2. **Title**
Ozone Nonattainment and Maintenance Areas: Surface Coating Processes.

3. **A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:**
R307-340 establishes Reasonably Available Control Technology (RACT) for surface coating operations that are located in any ozone nonattainment or maintenance area. The rule is required under the state implementation plan for ozone that is incorporated by reference under R307-110-13. The plan is required by the Clean Air Act, 42 U.S.C. 7410, to maintain the federal health standard for ozone. Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules ". . .regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminants source. . ." Subsection 19-2-101(2) states "It is the policy of this state and the purpose of this chapter to achieve and maintain levels of air quality which will protect human health and safety. . ."

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:**
R307-340 was amended once since its last five-year review (effective 03/9/2007, DAR No. 29009). Two comments were received. COMMENT #1 (Wasatch Clean Air Coalition): This rule makes frequent and interchangeable use of "volatile organic compound" and "VOC." Readability and clarity would be improved if VOC were used consistently after the initial volatile organic compound (VOC). STAFF RESPONSE: Staff agreed and made the changes throughout R307-326, R307-340 and R307-343. COMMENT #2 (Wasatch Clean Air Coalition): Several rules reference EPA Guidance documents, for example, "EPA-340/1-88-003, Recordkeeping Guidance for Surface Coating Operations and the Graphic Arts Industry" in R307-340-4(2)(a)(v). These guidance documents cannot be located on the DAQ website, nor are they linked to a site where they are posted, as federal rules are. Compliance and citizen involvement would be easier if these documents were easily located on the DAQ website. STAFF RESPONSE. Staff agreed. When EPA guidance documents are referenced in the ozone RACT rules, a link to the documents will be included on UDAQ's web page. COMMENT # 3 (EPA): R307-327-7(3), R307-328-8(3), R307-335-7(3), R307-340-16(3), R307-342-7(3): Same comment for all; the first sentence should be changed to read ". . . or approved by the Executive Secretary after obtaining concurrence from EPA." STAFF RESPONSE. In all these rules the process that must be followed, before a source could use alternate monitoring methodology, is described in an earlier paragraph. It is not necessary to repeat the reference to EPA concurrence again. The current language was approved by EPA and has been effective. No other comments were received about this rule since the 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 rule is required under the state implementation plan for ozone, incorporated by reference under R307-110-13. The plan is required under the Clean Air Act, 42 U.S.C. 7410; without the state plan, EPA would be required to impose a Federal Implementation Plan.

6. **key words:** air pollution, emission controls, surface coating, ozone

7. **attach document.**

M. Cyr Hoj 2-23-07

Agency head or designee, and title **Date**