

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 repropose 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 repropose 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,