of Columbia Circuit specifically identified as vacated in the amended version of *Coalition for Responsible Regulation v. EPA*. The amended judgment was a response to the U.S. Supreme Court decision in *Utility Air Regulatory Group (UARG) v. EPA*.

In *UARG v. EPA*, the U.S. Supreme Court said that the EPA may not treat greenhouse gases (GHG) as an air pollutant for the specific purpose of determining whether a source (or modification thereof) is required to obtain a PSD or Title V permit, and thus declared that the EPA regulations implementing that approach for determining whether a PSD or Title V permit is necessary, are invalid.

On October 7, 2015, the Board proposed changes to R307-405-3 and R307-415-3 so that Utah's rules align with federal regulations and case law. The effect of these amendments is the withdrawal of five Title V sources that were identified as GHG sources as a result of the now partially vacated federal regulation.

A 30 day comment period was held, no comments were received, and a hearing was not requested.

Staff Recommendation: Staff recommends that the Board adopt amendments to R307-405-3 and R307-415-3 as proposed.

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

2 **R307-405. Permits: Major Sources in Attainment or Unclassified**
3 **Areas (PSD).**

4

5 **R307-405-3. Definitions.**

6 (1) Except as provided in (2) and (9) below, the definitions
7 contained in 40 CFR 52.21(b) are hereby incorporated by reference.

8 (2)(a) In the definition of "baseline area" in 40 CFR
9 52.21(b)(15)(ii)(b) insert the words "or R307-405" after "Is
10 subject to 40 CFR 52.21".

11 (b) "Reviewing Authority" means the director.

12 (c)(i) The term "Administrator" shall be changed to
13 "director" throughout R307-405, except as provided in (ii).

14 (ii) The term "Administrator" shall be changed to "EPA
15 Administrator" in the following incorporated sections:

- 16 (A) 40 CFR 52.21(b)(17),
17 (B) 40 CFR 52.21(b)(37)(i),
18 (C) 40 CFR 52.21(b)(43),
19 (D) 40 CFR 52.21(b)(48)(ii)(c),
20 (E) 40 CFR 52.21(b)(50)(i),
21 (F) 40 CFR 52.21(l)(2),
22 (G) 40 CFR 52.21(p)(2), and
23 (H) 40 CFR 51.166(q)(2)(iv).

24 (d) The following definitions or portions of definitions
25 that apply to the equipment repair and replacement provisions are
26 not incorporated because these provisions were vacated by the DC
27 Circuit Court of Appeals on March 17, 2006:

28 (i) in the definition major modification in 40 CFR
29 52.21(b)(2), the second sentence in subparagraph (iii)(a),

30 (ii) the definition of "process unit" in 40 CFR
31 52.21(b)(55),

32 (iii) the definition of "functionally equivalent component"
33 in 40 CFR 52.21(b)(56),

34 (iv) the definition of "fixed capital cost" in 40 CFR 52.21
35 (b)(57), and

36 (v) the definition of "total capital investment" in 40 CFR
37 52.21(b)(58).

38 (e) In the definition of "Regulated NSR pollutant" in 40 CFR
39 52.21(b)(50), subparagraph (iv) shall be changed to read, "Any
40 pollutant that otherwise is subject to regulation under the Act."
41 A new subparagraph (v) shall be added that reads, "The term
42 regulated NSR pollutant shall not include any or all hazardous air
43 pollutants either listed in section 112 of the federal Clean Air
44 Act, or added to the list pursuant to section 112(b)(2) of the
45 federal Clean Air Act, and which have not been delisted pursuant

1 to section 112(b)(3) of the federal Clean Air Act, unless the
2 listed hazardous air pollutant is also regulated as a constituent
3 or precursor of a general pollutant listed under section 108 of
4 the federal Clean Air Act."

5 (3) "Air Quality Related Values," as used in analyses under
6 40 CFR 52.21 (p) that is incorporated by reference in R307-405-17,
7 means those special attributes of a Class I area, assigned by a
8 federal land manager, that are adversely affected by air quality.

9 (4) "Heat input" means heat input as defined in 40 CFR
10 52.01(g), that is hereby incorporated by reference.

11 (5) "Title V permit" means any permit or group of permits
12 covering a Part 70 source that is issued, renewed, amended, or
13 revised pursuant to R307-415.

14 (6) "Title V Operating Permit Program" means R307-415.

15 (7) The definition of "Good Engineering Practice (GEP) Stack
16 Height" as defined in R307-410 shall apply in this rule.

17 (8) The definition of "Dispersion Technique" as defined in
18 R307-410 shall apply in this rule.

19 (9) "Subject to regulation" means, for any air pollutant,
20 that the pollutant is subject to either a provision in the federal
21 Clean Air Act, or a nationally-applicable regulation codified by
22 the Administrator in subchapter C of 40 CFR Chapter I, that
23 requires actual control of the quantity of emissions of that
24 pollutant, and that such a control requirement has taken effect
25 and is operative to control, limit or restrict the quantity of
26 emissions of that pollutant released from the regulated activity.
27 Except that:

28 (a) "Greenhouse gases (GHGs)," the air pollutant defined in
29 40 CFR 86.1818-12(a) (Federal Register, Vol. 75, Page 25686) as
30 the aggregate group of six greenhouse gases: carbon dioxide,
31 nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and
32 sulfur hexafluoride, shall not be subject to regulation except as
33 provided in paragraph (d) of this section.

34 (b) For purposes of paragraphs (c) through (d) of this
35 section, the term "tons per year (tpy) CO₂ equivalent emissions
36 (CO₂e)" shall represent an amount of GHGs emitted, and shall be
37 computed as follows:

38 (i) Multiplying the mass amount of emissions (tpy), for each
39 of the six greenhouse gases in the pollutant GHGs, by the gas's
40 associated global warming potential published at Table A-1 to
41 subpart A of 40 CFR Part 98 - Global Warming Potentials, that is
42 hereby incorporated by reference (Federal Register, Vol. 74, Pages
43 56395-96).

44 (ii) Sum the resultant value from paragraph (b)(i) of this
45 section for each gas to compute a tpy CO₂e.

1 (c) The term "emissions increase" as used in paragraph (d)
2 of this section shall mean that both a significant emissions
3 increase (as calculated using the procedures in 40 CFR 52.21
4 (a)(2)(iv) that is incorporated by reference in R307-405-2) and a
5 significant net emissions increase (as defined in paragraphs 40
6 CFR 52.21(b)(3) and (b)(23) that is incorporated by reference in
7 R307-405-3) occur. For the pollutant GHGs, an emissions increase
8 shall be based on tpy CO₂e, and shall be calculated assuming the
9 pollutant GHGs is a regulated NSR pollutant, and 'significant'
10 is defined as 75,000 tpy CO₂e instead of applying the value in
11 paragraph 40 CFR 52.21(b)(23)(ii).

12 (d) Beginning January 2, 2011, the pollutant GHGs is subject
13 to regulation if:

14 (i) The stationary source is a new major stationary source
15 for a regulated NSR pollutant that is not GHGs, and also will emit
16 or will have the potential to emit 75,000 tpy CO₂e or more; or

17 (ii) The stationary source is an existing major stationary
18 source for a regulated NSR pollutant that is not GHGs, and also
19 will have an emissions increase of a regulated NSR pollutant, and
20 an emissions increase of 75,000 tpy CO₂e or more.

21

22

23 **KEY: air pollution, PSD, Class I area, greenhouse gases**

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

25 **Notice of Continuation: January 28, 2014**

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

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

2 **R307-415. Permits: Operating Permit Requirements.**

3

4 **R307-415-3. Definitions.**

5 (1) The definitions contained in R307-101-2 apply throughout
6 R307-415, except as specifically provided in (2).

7 (2) The following additional definitions apply to R307-415.

8 "Act" means the Clean Air Act, as amended, 42 U.S.C. 7401, et
9 seq.

10 "Administrator" means the Administrator of EPA or his or her
11 designee.

12 "Affected States" are all states:

13 (a) Whose air quality may be affected and that are
14 contiguous to Utah; or

15 (b) That are within 50 miles of the permitted source.

16 "Air Pollutant" means an air pollution agent or combination
17 of such agents, including any physical, chemical, biological, or
18 radioactive (including source material, special nuclear material,
19 and byproduct material) substance or matter which is emitted into
20 or otherwise enters the ambient air. Such term includes any
21 precursors to the formation of any air pollutant, to the extent
22 the Administrator has identified such precursor or precursors for
23 the particular purpose for which the term air pollutant is used.

24 "Applicable requirement" means all of the following as they
25 apply to emissions units in a Part 70 source, including
26 requirements that have been promulgated or approved by the Board
27 or by the EPA through rulemaking at the time of permit issuance
28 but have future-effective compliance dates:

29 (a) Any standard or other requirement provided for in the
30 State Implementation Plan;

31 (b) Any term or condition of any approval order issued under
32 R307-401;

33 (c) Any standard or other requirement under Section 111 of
34 the Act, Standards of Performance for New Stationary Sources,
35 including Section 111(d);

36 (d) Any standard or other requirement under Section 112 of
37 the Act, Hazardous Air Pollutants, including any requirement
38 concerning accident prevention under Section 112(r)(7) of the Act;

39 (e) Any standard or other requirement of the Acid Rain
40 Program under Title IV of the Act or the regulations promulgated
41 thereunder;

42 (f) Any requirements established pursuant to Section 504(b)
43 of the Act, Monitoring and Analysis, or Section 114(a)(3) of the
44 Act, Enhanced Monitoring and Compliance Certification;

45 (g) Any standard or other requirement governing solid waste
46 incineration, under Section 129 of the Act;

47 (h) Any standard or other requirement for consumer and

1 commercial products, under Section 183(e) of the Act;

2 (i) Any standard or other requirement of the regulations
3 promulgated to protect stratospheric ozone under Title VI of the
4 Act, unless the Administrator has determined that such
5 requirements need not be contained in an operating permit;

6 (j) Any national ambient air quality standard or increment
7 or visibility requirement under part C of Title I of the Act, but
8 only as it would apply to temporary sources permitted pursuant to
9 Section 504(e) of the Act;

10 (k) Any standard or other requirement under rules adopted by
11 the Board.

12 "Area source" means any stationary source that is not a major
13 source.

14 "Designated representative" shall have the meaning given to
15 it in Section 402 of the Act and in 40 CFR Section 72.2, and
16 applies only to Title IV affected sources.

17 "Draft permit" means the version of a permit for which the
18 director offers public participation under R307-415-7i or affected
19 State review under R307-415-8(2).

20 "Emissions allowable under the permit" means a federally-
21 enforceable permit term or condition determined at issuance to be
22 required by an applicable requirement that establishes an
23 emissions limit, including a work practice standard, or a
24 federally-enforceable emissions cap that the source has assumed to
25 avoid an applicable requirement to which the source would
26 otherwise be subject.

27 "Emissions unit" means any part or activity of a stationary
28 source that emits or has the potential to emit any regulated air
29 pollutant or any hazardous air pollutant. This term is not meant
30 to alter or affect the definition of the term "unit" for purposes
31 of Title IV of the Act, Acid Deposition Control.

32 "Final permit" means the version of an operating permit
33 issued by the director that has completed all review procedures
34 required by R307-415-7a through 7i and R307-415-8.

35 "General permit" means an operating permit that meets the
36 requirements of R307-415-6d.

37 "Hazardous Air Pollutant" means any pollutant listed by the
38 Administrator as a hazardous air pollutant under Section 112(b) of
39 the Act.

40 "Major source" means any stationary source (or any group of
41 stationary sources that are located on one or more contiguous or
42 adjacent properties, and are under common control of the same
43 person (or persons under common control)) belonging to a single
44 major industrial grouping and that are described in paragraphs
45 (a), (b), or (c) of this definition. For the purposes of defining
46 "major source," a stationary source or group of stationary sources
47 shall be considered part of a single industrial grouping if all of

1 the pollutant emitting activities at such source or group of
2 sources on contiguous or adjacent properties belong to the same
3 Major Group (all have the same two-digit code) as described in the
4 Standard Industrial Classification Manual, 1987. Emissions
5 resulting directly from an internal combustion engine for
6 transportation purposes or from a non-road vehicle shall not be
7 considered in determining whether a stationary source is a major
8 source under this definition.

9 (a) A major source under Section 112 of the Act, Hazardous
10 Air Pollutants, which is defined as: for pollutants other than
11 radionuclides, any stationary source or group of stationary
12 sources located within a contiguous area and under common control
13 that emits or has the potential to emit, in the aggregate, ten
14 tons per year or more of any hazardous air pollutant or 25 tons
15 per year or more of any combination of such hazardous air
16 pollutants. Notwithstanding the preceding sentence, emissions
17 from any oil or gas exploration or production well, with its
18 associated equipment, and emissions from any pipeline compressor
19 or pump station shall not be aggregated with emissions from other
20 similar units, whether or not such units are in a contiguous area
21 or under common control, to determine whether such units or
22 stations are major sources.

23 (b) A major stationary source of air pollutants, as defined
24 in Section 302 of the Act, that directly emits or has the
25 potential to emit, 100 tons per year or more of any air pollutant
26 including any major source of fugitive emissions or fugitive dust
27 of any such pollutant as determined by rule by the Administrator.
28 The fugitive emissions or fugitive dust of a stationary source
29 shall not be considered in determining whether it is a major
30 stationary source for the purposes of Section 302(j) of the Act,
31 unless the source belongs to any one of the following categories
32 of stationary source:

- 33 (i) Coal cleaning plants with thermal dryers;
34 (ii) Kraft pulp mills;
35 (iii) Portland cement plants;
36 (iv) Primary zinc smelters;
37 (v) Iron and steel mills;
38 (vi) Primary aluminum ore reduction plants;
39 (vii) Primary copper smelters;
40 (viii) Municipal incinerators capable of charging more than
41 250 tons of refuse per day;
42 (ix) Hydrofluoric, sulfuric, or nitric acid plants;
43 (x) Petroleum refineries;
44 (xi) Lime plants;
45 (xii) Phosphate rock processing plants;
46 (xiii) Coke oven batteries;
47 (xiv) Sulfur recovery plants;

1 (xv) Carbon black plants, furnace process;
2 (xvi) Primary lead smelters;
3 (xvii) Fuel conversion plants;
4 (xviii) Sintering plants;
5 (xix) Secondary metal production plants;
6 (xx) Chemical process plants;
7 (xxi) Fossil-fuel boilers, or combination thereof, totaling
8 more than 250 million British thermal units per hour heat input;
9 (xxii) Petroleum storage and transfer units with a total
10 storage capacity exceeding 300,000 barrels;
11 (xxiii) Taconite ore processing plants;
12 (xxiv) Glass fiber processing plants;
13 (xxv) Charcoal production plants;
14 (xxvi) Fossil-fuel-fired steam electric plants of more than
15 250 million British thermal units per hour heat input;
16 (xxvii) Any other stationary source category, which as of
17 August 7, 1980 is being regulated under Section 111 or Section 112
18 of the Act.

19 (c) A major stationary source as defined in part D of Title
20 I of the Act, Plan Requirements for Nonattainment Areas,
21 including:

22 (i) For ozone nonattainment areas, sources with the
23 potential to emit 100 tons per year or more of volatile organic
24 compounds or oxides of nitrogen in areas classified as "marginal"
25 or "moderate," 50 tons per year or more in areas classified as
26 "serious," 25 tons per year or more in areas classified as
27 "severe," and 10 tons per year or more in areas classified as
28 "extreme"; except that the references in this paragraph to 100,
29 50, 25, and 10 tons per year of nitrogen oxides shall not apply
30 with respect to any source for which the Administrator has made a
31 finding, under Section 182(f)(1) or (2) of the Act, that
32 requirements under Section 182(f) of the Act do not apply;

33 (ii) For ozone transport regions established pursuant to
34 Section 184 of the Act, sources with the potential to emit 50 tons
35 per year or more of volatile organic compounds;

36 (iii) For carbon monoxide nonattainment areas that are
37 classified as "serious" and in which stationary sources contribute
38 significantly to carbon monoxide levels as determined under rules
39 issued by the Administrator, sources with the potential to emit 50
40 tons per year or more of carbon monoxide;

41 (iv) For PM-10 particulate matter nonattainment areas
42 classified as "serious," sources with the potential to emit 70
43 tons per year or more of PM-10 particulate matter.

44 "Non-Road Vehicle" means a vehicle that is powered by an
45 internal combustion engine (including the fuel system), that is
46 not a self-propelled vehicle designed for transporting persons or
47 property on a street or highway or a vehicle used solely for

1 competition, and is not subject to standards promulgated under
2 Section 111 of the Act (New Source Performance Standards) or
3 Section 202 of the Act (Motor Vehicle Emission Standards).

4 "Operating permit" or "permit," unless the context suggests
5 otherwise, means any permit or group of permits covering a Part 70
6 source that is issued, renewed, amended, or revised pursuant to
7 these rules.

8 "Part 70 Source" means any source subject to the permitting
9 requirements of R307-415, as provided in R307-415-4.

10 "Permit modification" means a revision to an operating permit
11 that meets the requirements of R307-415-7f.

12 "Permit revision" means any permit modification or
13 administrative permit amendment.

14 "Permit shield" means the permit shield as described in R307-
15 415-6f.

16 "Proposed permit" means the version of a permit that the
17 director proposes to issue and forwards to EPA for review in
18 compliance with R307-415-8.

19 "Renewal" means the process by which a permit is reissued at
20 the end of its term.

21 "Responsible official" means one of the following:

22 (a) For a corporation: a president, secretary, treasurer, or
23 vice-president of the corporation in charge of a principal
24 business function, or any other person who performs similar policy
25 or decision-making functions for the corporation, or a duly
26 authorized representative of such person if the representative is
27 responsible for the overall operation of one or more
28 manufacturing, production, or operating facilities applying for or
29 subject to a permit and either:

30 (i) the operating facilities employ more than 250 persons or
31 have gross annual sales or expenditures exceeding \$25 million in
32 second quarter 1980 dollars; or

33 (ii) the delegation of authority to such representative is
34 approved in advance by the director;

35 (b) For a partnership or sole proprietorship: a general
36 partner or the proprietor, respectively;

37 (c) For a municipality, State, Federal, or other public
38 agency: either a principal executive officer or ranking elected
39 official. For the purposes of R307-415, a principal executive
40 officer of a Federal agency includes the chief executive officer
41 having responsibility for the overall operations of a principal
42 geographic unit of the agency;

43 (d) For Title IV affected sources:

44 (i) The designated representative in so far as actions,
45 standards, requirements, or prohibitions under Title IV of the
46 Act, Acid Deposition Control, or the regulations promulgated
47 thereunder are concerned;

1 (ii) The responsible official as defined above for any other
2 purposes under R307-415.

3 "Stationary source" means any building, structure, facility,
4 or installation that emits or may emit any regulated air pollutant
5 or any hazardous air pollutant.

6 "Title IV Affected source" means a source that contains one
7 or more affected units as defined in Section 402 of the Act and in
8 40 CFR, Part 72.

9

10 **KEY: air pollution, greenhouse gases, operating permit, emission**
11 **fees**

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

13 **Notice of Continuation: June 6, 2012**

14 **Authorizing, and Implemented or Interpreted Law: 19-2-109.1; 19-**
15 **2-104**

ITEM 6



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-003-16

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Ryan Stephens, Environmental Planning Consultant

DATE: January 21, 2016

SUBJECT: FINAL ADOPTION: Amend R307-110-28. Regional Haze.

The Clean Air Act requires states to submit a progress report every five years on the adequacy of their Regional Haze State Implementation Plan (SIP). Utah completed this progress report late 2014. A public comment period was held from November 1, 2014, through December 22, 2014. A public hearing was also held on November 1, 2014. The EPA is now requiring Utah to submit the progress report as a SIP revision and adopt it as a state rule.

A rule to meet the EPA's request was proposed by the Board on October 7, 2015. The rule incorporates the progress report into Utah's Regional Haze SIP. Originally, the incorporation date was proposed as December 2, 2015. Since the comment period had not officially ended at that time, the Board was not able to adopt it on December 2, 2015. If the Board decides to adopt the rule, the date of incorporation in the rule will be February 3, 2016.

A 30 day comment period was held, no comments were received, and no hearing was requested.

Staff Recommendation: Staff recommends that the Board adopt R307-110-28 as amended.

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

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

3 **R307-110-28. Regional Haze.**

4 The Utah State Implementation Plan, Section XX, Regional
5 Haze, as most recently amended by the Utah Air Quality Board on
6 February 3, 2016, pursuant to Section 19-2-104, is hereby
7 incorporated by reference and made a part of these rules.

8

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

10 **Date of Enactment or Last Substantive Amendment: 2016**

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

12 **Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(e)**

ITEM 7



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-007-16

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Robert Ford, Air Toxics Lead-Based Paint, and Asbestos Section Manager

DATE: January 25, 2016

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-801. Utah Asbestos Rule.

On March 25, 2015, Governor Gary Herbert signed Utah House Bill 229 (H.B. 229), Air Quality Modifications, into law. H.B. 229 revised the statutory definition of Asbestos and modified what suspect asbestos-containing materials need to be inspected for in residential structures. These modifications are found in Utah Code Annotated 19-2-102 and 19-2-104.

The proposed rule amends R307-801, Utah Asbestos Rule, so that it reflects the changes enacted by H.B. 229. The proposed rule also includes modifications recommended by staff and the regulated community to help the Division administer the Utah Asbestos Program.

A 30 day public comment period was held. Two comments were received, and the DAQ's responses are included in the Board packet. In addition to the comment period, DAQ held a stakeholder's meeting on January 20, 2016. During the meeting the regulated community and DAQ came to an agreement that DAQ would propose the rule to the Board as a change in proposed rule. The change in the rule can be found at Subsection R307-801-13(10). The option to meet the standard "by following a work practice that has been established by the director or by an alternative work practice as approved by the director" has been added to the rule. This change was recommended by the regulated community and accepted by DAQ.

Staff Recommendation: Staff recommends that the Board propose for public comment the change in proposed rule to R307-801.

R307-801, Utah Asbestos Rule, Comments and Responses

1. Comment from Emery County School District: We, as a small school district have a great concern for the extra demands that this law entails for us. It has, and will continue, to demand a great increase in manpower, paperwork and sampling. All of these issues transfer into financial burdens for an already struggling district without the funding sources needed to cover the increased burden.

The amount of asbestos in our district remains essentially the same and is much lower than some other districts. However, the record keeping and manpower demands to meet the requirements of the new definitions and recommended practices has increased exponentially. The actual SOURCE of fibers, exposure, release, etc. in our buildings remains the same – but the time and financial responsibility demands have greatly increased.

We feel that the health and safety benefits remain the same, but that the financial and manpower burden has been unnecessarily increased; and without sufficient scientific background study to warrant the increased demands now required by altered definitions of Utah House Bill 229.

DAQ Response: DAQ staff spoke with Irene Allred, who is from the Emery County School District. Staff explained to Ms. Allred that the new rule does not affect the regulation specifically for asbestos found in schools, known as the Asbestos Hazard Emergency Response Act (AHERA). The rule would only apply if a renovation or demolition was taking place.

Additionally, as Emery County School District noted in the last sentence of the comment, the new definition for asbestos was mandated by the State Legislature. DAQ cannot change a definition that is part of a state statute.

2. Comment from the Utah Facilities and Operation & Maintenance Association (UFOMA): UFOMA is requesting that the board not adopt the rule. It is concerned with Section 3 and Section 13(10). UFOMA believes that the regulated community has not had an adequate opportunity to comment on the changes and that their concerns have not been considered. UFOMA also believes that the impact of the changes pose a major impact to schools, businesses and industry in the state. They also stated their belief that some of the proposed wording is too vague and would lead to arbitrary enforcement by DAQ.

DAQ Response: Section 3 is the definitions section. DAQ amended the definition of asbestos because the Utah State Legislature enacted House Bill 229 (H.B. 229) into law. H.B. 229 expanded the definition of asbestos to include Libby Amphibole. DAQ amended the Air Quality Rules to match the new state law. A definition of Libby Amphibole was included in this rule to provide clarity as to what material will be regulated.

A meeting was held January 20, 2016, to help alleviate concerns many in the regulated community had with Subsection 13(10) of the rule. The language has changed to allow regulated entities more certainty as to what they are required to do to meet the standard. DAQ believes the new language being presented to the board will solve the issue many people had with the ambiguity of Subsection 13(10).

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

2 **R307-801. Utah Asbestos Rule.**

3 **R307-801-1. Purpose and Authority.**

4 This rule establishes procedures and requirements for
5 asbestos abatement or renovation projects and training programs,
6 procedures and requirements for the certification of persons and
7 companies engaged in asbestos abatement or renovation projects,
8 and work practice standards for performing such projects. This
9 rule is promulgated under the authority of Utah Code Annotated 19-
10 2-104(1)(d), (3)(a)(iii), (3)(b)(iv)(A), (B), and (C), (3)(b)(v),
11 (6)(a), and (6)(b). Penalties are authorized by Utah Code
12 Annotated 19-2-115. Fees are authorized by Utah Code Annotated 19-
13 1-201(2)(i).

14

15 **R307-801-2. Applicability and General Provisions.**

16 (1) Applicability.

17 (a) The following persons are operators and are subject to
18 the requirements of R307-801:

19 (i) Persons who contract for hire to conduct asbestos
20 abatement, renovation, or demolition projects in regulated
21 facilities;

22 (ii) Persons who conduct asbestos abatement, renovation, or
23 demolition projects in areas where the general public has
24 unrestrained access;

25 (iii) Persons who conduct asbestos abatement, renovation, or
26 demolition projects in school buildings subject to AHERA or who
27 conduct asbestos inspections in facilities subject to TSCA Title
28 II; or

29 (iv) Persons who perform regulated work activities or
30 renovation projects in single or multifamily residential
31 structures where they do not live or intend to live immediately
32 after the regulated work activity or renovation project is
33 complete.

34 (b) The following persons are subject to certification
35 requirements:

36 (i) Persons required by TSCA Title II or R307-801 to be
37 accredited as inspectors, management planners, project designers,
38 renovators, asbestos abatement supervisors, or asbestos abatement
39 workers;

40 (ii) Persons who work on asbestos abatement projects as
41 asbestos abatement workers, asbestos abatement supervisors,
42 inspectors, project designers, or management planners;

43 (iii) Persons who perform regulated work activities or

1 renovation projects in single or multifamily residential
2 structures where they do not live or intend to live immediately
3 after the regulated work activity or project is complete; or

4 (iv) Companies that conduct asbestos abatement projects,
5 renovation projects, inspections, create project designs, or
6 prepare management plans in regulated facilities.

7 (c) Homeowners or condominium owners performing renovation
8 or demolition activities in or on their own residential facilities
9 where they live, that are otherwise not subject to the Asbestos
10 NESHAP, are not subject to the requirements of this rule, however,
11 a condominium complex of more than four units is subject to this
12 rule and may also be subject to the Asbestos NESHAP regulation.

13 (d) Contractors for hire performing renovation or demolition
14 activities are required to follow the inspection provisions of
15 R307-801-9 and R307-801-10 and the notification provisions of
16 R307-801-11 and R307-801-12.

17 (2) General Provisions.

18 (a) All persons who are required by R307-801 to obtain an
19 approval, certification, determination, or notification from the
20 director shall obtain it in writing.

21 (b) Persons wishing to deviate from the certification,
22 notification, work practices, or other requirements of R307-801
23 may do so only after requesting and obtaining the written approval
24 of the director.

25 26 **R307-801-3. Definitions.**

27 The following definitions apply to R307-801:

28 "Adequately Wet" means to sufficiently mix or penetrate with
29 liquid to prevent the release of particulates. If visible
30 emissions are observed coming from asbestos-containing material,
31 then that material is not adequately wet. However, the absence of
32 visible emissions is not sufficient evidence of being adequately
33 wet.

34 "Amended Water" means a mixture of water and a chemical
35 wetting agent that provides control of asbestos fiber release.

36 "AHERA" means the federal Asbestos Hazard Emergency Response
37 Act of 1986 and the Environmental Protection Agency implementing
38 regulations, 40 CFR Part 763, Subpart E - Asbestos-Containing
39 Materials in Schools.

40 "AHERA Facility" means any structure subject to the federal
41 AHERA requirements.

42 "Asbestos" means the asbestiform varieties of serpentine
43 (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite

1 (amosite), anthophyllite, actinolite-tremolite, and Libby
2 amphibole.

3 "Asbestos Abatement Project" means any activity involving the
4 removal, repair, demolition, salvage, disposal, cleanup, or other
5 disturbance of regulated asbestos-containing material greater than
6 the small scale short duration (SSSD) amount of asbestos-
7 containing material.

8 "Asbestos Abatement Supervisor" means a person who is
9 certified according to R307-801-6 and is responsible for ensuring
10 work is conducted in accordance with the regulations and best work
11 practices for asbestos abatement or renovation projects.

12 "Asbestos Abatement Worker" means a person who is certified
13 according to R307-801-6 and performs asbestos abatement or
14 renovation projects.

15 "Asbestos-Containing Material (ACM)" means any material
16 containing more than 1% asbestos by the method specified in 40 CFR
17 Part 763, Subpart E, Appendix E, Section 1, Polarized Light
18 Microscopy (PLM), or, if the asbestos content is greater than a
19 trace amount of asbestos, but less than 10% asbestos, the asbestos
20 concentration shall be determined by point counting using PLM or
21 any other method acceptable to the director.

22 "Asbestos-Containing Waste Material (ACWM)" means any waste
23 generated from regulated asbestos-containing material (RACM) that
24 contains any amount of asbestos and is generated by a source
25 subject to the provisions of R307-801. This term includes filters
26 from control devices, friable asbestos-containing waste material,
27 and bags or other similar packaging contaminated with asbestos. As
28 applied to demolition and renovation projects, this term also
29 includes regulated asbestos-containing material waste and
30 materials contaminated with asbestos including disposable
31 equipment and clothing.

32 "Asbestos Inspection" means any activity undertaken to
33 identify the presence and location, or to assess the condition, of
34 asbestos-containing material or suspected asbestos-containing
35 material, by visual or physical examination, or by collecting
36 samples of the material. This term includes re-inspections of the
37 type described in AHERA, 40 CFR 763.85(b), of known or assumed
38 asbestos-containing material which has been previously identified.
39 The term does not include the following:

40 (a) Periodic surveillance of the type described in AHERA, 40
41 CFR 763.92(b), solely for the purpose of recording or reporting a
42 change in the condition of known or assumed asbestos-containing
43 material;

1 (b) Inspections performed by employees or agents of federal,
2 state, or local government solely for the purpose of regulatory
3 oversight and/or determining compliance with applicable statutes
4 or regulations; or

5 (c) Visual inspections of the type described in AHERA, 40
6 CFR 763.90(i), solely for the purpose of determining completion of
7 response actions.

8 "Asbestos Inspection Report" means a written report as
9 specified in R307-801-10(6) describing an asbestos inspection
10 performed by a certified asbestos inspector.

11 "Asbestos NESHAP" means the National Emission Standards for
12 Hazardous Air Pollutants, 40 CFR Part 61, Subpart M, National
13 Emission Standard for Asbestos.

14 "Asbestos Removal" means the stripping of friable ACM from
15 regulated facility components or the removal of structural
16 components that contain or are covered with friable ACM from a
17 regulated facility.

18 "Category I Non-Friable Asbestos-Containing Material" means
19 asbestos-containing packings, gaskets, resilient floor coverings,
20 or asphalt roofing products containing more than 1% asbestos as
21 determined by using the method specified in 40 CFR Part 763,
22 Subpart E, Appendix E, Section 1, Polarized Light Microscopy
23 (PLM).

24 "Category II Non-Friable Asbestos-Containing Material" means
25 any material, excluding Category I non-friable ACM, containing
26 more than 1% asbestos as determined by using the methods specified
27 in 40 CFR Part 763, Subpart E, Appendix E, Section 1, Polarized
28 Light Microscopy (PLM) that, when dry, cannot be crumbled,
29 pulverized, or reduced to powder by hand pressure.

30 "Condominium" means a building or complex of buildings in
31 which units of property are owned by individuals and common parts
32 of the property, such as the grounds, common areas, and building
33 structure, are owned jointly by the condominium unit owners.

34 "Containerized" means sealed in a leak-tight and durable
35 container.

36 "Debris" means friable or regulated asbestos-containing
37 material that has been dislodged and has fallen from its original
38 substrate and position or which has fallen while remaining
39 attached to substrate sections or fragments.

40 "Demolition Project" means the wrecking, salvage, or removal
41 of any load-supporting structural member of a regulated facility
42 together with any related handling operations, or the intentional
43 burning of any regulated facility. This includes the moving of an

1 entire building, but excludes the moving of structures, vehicles,
2 or equipment with permanently attached axles, such as trailers,
3 motor homes, and mobile homes that are specifically designed to be
4 moved.

5 "Director" means the Director of the Utah Division of Air
6 Quality.

7 "Disturb" means to disrupt the matrix, crumble, pulverize, or
8 generate visible debris from ACM or RACM.

9 "Emergency Abatement or Renovation Project" means any
10 asbestos abatement or renovation project which was not planned and
11 results from a sudden, unexpected event that, if not immediately
12 attended to, presents a safety or public health hazard, is
13 necessary to protect equipment from damage, or is necessary to
14 avoid imposing an unreasonable financial burden as determined by
15 the director. This term includes operations necessitated by non-
16 routine failure of equipment, natural disasters, fire, or
17 flooding, but does not include situations caused by the lack of
18 planning.

19 "Encapsulant" means a permanent coating applied to the
20 surface of friable ACM for the purpose of preventing the release
21 of asbestos fibers. The encapsulant creates a membrane over the
22 surface (bridging encapsulant) or penetrates the material and
23 binds its components together (penetrating encapsulant).

24 "Friable Asbestos-Containing Material" means any asbestos-
25 containing material that, when dry, can be crumbled, pulverized,
26 or reduced to powder by hand pressure.

27 "Glove bag" means an impervious plastic bag-like enclosure,
28 not to exceed 60 x 60 inches, affixed around an asbestos-
29 containing material, with glove-like appendages through which
30 material and tools may be handled.

31 "General Building Remodeling Activities" means the alteration
32 in any way of one or more regulated structure components,
33 excluding asbestos abatement, renovation, and demolition projects.

34 "Government Official" means an engineer, building official,
35 or health officer employed by a governmental jurisdiction that has
36 a responsibility for public safety or health in the jurisdiction
37 where the structure is located.

38 "High-Efficiency Particulate Air (HEPA)" means a filtration
39 system capable of trapping and retaining at least 99.97% of all
40 mono-dispersed particles 0.3 micron in diameter.

41 "Inaccessible" means in a physically restricted or obstructed
42 area, or covered in such a way that detection or removal is
43 prevented or severely hampered.

1 "Inspector" means a person who is certified according to
2 R307-801-6, conducts asbestos inspections, or oversees the
3 preparation of asbestos inspection reports.

4 "Libby Amphibole" means loose-fill vermiculite type
5 insulation material originating in Libby, Montana, or elsewhere,
6 used in regulated facilities subject to this rule and has greater
7 than 1% asbestiform varieties of serpentine (chrysotile),
8 riebeckite (crocidolite), cummingtonite-grunerite (amosite),
9 anthophyllite, and actinolite-tremolite, as defined earlier in
10 this section, and winchite, richterite, tremolite, magnesio-
11 riebeckite, magnesio-arfvedsonite, and edenite using United States
12 Environmental Protection Agency Method EPA/600/R93/116 or other
13 method as approved by the director.

14 "Management Plan" means a document that meets the
15 requirements of AHERA for management plans for asbestos in
16 schools.

17 "Management Planner" means a person who is certified
18 according to R307-801-6 and oversees the preparation of management
19 plans for school buildings subject to AHERA.

20 "Model Accreditation Plan (MAP)" means 40 CFR Part 763,
21 Subpart E, Appendix C, Asbestos Model Accreditation Plan.

22 "NESHAP Amount" means combined amounts in a project that
23 total:

24 (a) 260 linear feet (80 linear meters) of pipe covered with
25 RACM;

26 (b) 160 square feet (15 square meters) of RACM used to cover
27 or coat any duct, boiler, tank, reactor, turbine, equipment,
28 structural member, or regulated facility component; or

29 (c) 35 cubic feet (one cubic meter) of RACM removed from
30 regulated facility structural members or components where the
31 length and area could not be measured previously.

32 "NESHAP Facility" means any institutional, commercial,
33 public, industrial, or residential structure, installation, or
34 building, (including any structure, installation, or building
35 containing condominiums or individual dwelling units operated as a
36 residential co-operative, but excluding residential buildings
37 having four or fewer dwelling units); any ship; and any active or
38 inactive waste disposal site. For purposes of this definition, any
39 building, structure, or installation that contains a loft used as
40 a dwelling is not considered a residential structure,
41 installation, or building. Any structure, installation, or
42 building that was previously subject to the Asbestos NESHAP is not
43 excluded, regardless of its current use or function.

1 "NESHAP-Sized Project" means any project that involves at
2 least the NESHAP amount of ACM.

3 "Non-Friable Asbestos-Containing Material" means any material
4 containing more than 1% asbestos, as determined using the methods
5 specified in 40 CFR Part 763, Subpart E, Appendix E, Section 1,
6 Polarized Light Microscopy (PLM), that, when dry, cannot be
7 crumbled, pulverized, or reduced to powder by hand pressure.

8 "Open Top Catch Bag" means either an asbestos waste bag or
9 six mil polyethylene sheeting which is sealed at both ends and
10 used by certified asbestos abatement workers, in a manner not to
11 disturb the matrix of the asbestos-containing material, to collect
12 preformed RACM pipe insulation in either a crawl space or pipe
13 chase less than six feet high or less than three feet wide.

14 "Phased Project" means either an asbestos abatement,
15 renovation, or demolition project that contains multiple start and
16 stop dates corresponding to separate operations or areas where the
17 entire asbestos abatement, renovation, or demolition project
18 cannot or will not be performed continuously.

19 "Preformed RACM Pipe Insulation" means prefabricated
20 asbestos-containing thermal system insulation on pipes formed in
21 sections that can be removed without disturbing the matrix of the
22 asbestos-containing material.

23 "Project Designer" means a person who is certified according
24 to R307-801-6 and prepares a design for an asbestos abatement
25 project in school buildings subject to AHERA or prepares an
26 asbestos clean-up plan in a regulated facility where an asbestos
27 disturbance greater than the SSSD amount has occurred.

28 "Regulated Asbestos-Containing Material (RACM)" means friable
29 ACM, Category I non-friable ACM that has become friable, Category
30 I non-friable ACM that will be or has been subjected to sanding,
31 grinding, cutting, or abrading, or Category II non-friable ACM
32 that has a high probability of becoming or has become crumbled,
33 pulverized, or reduced to powder by the forces expected to act on
34 the material in the course of demolition or renovation project
35 operations.

36 "Regulated Facilities" means residential facilities, AHERA
37 facilities, or NESHAP facilities where:

38 (a) A sample has been identified and analyzed to contain, or
39 is assumed under R307-801-10(5) to contain, greater than 1%
40 asbestos; and

41 (b) The material from where the sample was collected will be
42 disturbed and rendered friable during the abatement, demolition,
43 or renovation activities.

1 "Regulated Facility Component" means any part of a regulated
2 facility including equipment.

3 "Renovation Project" means any activity involving the
4 removal, repair, salvage, disposal, cleanup, or other disturbance
5 of greater than the SSSD amount of RACM, but less than the NESHAP
6 amount of RACM, and the intent of the project is not asbestos
7 abatement or demolition. Renovation Projects can be performed in
8 NESHAP or residential facilities, but cannot be performed in AHERA
9 facilities.

10 "Renovator" means a person who is certified according to
11 R307-801-6 and is responsible for ensuring work that is conducted
12 on a renovation project is performed in accordance with the
13 regulatory requirements and best work practices for a greater than
14 the SSSD amount of RACM, but less than the NESHAP amount of RACM,
15 where the intent of the project is to perform a renovation project
16 and not to perform an asbestos abatement or demolition project.
17 Renovation projects can be performed in NESHAP or residential
18 facilities but cannot be performed in AHERA facilities.

19 "Residential Facility" means a building used primarily for
20 residential purposes, has four or fewer units, is otherwise not
21 subject to the Asbestos NESHAP, and is not a residential
22 outbuilding structure of less than 100 square feet.

23 "Small-Scale, Short-Duration (SSSD)" means a project that
24 removes or disturbs less than three square feet or three linear
25 feet of RACM in a regulated facility.

26 "Sprayed-on or Painted-on Ceiling Treatment" means a
27 surfacing material or treatment that has been applied to the
28 ceiling regardless of application method. The application of paint
29 that has no added materials is not considered a ceiling treatment.

30 "Strip" means to take off ACM from any part of a regulated
31 facility or a regulated facility component.

32 "Structural Member" means any load-supporting member of a
33 regulated facility, such as beams and load-supporting walls or any
34 non-load supporting member, such as ceilings and non-load
35 supporting walls.

36 "Suspect or Suspected Asbestos-Containing Material" means all
37 building materials that have the potential to contain asbestos,
38 except building materials made entirely of glass, fiberglass,
39 wood, metal, or rubber.

40 "Training Hour" means at least 50 minutes of actual learning,
41 including, but not limited to, time devoted to lecture, learning
42 activities, small group activities, demonstrations, evaluations,
43 and hands-on experience.

1 "TSCA" means the Toxic Substances Control Act.

2 "TSCA Accreditation" means successful completion of training
3 as an inspector, management planner, project designer, contractor-
4 supervisor, or worker, as specified in the TSCA Title II.

5 "TSCA Title II" means 15 U.S.C. 2601 et seq., Toxic
6 Substances Control Act, Subchapter II - Asbestos Hazard Emergency
7 Response.

8 "Unrestrained Access" means without fences, closed doors,
9 personnel, or any other method intended to restrict public entry.

10 "Waste Generator" means any owner or operator of an asbestos
11 abatement or renovation project covered by R307-801 whose act or
12 process produces ACWM.

13 "Working Day" means weekdays, Monday through Friday,
14 including holidays.

15

16 **R307-801-4. Adoption and Incorporation of 40 CFR 763 Subpart E.**

17 (1) The provisions of 40 CFR 763 Subpart E, including
18 appendices, effective as of the date referenced in R307-101-3, are
19 hereby adopted and incorporated by reference.

20 (2) Implementation of the provisions of 40 CFR Part 763,
21 Subpart E, except for the Model Accreditation Plan, shall be
22 limited to those provisions for which the EPA has waived its
23 requirements in accordance with 40 CFR 763.98, Waiver; delegation
24 to State, as published at 52 FR 41826, (October 30, 1987).

25

26 **R307-801-5. Company Certification.**

27 (1) All persons shall operate under:

28 (a) An asbestos company certification before contracting for
29 hire, at a regulated facility, to conduct asbestos inspections,
30 create management plans, create project designs, or conduct
31 asbestos abatement projects, or

32 (b) Either an asbestos renovation company certification or
33 asbestos company certification before contracting for hire to
34 conduct asbestos abatement or renovation projects at a regulated
35 facility.

36 (2) To obtain an asbestos company certification or an
37 asbestos
38 renovation company certification, all persons shall submit a
39 properly completed application for certification on a form
40 provided by the director and pay the appropriate fee.

41 (3) Unless revoked or suspended, an asbestos company
42 certification or an asbestos renovation company certification
43 shall remain in effect until the expiration date provided by the

1 director.

2
3 **R307-801-6. Individual Certification.**

4 (1) All persons shall have an individual certification to
5 conduct asbestos inspections, create management plans, create
6 project designs, conduct asbestos renovation projects, or conduct
7 asbestos abatement projects at a regulated facility.

8 (2) To obtain certification as an asbestos abatement worker,
9 asbestos abatement supervisor, inspector, project designer,
10 renovator, or management planner, each person shall:

11 (a) Provide personal identifying information;

12 (b) Pay the appropriate fee;

13 (c) Complete the appropriate form or forms provided by the
14 director;

15 (d) Provide certificates of initial and current refresher
16 training, if applicable, that demonstrates accreditation in the
17 appropriate discipline. Certificates from courses approved by the
18 director, courses approved in a state that has an accreditation
19 program that meets the TSCA Title II Appendix C Model
20 Accreditation Plan (MAP), or courses that are approved by EPA
21 under TSCA Title II are acceptable unless the director has
22 determined that the course does not meet the requirements of TSCA
23 accreditation training required by R307-801; and

24 (e) Complete a new initial training course as required by
25 the AHERA MAP, or for the renovator certification, R307-801, if
26 there is a period of more than one year from the previous initial
27 or refresher training certificate expiration date.

28 (3) Duration and Renewal of Certification.

29 (a) Unless revoked or suspended, a certification shall
30 remain in effect until the expiration date of the current
31 certificate of TSCA accreditation for the specific discipline.

32 (b) To renew certification, the individual shall:

33 (i) Submit a properly completed application for renewal on a
34 form provided by the director;

35 (ii) Submit a current certificate of TSCA accreditation, or
36 for the renovator certification, a training certificate from a
37 renovator course accredited by the director, for initial or
38 refresher training in the appropriate discipline; and

39 (iii) Pay the appropriate fee.

40
41 **R307-801-7. Denial and Cause for Suspension and Revocation of**
42 **Company and Individual Certifications.**

43 (1) An application for certification may be denied if the

1 individual, applicant company, or any principal officer of the
2 applicant company has a documented history of non-compliance with
3 the requirements, procedures, or standards established by R307-
4 801, R307-214-1, which incorporates the Asbestos NESHAP, AHERA, or
5 with the requirements of any other entity regulating asbestos
6 activities and training programs.

7 (2) The director may revoke or suspend any certification
8 based upon documented violations of any requirement of R307-801,
9 AHERA, or the Asbestos NESHAP, including but not limited to:

10 (a) Falsifying or knowingly omitting information in any
11 written submittal required by those regulations;

12 (b) Permitting the duplication or use of a certificate of
13 TSCA accreditation for the purpose of preparing a falsified
14 written submittal; or

15 (c) Repeated work practice violations.

16
17 **R307-801-8. Approval of Training Courses.**

18 (1) To obtain approval of a training course, the course
19 provider shall provide a written application to the director that
20 includes:

21 (a) The name, address, telephone number, and institutional
22 affiliation of the person sponsoring the course;

23 (b) The course curriculum;

24 (c) A letter that clearly indicates how the course meets the
25 Model Accreditation Plan (MAP) and R307-801 requirements for
26 length of training in hours, amount and type of hands-on training,
27 examinations (including length, format, example of examination or
28 questions, and passing scores), and topics covered in the course;

29 (d) A copy of all course materials, including student
30 manuals, instructor notebooks, handouts, etc.;

31 (e) The names and qualifications of all course instructors,
32 including all academic credentials and field experience in
33 asbestos abatement projects, inspections, project designs,
34 management planning, or renovation projects;

35 (f) An example of numbered certificates issued to students
36 who attend the course and pass the examination. The certificate
37 shall include a unique certificate number; the name of the
38 student; the name of the course completed; the dates of the course
39 and the examination; an expiration date one year from the date the
40 student completed the course and examination, or for the purposes
41 of the renovator course, a progressive lengthening of the
42 refresher training schedule of one year after the initial
43 training, three years after the first refresher training, and five

1 years after the second refresher training and all subsequent
2 refresher training courses; the name, address, and telephone
3 number of the training provider that issued the certificate; and a
4 statement that the person receiving the certificate has completed
5 the requisite training for TSCA or director accreditation;

6 (g) A written commitment from the training provider to teach
7 the submitted training course(s) in Utah on a regular basis; and

8 (h) Payment of the appropriate fee.

9 (2) To maintain approval of a training course, the course
10 provider shall:

11 (a) Provide training that meets the requirements of R307-801
12 and the MAP;

13 (b) Provide the director with the names, government-issued
14 picture identification card number, and certificate numbers of all
15 persons successfully completing the course within 30 working days
16 of successful completion;

17 (c) Keep the records specified for training providers in the
18 MAP for three years;

19 (d) Permit the director or authorized representative to
20 attend, evaluate, and monitor any training course without
21 receiving advance notice from the director and without charge to
22 the director; and

23 (e) Notify the director of any new course instructor ten
24 working days prior to the day the new instructor presents or
25 teaches any course for Renovator or TSCA Accreditation purposes.
26 The training notification form shall include:

27 (i) The name and qualifications of each course instructor,
28 including appropriate academic credentials and field experience in
29 asbestos abatement projects, inspections, management plans,
30 project designs, or renovations; and

31 (ii) A list of the course(s) or specific topics that will be
32 taught by the instructor.

33 (f) Submit the initial or refresher course materials
34 required by R307-801-8(1) to the director for course re-
35 accreditation in a time period not to exceed four years.

36 (3) All course providers that provide an AHERA or Renovator
37 training course or refresher course in the state of Utah shall:

38 (a) Notify the director of the location, date, and time of
39 the course at least ten working days before the first day of the
40 course;

41 (b) Update the training notification form as soon as
42 possible before, but no later than one day before the original
43 course date if the course is rescheduled or canceled before the

1 course is held; and

2 (c) Allow the director or authorized representative to
3 conduct an audit of any course provided to determine whether the
4 course provider meets the requirements of the MAP and of R307-801.

5 (4) Renovator Certification Course. The renovator
6 certification course shall be a minimum of eight training hours,
7 with a minimum of two hours devoted to hands-on training
8 activities, and shall include an examination of at least 25
9 questions that the student shall pass with a 70% or greater
10 proficiency rate. Instruction in the topics described in R307-801-
11 8(4)(c), (d), and (e) shall be included in the hands-on portion of
12 the course. The minimum curriculum requirements for the renovator
13 certification course shall adequately address the following
14 topics:

15 (a) The physical characteristics of asbestos and asbestos-
16 containing materials, including identification of asbestos,
17 aerodynamic characteristics, typical uses, physical appearance, a
18 review of hazard assessment considerations, and a summary of
19 renovation project control options;

20 (b) Potential health effects related to asbestos exposure,
21 including the nature of asbestos-related diseases, routes of
22 exposure, dose-response relationships and the lack of a safe
23 exposure level, synergism between cigarette smoking and asbestos
24 exposure, and latency period for diseases;

25 (c) Personal protective equipment, including selection of
26 respirator and personal protective clothing, and handling of non-
27 disposable clothing;

28 (d) State-of-the-art work practices, including proper work
29 practices for renovation projects, including descriptions of
30 proper construction and maintenance of barriers and
31 decontamination enclosure systems, positioning of warning signs,
32 lock-out of electrical and ventilation systems, proper working
33 techniques for minimizing fiber release, use of wet methods, use
34 of negative pressure exhaust ventilation equipment, use of HEPA
35 vacuums, and proper clean-up and disposal procedures and state-of-
36 the-art work practices for removal, encapsulation, enclosure, and
37 repair of ACM, emergency procedures for unplanned releases,
38 potential exposure situations, transport and disposal procedures,
39 and recommended and prohibited work practices. New renovation
40 project techniques and methodologies may be discussed;

41 (e) Personal hygiene, including entry and exit procedures
42 for the work area, methods of decontamination, avoidance of
43 eating, drinking, smoking, and chewing (gum or tobacco) in the

1 work area, and methods to limit exposures to family members;

2 (f) Medical monitoring, including OSHA requirements for
3 physical examinations, including a pulmonary function test, chest
4 x-rays, and a medical history for each employee;

5 (g) Relevant federal and state regulatory requirements,
6 procedures, and standards, including:

7 (i) OSHA standards for permissible exposure to airborne
8 concentrations of asbestos fibers and respiratory protection (29
9 CFR 1910.134);

10 (ii) OSHA Asbestos Construction Standard (29 CFR 1926.1101);
11 and

12 (iii) UAC R307-801 Utah Asbestos Rule.

13 (h) Recordkeeping and notification requirements for
14 renovation projects including records and project notification
15 forms required by state regulations and records recommended for
16 legal and insurance purposes;

17 (i) Supervisory techniques for renovation projects,
18 including supervisory practices to enforce and reinforce the
19 required work practices and discourage unsafe work practices; and

20 (j) Course review, including a review of key aspects of the
21 training course.

22 (5) Renovator Recertification Course. The renovator
23 recertification course shall be a minimum of four hours, shall
24 adequately address changes in the federal regulations, state
25 administrative rules, state-of-the-art developments, appropriate
26 work practices, employee personal protective equipment,
27 recordkeeping, and notification requirements for renovation
28 projects, and shall include a course review.

29
30 **R307-801-9. Asbestos Abatement, Renovation, and Demolition**
31 **Projects: Requirement to Inspect.**

32 (1) Applicability. Contractors are required to have an
33 asbestos inspection performed by a Utah certified asbestos
34 inspector working for a Utah certified asbestos company. The
35 asbestos inspection report shall be on-site and available when
36 regulated work activities are being performed. Owners of
37 residential structures including condominium owners of four units
38 or less, not otherwise subject to the Asbestos NESHAP, are not
39 required to perform asbestos inspections. Owners of a condominium
40 complex of more than four units are subject to R307-801, may also
41 be subject to the Asbestos NESHAP, but are required to perform
42 asbestos inspections.

43 (2) Except as described in R307-801-9(1) and 9(3), the owner

1 and operator shall ensure that the regulated facility to be
2 demolished, abated, or renovated is thoroughly inspected for
3 asbestos-containing material by an inspector certified under the
4 provisions of R307-801-6. An asbestos inspection report shall be
5 generated according to the provisions of R307-801-10 and completed
6 prior to the start of the asbestos abatement, renovation, or
7 demolition project if materials required to be identified in R307-
8 801-10(3) will be disturbed during that project. The operator
9 shall make the asbestos inspection report available on-site to all
10 persons who have access to the site for the duration of the
11 renovation, abatement, or demolition project, and to the director
12 or authorized representative upon request.

13 (3) If the regulated facility has been ordered to be
14 demolished because it is found by a government official to be
15 structurally unsound and in danger of imminent collapse or a
16 public health hazard, the operator may demolish the regulated
17 facility without having the regulated facility inspected for
18 asbestos. If no asbestos inspection is conducted, the operator
19 shall:

20 (a) Ensure that all resulting demolition project debris is
21 disposed of as asbestos-containing waste material (ACWM) according
22 to R307-801-14

23 ; or

24 (b) reduce the amount of ACWM by segregating the ACWM from
25 non-ACWM debris under the direction of an asbestos inspector
26 certified according to R307-801-6 working for a company certified
27 according to R307-801-5 and clean and encapsulate non-porous
28 debris as non-ACWM by asbestos abatement supervisors or asbestos
29 abatement workers who are certified according to R307-801-6 and
30 working for a company certified according to R307-801-5.

31 (4) If an asbestos inspection report older than three years
32 will be used for a regulated asbestos renovation, abatement, or
33 demolition activity, the asbestos inspection report shall be
34 reviewed and updated, as necessary, by an inspector who is
35 certified according to R307-801-6 and working for a company
36 certified according to R307-801-5. The report does not need to be
37 reviewed until a time that it will be used for regulatory purposes
38 such as an abatement, renovation, or demolition activity. If the
39 inspection report is still accurate, then the inspector shall
40 provide written documentation stating that the inspection report
41 is still accurate. If the inspection report is not accurate, then
42 the inspector shall provide written documentation, including new
43 sample results, if necessary, such that the inspection report

1 meets all requirements of R307-801.

2
3 **R307-801-10. Asbestos Abatement, Renovation, and Demolition**
4 **Projects: Asbestos Inspection Procedures.**

5 Asbestos inspectors shall use the following procedures when
6 conducting an asbestos inspection of facilities to be abated,
7 demolished, or renovated:

8 (1) Determine the scope of the abatement, demolition, or
9 renovation project by identifying which parts and how the facility
10 will be abated, demolished, or renovated (e.g. conventional
11 demolition methods, fire training, etc.).

12 (2) Inspect the affected facility or part of the facility
13 where the abatement, demolition, or renovation project will occur.

14 (3) Identify all accessible suspect asbestos-containing
15 material (ACM) in the affected facility or part of the facility
16 where the abatement, demolition, or renovation project will occur.
17 Residential facilities built on or after January 1, 1981, are only
18 required to identify all accessible sprayed-on or painted-on
19 ceiling treatment that contained or may contain asbestos fiber,
20 asbestos cement siding or roofing materials, resilient flooring
21 products including vinyl asbestos tile, sheet vinyl products,
22 resilient flooring backing material, whether attached or
23 unattached, and mastic, thermal-system insulation or tape on a
24 duct or furnace, or vermiculite type insulation materials in the
25 affected facility or part of the facility where the abatement,
26 demolition, or renovation project will occur.

27 (4) Follow the sampling protocol in 40 CFR 763.86 (Asbestos-
28 Containing Materials in Schools) or a sampling method approved by
29 the director to demonstrate that suspect ACM required to be
30 identified by R307-801-10(3) does not contain asbestos.

31 (5) Asbestos samples are not required to be collected and
32 analyzed if the certified inspector assumes that all unsampled
33 suspect ACM required to be identified by R307-801-10(3) contains
34 asbestos and is ACM; and

35 (6) Complete an asbestos inspection report containing all of
36 the following information in a format approved by the director:

37 (a) A description of the affected area and a description of
38 the scope of activities as described in R307-801-10(1);

39 (b) A list of all suspect ACM required to be identified by
40 R307-801-10(3) in the affected area. Include a description of the
41 suspect ACM sufficient to be able to identify the material. For
42 each suspect material required to be identified by R307-801-10(3),
43 provide the following information:

1 (i) The amount of suspect ACM required to be identified by
2 R307-801-10(3) in linear feet, square feet, or cubic feet;

3 (ii) A clear description of the distribution of the suspect
4 ACM required to be identified by R307-801-10(3) in the affected
5 area;

6 (iii) A statement of whether the material was assumed to
7 contain asbestos, sampled and demonstrated to contain asbestos, or
8 sampled and demonstrated to not contain asbestos; and

9 (iv) A written determination or table of whether the
10 material is regulated asbestos-containing material (RACM),
11 Category I non-friable ACM, Category II non-friable ACM that may
12 or will become friable when subjected to the proposed abatement,
13 renovation, or demolition project activities, or other suspect ACM
14 that has either not been tested and assumed to contain asbestos,
15 or has been tested by an accredited asbestos laboratory and found
16 not to contain asbestos greater than 1%.

17 (c) A list of all asbestos bulk samples required to be
18 identified from suspect ACM by R307-801-10(3) in the affected
19 area, including the following information for each sample:

20 (i) Which suspect ACM required to be identified by R307-801-
21 10(3) the sample represents;

22 (ii) A clear description of each sample location;

23 (iii) The types of analyses performed on the sample;

24 (iv) The amounts of each type of asbestos in the sample as
25 indicated by the analytical results.

26 (d) A list of potential locations of suspect ACM required to
27 be identified by R307-801-10(3) that were not accessible to
28 inspect and that may be part of the affected area; and

29 (e) A list of all the asbestos inspector names, company
30 names, and certification numbers.

31 (7) Floor plans or architectural drawings and similar
32 representations may be used to identify the location of suspect
33 ACM or samples required to be identified by R307-801-10(3).

34 (8) Analysis of samples shall be performed by:

35 (a) Persons or laboratories accredited by a nationally
36 recognized testing program such as the National Voluntary
37 Laboratory Accreditation Program (NVLAP), or

38 (b) Persons or laboratories that have been rated overall
39 proficient by demonstrating passing scores for at least two of the
40 last three consecutive rounds out of the four annual rounds of the
41 Bulk Asbestos Proficiency Analytical Testing program administered
42 by the American Industrial Hygiene Association (AIHA) or an
43 equivalent nationally-recognized interlaboratory comparison

1 program.
2
3

4 **R307-801-11. Asbestos Abatement, Renovation, and Demolition**
5 **Projects: Notification and Asbestos Removal Requirements.**

6 (1) Demolition Projects.

7 (a) The operator shall submit a properly completed
8 demolition notification form at least ten working days before the
9 start of a demolition project along with payment of the
10 appropriate fee. The operator cannot start the demolition project
11 until all regulated asbestos-containing material (RACM) has been
12 properly removed.

13 (b) If any regulated facility is to be demolished by
14 intentional burning, the operator, in addition to the demolition
15 notification form specified in R307-801-11(1)(a), shall ensure
16 that all ACM, including Category I non-friable asbestos-containing
17 material (ACM), Category II non-friable ACM, and RACM is removed
18 from the regulated facility before burning.

19 (c) If the regulated facility has been ordered to be
20 demolished by a government official because it is found to be
21 structurally unsound and in danger of imminent collapse or a
22 public health hazard, the operator shall submit a demolition
23 project notification form, with a copy of the order signed by the
24 appropriate government official, as soon as possible before, but
25 no later than, the next working day after the demolition project
26 begins.

27 (2) Asbestos Abatement and Renovation Projects.

28 (a) If the amount of RACM that would be disturbed or
29 rendered inaccessible by the asbestos abatement or renovation
30 project is the SSSD amount, then no additional requirements are
31 necessary prior to general building remodeling activities.

32 (b) If the amount of RACM that would be disturbed or
33 rendered inaccessible by the asbestos abatement or renovation
34 project is greater than the SSSD amount, but less than the NESHP
35 amount, then the operator shall:

36 (i) Submit an asbestos abatement project notification form
37 at least one working day before asbestos removal begins as
38 described in R307-801-12, unless the removal was properly included
39 in an annual asbestos notification form submitted pursuant to
40 R307-801-11(2)(e);

41 (ii) Remove RACM according to asbestos work practices of
42 R307-801-13, the certification requirements of R307-801-5 and 6,
43 and the disposal requirements of R307-801-14 before performing

1 general building remodeling activities.

2 (c) If the amount of RACM that would be disturbed or
3 rendered inaccessible by the asbestos abatement project is greater
4 than or equal to the NESHAP amount, then the operator shall:

5 (i) Submit an asbestos abatement project notification form
6 along with payment of the appropriate fee at least ten working
7 days before asbestos removal begins as described in R307-801-12;

8 (ii) Remove RACM according to the asbestos work practices of
9 R307-801-13, the certification requirements of R307-801-5 and 6,
10 and the disposal requirements of R307-801-14 before performing
11 general building remodeling activities.

12 (d) If the asbestos abatement or renovation project is an
13 emergency asbestos abatement or renovation project, then the
14 notification form shall be submitted as soon as possible before,
15 but no later than, the next working day after the emergency
16 asbestos abatement or renovation project begins.

17 (e) The operator shall submit an annual asbestos
18 notification form along with payment of the appropriate fee
19 according to the requirements of 40 CFR 61.145(a)(4)(iii) no later
20 than ten working days before the first day of January of the year
21 during which the work is to be performed in the following
22 circumstances:

23 (i) The asbestos abatement projects are unplanned operation
24 and maintenance activities;

25 (ii) The asbestos abatement projects are less than NESHAP-
26 sized; and

27 (iii) The total amount of asbestos to be disturbed in a
28 single NESHAP facility during these asbestos abatement projects is
29 expected to exceed the NESHAP amount in a calendar year.

30 (3) Owners and operators of general building remodeling
31 activities are not required to submit an asbestos abatement
32 project or renovation notification form to the director that do
33 not disturb suspect asbestos containing materials, do not disturb
34 building materials found to contain RACM by an inspector who is
35 certified according to R307-801-6, or do not disturb materials
36 that will become RACM as part of the general building remodeling
37 activities.

38 (4) For notification purposes, asbestos abatement,
39 renovation, or demolition projects shall be no longer than one
40 year in duration.

41 (5) Revise the notification form, as necessary, when any
42 information on the original notification or any subsequent
43 notification forms changes.

1
2 **R307-801-12. Asbestos Abatement, Renovation, and Demolition**
3 **Projects: Notification Procedures and Contents.**

4 (1) All notification forms required by R307-801-11 shall be
5 submitted in writing on the appropriate form provided by the
6 director and shall be postmarked or received by the director in
7 accordance with R307-801-11, or shall be submitted using the
8 Division of Air Quality electronic notification system and
9 received by the director in accordance with R307-801-11. The type
10 of notification and whether the notification is original or
11 revised shall be indicated.

12 (2) If the notification is an original demolition project
13 notification form, an original asbestos abatement project
14 notification form for a NESHAP-sized asbestos abatement project,
15 or an original asbestos annual notification form, the written
16 notice shall be sent with an original signature by U.S. Postal
17 Service, commercial delivery service, or hand delivery, or with an
18 electronic signature if submitted using the Division of Air
19 Quality electronic notification system. If the U.S. Postal Service
20 is used, the submission date is the postmark date. If other
21 service or hand delivery is used, the submission date is the date
22 that the document is received by the director. If the Division of
23 Air Quality electronic notification system is used, the submission
24 date is the date that the notification is received by the
25 director.

26 (3) An original asbestos notification form for a less than
27 NESHAP-sized asbestos abatement or renovation project or any
28 revised notification may be submitted by any of the methods in
29 R307-801-12(2), or by facsimile, by the date specified in R307-
30 801-11. The sender shall ensure that the fax is legible.

31 (4) All original notification forms shall contain the
32 following information:

33 (a) The name, address, and telephone number of the owner of
34 the regulated facility, the general contractor, the demolition
35 contractor, and the asbestos renovation or abatement contractor,
36 if applicable;

37 (b) Whether the operation is an asbestos abatement,
38 demolition, or a renovation project;

39 (c) A description of the regulated facility that includes
40 the total size of the structure or structures in square feet,
41 including the square footage of all floors in a multilevel or
42 multi-floor structure, the age, the future, present, and prior
43 uses of the facility, including any additional regulated

1 structures affected by the project;

2 (d) The names and certification numbers of the inspectors
3 and companies;

4 (e) The procedures, including analytical methods, used to
5 inspect for the presence of asbestos-containing material (ACM);

6 (f) The location and address, including building number or
7 name and floor or room number, street address, city, county,
8 state, and zip code of each regulated facility being demolished or
9 renovated;

10 (g) A description of procedures for handling the discovery
11 of unexpected ACM, Category I non-friable ACM, or Category II non-
12 friable ACM that has or will become friable or regulated;

13 (h) A description of planned asbestos abatement, demolition,
14 or renovation project work, including the asbestos abatement,
15 demolition, and renovation project techniques to be used and a
16 description of the affected regulated facility components or
17 structural members; and

18 (i) If the project has phases, then provide the date and
19 times of each phase and the location and address of all regulated
20 facilities to be abated, demolished, or renovated.

21 (5) In addition to the information in R307-801-12(4), an
22 original demolition project notification form shall contain the
23 following information:

24 (a) An estimate of the amount of Category I non-friable ACM
25 and non-regulated ACM that will remain in the building during the
26 demolition project;

27 (b) The start and stop dates of the demolition project;

28 (c) The days that the demolition project will be conducted;

29 and

30 (d) If the regulated facility will be demolished under an
31 order of a government official, the name, title, government
32 agency, and authority of the government official ordering the
33 demolition project, the date the order was issued, and the date
34 the demolition project was ordered to commence. A copy of the
35 order shall be attached to the demolition project notification
36 form.

37 (6) In addition to the information required in R307-801-
38 12(4) and (5), an original demolition project notification form
39 for phased demolition projects shall include:

40 (a) The start and stop dates for the entire phased project;

41 and

42 (b) The start and stop dates for each phase of the project.

43 (7) In addition to the information required in R307-801-

1 12(4), (5), and (6), an original asbestos abatement project
2 notification form shall include:

3 (a) An estimate of the amount of ACM to be stripped,
4 including which units of measure were used;

5 (b) The start and stop dates for asbestos abatement project
6 preparation;

7 (c) The times of day for every day that asbestos abatement
8 project will be conducted;

9 (d) A description of work practices and engineering controls
10 to be used to prevent emissions of asbestos at the demolition or
11 asbestos abatement project work site;

12 (e) The name and location of the waste disposal site where
13 the ACWM will be disposed, including the name and telephone number
14 of the waste disposal site contact;

15 (f) The name, address, contact person, and telephone number
16 of the waste transporters; and

17 (g) The name, contact person, and telephone number of the
18 waste generator.

19 (8) If an emergency asbestos abatement or renovation project
20 will be performed, then the notification form shall include the
21 date and hour the emergency occurred, a description of the event
22 and an explanation of how the event has caused unsafe conditions
23 or would cause equipment damage or unreasonable financial burden.

24 (9) In addition to the information in R307-801-12(4) and
25 (5), an original asbestos abatement project annual notification
26 form shall contain the following information:

27 (a) An estimate of the approximate amount of ACM to be
28 stripped, including which units of measure were used, if known;

29 (b) The start and stop dates of asbestos abatement project
30 work covered by the annual notification, if known;

31 (c) A description of work practices and engineering controls
32 to be used to prevent emissions of asbestos at the asbestos
33 abatement project work site;

34 (d) The name and location of the waste disposal site where
35 the asbestos-containing waste material (ACWM) will be disposed,
36 including the name and telephone number of the waste disposal site
37 contact;

38 (e) The name, address, contact person, and telephone number
39 of the waste transporters; and

40 (f) The name, contact person, and telephone number of the
41 waste generator.

42 (10) A revised notification form shall contain the following
43 information:

1 (a) The name, address, and telephone number of the owner of
2 the regulated facility, and any demolition, renovation, or
3 asbestos abatement project contractor or contractors working on
4 the project;

5 (b) Whether the operation is an asbestos abatement, a
6 demolition, or a renovation project;

7 (c) The date that the original notification form was
8 submitted;

9 (d) The applicable original start and stop dates for the
10 asbestos abatement, renovation, or demolition project;

11 (e) The revised start and stop dates and working hours, if
12 applicable, for asbestos abatement, renovation, or demolition
13 projects, for the entire project or for any phase of the project;

14 (f) The changes in the amount of asbestos to be removed
15 during the project if the asbestos removal amount increases or
16 decreases by more than 20%;

17 (g) If the previously reported area of the building or
18 buildings to be demolished was inaccurate and needs to be changed,
19 then the demolition notification form shall be revised to include
20 the building area change and any additional fee shall be paid to
21 the Utah Division of Air Quality; and

22 (h) Any changes to the original or subsequently revised
23 notification form or forms. Describe all changes made to the
24 revised notification form in the comments section of that form.

25 (11) If the asbestos removal amount is increased in the
26 revised notification form, then the appropriate fee shall be paid
27 to the Utah Division of Air Quality.

28 (12) If any project phase or an entire NESHAP-sized asbestos
29 abatement, renovation, or demolition project that requires a
30 notification form under R307-801-12(4) will commence on a date or
31 work times other than the date and work times submitted in the
32 original or the most recently revised notification form, the
33 director shall be notified of the new start date and work times by
34 the following deadlines:

35 (a) If the new start date and work times are later than the
36 original start date and work times, then notice by telephone, fax,
37 or electronic means shall be given as soon as possible before the
38 start date and a revised notification form shall be submitted in
39 accordance with R307-801-12(10) as soon as possible before, but no
40 later than, the original start date. If the written notification
41 form is received by the director no later than the day before the
42 original start date and work times, no notice by telephone is
43 required.

1 (b) If the new start date is earlier than the original start
2 date, submit a written notice in accordance with R307-801-12(10)
3 at least ten working days before beginning the project.

4 (c) In no event shall an asbestos abatement, renovation, or
5 demolition project covered by R307-801-12 begin on a date other
6 than the new start date submitted in the revised written notice.

7
8
9 **R307-801-13. Asbestos Abatement and Renovation Project: Work**
10 **Practices.**

11 (1) An asbestos abatement supervisor who has been certified
12 under R307-801-6 shall be on-site during asbestos abatement
13 project setup, asbestos removal, stripping, cleaning and
14 dismantling of the project, and other handling of uncontainerized
15 regulated asbestos-containing material (RACM).

16 (2) All persons handling any amount of uncontainerized RACM
17 during a regulated project shall be certified as an asbestos
18 abatement worker or an asbestos abatement supervisor certified
19 under R307-801-6.

20 (3) Persons performing an asbestos abatement or renovation
21 project at a regulated facility shall follow the work practices in
22 R307-801-13. Where the work practices in R307-801-13(3) and (4)
23 are required, wrap and cut, open top catch bags, glove bags, and
24 mini-enclosures may be used in combination with those work
25 practices.

26 (a) Adequately wet regulated asbestos-containing material
27 (RACM) with amended water before exposing or disturbing it, except
28 when temperatures are continuously below freezing (32 degrees F.),
29 and when all requirements in 40 CFR 61.145(c)(7) are met.

30 (b) Install barriers and post warning signs to prevent
31 access to the work area. Warning signs shall conform to the
32 specifications of 29 CFR 1926.1101(k)(7).

33 (c) Keep RACM adequately wet until it is containerized and
34 disposed of in accordance with R307-801-14.

35 (d) Ensure that RACM that is stripped or removed is promptly
36 containerized.

37 (e) Prevent visible particulate matter and uncontainerized
38 asbestos-containing debris and waste originating in the work area
39 from being released outside of the negative pressure enclosure or
40 designated work area.

41 (f) Filter all waste water to five microns before
42 discharging it to a sanitary sewer.

43 (g) Decontaminate the outside of all persons, equipment, and

1 waste bags so that no visible residue is observed before leaving
2 the work area.

3 (h) Apply encapsulant to RACM that is exposed but not
4 removed during stripping.

5 (i) Clean the work area, drop cloths, and other interior
6 surfaces of the enclosure using a high-efficiency particulate air
7 (HEPA) vacuum and wet cleaning techniques until there is no
8 visible residue before dismantling barriers.

9 (j) After cleaning and before dismantling enclosure
10 barriers, mist all surfaces inside of the enclosure with a
11 penetrating encapsulant designed for that purpose.

12 (k) Handle and dispose of friable asbestos-containing
13 material (ACM) and RACM according to the disposal provisions of
14 R307-801-14.

15 (4) All operators of NESHAP-sized asbestos abatement
16 projects shall install a negative pressure enclosure using the
17 following work practices.

18 (a) All openings to the work area shall be covered with at
19 least one layer of six mil or thicker polyethylene sheeting sealed
20 with duct tape or an equivalent barrier to air flow.

21 (b) If RACM debris is present in the proposed work area
22 prior to the start of a NESHAP-sized asbestos abatement project,
23 the site shall be prepared by removing the debris using the work
24 practice requirements of R307-801-13 and disposal requirements of
25 R307-801-14. If the total amount of loose visible RACM debris
26 throughout the entire work area is the SSSD amount, then site
27 preparation may begin after the notification form has been
28 submitted and before the end of the ten working day waiting
29 period.

30 (c) A decontamination unit constructed to the specifications
31 of R307-801-13(4)(h) shall be attached to the containment prior to
32 disturbing RACM or commencing a NESHAP-sized asbestos abatement
33 project, and all persons shall enter and leave the negative
34 pressure enclosure or work area only through the decontamination
35 unit except in a life threatening emergency situation.

36 (d) All persons subject to R307-801 shall shower before
37 entering the clean-room of the decontamination unit when exiting
38 the enclosure and shall follow all procedures required by 29 CFR
39 1926.1101(j)(1)(ii).

40 (e) No materials may be removed from the enclosure or
41 brought into the enclosure through any opening other than a waste
42 load-out or a decontamination unit.

43 (f) The negative pressure enclosure of the work area shall

1 be constructed with the following specifications:

2 (i) Apply at least two layers of six mil or thicker
3 polyethylene sheeting or its equivalent to the floor extending at
4 least one foot up every wall and seal in place with duct tape or
5 its equivalent;

6 (ii) Apply at least two layers of four mil or thicker
7 polyethylene sheeting or its equivalent to the walls without
8 locating seams in wall or floor corners;

9 (iii) Seal all seams with duct tape or its equivalent;

10 (iv) Maintain the integrity of all enclosure barriers; and

11 (v) Where a wall or floor will be removed as part of the
12 NESHAP-sized asbestos abatement project, polyethylene sheeting
13 need not be applied to that regulated facility component or
14 structural member.

15 (g) View ports shall be installed in the enclosure or
16 barriers where feasible, and view ports shall be:

17 (i) At least one foot square;

18 (ii) Made of clear material that is impermeable to the
19 passage of air, such as an acrylic sheet;

20 (iii) Positioned so as to maximize the view of the inside of
21 the enclosure from a position outside the enclosure; and

22 (iv) Accessible to a person outside of the enclosure.

23 (h) A decontamination unit shall be constructed according to
24 the following specifications:

25 (i) The unit shall be attached to the enclosure or work
26 area;

27 (ii) The decontamination unit shall consist of at least
28 three chambers and meet all regulatory requirements of 29 CFR
29 1926.1101(j)(1)(i);

30 (iii) The clean room, which is the chamber that opens to the
31 outside, shall be no less than three feet wide by three feet long
32 by six feet high, when feasible;

33 (iv) The shower room, which is the chamber between the clean
34 and dirty rooms, shall have hot and cold or warm running water and
35 be no less than three feet wide by three feet long by six feet
36 high, when feasible;

37 (v) The dirty room, which is the chamber that opens to the
38 negative pressure enclosure or the designated work area, shall be
39 no less than three feet wide by three feet long by six feet high,
40 when feasible;

41 (vi) The dirty room shall be provided with an accessible
42 waste bag at any time that asbestos abatement project is being
43 performed.

1 (i) A separate waste load-out following the specifications
2 below may be attached to the enclosure for removal of
3 decontaminated waste containers and decontaminated or wrapped
4 tools from the enclosure.

5 (i) The waste load-out shall consist of at least one chamber
6 constructed of six mil or thicker polyethylene walls and six mil
7 or thicker polyethylene flaps or the equivalent on the outside and
8 inside entrances;

9 (ii) The waste load-out chamber shall be at least three feet
10 long, three feet high, and three feet wide; and

11 (iii) The waste load-out supplies shall be sufficient to
12 decontaminate bags, and shall include a water supply with a
13 filtered drain, clean rags, disposable rags or wipes, and clean
14 bags.

15 (j) Negative air pressure and flow shall be established and
16 maintained within the enclosure by:

17 (i) Maintaining at least four air changes per hour in the
18 enclosure;

19 (ii) Routing the exhaust from HEPA filtered ventilation
20 units to the outside of the regulated facility whenever possible;

21 (iii) Maintaining a minimum of 0.02 column inches of water
22 pressure differential relative to outside pressure; and

23 (iv) Maintaining a monitoring device to measure the negative
24 pressure in the enclosure.

25 (5) In lieu of two layers of polyethylene on the walls and
26 the floors as required by R307-801-13(4)(f)(i) and (ii), the
27 following work practices and controls may be used only under the
28 circumstances described below:

29 (a) When a pipe insulation removal asbestos abatement
30 project is conducted the following may be used:

31 (i) Drop cloths extending a distance at least equivalent to
32 the height of the RACM around all RACM to be removed, or extended
33 to a wall and attached with duct tape or equivalent;

34 (ii) Either the glove bag or wrap and cut methods may be
35 used; and

36 (iii) RACM shall be adequately wet before wrapping.

37 (b) When the RACM is scattered ACM and is found in small
38 patches, such as isolated pipe fittings, the following procedures
39 may be used:

40 (i) Glove bags, mini-enclosures as described in R307-801-
41 13(7)(c), or wrap and cut methods with drop cloths large enough to
42 capture all RACM fragments that fall from the work area may be
43 used.

1 (ii) If all asbestos disturbance is limited to the inside of
2 negative pressure glove bags or a mini-enclosure, then non-glove
3 bag or non-mini-enclosure building openings need not be sealed and
4 negative pressure need not be maintained in the space outside of
5 the glove bags or mini-enclosure during the asbestos removal
6 operation.

7 (iii) A remote decontamination unit may be used as described
8 in R307-801-13(7)(d) only if an attached decontamination unit is
9 not feasible.

10 (c) When a preformed RACM pipe insulation asbestos abatement
11 project in a crawl space or pipe chase less than six feet high or
12 less than three feet wide is conducted, the following may be used:

13 (i) Drop cloths extending a distance at least six feet
14 around all preformed RACM pipe insulation to be removed or
15 extended to a wall and attached with duct tape or equivalent; or

16 (ii) The open top catch bag method.

17 (6) During outdoor asbestos abatement projects, the work
18 practices of R307-801-13 shall be followed with the following
19 modifications:

20 (a) Negative pressure need not be maintained if there is not
21 an enclosure;

22 (b) Six mil polyethylene drop cloth, or equivalent, large
23 enough to capture all RACM fragments that fall from the work area
24 shall be used; and

25 (c) A remote decontamination unit as described in R307-801-
26 13(7)(d) may be used.

27 (7) Special work practices.

28 (a) If the wrap and cut method is used:

29 (i) The regulated facility component shall be cut at least
30 six inches from any RACM on that component;

31 (ii) If asbestos will be removed from the regulated facility
32 component to accommodate cutting, the asbestos removal shall be
33 performed using a single glove bag for each cut, and no RACM shall
34 be disturbed outside of a glove bag;

35 (iii) The wrapping shall be leak-tight and shall consist of
36 two layers of six mil polyethylene sheeting, each individually
37 sealed with duct tape, and all RACM between the cuts shall be
38 sealed inside wrap; and

39 (iv) The wrapping shall remain intact and leak-tight
40 throughout the removal and disposal process.

41 (b) If the open top catch bag method is used:

42 (i) The material to be removed can only be performed RACM
43 pipe insulation, and it shall be located in a crawl space or a

1 pipe chase less than six feet high or less than three feet wide;

2 (ii) Asbestos waste bags that are leak-tight and strong
3 enough to hold contents securely shall be used;

4 (iii) The bag shall be placed underneath the stripping
5 operation to minimize ACM falling onto the drop cloth;

6 (iv) All material stripped from the regulated facility
7 component shall be placed in the bag;

8 (v) One asbestos abatement worker shall hold the bag and
9 another asbestos abatement worker shall strip the ACM into the
10 bag; and

11 (vi) A drop cloth extending a distance at least six feet
12 around all preformed RACM pipe insulation to be removed, or
13 extended to a wall and attached with duct tape or equivalent shall
14 be used.

15 (c) If glove bags are used, they shall be under negative
16 pressure, and the procedures required by 29 CFR
17 1926.1101(g)(5)(iii) shall be followed.

18 (d) A remote decontamination unit may be used under the
19 conditions set forth in R307-801-13(5)(b), (6), when there is an
20 area insufficient to construct a connected decontamination unit,
21 or when approved by the director. The remote decontamination unit
22 shall meet all construction standards in R307-801-13(4)(h) and
23 shall include:

24 (i) Outerwear shall be HEPA vacuumed or removed, and
25 additional clean protective outerwear shall be put on;

26 (ii) Either polyethylene sheeting shall be placed on the
27 path to the decontamination unit and the path shall be blocked or
28 taped off to prevent public access, or asbestos abatement workers
29 shall be conveyed to the remote decontamination unit in a vehicle
30 that has been lined with two layers of six mil or thicker
31 polyethylene sheeting or its equivalent; and

32 (iii) The polyethylene path or vehicle liner shall be
33 removed at the end of the project, and disposed of as ACWM.

34 (e) Mini-enclosures, when used under approved conditions,
35 shall conform to the requirements of 29 CFR 1926.1101(g)(5)(vi).

36 (8) For asbestos-containing mastic removal projects using
37 mechanical means, such as a power buffer, to loosen or remove
38 mastic from the floor, in lieu of two layers of polyethylene
39 sheeting on the walls, splash guards of six mil or thicker
40 polyethylene sheeting shall be placed from the floor level a
41 minimum of three feet up the walls.

42 (9) Persons who improperly disturb more than the SSSD amount
43 of asbestos-containing material and contaminate an area with

1 friable asbestos shall:

2 (a) Have the emergency clean-up portion of the project,
3 including any portions not contained within a regulated facility
4 or in common use areas that cannot be isolated, performed as soon
5 as possible by a company or companies certified according to R307-
6 801-5, and, asbestos abatement supervisor(s), and asbestos
7 abatement worker(s) certified according to R307-801-6.

8 (b) Have an asbestos clean-up plan designed by a Utah
9 certified asbestos project designer for the non-emergency portion
10 of the project and have the asbestos clean-up plan submitted to
11 the director for approval. An asbestos clean-up plan is not
12 required when the disturbance results from a natural disaster,
13 fire, or flooding.

14 (c) Submit the project notification form required by R307-
15 801-11 and 12 to the director for acceptance no later than the
16 next working day after the disturbance occurs or is discovered.
17 For fee calculation purposes, the size of the emergency clean-up
18 project is the area that has been contaminated or potentially
19 contaminated by the disturbance and not the amount of asbestos-
20 containing material disturbed.

21 (d) Notify the director of project completion by telephone,
22 fax, or electronic means by the day of completion and before
23 leaving the site.

24 (10) For asbestos abatement, renovation, or demolition
25 projects that remove or otherwise disturb loose-fill vermiculite
26 type insulation materials assumed to be regulated asbestos-
27 containing material or found to contain greater than 1% regulated
28 asbestiform fibers, then the material being removed is considered
29 regulated asbestos-containing material and shall meet all the
30 appropriate regulatory requirements of R307-801.

31 (a) Regulated vermiculite shall be removed to the maximum
32 extent possible, or by following a work practice that has been
33 established by the director, or by an alternative work practice as
34 approved by the director. [~~and the area where the regulated~~
35 ~~vermiculite was found shall be sprayed with a bridging or~~
36 ~~penetrating encapsulant to help minimize the amount of asbestiform~~
37 ~~fibers becoming airborne.]~~

38

39 **R307-801-14. Disposal and Handling of Asbestos Waste.**

40 (1) Owners and operators of regulated facilities shall
41 containerize asbestos-containing waste material (ACWM) while
42 adequately wet.

43 (2) ACWM containers shall be leak-tight and strong enough to

1 hold contents securely and be labeled with an OSHA warning label
2 found in 29 CFR 1926.1101(k)(8).

3 (3) Containers shall be labeled with the waste generator's
4 and contractor's names, addresses, and telephone numbers before
5 they are removed from the asbestos renovation or abatement work
6 area.

7 (4) Containerized regulated asbestos-containing material
8 (RACM) shall be disposed of at a landfill which complies with 40
9 CFR 61.150.

10 (5) The waste shipment record shall include a list of items
11 and the amount of ACWM being shipped. The waste generator
12 originates and signs this document.

13 (6) Owners and operators of regulated facilities where an
14 asbestos abatement or renovation project has been performed shall
15 report in writing to the director if a copy of the waste shipment
16 record, signed by the owner or operator of the designated waste
17 disposal site, is not received by the waste generator within 45
18 working days from the date the waste was accepted by the initial
19 transporter. Include in the report the following information:

20 (a) A copy of the waste shipment record for which a
21 confirmation of delivery was not received; and

22 (b) A cover letter signed by the waste generator explaining
23 the efforts taken to locate the asbestos waste shipment and the
24 results of those efforts.

25
26 **R307-801-15. Records.**

27 (1) Certified asbestos abatement or renovation companies
28 shall maintain records of all asbestos abatement or renovation
29 projects that they perform at regulated facilities and shall make
30 these records available to the director or authorized
31 representative upon request. The records shall be retained for at
32 least five years. Maintained records shall include the following:

33 (a) Names and certification numbers of the asbestos
34 abatement workers, asbestos abatement supervisors, or renovators
35 who performed the asbestos abatement or renovation project;

36 (b) Location and description of the asbestos abatement or
37 renovation project and amount of friable asbestos-containing
38 material (ACM) removed;

39 (c) Start and stop dates of the asbestos abatement or
40 renovation project;

41 (d) Summary of the procedures used to comply with applicable
42 requirements including copies of all notification forms;

43 (e) Waste shipment records maintained in accordance with 40

1 CFR Part 61, Subpart M; and

2 (f) Asbestos inspection reports associated with the asbestos
3 abatement or renovation project.

4 (2) All persons subject to the inspection requirements of
5 R307-801-9 shall maintain copies of asbestos inspection reports
6 for at least one year after asbestos abatement, renovation, or
7 demolition projects have ceased, and shall make these reports
8 available to the director or authorized representative upon
9 request.

10
11 **R307-801-16. Certified Renovator Work Practices.**

12 (1) Certified renovators are responsible for ensuring
13 compliance with R307-801 at all renovation projects at regulated
14 facilities to which they are assigned.

15 (2) Certified renovators working at regulated facilities
16 shall:

17 (a) Perform all of the tasks described in R307-801-13(3) and
18 shall either perform or direct workers who perform all tasks
19 described in R307-801-13(3);

20 (b) Provide training to workers on the work practices
21 required by R307-801-13(3) that will be used when performing
22 renovation projects;

23 (c) Be physically present at the work site when all work
24 activities required by R307-801-13(3)(b) are posted, while the
25 work area containment required by R307-801-13(3)(b) is being
26 established, and while the work area cleaning required by R307-
27 801-13(3)(i) is performed;

28 (d) Be on-site and direct work being performed by other
29 individuals to ensure that the work practices required by R307-
30 801-13(3) are being followed, including maintaining the integrity
31 of the containment barriers and ensuring that dust or debris does
32 not spread beyond the work area;

33 (e) Have with them at the work site their current Utah
34 Renovator certification card; and

35 (f) Prepare the records required by R307-801-15.

36
37 **R307-801-17. Asbestos Information Distribution Requirements.**

38 (1) Utah Abatement/Renovation pamphlet. Utah asbestos
39 abatement and renovation companies shall provide owners and
40 occupants of single and multi-family residential structures with
41 the Utah Abatement/Renovation Pamphlet "Asbestos Hazards During
42 Abatement and Renovation Activities" when those structures will be
43 re-occupied after the regulated activities are completed.

1 (2) No more than 60 days before beginning an abatement or
2 renovation project in a regulated facility, the company performing
3 the abatement or renovation project shall:

4 (a) Provide the owner of the regulated facility with the
5 pamphlet, and comply with one of the following:

6 (i) Obtain, from the owner, a written acknowledgment that
7 the owner has received the pamphlet; or

8 (ii) Obtain a certificate of mailing at least seven working
9 days prior to the abatement or renovation project; and

10 (b) If the owner does not occupy the regulated facility,
11 provide an adult occupant of the regulated facility with the
12 pamphlet, and comply with one of the following:

13 (i) Obtain, from the adult occupant, a written
14 acknowledgment that the occupant has received the pamphlet, or
15 certify in writing that a pamphlet has been delivered to the
16 regulated facility and that the company performing the abatement
17 or renovation project has been unsuccessful in obtaining a written
18 acknowledgment from an adult occupant. Such certification shall
19 include the address of the unit undergoing abatement or renovation
20 activities, the date and method of delivery of the pamphlet, names
21 of the persons delivering the pamphlet, reason for lack of
22 acknowledgment (e.g., occupant refuses to sign, no adult occupant
23 available), the signature of a representative of the company
24 performing the abatement or renovation project, and the date of
25 signature; or

26 (ii) Obtain a certificate of mailing at least seven working
27 days prior to the abatement or renovation project.

28 (3) Abatement or renovation projects in common areas. No
29 more than 60 working days before beginning abatement or renovation
30 projects in common areas of a regulated facility, the company
31 performing the abatement or renovation project shall:

32 (a) Provide the owner with the pamphlet and comply with one
33 of the following:

34 (i) Obtain, from the owner, a written acknowledgment that
35 the owner has received the pamphlet; or

36 (ii) Obtain a certificate of mailing at least seven working
37 days prior to the abatement or renovation project;

38 (b) Comply with one of the following:

39 (i) Notify in writing, or ensure written notification of,
40 each regulated facility and make the pamphlet available upon
41 request prior to the start of abatement or renovation project.
42 Such notification shall be accomplished by distributing written
43 notice to each affected unit in the regulated facility. The notice

1 shall describe the general nature and locations of the planned
2 abatement or renovation project, the expected starting and ending
3 dates, how the occupant can obtain the pamphlet and a copy of the
4 required records at no cost to the occupants; or

5 (ii) Post informational signs describing the general nature
6 and locations of the abatement or renovation project and the
7 anticipated completion date while the abatement or renovation
8 project is ongoing. These signs shall be posted in areas where
9 they are likely to be seen by the occupants of all of the affected
10 units in the regulated facility. The signs shall be accompanied by
11 a posted copy of the pamphlet or information about how interested
12 occupants can review a copy of the pamphlet or obtain a copy from
13 the abatement or renovation company at no cost to occupants. The
14 signs shall also include information about how interested
15 occupants can review a copy of the required records from the
16 abatement or renovation company at no cost to the occupants;

17 (c) Prepare, sign, and date a statement describing the steps
18 performed to notify all occupants of the regulated facility of the
19 intended abatement or renovation project and to provide the
20 pamphlet; and

21 (d) If the scope, locations, or expected starting and ending
22 dates of the planned abatement or renovation project change after
23 the initial notification, and the company provided written initial
24 notification to each affected unit, the company performing the
25 abatement or renovation project shall provide further written
26 notification to the owners and occupants of the regulated facility
27 of the revised information for the ongoing or planned activities.
28 This subsequent notification shall be provided before the company
29 performing the abatement or renovation project initiates work
30 beyond that which was described in the original notice.

31 (4) Written acknowledgment. The written acknowledgments
32 required by paragraphs R307-801-17(2)(a)(i), (2)(b)(i), and
33 (3)(a)(i) shall:

34 (a) Include a statement recording the owner or occupant's
35 name and acknowledging receipt of the pamphlet prior to the start
36 of abatement or renovation project, or no later than the day after
37 the start of an emergency abatement or renovation project, the
38 address of the regulated facility undergoing an abatement or
39 renovation project, the signature of the owner or occupant as
40 applicable, and the date of signature;

41 (b) Be either a separate sheet or part of any written
42 contract or service agreement for the abatement or renovation
43 project; and

1 (c) Be written in the same language as the text of the
2 contract or agreement for the abatement or renovation project or,
3 in the case of a non-owner occupied regulated facility, in the
4 same language as the lease or rental agreement or the pamphlet.

5

6 **KEY: air pollution, asbestos, asbestos hazard emergency response,**
7 **schools**

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

9 **Notice of Continuation: February 6, 2013**

10 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(d);**
11 **19-2-104(3)(r) through (t); 40 CFR Part 61, Subpart M; 40 CFR Part**
12 **763, Subpart E**

NOTICE OF
CHANGE IN PROPOSED RULE

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Rule Information

DAR file no: 39848 Date filed:
 State Admin Rule Filing Key: 157185
 Utah Admin. Code ref. (R no.): R307-801

Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Air Quality
 Room no.: Fourth Floor
 Building:
 Street address 1: 195 N 1950 W
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84116-3085
 Mailing address 1: PO BOX 144820
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84114-4820

Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Ryan Stephens	801-536-4419	801-536-0085	rstephens@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Title

2. Title of rule or section (catchline):
 Utah Asbestos Rule.

Notice Type

3. Type of notice: Change in Proposed Rule
 Changes DAR No.: 39848
 (If you do not know the DAR no., call 801-538-3218.)

Rule Purpose

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

The purpose of the change is to make Subsection 13(10)(a) of the Rule less ambiguous for the regulated community.

Response Information

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

No Yes

Rule Summary

6. Summary of the rule or change:

The change in the proposed rule allows alternative work practice standards to be used for removing vermiculite. The previous rule only relied on the standard described as "to the maximum extent possible."

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No Yes

There is no fiscal impact on the state budget from the change in proposed rule. The new standard only makes the rule easier for members of the regulated community to understand. It does not change what the intended substantive requirement of the rule was meant to be when it was proposed.

B) Local government:

Affected: No Yes

There is no fiscal impact on the local governments of Utah from the change in proposed rule. The new standard only makes the rule easier for members of the regulated community to understand. It does not change what the intended substantive requirement of the rule was meant to be when it was proposed.

C) Small businesses:

Affected: No Yes

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

There is no fiscal impact on small businesses from the change in proposed rule. The new standard only makes the rule easier for members of the regulated community to understand. It does not change what the intended meaning of the rule was when it was proposed.

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

Affected: No Yes

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

There is no fiscal impact on other persons from the change in proposed rule. The new standard only makes the rule easier for members of the regulated community to understand. It does not change what the intended meaning of the rule was when it was proposed.

Compliance Cost Information

8. Compliance costs for affected persons:

There are no compliance costs resulting from the change in proposed rule. The new standard only makes the rule easier for members of the regulated community to understand. It does not change what the intended meaning of the rule was when it was proposed.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:
There is no fiscal impact on businesses resulting from the change in proposed rule. The new standard only makes the rule easier for members of the regulated community to understand. It does not change what the intended meaning of the rule was when it was proposed.
- B) Name and title of department head commenting on the fiscal impacts:
Alan Matheson, Executive Director

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.
State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601 (3); Article IV) :
19-2-104

Incorporated Materials

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

<p>Official Title of Materials Incorporated (from title page)</p> <p>Publisher</p> <p>Date Issued (mm/dd/yyyy)</p> <p>Issue, or version (including partial dates)</p> <p>ISBN Number</p> <p>ISSN Number</p> <p>Cost of Incorporated Reference</p> <p>Adds, updates, removes-- SELECT ONE --</p>

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 03/16/2016

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 03/23/2016

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
air pollution, asbestos, schools, asbestos hazard emergency response

File Information

15. Attach an RTF document containing the text of this rule change (filename):

No document is associated with this filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee,
and title: Bryce Bird
Director

Date 01/21/2016
(mm/dd/yyyy):

ITEM 8



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-006-16

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Robert Ford, Air Toxics Lead-Based Paint, and Asbestos Section Manager

DATE: January 21, 2016

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-841-8. Renovator Certification and Dust Sampling Technician Certification.

On April 16, 2015, the EPA proposed a rule that extended the certification of certain renovators under the Lead Renovation, Repair, and Painting (RRP) rule. The EPA extended certifications so that renovators could take advantage of the EPA's new requirements for refresher courses. The EPA's new refresher courses are less cumbersome and allow more individuals to be certified.

DAQ has proposed this rule to reflect the changes the EPA made regarding certification extensions. This proposed rule is almost a direct quote from 40 CFR 745.90.

There will be no fiscal impact on businesses, state, or local governments from this rule. It will likely benefit the regulated community, since it extends the time for certification and allows them to take advantage of the EPA's new refresher courses.

Staff Recommendation: Staff recommends that the Board propose R307-841-8 for public comment.

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

2 **R307-841. Residential Property and Child-Occupied Facility**
3 **Renovation.**

4
5 **R307-841-8. Renovator Certification and Dust Sampling Technician**
6 **Certification.**

7 (1) Renovator certification and dust sampling technician
8 certification.

9 (a) To become a certified renovator or certified dust
10 sampling technician, an individual must successfully complete an
11 initial lead-based paint renovator or dust-sampling technician
12 course accredited by the director under R307-842-1, the EPA under
13 40 CFR 745.225, or a state or tribal program that has been
14 authorized by EPA pursuant to subpart Q of 40 CFR 745.

15 (b) Individuals who have successfully completed an
16 accredited abatement worker or supervisor course, or individuals
17 who have successfully completed a director, EPA, HUD, or EPA/HUD
18 model renovation training course before October 4, 2011, but no
19 later than the training course expiration date found on that
20 training certificate, may take an accredited refresher renovator
21 training course in lieu of the initial renovator training course
22 to become a certified renovator.

23 (c) Individuals who have successfully completed an
24 accredited lead-based paint inspector or risk assessor course
25 before October 4, 2011, but no later than the training course
26 expiration date found on that training certificate, may take an
27 accredited refresher dust sampling technician course in lieu of
28 the initial training to become a certified dust sampling
29 technician. Individuals who are currently certified as lead-based
30 paint inspectors or risk assessors may act as certified dust
31 sampling technicians without further training.

32 (d) To maintain renovator certification or dust sampling
33 technician certification, an individual must complete a renovator
34 or dust sampling technician refresher course accredited by the
35 director under R307-842-1, the EPA under 40 CFR 745.225, or by a
36 state or tribal program that is authorized under subpart Q of 40
37 CFR 745 within 5 years of the date the individual completed the
38 initial course described in paragraph (1)(a) of this section. If
39 the individual does not complete a refresher course within this
40 time, the individual must re-take the initial course to become
41 certified again. Individuals who complete a renovator course
42 accredited by the director under R307-842-1, the EPA or an EPA
43 authorized program on or before March 31, 2010, must complete a
44 renovator refresher course accredited by the director under R307-
45 842-1, the EPA or an EPA authorized program on or before March 31,
46 2016, to maintain renovator certification. Individuals who
47 completed a renovator course accredited by the director under
48 R307-842-1, the EPA or an EPA authorized program between April 1,

1 2010 and March 31, 2011, will have one year added to their
2 original 5-year certification.

3 (2) Renovator responsibilities. Certified renovators are
4 responsible for ensuring compliance with R307-841-5 at all
5 renovations to which they are assigned. A certified renovator:

6 (a) Must perform all of the tasks described in R307-841-5(2)
7 and must either perform or direct workers who perform all of the
8 tasks described in R307-841-5(1);

9 (b) Must provide training to workers on the work practices
10 required by R307-841-5(1) that they will be using in performing
11 their assigned tasks;

12 (c) Must be physically present at the work site when the
13 signs required by R307-841-5(1)(a) are posted, while the work area
14 containment required by R307-841-5(1)(b) is being established, and
15 while the work area cleaning required by R307-841-5(1)(e) is
16 performed;

17 (d) Must regularly direct work being performed by other
18 individuals to ensure that the work practices required by R307-
19 841-5(1) are being followed, including maintaining the integrity
20 of the containment barriers and ensuring that dust or debris does
21 not spread beyond the work area;

22 (e) Must be available, either on-site or by telephone, at
23 all times that renovations are being conducted;

24 (f) When requested by the party contracting for renovation
25 services, must use an acceptable test kit to determine whether
26 components to be affected by the renovation contain lead-based
27 paint;

28 (g) Must have with them at the work site their current Utah
29 Lead-Based Paint Renovator certification card; and

30 (h) Must prepare the records required by R307-841-
31 6(2)(a)(ii), (iii), and (f).

32 (3) Dust sampling technician responsibilities. When
33 performing optional dust clearance sampling under R307-841-5(3), a
34 certified dust sampling technician:

35 (a) Must collect dust samples in accordance with R307-842-
36 3(5)(h), must send the collected samples to a laboratory
37 recognized by EPA under TSCA Section 405(b), and must compare the
38 results to the clearance levels in accordance with R307-842-
39 3(5)(h); and

40 (b) Must have with them at the work site their current Utah
41 Lead-Based Paint Dust Sampling Technician certification card.

42
43 **KEY: paint, lead-based paint, lead-based paint renovation**
44 **Date of Enactment or Last Substantive Amendment: [~~May 3, 2012~~**
45 **2016**

46 **Notice of Continuation: February 5, 2015**

47 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(i)**

ITEM 9

Informational Items

Air Toxics Compliance Monitoring



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQA-1190-15

MEMORANDUM

TO: Air Quality Board
FROM: Bryce C. Bird, Executive Secretary
DATE: December 10, 2015
SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – November 2015

Asbestos Demolition/Renovation NESHAP Inspections	25
Asbestos AHERA Inspections	29
Asbestos State Rules Only Inspections	4
Asbestos Notifications Accepted	127
Asbestos Telephone Calls Answered	311
Asbestos Individuals Certifications Approved/Disapproved	72/0
Asbestos Company Certifications/Re-Certifications	14/0
Asbestos Alternate Work Practices Approved/Disapproved	12/0
Lead-Based Paint (LBP) Inspections	2
LBP Notifications Approved	1
LBP Telephone Calls Answered	15
LBP Letters Prepared and Mailed	0
LBP Courses Reviewed/Approved	0/0
LBP Course Audits	0
LBP Individual Certifications Approved/Disapproved	21/0
LBP Firm Certifications	12

Notices of Violation Issued	0
Compliance Advisories Issued	8
Warning Letters Issued	8
Settlement Agreements Finalized	0
Penalties Agreed to:	0



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DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQA-005-16

MEMORANDUM

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: January 6, 2016

SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – December 2015

Asbestos Demolition/Renovation NESHAP Inspections	35
Asbestos AHERA Inspections	53
Asbestos State Rules Only Inspections	1
Asbestos Notifications Accepted	156
Asbestos Telephone Calls Answered	280
Asbestos Individuals Certifications Approved/Disapproved	94/0
Asbestos Company Certifications/Re-Certifications	3/20
Asbestos Alternate Work Practices Approved/Disapproved	10/0
Lead-Based Paint (LBP) Inspections	1
LBP Notifications Approved	1
LBP Telephone Calls Answered	14
LBP Letters Prepared and Mailed	0
LBP Courses Reviewed/Approved	0/0
LBP Course Audits	0
LBP Individual Certifications Approved/Disapproved	11/0
LBP Firm Certifications	6

Notices of Violation Issued	0
Compliance Advisories Issued	3
Warning Letters Issued	4
Settlement Agreements Finalized	0
Penalties Agreed to:	0



State of Utah

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Department of
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DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQC-1598-15

MEMORANDUM

TO: Air Quality Board
FROM: Bryce C. Bird, Executive Secretary
DATE: December 22, 2015
SUBJECT: Compliance Activities – November 2015

Annual Inspections Conducted:

Major	4
Synthetic Minor	1
Minor	23
On-Site Stack Test Audits Conducted:	9
Stack Test Report Reviews:	49
On-Site CEM Audits Conducted:	2
Emission Reports Reviewed:	9
Temporary Relocation Requests Reviewed & Approved:	5
Fugitive Dust Control Plans Reviewed & Accepted:.....	79
Open Burn Permits Issued	0
Soil Remediation Report Reviews:.....	1
¹ Miscellaneous Inspections Conducted:.....	12
Complaints Received:	23

Breakdown Reports Received:.....	1
Compliance Actions Resulting From a Breakdown.....	0
Warning Letters Issued:	2
Notices of Violation Issued:.....	0
Compliance Advisories Issued:.....	3
Settlement Agreements Reached:	0

¹Miscellaneous inspections include, e.g., surveillance, level I inspections, VOC inspections, complaints, on-site training, dust patrol, smoke patrol, open burning, etc.



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DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQC-026-16

MEMORANDUM

TO: Air Quality Board
FROM: Bryce C. Bird, Executive Secretary
DATE: January 12, 2016
SUBJECT: Compliance Activities – December 2015

Annual Inspections Conducted:

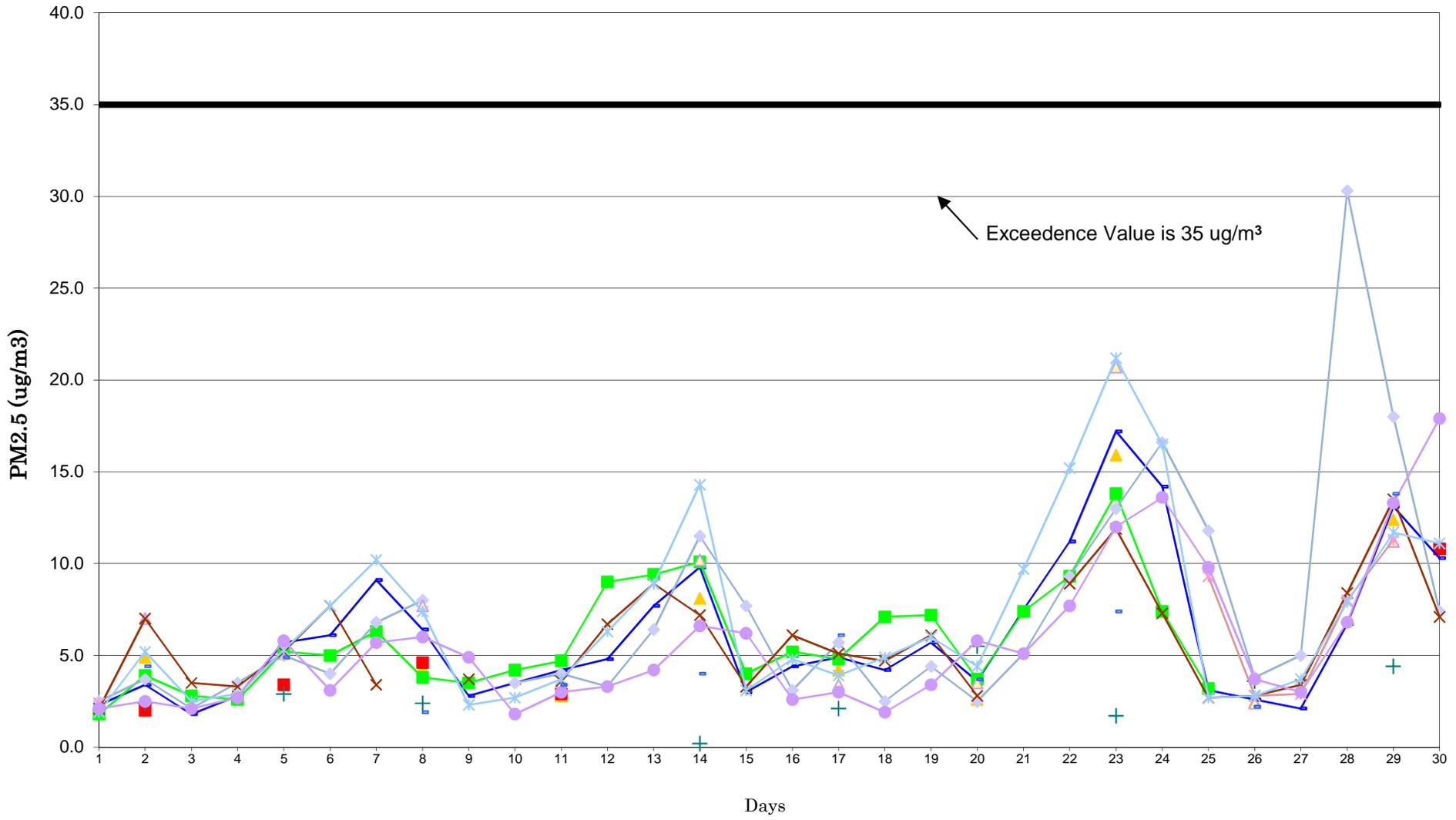
Major	5
Synthetic Minor	2
Minor	23
On-Site Stack Test Audits Conducted:	3
Stack Test Report Reviews:	36
On-Site CEM Audits Conducted:	5
Emission Reports Reviewed:	1
Temporary Relocation Requests Reviewed & Approved:	2
Fugitive Dust Control Plans Reviewed & Accepted:.....	60
Soil Remediation Report Reviews:	3
¹ Miscellaneous Inspections Conducted:.....	22
Complaints Received:	37
Breakdown Reports Received:.....	1

Compliance Actions Resulting From a Breakdown.....	0
Warning Letters Issued:	3
Notices of Violation Issued:.....	0
Compliance Advisories Issued:.....	6
Settlement Agreements Reached:	11
EP Energy (9 separate sources)	\$4,753.00
Insituform Technologies.....	\$359.00
Fidelity Exploration.....	\$359.00

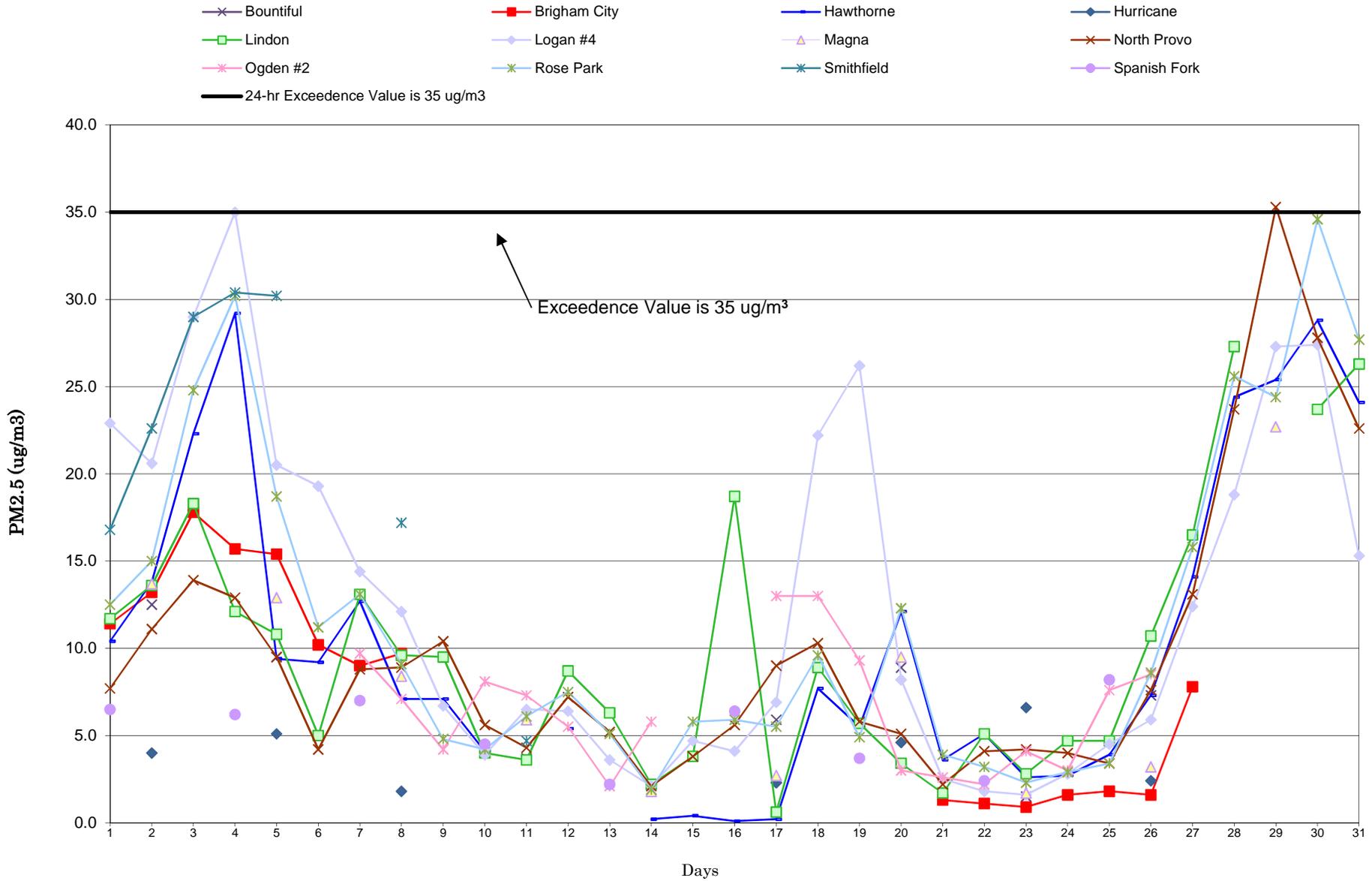
¹Miscellaneous inspections include, e.g., surveillance, level I inspections, VOC inspections, complaints, on-site training, dust patrol, smoke patrol, open burning, etc.

Utah 24-Hr PM2.5 Data November 2015

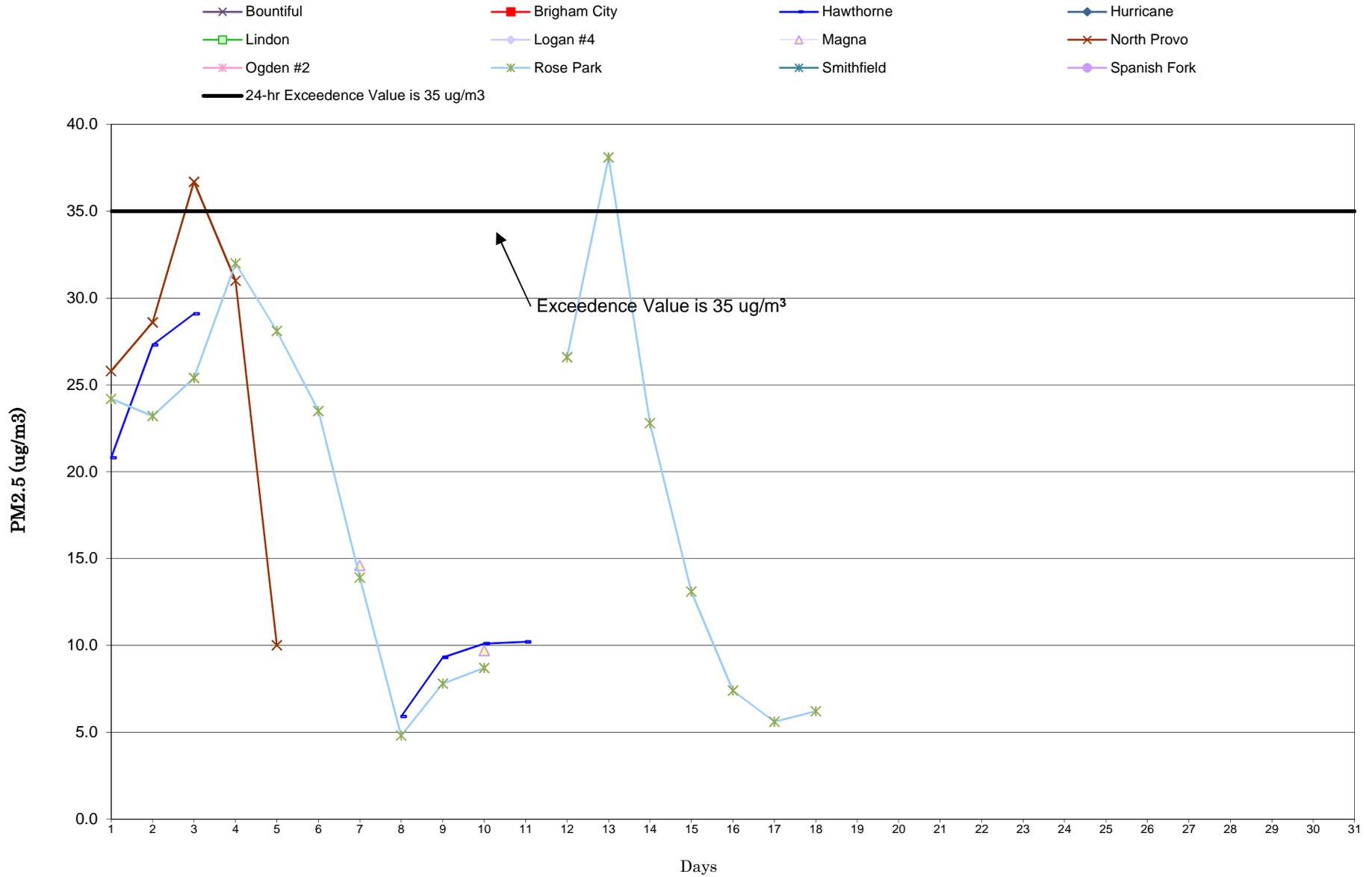
- ▲ Bountiful
- Brigham City
- Hawthorne
- + Hurricane
- Lindon
- Logan #4
- ▲ Magna
- × North Provo
- * Ogden #2
- * Rose Park
- Smithfield
- Spanish Fork
- 24-hr Exceedence Value is 35 ug/m3



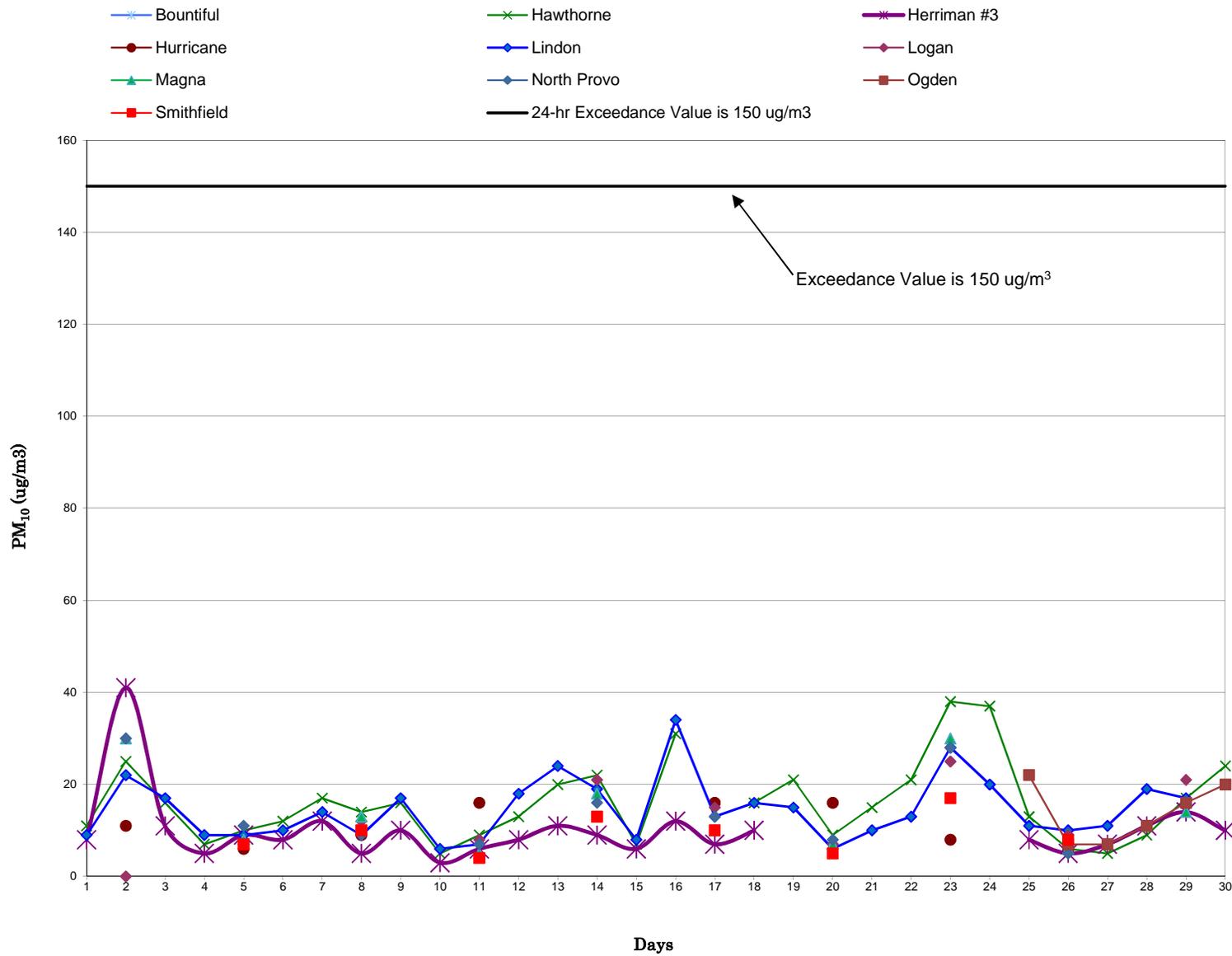
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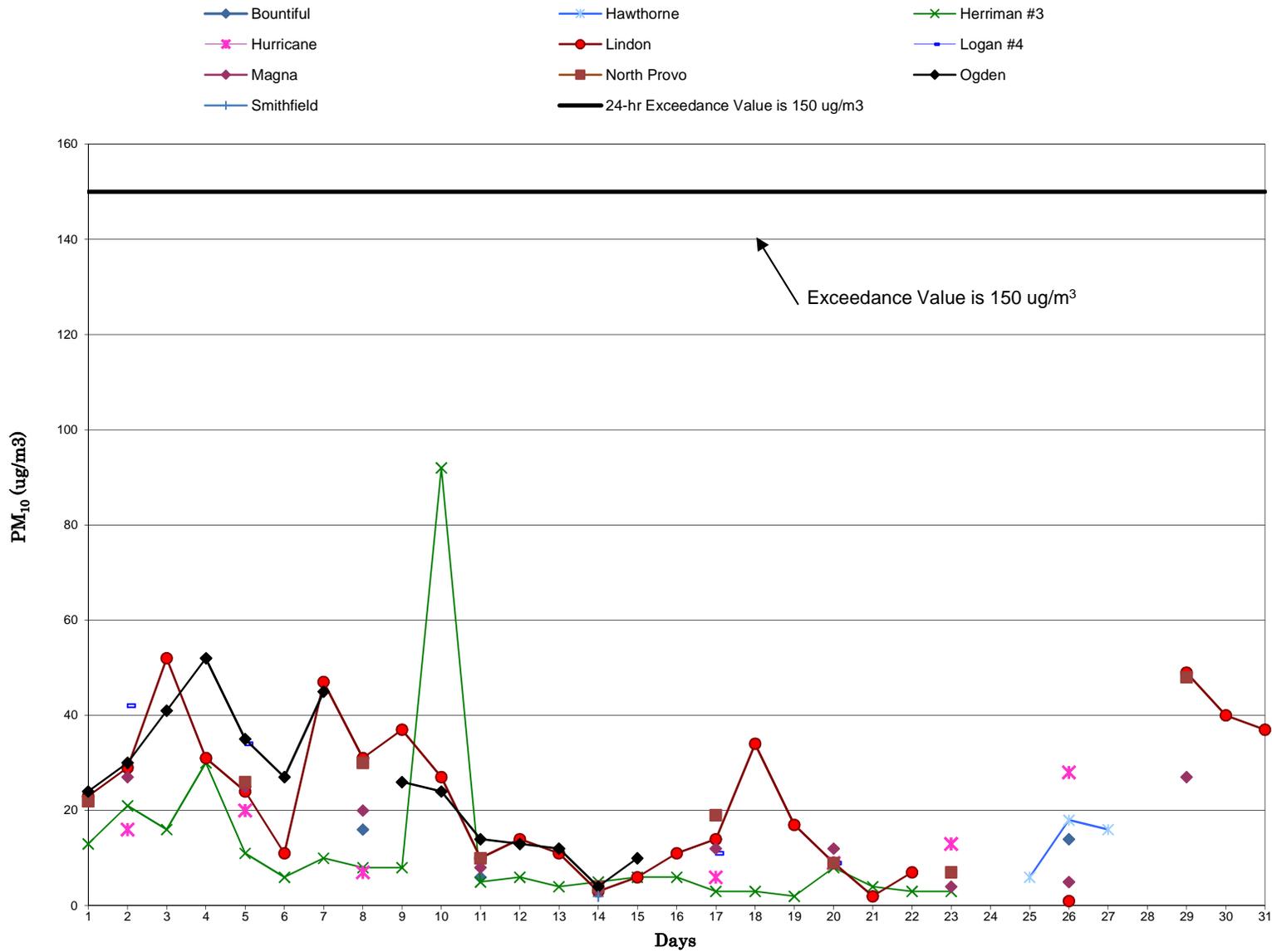
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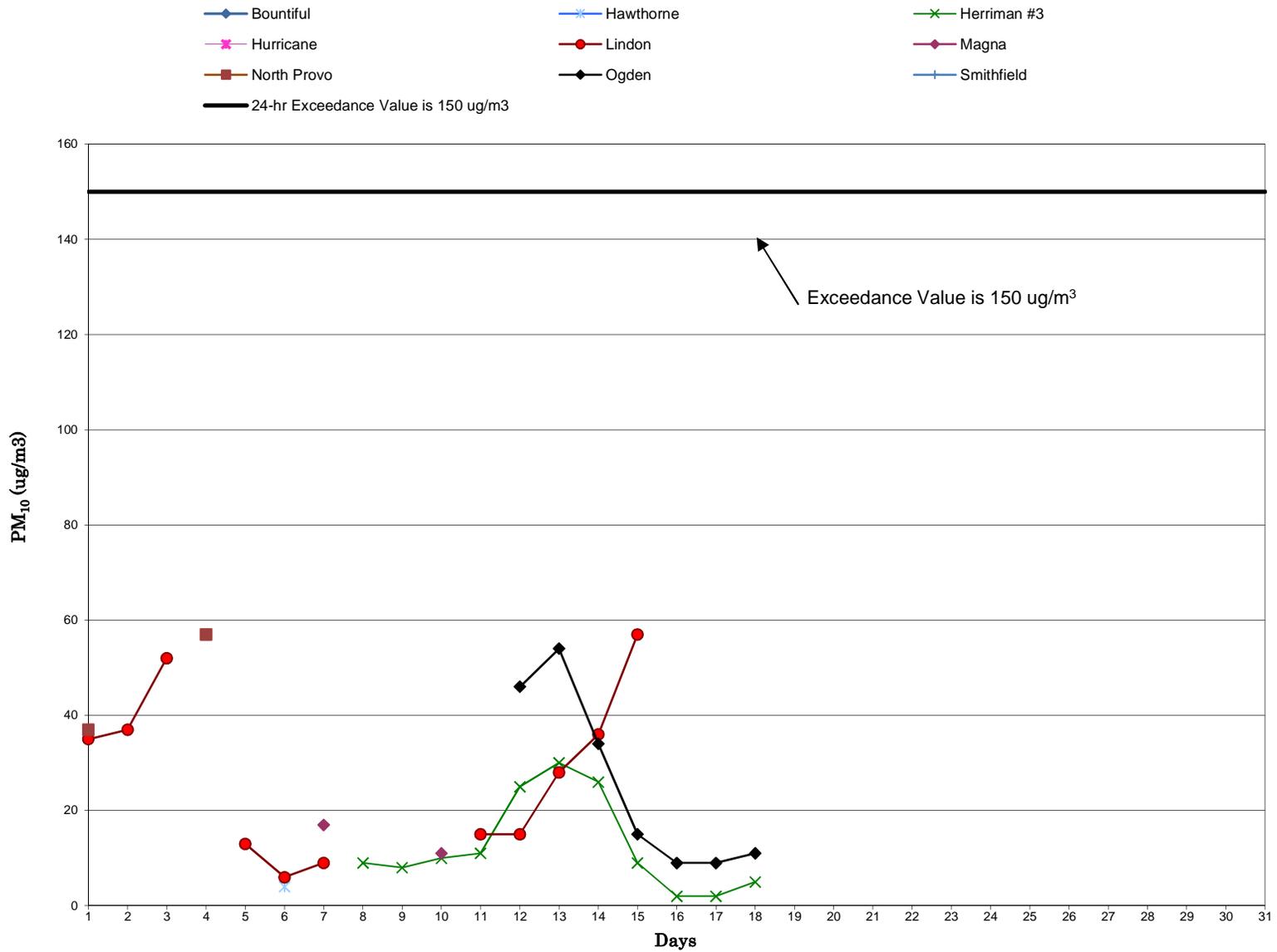
Utah 24-hr PM₁₀ Data November 2015



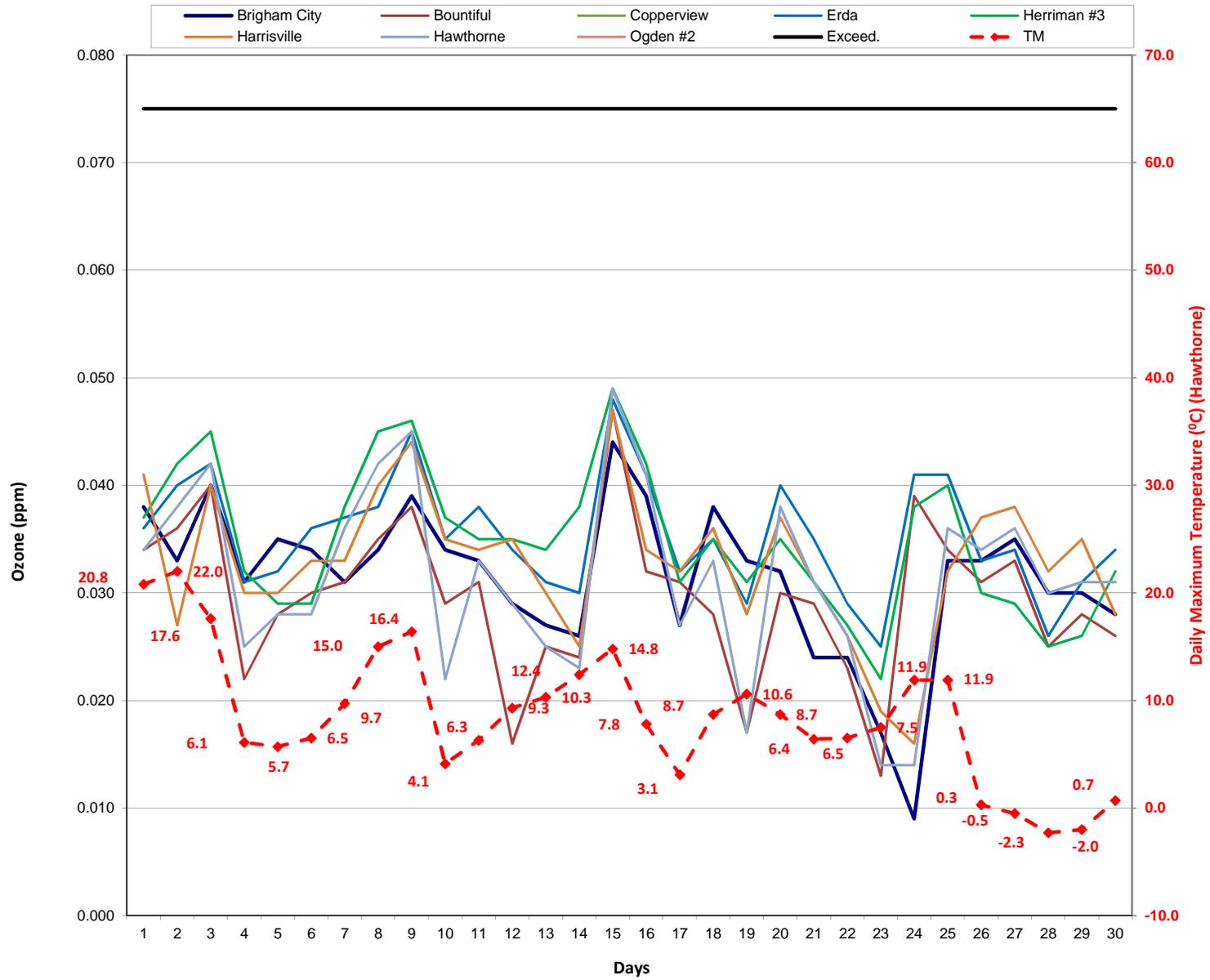
Utah 24-hr PM₁₀ Data December 2015



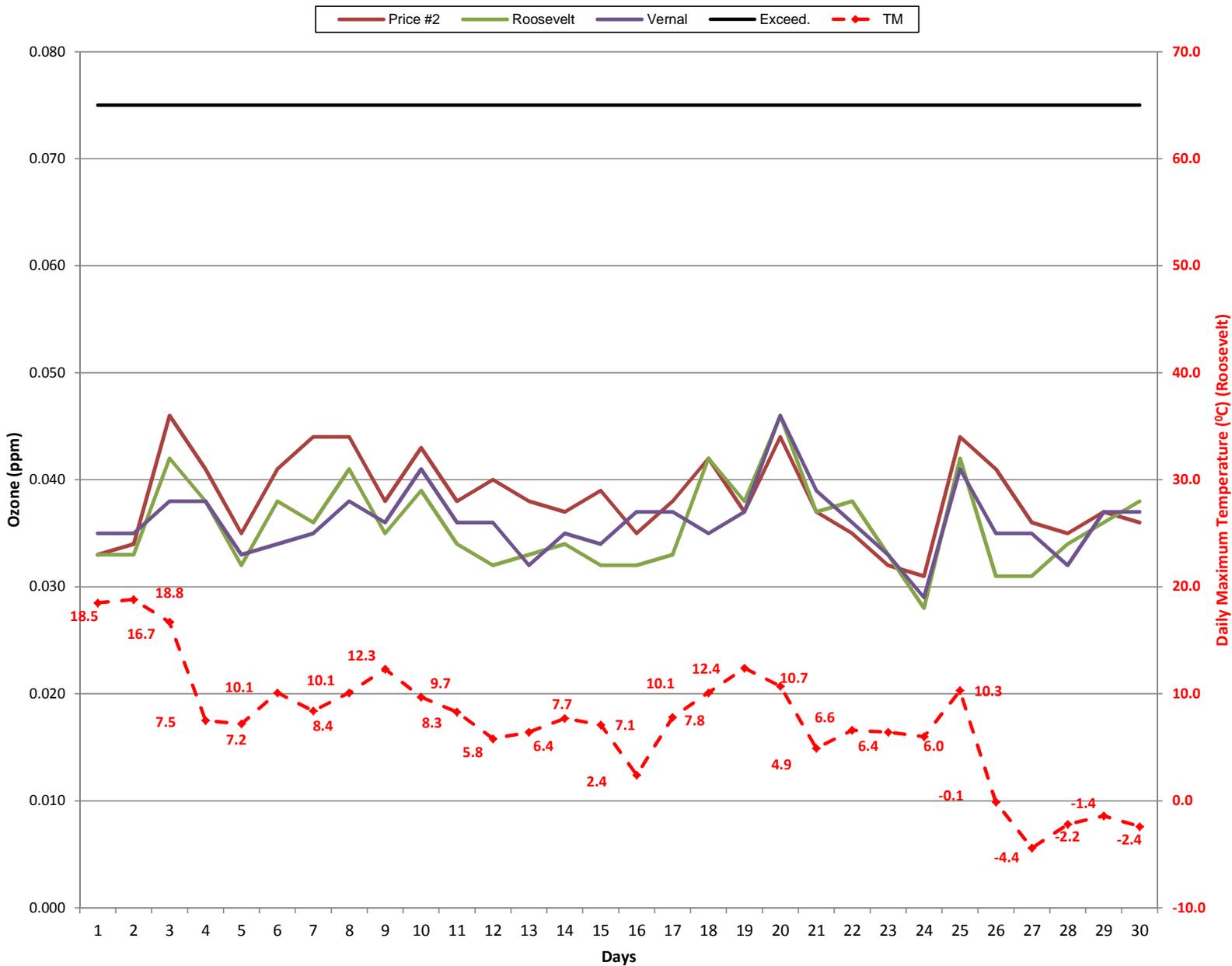
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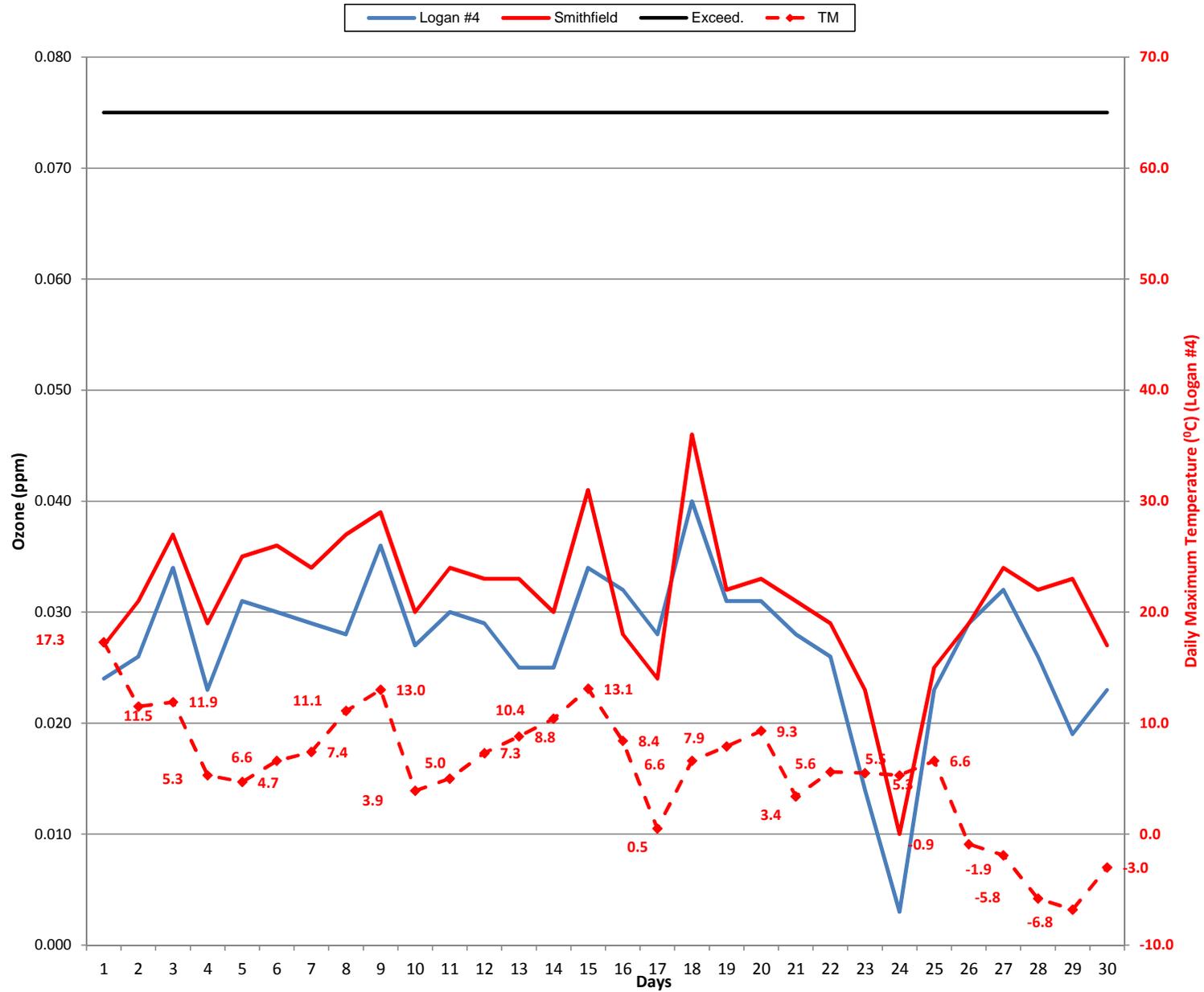
Highest 8-hr Ozone Concentration & Daily Maximum Temperature November 2015



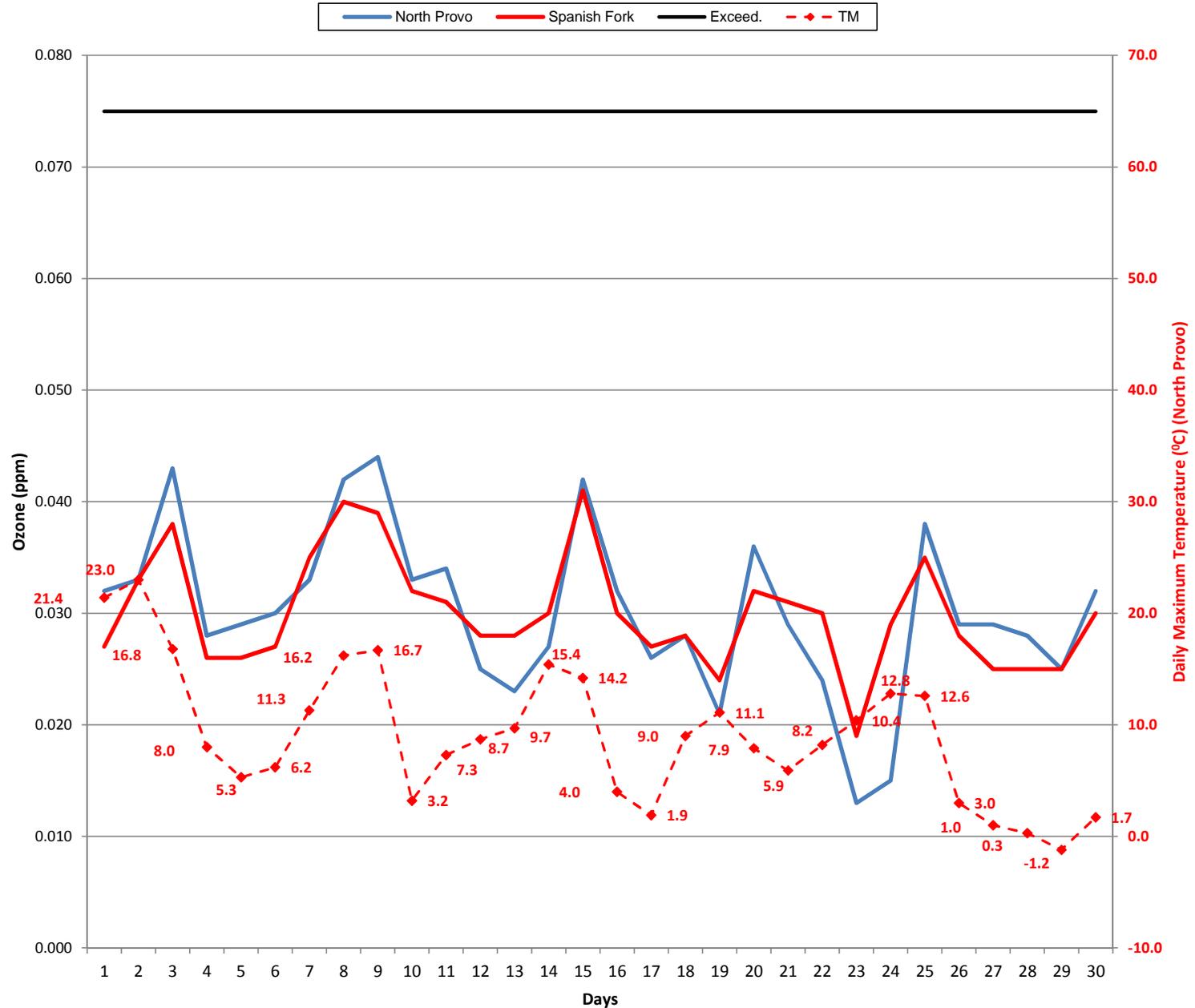
Highest 8-hr Ozone Concentration & Daily Maximum Temperature November 2015



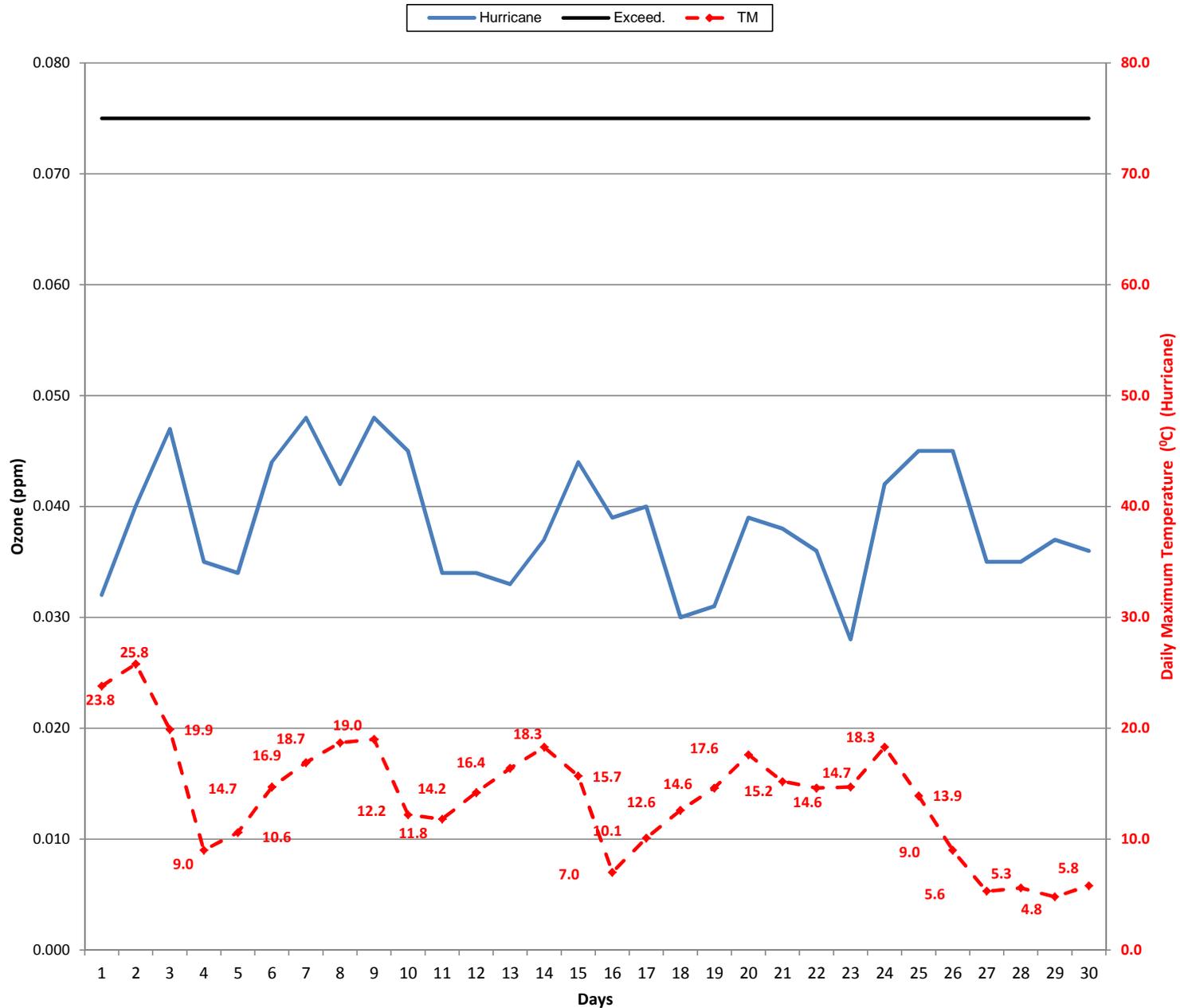
Highest 8-hr Ozone Concentration & Daily Maximum Temperature November 2015



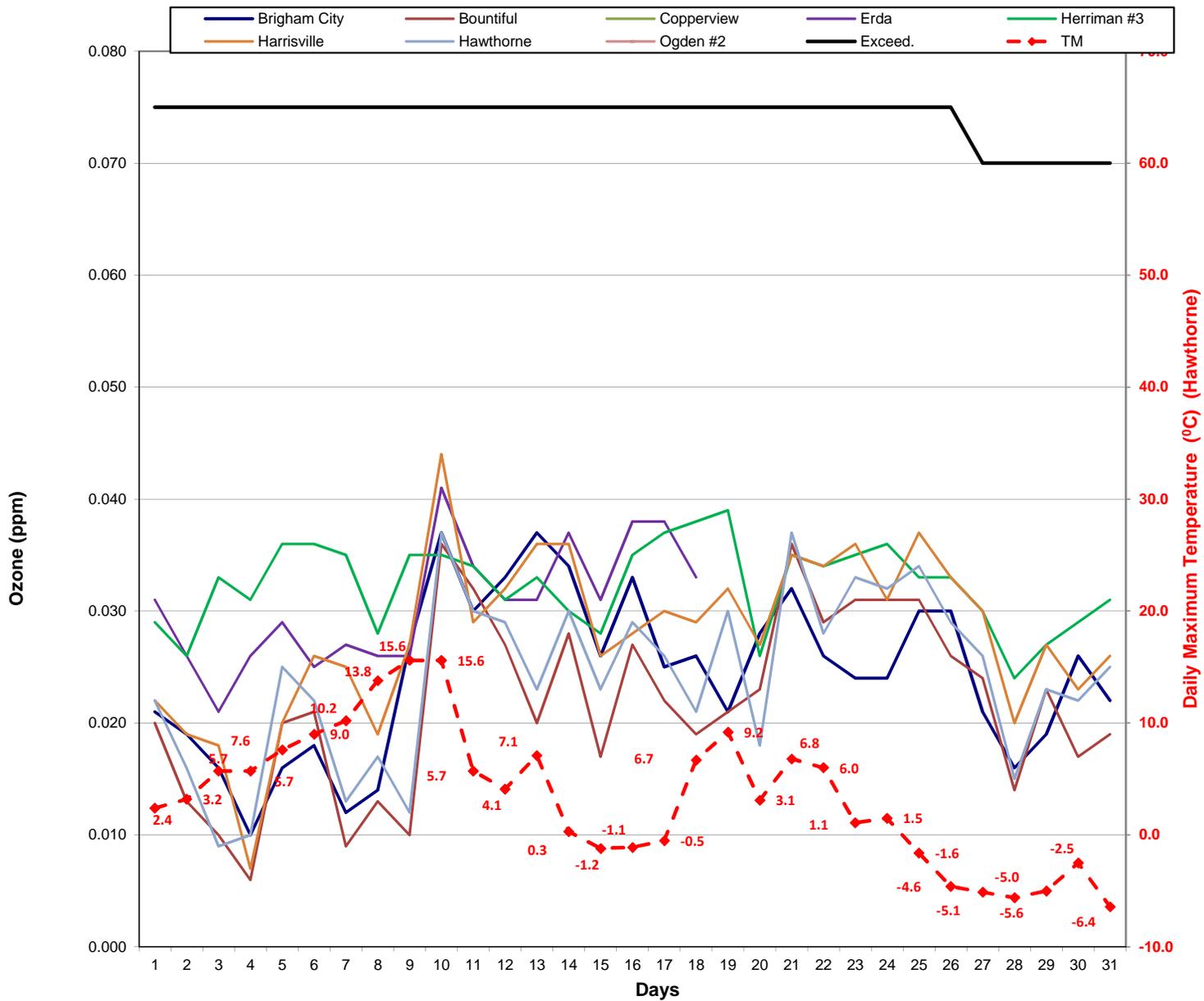
Highest 8-hr Ozone Concentration & Daily Maximum Temperature November 2015



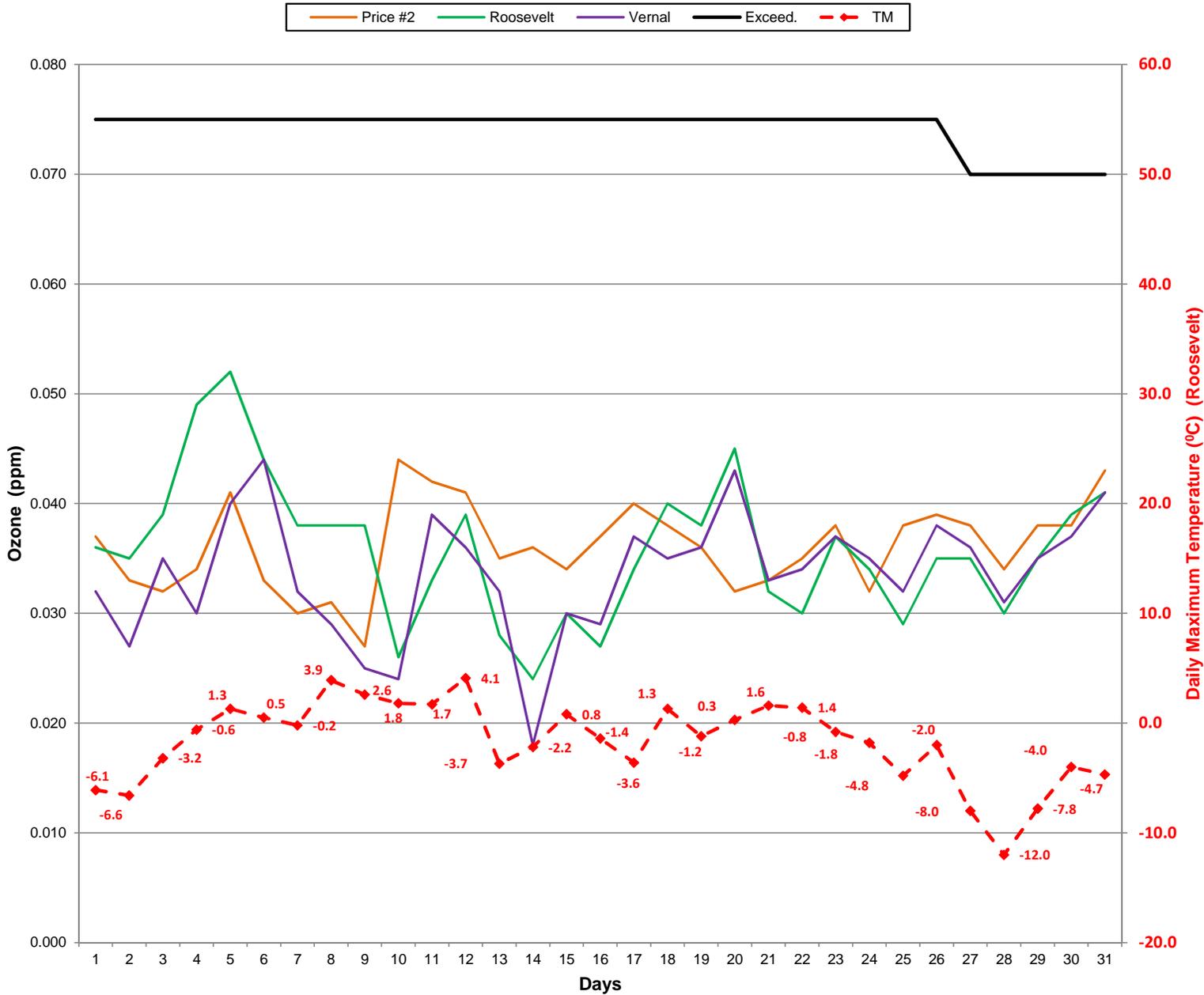
Highest 8-hr Ozone Concentration & Daily Maximum Temperature November 2015



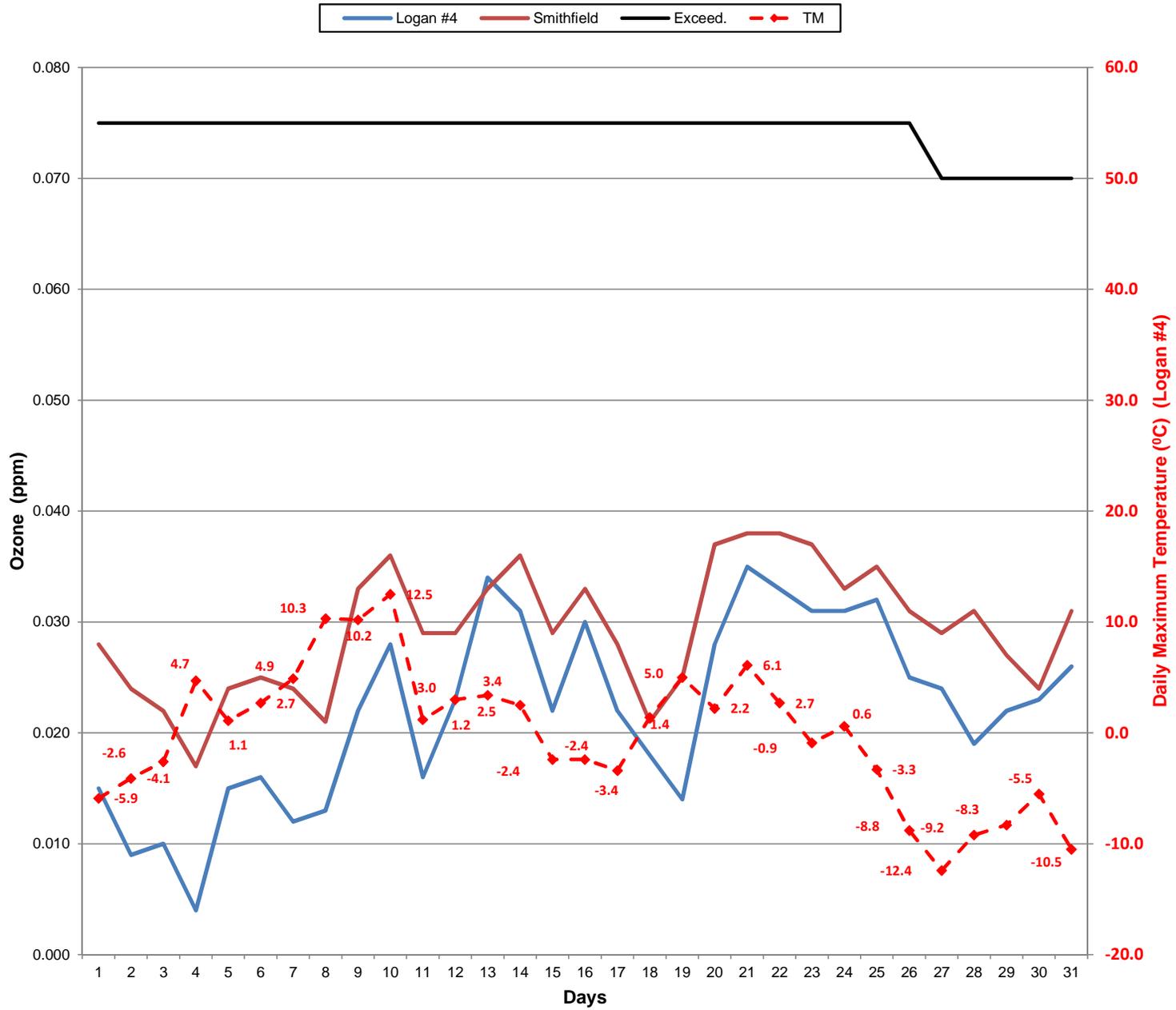
Highest 8-hr Ozone Concentration & Daily Maximum Temperature December 2015



Highest 8-hr Ozone Concentration & Daily Maximum Temperature December 2015

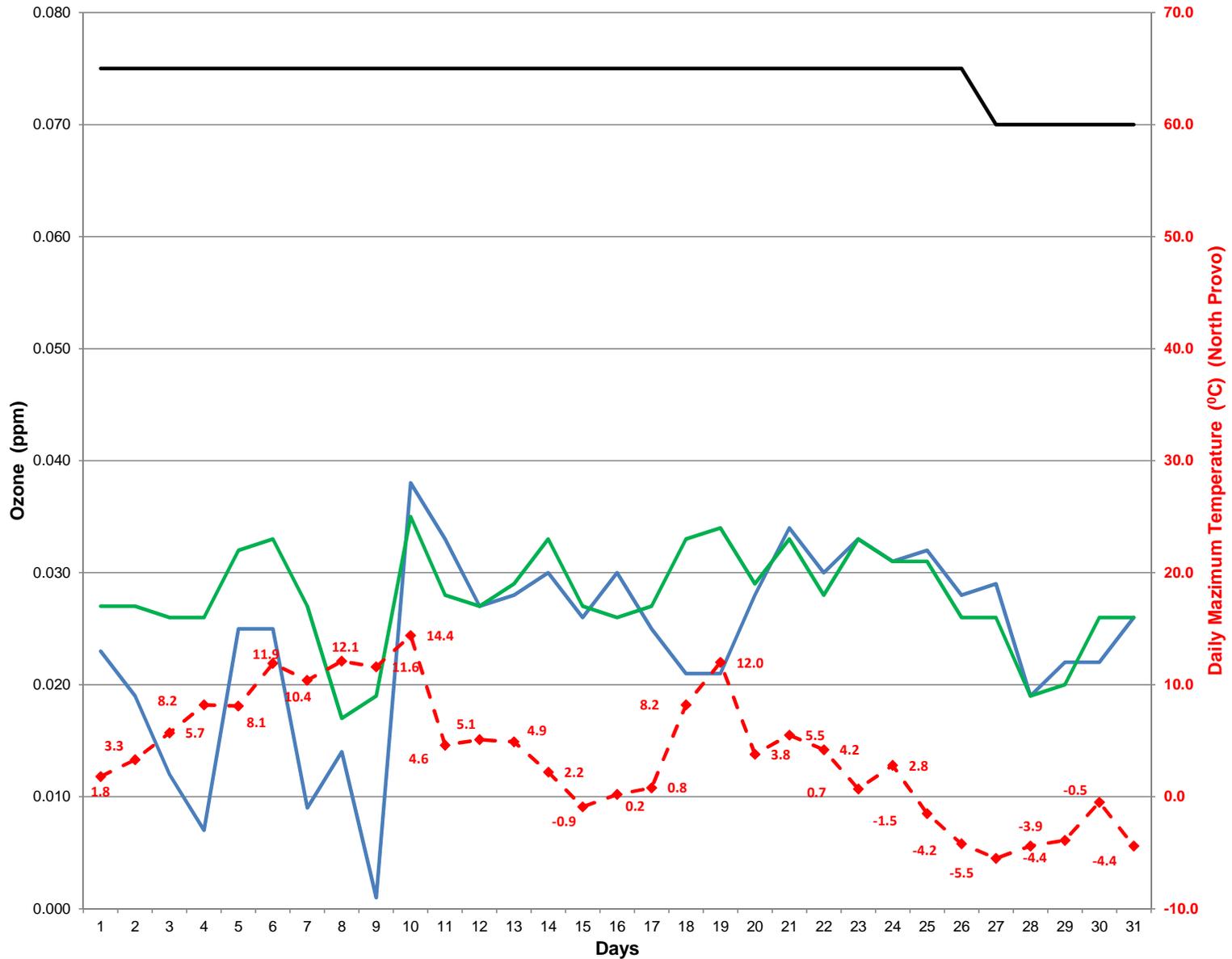


Highest 8-hr Ozone Concentration & Daily Maximum Temperature December 2015

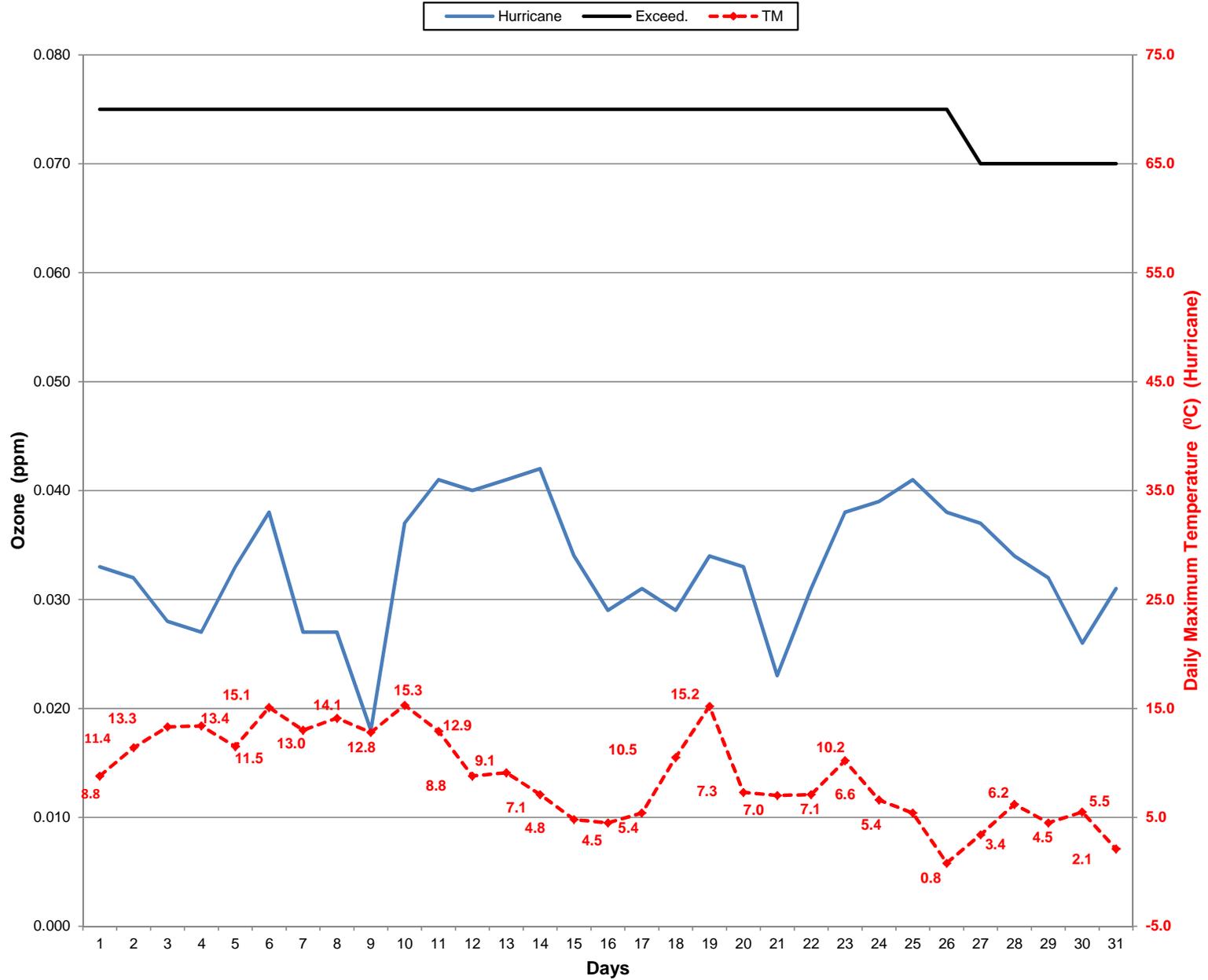


Highest 8-hr Ozone Concentration & Daily Maximum Temperature December 2015

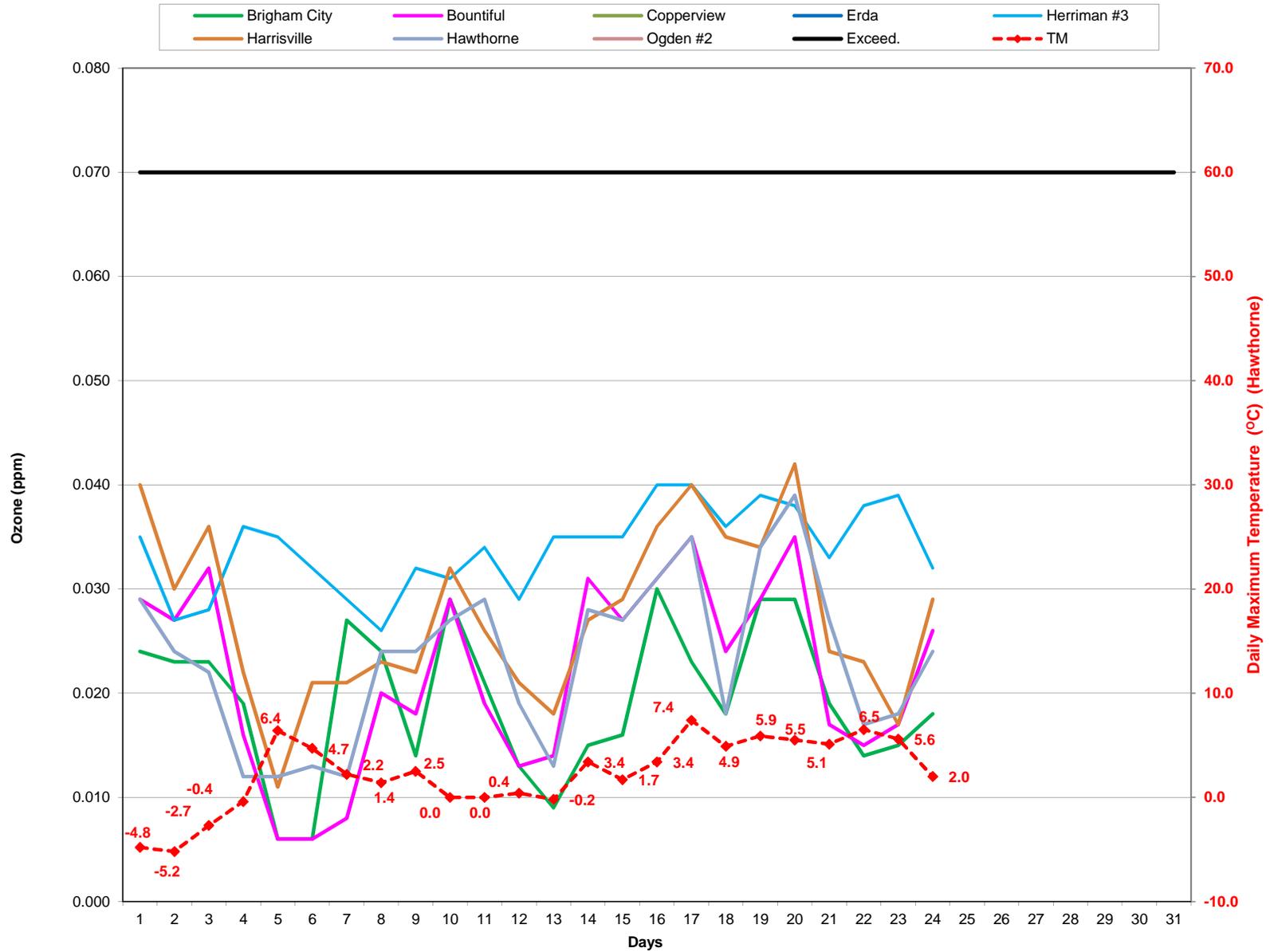
North Provo Spanish Fork Exceed. TM



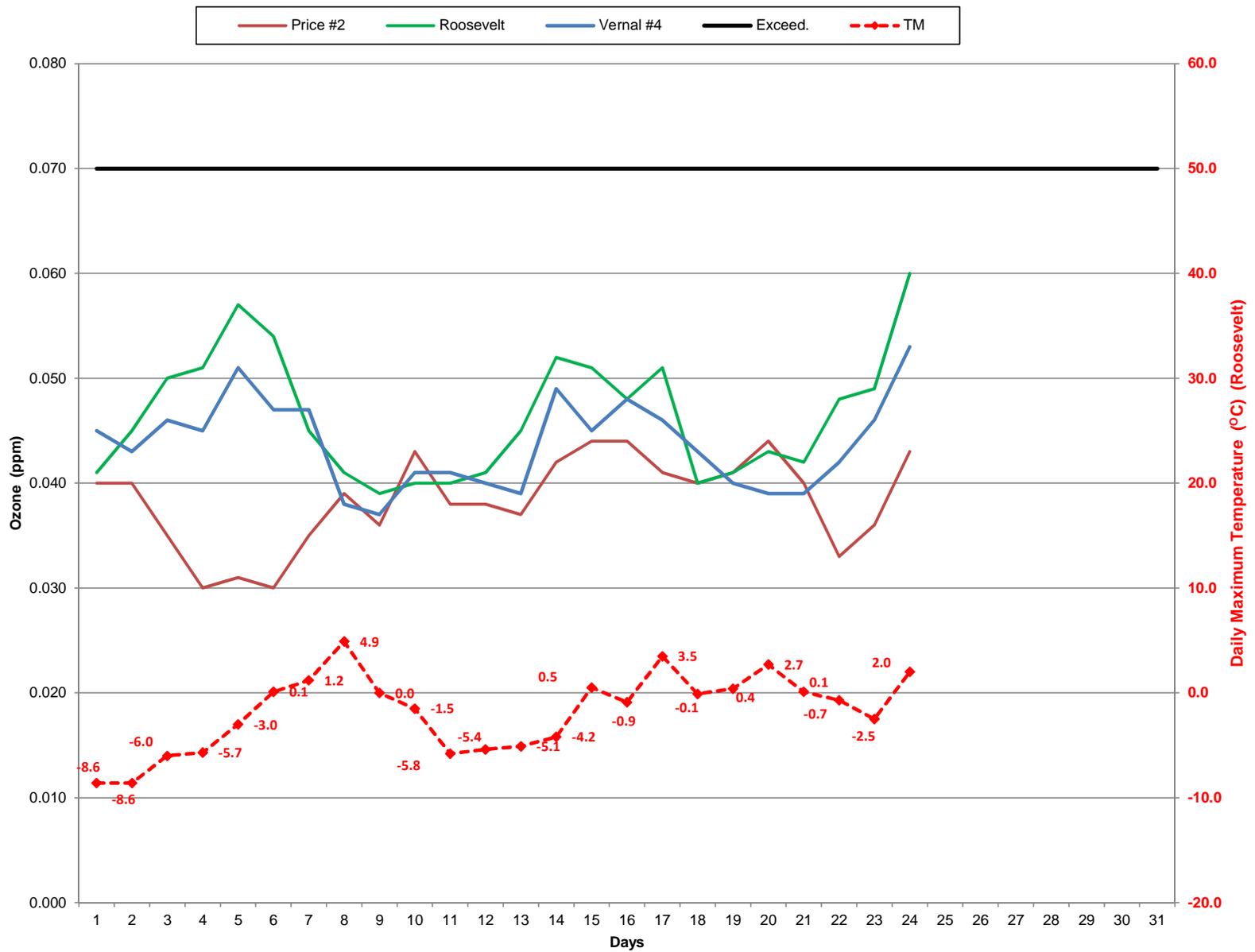
Highest 8-hr Ozone Concentration & Daily Maximum Temperature December 2015



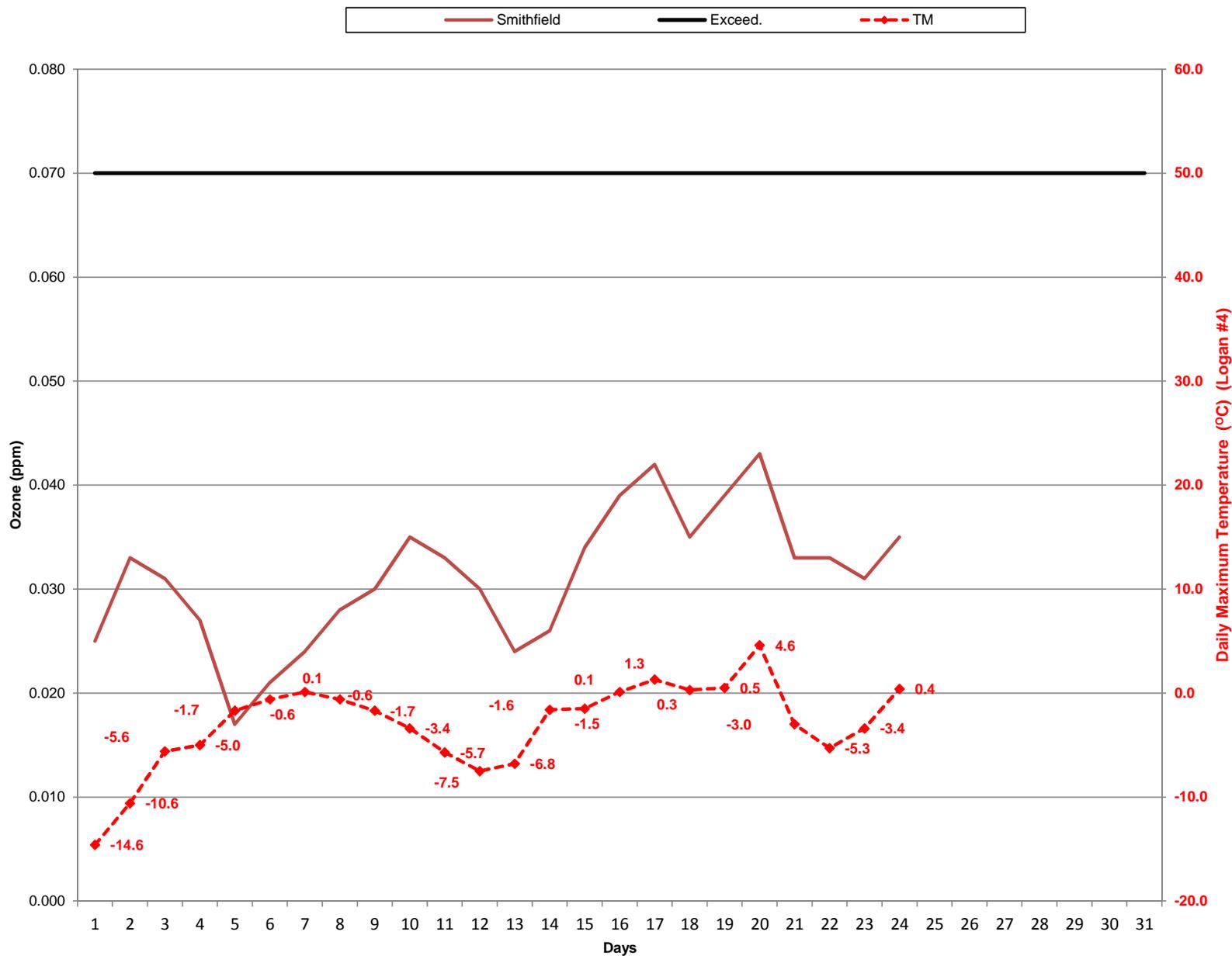
Highest 8-hr Ozone Concentration & Daily Maximum Temperature January 2016



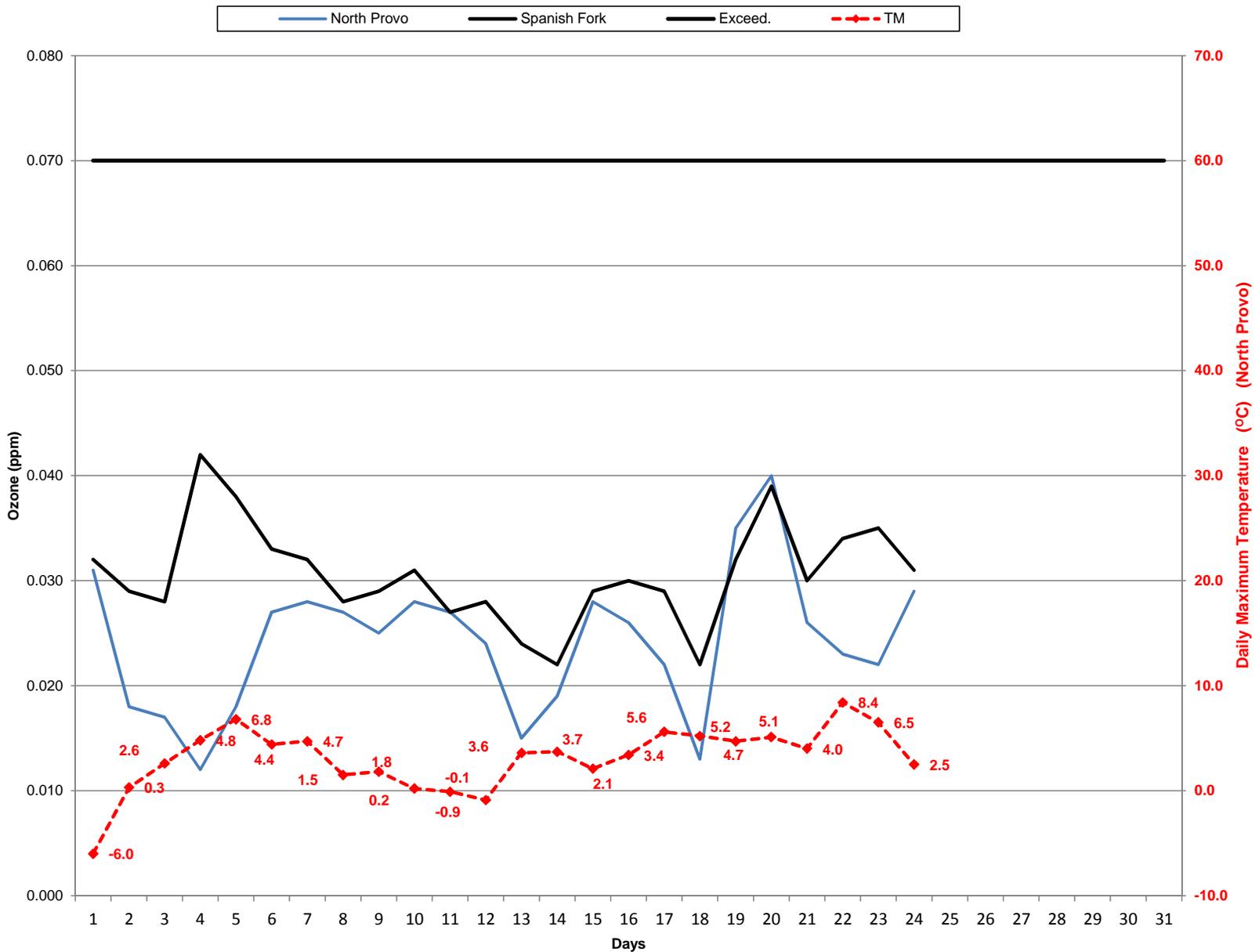
Highest 8-hr Ozone Concentration & Daily Maximum Temperature January 2016



Highest 8-hr Ozone Concentration & Daily Maximum Temperature January 2016



Highest 8-hr Ozone Concentration & Daily Maximum Temperature January 2016



Highest 8-hr Ozone Concentration & Daily Maximum Temperature January 2016

— Hurricane — Exceed. —♦— TM

