State of Utah

Department of Environmental Quality

Richard W. Sprott
Executive Director

DIVISION OF AIR QUALITY
Cheryl Heying
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

DAQ-048-07

MEMORANDUM

TO: Air Quality Board

THROUGH: Cheryl Heying, Acting Executive Secretary

FROM: Colleen Delaney, Environmental Scientist

DATE: June 21, 2007

SUBJECT: FINAL ADOPTION: R307-405, Permits: Major Sources in Attainment or Unclassified Ares (PSD).

On April 4, 2007, R307-405 was proposed for public comment. A public hearing was held on May 23, 2007. No comments were received on the proposal.

During review of the rule, DAQ staff discovered that there was one reference to a definition in 40 CFR 52.01 that did not specify the version of the CFR that should be used. The rule was changed to incorporate by reference the definition, effective July 1, 2006, to be consistent with the rest of the rule.

Staff Recommendation: Staff recommends that R307-405 be adopted with the minor amendment displayed in the attachment.

DAQ has completed a 5-year review of the permitting rules that are located in the 400 series. As a separate action, staff recommends that the Board continue these rules by approving the attached forms to be filed with the Division of Administrative Rules.

Original Proposal

~~**R307-122-2. Amount of Credit.**~~

~~As specified in Subsection 59-7-606 and Section 59-10-128, there is a credit against tax otherwise due under this chapter in an amount equal to 10%, up to a maximum of $50, of the total of:~~

~~(1) the purchase price or~~

~~(2) both the purchase price and installation cost of each approved fireplace or wood stove.~~

~~**R307-122-3. Proof of Purchase.**~~

~~Proof of purchase of an item for which a credit specified in R307-122-2 is allowed shall be made by submitting to the executive secretary, or representative appointed by the executive secretary:~~

~~(1) a copy of the sales receipt clearly stating the make, model, and price paid for the equipment and installation, and~~

~~(2) a completed copy of the "Clean Fuel Alternative Tax Credit Stoves/Fireplaces" form identifying the:~~

~~(a) owner's name and address;~~

~~(b) owner's social security number or taxpayer identification number;~~

~~(c) dealer's name and address;~~

~~(d) fireplace make and model;~~

~~(e) fireplace serial number;~~

~~(f) purchase price;~~

~~(g) installer's name and company name; and~~

~~(h) installation cost.~~

~~**R307-122-4. Duty to Acknowledge Proof of Purchase.**~~

~~An authorized representative of the executive secretary will acknowledge receipt of proofs specified in R307-122-3 by signing the relevant written statement provided on the State Tax Commission "Clean Fuel Alternative Tax Credit Stoves/Fireplaces" form.~~

~~**KEY: air pollution, tax exemptions, stove*, fireplace***~~
~~**Date of Enactment or Last Substantive Amendment: September 15, 1998**~~
~~**Notice of Continuation: March 26, 2002**~~
~~**Authorizing, and Implemented or Interpreted Law: 19-2-104; 59-10-128; 59-7-606**~~]

♦ ♦

Environmental Quality, Air Quality
R307-405
Permits: Major Sources in Attainment or Unclassified Areas (PSD)

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29796
FILED: 04/05/2007, 08:50

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The federal Prevention of Significant Deterioration (PSD) permitting program in 40 CFR 52.21 is incorporated by reference into Rule R307-405. The purpose of the change is to update the incorporation by reference to the most recent version of the CFR, dated 07/01/2006. In addition, there are a number of other changes to the rule text that are required because of the change in the incorporation date.

SUMMARY OF THE RULE OR CHANGE: The federal Prevention of Significant Deterioration (PSD) permitting program in 40 CFR 52.21 is incorporated by reference into Rule R307-405. The attached rule change updates the incorporation by reference to the most recent version of the CFR, dated 07/01/2006. The following updates to 40 CFR 52.21 will be included: 1) on 11/29/2005, the Environmental Protection Agency (EPA) finalized rules to implement the 8-hour ozone National Ambient Air Quality Standard. As part of this rulemaking, EPA made minor changes to the federal PSD rules to add NOx as a precursor to ozone; 2) a minor correction to 52.21 was published in the Federal Register on 06/22/2005 to remove paragraphs (b)(2)(iii)(h)(1) and (2). These paragraphs were not previously incorporated into Rule R307-405 so this change has no practical effect in Utah. There are a number of other changes to the rule text that are required because of the change in the incorporation date. These changes are nonsubstantive; 3) on 10/27/2003, EPA promulgated the Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement Exclusion. On 03/17/2006 the DC Circuit Court of Appeals vacated these new provisions. The incorporated text in Rule R307-405 has been modified to remove the provisions that were vacated by the DC Court of Appeals. This is nonsubstantive change because Utah's PSD rule was based on an earlier version of the federal rule and therefore, did not contain the Equipment Replacement Provisions; 4) the incorporation by reference of the definitions of "emissions unit" and "replacement unit", effective 01/06/2004 is no longer required as a separate incorporation because these definitions are included in the 07/01/2006 version of the federal rule. In addition, paragraph 40 CFR 52.21(aa)(6)(ii) that was added in the 01/06/2004 version of the CFR does not need to be incorporated separately from the rest of section (aa); and 5) a numbering error in Section R307-405-3 was corrected by moving the definition of "air quality related values" to become paragraph (3) instead of paragraph (2).

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

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 52.21, July 1, 2006, and 40 CFR 51.166, March 17, 2006

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No costs or savings are expected because the cost of Air Quality's activities in issuing approval orders under Rule R307-405 is covered by fees paid by the sources.

❖ LOCAL GOVERNMENTS: Because the amendment does not create new requirements for sources owned or operated by local government, no change in costs is expected for other persons.

❖ OTHER PERSONS: There is no change in costs for other persons, because NO2 is already a PSD pollutant and NO2 is typically measured as NOx. Further, it is not anticipated that

any additional sources will be regulated due to this change in applicability.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no change in costs for affected persons, because NO2 is already a PSD pollutant and NO2 is typically measured as NOx. Further, it is not anticipated that any additional sources will be regulated due to this change in applicability.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No change in costs is expected for businesses, because NO2 is already a PSD pollutant and NO2 is typically measured as NOx. Further, it is not anticipated that any additional sources will be regulated due to this change in applicability. 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:
Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@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 05/31/2007

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 5/23/2007 at 2:00 PM, DEQ Bldg, 150 N 1950 W, Main Conference Room, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/09/2007

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-405. Permits: Major Sources in Attainment or Unclassified Areas (PSD).
R307-405-1. Purpose.

This rule implements the federal Prevention of Significant Deterioration (PSD) permitting program for major sources and major modifications in attainment areas and maintenance areas as required by 40 CFR 51.166. This rule does not include the routine maintenance, repair and replacement provisions that were [~~stayed~~]vacated by the DC Circuit Court of Appeals on [~~December 23, 2003, pending appeal~~]March 17, 2006. This rule does not include the clean unit and pollution control project provisions that were vacated by the DC Circuit Court of Appeals on June 24, 2005. This rule supplements, but does not replace, the permitting requirements of R307-401.

R307-405-2. Applicability.

(1) Except as provided in (2), the provisions of 40 CFR 52.21(a)(2), effective [~~March 3, 2003~~]July 1, 2006, are hereby incorporated by reference.

(2) The following provisions that apply to clean units and pollution control projects are not incorporated because these provisions were vacated by the DC Court of Appeals on June 24, 2005:

(a) [~~The provisions in~~]40 CFR 52.21(a)(2)(iv)(e)[~~are not incorporated by reference.~~],

(b) [~~T~~]the last sentence in 40 CFR 52.21(a)(2)(iv)(f)[~~is not incorporated by reference.~~], and

(c) [~~The provisions in~~]40 CFR 52.21(a)(2)(vi)[~~are not incorporated by reference~~].

(3) Notwithstanding the exemptions in R307-401, any source that is subject to R307-405 is subject to the requirement to obtain an approval order in R307-401-5 through 8.

R307-405-3. Definitions.

(1) Except as provided in (2)below, the definitions contained in 40 CFR 52.21(b), effective [~~March 3, 2003~~]July 1, 2006, are hereby incorporated by reference.

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

~~(3)~~](a)(i) "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.

(ii) "Minor Source Baseline Date" means the earliest date after the trigger date on which a major stationary source or a major modification subject to 40 CFR 52.21 or R307-405 submits a complete application under the relevant regulations. 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.

(iii) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

(A) the area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(i)(D) or (E) of the Act for the pollutant on the date of its complete application under 40 CFR 52.21 or R307-405; and

(B) in the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.

(iv) Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM10 increments, except that the executive secretary shall rescind a minor source baseline date where it

can be shown, to the satisfaction of the executive secretary, that the emissions increase from the major stationary source, or net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM10 emissions.

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

(c) "Reviewing Authority" means the executive secretary.

(d)(i) The term "Administrator" shall be changed to "executive secretary" throughout R307-405, except as provided in (ii).

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

(A) 40 CFR 52.21(b)(17),

(B) 40 CFR 52.21(b)(37)(i),

(C) 40 CFR 52.21(b)(43),

(D) 40 CFR 52.21(b)(48)(ii)(c),

(E) 40 CFR 52.21(b)(50)(i),

(F) 40 CFR 52.21(l)(2),

(G) 40 CFR 52.21(p)(2), and

(H) 40 CFR 51.166(q)(2)(iv).

(e) [~~The definition of "emissions unit" in 40 CFR 52.21(b)(7), effective January 6, 2004, is hereby incorporated by reference.~~

~~(f) The definition of "replacement unit" in 40 CFR 52.21(b)(33), effective January 6, 2004, is hereby incorporated by reference.~~

~~(g)~~]The following [~~paragraphs~~]definitions or portions of definitions that [~~refer~~]apply to clean units and pollution control projects are not incorporated [~~by reference~~]because these provisions were vacated by the DC Court of Appeals on June 24, 2005:

(i) in the definition of "major modification" in 40 CFR 52.21(b)(2), subparagraph (iii)(h),

(ii) in the definition of "net emissions increase" in 40 CFR 52.21(b)(3), subparagraph (iii)(b),

(iii) in the definition of "net emissions increase" in 40 CFR 52.21(b)(3), subparagraph (vi)(d),

(iv) the definition of "pollution control project" in 40 CFR 52.21(b)(32), and

(v) the definition of "clean unit" in 40 CFR 52.21(b)(42).

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

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

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

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

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

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

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

(4) "Heat input" means heat input as defined in 40 CFR 52.01(g).

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

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

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

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

R307-405-5. Area Redesignation.

Any person may petition the Board to change the classification of an area designated under R307-405-4, except for mandatory Class I areas designated under R307-405-4(1).

(1) The petition shall contain a discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic and social and energy effects of the proposed redesignation.

(2) The petition shall contain a demonstration that the proposed redesignation meets the criteria outlined in Section VIII of the State Implementation Plan and 40 CFR 51.166(e) and (g) effective July 1, 2006, that is hereby incorporated by reference.

R307-405-6. Ambient Air Increments.

The provisions of 40 CFR 52.21(c), effective [~~March 3, 2003~~]July 1, 2006, are hereby incorporated by reference.

R307-405-7. Ambient Air Ceilings.

The provisions of 40 CFR 52.21(d), effective [~~March 3, 2003~~]July 1, 2006, are hereby incorporated by reference.

R307-405-9. Stack Heights.

The provisions of 40 CFR 52.21(h), effective [~~March 3, 2003~~]July 1, 2006, are hereby incorporated by reference.

R307-405-10. Exemptions.

(1) The provisions of 40 CFR 52.21(i)(1)(vi) through (viii), effective [~~March 3, 2003~~]July 1, 2006, are hereby incorporated by reference.

(2) The provisions of 40 CFR 52.21(i)(2) through (5), effective [~~March 3, 2003~~]July 1, 2006, are hereby incorporated by reference.

R307-405-11 Control Technology Review.

The provisions of 40 CFR 52.21(j), effective [~~March 3, 2003~~]July 1, 2006, are hereby incorporated by reference.

R307-405-12. Source Impact Analysis.

The provisions of 40 CFR 52.21(k), effective [~~March 3, 2003~~]July 1, 2006, are hereby incorporated by reference.

R307-405-13. Air Quality Models.

The provisions of 40 CFR 52.21(l), effective [~~March 3, 2003~~]July 1, 2006, are hereby incorporated by reference.

R307-405-14. Air Quality Analysis.

(1) The provisions of 40 CFR 52.21(m)(1)(i) through (iv), (vi), and (viii), effective [~~March 3, 2003~~]July 1, 2006, are hereby incorporated by reference.

(2) The provisions of 40 CFR 52.21(m)(2) and (3), effective [~~March 3, 2003~~]July 1, 2006, are hereby incorporated by reference.

R307-405-15. Source Information.

The provisions of 40 CFR 52.21(n), effective [~~March 3, 2003~~]July 1, 2006, are hereby incorporated by reference.

R307-405-16. Additional Impact Analysis.

The provisions of 40 CFR 52.21(o), effective [~~March 3, 2003~~]July 1, 2006, are hereby incorporated by reference.

R307-405-17. Sources Impacting Federal Class I Areas: Additional Requirements.

(1) The provisions of 40 CFR 52.21(p), effective [~~March 3, 2003~~]July 1, 2006, are hereby incorporated by reference.

(2) The executive secretary will transmit to the EPA Administrator a copy of each permit application relating to a major stationary source or major modification and provide notice to the EPA Administrator of every action related to the consideration of such permit.

R307-405-18. Public Participation.

(1) Except as provided in (2), the provisions of 40 CFR 51.166(q)(1) and (2), effective [~~March 3, 2003~~]July 1, 2006, are hereby incorporated by reference.

(2) The phrase "within a specified time period" in 40 CFR 51.166(q)(1) shall be replaced with the phrase "within 30 days of receipt of the PSD permit application".

R307-405-19. Source Obligation.

(1) Except as provided in (2) below, the provisions of 40 CFR 52.21(r), effective [~~March 3, 2003~~]July 1, 2006, are hereby incorporated by reference.

(2) The parenthetical phrase in the first sentence in 40 CFR 52.21(r)(6) shall be changed to read "(other than projects at a source with a PAL)."

R307-405-20. Innovative Control Technology.

(1) Except as provided in (2), the provisions of 40 CFR 52.21(v), effective [~~March 3, 2003~~]July 1, 2006, are hereby incorporated by reference.

(2)(a) The reference to "40 CFR 124.10" in 40 CFR 52.21(v)(1) shall be changed to "R307-405-18".

(b) 40 CFR 52.21(v)(2) shall be changed to read "The executive secretary shall, with the consent of the governors of other affected states, determine that the source or modification may employ a system of innovative control technology, if:".

R307-405-21. Actuals PALs.

(1) Except as provided in [~~(3)~~](2), the provisions of 40 CFR 52.21(aa)[~~(1) through (5) and (7) through (15)~~], effective [~~March 3, 2003~~]July 1, 2006, are hereby incorporated by reference.

(2)[~~ The provisions of 40 CFR 52.21(aa)(6), effective January 6, 2004, are hereby incorporated by reference.~~

~~(3)~~](a) The reference to "51.165(a)(3)(ii) of this chapter" in 40 CFR 52.21(aa)(4)(ii) shall be changed to "R307-403".

(b) The reference to "51.165(a)(3)(ii) of this chapter" in 40 CFR 52.21(aa)(8)(ii)(2) shall be changed to "R307-403".

(c) The references to "70.6(a)(3)(iii)(B) of this chapter" in 40 CFR 52.21(aa)(14)(ii) shall be changed to "R307-415-6a(3)(c)(ii)".

(d) The date of "March 3, 2003" in 40 CFR 52.21(aa)(15)(i) and (ii) shall be changed to ["~~the effective date of this rule~~"]"June 16, 2006".

KEY: air pollution, PSD, Class I area
Date of Enactment or Last Substantive Amendment: [~~June 16, 2006~~]2007
Notice of Continuation: June 16, 2006
Authorizing, and Implemented or Interpreted Law: 19-2-104

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Health, Health Care Financing, Coverage and Reimbursement Policy

R414-60A

Drug Utilization Review Board

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 29807
FILED: 04/11/2007, 15:01

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is necessary to implement policies and procedures for the Drug Utilization Review (DUR) Board.

SUMMARY OF THE RULE OR CHANGE: This new rule outlines the DUR Board composition and membership requirements. It also specifies the board's responsibilities to oversee the Medicaid drug program to ensure proper utilization of drugs among Medicaid clients and providers.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-18-3, 26-1-5, and 26-18-102; and 42 CFR 456.716

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There is no budget impact because this rule simply implements the DUR Board policies and procedures, and does not affect costs or services for Medicaid clients.
❖ LOCAL GOVERNMENTS: There is no budget impact because local governments do not fund the Medicaid drug program.
❖ OTHER PERSONS: There is no budget impact because this rule simply implements the DUR Board policies and procedures, and does not affect costs or services for Medicaid clients.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no budget impact because this rule simply implements the DUR Board policies and procedures, and does not affect costs or services for Medicaid clients.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Implementation of the preferred drug list will be positive for business. David N. Sundwall, MD, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

Change in Proposed Rule

R307. Environmental Quality, Air Quality.
R307-405. Permits: Major Sources in Attainment or Unclassified Areas (PSD).
R307-405-1. Purpose.

This rule implements the federal Prevention of Significant Deterioration (PSD) permitting program for major sources and major modifications in attainment areas and maintenance areas as required by 40 CFR 51.166. This rule does not include the routine maintenance, repair and replacement provisions that were vacated by the DC Circuit Court of Appeals on March 17, 2006. This rule does not include the clean unit and pollution control project provisions that were vacated by the DC Circuit Court of Appeals on June 24, 2005. This rule supplements, but does not replace, the permitting requirements of R307-401.

R307-405-2. Applicability.

(1) Except as provided in (2), the provisions of 40 CFR 52.21(a)(2), effective July 1, 2006, are hereby incorporated by reference.

(2) The following provisions that apply to clean units and pollution control projects are not incorporated because these provisions were vacated by the DC Court of Appeals on June 24, 2005:

(a) 40 CFR 52.21(a)(2)(iv)(e),

(b) the last sentence in 40 CFR 52.21(a)(2)(iv)(f), and

(c) 40 CFR 52.21(a)(2)(vi).

(3) Notwithstanding the exemptions in R307-401, any source that is subject to R307-405 is subject to the requirement to obtain an approval order in R307-401-5 through 8.

R307-405-3. Definitions.

(1) Except as provided in (2)below, the definitions contained in 40 CFR 52.21(b), effective July 1, 2006, are hereby incorporated by reference.

(2 (a)(i) "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.

(ii) "Minor Source Baseline Date" means the earliest date after the trigger date on which a major stationary source or a major modification subject to 40 CFR 52.21 or R307-405 submits a complete application under the relevant regulations. 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.

(iii) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

(A) the area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(i)(D) or (E) of the Act for the pollutant on the date of its complete application under 40 CFR 52.21 or R307-405; and

(B) in the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.

(iv) Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM10 increments, except that the executive secretary shall rescind a minor source baseline date where it can be shown, to the satisfaction of the executive secretary, that the emissions increase from the major stationary source, or net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM10 emissions.

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

(c) "Reviewing Authority" means the executive secretary.

(d)(i) The term "Administrator" shall be changed to "executive secretary" throughout R307-405, except as provided in (ii).

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

(A) 40 CFR 52.21(b)(17),
(B) 40 CFR 52.21(b)(37)(i),
(C) 40 CFR 52.21(b)(43),
(D) 40 CFR 52.21(b)(48)(ii)(c),
(E) 40 CFR 52.21(b)(50)(i),
(F) 40 CFR 52.21(l)(2),
(G) 40 CFR 52.21(p)(2), and
(H) 40 CFR 51.166(q)(2)(iv).

(e) The following definitions or portions of definitions that apply to clean units and pollution control projects are not incorporated because these provisions were vacated by the DC Court of Appeals on June 24, 2005:

(i) in the definition of "major modification" in 40 CFR 52.21(b)(2), subparagraph (iii)(h),

(ii) in the definition of "net emissions increase" in 40 CFR 52.21(b)(3), subparagraph (iii)(b),

(iii) in the definition of "net emissions increase" in_40 CFR 52.21(b)(3), subparagraph (vi)(d),

(iv) the definition of "pollution control project" in 40 CFR 52.21(b)(32), and

(v) the definition of "clean unit" in 40 CFR 52.21(b)(42).

(f) The following definitions or portions of definitions

that apply to the equipment repair and replacement provisions are not incorporated because these provisions were vacated by the DC Circuit Court of Appeals on March 17, 2006:

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

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

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

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

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

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

(4) "Heat input" means heat input as defined in 40 CFR 52.01(g), effective July 1, 2006, that is hereby incorporated by reference.

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

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

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

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

R307-405-4. Area Designations.

(1) Pursuant to section 162(a) of the federal Clean Air Act, the following areas are designated as mandatory Class I areas:

(a) Arches National Park,

(b) Bryce Canyon National Park,

(c) Canyonlands National Park,

(d) Capitol Reef National Park, and

(e) Zion National Park.

(2) Pursuant to section 162(b) of the federal Clean Air Act, all other areas in Utah are designated as Class II unless designated as nonattainment areas.

(3) No areas in Utah are designated as Class III.

R307-405-5. Area Redesignation.

Any person may petition the Board to change the classification of an area designated under R307-405-4, except for mandatory Class I areas designated under R307-405-4(1).

(1) The petition shall contain a discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic and social and energy effects of the proposed redesignation.

(2) The petition shall contain a demonstration that the proposed redesignation meets the criteria outlined in Section VIII of the State Implementation Plan and 40 CFR 51.166(e) and (g)

effective July 1, 2006 that is hereby incorporated by reference.

R307-405-6. Ambient Air Increments.

The provisions of 40 CFR 52.21(c), effective July 1, 2006, are hereby incorporated by reference.

R307-405-7. Ambient Air Ceilings.

The provisions of 40 CFR 52.21(d), effective July 1, 2006, are hereby incorporated by reference.

R307-405-8. Exclusions from Increment Consumption.

(1) The following concentrations shall be excluded in determining compliance with a maximum allowable increase:

(a) concentrations attributable to the increase in emissions from stationary sources which have converted from the use of petroleum products, natural gas, or both by reason of an order in effect under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) over the emissions from such sources before the effective date of such an order;

(b) concentrations attributable to the increase in emissions from sources which have converted from using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such sources before the effective date of such plan;

(c) concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities of new or modified sources;

(d) the increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration; and

(e) concentrations attributable to the temporary increase in emissions of sulfur dioxide, particulate matter, or nitrogen dioxides from stationary sources which are affected by plan revisions approved by the EPA Administrator as meeting the criteria specified in 40 CFR 51.166(f)(4). The temporary increase shall not exceed 2 years in duration unless a longer time is approved by the EPA Administrator. This exclusion is not renewable.

(2) No exclusion of concentration under (1)(a) or (b) above shall apply more than five years after the effective date of the order to which paragraph (1)(a) refers or the plan to which paragraph (1)(b) refers, whichever is applicable. If both such order and plan are applicable, no such exclusion shall apply more than five years after the later of such effective dates.

(3) No exclusion under (1)(e) shall apply to an emission increase from a stationary source which would:

(a) impact a Class I area or an area where an applicable increment is known to be violated; or

(b) cause or contribute to a violation of the national ambient air quality standards.

R307-405-9. Stack Heights.

The provisions of 40 CFR 52.21(h), effective July 1, 2006, are hereby incorporated by reference.

R307-405-10. Exemptions.

(1) The provisions of 40 CFR 52.21(i)(1)(vi) through (viii), effective July 1, 2006, are hereby incorporated by reference.

(2) The provisions of 40 CFR 52.21(i)(2) through (5), effective July 1, 2006, are hereby incorporated by reference.

R307-405-11 Control Technology Review.

The provisions of 40 CFR 52.21(j), effective July 1, 2006, are hereby incorporated by reference.

R307-405-12. Source Impact Analysis.

The provisions of 40 CFR 52.21(k), effective July 1, 2006, are hereby incorporated by reference.

R307-405-13. Air Quality Models.

The provisions of 40 CFR 52.21(l), effective July 1, 2006, are hereby incorporated by reference.

R307-405-14. Air Quality Analysis.

(1) The provisions of 40 CFR 52.21(m)(1)(i) through (iv), (vi), and (viii), effective July 1, 2006, are hereby incorporated by reference.

(2) The provisions of 40 CFR 52.21(m)(2) and (3), effective July 1, 2006, are hereby incorporated by reference.

R307-405-15. Source Information.

The provisions of 40 CFR 52.21(n), effective July 1, 2006, are hereby incorporated by reference.

R307-405-16. Additional Impact Analysis.

The provisions of 40 CFR 52.21(o), effective July 1, 2006, are hereby incorporated by reference.

R307-405-17. Sources Impacting Federal Class I Areas: Additional Requirements.

(1) The provisions of 40 CFR 52.21(p), effective July 1, 2006, are hereby incorporated by reference.

(2) The executive secretary will transmit to the EPA Administrator a copy of each permit application relating to a major stationary source or major modification and provide notice to the EPA Administrator of every action related to the consideration of such permit.

R307-405-18. Public Participation.

(1) Except as provided in (2), the provisions of 40 CFR 51.166(q)(1) and (2), effective July 1, 2006, are hereby incorporated by reference.

(2) The phrase "within a specified time period" in 40 CFR 51.166(q)(1) shall be replaced with the phrase "within 30 days of

receipt of the PSD permit application".

R307-405-19. Source Obligation.

(1) Except as provided in (2) below, the provisions of 40 CFR 52.21(r), effective July 1, 2006, are hereby incorporated by reference.

(2) The parenthetical phrase in the first sentence in 40 CFR 52.21(r)(6) shall be changed to read "(other than projects at a source with a PAL)."

R307-405-20. Innovative Control Technology.

(1) Except as provided in (2), the provisions of 40 CFR 52.21(v), effective July 1, 2006, are hereby incorporated by reference.

(2)(a) The reference to "40 CFR 124.10" in 40 CFR 52.21(v)(1) shall be changed to "R307-405-18".

(b) 40 CFR 52.21(v)(2) shall be changed to read "The executive secretary shall, with the consent of the governors of other affected states, determine that the source or modification may employ a system of innovative control technology, if:".

R307-405-21. Actuals PALs.

(1) Except as provided in (2), the provisions of 40 CFR 52.21(aa), effective July 1, 2006, are hereby incorporated by reference.

(2) (a) The reference to "51.165(a)(3)(ii) of this chapter" in 40 CFR 52.21(aa)(4)(ii) shall be changed to "R307-403".

(b) The reference to "51.165(a)(3)(ii) of this chapter" in 40 CFR 52.21(aa)(8)(ii)(2) shall be changed to "R307-403".

(c) The references to "70.6(a)(3)(iii)(B) of this chapter" in 40 CFR 52.21(aa)(14)(ii) shall be changed to "R307-415-6a(3)(c)(ii)".

(d) The date of "March 3, 2003" in 40 CFR 52.21(aa)(15)(i) and (ii) shall be changed to "June 16, 2006".

R307-405-22. Banking of Emission Offset Credit in PSD Areas.

Banking of emission offset credits in PSD areas will be permitted. To preserve banked emission reductions the executive secretary must identify them in either the Utah SIP or an order. The executive secretary will provide a registry to identify the person, private entity, or government authority that has the right to use or allocate the banked emission reduction and to record any transfer of or lien on these rights.

KEY: air pollution, PSD, Class I area
Date of Enactment or Last Substantive Amendment: 2007
Notice of Continuation: June 16, 2006
Authorizing, and Implemented or Interpreted Law: 19-2-104

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R307-401	Time filed:	

1. Agency: Environmental Quality/Air Quality
   Room no.:
   Building:
   Street address 1: 150 N 1950 W
   Street address 2:
   City,state,zip: SALT LAKE CITY, UT 84116-3085
   Mailing address 1: PO BOX 144820
   Mailing address 2:
   City,state,zip: SALT LAKE CITY, UT 84114-4820
   Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Mat E. Carlile	801-536-4136	801-536-0085	MCARLILE@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. Title of rule or section (catchline):
Permits: Notice of Intent and Approval Order

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:
Section 19-2-108 states that, "[t]he board shall require that notice be given to the executive secretary by any person planning to construct a new installation which will or might reasonably be expected to be a source or indirect source of air pollution or to make modifications to an existing installation which will or might reasonably be expected to increase the amount of or change the character or effect of air contaminants discharged..." Rule R307-401 sets forth the requirements that the owner or operator of a source of air pollution must address in giving notice to the executive secretary. Subsection 19-2-104(3)(q) states that the Air Quality Board may make rules to meet the requirements of federal air pollution laws. Rule R307-401 is also required by Section II, Review of New and Modified Air Pollution Sources, of the State Implementation Plan. This plan is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51 subpart I.

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: No written comments have been received about this rule since its last review.

5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:
Rule R307-401 is required by Section 19-2-108. Rule R307-401 is also required by Section II, Review of New and Modified Air Pollution Sources, of the State Implementation Plan, which is incorporated by reference under R307-110. This plan is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51 subpart I. Without this plan, EPA would be required to impose a federal implementation plan.

6. Indexing information - keywords (maximum of four, in lower case):
air pollution, permits, approval orders

7. Attach an RTF document containing the text of this rule change (filename):
There is currently a document associated with this filing. Rule Text

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

AGENCY AUTHORIZATION

Agency head or designee, and title: M. Cyril Ho	**Date** (mm/dd/yyyy): 06-07-07

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R307-403	Time filed:	

1. Agency: Environmental Quality/Air Quality
   Room no.:
   Building:
   Street address 1: 150 N 1950 W
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   Mailing address 1: PO BOX 144820
   Mailing address 2:
   City,state,zip: SALT LAKE CITY, UT 84114-4820
   Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Mat E. Carlile	801-536-4136	801-536-0085	MCARLILE@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. **Title of rule or section (catchline):**
   Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas

3. **A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:**
   Section 19-2-108 states that, "[t]he board shall require that notice be given to the executive secretary by any person planning to construct a new installation which will or might reasonably be expected to be a source or indirect source of air pollution or to make modifications to an existing installation which will or might reasonably be expected to increase the amount of or change the character or effect of air contaminants discharged..." Rule R307-403 requires sources that expect to locate in nonattainment or maintenance areas, to meet special requirements to ensure that the area continues to make reasonable progress towards attaining and maintaining federal health-based standards. Subsection 19-2-104(3)(q) says the Air Quality Board may make rules to "meet the requirements of federal air pollution laws." Rule R307-403 is also required by Section II, Review of New and Modified Air Pollution Sources, of the State Implementation Plan. This plan is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51.165.

4. **A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:** No written comments have been received about this rule since its last review.

5. **A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:**
   Rule R307-403 is required by Section 19-2-108. Rule R307-403 is also required by Section II, Review of New and Modified Air Pollution Sources, of the State Implementation Plan, which is incorporated by reference under R307-110. This plan is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51.165. Without the state plan, EPA would be required to impose a federal implementation plan.

6. **Indexing information - keywords (maximum of four, in lower case):**
   offset*, air quality, nonattainment*

7. **Attach an RTF document containing the text of this rule change (filename):**
   There is currently a document associated with this filing. Rule Text

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

AGENCY AUTHORIZATION

Agency head or designee, and title: [signature]	**Date** 06-07-07 (mm/dd/yyyy):

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R307-405	Time filed:	

1. Agency: Environmental Quality/Air Quality
   Room no.:
   Building:
   Street address 1: 150 N 1950 W
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   City,state,zip: SALT LAKE CITY, UT 84116-3085
   Mailing address 1: PO BOX 144820
   Mailing address 2:
   City,state,zip: SALT LAKE CITY, UT 84114-4820
   Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Mat E. Carlile	801-536-4136	801-536-0085	MCARLILE@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. **Title of rule or section (catchline):**
   Permits: Major Sources in Attainment or Unclassified Areas (PSD).

3. **A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:**
   Section 19-2-108 states that, "[t]he board shall require that notice be given to the executive secretary by any person planning to construct a new installation which will or might reasonably be expected to be a source or indirect source of air pollution or to make modifications to an existing installation which will or might reasonably be expected to increase the amount of or change the character or effect of air contaminants discharged..." Rule R307-405 implements the federal Prevention of Significant Deterioration (PSD) permitting program for major sources and major modifications in attainment areas and maintenance areas as required by 40 CFR 51.166. Subsection 19-2-104(3)(q) states that the Air Quality Board may meet the requirements of federal laws. Rule R307-405 is also required by Section VIII, Prevention of Significant Deterioration of the State Implementation Plan. This plan is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51.166.

4. **A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:** R307-405 was amended once since its last review (DAR No. 29796). No comments were received.

5. **A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:**
   Rule R307-405 is required by Section 19-2-108. Rule R307-405 is also required by Section VIII, Prevention of Significant Deterioration of the State Implementation Plan, which is incorporated by reference under R307-110. This plan is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51.166. Without this plan, EPA would be required to impose a federal implementation plan.

6. **Indexing information - keywords (maximum of four, in lower case):**
   air pollution, Class I area, PSD

7. **Attach an RTF document containing the text of this rule change (filename):**
   There is currently a document associated with this filing. Rule Text

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

AGENCY AUTHORIZATION

Agency head or designee, and title:	**Date** (mm/dd/yyyy): 06-07-07

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R307-406	Time filed:	

1. Agency: Environmental Quality/Air Quality
   Room no.:
   Building:
   Street address 1: 150 N 1950 W
   Street address 2:
   City,state,zip: SALT LAKE CITY, UT 84116-3085
   Mailing address 1: PO BOX 144820
   Mailing address 2:
   City,state,zip: SALT LAKE CITY, UT 84114-4820
   Contact person(s):

Name:	**Phone:**	**Fax:**	**E-mail:**	**Remove:**
Mat E. Carlile	801-536-4136	801-536-0085	MCARLILE@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. **Title of rule or section (catchline):**
   Visibility

3. **A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:**
   Section 19-2-108 states that, "[t]he board shall require that notice be given to the executive secretary by any person planning to construct a new installation which will or might reasonably be expected to be a source or indirect source of air pollution or to make modifications to an existing installation which will or might reasonably be expected to increase the amount of or change the character or effect of air contaminants discharged..." Rule R307-406 sets forth the criteria to be used by the Division of Air Quality in notices of intent to construct under Rule R307-401 for new or modified major sources whose air pollution may affect visibility in Utah's Class I areas--Zion, Bryce, Capitol Reef, Arches, and Canyonlands National Parks. Subsection 19-2-104(3)(q) states that the Air Quality Board may make rules to "meet the requirements of federal air pollution laws." Rule R307-406 is also required by Section XVII, Visibility Protection, of the State Implementation Plan. This plan is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51 subpart P.

4. **A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:** No written comments have been received about this rule since its last review.

5. **A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:**
   Rule R307-406 is required by Section 19-2-108. Rule R307-406 is also required by Section XVII, Visibility Protection, of the State Implementation Plan, which is incorporated by reference under R307-110. This plan is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51 subpart P. Without this plan, EPA would be required to impose a federal implementation plan.

6. **Indexing information - keywords (maximum of four, in lower case):**
   air pollution, visibility*, permits

7. **Attach an RTF document containing the text of this rule change (filename):**
   There is currently a document associated with this filing. Rule Text

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

AGENCY AUTHORIZATION

Agency head or designee, M. Carl Hoyt	06-07-07 **Date**

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R307-410	Time filed:	

1. Agency: Environmental Quality/Air Quality
   Room no.:
   Building:
   Street address 1: 150 N 1950 W
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   City,state,zip: SALT LAKE CITY, UT 84116-3085
   Mailing address 1: PO BOX 144820
   Mailing address 2:
   City,state,zip: SALT LAKE CITY, UT 84114-4820
   Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Mat E. Carlile	801-536-4136	801-536-0085	MCARLILE@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. Title of rule or section (catchline):
Permits: Emission Impact Analysis

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:
Section 19-2-108 states that, "[t]he board shall require that notice be given to the executive secretary by any person planning to construct a new installation which will or might reasonably be expected to be a source or indirect source of air pollution or to make modifications to an existing installation which will or might reasonably be expected to increase the amount of or change the character or effect of air contaminants discharged..." Subsection 19-2-104(1) states that the Air Quality Board may make rules "(a) regarding the control, abatement, and prevention of air pollution from all sources..." Rule R307-410 establishes procedures and requirements for evaluating the expected impact of emissions from new or modified sources that require an approval order under Rule R307-401. Rule R307-410 also establishes the procedures and requirements for evaluating the impact of emissions of hazardous air pollutants. These evaluations help to determine the control requirements necessary to attain and maintain the federal health standards for air quality. Subsection 19-2-104(3)(q) states that the Air Quality Board may make rules to meet the requirements of federal air pollution laws. Rule R307-410 is also required by Section II, Review of New and Modified Air Pollution Sources and Section XVIII, Demonstration of GEP Stack Height, of the State Implementation Plan. This plan is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51 subpart I, and 40 CFR 51.118.

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: No written comments have been received about this rule since its last review.

5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:
Rule R307-410 is required by Section 19-2-108. Rule R307-410 is also required by Section II, Review of New and Modified Air Pollution Sources and Section XVIII, Demonstration of GEP Stack Height, of the State Implementation Plan, which are incorporated by reference under R307-110. This plan is required under Clean Air Act, 42 U.S.C. 7410 and 40 CFR 51 subpart I, and 40 CFR 51.118. Without this plan, EPA would be required to impose a federal implementation plan.

6. Indexing information - keywords (maximum of four, in lower case):
air pollution, modeling, hazardous air pollutant, stack height

7. Attach an RTF document containing the text of this rule change (filename):
There is currently a document associated with this filing. Rule Text

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will

06-07-07

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R307-414	Time filed:	

1. Agency: Environmental Quality/Air Quality
   Room no.:
   Building:
   Street address 1: 150 N 1950 W
   Street address 2:
   City,state,zip: SALT LAKE CITY, UT 84116-3085
   Mailing address 1: PO BOX 144820
   Mailing address 2:
   City,state,zip: SALT LAKE CITY, UT 84114-4820
   Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Mat E. Carlile	801-536-4136	801-536-0085	MCARLILE@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. Title of rule or section (catchline):
Permits: Fees for Approval Orders

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:
Subsection 19-1-201(2)(i) allows the Department of Environmental Quality to establish a schedule of fees for actions and services of the department, which is approved annually by the Legislature. Subsection 19-2-104(3)(o) states that the Air Quality Board may require sources of air pollution to pay a fee sufficient to cover reasonable costs for reviewing and acting upon the notice of intent required by Rule R307-401 and for implementing and enforcing the requirements of the approval order issued to the source. Rule R307-414 sets forth procedures for billing sources of air pollution.

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: No written comments have been received about this rule since its last review.

5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:
The fees required by rule R307-414 are allowed under Subsection 19-1-201(2)(i) and 19- 2-104(3)(o). The fees required under R307-414 and approved annually by the Legislature comprise a substantial portion of the budget of the Division of Air Quality. Without these fees, the Division would not be able to review and act upon the applications by sources. Without these fees, the Division would not be able to review and act upon the applications by sources.

6. Indexing information - keywords (maximum of four, in lower case):
air pollution, fee

7. Attach an RTF document containing the text of this rule change (filename):
There is currently a document associated with this filing. Rule Text

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

AGENCY AUTHORIZATION

Agency head or designee, and title: [illegible]	**Date** 06-07-07 (mm/dd/yyyy):

Non Printable

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R307-415	Time filed:	

1. Agency: Environmental Quality/Air Quality
   Room no.:
   Building:
   Street address 1: 150 N 1950 W
   Street address 2:
   City,state,zip: SALT LAKE CITY, UT 84116-3085
   Mailing address 1: PO BOX 144820
   Mailing address 2:
   City,state,zip: SALT LAKE CITY, UT 84114-4820
   Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Mat E. Carlile	801-536-4136	801-536-0085	MCARLILE@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. Title of rule or section (catchline):
Permits: Operating Permit Requirements.

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:
Subsection 19-2-109.1(2)(a) requires that all sources subject to Title V of the Clean Air Act obtain an operating permit, and Rule R307-415 sets forth the requirements and procedures for obtaining the permit. Rule R307-415 is consistent with Title V and with 40 CFR Part 70. Subsection 19-2-109.1(4)(a) states that, [t]he Board shall establish a proposed annual emission fee that conforms to Title V of the 1990 Clean Air Act for each ton of regulated pollutant applicable to all sources required to obtain a permit." Subsection 19-1-201(2)(i) allows the Department of Environmental Quality to establish a schedule of fees for actions and services of the department, which is approved annually by the Legislature.

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: R307-415 was amended once since its last review (DAR No. 28814, Effective September 7, 2006). No comments were received.

5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:
Rule R307-415 is required by Title V of the Clean Air Act and 40 CFR Part 70, and Section 19-2-109.1. The fees required by rule R307-415 are allowed under Subsection 19-1-201(2)(i). The fees required under R307-415 and approved annually by the Legislature comprise a substantial portion of the budget of the Division of Air Quality. Without these fees, the Division would not be able to issue and enforce operating permits.

6. Indexing information - keywords (maximum of four, in lower case):
air pollution, environmental protection, operating permit, emission fee

7. Attach an RTF document containing the text of this rule change (filename):
There is currently a document associated with this filing. Rule Text

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

AGENCY AUTHORIZATION

Agency head or designee, and title: [illegible]	**Date** (mm/dd/yyyy): 06-07-07

Non Printable

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R307-417	Time filed:	

1. Agency: Environmental Quality/Air Quality
   Room no.:
   Building:
   Street address 1: 150 N 1950 W
   Street address 2:
   City,state,zip: SALT LAKE CITY, UT 84116-3085
   Mailing address 1: PO BOX 144820
   Mailing address 2:
   City,state,zip: SALT LAKE CITY, UT 84114-4820
   Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Mat E. Carlile	801-536-4136	801-536-0085	MCARLILE@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. Title of rule or section (catchline):
Permits: Acid Rain Sources

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:
Section 19-2-109.1 requires that all sources of air pollution that are subject to Title IV or V of the federal Clean Air Act must obtain an operating permit. Rule R307-417 incorporates by reference the federal requirements under Title IV, 40 CFR Part 72, as in effect on July 1, 1998, into Utah's air quality rules, so that Utah has the authority to include those requirements in operating permits for sources subject to Title IV.

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: No written comments have been received about this rule since its last review.

5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:
Rule R307-417 is required by Title IV and V of the Clean Air Act and 40 Code of Federal Regulations Part 70 and 72, and Section 19-2-109.1.

6. Indexing information - keywords (maximum of four, in lower case):
acid rain, air quality, permitting authority*, operating permit*

7. Attach an RTF document containing the text of this rule change (filename):
There is currently a document associated with this filing. Rule Text

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

AGENCY AUTHORIZATION

Agency head or designee, and title: [illegible]	06-07-07 **Date** (mm/dd/yyyy):

Non Printable

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R307-420	Time filed:	

1. Agency: Environmental Quality/Air Quality
   Room no.:
   Building:
   Street address 1: 150 N 1950 W
   Street address 2:
   City,state,zip: SALT LAKE CITY, UT 84116-3085
   Mailing address 1: PO BOX 144820
   Mailing address 2:
   City,state,zip: SALT LAKE CITY, UT 84114-4820
   Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Mat E. Carlile	801-536-4136	801-536-0085	MCARLILE@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. Title of rule or section (catchline):
Permits: Ozone Offset Requirements in Davis and Salt Lake Counties

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:
Subsection 19-2-104(1) states that the Air Quality Board may make rules "(a) regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contamination that may be emitted by any air contaminant source." The purpose of R307-420 is to require emission reductions from existing sources to offset emission increases from new or modified sources of ozone precursors in Salt Lake and Davis Counties. The emission offset will minimize growth of ozone precursors to ensure that these areas will continue to maintain the ozone national ambient air quality standards.

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule: No written comments have been received about this rule since its last review.

5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:
Rule R307-420 is required to minimize the growth in emissions of ozone precursors in Salt Lake and Davis Counties. This rule supports Section IX.D (Ozone Maintenance Plan) of the State Implantation Plan, incorporated by reference under R307-110-13.

6. Indexing information - keywords (maximum of four, in lower case):
air pollution, ozone, offset*

7. Attach an RTF document containing the text of this rule change (filename):
There is currently a document associated with this filing. Rule Text

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

AGENCY AUTHORIZATION

Agency head or designee, and title:	06-07-07 **Date** (mm/dd/yyyy):

Non Printable

State of Utah

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R307-421	Time filed:	

1. Agency: Environmental Quality/Air Quality
   Room no.:
   Building:
   Street address 1: 150 N 1950 W
   Street address 2:
   City,state,zip: SALT LAKE CITY, UT 84116-3085
   Mailing address 1: PO BOX 144820
   Mailing address 2:
   City,state,zip: SALT LAKE CITY, UT 84114-4820

Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Mat E. Carlile	801-536-4136	801-536-0085	MCARLILE@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2. **Title of rule or section (catchline):**
   Permits: PM10 Offset Requirements in Salt Lake County and Utah County.

3. **A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:**
   Subsection 19-2-104(1) states that the Air Quality Board may make rules "(a) regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contamination that may be emitted by any air contaminant source." The purpose of R307-421 is to require emission reductions from existing sources to offset emission increases from new or modified sources of PM10 precursors in Salt Lake and Utah Counties. The emission offset will minimize growth of PM10 precursors to ensure that these areas will continue to maintain the PM10 national ambient air quality standard.

4. **A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:** No written comments have been received about this rule since its last review.

5. **A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:**
   Rule R307-421 is required to minimize the growth in emissions of PM10 precursors in Salt Lake County and Utah Counties This rule supports the PM10 Maintenance Plan, incorporated by reference under R307-110-10.

6. **Indexing information - keywords (maximum of four, in lower case):**
   air pollution, offset, PM10, PM2.5

7. **Attach an RTF document containing the text of this rule change (filename):**
   There is currently a document associated with this filing. Rule Text

To the agency: Information requested on this form is required by Section 63-46a-9. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

AGENCY AUTHORIZATION

Agency head or designee, and title: M. Cyl Hogg	**Date** (mm/dd/yyyy): 6-7-07

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