Environmental Quality, Air Quality
R307-101-2
Definitions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28545
FILED: 03/09/2006, 11:13

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of these amendments is to clarify the general definitions that are used throughout the rules under R307. These amendments are part of revisions to rules related to the federal New Source Review program, commonly called "NSR Reform." (See separate filings on Rules R307-401, R307-405, and R307-410 in this issue). This change reproposes the changes in DAR No. 28319, published in the December 1, 2005, issue of the Bulletin, which has been allowed to lapse.

SUMMARY OF THE RULE OR CHANGE: In Section R307-101-2, amend the reference within the definition of "Allowable Emissions" to match the structure of the new Rule R307-401. Move the definitions of "Best Available Control Technology" and "Indirect Source" from Section R307-101-2 to Rule R307-401, because the terms are used only in the new Rule R307-401. Move the definitions of "Vertically Restricted Emissions Release" and "Vertically Unrestricted Emissions Release" from Section R307-101-2 to Rule R307-410 because the terms are used only in the revised Rule R307-410. Delete the definition of "Air Quality Related Value" and Subsection R307-101-2(2) of the definition of "Significant" because they belong in the new Rule R307-405. Move the definition of "Baseline Date" from Section R307-101-2 to Rule R307-405. Because Rules R307-405 and R307-410 are being revised in response to public comments, they cannot be made effective until 05/02/2006 at the earliest, and thus are now on a different timetable from the original filing Section R307-101-2. The 120-day period for the changes to Section R307-101-2 under DAR No. 28319 will lapse on 04/01/2006; had they been made effective on that date, the definitions being moved from Section R307-101-2 to Rules R307-405 and R307-410 would be eliminated from Utah rules until Rules R307-405 and R307-410 are made effective in May. Because these definitions are important to Utah business, the Air Quality Board is reproposing the amendments in Section R307-101-2 so that it can remain in effect until the changes in Rules R307-405 and R307-410 can be made effective. A public hearing was held on the original proposal to amend Section R307-101-2 and no comments were received. (DAR NOTES: The change in proposed rule filed for Rule R307-401 is under DAR No. 28325, the change in proposed rule filed for Rule R307-405 is under DAR No. 28322, and the change in proposed rule filed for Rule R307-410 is under DAR No. 28323 in this issue. The filing on Section R307-101-2 under DAR No. 28319 lapsed on 04/01/2006.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There is no effect on the state budget because all costs for permitting are covered by fees paid by the sources.
❖ LOCAL GOVERNMENTS: Moving provisions from one rule to another makes the rules easier to understand and use, and thus may bring small savings to affected local governments.
❖ OTHER PERSONS: Moving provisions from one rule to another makes the rules easier to understand and use, and thus may bring small savings to affected persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Moving provisions from one rule to another makes the rules easier to understand and use, and thus may bring small savings to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Moving the definitions may make a very small difference in costs for businesses, as the rules will be easier to understand and to use. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/02/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-101. General Requirements.
R307-101-2. Definitions.

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

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

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

and types of materials processed, stored, or combusted during the selected time period.

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

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

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

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

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

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

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

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

"Allowable Emissions" means the emission rate of a source calculated using the maximum rated capacity of the source (unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both) and the emission limitation established pursuant to R307-401-[~~6~~]8.

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

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

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

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

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

~~"Baseline Date"~~

~~(1) Major source baseline date means:~~

~~(a) in the case of particulate matter:~~

~~(i) for Davis, Salt Lake, Utah, and Weber Counties, the date that EPA approves the PM10 maintenance plan that was adopted by the Board on July 6, 2005;~~

~~(ii) for all other areas of the state, January 6, 1975;~~

~~(b) in the case of sulfur dioxide:~~

~~(i) for Salt Lake County, the date that EPA approves the Sulfur Dioxide maintenance plan that was adopted by the Board on January 5, 2005;~~

~~(ii) for all other areas of the state, January 6, 1975; and~~

~~(c) in the case of nitrogen dioxide, February 8, 1988.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Significant" means:

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

Carbon monoxide: 100 ton per year (tpy);

Nitrogen oxides: 40 tpy;

Sulfur dioxide: 40 tpy;

PM10: 15 tpy;

Particulate matter: 25 tpy;

Ozone: 40 tpy of volatile organic compounds;

Lead: 0.6 tpy.[

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

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

~~Asbestos: 0.007 tpy;~~

~~Beryllium: 0.0004 tpy;~~

~~Mercury: 0.1 tpy;~~

~~Vinyl Chloride: 1 tpy;~~

~~Fluorides: 3 tpy;~~

~~Sulfuric acid mist: 7 tpy;~~

~~Hydrogen Sulfide: 10 tpy;~~

~~Total reduced sulfur (including H2S): 10 tpy;~~

~~Reduced sulfur compounds (including H2S): 10 tpy;~~

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

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

~~Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): 36 megagrams per year (40 tons per year);~~

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

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

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

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

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

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

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

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

"State" means Utah State.

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

"Temporary" means not more than 180 calendar days.

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

"Threshold Limit Value - Ceiling (TLV-C)" means the airborne concentration of a substance which may not be exceeded, as adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Threshold Limit Value - Time Weighted Average (TLV-TWA)" means the time-weighted airborne concentration of a substance adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical

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

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

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

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

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

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

"Volatile Organic Compound (VOC)" as defined in 40 CFR 51.100(s)(1), as effective on July 1, 2004, and amended on November 29, 2004, by 69 FR 69290 and 69 FR 69298, is hereby adopted and incorporated by reference.

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

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

KEY: air pollution, definitions
Date of Enactment or Last Substantive Amendment: [~~September 2, 2005~~]2006
Notice of Continuation: June 5, 2003
Authorizing, and Implemented or Interpreted Law: 19-2-104

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Environmental Quality, Air Quality
R307-325
Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28544
FILED: 03/09/2006, 11:13

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of these amendments is to clarify the applicability of this rule. These amendments are part of revisions to rules related to the federal New Source Review program, commonly called "NSR Reform." (See separate filing on Rule R307-401 in this issue). This change reproposes the changes in DAR No. 28321, published in the December 1, 2005, issue of the Bulletin, which has been allowed to lapse.

SUMMARY OF THE RULE OR CHANGE: Section R307-325-3 requires that best available control technology (BACT) be at least as stringent as any published Control Technique Guidance (CTG) for any new source that locates in an ozone maintenance area. This proposal moves provisions of Section R307-325-3 to Subsection R307-401-8(1)(a) so that all permitting requirements are in one place. Contingency measures to be implemented if the ozone health standards are violated are currently located in Section R307-401-10; this proposal moves those provisions to Section R307-325-4 with other ozone regulations. Because Rule R307-401 is being revised in response to public comments, it cannot be made effective until 05/02/2006 at the earliest, and thus is now on a different timetable from Rule R307-325. The 120-day period for the changes proposed for Rule R307-325 (DAR No. 28321) lapsed on 04/01/2006; had they been made effective on that date, the provisions being moved from Rule R307-325 to Rule R307-401 would be eliminated from Utah rules until Rule R307-401 is made effective in May. Because these provisions are important to Utah business, the Air Quality Board is reproposing the amendments in Rule R307-325 so that they can remain in effect until the changes in Rule R307-401 can be made effective. A public hearing was held on the original proposal to amend Rule R307-325 and no comments were received. (DAR NOTES: The change in proposed rule filed for Rule R307-401 is under DAR No. 28325 in this issue. The filing on Rule R307-325 under DAR No. 28321 lapsed on 04/01/2006.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-2-104 and 19-2-101

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: The state budget is not affected because all costs for permitting are covered by the fees paid by sources.
❖ LOCAL GOVERNMENTS: Moving provisions from one rule to another makes the rules easier to understand and use, and thus may bring small savings to affected local governments.
❖ OTHER PERSONS: Moving provisions from one rule to another makes the rules easier to understand and use, and thus may bring small savings to affected persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Moving provisions from one rule to another makes the rules easier to understand and use, and thus may bring small savings to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Moving the definitions may make a very small difference in costs for businesses, as the rules will be easier to understand and to use. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/02/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-325. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions.
R307-325-3. [~~New Sources.~~
~~(1) New Sources. When determining best available control technology (BACT) under R307-401-6(1) for a new or modified source in an ozone nonattainment area or Salt Lake and Davis Counties, the executive secretary shall review EPA guidance, including Control Technique Guidance (CTG) documents and Alternative Control Technique (ACT) documents that are applicable to the source. Best available control technology shall be at least as stringent as any published CTG that is applicable to the source.~~

~~R307-325-4.~~]Compliance Schedule.
By September 29, 1981, 180 days after the effective date of R307-325 through 341, all sources shall be in compliance.

R307-325-4. Contingency Requirement for Ozone Nonattainment Areas and Salt Lake and Davis Counties.
If the Contingency Requirements for nitrogen oxides are triggered as outlined in Section IX.D.2.h(2) of the State Implementation Plan, all existing sources excluding non-commercial residential dwellings shall install either low oxides of nitrogen burner technology as described in R307-401-4(3), unless such requirement is not physically practical or cost-effective, or controls resulting from application of an equivalent technology, both of which shall be determined by the executive secretary. All sources required to install new controls under R307-325-4 shall submit, within two months after the trigger date, either a schedule for installing the equipment or a request for an exemption. The required equipment shall be operational as soon as practicable or within a reasonable time agreed upon by the source and the executive secretary.

KEY: air pollution, emission controls, ozone, RACT[~~*~~]
Date of Enactment or Last Substantive Amendment: [~~September 15, 1998~~]2006
Notice of Continuation: August 1, 2003
Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104

♦ ——————————————— ♦

Environmental Quality, Air Quality
R307-413
Permits: Exemptions and Special Provisions

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 28546
FILED: 03/09/2006, 11:14

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to move provisions from Rule R307-413 into Rule R307-401 to clarify that these exemptions apply only to the requirements of Rule R307-401 and not to other permitting rules, and to remove exemptions that provide no benefit to the environment or the public. (See separate filing on Rule R307-401 in this issue). This change reproposes the changes in DAR No. 28324, published in the December 1, 2005, issue of the Bulletin, which has been allowed to lapse.

SUMMARY OF THE RULE OR CHANGE: The portions of Rule R307-413 that are being re-located to Rule R307-401, Sections R307-413-9 through R307-413-12 and R307-413-14 through R307-413-16. These provisions are moved in order to clarify that these exemptions and special provisions apply only to the requirements of Rule R307-401. Changes to the exemptions that are moved to Rule R307-401 were addressed in the Rule Analysis for Rule R307-401; see filing DAR No. 28325 published in the December 1, 2005, issue of the Bulletin. The repeal of Rule R307-413 will result in the following being removed from the rules: a) the flexibility provisions that were located in Section R307-413-3 are being deleted because the rule has provided little benefit and is routinely misinterpreted. The underlying goals of this exemption are being met through other mechanisms such as flexible permit conditions and the exemption in R307-401-12 for sources that reduce air emissions; b) exemptions that were formerly located in Section R307-413-4 that apply to parking lots and emissions of various nonreactive volatile organic compounds have been deleted because they are no longer meeting the intended purpose. Because Rule R307-401 is being revised in response to public comments, it cannot be made effective until 05/02/2006 at the earliest, and thus is now on a different timetable from Rule R307-413. The 120-day period for the proposed repeal of Rule R307-413 (DAR No. 28324) lapsed on 04/01/2006; had it been made effective on that date, the exemptions being moved from Rule R307-413 to Rule R307-401 would be eliminated from Utah rules until Rule R307-401 is made effective in May. Because the exemptions are important to Utah business, the Air Quality Board is

reproposing the repeal of Rule R307-413 so that it can remain in effect until the changes in Rule R307-401 can be made effective. A public hearing was held on the original proposal to repeal Rule R307-413 and no comments were received. This rule is repealed in its entirety. (DAR NOTES: The change in proposed rule filed for Rule R307-401 is under DAR No. 28325 in this issue. The filing on Rule R307-413 under DAR No. 28324 lapsed on 04/01/2006.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There is no effect on the state budget because all costs for permitting are covered by fees paid by the sources.
❖ LOCAL GOVERNMENTS: For local governments that own sources that may be subject to Rule R307-401, where some provisions of Rule R307-413 will be relocated, no cost increases are expected as a result of these changes.
❖ OTHER PERSONS: For sources and persons that own sources that may be subject to Rule R307-401, where some provisions of Rule R307-413 will be relocated, no cost increases are expected as a result of these changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: For persons that own sources that may be subject to Rule R307-401, where some provisions of Rule R307-413 will be relocated, no cost increases are expected as a result of these changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Changing the exemptions and moving them to R307-401 may result in cost savings to individual businesses, and are not anticipated to increase costs for businesses. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

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THIS RULE MAY BECOME EFFECTIVE ON: 05/04/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
[~~R307-413. Permits: Exemptions and Special Provisions.~~
~~R307-413-1. Definitions and General Requirements.~~
~~(1) The following additional definitions apply to R307-413-7.~~
~~"Boiler" is defined in R315-1-1, which incorporates by reference 40 CFR 260.10, and is identified as follows:~~
~~(a) an industrial boiler located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;~~
~~(b) a utility boiler used to produce electric power, steam, heated or cooled air, or other gases or fluid for sale;~~
~~(c) a used oil fired space heater provided that the burner meets the provisions of R315-15-2.4.~~
~~"Used Oil" is defined as any oil that has been refined from crude oil, used, and, as a result of such use contaminated by physical or chemical impurities.~~
~~(2) Any control apparatus installed on a source that is exempted under R307-413-2 through 6 shall be adequately and properly maintained. The owner or operator of any new or existing emission unit that is exempted under R307-413-2 through 6 is required to comply with all other applicable rules in Title R307.~~
~~(3) If the executive secretary has reason to believe, after completion of an appropriate analysis and evaluation in consultation with the source owner or operator, that the emissions from a source described in R307-413-2 through 6 are not meeting any specified approval order or State Implementation Plan limitation, or create an adverse impact to the environment, or would be injurious to human health or welfare, then the notice of intent and approval order provisions of R307-401 will apply.~~

~~R307-413-2. Small Source Exemptions - De minimis Emissions.~~
~~(1) A new or existing stationary source is exempt from the notice of intent and approval order requirements of R307-401 if the following conditions are met:~~
~~(a) it is not regulated by any standard or requirement of 42 U.S.C. 7411 or 7412;~~
~~(b) its potential to emit does not make it a stationary major source or require emission offset provisions as required by R307-403 for a new or modified source;~~
~~(c) its actual emissions are less than 5 tons per year per air contaminant of any of the following air contaminants: sulfur dioxide (SO_2), carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter (PM_{10}), ozone (O_3), or volatile organic compounds (VOCs);~~
~~(d) its actual emissions are less than 500 pounds per year of any hazardous air pollutant and less than 2000 pounds per year of any combination of hazardous air pollutants;~~
~~(e) its actual emissions are less than 500 pounds per year of any air contaminant not listed in (c) or (d) above and less than 2000 pounds per year of any combination of air contaminants not listed in (c) or (d) above; and~~
~~(f) for purposes of determining applicability of R307-413-2, other air contaminants that are drawn from the environment through equipment in intake air and then are released back to the environment without chemical change, as well as carbon dioxide (CO_2), nitrogen (N_2), oxygen (O_2), argon (Ar), neon (Ne), helium (He), krypton (Kr), xenon (Xe) should not be included in emission calculations.~~

~~(2) Small Source Exemption - Registration Required in Nonattainment and Maintenance Areas. The owner or operator of a stationary source located in a nonattainment area or a maintenance area for the air contaminants, including ozone precursors, that is claiming an exemption under R307-413-2 shall submit to the executive secretary a written registration notice. An existing source shall submit this registration notice no later than March 15, 1997. A new source shall submit the registration notice prior to commencing construction. The notice shall include the following minimum information:~~

~~(a) identifying information including company name and address, location of source, telephone number, and name of plant site manager or point of contact;~~

~~(b) a description of the nature of the processes involved, equipment, anticipated quantities of materials used, the type and quantity of fuel employed and nature and quantity of the finished product;~~

~~(c) identification of expected emissions;~~

~~(d) estimated annual emission rates;~~

~~(e) any control apparatus used; and~~

~~(f) typical operating schedule.~~

~~(3) The owner or operator of a temporary source that is claiming exemption under R307-413-2 must still comply with the conditions of R307-401-7.~~

~~R307-413-3. Flexibility Changes.~~

~~(1) A change to an existing stationary source is exempt from the notice of intent and approval order requirements of R307-401 if the source is covered by an approval order and the change satisfies the following conditions:~~

~~(a) the change is not regulated by any standard or requirement of 42 U.S.C. 7411 or 7412;~~

~~(b) the increases in allowable emissions from the change since the issuance of the current approval order for the source are less than:~~

~~(i) 5 tons per year per air contaminant of any of the following air contaminants: sulfur dioxide (SO2), carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter (PM_{10}), ozone (O_3), or volatile organic compounds (VOCs);~~

~~(ii) 500 pounds per year of any hazardous air pollutant and 2000 pounds per year of any combination of hazardous air pollutants; and~~

~~(iii) 500 pounds per year of any air contaminant not listed in (i) or (ii) above and 2000 pounds per year of any combination of air contaminants not listed in (i) or (ii) above;~~

~~(c) for purposes of determining applicability of R307-413-3, other air contaminants that are drawn from the environment through equipment in intake air and then are released back to the enviroment without chemical change, as well as carbon dioxide (CO_2), nitrogen (N_2), oxygen (O_2), argon (Ar), neon (Ne), helium (He), krypton (Kr), xenon (Xe) should not be included in emission calculations;~~

~~(d) the increase of allowable emissions from the change is accompanied by an equivalent or greater decrease of allowable emissions of the same air contaminants within the source at the time of the change, so long as the emissions decrease is enforceable in an approval order;~~

~~(e) the net emissions increase at the source, as defined in R307-101-2, as a result of the change shall not constitute a major modification, as defined in R307-101-2; and~~

~~(f) The owner or operator claiming an exemption pursuant to R307-413-3 submits to the executive secretary a written notice prior to the change. The notice shall include the information specified in R307-413-2(2)(a) through (f) and a description of where the owner or operator will reduce allowable emissions at least equal to any increase in emissions from the change.~~

~~(2) The approval order shall reflect emission increases and decreases of emitting units at the source resulting from the change.~~

~~(3) A source must go through the full Notice of Intent and Approval Order requirements of R307-401 to change any limitation which a source is relying on, either to avoid being classified as a major source, or to avoid having a change in emissions be considered a major modification.~~

~~(4) No comment period under R307-401-4 is required for this approval order change and update.~~

~~R307-413-4. Other Exemptions.~~

~~The following sources are exempt from the notice of intent and approval order requirements of R307-401.~~

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

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

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

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

~~(5) New parking areas of less than 600 vehicles capacity or modified parking areas increasing capacity by less than 350 vehicles are exempt.~~

~~(6) Emissions of 1,1,1-trichloroethane, trichlorofluoromethane, dichlorodifluoromethane, chlorodifluoromethane, trifluoromethane, 1,1,2-trichloro-1,2,2-trifluoroethane, 1,2-dichloro-1,1,2,2-tetrafluoroethane, methane, ethane, and chloropentafluoroethane are exempt. However, the owner or operator of a source emitting 10 tons per year or more of any of these compounds must submit a notice of intent to the executive secretary prior to construction of the source.~~

~~R307-413-5. Replacement-in-Kind Equipment.~~

~~(1) Applicability. The owner or operator of a stationary source of air contaminants who modifies any process or replaces any control apparatus that is covered by an existing approval order, a previous approval order that has been superseded by an operating permit, or a requirement contained in a State Implementation Plan is exempt from the notice of intent and approval order requirements of R307-401, when the replacement-in-kind equipment meets all of the following conditions:~~

~~(a) potential to emit of the process equipment is the same or lower;~~

~~(b) the number of emission points or emitting units is the same or lower;~~

~~(c) no additional types of air contaminants are emitted as a result of the replacement;~~

~~(d) the control apparatus or process equipment is essentially the same as that being replaced and is not regulated by any standard or requirement of 42 U.S.C. 7411 or 7412;~~

~~(e) the replacement of the control apparatus or process equipment does not violate any other provision of Title R307.~~

~~(2) Replacement in Kind Procedures.~~

~~(a) In lieu of filing a notice of intent under R307-401, an owner or operator of a stationary source proposing to replace control apparatus or process equipment by in-kind equipment shall submit a written notification to the executive secretary for approval prior to initiation of replacement. The notification shall contain a description of the replacement in kind, to include the control capability of any control apparatus and a demonstration that the conditions of (1) above are met.~~

~~(b) If the replacement in kind meets the conditions of (1) above, the executive secretary will update the appropriate approval order and notify the owner or operator. No public comment period under R307-401-4 is required.~~

~~R307-413-6. Reduction of Air Contaminants.~~

~~(1) Applicability. The owner or operator of a stationary source of air contaminants covered by an existing approval order or a State Implementation Plan that reduces or eliminates air contaminants by changing, substituting, or eliminating process raw materials or process equipment, or uses a more efficient process design, is exempt from the notice of intent and approval order requirements of R307-401, when all the following are met:~~

~~(a) there is a permanent reduction of air contaminants per year that is enforceable by an approval order;~~

~~(b) there are no new air contaminants emitted as a result of the changes; and~~

~~(c) the changes do not violate any provision of Title R307 rules.~~

~~(2) Procedures for the Reduction or Elimination of Air Contaminants Exemption. In lieu of filing a notice of intent under R307-401, an owner or operator of a stationary source making changes as described in (1) above shall submit a written description of the changes to the executive secretary no later than 60 days after the changes are made. The approval order will be updated by the executive secretary to reflect the reductions and other changes; no comment period under R307-401-4 is required.~~

~~R307-413-7. Exemption from Notice of Intent Requirements for Used Oil Fuel Burned for Energy Recovery.~~

~~(1) Exemption. Boilers burning used oil for energy recovery are exempt from the notice of intent requirement of R307-401 if the following requirements are met:~~

~~(a) The heat input design is less than one million BTU/hr.~~

~~(b) Contamination levels of all used oil to be burned do not exceed any of the following values:~~

~~(i) Arsenic - 5 ppm by weight~~

~~(ii) Cadmium - 2 ppm by weight~~

~~(iii) Chromium - 10 ppm by weight~~

~~(iv) Lead - 100 ppm by weight~~

~~(v) Total halogens - 1,000 ppm by weight~~

~~(vi) Sulfur - 0.50% by weight.~~

~~(c) The flash point of all used oil to be burned is no less than 100 degrees Fahrenheit.~~

~~(2) Requirements. The owner/operator of boilers burning used oil for energy recovery which are exempt under (1) above shall only burn used oil meeting the requirements of (1)(b) and (c) above and shall test each load of used oil received or generated as directed by the executive secretary to insure it meets these requirements. Testing may be performed by the owner/operator or documented by test reports from the used fuel oil vendor. The flash point must be measured using the appropriate ASTM method as required by the executive secretary. Records for used oil consumption and test reports are to be kept for all periods when fuel burning equipment is in operation. The records shall be kept on site and made available to the executive secretary or his representative upon request. Records must be kept for a three year period.~~

~~R307-413-8. De minimis Emissions From Air Strippers and Soil Venting Projects.~~

~~(1) An owner or operator of an air stripper or soil venting system will not be required to obtain an approval order under R307-401 to conduct remediation of contaminated groundwater or soil, if the owner or operator submits written documentation of the following to the executive secretary prior to beginning the remediation project:~~

~~(a) the estimated total air emissions of volatile organic compounds from a given project are less than the de minimis emissions listed in R307-413-2(1)(c), and~~

~~(b) the level of any one hazardous air pollutant or any combination of hazardous air pollutants is below the levels listed in R307-410-4(1)(d).~~

~~(2) After beginning the soil remediation project, the owner or operator shall submit emissions information to the executive secretary to verify that the emission rates of the volatile organic compounds and hazardous air pollutants in (1) are not exceeded. Emissions estimates of volatile organic compounds and hazardous air pollutants shall be based on test data obtained in accordance with the test method in the EPA document SW-846, Test #8020 or #8021 or other test or monitoring method approved by the executive secretary. Results of the test and calculated annual quantity of emissions of volatile organic compounds and hazardous air pollutants shall be submitted to the executive secretary within one month of sampling. The test samples shall be drawn on intervals of no less than twenty-eight days and no more than thirty-one days (i.e., monthly) for the first quarter, quarterly for the first year, and semi-annually thereafter or as determined necessary by the executive secretary.~~

~~(3) The following control devices do not require an approval order under R307-401 when used in relation to an air stripper or soil venting project applicable to this rule:~~

~~(a) thermodestruction unit with a rated input capacity of less than five million BTU per hour using no other auxiliary fuel than natural gas or LPG, or~~

~~(b) carbon adsorption unit.~~

~~R307-413-9. De minimis Emissions From Soil Aeration Projects.~~

~~An owner or operator of a soil remediation project is not required to obtain an approval order under R307-401 when soil aeration or land farming is used to conduct a soil remediation, if the owner or operator submits written documentation of the following to the executive secretary prior to beginning the remediation project:~~

~~(1) the estimated total air emissions of volatile organic compounds, using an appropriate sampling method, from a given~~

~~project are less than the de minimis emissions listed in R307-413-2(1)(c);~~

~~(2) the levels of any one hazardous air pollutant or any combination of hazardous air pollutants are less than the levels in R307-410-4(1)(d); and~~

~~(3) the location of the remediation and where the remediated material originated.~~

~~**KEY: waste oil*, permits, exemption*, de minimis***~~
~~**Date of Enactment or Last Substantive Amendment: September 15, 1998**~~
~~**Notice of Continuation: August 1, 2003**~~
~~**Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-2-108**~~]

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Environmental Quality, Radiation Control

R313-32

Medical Use of Radioactive Material

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28541
FILED: 03/08/2006, 11:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for this change is to modify Utah's Radiation Control Rules to be compatible with Federal requirements found in 10 CFR 35.

SUMMARY OF THE RULE OR CHANGE: The modifications to Rule R313-32 (incorporating 10 CFR 35 (2006) by reference) are primarily to sections regarding training and experience requirements for individuals seeking approval to become authorized users (AUs), authorized medical physicists (AMPs), authorized nuclear pharmacists (ANPs), or radiation Safety Officers (RSOs). Specifically, modifications to the requirements that must be met as part of a specialty board's certification process for the specialty board's certification to be recognized by the U.S. Nuclear Regulatory Commission or an Agreement State have been made. In addition, the number of didactic hours of specific radiation safety training for an AU, an AMP, an ANP, or an RSO have been specified for those individuals who are not certified by an approved specialty board. The definition of the term, "preceptor," was modified and the requirements for preceptor statements were changed. A new section for limited training for individual AUs seeking approval for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 gigabecquerels (33 millicuries) was added.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-3-104 and 19-3-108

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 10 CFR Part 35 (2006 edition)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Since the change is a modification to previously existing training and experience requirements, no additional regulatory requirements will need to be implemented by the state. Therefore, changes in the rules will not result in a cost or savings to the state budget.

❖ LOCAL GOVERNMENTS: The rule modification does not affect the local governments presently licensed under the rules under R313. Therefore, there will be no cost or savings for local governments.

❖ OTHER PERSONS: Because the proposed changes allow medical licensees flexibility in methods used to attain compliance with the rule, overall costs or savings to most affected persons will depend on their business practices and cannot be determined.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the proposed changes allow each specific medical licensee flexibility in methods used to attain compliance with the rule, overall costs or savings to most affected persons will depend on their business practices and cannot be determined.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Actual costs or savings are dependant on the business practices used and therefore, cannot be determined. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
RADIATION CONTROL
Room 212
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gwyn Galloway at the above address, by phone at 801-536-4258, by FAX at 801-533-4097, or by Internet E-mail at ggalloway@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/01/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 05/10/2006

AUTHORIZED BY: Dane Finerfrock, Director

R313. Environmental Quality, Radiation Control.
R313-32. Medical Use of Radioactive Material.
R313-32-1. Purpose and Authority.

(1) The purpose of this rule is to prescribe requirements and provisions for the medical use of radioactive material and for issuance of specific licenses authorizing the medical use of this material. These requirements and provisions provide for the protection of the public health and safety. The requirements and provisions of Rule R313-32 are in addition to, and not in substitution for, other sections of Title R313.