



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
Erin Mendenhall *Chair*
Cassady Kristensen, *Vice-Chair*
Kevin R. Cromar
Mitra Basiri Kashanchi
Randal S. Martin
Alan Matheson
John Rasband
Arnold W. Reitze Jr.
William C. Stringer
Bryce C. Bird,
Executive Secretary

DAQ-053-19

UTAH AIR QUALITY BOARD MEETING

FINAL AGENDA

Wednesday, June 5, 2019 - 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

- I. Call-to-Order
- II. Date of the Next Air Quality Board Meeting: June 24, 2019 at 1:30 p.m.
- III. Approval of the Minutes for March 6, 2019, and May 1, 2019, Board Meetings.
- IV. Propose for Final Adoption: R307-401-10. Source Category Exemptions. Presented by Thomas Gunter.
- V. Propose for Public Comment: Amend SIP Section X, Part A, Vehicle Inspection and Maintenance Program, General Requirements and Applicability; and Part F, Vehicle Inspection and Maintenance Program, Cache County. Presented by Thomas Gunter.
- VI. Propose for Public Comment: Amend R307-110-31. Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability; and R307-110-36. Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County. Presented by Thomas Gunter.
- VII. Propose for Public Comment: Amend R307-204. Emission Standards: Smoke Management. Presented by Thomas Gunter.
- VIII. Pacific Energy and Mining Company – Settlement Agreement. Presented by Rik Ombach.
- IX. Informational Items.
 - A. Air Toxics. Presented by Leonard Wright.
 - B. Compliance. Presented by Harold Burge and Rik Ombach.
 - C. Monitoring. Presented by Bo Call.
 - D. Other Items to be Brought Before the Board.
 - E. Board Meeting Follow-up Items.

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Larene Wyss, Office of Human Resources at (801) 536-4281, TDD (801) 536-4284 or by email at lwyss@utah.gov.

ITEM 3



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Executive Secretary

UTAH AIR QUALITY BOARD MEETING

March 6, 2019 – 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

DRAFT MINUTES

I. Call-to-Order

Erin Mendenhall called the meeting to order at 1:31 p.m.

Board members present: Erin Mendenhall, Cassady Kristensen, Kevin Cromar, Mitra Kashanchi, Alan Matheson, Arnold Reitze, Michael Smith, William Stringer (attendance by phone)

Excused: Randal Martin

Executive Secretary: Bryce Bird

II. Date of the Next Air Quality Board Meeting: May 1, 2019

No April 2019 Board meeting.

III. Approval of the Minutes for February 6, 2019, Board Meeting.

- Arnold Reitze motion to approve the minutes. Michael Smith seconded. The Board approved unanimously.

IV. Propose for Public Comment: Revisions to SIP Section XX. Regional Haze, Parts A and D. Presented by Jay Baker.

Jay Baker, Environmental Scientist at DAQ, stated that in June 2015, the Board approved the Regional Haze State Implementation Plan (SIP) sections to address best available retrofit technology (BART) for both PM and an alternative to BART for NO_x. Subsequently, in 2016, EPA approved the PM portion of the SIP, but they disapproved the alternative to BART for NO_x and issued a Federal Implementation Plan (FIP). The FIP has been stayed in the Courts. This SIP revision is to provide additional analysis to support the BART alternative for NO_x and to demonstrate that the alternative will provide greater visibility improvement than would be achieved through the installation of the most stringent NO_x controls.

As an explanation of the different emissions controls, the FIP requires selective catalytic reduction (SCR) on the four power generation units, Hunter power units 1 and 2 and Huntington power units 1 and 2, versus this plan which required some controls on Hunter unit 3. It also required the closure of the Carbon power plant units 1 and 2. In addition, the Carbon power plant isn't a BART eligible unit and it did not need to be analyzed for BART, but UDAQ included it as part of the alternative which is allowable.

In the previous submittal, Utah used a weight-of-evidence (WOE) analysis to show that the alternative was indeed better than BART. One of the reasons that EPA disapproved that BART alternative was that the WOE analysis did not show that the alternative was clearly better than BART. EPA also acknowledged that the WOE analysis was very subjective. When UDAQ did the analysis, all nine pieces of evidences were weighted equally, but when EPA reviewed our SIP, they put all of the weight on one of those pieces of evidence and essentially ignored the other eight.

In this submittal, Utah did new dispersion modeling and used a two-pronged test that is prescribed by the regional haze rule. The required two prongs are that visibility does not decline in any Class I area, and that there is an overall improvement in visibility determined by comparing the average differences between BART and the alternative over all affected Class I areas.

In addition, the NO_x emissions limits in this SIP for PacifiCorp Hunter units 1 and 2 and Huntington units 1 and 2, are more stringent than EPA's presumptive BART limits, the SIP also makes enforceable the closure of the Carbon power plant, and it also takes credit for the installation of the low NO_x burners at Hunter unit 3.

All of these controls are already in place and in force. The EPA's more stringent plan wouldn't be installed until 2023 as required. Demonstration that the alternative to BART meets the requirements of the two prong test is included as part of the technical support documentation for the SIP. The visibility modeling showed that we meet the two prongs of the test. Also, staff has worked closely with EPA to make sure this SIP revision would be acceptable to them. Staff recommends that the Board propose revisions to SIP Section XX Part A and Part D(6) for public comment.

- Michael Smith motioned that the Board approve for public comment the amended Utah State Implementation Plan Section XX.A. Regional Haze. Executive Summary; and Section XX.D(6). Regional Haze. Long-Term Strategy for Stationary Sources. Best Available Retrofit Technology (BART) Assessment for NO_x and PM. Cassidy Kristenen seconded. The Board approved unanimously.

V. Propose for Public Comment: Amend R307-110-28. Regional Haze. Presented by Thomas Gunter.

Thomas Gunter, Rules Coordinator at DAQ, stated that the amendments to Section XX, Regional Haze, Parts A and D will have to be incorporated into the Utah Air Quality Rules. R307-110-28 is the rule that incorporates these new amendments into the rules. If the Board adopts the amendments proposed to Section XX, these amendments will become part of Utah's SIP when the rule is finalized. Staff recommends that the Board propose rule 307-110-28 for public comment.

- Mitra Kashanchi motioned the amended R307-110-18, Regional Haze, be proposed for public comment. Arnold Reitze seconded. The Board approved unanimously.

VI. Propose For Public Comment: Amend R307-150-3. Applicability. Presented by Thomas Gunter.

Thomas Gunter, Rules Coordinator at DAQ, stated that Utah's Regional Haze SIP contains sulfur dioxide milestones (SO₂) that are based on the 2006 SO₂ emissions from power plants. To ensure that SO₂ emissions reductions are occurring, R307-150 requires power plants to report their annual SO₂ emissions. In 2015, the Board approved a SIP revision with an alternative to BART for NO_x. Part of the alternative included the closure of the Carbon power plant. Emission reductions of SO₂ from the closure were included in the demonstration, showing that the alternative was better than BART. Because the SO₂ reductions are part of the BART alternative for NO_x, they should not be counted towards reductions in the SO₂ milestone program. Accordingly, Staff is proposing an amendment to R307-150-3, requiring the Carbon power plant SO₂ emissions to be reported as 8,005 tons/year in the annual SO₂ Milestone Report to EPA. Staff recommends that the Board propose amended R307-150-3 for public comment.

- Arnold Reitze motioned that the Board propose the amended R307-150-3, Applicability, for public comment. Mitra Kashanchi seconded. The Board approved unanimously.

VII. Propose for Public Comment: Amend R307-401-10. Source Category Exemptions. Presented by Thomas Gunter.

Thomas Gunter, Rules Coordinator at DAQ, stated that R307-401 currently requires a source with the potential to exceed the small source exemption thresholds described in R307-401-9 to submit a notice of intent and receive an approval order. In April of 2018, DAQ received a notice of intent for a gasoline dispensing facility. Staff reviewed the notice of intent, evaluated potential permitting actions, and determined that an approval order would not include additional requirements for gasoline dispensing facility sources beyond those already required in R307-328 and 40 CFR 63 Subpart 6C. Therefore, R307-401-10 needs to be amended to include gasoline dispensing facilities as an exempt source category from the requirement to obtain an approval order in R307-401-5 through R307-401-8. Staff recommends that the Board propose amended R307-401-10 for public comment.

Jaden Materi, Environmental Engineer at DAQ, added that to his knowledge there have been no sources in the past that asked for such an exemption until 2018, as mentioned above.

- Michael Smith motioned that the Board propose the amended R307-401-10, Source Category Exemptions, for public comment. Mitra Kashanchi seconded. The Board approved unanimously.

Staff responded to the question if there are other source category exemptions that this would be appropriate, for instance small emergency generators in office buildings. There is always a potential which would be evaluated, but most of those small sources fall under the small source exemptions thresholds of 500 tons per year of volatile organic compounds.

VIII. HJG Utah, LLC - Final Settlement Agreement. Presented by Jay Morris and Jason Krebs.

Jay Morris, Compliance Branch Manager at DAQ, stated that HJG Utah, LLC (HJG) operates a salt water/produced water injection facility in Duchesne County. On January 27, 2017, DAQ issued an notice of violation to HJG for failing to submit a notice of intent and receive an approval order prior to constructing the Blue Bench facility. On July 31, 2017, the DAQ filed a lawsuit to collect penalties and secure the company's compliance with Utah environmental laws. As a result of the lawsuit, HJG submitted a notice of intent and received an approval order bringing them into compliance with Utah environmental laws. To resolve the penalty portion of the lawsuit, the DAQ and HJG have negotiated a total settlement of \$140,000. Half of the penalty will be paid in cash and half of the penalty will be deferred for a 2 year period. In accordance with Utah Code, this settlement is provided to the Board for

review as the penalty exceeds \$25,000. The DAQ will withhold any further action on this case until the Board approves or disapproves the settlement. Staff recommends that the Board approve the penalty amount and the associated settlement agreement.

- Cassady Kristensen motioned that the Board approve the final settlement agreement for HJG Utah. Mitra Kashanchi seconded. The Board approved unanimously.

Bryce Bird announced Jay Morris as the new Compliance Branch Manager and emergency response activities coordinator at DAQ. Jay replaces Rusy Ruby who retired in December 2018.

IX. Informational Items.

A. Air Toxics. Presented by Robert Ford.

B. Compliance. Presented by Jay Morris and Harold Burge.

It was noted that the compliance activities memorandum now lists the current outstanding and unresolved notices of violations going back to 2015.

C. Monitoring. Presented by Bo Call.

Bo Call, Air Monitoring Section Manager at DAQ, gave an update on the monitoring data. For PM2.5 data, the Smithfield monitor had 3 days with the highest values exceeding the standard in January. Typically, the majority of days that we exceed the standard happen in January, followed by December as the next high month. For the ozone standard, we look at the 4th high number for regulatory purposes. The ozone standard is 70 parts per billion (ppb). So far in 2019, ozone in the Uinta Basin shows that the Ouray monitor has a 4th high this year at 98 ppb. In addition, the EPA is responsible for exceptional event demonstrations on Tribal lands in which the Tribe does the monitoring. For the Uinta Basin, the monitor that drives the nonattainment area is on Tribal lands which impacts the state as well. The State's Roosevelt monitor is also showing a 4th high of 87 ppb so far for 2019.

D. Other Items to be Brought Before the Board.

Bryce Bird stated that a final legislative summary will be sent to the Board. Most of the bills that have been discussed previously are moving forward, but there are some bills that have been held in rules. There was a lot of support for air quality this year. Although DAQ will not be receiving the full \$100 million requested by the Governor, we are confident that it will still be significantly more than what has ever been appropriated for air quality in the past.

At the January working lunch, the Board asked that staff put together recommendations on the penalties of violations issued by compliance staff.

E. Board Meeting Follow-up Items.

- Three Board members terms have expired. Under statute, Board members can continue to serve up to 90 days after expiration until reappointments are approved during the legislative session or at the next interim meeting.

Meeting adjourned at 2:08 p.m.



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UTAH AIR QUALITY BOARD MEETING

May 1, 2019 – 1:30 p.m.

195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

DRAFT MINUTES

I. Call-to-Order

Erin Mendenhall called the meeting to order at 1:32 p.m.

Board members present: Erin Mendenhall, Cassady Kristensen, Kevin Cromar, Mitra Kashanchi, Randal Martin, Alan Matheson, Arnold Reitze, Michael Smith, William Stringer

Executive Secretary: Bryce Bird

II. Date of the Next Air Quality Board Meeting: June 5, 2019

III. Informational Items.

A. Upcoming Rulemaking Schedule. Presented by Thomas Gunter.

Thomas Gunter, Rules Coordinator at DAQ, gave a presentation on proposed items to be brought before the Board from June 2019 to January 2020.

In response to the status of the carbon monoxide (CO) redesignation, it was stated that Provo's second 10-year term was completed in 2015, and the 20-year term of the maintenance plan would be due in 2025.

In response to the question that if the Board wants to consider changes, in terms of a rulemaking process, would that be done the same way the Board handles rule proposals for public comment, to which staff responded that is correct.

B. Scheduling of Working Meetings.

The discussion focused on opportunities to hold Board meetings in different areas of the state based upon the rules/programs affecting the different local areas, for instance holding a meeting in Logan, when the Cache County I/M Program State Implementation Plan (SIP) and rules are presented to the Board. This would allow local areas to provide comment directly to the Board and to participate in the process directly. Also, it could be used as an educational experience for the Board as they visit different locations throughout the state.

A concern of extra emissions created for travel was discussed. As well as the idea of using technology when holding off-site meetings so that traveling would not be needed for those wishing to participate electronically.

The Board will hold future meetings in areas besides the office in Salt Lake City. This is an important issue that local communities have the opportunity to participate in the Board's process locally. For a future meeting, staff was asked to work out plans for two most effective locations for off-site Board meetings so that the Board can fulfill its desire to be educational, efficient with travel, and impactful on opening community dialog.

C. Compliance Summary Follow Up. Presented by Jay Morris.

Jay Morris, Compliance Branch Manager at DAQ, responded to the Board's request in January 2019 of recommendations related to the penalties and procedures of the compliance process. Mr. Morris began with an overview of the inspection/enforcement cycle. There are two processes for resolution of a violation. The preferred method is with a compliance advisory and early administrative settlement to resolve the alleged violations and it also gets the source back into compliance as quickly as possible. The more formal method is with a notice of violation. From 2014 to 2018, approximately 7,300 inspections were conducted with a 99.95% success rate of return back to compliance after a first time violation. The 0.05% is for repeat violations. The Legislature capped the penalty amount at \$10,000 per day per violation which the DAQ penalty policy cannot exceed. The goal is to get a source back into compliance and the penalty worksheet helps staff calculate an appropriate and reasonable penalty based on the size of the company and the severity of the violations while treating everyone fairly but also enforcing the laws and rules of the state for air quality. In addition to working with the Attorney General's Office on the internal penalty worksheet to provide consistency while still allowing flexibility on a case by case basis, compliance staff is working with permitting staff when a permitting action is required for a source to return to compliance as quickly and efficiently as possible.

In discussion, Mr. Cromar stated that the concern in January was how the per day per violation penalty was being applied and that there appeared to be no multiplication factor based on how many days for the violation. Staff explained that the worksheet has an events column which is the number of times violations would be counted. As for the per day penalty, most violations are one-time events. And if it's extended, staff has the option of calculating penalties per day, per week, or per month. Penalty amounts are based on how serious the violation is and how cooperative the source is coming back into compliance. Mr. Cromar added that there still needs to be some clarity on what really is a per day violation, and it might be helpful if two columns were added to the worksheet showing the calendar number of days at which violations occurred, and a column showing the suggested number of penalty days to apply by the inspector. Some Board comments included that the burden of proof is on the business to provide the data to demonstrate that all the days between certain days were not in violation, and that it's unclear what will be gained by the additional columns. Others were okay with the additions, but stated

that it was unclear originally that what appeared to be violations for two years by a source were negotiated to a seemingly small amount which started the request to staff for recommendations on how to handle the few outliers so that there is consistency with decisions and to take into consideration economic burden on a company over potential public health impacts of the violation. After discussion and majority approval, Mr. Bird will accept the Board's recommendation to add the two requested columns to the compliance penalty worksheet.

D. Air Quality Health Messaging. Presented by Bo Call.

Bo Call, Air Monitoring Section Manager at DAQ, gave background information on how data is collected. A number of monitoring stations across the state collect two types of data, near-real time and filter data. Near-real time data which updates hourly at approximately 30 minutes past the hour. Filter data which takes longer to analyze and are not generally available for several weeks to months. Other data such as toxics network data or speciation sites go to third parties and results can take six months. Any other general filter data takes about two weeks to process.

DAQ meets its requirement to report monitoring data through its department web page, feeds requested by outside organizations, the mobile UtahAir app, and EPA's AirNow or Air Quality Index (AQI). The data is set up to go automatically to the various sites. In addition, AirNow does not collect its own data. The data for Utah that feeds AirNow comes directly from our monitoring data which automatically uploads.

Monitoring staff forecasts are pretty good at making the calls. Forecasts are based on the highest inspected pollutant and based on what the 24-hour or 8-hour average is predicted to be. The forecast is updated twice a day, first in the morning before 8:30 a.m. and in the afternoon towards the end of the day. In fact, a SIP requirement in 1992 requires that DAQ put out a daily notification as well as a requirement to submit data to AirNow.

In regards to switching between an ozone issue and particulate issue in forecasting current air quality awareness, the division is able to switch platforms. Currently, the web page is set up for a winter season and a summer season. Priority can change as to what is shown on the web page based on the primary pollutant for a particular season. Air quality messages can also be tailored to events such as wild fire, high wind, and fireworks. It was also mentioned that DAQ does not report health relevant information on its web page, and if there was interest to include such information that might be something to look into.

Board member, Michael Smith, whose second term expired March 2019, was recognized for eight years of service on the Air Quality Board. Mr. Smith began attending Board meetings 29 years ago, and through his work on the Board he has had the privilege of interacting with people from various places, industries, and government. He is thankful for the opportunity he's had to be of service.

E. Regional Haze Presentation. Presented by Sierra Club.

Christopher Thomas of Sierra Club started his presentation with a regional haze timeline. Beginning in 2003, the original Regional Haze (RH) State Implementation Plan (SIP) focused on sulphur as the priority pollutant. Then in 2008, an amendment was made to address nitrogen oxides (NO_x) and particulate matter (PM), to which in 2014 the pollution controls for NO_x and PM were implemented. In 2011, EPA passed a mercury and air toxics rule which would lead to the closure of the Carbon power plant in 2015. Also in 2015, the state adopted an amended SIP which took credit for the Carbon plant closure. The amended plan was later disapproved by EPA in 2016 and EPA ordered four new selective catalytic reduction controls (SCRs) be installed to

cut NO_x on the four best available retrofit technology (BART) eligible units. Rocky Mountain Power and the state filed a lawsuit on EPA's order which is currently stayed in the courts. This brings forth the plan by the state today which does not propose any additional pollution controls. Comparing the EPA federal implementation plan (FIP) and the state's alternative SIP shows that once corrected, EPA's plan will mean 9,103 tons of reduced NO_x and SO₂. In addition, a vote for SCRs will not necessarily prolong the life of these coal plants and it will hold the coal units to a pollution standard that is accepted in other parts of the county. Requiring pollution control also helps level the playing field with other non-polluting sources.

Cory MacNulty of the National Parks Conservation Association stated that visitors to Utah national parks spend an estimated \$1.1 billion in gateway communities and generate an estimated \$1.7 billion in economic output each year. As we entice over 15 million people every year to see our landscapes, air pollution shrinks those views across the land. Every hour that these plants dump thousands of pounds of NO_x pollution into the air, it affects visibility. There are real downstream costs of this pollution that will not be cleaned up in the state's plan. EPA recently conducted regional haze emissions for 2028 that took into account the emissions reductions that Utah has proposed as its BART alternative. EPA found that even with the emission reductions of the BART alternative, none of the Class I areas modeled by Utah were on the glide path to achieve reasonable progress towards the national visibility goal of natural visibility conditions by 2064.

Mr. Thomas and Ms. MacNulty asked that the Board be proactive to combat this air pollution, and hopes that the Board will vote no to the state's SIP revision and instead require reductions of NO_x and PM from Units 1 and 2 at Hunter and Huntington, as required by EPA in 2016. It was also noted, that an expert contractor has been hired to review the modeling data which will hopefully be included in the their technical comments.

In response to what has been done, if anything, about the addition of the San Rafael Swell to wilderness status, Ms. MacNulty stated that the federal government gives it that status, but that it is up to the state to decide if the area will become a Class I area.

F. Regional Haze Update. Presented by Jay Baker.

Jay Baker, Environmental Scientist at DAQ, stated that the regional haze program comes from the Clean Air Act (CAA) with three requirements: to prevent any future impairment of visibility from manmade air pollution; remedying of any existing impairment of visibility from manmade air pollution; and applies to mandatory federal Class I areas. There are 156 Class I areas in the United States, and five of those are in Utah. In 1980, the EPA developed the reasonably attributable visibility impairment rule which identified significant sources that contributed to visibility. Then in 1999, we got the regional haze rule as we currently know it, which requires that states develop programs to assure reasonable progress toward meeting the national visibility goal. Mr. Baker described the planning periods beginning with the baseline in 2000 through the second planning period ending in 2018 and briefly explained plans for the subsequent planning periods to 2064. During each planning period the state has to show that it is somewhere in the vicinity of the glide path of reasonable progress. Graphing illustrates that on the most impaired days, ammonium sulfate is the biggest contributing pollutant causing haze. In addition to the timeline previously described by Mr. Thomas, based on the recommendations of the Grand Canyon Visibility Transport Commission in 2003 SIP reductions focused on SO₂ and milestones from 2003 to 2018. When EPA disapproved the state's 2008 BART determination in 2012, they did not issue a FIP at that time but worked with the state to develop a SIP revision with a BART alternative that would meet the requirements of the CAA; later in 2016, EPA rejected the SIP

revision and promulgated a FIP. Finally, as comparison, the state's BART alternative proposes low NO_x burners with over-fired air on all Hunter and Huntington units, stricter emissions limits than the presumptive BART, and the Carbon power plant closure all at a cost of roughly \$38 million over a period of time based on EPA's estimates. The EPA's FIP calls for SCR on Units 1 and 2 at both Hunter and Huntington at a cost of roughly \$480 million over a period of time. Staff then responded to several questions.

When did the Carbon power plant close and why? Staff responded that the closure in April 2015 was due in part to the difficulty of the plant being able to comply with the mercury toxics rule, and then finally due to the regional haze rule which inevitably required its closure and their permit was rescinded.

As the emissions inventory is being done, is there any special effort to identify sources of ammonia in the area? Staff responded yes, and that in 2017, EPA revised the regional haze rule. In draft guidance for the rule, states look at 80% of the largest contributing sources to regional haze, which is currently being done. It was also noted, that SCR would increase ammonia emissions. As far as to what is the chemistry of the filter weight of the monitors, it was reported that those monitors are managed by the Park Service and not by the state.

Does PacifiCorp have sun setting of their coal-fired units? Yes, they do what is called an integrated resource plan which is revised about every two years and includes some closure dates that are projected out to mid- to late 2030.

In closing, Ms. Kristensen announced that Rio Tinto Kennecott is closing its onsite dual fuel fired coal/natural gas power plant in Utah. Pending approvals, they will purchase renewal energy credit through Rocky Mountain Power for the entire load of its sole unit.

G. Tour of new DEQ Technical Support Center.

Staff, Mr. Smith, and several members of the public in attendance at the Board meeting toured the new DEQ technical support center.

Meeting adjourned at 3:55 p.m.

ITEM 4



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DAQ-046-19

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Alan Humpherys, Environmental Program Manager

DATE: May 21, 2019

SUBJECT: PROPOSE FOR FINAL ADOPTION: R307-401-10. Source Category Exemptions.

On March 6, 2019, the Board approved amended R307-401-10 for public comment. These amendments exempt gasoline dispensing facilities (GDF) from the requirement to obtain an approval order (AO) in R307-401-5 through R307-401-8.

A public comment period was held from April 1 – May 1, 2019. No public hearing was requested. The only comments were received on April 26, 2019, submitted by the 75th Civil Engineer Group on Hill Air Force Base. Both comments are summarized below:

Comment #1 – UDAQ should extend the exemption of GDF to major sources in addition to minor sources.

DAQ Response: UDAQ disagrees with this comment. Major sources as defined in R307-101-2 located in a nonattainment area would be subject to federal Major Nonattainment New Source Review (NNSR) requirements. These requirements would include lowest achievable emission rate (LAER), offsets, analysis of alternatives, and a state-wide compliance demonstration. Major sources located in an attainment area may be subject to prevention of significant deterioration (PSD) requirements. These requirements would include best available control technology (BACT) and an air quality demonstration.

Both NNSR and PSD requirements are established in the Clean Air Act. If UDAQ were to exempt a major source from the requirement to obtain an AO, the source would be in violation of the Clean Air Act.

The commenter distinguishes the difference between a Major Source as defined in R307-101-2 and Major Source of HAP as defined in 40 CFR 63.2. The definition of Major Source of HAP in 40 CFR 63.2 does not apply to permitting requirements in R307-401. This definition is only used to determine the

applicability of different federal National Emission Standards of Hazardous Air Pollutants (NESHAP) requirements. Regardless of whether the source is defined as a major source under R307-101-2 or not, the source must comply with any applicable NESHAP requirement or other federal requirement.

No changes were made as a result of this comment.

Comment #2 – UDAQ should extend the exemption of GDF to fuel dispensing facilities that dispense other fuels that have a vapor pressure less than gasoline and apply a control such as R307-327 Petroleum Liquid Storage.

DAQ Response: UDAQ disagrees with this comment. The DAQ has not evaluated fuels other than gasoline, and the commenter did not provide any impacts of including other fuels. The DAQ is not aware of other sources that would require a permit for the sole purpose of dispensing a fuel other than gasoline, and the commenter did not provide the list of these other sources. The controls for fuels other than gasoline were also not evaluated.

On February 13, 2017, the EPA released the Background Document: Air Quality Permit by Rule for New or Modified True Minor Source Gasoline Dispensing Facilities in Indian Country. This document states in the section Gasoline Dispensing Source Category Definition, “A GDF could also include equipment which dispenses diesel fuel. Furthermore, a GDF could be an operation supporting other activities at a facility which otherwise requires a permit.” The EPA further clarifies under the Source Category Characterization, “GDFs include all retail outlets such as traditional gasoline service stations, convenience stores, truck stops, marinas, and hypermarkets (e.g., warehouse clubs and big box stores), as well as private and commercial outlets such as those for centrally-fueled fleets, government operations, and private businesses. This generally does not include airports offering aviation gasoline.” The explanation by EPA supports the definition of GDF as in 40 CFR 63.11132.

No changes were made as a result of this comment.

Recommendation: Staff recommends the Board adopt R307-401-10 as amended.

1 **R307. Environmental Quality, Air Quality.**
2 **R307-401. Permit: New and Modified Sources.**

3 ---

4 **R307-401-10. Source Category Exemptions.**

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

9 (1) Fuel-burning equipment in which combustion takes place at
10 no greater pressure than one inch of mercury above ambient pressure
11 with a rated capacity of less than five million BTU per hour using
12 no other fuel than natural gas or LPG or other mixed gas that meets
13 the standards of gas distributed by a utility in accordance with the
14 rules of the Public Service Commission of the State of Utah, unless
15 there are emissions other than combustion products.

16 (2) Comfort heating equipment such as boilers, water heaters,
17 air heaters and steam generators with a rated capacity of less than
18 one million BTU per hour if fueled only by fuel oil numbers 1 - 6,

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

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

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

27 (6) A gasoline dispensing facility as defined in 40 CFR 63.11132
28 that is not a major source as defined in R307-101-2. These sources
29 shall comply with the applicable requirements of R307-328 and 40 CFR
30 63 Subpart CCCCC: National Emission Standards for Hazardous Air
31 Pollutants for Source Category: Gasoline Dispensing Facilities.

32 ---

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

34 **Date of Enactment or Last Substantive Amendment: June 5, 2019**

35 **Notice of Continuation: May 15, 2017**

36 **Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(q);**
37 **19-2-108**

APR 26 2019

DIVISION OF AIR QUALITY

25 April 2019



DEPARTMENT OF THE AIR FORCE
75TH CIVIL ENGINEER GROUP (AFMC)
HILL AIR FORCE BASE UTAH

Michelle L. Cottle
Chief, Environmental Branch
75th CEG/CEIE
7290 Weiner Street
Hill Air Force Base Utah 84056-5003

Mr. Thomas Gunter
Environmental Scientist, Utah Division of Air Quality
Attention: Public Comment R307-410-10 Source Category Exemptions
P.O. Box 144820
Salt Lake City Utah 84114-4820

Mr. Gunter,

Hill Air Force Base appreciates the opportunity to comment on the proposed amendment to R307-401 Permit: New and Modified Sources R307-401-10 Source Category Exemptions. It is our commitment to protect public health, our workforce, and the environment from harmful pollutants and this commitment includes participating in the stakeholder process.

1. All gasoline dispensing facilities (GDFs) and facilities dispensing fuel with a vapor pressure less than gasoline should be included with the R307-401-10 Source Category Exemptions.

Comment

Hill Air Force Base agrees with the Utah Division of Air Quality (UDAQ) that GDFs that are subject to R307-328 and 40 CFR 63 Subpart 6C would receive no additional requirements through the notice of intent (NOI) process; therefore, should be exempt from the NOI process. Also facilities dispensing fuels with a vapor pressure less than gasoline subject to R307-327 should be exempt from the NOI process.

Recommended Change

R307-401-10. Source Category Exemptions.

(6) A gasoline dispensing facility as defined in 40 CFR 63.11132 ~~that is not a major source as defined in R307-101-2~~ and facilities dispensing fuel with a vapor pressure less than gasoline. These sources shall comply with the applicable requirements of R307-327, R307-328 and 40 CFR 63 Subpart CCCCC: National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

Discussion

UDAQ should exempt the GDF source category from the requirement to obtain an approval order (AO) in R307-401-5 through R307-401-8 at both major and minor sources as defined in R307-101-2 that comply with the applicable requirements of R307-328 Gasoline Transfer and Storage and 40 CFR 63 Subpart 6C Gasoline Dispensing Facilities. UDAQ has determined that an AO would not include additional requirements for GDFs beyond those already required in R307-328 and 40 CFR 63 Subpart 6C. As a result of this statement, it can be inferred that best available control technology (BACT) would be defined as complying with the applicable requirements of R307-328 and 40 CFR 63 Subpart 6C. Any installation which complies with the applicable requirements of these rules would be complying with BACT and as a result should also be exempt from the requirement to receive an AO.

Hill Air Force Base has GDFs that are complying with the applicable requirements of R307-328 and 40 CFR 63 Subpart 6C. However, it should be noted that as Hill Air Force Base is a major source as defined in 40 CFR 63.2, there are no applicable requirements in 40 CFR 63 Subpart 6C for GDFs located at Hill Air Force Base. However, the same can be true of a source that is not major as defined in R307-101-2.

A major source is defined in R307-101-2 as follows.

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

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

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

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

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

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

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

40 CFR 63 Subpart 6C applies to each GDF located at an area source. An area source is defined in 40 CFR 63.2 as follows.

Area source means any stationary source of hazardous air pollutants that is not a major source as defined in this part.

Major source means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless the Administrator establishes a lesser quantity, or in the case of radionuclides, different criteria from those specified in this sentence.

As a result of these definitions it is possible to have a minor source as defined in R307-101-2 that is not area source as defined in 40 CFR 63.2; therefore, not subject to any requirements in 40 CFR 63 Subpart 6C. A GDF at such a source would be exempt from the requirement to submit an NOI. However, a GDF located major source as defined in R307-101-2 that is also not an area source as defined in 40 CFR 63.2 would need to submit an NOI even though the GDFs at both the minor and major source would have the same controls. This application of the exemption is not consistent; therefore, UDAQ should extent the exemption to major sources as defined in R307-101-2.

UDAQ should also extend the exemption to fuel dispensing facilities that dispense other fuels that have a vapor pressure less than gasoline. For example, if a GDF exempt from the requirement to submit an NOI under the proposed exemption that also dispenses diesel fuel would still need to submit an NOI as a result of the diesel dispensing activity. UDAQ should extend the exemption to fuels with vapor pressure less than gasoline and apply a control such as R307-327 Petroleum Liquid Storage.

If you have any questions or would like to discuss this issue further, my point of contact is Dr. Erik Dettenmaier 75 CEG/CEIEA, at (801) 777-0888 or erik.dettenmaier.1@us.af.mil.

Sincerely

A handwritten signature in blue ink, appearing to read "Michelle L. Cottle", with the word "for" written below it.

MICHELLE L. COTTLE, NH-03
Chief, Environmental Branch
75th Civil Engineer Group

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-050-19

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Mat Carlile, Environmental Planning Consultant

DATE: May 24, 2019

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend SIP Section X, Part A, Vehicle Inspection and Maintenance Program, General Requirements and Applicability; and Part F, Vehicle Inspection and Maintenance Program, Cache County.

Utah Code Annotated 41-6a-1642 gives authority to each county to design and manage a vehicle inspection and maintenance (I/M) program when it is required to attain and maintain any national ambient air quality standard. Section X incorporates these county programs into the Utah State Implementation Plan (SIP). Section X, Part A summarizes I/M requirements that are common among all I/M programs. The other subparts (Parts B through F) contain the requirements for each county's unique I/M program. Section X, Part F is the section unique to Cache County's I/M program. Amendments to Section X, Part A were last adopted by the Board on December 4, 2012, and amendments to Part F were last adopted by the Board on November 6, 2013.

The Division of Air Quality (DAQ) is asking the Board to propose for public comment amendments to Parts A and F of Utah SIP Section X. The amendments to Part A incorporate amendments to Utah Code 41-6a-1642. Additionally, language has been added to clarify that counties must consult with the DAQ before making any changes to their program. These amendments do not change the overall I/M programs. The amendments to Part F remove the tailpipe emission inspection two speed idle test (TSI) which is currently required for vehicles older than 1995.

During the public comment period, a backsliding demonstration will be provided for the removal of the TSI. This analysis is required under Section 110(l) of the Clean Air Act (CAA) when removing control measures from the SIP, to ensure that the revision would not interfere with any applicable requirement concerning attainment or any other applicable requirement of the CAA.

Staff worked closely with EPA and the Bear River Health Department to ensure that these amendments accurately reflect the current Cache County I/M program and that they are approvable by the EPA.

Staff Recommendation: Staff recommends the Board propose amended SIP Section X, Parts A and F for public comment.

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UTAH STATE IMPLEMENTATION PLAN

SECTION X

VEHICLE INSPECTION AND MAINTENANCE PROGRAM

PART A

GENERAL REQUIREMENTS AND APPLICABILITY

Adopted by the Utah Air Quality Board
[~~December 5, 2012~~]

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UTAH STATE IMPLEMENTATION PLAN
SECTION X
VEHICLE INSPECTION AND MAINTENANCE PROGRAM
PART A
GENERAL REQUIREMENTS AND APPLICABILITY

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1. General Requirements

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Federal I/M Program requirements: Utah was previously required by Section 182 and Section 187 of the Clean Air Act to implement and maintain an Inspection and Maintenance (I/M) program in Davis, Salt Lake, Utah, and Weber counties that met the minimum requirements of 40 code of federal regulation (CFR) Part 51 Subpart S and that was at least as effective as the EPA's Basic Performance Standard as specified in 40 CFR 51.352. The Basic Performance Standard requirement is no longer applicable as the relevant nonattainment areas in Davis, Salt Lake, Utah, and Weber counties have been redesignated to attainment / maintenance for the carbon monoxide (CO) National Ambient Air Quality Standards (NAAQS) and the 1-hour ozone NAAQS. Parts A, B, C, D, and E of Section X, together with the referenced appendices, continue to demonstrate compliance with the 40 CFR Part 51 provisions for Inspection and Maintenance Program Requirements for Davis, Salt Lake, Utah, and Weber counties and produce mobile source emission reductions that are sufficient to demonstrate continued maintenance of the applicable CO and 1-hour ozone NAAQS. In addition, the Cache, Davis, Salt Lake, Utah, and Weber counties' I/M programs are also utilized as a control measure to attain and maintain EPA's particulate NAAQS (PM_{2.5} and PM₁₀).

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On-Board Diagnostics (OBD) Checks: By January 1, 2002, OBD checks and OBD-related repairs are required as a routine component of Utah I/M programs on model year 1996 and newer light-duty vehicles and light-duty trucks equipped with certified on-board diagnostic systems. The federal performance standard requires repair of malfunctions or system deterioration identified by or affecting OBD systems.

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Utah I/M program history and general authority: The legal authority for Utah's I/M programs, Utah Code Annotated Section 41-6-163.6¹, was enacted during the First Special Session of the Utah legislature in 1983. I/M programs were initially implemented by Davis and Salt Lake counties in 1984, by Utah County in 1986, and by Weber County in 1990.

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In 1990, the legislature enacted Section 41-6-163.7² that requires that counties with I/M programs use computerized I/M testing equipment, adopt standardized emission standards, and provide for reciprocity. Those requirements were fully implemented by Davis, Salt Lake, and Utah counties on September 1, 1991, and by Weber County on January 1, 1992.

1 Renumbered and recodified in 2005 at Utah Code Annotated 41-6a-1642

2 Renumbered and recodified in 2005 at Utah Code Annotated 41-6a-1643

1
2 Section 41-6-163.6 was again amended by the legislature in 1992 to include vehicles
3 owned and operated by the federal government, federal employees, and students and
4 employees of colleges and universities. The 1992 revision of 41-6-163.6 also established
5 more stringent restrictions for vehicles that qualify for a farm truck exemption.
6

7 Section 41-6-163.6 requires that, if identified as necessary to attain or maintain any
8 NAAQS, a county must create an I/M program that follows the criteria outlined in 41-6-
9 163.6. Once a county enacts regulations or ordinances, amendments to Section 19-2-104
10 in 1992 authorized the Utah Air Quality Board to formally establish those requirements
11 for county I/M programs after obtaining agreement from the affected counties. Section
12 41-6-163.6 was also amended to allow the counties to subject individual motor vehicles
13 to inspection and maintenance at times other than the annual inspection.
14

15 Section 41-6-163.6 was amended in 1994 to authorize implementation of I/M programs
16 stricter than minimum federal requirements in counties where it is necessary to attain or
17 maintain ambient air quality standards. Section 41-6-163.6 requires preference be given
18 to a decentralized program to the extent that a decentralized program will attain and
19 maintain ambient air quality standards and meet federal requirements. It also requires
20 affected counties and the Air Quality Board to give preference to the most cost effective
21 means to achieve and maintain the maximum benefit with regard to air quality standards
22 and to meet federal air quality requirements related to motor vehicles. The legislature
23 indicated preference for a reasonable phase-out period for replacement of air pollution
24 test equipment made obsolete by an I/M program in accordance with applicable federal
25 requirements and if such a phase-out does not otherwise interfere with attainment of
26 ambient air quality standards.
27

28 House Concurrent Resolution No. 9 of the 1994 General Session of the legislature
29 (H.C.R. 9) was a concurrent resolution of the legislature and the governor expressing
30 opposition to the EPA position regarding the implementation of enhanced vehicle
31 inspection and urging the EPA to recognize the benefits of other vehicle inspection
32 program options and to work with the state to develop workable plans for attaining
33 ambient air quality standards and protecting public health.
34

35 In 1995, the legislature amended Section 41-6-163.7 to rescind the requirement for I/M
36 program standardization and reciprocity between counties. While advantageous,
37 standardization and reciprocity between I/M counties is no longer required, and each I/M
38 county is free to develop an I/M program that best meets the respective county's needs.
39

40 In 2002, the Legislature amended Section 41-6-163.7 to allow for inspection every other
41 year for cars that are six years old or newer on January 1 each year. This provision is
42 applicable to the extent allowed under the current state implementation plan for each
43 area.
44

45 In 2005, the Legislature renumbered Section 41-6-163.6 and re-codified it as Section 41-
46 6a-1642. The Legislature also amended Section 41-6a-1642 to allow counties with an

1 I/M program to require college students and employees who park a motor vehicle on
2 college or university campus that is not registered in a county subject to emission
3 inspection to provide proof of compliance with an emission inspection.
4

5 Section 41 6a-1642 was amended in 2008 to provide an exemption for vintage vehicles,
6 which are defined in Section 41-21-1. Section 41 6a-1642 was again amended in 2009 to
7 provide an exemption for custom vehicles, which are defined in Section 41-6a-1507.
8

9 In 2010, the legislature enacted Section 41-1a-1223 that allows counties with an I/M
10 program to impose a local emissions compliance fee of up to three dollars. This same bill
11 amended Section 41-6a-1642 to require I/M counties that impose the fee to use revenues
12 generated from the fee to establish and enforce an emission inspection and maintenance
13 program.
14

15 Section 41-6a-1642 was amended in 2011 to require I/M counties' regulations and
16 ordinances to be compliant with the analyzer design and certification requirements
17 contained in the SIP.
18

19 In 2012, the Legislature amended Section 41-6a-1642 to allow a motor vehicle that is less
20 than two years old as of January 1 of any given year to be exempt from being required to
21 obtain an emission inspection. This provision is applicable to the extent allowed under
22 the current SIP for each area. This bill went into effect on October 1, 2012. In addition,
23 the legislature also amended Section 41-1a-205 to allow a safety and emissions
24 inspection issued for a motor vehicle during the previous 11 months may be used to
25 satisfy the safety and emissions inspection requirements³. The effective date of this bill is
26 January 1, 2013. The legislature also amended Section 41-1a-1223 to allow the counties
27 to collect a \$2.25 fee for those vehicles that are registered for a six-month period under
28 Utah Code Annotated 41-1a-215.5. The effective date of this bill is July 1, 2013.
29

30 Section 41-6a-1642 was amended in 2013 to include the date that notice is required and
31 the date the enactment, change, or repeal will take effect if a county legislative body
32 enacts, changes, or repeals the local emissions compliance fee. Section 41-6a-1642
33 provides that for a county required to implement a new vehicle emissions inspection and
34 maintenance program, but for which no current federally approved state implementation
35 plan exists, a vehicle shall be tested at a frequency determined by the county legislative
36 body, in consultation with the Air Quality Board, that is necessary to comply with federal
37 law or attain or maintain any national ambient air quality standard and establishes
38 procedures and notice requirements for a county legislative body to establish or change
39 the frequency of a vehicle emissions inspection and maintenance program.
40

41 In 2017, the Legislature amended Section 41-6a-1642 to allow a county that imposes a
42 local emissions compliance fee to use revenue generated from the fee to promote
43 programs to maintain a national ambient air quality standard. At that time the legislature

3 Utah Code 41-6a-1642(7) states that "the emissions inspection shall be required within the same time limit applicable to a safety inspection under Section 41-1a-205."

1 also amended 41-6a-1642 to state that vehicles may not be denied registration based
2 solely on the presence of a defeat device covered in the Volkswagen partial consent
3 decrees or a United States Environmental Protection Agency-approved vehicle
4 modification.

5
6 Notification of Programmatic Changes: The legislative body of a county identified in
7 Utah Code 41-6a-1642 (1) shall consult with the Director of the Utah Division of Air
8 Quality prior to their public comment process for any amendments to their I/M
9 regulations or ordinances. Consultation should include a written notice describing the
10 proposed changes to the I/M program.
11

12 **2. Applicability**

13
14 *General Applicability:* Utah Code Annotated 41-6a-1642 gives authority to each county
15 to implement and manage an I/M program to attain and maintain any national ambient air
16 quality standard (NAAQS). Davis, Salt Lake, Utah, and Weber counties were required
17 under Section 182 and 187 of the Clean Air Act to implement an I/M program to attain
18 and maintain the ozone and carbon monoxide NAAQS. All of Utah's ozone and carbon
19 monoxide maintenance areas are located in Davis, Salt Lake, Utah, and Weber counties.
20 In addition, a motor vehicle I/M program is a control measure for attaining the particulate
21 matter NAAQS in Cache, Davis, Salt Lake, Utah, and Weber counties. Utah's SIP for
22 I/M is applicable county-wide in Cache, Davis, Salt Lake, Utah, and Weber counties.
23

24 **3. General Summary**

25 Below is a general summary of Utah's I/M programs. Part B, C, D, E and F of this
26 section of the SIP provide a more specific summary of I/M programs for Cache, Davis,
27 Salt Lake, Utah, and Weber counties. These parts also incorporate the individual county
28 I/M ordinances/regulations and policies that provide for the enforceability of the
29 respective I/M programs.
30

31 *Network Type:* All Utah I/M programs are comprised of a decentralized, test-and-repair
32 network.
33

34 *I/M program funding requirements:* Counties with I/M programs allocate funding as
35 needed to comply with the relevant requirements specified in Utah's SIP; the Utah
36 statutes; county ordinances, regulations and policies; and the federal I/M program
37 regulation. Program budgets include funding for resources necessary to adequately
38 manage the programs conduct covert and overt audits, including repairs; assist and
39 educate inspectors, station owners, and the public; manage, analyze, and report data;
40 ensure compliance with the program by inspectors, stations, and vehicle owners; and
41 evaluate and upgrade the programs.
42

1 *Funding mechanisms:* Utah's I/M programs are funded through several mechanisms
2 including, but not limited to, a fee which is collected at the time of registration by the
3 Utah Tax Commission Division of Motor Vehicles or the county Assessor's Office. Those
4 monies are remitted to the county in which the vehicle is registered. The collection of
5 fees for various permitting activities and the selling inspection certificates to inspection
6 stations are the other mechanisms. A fee schedule can be found in an appendix to each
7 county I/M ordinance or regulation.

8
9 *Government fleet:* Section 41-6a-1642(1)(b) of the Utah Code requires that all vehicles
10 owned or operated in the I/M counties by federal, state, or local government entities
11 comply with the I/M programs.

12
13 *Vehicles owned by students and federal employees:* Section 41-6a-1642(5) provides a
14 provision that counties may require universities and colleges located in Utah's I/M areas
15 to require proof of compliance with the I/M program for vehicles which are permitted to
16 park on campus regardless of where the vehicle is registered. Vehicles operated by
17 federal employees and operated on a federal installation located within an I/M program
18 area are also subject to the I/M program regardless of where they are registered. Proof of
19 compliance consists of a current vehicle registration in an I/M program area, an I/M
20 certificate of compliance or waiver, or evidence of exempt vehicle status.

21
22 *Rental vehicles:* All vehicles available for rent or use in an I/M county are subject to the
23 county I/M program. To the extent practicable, all vehicles principally operated in the
24 county are subject to the I/M program.

25
26 *Farm truck exemption:* Eligibility for the farm truck exemption from the I/M programs is
27 specified in Section 41-6a-1642(4) and must be verified in writing by county I/M
28 program staff.

29
30 *Out-of-state exemption:* Vehicles registered in an I/M county but operated out-of-state
31 are eligible for an exemption. The owner must complete Utah State Tax Commission
32 form TC-810 in order to be registered without inspection documentation. The owner
33 must explain why the vehicle is unavailable for inspection in Utah. Common situations
34 include Utah citizens that are military personnel stationed outside of the state, students
35 attending institutions of higher education elsewhere, and people serving religious
36 assignments outside the area. If the temporary address of the owner is located within
37 another I/M program area listed on the back of the form, the owner must submit proof of
38 compliance with that I/M program at the time of, and as a condition precedent to,
39 registration or renewal of registration. The vehicle owner must identify [~~his or~~
40 ~~her~~] their anticipated date of return to the state and is required to have the vehicle
41 inspected within ten days after the vehicle is back in Utah.

42
43 *Motorist Compliance Enforcement Mechanism:* The I/M programs are registration-
44 enforced on a county-wide basis. A certificate of emissions inspection or a waiver or
45 other evidence that the vehicle is exempt from the I/M program requirements must be

1 presented at the time of, and as a condition precedent to, registration or renewal of
2 registration of a motor vehicles as specified in Section 41-6a-1642(1)(a). Owners of
3 vehicles operated without valid license plates or with expired license plates are subject to
4 ticketing by peace officers at any time. Proof of compliance consists of a current vehicle
5 registration in an I/M program area or an I/M certificate of compliance or waiver, or
6 evidence of exempt vehicle status.
7

8 *Valid registration required:* A certificate of emissions inspection or a waiver or other
9 evidence that the vehicle is exempt from the I/M program requirements must be
10 presented at the time of, and as a condition precedent to, registration or renewal of
11 registration of a motor vehicles as specified in Section 41-6a-1642 and 41-1a-203(1)(c).
12 The I/M inspection is required within two months prior to the month the registration
13 renewal is due as specified in Section 41-6a-1642(7) and 41-1a-205(2)(a). Owners of
14 vehicles operated without valid license plates or with expired license plates are subject to
15 ticketing by peace officers at any time. Registration status is also checked on a random
16 basis at roadblocks and in parking lots at various locations around the state. Per Section
17 41-1a-402, Utah license plates indicate the expiration date of the registration. Per Section
18 41-1a-1303, it is a Class C misdemeanor for a person to drive or move, or for an owner
19 knowingly to permit to be driven or moved, upon any highway any vehicle of a type that
20 is required to be registered in the state that is not registered in the state. Section 41-1a-
21 1315 specifies that it is a third degree felony to falsify evidence of title and registration.
22

23 *Change of ownership:* Vehicle owners are not able to avoid the I/M inspection program
24 by changing ownership of the vehicle. Upon change of vehicle ownership the vehicle
25 must be re-registered by the new owner. The new owner must present an emissions
26 certificate, waiver, or proof of exemption from the I/M program as a condition precedent
27 to registration⁴. The new annual registration and I/M inspection dates for the vehicle will
28 be the date of registration.
29

30 *Utah Tax Commission, and County Assessors roles:* The Utah Tax Commission Motor
31 Vehicle Division and county assessor deny applications for vehicle registration or
32 renewal of registration without submittal of a valid certificate of compliance, waiver, or
33 verified evidence of exemption. Altered or hand-written documents are not accepted. All
34 certificate data is collected by county I/M program auditors and subjected to scrutiny for
35 evidence of any improprieties.
36

37 *Database quality assurance:* The vehicle registration database is maintained and quality
38 assured by the Utah Division of Motor Vehicle (DMV). Each county I/M inspection
39 database is maintained and quality assured by the county I/M program staff. The county
40 I/M program has access to the DMV database and utilizes it for quality assurance
41 purposes. All databases are subject to regular auditing, cross-referencing, and analysis.
42 The databases are also evaluated using data obtained during roadblocks and parking lot

4 See Utah Code Section 41-6a-1642 (7) and 41-1a-205(2)(b) and (c)
Section X, Part A, page 6

1 surveys. Evidence of program effectiveness may trigger additional joint enforcement
2 activities.

3
4 *Oversight provisions:* The oversight program includes verification of exempt vehicle
5 status through inspection, data accuracy through automatic and redundant data entry for
6 most data elements, an audit trail for program documentation to ensure control and
7 tracking of enforcement documents, identification and verification of exemption-
8 triggering changes in registration data, and regular audits of I/M inspection records, I/M
9 program databases, and the DMV database.

10
11 *Enforcement staff quality assurance:* County I/M program auditors and DMV clerks
12 involved in vehicle registration are subject to regular performance audits by their
13 supervisors. All enforcement personnel (direct and indirect) involved in the motorist
14 enforcement program are subject to disciplinary action, additional training, and
15 termination for deviation from procedures. Specific provisions are outlined in the DMV
16 procedures manual which is available upon request. The county I/M audit policy
17 documents are provided in their respective part of this section.

18
19 *Quality Control:* The I/M counties maintain records regarding inspections, equipment
20 maintenance, and the required quality assurance activities. The I/M counties analyze I/M
21 program data and submit annual reports to the U.S. Environmental Protection Agency
22 and UDAQ upon request.

23
24 *Analyzer data collection:* Each county's I/M analyzer data collection system meets the
25 requirements specified under 40 CFR 51.365.

26
27 *Data analysis and reporting- Annual:* The I/M counties analyze and submit to EPA and
28 UDAQ an annual report for January through December of the previous year, which
29 includes all the data elements listed in 40 CFR Subpart S 51.366 by July of each year. If
30 a report is required earlier than annually, the counties will accommodate the request.

31
32 *General enforcement provisions:* The county I/M programs are responsible for
33 enforcement action against incompetent or dishonest stations and inspectors. Each county
34 I/M ordinance or regulation includes a penalty schedule.

35
36 *General public information:* The I/M counties have comprehensive public education and
37 protection programs, including providing strategies to educate the public on Utah's air
38 quality problems; ways that people can reduce emissions; the requirements of state and
39 federal law; the role of motor vehicles in the air quality problem; the need for and
40 benefits of a vehicle emissions inspection program; ways to operate and maintain a
41 vehicle in a low-emission condition; how to find a qualified repair technician; and the
42 requirements of the I/M program. Information is provided via county websites and direct
43 response to inquiries for information, reports, classes, pamphlets, fairs, school
44 presentations, workshops, news releases, posters, signs, and public meetings. Utah

1 Department of Environmental Quality also provides information on its website about
2 ways to operate and maintain a vehicle in a low-emission condition.

3
4 *County I/M technical centers:* Each I/M county operates an I/M technical center staffed
5 with trained auditors and capable of performing emissions tests. A major function of the
6 I/M technical centers is to serve as a referee station to resolve conflicts between permitted
7 I/M inspectors, stations, and motorists. Auditors actively protect consumers against fraud
8 and abuse by inspectors, mechanics, and others involved in the I/M program. Complaints
9 are received and investigated fully. Auditors advise motorists regarding emissions
10 warranty provisions and assist the owners in obtaining warranty covered repairs for
11 eligible vehicles. The I/M technical centers also provide motorists with information
12 regarding the I/M program, general air pollution issues, and emissions-related vehicle
13 repairs.

14
15 *Vehicle inspection report:* A vehicle inspection report (VIR) ~~[is printed and]~~ will be
16 ~~[provided]~~ issued to the motorist after each vehicle inspection. The VIR includes a public
17 awareness statement about vehicle emissions and lists additional ways that the public can
18 reduce air pollution. The test results are detailed on the VIR. Information about vehicle
19 emissions warranties and the benefits of emissions-related repairs are printed for vehicles
20 that failed the test. If the vehicle fails a retest, information about wavier requirements,
21 application procedures and the address and telephone number of the applicable I/M
22 technical center are printed on the VIR.

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24 *Reciprocity between County I/M programs:* Utah I/M programs are conducting the same
25 test procedures and thereby agreed to recognize the validity of a certificate granted by
26 any Utah I/M program.
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UTAH STATE IMPLEMENTATION PLAN

SECTION X

**VEHICLE INSPECTION AND
MAINTENANCE PROGRAM**

Part F

Cache County

Adopted by the Utah Air Quality Board
[November 6, 2013]

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SECTION X Part F
Cache County Emission Inspection/ Maintenance Program

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1. Cache County Emission Inspection/ Maintenance Program Ordinance 201~~3-04~~8-15
2. Bear River Health Department Regulation 2013-1

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**UTAH STATE IMPLEMENTATION PLAN
SECTION X, PART F
VEHICLE INSPECTION AND MAINTENANCE (I/M) PROGRAM**

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1. Applicability

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Cache County I/M program requirements: Cache County was designated nonattainment for the PM_{2.5} National Ambient Air Quality Standard (NAAQS) on December 14, 2009 (74 FR 58688, November 13, 2009). Accordingly, Cache County ~~[must]~~ implemented control strategies to attain the PM_{2.5} NAAQS. A motor vehicle emission inspection and maintenance (I/M) program ~~[has been]~~ was identified by the PM_{2.5} State Implementation Plan (SIP) as a necessary control strategy to attain the PM_{2.5} NAAQS as expeditiously as practicable. Therefore, pursuant to Utah Code Annotated 41-6a-1642, Cache County ~~[must]~~ implemented an I/M program that complies with the minimum requirements of 40 CFR Part 51 Subpart S. Cache County ~~[will]~~ implemented its I/M program county-wide. This program was approved by EPA on October 9, 2015 (80 FR 54237 September 9, 2019). Parts A and F of Section X demonstrate compliance with 40 CFR Part 51 Subpart S for Cache County.

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2. Description of Cache I/M Programs

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Below is a summary of Cache County's I/M program. Section X, Part F Appendices 1 and 2 contain the essential documents for Cache County's I/M program.

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Network Type: Cache County's I/M program will comprise of a decentralized test-and-repair network.

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Test Convenience: Cache County will make every effort to ensure that its citizens will have stations conveniently located throughout Cache County. Specific operating hours are not specified by the county; however, its Regulation requires that stations be open and available to perform inspections during a major portion of normal business hours of 8:00 a.m. to 5:00 pm Mondays through Fridays.

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Subject fleet: All model year 19~~[69]~~96 and newer vehicles registered or principally-operated in Cache County are subject to the I/M program except for exempt vehicles.

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Station/inspector Audits: Cache County's I/M program will regularly audit all permitted I/M inspectors and stations to ensure compliance with county I/M ordinances, regulations, and policies. Particular attention will be given to identifying and correcting any fraud or incompetence with respect to vehicle emissions inspections. Compliance with recordkeeping, document security, analyzer maintenance, and program security requirements will be scrutinized. The Cache County I/M program will have an active covert compliance program to minimize potential fraudulent testing.

1 *Waivers:* Cache County's I/M program allows for the issuance of waivers under limited
2 circumstances. The procedure for issuing waivers is specified in Cache County's I/M
3 regulation provided in Section 9[6] of Appendix 2 of this part of the SIP and meets the
4 minimum waiver issuance criteria specified in 40 CFR Subparts 51.360.

5
6 *Test frequency:* Vehicles less than six years old as of January 1 on any given year will be
7 exempt from an emissions inspection. All model year 19[69]96 and newer vehicles are
8 subject to a biennial test.

9
10 *Test Equipment:* Specifications for the I/M test procedures, standards and analyzers are
11 described in Cache County's I/M regulation provided in Appendix 2. Specifications for
12 the test procedure and equipment were developed according to good engineering
13 practices to ensure test accuracy. [~~Analyzer calibration specifications~~] Certified testing
14 equipment and emissions test procedures meet the minimum standards established in
15 Appendix A of the EPA's I/M Guidance Program Requirements, 40 CFR Part 51 Subpart
16 S.

17
18 *Test Procedures:*

- 19
- 20 • The following vehicles are subject to an on-board diagnostic (OBD) II inspection:
21
 - 22 ○ 1996 and newer light duty vehicles¹ and
 - 23 ○ 2008 and newer medium duty vehicles²

 - 24 • [~~The following vehicles are subject to a two-speed idle test that is compatible with~~
25 ~~Section VI (Preconditioned Two Speed Idle Test) in Appendix B of the EPA I/M~~
26 ~~Guidance Program Requirements, 40 CFR 51, Subpart S:~~
27
 - 28 ○ ~~1995 and older vehicles,~~
 - 29 ○ ~~1996 to 2007 medium and heavy duty vehicles³ and~~
 - 30 ○ ~~2008 and newer heavy duty vehicles.]~~
- 31
32

33 Test procedures are outlined in Appendix 2 of this part of the SIP
34
35

36 **3. I/M SIP Implementation**

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38 The I/M program ordinance, regulations, policies, procedures, and activities specified in
39 this I/M SIP revision shall be implemented by January 1, 20[14]21 and shall continue

1 Light duty vehicles have a Gross Vehicle Weight of 8500 lbs or less.

2 Medium duty vehicles have a Gross Vehicle Weight greater than 850[0] lbs but less than 14,000 lbs

3 [~~Heavy Duty vehicles have a Gross Vehicle Weight greater 14,000 lbs]~~

1 until a maintenance plan without an I/M program is approved by EPA in accordance with
2 Section 175 of the Clean Air Act.

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ORDINANCE 2013-04

IMPLEMENTATION OF A VEHICLE EMISSIONS AND MAINTENANCE PROGRAM IN CACHE COUNTY

1.0 PURPOSE

The purpose of this ordinance is to reduce air pollution levels in Cache County by requiring emission inspections of on-road motor vehicles and by requiring emission related repairs and/or adjustments for those vehicles that fail to meet the prescribed standards so as to:

- 1.1 Protect and promote the public health, safety, and welfare;
- 1.2 Improve air quality;
- 1.3 Comply with the federal regulations contained in 40 CFR part 51 subpart S;
- 1.4 Comply with the law enacted by the Legislature of the State of Utah, Section 41-6a-1642 Utah Code Annotated, 1953, as amended.

2.0 POWERS AND DUTIES

- 2.1 The Cache County Council (hereafter, "Council") has authority to implement a vehicle inspection and maintenance program under Section 41-6a-1642, Utah Code Annotated, 1953, as amended.
- 2.2 The Council is presently required by the EPA and the State of Utah to implement a vehicle emission inspection and maintenance program.
- 2.3 The Council hereby delegates its authority as an administrative body under Section 41-6a-1642, Utah Code Annotated, 1953, as amended, to the Bear River District Board of Health (hereafter "Board"), to address all issues pertaining to the adoption and administration of the vehicle emission inspection and maintenance program.
- 2.4 The Council authorizes and directs the Board to adopt and promulgate rules and regulations to ensure compliance with EPA and State Implementation Plan requirements with respect to an emission inspection and maintenance program.

3.0 GENERAL PROVISIONS

- 3.1 The Board, in conjunction with its staff, will administer and enforce this ordinance.
- 3.2 The Board shall adopt vehicle emission and inspection rules and regulations which meet EPA and State Implementation Plan requirements.

3.3 The Council shall approve the initial Rules and Regulations established by the Board and all changes in Rules and Regulations.

4.0 GUIDELINES TO BE FOLLOWED BY THE BEAR RIVER BOARD OF HEALTH IN IMPLEMENTING A VEHICLE INSPECTION AND MAINTENANCE PROGRAM IN CACHE COUNTY

4.1 Vehicles registered in Cache County, that are not exempt from inspection requirements, will be inspected on the following schedule:

4.1.1 All gasoline and non-diesel based Alternative Fuel powered vehicles, including Bi-Fuel vehicles, model year 1996 and newer, with a GVWR 8,500 lbs or less will be subject to inspection. All gasoline and non-diesel based Alternative Fuel powered vehicles, including Bi-Fuel vehicles, model year 2008 and newer, with a GVWR greater than 8,500 lbs and less than 14,001 lbs will be subject to inspection.

4.1.2 All diesel and diesel based Alternative Fuel powered vehicles model year 1998 and newer, with a GVWR less than 14,001 lbs will be subject to inspection.

4.1.3 No emissions inspection will be required for any vehicle that is less than six years old on January 1 based on the age of the vehicle as determined by the model year identified by the manufacture.

4.1.4 Emissions inspections will be required in odd-numbered years for a vehicle with an odd-numbered model year. Emissions inspections will be required in even-numbered years for a vehicle with an even-numbered model year.

4.2 A maximum fee for inspection shall be set by the Board and approved by the Council. Part of this fee will be retained by the entity which performs the test and part may be remitted to the Board as reimbursement for administering the program. The intent of the Council is that this fee be as low as possible, while still maintaining the financial viability of the program.

4.3 If a vehicle fails the emissions inspection, a waiver may be granted that will allow the vehicle to be registered that year. In order to qualify for a waiver, the vehicle owner/operator must spend a minimum of \$200.00 on emissions related repairs and meet any other requirements established by the Board. A waiver will be issued once during the lifetime of the vehicle. Any changes to the minimum required repair expenditure to qualify for the waiver shall be approved by the Council.

4.4 Emission inspections in Cache County will be conducted by private firms, or by utilizing remote OBD technology. The Board shall establish criteria to ensure that testing is performed in accordance with state and federal requirements.

4.5 To fund the administration of the emissions inspection and maintenance program and other air quality improvement programs, the Council authorizes an Air Pollution Control fee to be assessed upon every motorized vehicle registered in Cache County at the time of registration as provide by Section 41-1a-1223, Utah Code Annotated, 1953, amended.

4.5.1 The fee is set at \$3.00 for each vehicle registration within the County under section 41-1a-215, Utah Code Annotated, 1953, as amended and at \$2.25 for each vehicle registration within the county for a six month registration period under Section 41-1a-215.5, Utah Code, 1953, as amended.

4.5.2 Motor vehicles that are exempt from the registration fee, and commercial vehicles with an apportioned registration shall be exempt from this fee as per Section 41-1a-1223, Utah Code Annotated, 1953 as amended.

4.5.3 The fee shall be assessed beginning January 1, 2014.

5.0 REVIEW OF NEED FOR PROGRAM

The Council shall review the vehicle emissions and maintenance program at least every five years to evaluate the continuing need for the program.

6.0 EFFECTIVE DATE

These changes will take effect on January 1, 2021.

This ordinance takes effect on March 27, 2013. Following its passage, but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.



Regulation No. 2013-1

**VEHICLE EMISSIONS INSPECTION AND
MAINTENANCE PROGRAM**

Adopted by the Bear River Board of Health
May 9, 2013

Updated May 27, 2015

Updated April 10, 2019

Under Authority of Section 26A-1-121
Utah Code Annotated, 1953, as amended

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1.0 DEFINITIONS

For the purpose of this Regulation, the following terms, phrases, and words shall have the following meanings, unless otherwise defined:

Alternative Fuel: A fuel that is derived from resources other than petroleum. This includes but is not limited to: natural gas, propane, ethanol, and bio-diesel.

Bi-fuel Vehicle: A vehicle that has two separate fueling systems that enables the vehicle to run on one or the other (ex. Gasoline and natural gas). These vehicles may be switchable or non-switchable.

Board: See Board of Health.

Board of Health: The Bear River Board of Health.

Cache County Council: The elected Cache County Council representatives.

Certificate of Compliance: Proof that a vehicle meets all applicable requirements of the I/M Program. This proof may be sent in an electronic format to the Utah State Tax Commission.

Certification: Assurance by an authorized source, whether it be a laboratory, the manufacturer, the State, or the Department, that a specific product or statement is in fact true and meets all required requirements.

Certified Emissions Inspector: A person who has successfully completed all certification requirements and has been issued a current, valid Certified Emissions Inspector Certification by the Department.

Certified Testing Equipment: An official test instrument that has been approved by the Department to test motor vehicles for compliance with this Regulation.

Compliance: Verification that certain submission data and hardware submitted by a manufacturer for accreditation consideration, meets all required accreditation requirements.

Compliance Assurance Inspection: A more detailed emissions inspection performed at the I/M Technical Center. Details of this inspection are found in Appendix D, Test Procedures.

Compliance Assurance List: A list created and maintained by the Department that identifies vehicles for Compliance Assurance Inspections. Vehicles placed on this list, as required in Section 6.8 and Appendix D, Test Procedures, shall be inspected at the I/M Technical Center.

Contractor: The emission inspection system contractor selected by the Department to provide specialized services related to the I/M Program in Cache County.

Council: See Cache County Council.

County: Cache County, Utah.

Department: The Bear River Health Department.

Director: The Director of the Bear River Health Department or his authorized representative.

DLC: Data Link Connector used in OBD applications is a 16 pin connector used by scan tools and other emission diagnostic equipment to communicate with the vehicle's computer for the purpose of collecting emissions related data.

DTC: Diagnostic Trouble Code is a standardized 5 digit code that is used to identify a specific fault that has occurred or is occurring in a vehicle.

Dual Fuel Vehicle: See Flexible Fuel Vehicle.

Emissions Control Systems: Parts, assemblies or systems originally installed by the manufacturer in or on a vehicle for the sole or primary purpose of reducing emissions.

EPA: The United States Environmental Protection Agency.

Flexible Fuel Vehicle: Also called Flex-Fuel Vehicle. A vehicle that is designed to run on more than one fuel, usually gasoline blended with ethanol (0-85%), and both fuels are stored in the same common tank.

I/M Program: See Vehicle Emissions Inspection and Maintenance Program.

I/M Program Station: A stationary Vehicle Emissions Inspection and Maintenance Station that qualifies and has a valid permit, issued by the Department, to operate as an emissions inspection and maintenance station in the I/M Program.

I/M Technical Center: A facility operated by the Department for technical or administrative support of the I/M Program.

Inspection: An official vehicle emissions test performed for the purpose of issuing a Certificate of Compliance or Waiver.

Inspector: A Certified Emissions Inspector.

MIL: Malfunction Indicator Light is an indicator located on the instrument panel that notifies the operator of an emissions fault.

Motor Vehicle: A self-propelled motorized vehicle with an internal combustion powered engine which is licensed for operation on public roads and/or streets. Motor Vehicles exempted from the inspection requirements of this Regulation are listed in Section 6.4 of this Regulation.

Non-certified Inspector: Any person who has not been certified by the Department to perform official emissions tests.

OBD: On Board Diagnostic refers to a vehicle's monitoring and diagnostic capabilities of its emissions systems.

Publicly-owned Vehicles: A motor vehicle owned by a government entity, including but not limited to the federal government or any agency thereof, the State of Utah or any agency or political subdivision thereof.

Readiness: Readiness is used to identify the state of a vehicle's emissions monitors as they are tested. Readiness does not indicate whether the monitors passed or failed the test, it only indicates whether or not the test has been run for any particular monitor.

Referee Inspection: An emissions inspection performed at the I/M Technical Center for the purpose of resolving disputes or overriding inspection criteria for cause.

Regulation: A regulation of the Bear River Health Department for a vehicle emissions inspection and maintenance program.

Rejection: A condition where a vehicle subject to an OBD inspection has not met the Readiness requirements as set forth by this Regulation. The vehicle has not failed the inspection but it must be driven additional miles until Readiness monitors are set "ready" or repairs have been made allowing readiness flags to set ready.

Station: An I/M Program Station.

Training Program: A formal program administered, conducted, or approved by the Department for the education of emission inspectors in basic emission control technology, inspection procedures, I/M Program policies, procedures, and this Regulation.

Vehicle Emission Control Information Label (VECI Label): An EPA required label found on a vehicle that contains the manufacturer's name and trademark, and an unconditional statement of compliance with EPA emission regulations. The label often contains a list of emissions control devices found on the vehicle.

Vehicle Emissions Inspection and Maintenance Program: The program established by the Department pursuant to Section 41-6a-1642 Utah Code Annotated, 1953, as amended, and Cache County Code Chapter 10.20.

Waiver: Documentation of proof that a vehicle which has not been able to meet applicable test requirements, has met the applicable repair and/or adjustment requirements of Section 9.5 of this Regulation.

2.0 PURPOSE

It is the purpose of this Regulation to reduce air pollution levels in Cache County by requiring inspections of in-use motor vehicles and by requiring emission related repairs and/or adjustments for those vehicles that fail to meet the prescribed standards so as to:

- 2.1 Protect and promote the public health, safety, and welfare;
- 2.2 Improve air quality;
- 2.3 Comply with the applicable federal requirements for I/M Programs as defined in 40 CFR Part 51, Subpart S;
- 2.4 Comply with the law enacted by the Legislature of the State of Utah, Sections 41-6a-1642 Utah Code Annotated, 1953, as amended; and
- 2.5 Comply with Cache County Code Chapter 10.20, Vehicle Emissions and Maintenance Program, as amended.

3.0 AUTHORITY AND JURISDICTION OF THE DEPARTMENT

3.1 Under Chapter 10.20.020(C) of Cache County Code, the Cache County Council (hereafter, Council) delegates its authority as an administrative body under Section 41-6a-1642, Utah Code Annotated, 1953, as amended, to the Bear River Board of Health (hereafter Board), to address all issues pertaining to the adoption and administration of the Vehicle Emissions Inspection and Maintenance Program (hereafter I/M Program).

3.2 Under Chapter 10.20.020(D) of Cache County Code, the Council directs the Board to adopt and promulgate regulations to ensure compliance with State Implementation Plan requirements with respect to an I/M Program.

3.3 The Board is authorized to make standards and regulations pursuant to Section 26A-1-121(1) of the Utah Code Annotated, 1953, as amended.

3.4 The Board is authorized to establish and collect fees pursuant to Section 26A-1-114(1)(h)(i) of the Utah Code Annotated, 1953, as amended.

3.5 All aspects of the I/M Program within Cache County enumerated in Section 2.0 of this Regulation shall be subject to the direction and control of the Bear River Health Department (hereafter Department).

4.0 POWERS AND DUTIES

4.1 The Department shall be responsible for the enforcement and administration of this Regulation and any other powers vested in it by law and shall:

4.1.1 Make policies and procedures necessary to ensure that the provisions of this Regulation are met and that the purposes of this Regulation are accomplished;

4.1.2 Require the submission of information, reports, plans, and specifications from I/M Program Stations as necessary to implement the provisions, requirements, and standards of this Regulation;

4.1.3 Issue permits, certifications, and charge fees as necessary to implement the provisions, requirements, and standards of this Regulation; and

4.1.4 Perform audits of any I/M Program Station, issue orders and/or notices, hold hearings, and levy administrative penalties, as necessary to effect the purposes of this Regulation.

4.2 The Department may suspend, revoke, or deny a permit, subject to the Penalty Schedule in Appendix C, of an I/M Program Station and/or require the surrender of the permit of such I/M Program Station upon showing that:

4.2.1 A vehicle was inspected and issued a Certificate of Compliance by the station personnel that did not, at the time of inspection, comply with all applicable policies, procedures, and this Regulation;

4.2.2 A vehicle was inspected and failed by the I/M Program Station when, in fact, the vehicle was determined by the Department to be in such condition that it did comply with the requirements of this Regulation;

4.2.3 The I/M Program Station has violated any provisions of this Regulation, or any rule, regulation, or Department policy properly promulgated for the operation of an I/M Program Station;

4.2.4 The I/M Program Station is not operating from a location specified on the permit;

4.2.5 An official inspection was done by a Non-certified Inspector or a Non-certified Inspector has gained access to the official testing portion of the Certified Testing Equipment;

4.2.6 The Certified Emissions Inspector logged in to the official testing portion of the Certified Testing Equipment did not perform the inspection;

4.2.7 The Certified Testing Equipment has been tampered with or altered in any way contrary to the certification and maintenance requirements of the Certified Testing Equipment;

4.2.8 The I/M Program Station denies access to a representative of the Department to conduct an audit or other necessary business during regular business hours;

4.2.9 The I/M fee has been determined by the Department to be discriminatory in that different fees are assessed dependent upon vehicle ownership, vehicle make or model, owner residence, etc; or

4.2.10 The I/M Program Station that also contracts with the State of Utah as an On the Spot Station renewed a vehicle registration without a valid Certificate of Compliance for that vehicle. This is considered an intentional pass.

4.3 The Department may suspend, revoke, or deny the certificate of a Certified Emissions Inspector, subject to the Penalty Schedule in Appendix C, and require the surrender of this certificate upon showing that:

4.3.1 The Certified Emissions Inspector caused a Certificate of Compliance to be issued without an approved inspection being made;

4.3.2 The Certified Emissions Inspector denied the issuance of a Certificate of Compliance to a vehicle that, at the time of inspection, complied with the law for issuance of said certificate;

4.3.3 The Certified Emissions Inspector issued a Certificate of Compliance to a vehicle that, at the time of issuance, was in such a condition that it did not comply with this Regulation;

4.3.4 Inspections were performed by the Certified Emissions Inspector, but not in accordance with applicable policies, procedures, and this Regulation;

4.3.5 The Certified Emissions Inspector allowed a Non-certified Inspector to perform an official Inspection or gain access to the official testing portion of the Certified Testing Equipment;

4.3.6 The Certified Emissions Inspector logged in to the official testing portion of the Certified Testing Equipment did not perform the inspection;

4.3.7 The Certified Emissions Inspector signed an inspection form or certificate stating that he had performed the emissions test when, in fact, he did not; or

4.3.8 The Certified Emissions Inspector employed at an I/M Program Station that also contracts with the State of Utah as an On the Spot Station renewed a vehicle registration without a valid Certificate of Compliance for that vehicle. This is considered an intentional pass.

4.4 The Department shall respond, according to the policies and procedures of the Department, to public complaints regarding the fairness and integrity of the inspections they receive and shall provide a method that inspection results may be challenged if there is a reason to believe them to be inaccurate.

5.0 SCOPE

It shall be unlawful for any person to fail to comply with any policy, procedure, or regulation promulgated by the Department, unless expressly waived by this Regulation.

6.0 GENERAL PROVISIONS

Subject to the exceptions in Section 6.4 and pursuant to the schedule in Section 6.1, motor vehicles that are registered in Cache County, or principally operated within Cache County shall be subject to an emission inspection. Owners of vehicles that meet the requirements of Section 6.2 or 6.3 shall comply with the inspection requirements regardless of the county of registration.

6.1 Motor vehicles are subject to a biennial emissions inspection. Emissions inspections will be required in odd-numbered years for a vehicle with an odd-numbered model year. Emissions inspections will be required in even-numbered years for a vehicle with an even-numbered model year.

6.1.1 A Certificate of Compliance, or evidence that the motor vehicle is exempt from the I/M Program requirements (as defined in Section 6.4) shall be presented to the Cache County Assessor or the Utah State Tax Commission as conditions

precedent to registration or renewal of registration of a motor vehicle in odd-numbered years for a vehicle with an odd-numbered model year. Persons who register a vehicle without meeting the requirements listed may be subject to the penalties referenced in Section 14 of this Regulation.

6.1.2 A Certificate of Compliance, or evidence that the motor vehicle is exempt from the I/M Program requirements (as defined in Section 6.4) shall be presented to the Cache County Assessor or the Utah State Tax Commission as conditions precedent to registration or renewal of registration of a motor vehicle in even-numbered years for a vehicle with an even-numbered model year. Persons who register a vehicle without meeting the requirements listed may be subject to the penalties referenced in Section 14 of this Regulation.

6.1.3 The Air Pollution Control Fee shall be paid annually, as per Chapter 10.20.040(E) of Cache County Code, (see also Section 6.7 of this Regulation) as conditions precedent to registration or renewal of registration of a motor vehicle.

6.1.4 A Certificate of Compliance shall be valid for a period of time in accordance with Section 41-6a-1642(10) Utah Code Annotated, 1953, as amended.

6.2 Publicly-Owned Vehicles. Owners of publicly-owned vehicles shall comply with the inspection program requirements. Federally-owned vehicles and vehicles of employees operated on a federal installation that do not require registration in the State of Utah shall comply with the emissions testing requirements.

6.3 Vehicles of employees and/or students parked at a college or university that do not require registration in Cache County shall comply with the emissions testing requirements as authorized by 41-6a-1642(5)(a) Utah Code Annotated, 1953, as amended.

6.3.1 College or university parking areas that are metered or for which payment is required per use are not subject to the requirements in Section 6.3.

6.4 Vehicle Exemption. The following vehicles are exempt from these emissions testing requirements:

6.4.1 An implement of husbandry as provided in Section 41-1a-102 Utah Code Annotated, 1953, as amended;

6.4.2 A motor vehicle that meets the definition of a farm truck as provided in Section 41-1a-102 Utah Code Annotated, 1953, as amended, and has a gross vehicle weight rating of 12,001 pounds or more;

6.4.3 A vintage vehicle as defined in Section 41-21-1 Utah Code Annotated, 1953, as amended;

6.4.4 A custom vehicle as defined in Section 41-6a-1507 Utah Code Annotated, 1953, as amended;

6.4.5 A pickup truck, as defined in Section 41-1a-102 Utah Code Annotated, 1953, as amended, with a gross vehicle weight rating of 12,000 pounds or less that meets the requirements provided in Section 41-6a-1642(4)(f) Utah Code Annotated, 1953, as amended;

6.4.6 A motorcycle as defined in Section 41-1a-102 Utah Code Annotated, 1953, as amended;

6.4.7 A motor vehicle powered solely by electric power;

6.4.8 Any gasoline or non-diesel based Alternative Fuel powered vehicle of model year 1995 or older;

6.4.9 Any gasoline or non-diesel based Alternative Fuel powered vehicle, with a gross vehicle weight rating greater than 8,500 pounds, and of model year 2007 or older;

6.4.10 Any gasoline or non-diesel based Alternative Fuel powered vehicle, with a gross vehicle weight rating greater than 14,000 pounds, and of model year 2008 or newer;

6.4.11 Any vehicle that is less than six years old on January 1 based on the age of the vehicle as determined by the model year identified by the manufacturer;

6.4.12 Any diesel or diesel based Alternative Fuel powered vehicle 1997 and older;

6.4.13 Any diesel or diesel based Alternative Fuel powered vehicle with a gross vehicle weight rating greater than 14,000 pounds; and

6.4.14 Any vehicle that qualifies for exemption under Section 41-6a-1642 Utah Code Annotated, 1953, as amended.

6.5 If a vehicle exempted by Section 6.4 of this Regulation is brought to the Certified Emissions Inspector for an official Inspection it shall be the responsibility of the Certified Emissions Inspector to inform the owner/operator of the vehicle that the vehicle is not required to have an official Inspection.

6.6 Official Signs.

6.6.1 All I/M Program Stations shall display in a conspicuous location on the premises an official sign provided and approved by the Department;

6.6.2 The readiness requirements for an OBD test as referenced in Appendix D shall be posted in a conspicuous place on the station's premises;

6.6.3 The station shall post on a clear and legible sign and in a conspicuous place at the station, the fees charged by that station for the performance of the emissions inspection;

6.6.4 The free re-inspection policy as referenced in Section 9.4 shall be posted in a conspicuous place on the station's premises;

6.6.5 The signs required by Sections 6.6.1 through 6.6.4 shall be located so as to be easily in the public view.

6.7 Fees.

6.7.1 The fees assessed upon I/M Program Stations and Certified Emissions Inspectors shall be determined according to a fee schedule adopted by the Board. The fee schedule is referenced in Appendix A to this Regulation and may be amended by the Board as necessary.

6.7.2 An Air Pollution Control Fee is hereby assessed upon every motor vehicle registered in Cache County as per Chapter 10.20.040 of Cache County Code. The fee will be assessed annually at the time of registration of the vehicle.

6.7.2.1 This fee assessment is included upon all motorized vehicles including those that are exempted from the inspection requirements of this Regulation by Section 6.4.

6.7.2.2 A motor vehicle that is exempt from the registration fee, and a commercial vehicle with an apportioned registration shall be exempt from this fee as per Section 41-1a-1223, Utah Code Annotated, 1953, as amended and Chapter 10.20.040 of Cache County Code.

6.7.3 I/M Program Stations may charge a fee for the required service. The fee may not exceed, for each vehicle inspected, the amount set by the Board and referenced in Appendix A of this Regulation.

6.7.3.1 The inspection fee pays for a complete inspection leading to a Certificate of Compliance, a Rejection, or a failure. If a vehicle fails, or is rejected from an inspection, the owner/operator is entitled to one free re-inspection if he returns to the I/M Program Station that performed the original inspection within fifteen (15) calendar days from

the date of the initial inspection. The I/M Program Station shall extend the fifteen day free re-inspection to accommodate the vehicle owner/operator if the I/M Program Station is unable to schedule the retest of the vehicle within the fifteen day time period. The inspection fee shall be the same whether the vehicle passes or fails the emission test.

6.7.4 If a vehicle fails the inspection and is within the time and mileage requirements of the federal emissions warranty contained in section 207 of the Federal Clean Air Act, the Certified Emissions Inspector shall inform the owner/operator that he may qualify for warranty coverage of emission related repairs as provided by the vehicle manufacturer and mandated by the Federal Environmental Protection Agency (see 40 CFR Part 85, Subpart V).

6.8 Compliance Assurance List.

6.8.1 The Department reserves the right to recall a vehicle and perform a Compliance Assurance Inspection at the I/M Technical Center for the following reasons:

6.8.1.1 Suspected fraudulent registration;

6.8.1.2 Suspected fraudulent emissions inspection;

6.8.1.3 Suspected tampering of emissions control devices;

6.8.1.4 Violations of Section 41-6a-1626, Utah Code Annotated, 1953, as amended, regarding visible emissions; and

6.8.1.5 Any item listed in Appendix D, Test Procedures, that cause the vehicle to be flagged during an emissions inspection.

6.8.2 The Department shall create and maintain a list of vehicles that are subject to a Compliance Assurance Inspection at the I/M Technical Center.

6.8.2.1 The Compliance Assurance Inspection criteria listed in Appendix D, Test Procedures, shall be followed.

6.8.2.2 A vehicle that passes the Compliance Assurance Inspection may be removed from the Compliance Assurance List by Department personnel.

6.8.2.3 A vehicle that fails the Compliance Assurance Inspection may be subject to penalties as described in Section 14 of this regulation.

7.0 PERMIT REQUIREMENTS OF THE VEHICLE EMISSIONS I/M PROGRAM STATION

7.1 Permit Required.

7.1.1 No person shall in any way represent any place as an official I/M Program Station unless the station is operated under a valid permit issued by the Department.

7.1.2 The Department is authorized to issue or deny permits for I/M Program Stations.

7.1.3 No permit for any official I/M Program Station may be assigned, transferred, or used by any person other than the original owner identified on the permit application for that specific I/M Program Station.

7.1.4 The permit shall be posted in a conspicuous place within public view on the premises.

7.1.5 Application for an I/M Program Station permit shall be made to the Department upon a form provided by the Department. No permit shall be issued unless the Department finds that the facilities, and equipment of the applicant comply with the requirements of this Regulation and that competent personnel, certified under the provisions of Section 8.0, are employed and will be available to make inspections, and the operation thereof will be properly conducted in accordance with this Regulation.

7.1.5.1 An I/M Program Station shall notify the Department and cease any emission testing if the station does not have a Certified Emissions Inspector employed.

7.1.5.2 An I/M Program Station shall notify the Department upon termination and/or resignation of any Certified Emissions Inspector employed by the station.

7.1.5.3 An I/M Program Station shall comply with all the terms stated in the permit application and all the requirements of this Regulation.

7.1.5.4 An I/M Program Station shall provide a dedicated internet connection for the Certified Testing Equipment. A wireless internet connection may be required by the Contractor.

7.2 Permit Duration and Renewal

7.2.1 The permit for I/M Program Stations shall be issued annually and shall expire on the last day of the month, one year from the month of issue. The permit shall be renewable sixty days prior to the date of expiration.

7.2.2 It is the responsibility of the owner/operator of the I/M Program Station to pursue the permit renewal through appropriate channels.

7.3 I/M Program Station to hold Department Harmless

7.3.1 In making application for a permit or for its renewal, such action shall constitute a declaration by the applicant that the Department shall be held harmless from liability incurred due to action or inaction of I/M Program Station's owners or their employees.

7.4 An I/M Program Station shall be kept in good repair and in a safe condition for inspection purposes free of obstructions and hazards.

8.0 TRAINING AND CERTIFICATION OF INSPECTORS

8.1 Certified Emissions Inspector Certification Required.

8.1.1 No person shall perform any part of the inspection for the issuance of a Certificate of Compliance unless the person possesses a valid Certified Emissions Inspector Certification issued by the Department.

8.1.2 Applications for a Certified Emissions Inspector Certification shall be made upon an application form prescribed by the Department. No certification shall be issued unless:

8.1.2.1 The applicant has shown adequate competence by successfully completing all portions of the Certified Emissions Inspector Certification requirements as specified in this Regulation; and

8.1.2.2 The applicant has paid the required permit fees as set by the Board and referenced in Appendix A of this Regulation.

8.1.3 An applicant shall comply with all of the terms stated in the application and with all the requirements of this Regulation.

8.1.4 An applicant shall complete a Department approved training course and shall demonstrate knowledge and skill in the performance of emission testing and

use of the Certified Testing Equipment. Such knowledge and skill shall be shown by passing at minimum:

- 8.1.4.1 Operation and purposes of emission control systems;
- 8.1.4.2 Inspection procedures as outlined in this Regulation and prompted by the Certified Testing Equipment ;
- 8.1.4.3 Operation of the Certified Testing Equipment;
- 8.1.4.4 The provisions of Section 207(b) warranty provisions of the Federal Clean Air Act, and other federal warranties;
- 8.1.4.5 The provisions of this Regulation and other applicable Department policies and procedures; and
- 8.1.4.6 A performance qualification test including but not limited to the following:
 - (a) Demonstration of skill in proper use, care, and maintenance, of the Certified Testing Equipment;
 - (b) Demonstration of ability to conduct the inspection; and
 - (c) Demonstration of ability to accurately enter data in the Certified Testing Equipment.

8.1.5 The Department shall issue a Certified Emissions Inspector Certificate to an applicant upon successful completion of the requirements of this section.

8.1.6 The Certified Emissions Inspector Certificates are and remain the property of the Department, only their use and the license they represent is tendered.

8.1.7 Certified Emissions Inspector Certifications shall not be transferred from one person to another person.

8.2 Recertification Requirements for Certified Emissions Inspectors

8.2.1 The Department may renew certifications for an existing Certified Emissions Inspector after a properly completed renewal form is submitted, reviewed, and approved, the recertification requirements have been completed, the fees are paid and the Certified Emissions Inspector has complied with this Regulation.

8.2.2 Certified Emissions Inspectors shall be required to recertify annually. Failure to recertify shall result in suspension or revocation of the Certification as described in this Regulation.

8.2.3 Certified Emissions Inspectors shall complete a Department approved refresher course every 2 years. Applicants for recertification shall complete a Department approved refresher course no more than sixty days prior to the date of expiration.

8.3 Certification Expiration

8.3.1 The Certified Emissions Inspector Certification shall be issued annually and shall expire on the last day of the month one year from the month of issue. The certification shall be renewable sixty days prior to the date of expiration.

8.3.2 It is the responsibility of the Certified Emissions Inspector to pursue the renewal of the Certification.

8.4 Certified Emissions Inspector Certification Denial, Suspension and Revocation

8.4.1 Certified Emissions Inspector Certifications may be suspended or revoked by the Department for violations of this Regulation.

8.4.2 Suspension or revocation of Certified Emissions Inspector Certifications shall follow the provisions of Appendix C of this Regulation.

8.4.3 The Department may deny issuance of a Certified Emissions Inspector Certification to an individual that works as an emissions inspector in another county in Utah and is currently under suspension or revocation in that program.

9.0 INSPECTION PROCEDURE

9.1 The official emissions inspection shall be solely performed by a Certified Emissions Inspector at an I/M Program Station, and Department approved inspection procedures, as referenced in this section and Appendix D, Test Procedures, are to be followed.

9.2 A complete official test must be performed any time an inspection is requested. The Certified Emissions Inspector shall not perform any part of the inspection without initiating an official test on the Certified Testing Equipment.

9.3 The Certified Emissions Inspector shall perform the official vehicle emissions test using the proper testing procedure.

9.3.1 All gasoline, and non-diesel based Alternative Fuel powered vehicles, including Bi-Fuel vehicles, model year 1996 and newer, with a gross vehicle weight rating 8,500 pounds or less, shall be tested as specified in Appendix D, OBDII Test Procedures, unless specifically exempted by this Regulation.

9.3.2 All gasoline and non-diesel based Alternative Fuel powered vehicles, including Bi-Fuel vehicles, model year 2008 and newer with a gross vehicle weight rating greater than 8,500 pounds and less than 14,001 pounds shall be tested as specified in Appendix D, OBDII Test Procedures, unless specifically exempted by this Regulation.

9.3.3 All diesel and diesel based Alternative Fuel powered vehicles model year 1998 and newer with a gross vehicle weight rating less than 14,001 pounds shall be tested as specified in Appendix D, Diesel Test Procedures, unless specifically exempted by this Regulation.

9.4 Retesting Procedures

9.4.1 If the vehicle fails the initial emissions inspection, the owner/operator shall have fifteen calendar days in which to have repairs or adjustments made and return the vehicle to the I/M Program Station that performed the initial inspection for one (1) free re-inspection.

9.4.2 If the vehicle is Rejected from the initial emissions inspection for failure to complete Readiness requirements, the owner/operator shall have fifteen calendar days in which to return the vehicle to the I/M Program Station that performed the initial inspection for one (1) free re-inspection.

9.4.3 If the vehicle owner/operator does not return to the I/M Program Station that performed the initial inspection within fifteen calendar days the I/M Program Station is under no obligation to offer a free re-inspection.

9.5 Waivers

9.5.1 A Waiver may be granted and a Certificate of Compliance issued for 1996 and newer model year vehicles if all of the following requirements are met:

9.5.1.1 Air pollution control devices identified in the VECI Label are in place and apparently operable on the vehicle. If the VECI Label is missing, the Department may use reference material to identify the air pollution control devices required for the vehicle. If the devices have been removed

or rendered inoperable, they shall be replaced or repaired before a Waiver is granted;

9.5.1.2 The vehicle continues to fail the inspection after \$200.00 has been spent on acceptable emissions related repair costs for that specific vehicle, and proof of repair costs for that specific vehicle have been provided to the Department in the form of an itemized bill, invoice, work order, manifest, or statement in which emissions related parts are specifically identified. If repairs are made at a repair station that employs individuals with current ASE L1, ASE A8, or another certification approved by the Department, the cost of labor may be included in the \$200.00;

9.5.1.3 The vehicle is not within the time and mileage requirements of the federal emissions warranties. Any vehicle that is within time and mileage requirements of the federal emissions warranties shall not be eligible for a Waiver, but shall be repaired to pass the testing requirements; and

9.5.1.4 A vehicle that is Rejected from the OBD Inspection may qualify for a Waiver if it meets requirements set forth in Appendix F, Waivers for “Not Ready” Vehicles.

9.5.2 As used in 9.5.1, acceptable emissions related repairs:

9.5.2.1 May include repairs performed up to 60 days prior to the official emissions test, provided appropriate documentation is supplied to the Department;

Diagnostic work performed, including Diagnostic Trouble Codes if applicable, must be properly documented to justify any repairs performed;

9.5.2.2 Does not include the fee paid for the test;

9.5.2.3 Does not include costs associated with the repairs or replacements of air pollution control equipment on the vehicle if the need for such adjustment, maintenance, replacement, or repair is due to disconnection of, tampering with, or abuse of the emissions control systems;

- 9.5.2.4 Refers to repairs, maintenance, and diagnostic evaluations done in accordance with manufacturer's specifications, to the extent that the purpose is to reduce emissions;
- 9.5.2.5 Repairs performed on OBD compliant vehicles should be directly related to the diagnostic trouble codes identified by the vehicle and by further diagnostic tests on the vehicle;
- 9.5.2.6 Does not include parts replaced on OBD compliant vehicles that cannot be justified through diagnostic trouble codes or further diagnostic tests on the vehicle.

9.5.3 A Waiver shall only be issued by the Department. A Waiver shall only be issued after determining that the vehicle complies with the requirements of this Section.

9.5.4 A Waiver shall only be issued once to any vehicle that qualifies, throughout the lifetime of the vehicle.

9.5.5 A vehicle must meet the requirements of Section 41-6a-1626, Utah Code Annotated 1953, as amended, regarding visible emissions in order to qualify for a Waiver.

9.6 The Department shall explore new technologies related to emissions inspections. As part of this exploration the Department may perform studies, run pilot projects, collect and analyze data, and make recommendations to the Board. If a new technology can be shown to be as effective as current technologies in reducing emissions and preventing fraud, the Department shall present these findings to the EPA. The Department shall then work with the EPA, the Board, and the Council to seek approval to incorporate the new technology as a testing method.

10.0 ENGINE SWITCHING

10.1 Engine switching shall be allowed only in accordance with EPA policy, as detailed in EPA's Engine Switching Fact Sheet, dated March 13, 1991, and EPA's Addendum to Mobile Source Enforcement Memorandum 1A, dated September 4, 1997.

10.2 Vehicles subject to an emissions inspection, as referenced in Section 6.0 of this Regulation, that do not meet the requirements of Section 10.1 shall be deemed as tampered and are not eligible for a Waiver, unless they are restored to the original engine and emission control configuration.

11.0 SPECIFICATIONS FOR CERTIFIED TESTING EQUIPMENT

11.1 Approval of Certified Testing Equipment

11.1.1 Certified Testing Equipment shall meet the specifications as detailed in Appendix E.

11.1.2 It shall be illegal for any person to modify the hardware or software of Certified Testing Equipment without approval by the Department and/or Contractor.

11.1.3 It shall be illegal for any person to gain access to any Department or Contractor controlled portions of Certified Testing Equipment without approval by the Department and/or Contractor.

12.0 QUALITY ASSURANCE

12.1 A quarterly inspection shall be made by a representative of the Department to verify compliance with this Regulation for each I/M Program Station. During the time of the inspection by the Department, the Department's representative shall have exclusive access to the Certified Testing Equipment. Inspections may be performed utilizing technology integrated into the Certified Testing Equipment.

12.2 An annual covert inspection and audit shall be made by a representative of the Department to verify compliance with this Regulation for each I/M Program Station.

12.3 The Department may increase the frequency of inspections for I/M Program Stations and/or Certified Emissions Inspectors if the Department receives information of a violation of this Regulation.

12.4 The Department shall regularly monitor I/M Program Stations and/or Certified Emissions Inspectors through inspection records and/or technology integrated into the Certified Testing Equipment.

13.0 DISCIPLINARY PENALTIES AND RIGHT TO APPEAL

13.1 When the Department, or its representative(s), receives information of a violation of any regulation contained herein which may result in a permit denial, revocation, or suspension, the Department shall notify the affected entity, in writing, informing the entity of the violation and penalties to be enforced. The affected entity may request a hearing within ten calendar days of the Department giving notice of the potential permit denial, revocation, or suspension. Only a written request for a hearing shall be honored by the Department. No appeal may be made on a formal warning.

13.1.1 In considering the appropriate administrative action to be taken as indicated in Appendix C, the Director shall consider the following:

- 13.1.1.1 whether the violation was unintentional or careless;
- 13.1.1.2 the frequency of the violation or violations;
- 13.1.1.3 the inspection and covert inspection history of the I/M Program Station and the Certified Emissions Inspector;
- 13.1.1.4 whether the fault lies with the I/M Program Station or the Certified Emissions Inspector.

13.1.2 After consideration of the factors in Section 13.1.1 the Director may take appropriate administrative action as indicated in Appendix C against either the I/M Program Station, the Certified Emissions Inspector, or both.

13.2 Appeals Hearing Procedure:

13.2.1 An appeals hearing shall be held at the request of the affected entity in order to determine the accuracy of information obtained by the Department and whether there are mitigating factors which would justify a reduction of the imposed penalties.

13.2.2 The requesting party may bring to the hearing any witnesses and any evidence believed to be pertinent to the disciplinary action.

13.2.3 The appeal shall be heard by the Vehicle Inspection and Maintenance Appeal Board, hereafter I/M Board, consisting of at least three persons, who are not employees of Bear River Health Department, appointed by the Board. The I/M Board shall have the discretion to determine which witnesses shall be heard and what evidence is relevant.

13.2.4 Violations determined to be intentional or flagrant shall result in the maximum enforcement of the penalty schedule pursuant to Appendix C.

13.2.5 In considering whether to reduce a penalty indicated by Appendix C, the I/M Board and the Department shall consider the following:

- 13.2.5.1 whether the violation was unintentional or careless;
- 13.2.5.2 the frequency of the violation or violations;
- 13.2.5.3 the inspection and covert inspection history of the I/M Program Station and the Certified Emissions Inspector;

13.2.5.4 whether the fault lies with the I/M Program Station, the Certified Emissions Inspector, or both.

13.3 Written notice of the final determination of the I/M Board, including the I/M Board's finding under Section 14.2.5, shall be made within ten calendar days after the conclusion of the appeals hearing.

14.0 PENALTY

14.1 Any person who is found guilty of violating any of the provisions of this Regulation, either by failing to do those acts required herein or by doing a prohibited act, shall be guilty of a class B misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended. If a person is found guilty of a subsequent similar violation within two years, he shall be guilty of a class A misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended.

14.2 Each day such violation is committed or permitted to continue shall constitute a separate violation.

14.3 The Cache County Attorney's Office may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of this Regulation.

14.4 In addition to other penalties imposed by a court of competent jurisdictions, any person(s) found guilty of violating any of this Regulation shall be liable for all expenses incurred by the Department.

14.5 A Penalty Schedule for permit warning, suspension, or revocation is adopted as Appendix C and may be amended by the Board as the Board deems necessary to accomplish the purposes of this Regulation.

14.6 The Department shall request that the Utah Division of Motor Vehicles suspend or revoke a registered vehicle's registration if the vehicle is unable to meet emissions standards or if the vehicle has not complied with the required emission testing requirements pursuant to Section 41-1a-110(6), Utah Code Annotated, 1953, as amended.

15.0 SEVERABILITY

If any provision, clause, sentence, or paragraph of this Regulation or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this Regulation. The valid part of any clause, sentence, or paragraph of this Regulation shall be given independence from the invalid provisions or application and to this end the provisions of this Regulation are hereby declared to be severable.

16.0 EFFECTIVE DATE

This Regulation shall become effective on January 1, 2021 as adopted by the Bear River Board of Health.

Approved and Adopted this 10th day of April, 2019.



James Swink, Chair
Bear River Board of Health



Lloyd Berentzen, M.B.A.
Executive Director
Bear River Health Department

APPENDIX A – FEE SCHEDULE

Permitting of an official I/M Program Station	\$250.00
Annual Renewal of I/M Program Station	\$50.00
Expired I/M Program Station Renewal	\$75.00
I/M Program Station Re-location	\$75.00
Permitting of a Certified Emissions Inspector	\$25.00
Renewal of Certified Emissions Inspector	\$15.00
Expired Certified Emissions Inspector Renewal	\$25.00
Official Station Sign	Cost
APC Fee for 12 month registration	\$3.00
APC Fee for 6 month registration	\$2.25
Emissions Inspection Fee – OBD Test	\$15.00
Emissions Inspection Fee –Tampering	\$20.00

APPENDIX B - RESERVED

APPENDIX C – PENALTY SCHEDULE

Violation (resets after 2 years of no similar violations unless revoked)	1st Occurrence	2nd Occurrence	3rd Occurrence	4th Occurrence
Failure to inspect or substituting a vehicle other than the vehicle on the test record – Registering a failing vehicle <i>(intentional pass)</i>	Tech: 180 day suspension and mandatory retraining	Tech: Revocation of permit for up to 5 years		
	Station: 180 day suspension	Station: 270 day suspension	Station: Revocation of inspection station permit for up to 5 years	
Passing a failing vehicle or recording pass for tampering on a tampered vehicle <i>(gross negligence)</i>	Tech: 30 day suspension and mandatory retraining	Tech: 60 day suspension and mandatory retraining	Tech: Revocation of permit for up to 5 years	
	Station: 15 day suspension	Station: 30 day suspension	Station: 60 day suspension	Station: Revocation of permit for up to 5 years
Falsifying an inspection record or emissions certificate or Failing a passing vehicle <i>(intentional)</i>	Tech: 180 day suspension and mandatory retraining	Tech: Revocation of permit for up to 5 years		
	Station: 180 day suspension	Station: 270 day suspension	Station: Revocation of inspection station permit for up to 5 years	
Non-certified person performing test – Using another inspector’s access <i>(gross negligence table)</i>	Tech: 60 day suspension	Tech: 180 day suspension	Tech: Revocation of permit for up to 5 years	
	Station: 60 day suspension	Station: 180 day suspension	Station: Revocation of inspection station permit for up to 5 years	
Inaccurate or incomplete data entry <i>(incompetence)</i>	Tech: Formal warning and mandatory retraining	Tech: 30 day suspension and mandatory retraining	Tech: 90 day suspension and mandatory retraining	Tech: Revocation of permit for up to 5 years
	Station: Formal warning	Station: 15 day suspension	Station: 45 day suspension	Station: Revocation of inspection station permit for up to 5 years
Failure to follow proper test procedures – Other regulation violations <i>(incompetence)</i>	Tech: Formal warning and mandatory retraining	Tech: 30 day suspension and mandatory retraining	Tech: 90 day suspension and mandatory retraining	Tech: Revocation of permit for up to 5 years
	Station: Formal warning	Station: 15 day suspension	Station: 45 day suspension	Station: Revocation of inspection station permit for up to 5 years

APPENDIX D – TEST PROCEDURES

OBDII Test Procedures for gasoline and non-diesel based Alternative Fuel powered vehicles

- 1 The Certified Emissions Inspector shall verify the following items from the vehicle and accurately record them in the Certified Testing Equipment:
 - 1.1 Vehicle Identification Number (VIN)
 - 1.2 Gross Vehicle Weight Rating (GVWR)
 - 1.3 Model year
 - 1.4 Make
 - 1.5 Model
 - 1.6 Fuel Type
 - 1.7 Engine size
 - 1.8 Number of cylinders
 - 1.9 Certification standard (EPA or California)
- 2 The Certified Emissions Inspector shall visually examine the instrument panel to determine if the Malfunction Indicator Light (MIL) illuminates, at least briefly, when the ignition key is turned to the “key on, engine off” (KOEO) position. The visual result shall be accurately recorded in the Certified Testing Equipment.
- 3 The Certified Emissions Inspector shall locate the Diagnostic Link Connector (DLC) on the vehicle being tested. The vehicle should be connected to the Certified Testing Equipment when prompted.
 - 3.1 If the DLC is missing, has been tampered with, or is otherwise inoperable, the vehicle fails the test and shall be repaired.
 - 3.2 If the DLC is inaccessible, the problem must be remedied before the test can continue.
- 4 When prompted by the Certified Testing Equipment the Certified Emissions Inspector should start the engine so the vehicle is in the “key on, engine running” (KOER) condition and follow the screen prompts until the test is complete.
- 5 For 1996-2000 model year vehicles two (2) supported readiness monitors are allowed to be “not ready”. For 2001 and newer vehicles one (1) supported readiness monitor is allowed to be “not ready”. If the “not ready” status exceeds these numbers the vehicle must be driven additional miles or have appropriate repairs made.
 - 5.1 A vehicle that fails the initial inspection for a catalyst related fault (i.e., P0420-P0439) must have the catalyst monitor set to “ready” upon re-inspection.

- 6 If the MIL is commanded on while the engine is running, regardless of the presence of Diagnostic Trouble Codes (DTC), the vehicle will fail the test and will require repairs.
- 7 Certain vehicles have been determined to be OBDII deficient. The Certified Testing Equipment software will maintain a list of these vehicles and perform a modified OBDII test.
- 8 A vehicle must meet the requirements of Section 41-6a-1626, Utah Code Annotated 1953, as amended, regarding visible emissions in order to qualify for a Certificate of Compliance.
- 9 Certain vehicles will be flagged by the testing software during the inspection and may be recalled to the I/M Technical Center for a Compliance Assurance Inspection. Vehicles will be flagged for the following items:
 - 9.1 Mismatch between entered VIN and OBD VIN;
 - 9.2 Any of the following readiness monitors being unsupported: Misfire, fuel system, component, catalyst, and/or oxygen sensor;
 - 9.3 A change in supported readiness monitors since the last inspection;
 - 9.4 A change in communication protocol since the last inspection;
 - 9.5 A change in OBD VIN since the last inspection;
 - 9.6 The presence of an OBD VIN in a vehicle that does not support OBD VINs;
 - 9.7 The absence of an OBD VIN in a vehicle that supports OBD VINs; or
 - 9.8 A change in PID count since the last inspection.
- 10 Certain vehicles might not communicate with the Certified Testing Equipment. These vehicles will be referred to the I/M Technical Center for a Referee Inspection.
- 11 A vehicle owner/operator that challenges the results of an official emissions inspection may request a Referee Inspection at the I/M Technical Center.

Diesel and diesel based Alternative Fuel Powered Vehicles Test Procedures

All diesel powered vehicles 2007 and newer, with a gross vehicle weight rating less than 14,001 pounds, shall be tested as follows:

- 1 The Certified Emissions Inspector shall verify the following items from the vehicle and accurately record them in the Certified Testing Equipment:
 - 1.1 Vehicle Identification Number (VIN)
 - 1.2 Gross Vehicle Weight Rating (GVWR)
 - 1.3 Model year
 - 1.4 Make
 - 1.5 Model
 - 1.6 Fuel Type
 - 1.7 Engine size
 - 1.8 Number of cylinders
 - 1.9 Certification standard (EPA or California)
- 2 The Certified Emissions Inspector shall visually examine the instrument panel to determine if the Malfunction Indicator Light (MIL) illuminates, at least briefly, when the ignition key is turned to the “key on, engine off” (KOEO) position. The visual result shall be accurately recorded in the Certified Testing Equipment.
- 3 The Certified Emissions Inspector shall locate the Diagnostic Link Connector (DLC) on the vehicle being tested. The vehicle should be connected to the Certified Testing Equipment when prompted.
 - 3.1 If the DLC is missing, has been tampered with, or is otherwise inoperable, the vehicle fails the test and shall be repaired.
 - 3.2 If the DLC is inaccessible, the problem must be remedied before the test can continue.
- 4 When prompted by the Certified Testing Equipment the Certified Emissions Inspector should start the engine so the vehicle is in the “key on, engine running” (KOER) condition and follow the screen prompts until the test is complete.
- 5 Two supported readiness monitors are allowed to be “not ready”. If the “not ready” status exceeds these numbers the vehicle must be driven additional miles or have appropriate repairs made.
 - 5.1 A vehicle that fails the initial inspection for a catalyst related fault (i.e., P0420-P0439) must have the catalyst monitor set to “ready” upon re-inspection.
- 6 If the MIL is commanded on while the engine is running, regardless of the presence of Diagnostic Trouble Codes (DTC), the vehicle will fail the test and will require repairs.

- 7 Certain vehicles have been determined to be OBDII deficient. The Certified Testing Equipment software will maintain a list of these vehicles and perform a modified OBDII test.
- 8 A vehicle must meet the requirements of Section 41-6a-1626, Utah Code Annotated 1953, as amended, regarding visible emissions in order to qualify for a Certificate of Compliance.
- 9 Certain vehicles will be flagged by the testing software during the inspection and may be recalled to the I/M Technical Center for a Compliance Assurance Inspection. Vehicles will be flagged for the following items:
 - 9.1 Mismatch between entered VIN and OBD VIN;
 - 9.2 Any of the following readiness monitors being unsupported: Misfire, fuel system, component, NMHC, and/or NOx/SCR;
 - 9.3 A change in supported readiness monitors since the last inspection;
 - 9.4 A change in communication protocol since the last inspection;
 - 9.5 A change in OBD VIN since the last inspection;
 - 9.6 The absence of an OBD VIN; or
 - 9.7 A change in PID count since the last inspection.
- 10 Diesel powered vehicles shall be subject to a visual anti-tampering inspection. The air pollution control devices identified in the Vehicle Emissions Control Information (VECI) label shall be in place and apparently operable on the vehicle. If the decal is missing, reference material may be used to identify the air pollution control devices required for the vehicle.
- 11 Certain vehicles might not communicate with the Certified Testing Equipment. These vehicles will be referred to the I/M Technical Center for a Referee Inspection.
- 12 A vehicle owner/operator that challenges the results of an official emissions inspection may request a Referee Inspection at the I/M Technical Center.

All diesel powered vehicles 1998-2006, with a gross vehicle weight rating less than 14,001 pounds, shall be tested as follows:

- 1 The Certified Emissions Inspector shall verify the following items from the vehicle and accurately record them in the Certified Testing Equipment:
 - 1.1 Vehicle Identification Number (VIN)
 - 1.2 Gross Vehicle Weight Rating (GVWR)
 - 1.3 Model year
 - 1.4 Make
 - 1.5 Model
 - 1.6 Fuel Type
 - 1.7 Engine size
 - 1.8 Number of cylinders
 - 1.9 Certification standard (EPA or California)
- 2 Diesel powered vehicles shall be subject to a visual anti-tampering inspection. The air pollution control devices identified in the Vehicle Emissions Control Information (VECI) label shall be in place and apparently operable on the vehicle. If the decal is missing, reference material may be used to identify the air pollution control devices required for the vehicle.
- 3 A vehicle must meet the requirements of Section 41-6a-1626, Utah Code Annotated 1953, as amended, regarding visible emissions in order to qualify for a Certificate of Compliance.
- 4 If the OBDII System is identified on the VECI label, the procedure in Section 2 through 5 shall be followed.
 - 4.1 An inspection of the OBDII System shall be for informational purposes only and will not determine whether a vehicle passes or fails the emission inspection.

Compliance Assurance Inspection

- 1 A vehicle that is referred to the I/M Technical Center for a Compliance Assurance Inspection shall be subject to an official emissions inspection. A visual anti-tampering inspection shall also be included in every Compliance Assurance Inspection. The air pollution control devices listed in the Vehicle Emissions Control Information (VECI) label shall be in place and apparently operable on the vehicle. If the VECI label is missing, reference material may be used to identify the air pollution control devices required for the vehicle.
 - 1.1 A vehicle that has missing or tampered air pollution control devices will fail the Compliance Assurance Inspection and will not be issued a Certificate of Compliance.
 - 1.2 A vehicle that has missing or tampered air pollution control devices and has already been issued a Certificate of Compliance will be required to replace or repair the devices. Owners/operators of vehicles that do not comply will be subject to the penalties in this Regulation.
- 2 The Department will use data obtained by the Utah Division of Motor Vehicles and inspection data to determine if a vehicle should be subject to a Compliance Assurance Inspection.
- 3 The owner/operator of a vehicle subject to a Compliance Assurance Inspection will be notified in writing of the requirement to present the vehicle for inspection.

Referee Inspection

- 1 Vehicles may be referred to the I/M Technical Center for a Referee Inspection. During a Referee Inspection the Department may override the normal testing criteria and issue a Certificate of Compliance for the following reasons:
 - 1.1 The vehicle will not communicate with the Certified Testing Equipment but will communicate with other scan tools. The vehicle must meet all other testing requirements including readiness status and MIL status; or
 - 1.2 The vehicle has met the criteria to be issued a Waiver.
- 2 A Referee Inspection may also be performed when an owner/operator believes the emissions inspection performed at an I/M Program Station was not done correctly.

APPENDIX E – CERTIFIED TESTING EQUIPMENT STANDARDS

1 General

This appendix contains specifications for Contractors to design Certified Testing Equipment to be used in the Cache County I/M Program.

1.1 Design Goals

Certified Testing Equipment must be designed and constructed to provide reliable and accurate service in the automotive service environment. The software must be designed for maximum operational simplicity. The software must prevent users from clearing Diagnostic Trouble Codes (DTC), changing readiness status, or performing other actions that could change the results of an official emissions test. In addition, the Certified Testing Equipment must include security measures that will prevent unauthorized modifications to the software or inspection data.

These technical specifications contain the minimum requirements for Certified Testing Equipment used to perform official emissions inspections in Cache County, UT.

1.2 Manuals

All Certified Testing Equipment sold or leased by the Contractor must be provided with a current copy of a manual that contains, at a minimum, operating instructions, maintenance instructions, and initial startup instructions. The manual may be provided in electronic format and shall be accessible from the Certified Testing Equipment.

1.3 Warranty Coverage and Extended Service Agreements

A written warranty coverage agreement, signed by an authorized representative of the Contractor and the I/M Program Station, which provides a complete description of coverage for all systems and components and all Contractor provided services listed below in Contractor Provided Services, must accompany the sale or lease of each unit of Certified Testing Equipment.

The Contractor shall provide a minimum of one-year warranty coverage on each unit of Certified Testing Equipment sold or leased. The one-year warranty coverage shall begin on the date of purchase and shall be included in the unit pricing for the Certified Testing Equipment. An extended warranty shall be made available to the I/M Program Stations that purchase or lease Certified Testing Equipment.

1.4 Contractor Provided Services

The Contractor shall provide the following services to the I/M Program Station as part of any sale, lease, or loan of Certified Testing Equipment:

- Delivery, set-up, and verification of proper functionality of the Certified Testing Equipment; and
- Training on the use and maintenance of the Certified Testing Equipment.

The Contractor shall provide the following services to the I/M Program Station during the initial one-year warranty coverage period and thereafter to any I/M Program Station that purchases an extended warranty:

- Full system support and repair as detailed in the warranty coverage agreement; and
- Appropriate service response, either on-site or remote, by a Contractor authorized repair technician within one business day (Saturday shall be considered a business day), excluding Sundays, and national/state holidays (New Year's Day, Human Rights Day, President's Day, Memorial Day, Independence Day, Pioneer Day, Labor Day, Veteran's Day, Thanksgiving, and Christmas), of a request from the I/M Program Station. All system repairs, component replacements, and/or Certified Testing Equipment adjustments must be accomplished within a minimum average response time of 8 business hours after a service request has been initiated. If the completion of this work is not possible within this time period, Certified Testing Equipment of equal quality and specifications must be provided until the malfunctioning unit is properly repaired and returned to service.

1.5 Tamper Resistance

The Certified Testing Equipment operators, Department personnel, and Contractor authorized service technicians shall be prevented from changing any inspection results, programs, or data contained on the Certified Testing Equipment. The Contractor shall use appropriate software and/or hardware provisions to protect files and programs.

2 – Hardware/Software Requirements

2.1 Accessing the OBD System

The Certified Testing Equipment must include hardware and software necessary to access the on-board computer systems of vehicles subject to OBD inspections. This includes the following:

- 1996 and newer gasoline and non-diesel based alternative fuel vehicles with a gross vehicle weight rating of 8,500 pounds or less
- 2008 and newer gasoline and non-diesel based alternative fuel vehicles with a gross vehicle weight rating of 14,000 pounds or less
- 2007 and newer diesel and diesel based alternative fuel vehicles with a gross vehicle weight rating of 14,000 pounds or less

The Certified Testing Equipment shall be compliant with the recommended practices regarding OBD inspections contained in J1962, J1978, and J1979 as published by the Society of Automotive Engineers (SAE). The Certified Testing Equipment must be able to connect to the vehicle's data link connector (DLC) and access, at a minimum, the following OBD data:

- Service modes \$01, \$03, \$06, \$07, \$09, \$0A

The Certified Testing Equipment must be capable of communicating with all OBD vehicles that use, at a minimum, the following communications protocols:

- International Organization for Standardization (ISO) 9141
- Variable Pulse Width (VPW)
- Pulse Width Modulation (PWM)
- Keyword Protocol 2000 (KWP)
- Controller Area Network (CAN)

2.2 Barcode Scanner

The Certified Testing Equipment must include a bar code scanner capable of reading both 1D and 2D barcodes. The bar code scanner must be able to read the barcode through a windshield. The barcode scanner must be able to withstand multiple 6.5 foot (2 meter) drops to concrete and be environmentally sealed to withstand the normal operating conditions of an automotive service environment.

The bar code scanner may be a stand alone device or may be integrated into the Certified Testing Equipment.

2.3 Camera

Certified Testing Equipment shall be equipped with video capturing equipment. The video capturing equipment must capture video from each official emissions inspection.

APPENDIX F – WAIVERS FOR “NOT READY” VEHICLES

A vehicle owner may be eligible for a Waiver when their gasoline powered vehicle is “Not Ready” and the following conditions are met:

- 1 The vehicle is not subject to a modified OBDII test because of OBD deficiencies;
- 2 The vehicle has an official test performed showing a “Not Ready” status. The MIL is functioning properly and is not commanded on. No pending codes are stored in the vehicle’s computer.
- 3 A second inspection has been performed showing the following:
 - 3.1 Readiness monitors have not changed from “Not Ready” to “Ready”;
 - 3.2 The test dates are separated by at least 7 days and the vehicle has traveled a minimum of 200 miles;
 - 3.3 The MIL is functioning properly and is not commanded on. No pending codes are stored in the vehicle’s computer; and
 - 3.4 A statement is included from a repair station, stating the appropriate diagnostics and manufacturer recommended drive cycles have been performed and the readiness monitors have not been set.
- 4 A third inspection has been performed by a second repair station showing the following:
 - 4.1 Readiness monitors have not changed from “Not Ready” to “Ready”;
 - 4.2 The initial and third test dates are separated by at least 14 days and the vehicle has traveled a minimum of 400 miles;
 - 4.3 The MIL is functioning properly and is not commanded on. No pending codes are stored in the vehicle’s computer; and
 - 4.4 A statement is included from a repair station, stating the appropriate diagnostics and manufacturer recommended drive cycles have been performed and the readiness monitors have not been set.
- 5 At least one of the statements must come from the vehicle manufacturer’s dealership repair station. This statement must indicate that the appropriate drive cycles and diagnostics have been performed and the vehicle will not reach a “Ready” status. The dealership must also document that the vehicle’s computer is up to date and functioning properly. The computer must be updated if required or recommended by the manufacturer. If the computer is updated the vehicle must complete the appropriate drive cycles following the update.
- 6 The cost requirements as set forth by this Regulation must be met in order to qualify for a Waiver. In order to count labor the repair station must employ individuals with current ASE L1, ASE A8, or other certifications approved by the Department.

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-051-19

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Thomas Gunter, Rules Coordinator

DATE: May 24, 2019

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-110-31. Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability; and R307-110-36. Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County.

The amendments to Section X, Vehicle Inspection and Maintenance Program, Parts A and F will have to be incorporated into the Utah Air Quality Rules. R307-110-31 is the rule that incorporates the new amendments to Part A into the rules and R307-110-36 is the rule that incorporates the new amendments to Part F. If the Board adopts the amendments proposed to Parts A and F, these amendments will become part of Utah's State Implementation Plan when the rule is finalized.

Recommendation: Staff recommends the Board propose R307-110-31 and R307-110-36 for public comment.

1 **Appendix 1: Regulatory Impact Summary Table***

Fiscal Costs	FY 2020	FY 2021	FY 2022
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

2
3 *This table only includes fiscal impacts that could be measured. If there are inestimable fiscal
4 impacts, they will not be included in this table. Inestimable impacts for State Government,
5 Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable
6 impacts for Non-Small Businesses are described in Appendix 2.
7

8 **Appendix 2: Regulatory Impact to Non-Small Businesses**

9 This rule change is not expected to have any fiscal impacts on non-small businesses revenues or
10 expenditures, because each county implements their own Inspection and Maintenance programs. This
11 rule only incorporates those existing plans into the State Implementation Plan.

12 The Executive Director of the Department of Environmental Quality, Alan Matheson, has reviewed
13 and approved this fiscal analysis.
14

15 ****"Non-small business" means a business employing 50 or more persons; "small business" means a**
16 **business employing fewer than 50 persons.**
17
18

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

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

21 ---

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

24 The Utah State Implementation Plan, Section X, Vehicle
25 Inspection and Maintenance Program, Part A, General Requirements
26 and Applicability, as most recently amended by the Utah Air
27 Quality Board on [~~December 5~~September 4, 201[2]9, pursuant to
28 Section 19-2-104, is hereby incorporated by reference and made a
29 part of these rules.
30

30 ---

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

32 **Date of Enactment or Last Substantive Amendment: [~~March 5~~,**
33 **2019**

34 **Notice of Continuation: January 27, 2017**

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

1 **Appendix 1: Regulatory Impact Summary Table***

Fiscal Costs	FY 2020	FY 2021	FY 2022
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

2
3 *This table only includes fiscal impacts that could be measured. If there are inestimable fiscal
4 impacts, they will not be included in this table. Inestimable impacts for State Government,
5 Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable
6 impacts for Non-Small Businesses are described in Appendix 2.
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10 expenditures, because each county implements their own Inspection and Maintenance programs. This
11 rule only incorporates those existing plans into the State Implementation Plan.

12 The Executive Director of the Department of Environmental Quality, Alan Matheson, has reviewed
13 and approved this fiscal analysis.
14

15 ****"Non-small business" means a business employing 50 or more persons; "small business" means a**
16 **business employing fewer than 50 persons.**
17
18

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

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

21 ---

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

24 The Utah State Implementation Plan, Section X, Vehicle
25 Inspection and Maintenance Program, Part F, Cache County, as
26 most recently adopted by the Utah Air Quality Board on [November
27 6]September 4, 201[3]9, pursuant to Section 19-2-104, is hereby
28 incorporated by reference and made a part of these rules.
29 ---

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

31 **Date of Enactment or Last Substantive Amendment: [March—5],**
32 **2019**

33 **Notice of Continuation: January 27, 2017**

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

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-049-19

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Joel Karmazyn, Environmental Scientist

DATE: May 24, 2019

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-204. Emission Standards: Smoke Management.

An interagency memorandum of understanding (MOU) between the Division of Air Quality (DAQ) and state and federal land managers has been in place since the 1990's to establish cooperation in providing data and coordination for smoke management for prescribed fires. The signatories to the MOU subsequently developed a Smoke Management Plan (SMP) that describes the operational procedures for prescribed fires on specific lands owned or managed by state and federal land management agencies in Utah. The SMP also details the responsibilities of the organizational structure developed to operate the SMP, including the Smoke Program Coordinator position. The SMP was approved by the Environmental Protection Agency on November 8, 1999, under the Interim Air Quality Policy on Wildland and Prescribed Fires. The requirements established in the SMP provide the framework for R307-204.

The primary purpose for amending R307-204 is to meet requirements set forth in 2019 H.B. 155, which states:

“In the rules made by the board...the board shall require the land manager to:

- (i) describe the use of a state, county, or municipal resource in the large prescribed fire or large prescribed pile fire;
- (ii) provide the division the burn plan for a large prescribed fire or large prescribed pile fire by no later than one week before the day of the burn window; and
- (iii) notify the division of a nonfull suppression event once a fire becomes a nonfull suppression event.”

Additionally, this amendment reduces redundancies and outdated portions of the rule, while also streamlining it. The significant revisions include:

- Removing outdated smoke policy terminology, such as, wildland fire use, and plan stages.
- Combining Section R307-204-6 with R307-204-7 and Section R307-204-8 with R307-204-9.
- Deleted outdated language regarding adjusting fire emission factors. DAQ inventory personnel adjust fire emission factors as per EPA directive.
- Removing conformity from the rule. On May 21, 1998, EPA issued an "Interim Air Quality Policy on Wildland and Prescribed Fires." Under this policy, federally prescribed fire projects would be considered to conform with the implementation plan if they are managed under a certified basic smoke management program. The SMP meets all of the criteria. The interim policy is available on the Office of Environmental Policy and Assistance's web site at:

<https://www.epa.gov/general-conformity/general-conformity-training-module-35-demonstrating-conformity>

There is no relaxation of the technical requirements; therefore, there is no potential for backsliding.

Recommendation: Staff recommends that the Board propose amended R307-204 for public comment.

1 **Appendix 1: Regulatory Impact Summary Table***

Fiscal Costs	FY 2020	FY 2021	FY 2022
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
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State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

2
3
4 *This table only includes fiscal impacts that could be measured. If there are inestimable fiscal
5 impacts, they will not be included in this table. Inestimable impacts for State Government,
6 Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable
7 impacts for Non-Small Businesses are described in Appendix 2.

8 **Appendix 2: Regulatory Impact to Non-Small Businesses**

9 This rule change is not expected to have any fiscal impacts on non-small businesses revenues or
10 expenditures, because the amendments bring the code into compliance with recent changes in Utah
11 state code and/or are already required under federal regulation.

12 The Executive Director of the Department of Environmental Quality, Alan Matheson, has reviewed
13 and approved this fiscal analysis.

14
15 **"Non-small business" means a business employing 50 or more persons; "small business" means a
16 business employing fewer than 50 persons.

17
18
19 **R307. Environmental Quality, Air Quality.**

20 **R307-204. Emission Standards: Smoke Management.**

21 **R307-204-1. Purpose and Goals.**

22 (1) The purpose of R307-204 is to establish by rule
23 procedures that mitigate the impacts on [~~public health~~]air
24 quality and visibility [~~of~~]from prescribed fire[~~and wildland~~
25 fire].

26
27 **R307-204-2. Applicability.**

28 (1) R307-204 applies to all persons using prescribed fire[
29 ~~or wildland fire~~] on land they own or manage.

30 (2) R307-204 does not apply to agricultural activities
31 specified in 19-2-114 and to those regulated under R307-202, or
32 to activities otherwise permitted under R307.

33
34 **R307-204-3. Definitions.**

1 The following additional definitions apply only to R307-
2 204.

3 "Annual Emissions Goal" means the annual establishment of a
4 planned quantitative value of emissions reductions from
5 prescribed fire.

6 "Best Management Practices" means smoke management and
7 dispersion techniques used during a prescribed fire~~[—or—a~~
8 ~~wildland fire use event]~~ that affect the direction, duration,
9 height or density of smoke.

10 ~~["Burn Plan" means the plan required for each fire~~
11 ~~application ignited by managers. It must be prepared by~~
12 ~~qualified personnel and approved by the appropriate agency~~
13 ~~administrator prior to implementation. Each plan follows~~
14 ~~specific agency direction and must include critical elements~~
15 ~~described in agency manuals.]~~

16 "Burn Window" means the period of time during which the
17 prescribed fire is scheduled for ignition.

18 "Emission Reduction Techniques (ERT)" mean techniques for
19 controlling emissions from prescribed fires to minimize the
20 amount of emission output per unit or acre burned.

21 "Federal Class I Area" means any Federal land that is
22 federally classified or reclassified Class I.

23 ~~["Fire Prescription" means the measurable criteria that~~
24 ~~define conditions under which a prescribed fire may be ignited,~~
25 ~~guide selection of appropriate management responses, and~~
26 ~~indicates other required actions. Prescription criteria may~~
27 ~~include safety, economic, public health, environmental,~~
28 ~~geographic, administrative, social, or legal considerations.]~~

29 "Land Manager" means any federal, state, local or private
30 entity that owns, administers, directs, oversees or controls the
31 use of public or private land, including the application of fire
32 to the land.

33 "Non-burning Alternatives to Fire" means non-burning
34 techniques that are used to achieve a particular land management
35 objective, including but not limited to reduction of fuel
36 loading, manipulation of fuels, enhancement of wildlife habitat,
37 and ecosystem restructuring. These alternatives are designed to
38 replace the use of fire for at least~~[—the next]~~ five years.

39 "Nonfull suppression event" means a naturally ignited
40 wildland fire (wildfire) for which a land manager secures less
41 than full suppression to accomplish a specific pre stated
42 resource management objective in a predefined geographic area.

43 "Particulate Matter" means the liquid or solid particles
44 such as dust, smoke, mist, or smog found in air emissions.

45 "Pile" means natural materials or debris resulting from
46 some type of fuels management practice that have been relocated
47 either by hand or machinery into a concentrated area.

48 "Pile Burn" means burning of individual piles.

49 "Prescribed Fire or Prescribed Burn" means ~~[any fire~~

1 ~~ignited by management actions to meet specific objectives, such~~
2 ~~as achieving resource benefits]~~a wildland fire originating from
3 a planned ignition to meet specific objectives identified in a
4 written, approved, prescribed fire plan.

5 "Prescribed Fire Plan" means the plan required for each
6 fire application ignited by managers. It must be prepared by
7 qualified personnel and approved by the appropriate agency
8 administrator prior to implementation. Each plan follows
9 specific agency direction and must include critical elements
10 described in agency manuals.

11 "Prescription" means the measurable criteria that define
12 conditions under which a prescribed fire may be ignited, guide
13 selection of appropriate management responses, and indicates
14 other required actions. Prescription criteria may include
15 safety, economic, public health, environmental, geographic,
16 administrative, social, or legal considerations.

17 "Smoke Sensitive Receptors" mean population centers such as
18 towns and villages, campgrounds and trails, hospitals, nursing
19 homes, schools, roads, airports, Class I areas, nonattainment
20 and maintenance areas, areas whose air quality monitoring data
21 indicate pollutant levels that are close to health standards,
22 and any other areas where smoke and air pollutants can adversely
23 affect public health, safety and welfare.

24 "Wildfire" means unplanned ignition of a wildland fire
25 (such as a fire caused by lightning, volcanoes, unauthorized and
26 accidental human-caused fires) and escaped prescribed fires.

27 "Wildland" means an area in which development is
28 essentially non-existent, except for pipelines, power lines,
29 roads, railroads, or other transportation or conveyance
30 facilities. Structures, if any, are widely scattered.

31 "Wildland Fire" means any non-structure fire[~~, other than~~
32 prescribed fire,] that occurs in the wildland.

33 ~~—"Wildland Fire Use Event" means naturally ignited wildland~~
34 ~~fire that is managed to accomplish specific pre-stated resource~~
35 ~~management objectives in predefined geographic areas.~~

36 ~~—"Wildland Fire Implementation Plan(WFIP)" means the plan~~
37 ~~required for each fire that is allowed to burn.~~

38 ~~—"WFIP Stage I" means the initial wildland fire strategy~~
39 ~~planning document. It is developed for fires less than 20~~
40 ~~acres, with a low potential of spread and negative impacts. It~~
41 ~~must be completed within 8 hrs. of start.~~

42 ~~—"WFIP Stage II" means a more detailed wildland fire~~
43 ~~strategy planning document. It is developed for fires greater~~
44 ~~than 20 acres that are more active fires with a greater~~
45 ~~potential for geographic extent. It must be completed within~~
46 ~~24 hrs of start.]~~

1 (1) Management of On-Going Fires. The land manager shall
2 notify the Division of all wildfires, including nonfull
3 suppression events. If, after consultation with the land
4 manager, the [d]Director determines that a prescribed fire, [
5 ~~wildland fire use event,~~] wild[land]fire, or any smoke
6 transported from other locations, is degrading air quality to
7 levels that could violate the National Ambient Air Quality
8 Standards or burn plan conditions, the land manager shall
9 promptly stop igniting additional prescribed fires.

10 (2) [~~Emissions Calculations. In calculating emissions~~
11 ~~information required under R307-204, each land manager shall use~~
12 ~~emission factors approved by the Director.~~

13 ~~(3)~~ Non-burning Alternatives to Fire. [~~Beginning in 2004~~
14 ~~and annually thereafter, e]~~Each land manager shall submit to the
15 [d]Director annually, by March 15, a list of areas treated using
16 non-burning alternatives to fire during the previous calendar
17 year, including the number of acres, the specific types of
18 alternatives used, and the location of these areas.

19 ([4]3) Annual Emissions Goal. The [d]Director shall
20 provide an opportunity for an annual meeting with land managers
21 for the purpose of evaluation and adoption of the annual
22 emission goal. The annual emission goal shall be developed in
23 cooperation with states, federal land management agencies and
24 private entities, to control prescribed fire emissions increases
25 to the maximum feasible extent.

26 ([5]4) Long-term Fire Projections. Each land manager shall
27 provide to the [d]Director by March 15 annually long-term
28 projections of future prescribed fire activity for annual
29 assessment of visibility impairment.

30 R307-204-5. Burn Schedule.

31 (1) Any land manager planning prescribed fire burning more
32 than 50 acres per year shall submit the burn schedule to the
33 [d]Director on forms provided by the Division [~~of Air Quality~~],
34 and shall include the following information for all prescribed
35 fires including those smaller than 20 acres:

36 (a) [~~Project number and p]~~Project name and de minimis
37 status;

38 (b) [~~Air Quality Basin, UTM coordinate for the central~~
39 ~~point of the prescribed fire, project elevation, and~~
40 ~~county]~~Latitude and longitude;

41 (c) [~~Total project acres, description of major fuels, type~~
42 ~~of burn, ignition method]~~Acres for the year, fuel type, and
43 planned use of emission reduction techniques to support
44 establishment of the annual emissions goal; and

45 (d) [~~Earliest]~~Expected burn dates and burn duration.

46 (2) Each land manager shall submit each year's burn
47 schedule no later than March 15 of that year.

48 (3) Any land manager who makes changes to the burn
49

1 schedule shall submit an amendment to the burn schedule within
2 10 days after the change.

3

4 **R307-204-6. Small Prescribed Fires (de minimis).**

5 (1) A prescribed fire that covers less than 20 acres per
6 burn or less than 30,000 cubic feet of piled material shall be
7 ignited ~~[only]~~either when (1)the clearing index is 500 or
8 greater[-], (2) when the clearing index is between 400 and 499,
9 if;

10 ~~[(2) A prescribed fire that covers less than 20 acres per~~
11 ~~day may be ignited when the National Weather Service Clearing~~
12 ~~Index is between 500 and 400 with approval of the director.]~~

13 (a) The prescribed fire ~~[should be]~~is recorded as a de
14 minimis prescribed fire on the [Utah A]annual [B]burn
15 [S]schedule[-];

16 (b) The [L]land [M]manager ~~[is required to notify]~~obtains
17 approval from the [d]Director by[-fax,-] e-mail[-] or phone prior
18 to ignition of the burn[when burning below a National Weather
19 Service Clearing Index is between 500 and 400.]; and

20 (c) The land manager ~~[must include]~~submits to the Director
21 hourly photographs, a record of any complaints, hourly
22 meteorological conditions and an hourly description of the smoke
23 plume[- must be recorded and submitted].

24

25 **~~R307-204-7. [Small Prescribed Pile Fires (de minimis)].~~**

26 ~~—— (1) Pile burns covering up to 30,000 cubic feet per day~~
27 ~~shall be ignited only when the clearing index is 500 or greater.~~

28 ~~—— (2) Pile burns covering up to 30,000 cubic feet per day~~
29 ~~may be ignited when the National Weather Service Clearing Index~~
30 ~~is between 500 and 400 with approval of the director.~~

31 ~~—— (a) The pile fire should be recorded as a de minimis~~
32 ~~prescribed fire on the Utah Annual Burn Schedule.~~

33 ~~—— (b) The Land Manager is required to notify the director by~~
34 ~~fax, e mail, or phone prior to ignition of the burn when burning~~
35 ~~below a National Weather Service Clearing Index is between 500~~
36 ~~and 400.~~

37 ~~—— (c) The land manager must include hourly photographs, a~~
38 ~~record of any complaints, hourly meteorological conditions and~~
39 ~~an hourly description of the smoke plume must be recorded and~~
40 ~~submitted.~~

41

42 **~~R307-204-8.] Large Prescribed Fires.~~**

43 (1) ~~[Burn Plan.——]~~For a prescribed fire that covers 20
44 acres or more per burn or 30,000 cubic feet of piled material or
45 more, the land manager shall submit to the [d]Director a
46 [burn]prescribed fire plan at least one week before the
47 beginning of the burn window.[–] The plan shall includ[ing]e a [
48 fire] prescription and description of other state, county,
49 municipal, or federal resources available on scene, or for

1 contingency purposes.

2 (2) ~~[Pre Burn Information. For a prescribed fire that~~
3 ~~covers 20 acres or more per burn, t]~~The land manager shall
4 submit pre-burn information to the [d]Director at least two
5 weeks before the beginning of the burn window. The pre-burn
6 information shall be submitted to the [d]Director on the
7 appropriate form provided by the Division ~~—[of Air Quality by~~
8 ~~fax, electronic mail or postal mail—]~~and shall include the
9 following information:

10 (a) ~~The [three letter ID, project number, date submitted,~~
11 ~~name of person submitting the form, burn manager, and phone~~
12 ~~numbers]~~project name, total acres, and latitude and longitude;

13 (b) Summary of ignition method, burn type, and burn
14 objectives, such as restoration or maintenance of ecological
15 functions or ~~[indication of fire resiliency]~~hazardous fuel
16 reduction;

17 (c) Any sensitive receptor within 15 miles, including any
18 Class I or nonattainment or maintenance area, and distance and
19 direction in degrees from the project site;

20 ~~[(d) Planned mitigation methods:]~~

21 ~~[(e)d]~~ The smoke dispersion or visibility model used and
22 results;

23 ~~[(f)e]~~ The estimated amount of total particulate matter
24 anticipated;

25 ~~[(g)f]~~ A description of how the public and land managers
26 in neighboring states will be notified;

27 ~~[(h)g]~~ A map depicting both the daytime and nighttime
28 smoke path and down-drainage flow for a minimum of 15 miles from
29 the burn site with smoke-sensitive areas delineated;

30 ~~[(i)h]~~ Safety and contingency plans for addressing any
31 smoke intrusions;~~and~~

32 ~~—(j) If the fire is in a nonattainment or maintenance area~~
33 ~~and is subject to general conformity (42 U.S.C. 7506(c)), a copy~~
34 ~~of the conformity demonstration showing that the fire meets the~~
35 ~~requirements of the Clean Air Act and conforms with the~~
36 ~~applicable State Implementation Plan.]~~

37 ~~[(k)i]~~ Planned use of emission reduction techniques to
38 support establishment of an annual emissions goal, if not
39 already submitted under R307-204-5[-]; and

40 ~~[(l)j]~~ Any other information needed by the [d]Director for
41 smoke management purposes, or for assessment of contribution to
42 visibility impairment in any Class I area.

43 (3) Burn Request.

44 (a) The land manager shall submit to the [d]Director a
45 burn request on the form provided by the Division~~—of Air~~
46 ~~Quality]~~ by 1000 hours at least two business days before the
47 planned ignition time. The form ~~[may be submitted by fax or~~
48 ~~electronic mail, and]~~must include the following information:

49 (i) The ~~[three letter identification and project number~~

1 ~~consistent with the annual burn schedule required in R307-204-~~
2 ~~5(1) above]~~project name;
3 (ii) The date submitted and by whom;~~and]~~
4 (iii) The burn manager conducting the burn and phone
5 numbers; and
6 (iv) The dates of the requested burn window.
7 (b) No large prescribed fire [~~requiring a burn plan~~] shall
8 be ignited before the [d]Director approves the burn request.
9 (c) If a prescribed fire is delayed, changed or not
10 completed following burn approval, any significant changes in
11 the burn plan shall be submitted to the [d]Director before the
12 burn request is submitted.~~[If a prescribed fire is not carried~~
13 ~~out, the land manager shall list the reasons on the burn request~~
14 ~~form provided by the Division of Air Quality and shall submit~~
15 ~~the form by fax or electronic mail to the director by 0800 hours~~
16 ~~the following business day.]~~
17 (4) Daily Emissions Report. By 0800 hours on the day
18 following the prescribed [~~burn~~]fire, for each day of prescribed
19 fire activity covering 20 acres or more, the land manager shall
20 submit to the [d]Director a daily emission report on the form
21 provided by the Division~~[of Air Quality]~~ including the
22 following information:
23 (a) [~~The three letter identification and project number~~
24 ~~consistent with the annual burn schedule required in R307-204-~~
25 ~~5(1) above]~~Project name;
26 (b) The date submitted and by whom;
27 (c) The start and end dates and times of the burn;
28 (d) Emission information[including], to include total
29 affected acres, black acres, tons fuel consumed per acre, and
30 tons particulate matter produced;
31 (e) Public interest regarding smoke;
32 (f) Daytime [~~ventilation~~]smoke behavior;
33 (g) Nighttime smoke behavior;
34 (h) Emission reduction techniques applied; and
35 ([~~h~~]i) Evaluation of the techniques used by the land
36 manager to reduce emissions or manage the smoke from the
37 prescribed burn[~~and~~
38 ~~(i) Emission reduction techniques applied].~~
39 (5) Emission Reduction and Dispersion Techniques. Each
40 land manager shall take measures to prevent smoke impacts. Such
41 measures may include best management practices such as dilution,
42 emission reduction or avoidance in addition to others described
43 in the pre-burn information form provided by the Division~~[of~~
44 ~~Air Quality]~~. An evaluation of the techniques shall be included
45 in the daily emissions report required by (4) above.
46 (6) Monitoring. Land managers shall monitor the effects
47 of the prescribed fire on smoke sensitive receptors and on
48 visibility in Class I areas, as directed by the burn plan.
49 Hourly visual monitoring and documentation of the direction of

1 the smoke plume shall be recorded on the form provided by the
2 Division[~~of Air Quality~~] or on the land manager's equivalent
3 form. Complaints from the public shall be noted in the land
4 managers project file. Records shall be available for
5 inspection by the [d]Director for six months following the end
6 of the fire.

7

8 ~~[R307-204-9. Large Prescribed Pile Fires.~~

9 ~~—— (1) Burn Plan. For a prescribed pile fire that exceeds~~
10 ~~30,000 cubic feet per day, the land manager shall submit to the~~
11 ~~director a burn plan, including a fire prescription.~~

12 ~~—— (2) Pre-Burn Information. For a prescribed pile fire that~~
13 ~~exceeds 30,000 cubic feet or more per burn, the land manager~~
14 ~~shall submit pre burn information to the director at least two~~
15 ~~weeks before the beginning of the burn window. The pre burn~~
16 ~~information shall be submitted to the director on the~~
17 ~~appropriate form provided by the Division of Air Quality by fax,~~
18 ~~electronic mail or postal mail and shall include the following~~
19 ~~information:~~

20 ~~—— (a) The three letter ID, project number, date submitted,~~
21 ~~name of person submitting the form, burn manager, and phone~~
22 ~~numbers;~~

23 ~~—— (b) Summary of burn objectives, such as restoration or~~
24 ~~maintenance of ecological functions or indication of fire~~
25 ~~resiliency;~~

26 ~~—— (c) Any sensitive receptor within 15 miles, including any~~
27 ~~Class I or nonattainment or maintenance area, and distance and~~
28 ~~direction in degrees from the project site;~~

29 ~~—— (d) Planned mitigation methods;~~

30 ~~—— (e) The smoke dispersion or visibility model used and~~
31 ~~results;~~

32 ~~—— (f) The estimated amount of total particulate matter~~
33 ~~anticipated;~~

34 ~~—— (g) A description of how the public and land managers in~~
35 ~~neighboring states will be notified;~~

36 ~~—— (h) A map depicting both the daytime and nighttime smoke~~
37 ~~path and down drainage flow for a minimum of 15 miles from the~~
38 ~~burn site with smoke sensitive areas delineated;~~

39 ~~—— (i) Safety and contingency plans for addressing any smoke~~
40 ~~intrusions; and~~

41 ~~—— (j) If the fire is in a nonattainment or maintenance area~~
42 ~~and is subject to general conformity (42 U.S.C. 7506(c)), a copy~~
43 ~~of the conformity demonstration showing that the fire meets the~~
44 ~~requirements of the Clean Air Act and conforms with the~~
45 ~~applicable State Implementation Plan.~~

46 ~~—— (k) Planned use of emission reduction techniques to~~
47 ~~support establishment of an annual emissions goal, if not~~
48 ~~already submitted under R307-204-5.~~

49 ~~—— (l) Any other information needed by the director for smoke~~

1 ~~management purposes, or for assessment of contribution to~~
2 ~~visibility impairment in any Class I area.~~
3 ~~—— (3) Burn Request.~~
4 ~~—— (a) The land manager shall submit to the director a burn~~
5 ~~request on the form provided by the Division of Air Quality by~~
6 ~~1000 hours at least two business days before the planned~~
7 ~~ignition time. The form may be submitted by fax or electronic~~
8 ~~mail, and must include the following information:~~
9 ~~—— (i) The three letter identification and project number~~
10 ~~consistent with the annual burn schedule required in R307-204-~~
11 ~~5(1) above;~~
12 ~~—— (ii) The date submitted and by whom; and~~
13 ~~—— (iii) The burn manager conducting the burn and phone~~
14 ~~numbers.~~
15 ~~—— (b) No prescribed pile fire requiring a burn plan shall be~~
16 ~~ignited before the director approves the burn request.~~
17 ~~—— (c) If a prescribed pile fire is delayed, changed or not~~
18 ~~completed following burn approval, any significant changes in~~
19 ~~the burn plan shall be submitted to the director before the burn~~
20 ~~request is submitted. If a prescribed fire is not carried out,~~
21 ~~the land manager shall list the reasons on the burn request form~~
22 ~~provided by the Division of Air Quality and shall submit the~~
23 ~~form by fax or electronic mail to the director by 0800 hours the~~
24 ~~following business day.~~
25 ~~—— (4) Daily Emissions Report. By 0800 hours on the day~~
26 ~~following the prescribed pile burn, for each day of pile fire~~
27 ~~activity exceeding 30,000 cubic feet, the land manager shall~~
28 ~~submit to the director a daily emission report on the form~~
29 ~~provided by the Division of Air Quality including the following~~
30 ~~information:~~
31 ~~—— (a) The three-letter identification and project number~~
32 ~~consistent with the annual burn schedule required in R307-204-~~
33 ~~5(1) above;~~
34 ~~—— (b) The date submitted and by whom;~~
35 ~~—— (c) The start and end dates and times of the burn;~~
36 ~~—— (d) Emission information including black acres, tons fuel~~
37 ~~consumed per acre, and tons particulate matter produced;~~
38 ~~—— (e) Public interest regarding smoke;~~
39 ~~—— (f) Daytime ventilation;~~
40 ~~—— (g) Nighttime smoke behavior;~~
41 ~~—— (h) Evaluation of the techniques used by the land manager~~
42 ~~to reduce emissions or manage the smoke from the prescribed pile~~
43 ~~burn; and~~
44 ~~—— (i) Emission reduction techniques applied.~~
45 ~~—— (5) Emission Reduction and Dispersion Techniques. Each~~
46 ~~land manager shall take measures to prevent smoke impacts. Such~~
47 ~~measures may include best management practices such as dilution,~~
48 ~~emission reduction or avoidance in addition to others described~~
49 ~~in the pre burn information form provided by the Division of Air~~

1 ~~Quality. An evaluation of the techniques shall be included in~~
2 ~~the daily emissions report required by (4) above.~~

3 ~~(6) Monitoring. Land managers shall monitor the effects~~
4 ~~of the prescribed pile fire on smoke sensitive receptors and on~~
5 ~~visibility in Class I areas, as directed by the burn plan.~~
6 ~~Hourly visual monitoring and documentation of the direction of~~
7 ~~the smoke plume shall be recorded on the form provided by the~~
8 ~~Division of Air Quality or on the land manager's equivalent~~
9 ~~form. Complaints from the public shall be noted in the land~~
10 ~~managers project file. Records shall be available for~~
11 ~~inspection by the director for six months following the end of~~
12 ~~the fire.~~

13
14 ~~**R307-204-10. Requirements for Wildland Fire Use Events.**~~

15 ~~(1) Burn Approval Required.~~

16 ~~(a) The land manager shall notify the director of any~~
17 ~~potential wildland fire use (WFU) event having a WFIP Stage I.~~
18 ~~The following information will be provided:~~

19 ~~(i) UTM coordinate of the fire;~~

20 ~~(ii) Active burning acres;~~

21 ~~(iii) Probable fire size and daily anticipated growth in~~
22 ~~acres;~~

23 ~~(iv) Types of wildland fuel involved;~~

24 ~~(v) An emergency telephone number that is answered 24~~
25 ~~hours a day;~~

26 ~~(vi) Wilderness or Resource Natural Area designation, if~~
27 ~~applicable;~~

28 ~~(vii) Distance to nearest community;~~

29 ~~(viii) Elevation of fire; and~~

30 ~~(ix) Fire's airshed number.~~

31 ~~(b) The Land Managers shall notify the director of any~~
32 ~~potential wildland fire use event covering more than 20 acres or~~
33 ~~having a WFIP Stage II due to higher potential for spread and~~
34 ~~negative impacts. In addition to the information required for a~~
35 ~~WFU with a WFIP Stage I, the following additional information~~
36 ~~will be provided to the director as it is being developed:~~

37 ~~(i) WFIP Stage II wildland fire implementation plan and~~
38 ~~anticipated emissions;~~

39 ~~(ii) A map depicting both the daytime and nighttime smoke~~
40 ~~path and down-drainage flow for a minimum of 15 miles from the~~
41 ~~burn site with smoke sensitive areas delineated; and~~

42 ~~(iii) Additional computer smoke modeling, if requested by~~
43 ~~the director.~~

44 ~~(c) The director's approval of the smoke management~~
45 ~~element of the wildland fire implementation plan shall be~~
46 ~~obtained before managing the fire as a wildland fire use event.~~

47 ~~(2) Daily Emission Report for wildland fire use event. By~~
48 ~~0800 hours on the business day following fire activity covering~~
49 ~~20 acres or more, the land manager shall submit to the director~~

1 ~~the daily emission report on the form provided by the Division~~
2 ~~of Air Quality, including the following information:~~
3 ~~— (a) The three letter identification, project number, Air~~
4 ~~Quality Basin, and name of the burn manager;~~
5 ~~— (b) UTM coordinate;~~
6 ~~— (c) Dates and times of the start and end of the burn;~~
7 ~~— (d) Black acres by wildland fuel type;~~
8 ~~— (e) Estimated proportion of wildland fuel consumed by~~
9 ~~wildland fuel type;~~
10 ~~— (f) Proportion of moisture in the wildland fuel by size~~
11 ~~class;~~
12 ~~— (g) Emission estimates;~~
13 ~~— (h) Level of public interest or concern regarding smoke;~~
14 ~~and~~
15 ~~— (i) Conformance to the wildland fire implementation plan.~~
16 ~~(3) Monitoring. The land manager shall monitor the~~
17 ~~effects of smoke on smoke sensitive receptors and visibility in~~
18 ~~Class I areas as directed by the wildland fire implementation~~
19 ~~plan. Complaints from the public shall be recorded in the~~
20 ~~project file. Records shall be available for inspection by the~~
21 ~~director for six months following the end of the fire.]~~

22
23 **KEY:** air quality, [~~wildland~~prescribed fire, smoke[, ~~land~~
24 ~~manager~~]
25 **Date of Enactment or Last Substantive Amendment:** [~~July 7~~],
26 **201[1]9**
27 **Notice of Continuation:** February 5, 2015
28 **Authorizing, and Implemented or Interpreted Law:** 19-2-104(1)(a)

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-047-19

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Jason Krebs, Environmental Scientist

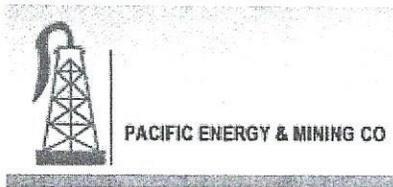
DATE: May 22, 2019

SUBJECT: Pacific Energy and Mining Company – Settlement Agreement

Pacific Energy and Mining Company (Pacific) operates a natural gas compressor station located near Ranch Exit #175 on I-70 in Grand County, Utah. On September 28, 2017, the Division of Air Quality (DAQ) sent Pacific a compliance advisory for violations observed during an inspection conducted on September 6, 2017. On October 3, 2017, Pacific submitted a response to the compliance advisory agreeing with the violations and explained how the plant would return to compliance. On March 2, 2018, the source received a Notice of Violation for lack of corrective action on the compliance advisory. On December 14, 2018, Pacific submitted a notice of intent for a new approval order (AO). A penalty of \$71,535.00 was assessed to Pacific on April 30, 2019. Half the settlement amount will be paid in cash, and half will be deferred for two years. If during the two year deferment period Pacific does not violate its AO and Utah environmental laws, the deferred \$35,767.50 will be waived. On May 16, 2019, Pacific accepted the settlement agreement and returned the signed settlement agreement to the DAQ. Pacific was inspected on April 3, 2019, to verify compliance.

Under Section 19-2-104(3)(b)(i) of the Utah Code, this memorandum is submitted to the Board for review since the penalty exceeds \$25,000. A copy of the settlement agreement is provided. The DAQ will withhold any further action on this case until the Board approves or disapproves the settlement. The number of days out of compliance is not reflected in this penalty worksheet as the penalty predates the change in the worksheet. The estimated number of days out of compliance is 571 days. Penalty days were figured from initial inspection to the most recent inspection.

Recommendation: Staff recommends that the Board approve the settlement of \$71,535.00.



UTAH DEPARTMENT OF
ENVIRONMENTAL QUALITY

MAY 20 2019

DIVISION OF AIR QUALITY

May 16, 2019

Rick Ombach
Department of Environmental Quality
Division of Air Quality
PO Box 144820
Salt Lake City, UT 84114-4820

Subject: Settlement Agreement

Dear Mr. Ombach:

Enclosed please find the fully executed settlement agreement.

Sincerely,

Tariq Ahmad



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

DAQC-0354-19
Site ID: 14111 (B1)

April 30, 2019

Sent Via Certified Mail No. 70171070000091093184

Tariq Ahmad
Pacific Energy and Mining Company
3550 Barron Way, Suite 13-A
Reno, Nevada 89511-1852

Dear Mr. Ahmad:

Re: Settlement Agreement – Pacific Energy and Mining Company

On September 28, 2017, the Utah Division of Air Quality (DAQ) issued a Compliance Advisory to Pacific Energy and Mining Company (PEMC) as a result of an inspection performed on September 6, 2017. PEMC responded to the Compliance Advisory on October 3, 2017. On March 6, 2018, DAQ issued a Notice of Violation to PEMC as no progress in addressing the findings of the September 6, 2017, inspection had been demonstrated. Based on the findings of the inspection, PEMC's responses to the Compliance Advisory and the Notice of Violation, and a March 5, 2019, settlement conference call with PEMC, the DAQ determined that PEMC was in violation of:

1. Condition II.B.1.a. of Approval Order DAQE-AN141110004-16:

PEMC was actuating process control devices with process off-gas.

2. 40 CFR NSPS Subpart KKK of Part 60:

PEMC was not able to demonstrate compliance with applicable requirements of 40 CFR Subpart KKK of Part 60.

Section 19-2-115 of the Utah Code Annotated provides that violations of the Utah Air Conservation Act and/or any order issued thereunder may be subject to a civil penalty of up to \$10,000.00 per day for each violation. Based upon our civil penalty policy, we calculated a preliminary civil penalty for the above listed violations of \$71,535.00.

The monetary amount of the DAQ settlement offer specified below is derived from a pre-established schedule of penalties, which takes into account, among other factors, the magnitude and severity of the violation, economic benefit, cooperation of the source as well as the prior history of violations.

All parties we deal with, whether private, commercial, or governmental are treated similarly in the settlement process. Settlement Agreements are based on the evaluation of the same factors and criteria in all cases. The DAQ acknowledges that the violations on September 6, 2017, was addressed by installing instrument air to drive the process controllers, employing a consultant to assist with a regulatory audit, and submitting a Notice of Intent to DAQ on December 14, 2018.

If you are interested in settling this violation, we are authorized to offer settlement in accordance with the DAQ Penalty Policy as follows:

1. Pacific Energy and Mining Company agree to pay a civil penalty in the sum of \$71,535.00. Payment of a civil penalty precludes further civil enforcement for the above described violation against the named source.
 - a. \$35,767.50 of the stipulated penalty will be deferred for a two year period. This portion of the penalty shall be immediately due and payable if Pacific Energy and Mining, at any of its operations within the State, violates the provisions of this Settlement Agreement, the Act, Rules, or Orders within the next two years, this portion of the penalty shall be waived.
 - b. \$35,767.50 will be paid in twelve equal monthly installments of \$2,980.63. The first payment will be paid by July 1, 2019. The eleven remaining payments will be due on the 1st day of each month until the balance is paid in full.
2. The DAQ retains its authority to take any enforcement actions based on any and all violations not specifically described above.
3. In the event any further violations of the Utah Air Quality Rules occur, the DAQ may consider the violation described above in assessing a penalty for the subsequent violations, in accordance with the provisions of Utah Administrative Code R307-130.
4. Entering into this Settlement Agreement shall not constitute an admission of violation of the Utah Air Quality Rules, nor shall it be inferred to be such an admission in any administrative or judicial proceeding. The described violation will constitute part of the company compliance history for any purpose for which such history is relevant to the DAQ.

This Settlement Agreement constitutes an offer of settlement and is not a demand for payment. If the above terms are acceptable to you, please sign and return this Settlement Agreement to the DAQ at the letterhead address within twenty (20) business days of receipt of this agreement. Utah Code 19-2-104(3)(b)(i), requires the Utah Air Quality Board to review and

MAY 20 2019

DAQC-0354-19

Page 3

DIVISION OF AIR QUALITY

approve/disapprove any settlement negotiated by the Director that results in a civil penalty of \$25,000.00 or more in accordance with Subsection 19-2-107(2)(b)(viii). The DAQ will present this to the Utah Air Quality Board at the June 2019 board meeting for review and will recommend approval of the negotiated settlement.

This Settlement Agreement is intended to resolve the non-compliance issues listed above and requires the immediate attention of your company. Failure to resolve this matter as outlined above may result in this offer being revoked and/or having this matter referred to a formal enforcement process.

If you have any additional questions regarding this matter, please contact Rik Ombach at (801) 536-4164, or by email at rombach@utah.gov.

Sincerely,



Bryce C. Bird
Director

BCB:RO:bp

cc: Southeastern Utah District Health

Acceptance of Settlement Agreement

I have read the above Settlement Agreement and I agree to the terms and conditions thereof.

Pacific Energy and Mining Company:

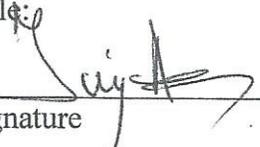
Name:

Title:

Signature

Date

Telephone Number



5/12/19

975 333 6626

ITEM 9

Air Toxics



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-282-19

MEMORANDUM

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: March 13, 2019

SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – February 2019

Asbestos Demolition/Renovation NESHAP Inspections	10
Asbestos AHERA Inspections	10
Asbestos State Rules Only Inspections	4
Asbestos Notification Forms Accepted	98
Asbestos Telephone Calls	298
Asbestos Individuals Certifications Approved/Disapproved	38/0
Asbestos Company Certifications/Re-Certifications	2/10
Asbestos Alternate Work Practices Approved/Disapproved	10/0
Lead-Based Paint (LBP) Inspections	15
LBP Notification Forms Approved	2
LBP Telephone Calls	81
LBP Letters Prepared and Mailed	37
LBP Courses Reviewed/Approved	0
LBP Course Audits	0
LBP Individual Certifications Approved/Disapproved	28/0
LBP Firm Certifications	9

Notices of Violation Sent	0
Compliance Advisories Sent	24
Warning Letters Sent	9
Settlement Agreements Finalized	2
Penalties Agreed to:	
Driggs Development, LLC	\$ 225.00
CertaPro Painters of Salt Lake	<u>\$1,500.00</u>
	\$1,725.00



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-362-19

MEMORANDUM

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: April 12, 2019

SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – March 2019

Asbestos Demolition/Renovation NESHAP Inspections	10
Asbestos AHERA Inspections	10
Asbestos State Rules Only Inspections	5
Asbestos Notification Forms Accepted	143
Asbestos Telephone Calls	472
Asbestos Individuals Certifications Approved/Disapproved	127/0
Asbestos Company Certifications/Re-Certifications	3/8
Asbestos Alternate Work Practices Approved/Disapproved	7/0
Lead-Based Paint (LBP) Inspections	17
LBP Notification Forms Approved	3
LBP Telephone Calls	71
LBP Letters Prepared and Mailed	6
LBP Courses Reviewed/Approved	0
LBP Course Audits	0
LBP Individual Certifications Approved/Disapproved	50/0
LBP Firm Certifications	6

Notices of Violation Sent	0
Compliance Advisories Sent	4
Warning Letters Sent	9
Settlement Agreements Finalized	2
Penalties Agreed to:	
Alpine School District	\$1,080.00
Earthscapes, LLC	<u>\$ 200.00</u>
	\$1,280.00



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-427-19

MEMORANDUM

TO: Air Quality Board

FROM: Bryce C. Bird, Executive Secretary

DATE: May 7, 2019

SUBJECT: Air Toxics, Lead-Based Paint, and Asbestos (ATLAS) Section Compliance Activities – April 2019

Asbestos Demolition/Renovation NESHAP Inspections	11
Asbestos AHERA Inspections	11
Asbestos State Rules Only Inspections	7
Asbestos Notification Forms Accepted	167
Asbestos Telephone Calls	414
Asbestos Individuals Certifications Approved/Disapproved	40/0
Asbestos Company Certifications/Re-Certifications	2/9
Asbestos Alternate Work Practices Approved/Disapproved	11/0
Lead-Based Paint (LBP) Inspections	6
LBP Notification Forms Approved	0
LBP Telephone Calls	49
LBP Letters Prepared and Mailed	18
LBP Courses Reviewed/Approved	0
LBP Course Audits	1
LBP Individual Certifications Approved/Disapproved	28/0
LBP Firm Certifications	21

Notices of Violation Sent	1
Compliance Advisories Sent	14
Warning Letters Sent	15
Settlement Agreements Finalized	1
Penalties Agreed to:	
Momentum Engineering and Construction, LLC	\$675.00

Compliance



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

DAQC-0523-19

MEMORANDUM

TO: Air Quality Board
FROM: Bryce C. Bird, Executive Secretary
DATE: March 12, 2019
SUBJECT: Compliance Activities – February 2019

Annual Inspections Conducted:

Major.....	4
Synthetic Minor	3
Minor	39
On-Site Stack Test Audits Conducted:	1
Stack Test Report Reviews:	21
On-Site CEM Audits Conducted:	0
Emission Reports Reviewed:	17
Temporary Relocation Requests Reviewed & Approved:	5
Fugitive Dust Control Plans Reviewed & Accepted:.....	157
Open Burn Permit Applications Completed	Closed Season
Soil Remediation Report Reviews:	8
¹ Miscellaneous Inspections Conducted:.....	14
Complaints Received:	10

Breakdown Reports Received:.....	0
Compliance Actions Resulting From a Breakdown.....	0
Warning Letters Issued:	2
Notices of Violation Issued:.....	1
Unresolved Notices of Violations:	
US Magnesium	08/27/2015
Western Water Solutions	05/02/2017
Geneva Rock Products.....	10/20/2017
Norbest.....	11/15/2017
Strang Excavating	01/17/2018
US Magnesium	03/02/2018
Pacific Energy & Mining	03/02/2018
Gordon Creek Compressor Station	05/16/2018
JRJ Services	06/21/2018
JRJ Services	09/07/2018
Compass Minerals.....	12/10/2018
US Magnesium	01/08/2019
Mel Clark Construction	01/11/2019
Picasso Shutters	02/13/2019
Sunroc	02/28/2019
Compliance Advisories Issued:.....	4
No Further Action Letters Issued.....	2
Settlement Agreements Reached:	3
HJG, Utah	\$140,000.00
Rupps Trucking.....	\$6,369.00
Material Packaging Corporation	\$942.00

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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Executive Director

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Bryce C. Bird
Director

DAQC-524-19

MEMORANDUM

TO: Air Quality Board
FROM: Bryce C. Bird, Executive Secretary
DATE: April 16, 2019
SUBJECT: Compliance Activities – March 2019

Annual Inspections Conducted:

Major.....	8
Synthetic Minor	4
Minor	49
On-Site Stack Test Audits Conducted:	1
Stack Test Report Reviews:	21
On-Site CEM Audits Conducted:	0
Emission Reports Reviewed:	0
Temporary Relocation Requests Reviewed & Approved:	5
Fugitive Dust Control Plans Reviewed & Accepted:.....	199
Open Burn Permit Applications Completed	685
Soil Remediation Report Reviews:	0
¹ Miscellaneous Inspections Conducted:.....	20
Complaints Received:	5

Breakdown Reports Received:.....	0
Compliance Actions Resulting From a Breakdown.....	0
Warning Letters Issued:	0
Notices of Violation Issued:.....	1
Unresolved Notices of Violation:	
US Magnesium	08/27/2015
Western Water Solutions	05/02/2017
Geneva Rock Products.....	10/20/2017
Norbest.....	11/15/2017
Strang Excavating	01/17/2018
US Magnesium	03/02/2018
Pacific Energy & Mining	03/02/2018
Gordon Creek Compressor Station	05/16/2018
JRJ Services	06/21/2018
JRJ Services	09/07/2018
Compass Minerals.....	12/10/2018
US Magnesium	01/08/2019
Mel Clark Construction	01/11/2019
Picasso Shutters	02/13/2019
Sunroc	02/28/2019
Compliance Advisories Issued:.....	3
No Further Action Letters Issued.....	0
Settlement Agreements Reached:	2
Holly Refining	\$4,920.00
Chromalox	\$2,160.00

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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Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQC-0637-19

MEMORANDUM

TO: Air Quality Board
FROM: Bryce C. Bird, Executive Secretary
DATE: May 10, 2019
SUBJECT: Compliance Activities – April 2019

Annual Inspections Conducted:

Major.....	6
Synthetic Minor	4
Minor	24
On-Site Stack Test Audits Conducted:	2
Stack Test Report Reviews:	22
On-Site CEM Audits Conducted:	18
Emission Reports Reviewed:	7
Temporary Relocation Requests Reviewed & Approved:	7
Fugitive Dust Control Plans Reviewed & Accepted:.....	212
Open Burn Permit Applications Completed.....	3,598
Soil Remediation Report Reviews:	0
¹ Miscellaneous Inspections Conducted:.....	11
Complaints Received:	3

Breakdown Reports Received:.....5

Compliance Actions Resulting From a Breakdown.....0

Warning Letters Issued:0

Notices of Violation Issued:.....0

 Unresolved Notices of Violation:

 US Magnesium08/27/2015

 Western Water Solutions05/02/2017

 Geneva Rock Products10/20/2017

 Norbest.....11/15/2017

 Strang Excavating01/17/2018

 US Magnesium03/02/2018

 Pacific Energy & Mining03/02/2018

 Gordon Creek Compressor Station05/16/2018

 JRJ Services06/21/2018

 JRJ Services09/07/2018

 Compass Minerals.....12/10/2018

 US Magnesium01/08/2019

 Mel Clark Construction01/11/2019

 Picasso Shutters02/13/2019

 Sunroc02/28/2019

Compliance Advisories Issued:.....3

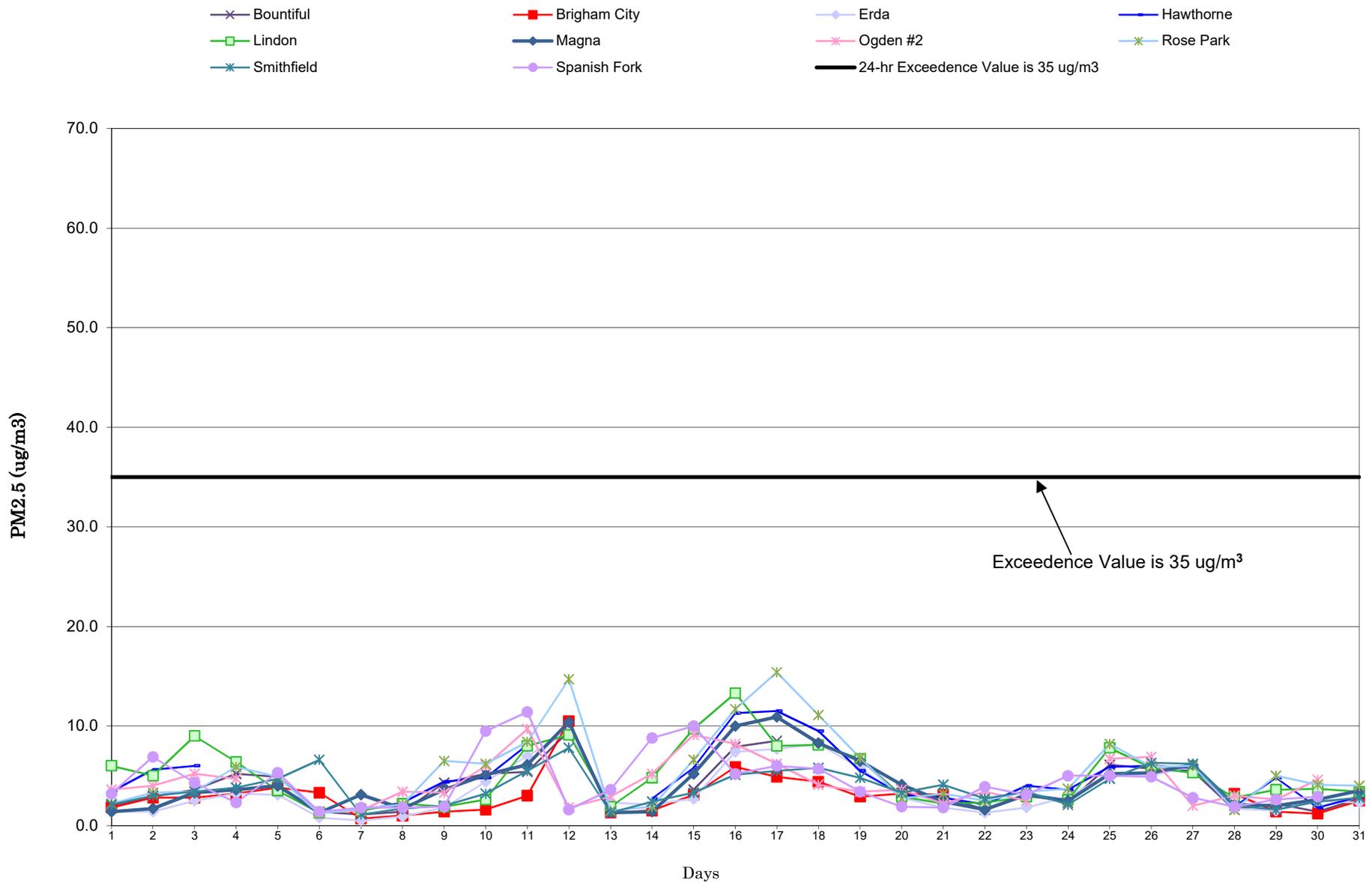
No Further Action Letters Issued.....1

Settlement Agreements Reached:0

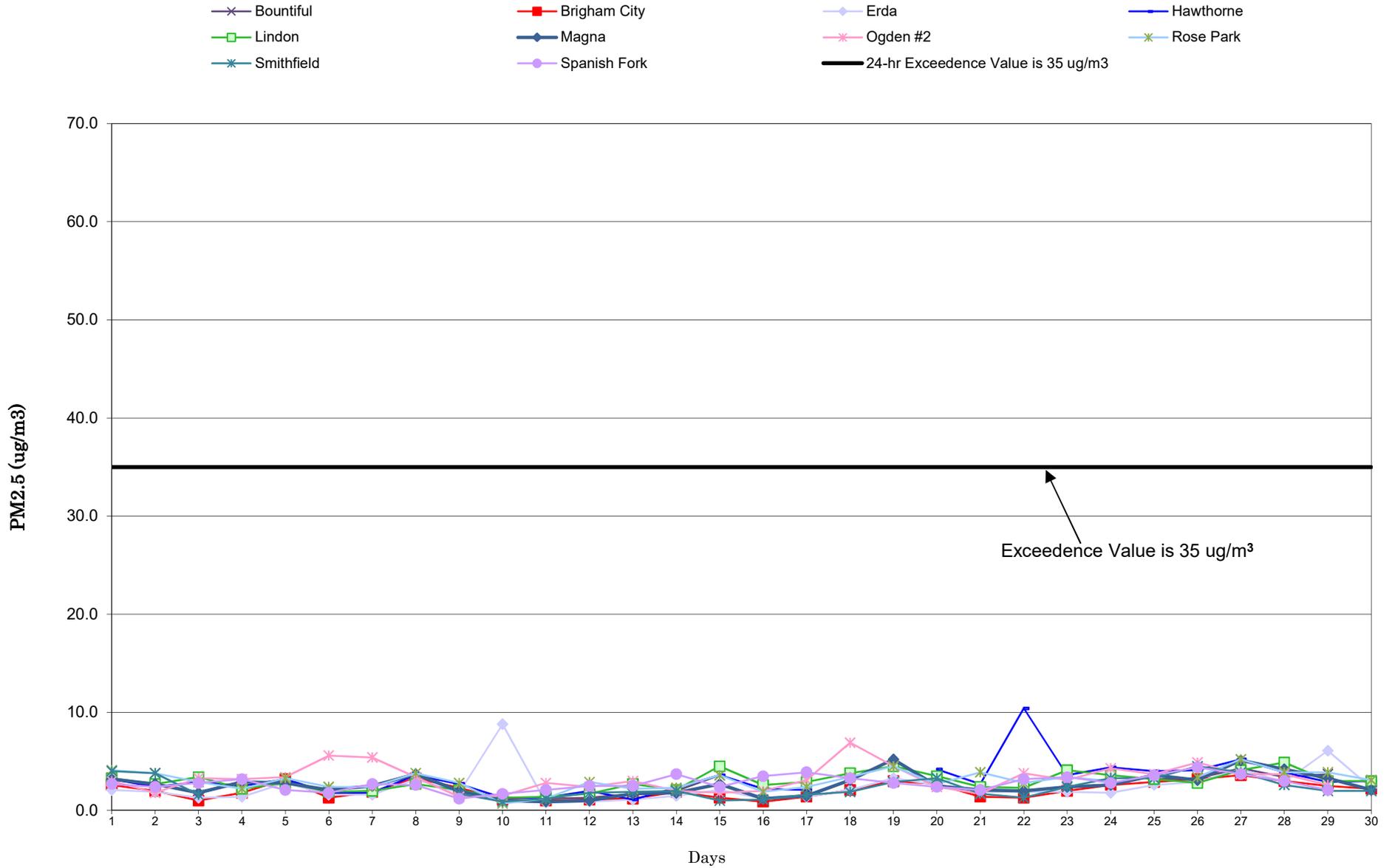
¹Miscellaneous inspections include, e.g., surveillance, level I inspections, VOC inspections, complaints, on-site training, dust patrol, smoke patrol, open burning, etc.

Air Monitoring

Utah 24-Hr PM2.5 Data March 2019

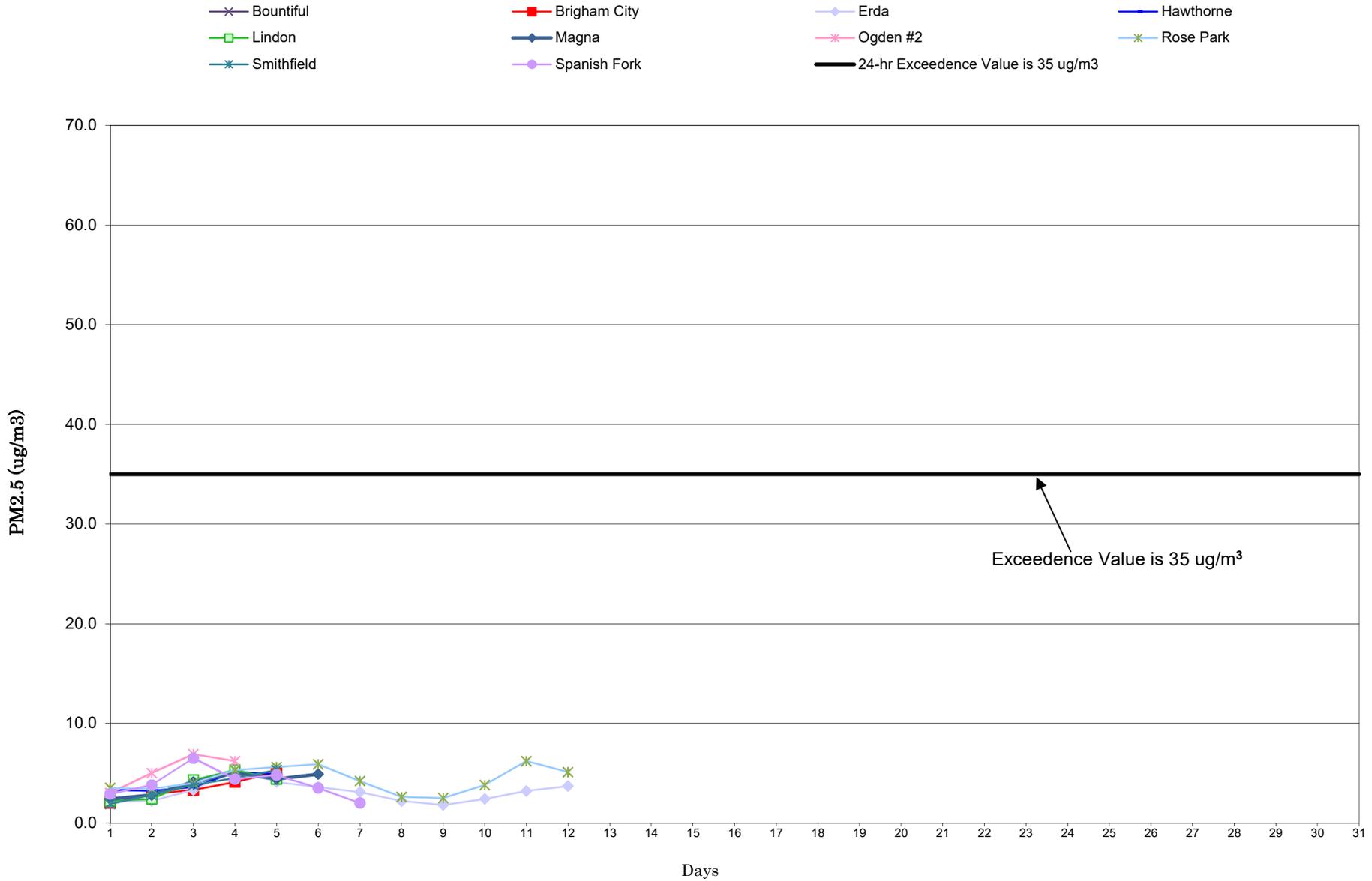


Utah 24-Hr PM2.5 Data April 2019

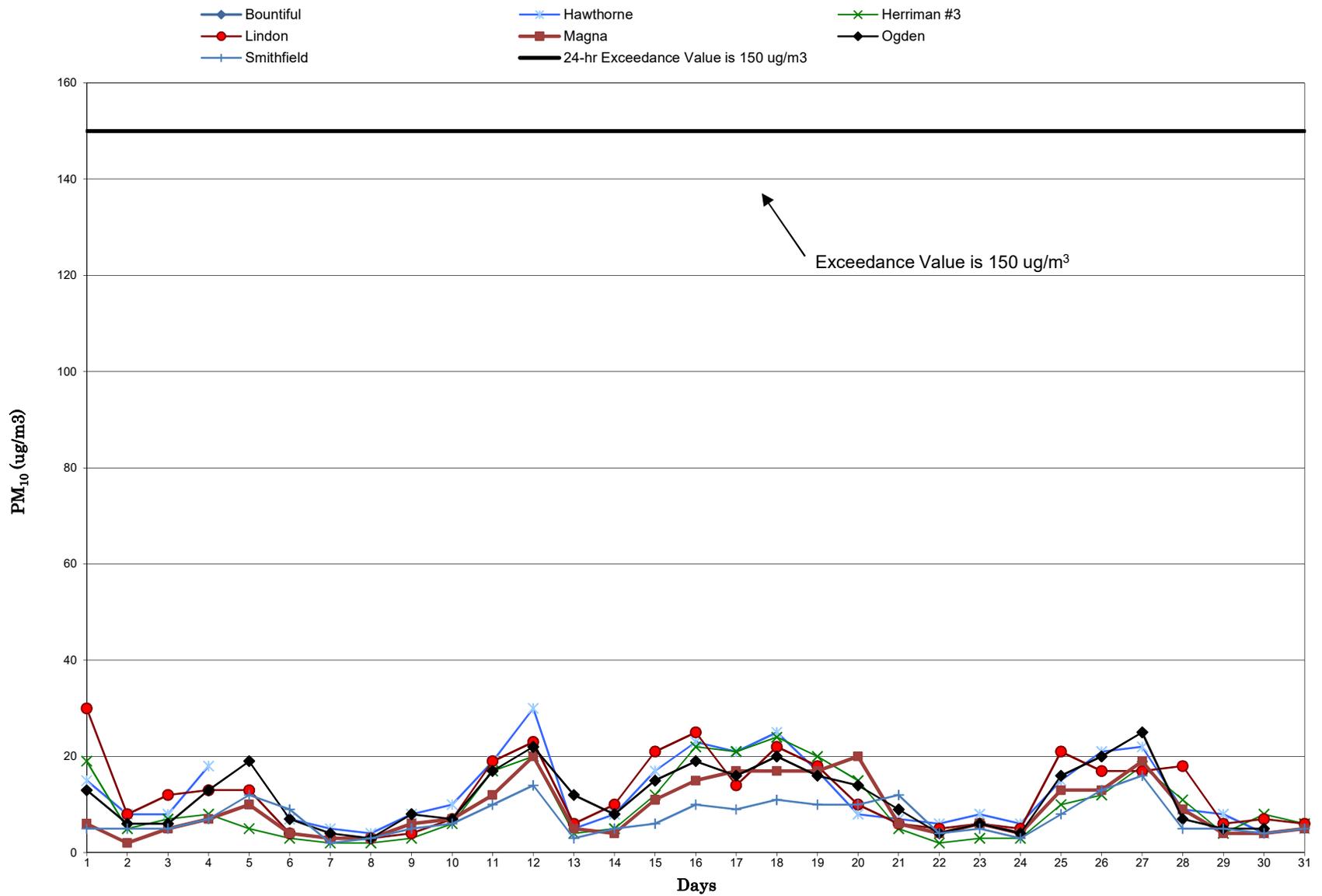


Exceedence Value is 35 ug/m³

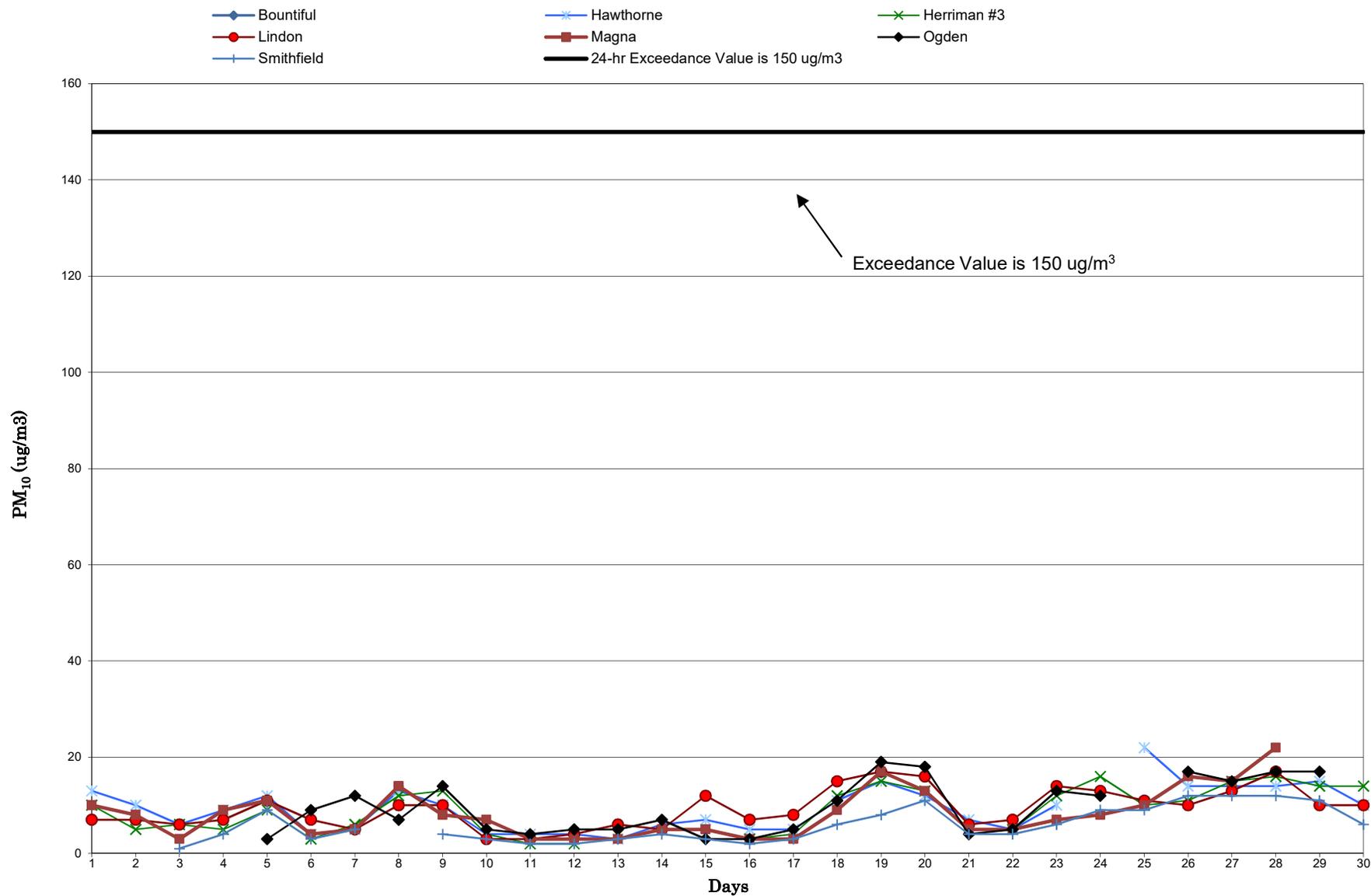
Utah 24-Hr PM2.5 Data May 2019



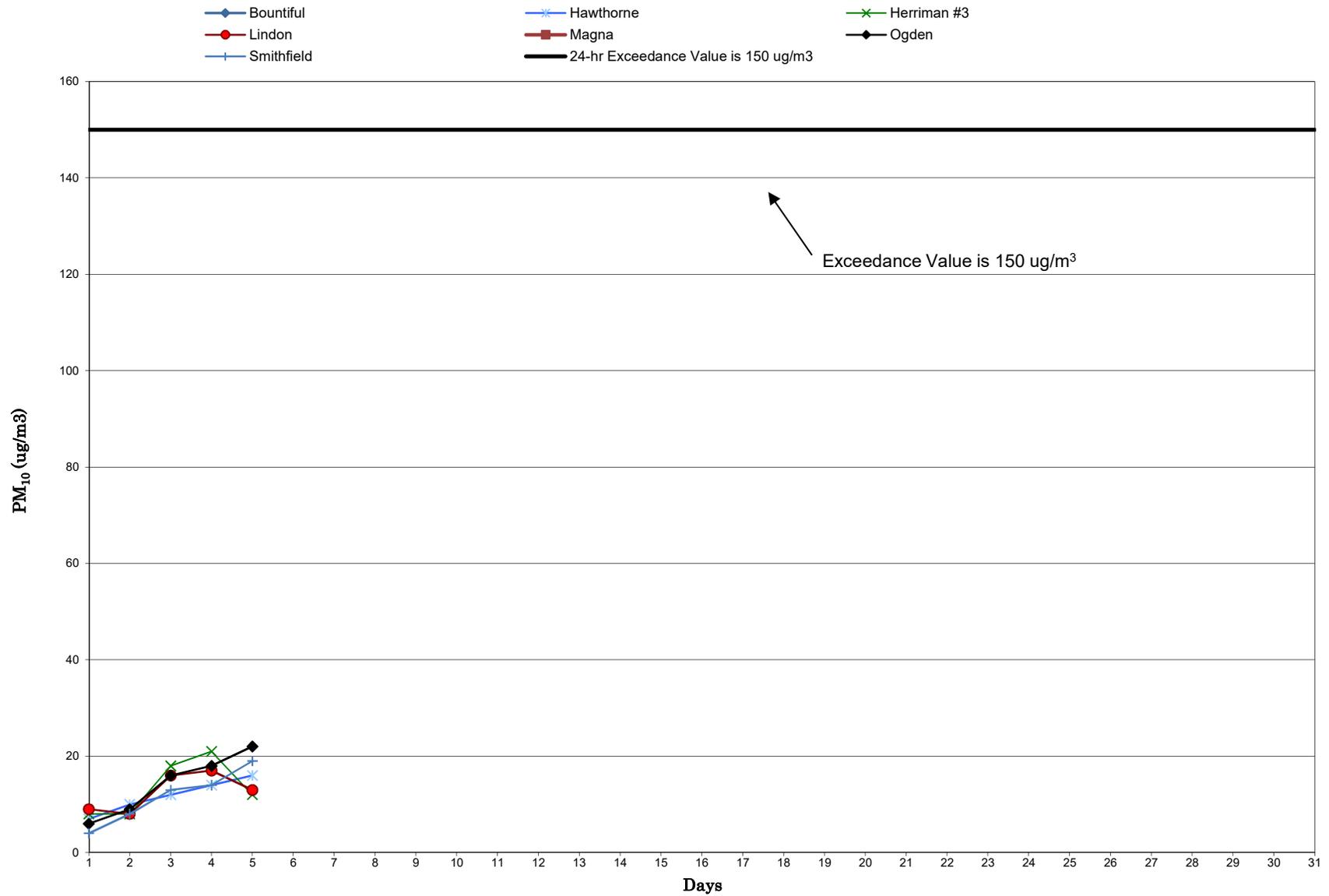
Utah 24-hr PM₁₀ Data March 2019



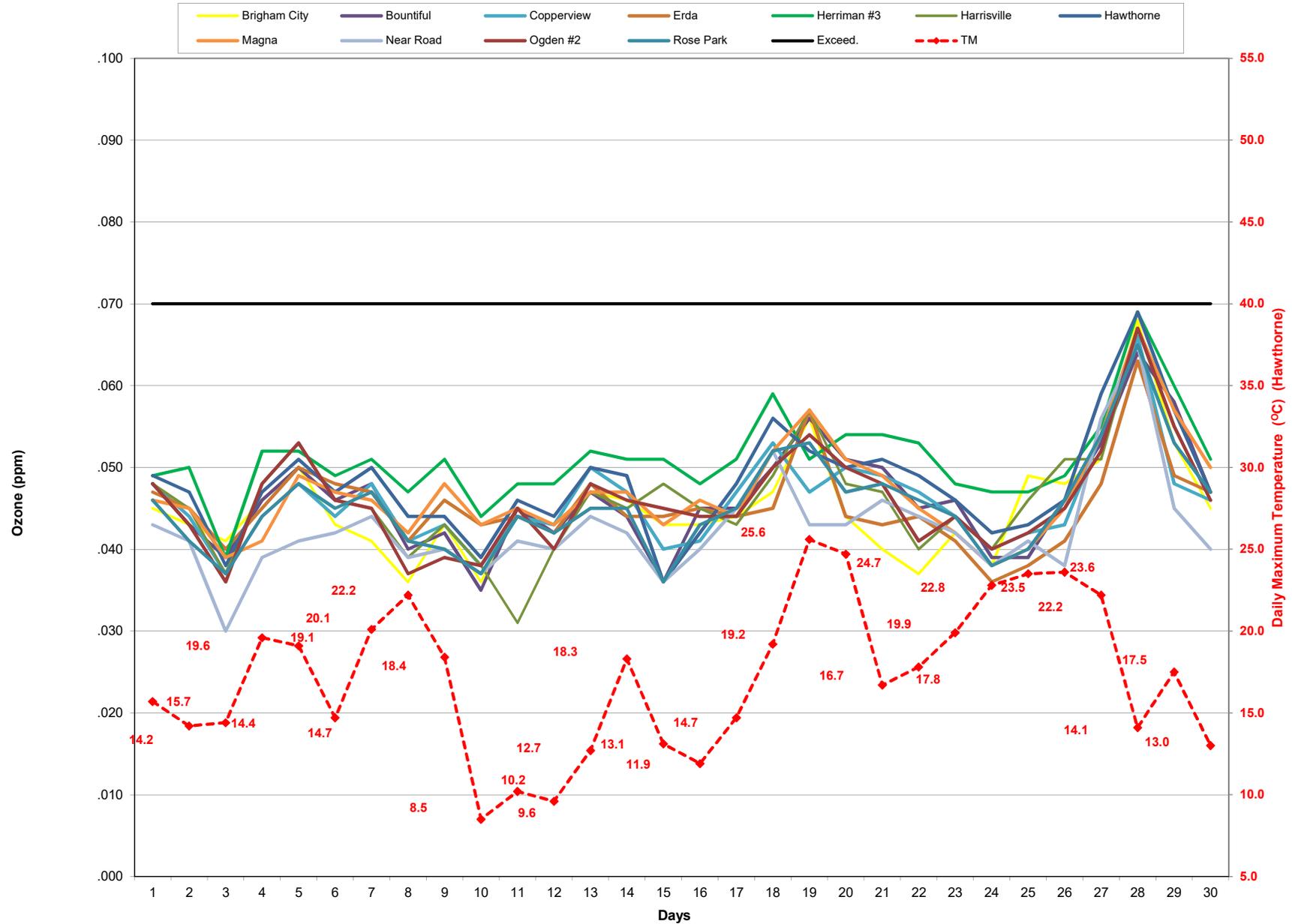
Utah 24-hr PM₁₀ Data April 2019



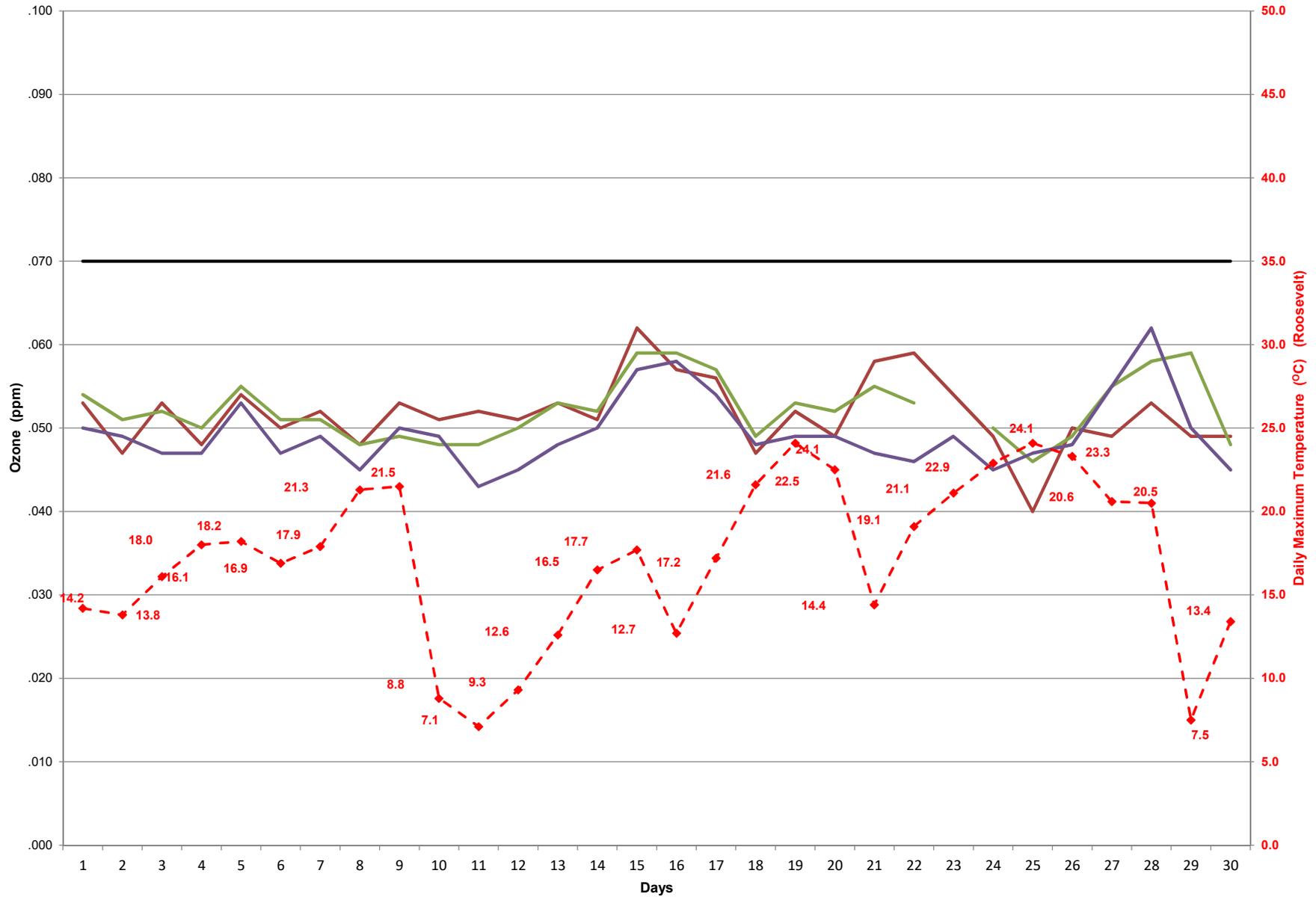
Utah 24-hr PM₁₀ Data May 2019



Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2019

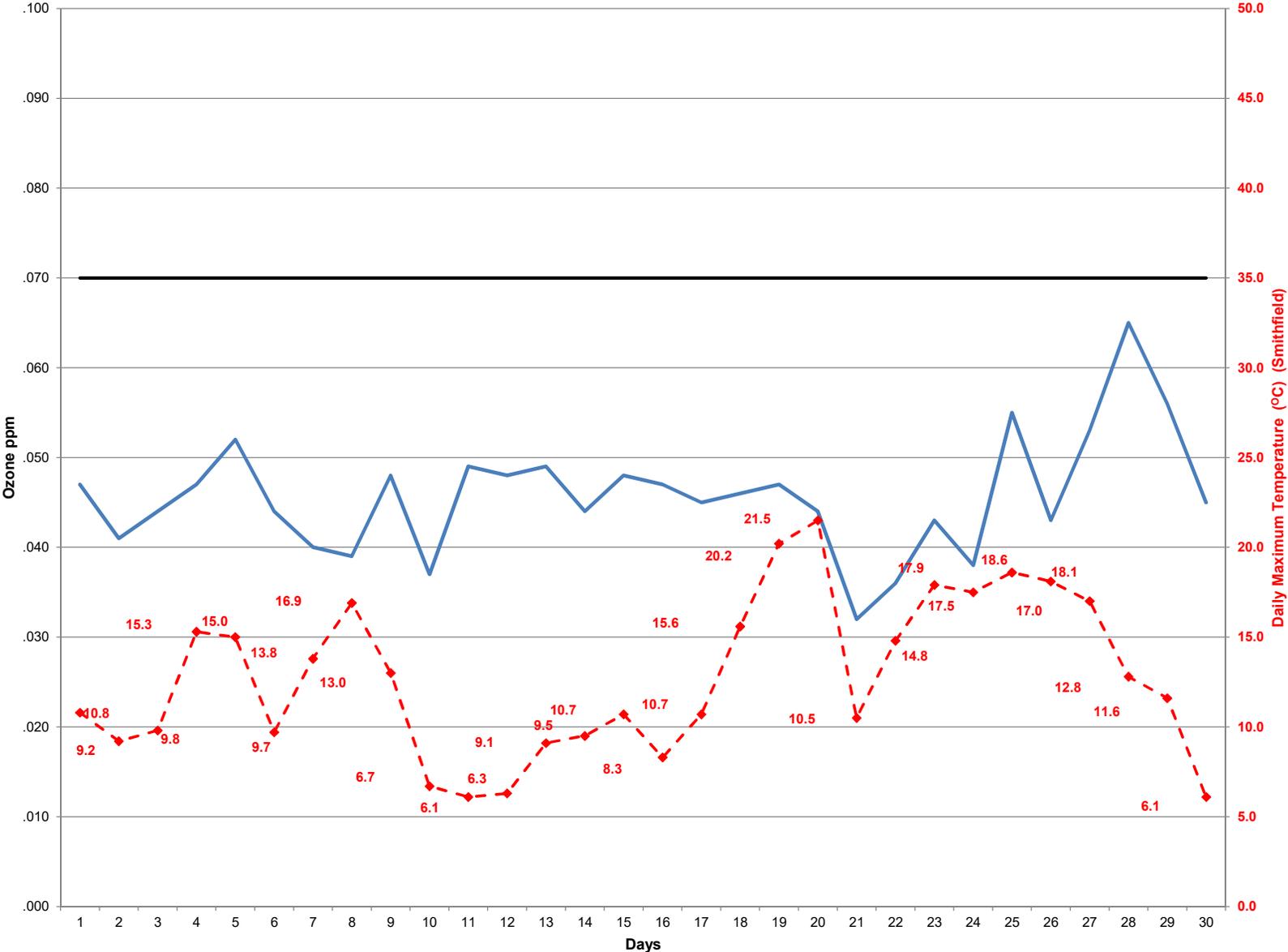


Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2019

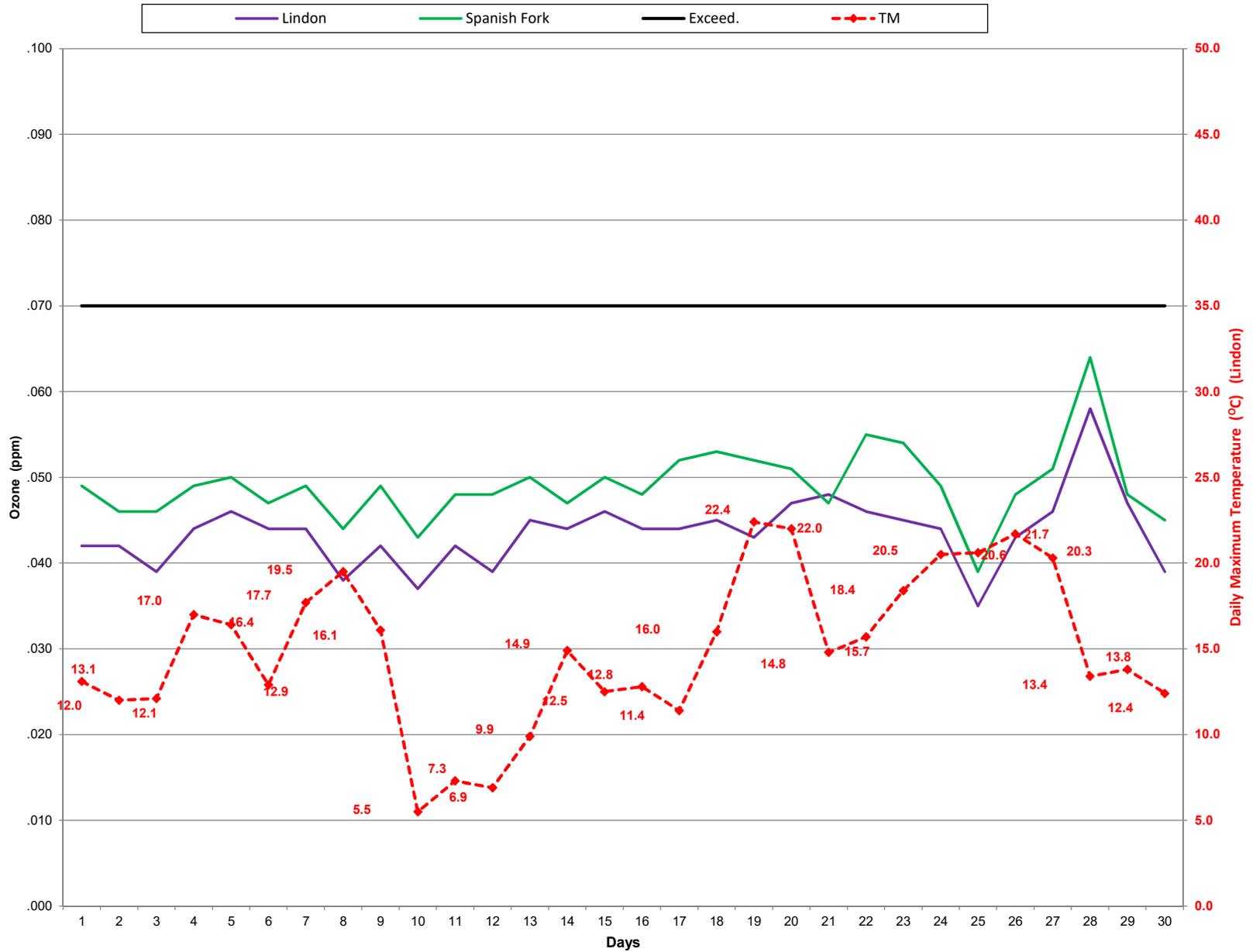


Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2019

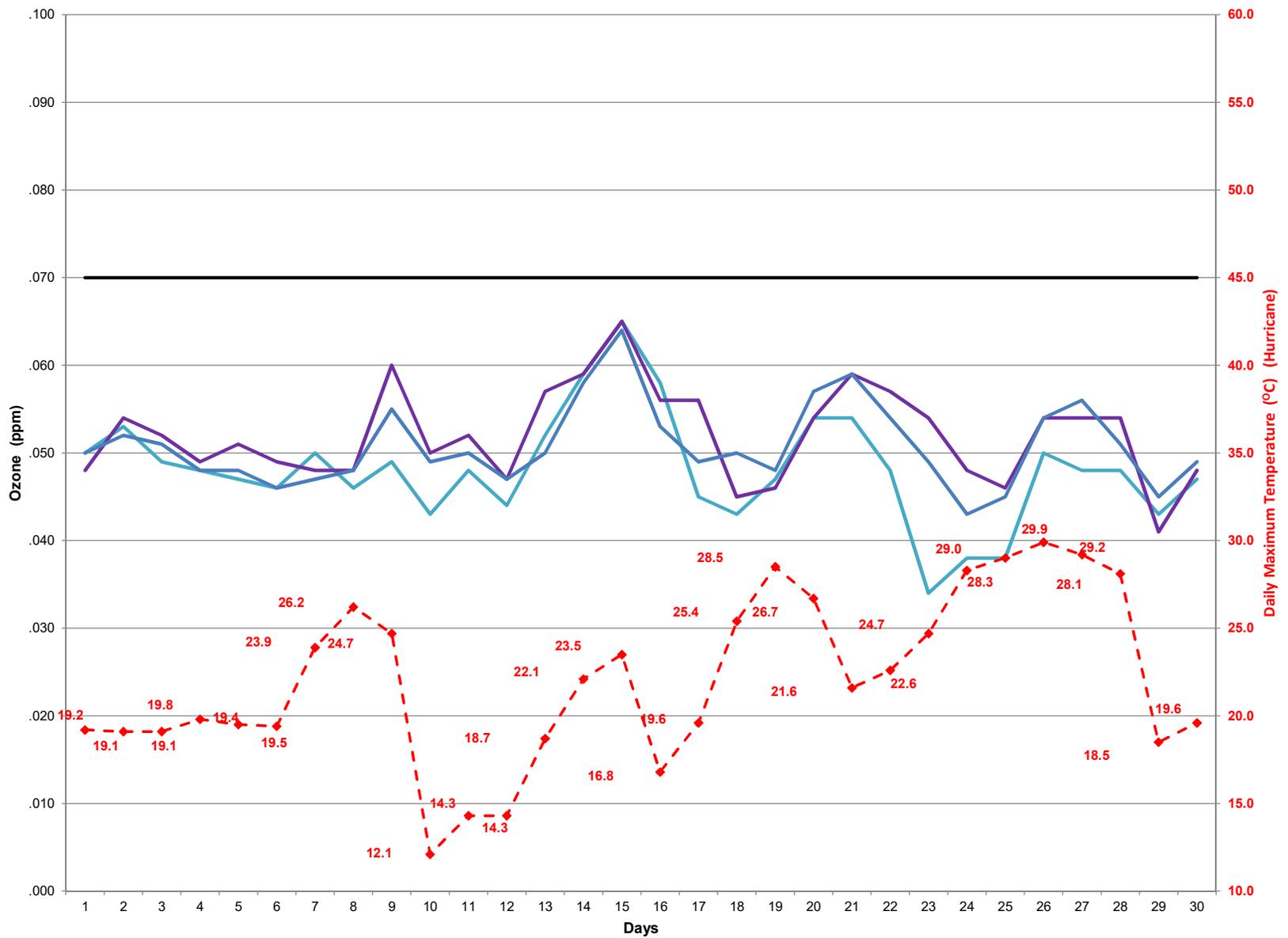
— Smithfield — Exceed. -♦- TM



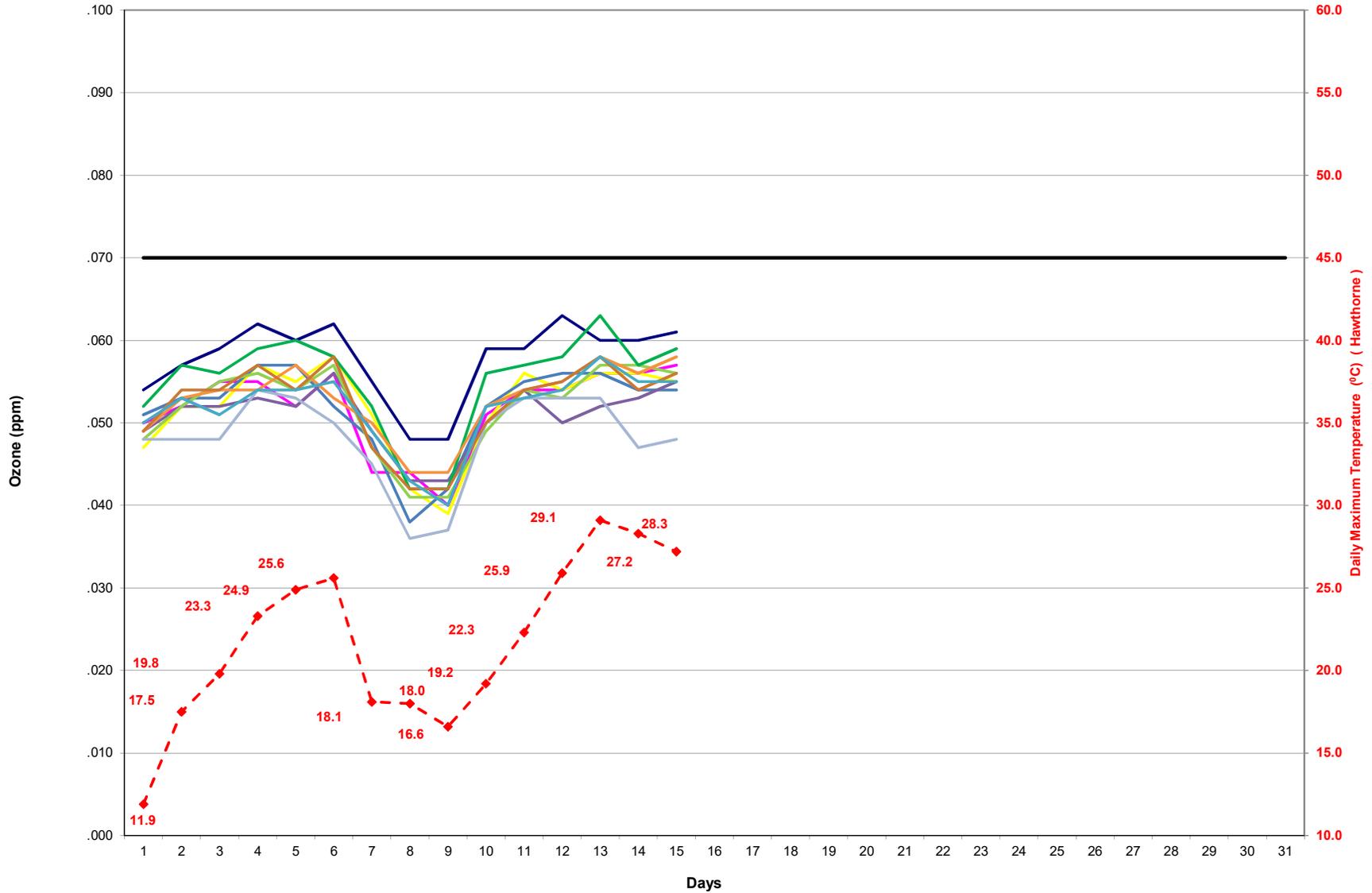
Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2019



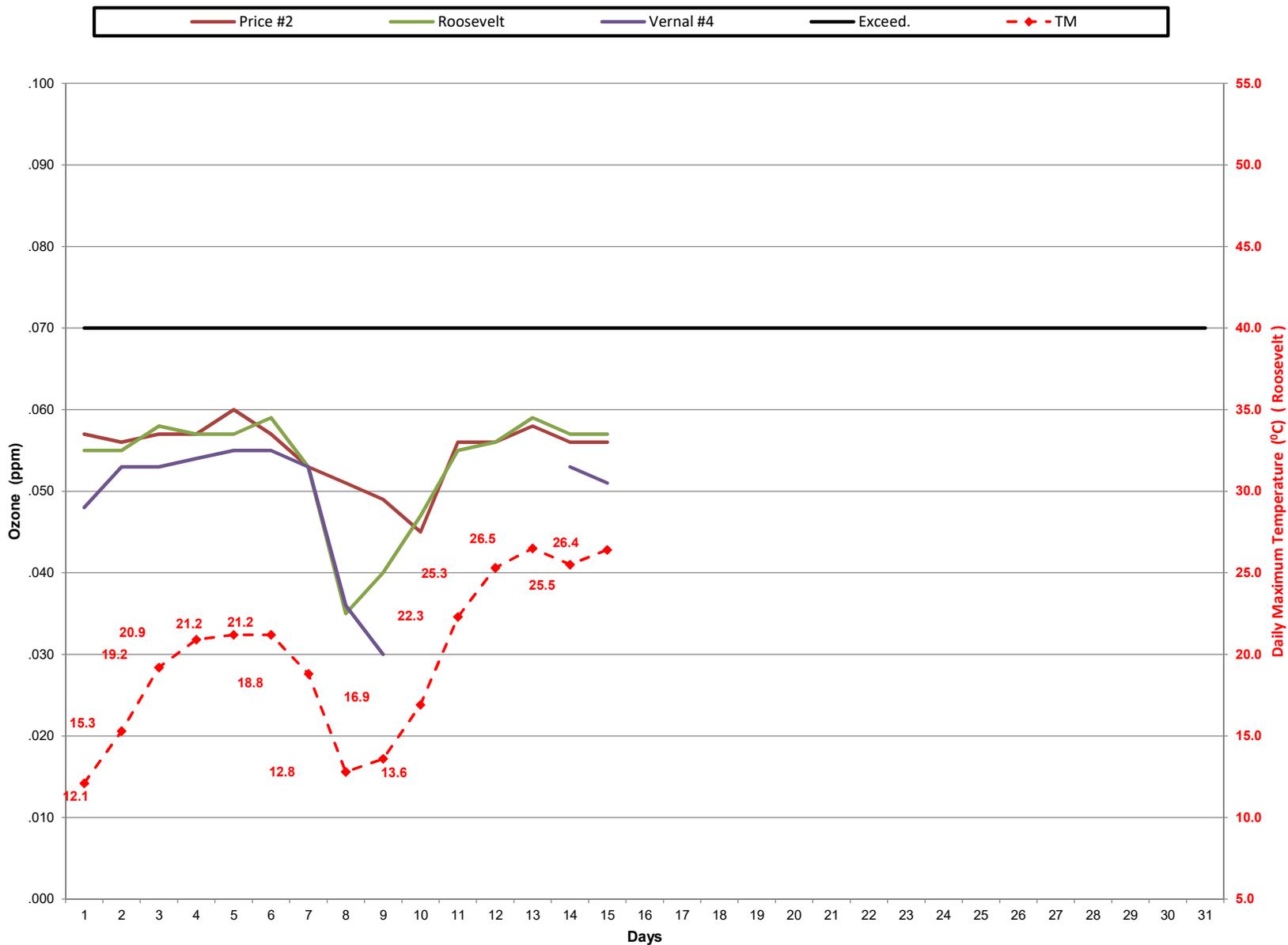
Highest 8-hr Ozone Concentration & Daily Maximum Temperature April 2019



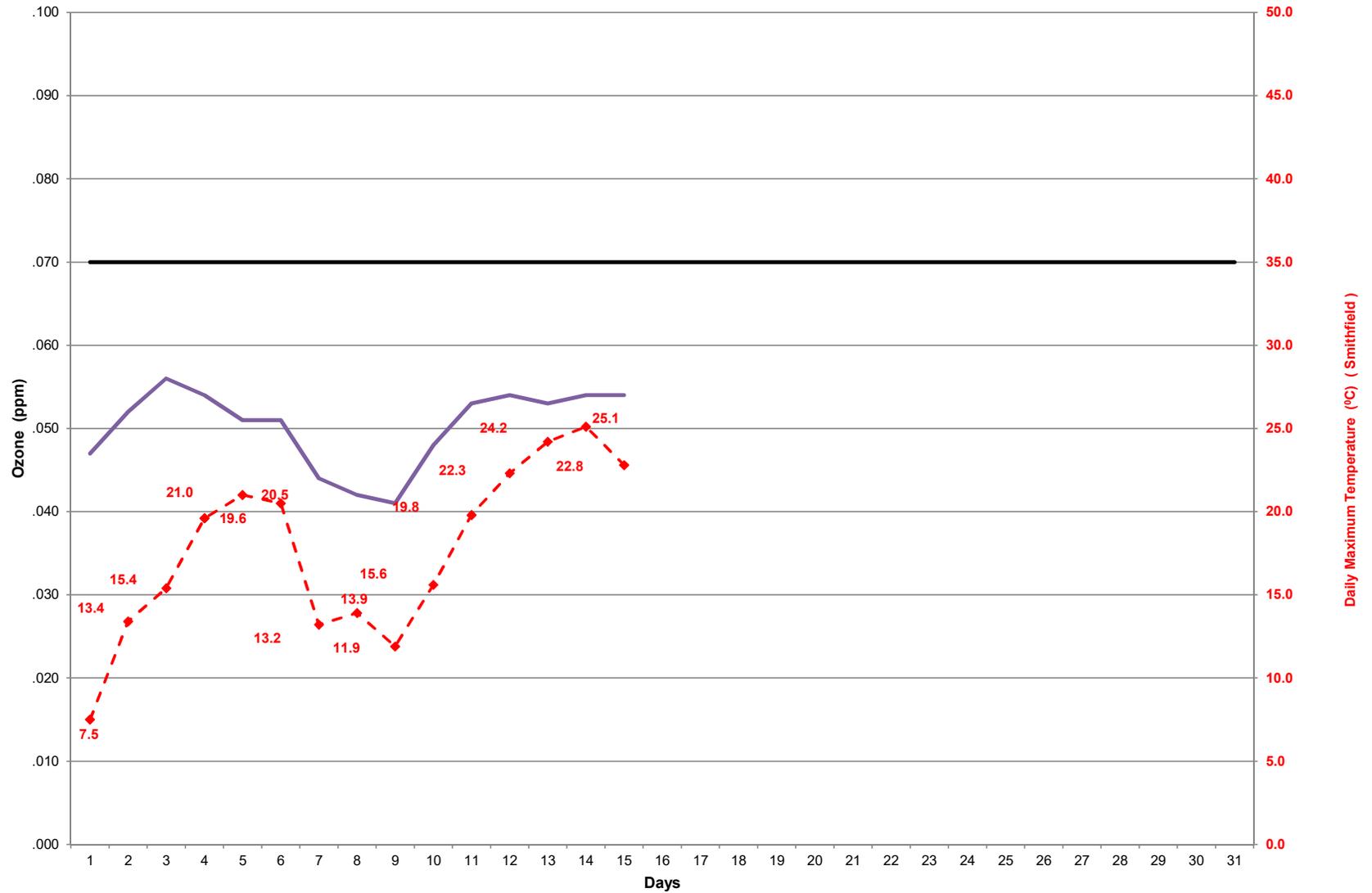
Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2019



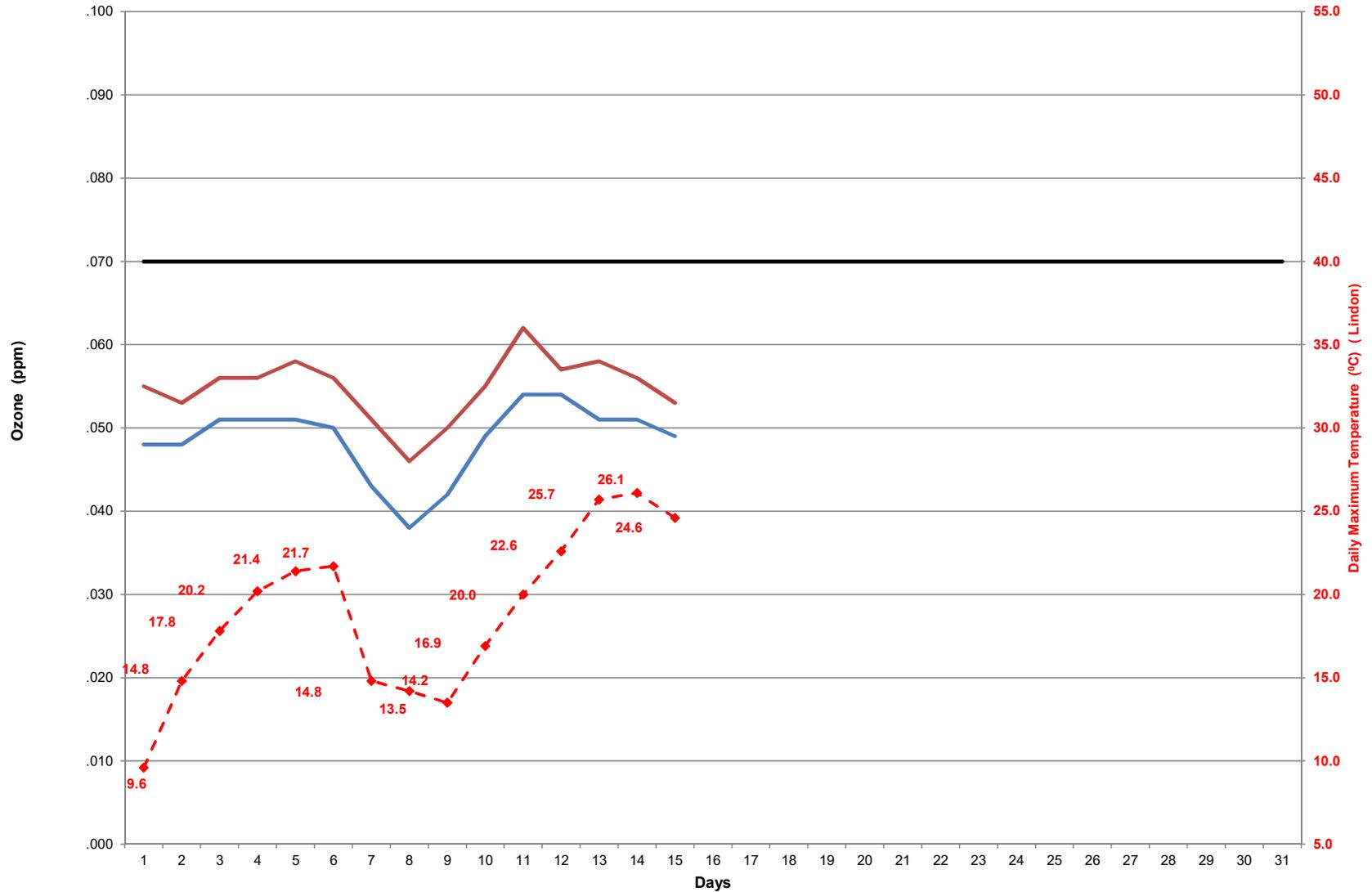
Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2019



Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2019



Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2019



Highest 8-hr Ozone Concentration & Daily Maximum Temperature May 2019

