



State of Utah

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*Governor*

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Department of  
Environmental Quality

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*Acting Executive Director*

DIVISION OF AIR QUALITY  
Cheryl Heying  
*Director*

DAQ-032-09

**MEMORANDUM**

**TO:** Air Quality Board

**THROUGH:** Cheryl Heying, Executive Secretary

**FROM:** Steve Packham, Toxicologist

**DATE:** June 4, 2009

**SUBJECT:** FINAL ADOPTION: Amend R307-101-2. General Requirements. Definitions.

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On March 4, 2009, the Air Quality Board proposed for comment amendments to R307-101-2 General Requirements, Definitions.

The purpose of the proposed rule change is to update the version of Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices published by the American Conference of Governmental Industrial Hygienists (ACGIH) referenced in several definitions in Section R307-101-2 to the most recent version.

A public comment period was held April 15 – May 15, 2009. No comments were received.

Staff Recommendation: DAQ staff recommends that R307-101-2 be adopted as proposed.

1 **R307. Environmental Quality, Air Quality.**

2 **R307-101. General Requirements.**

3 **R307-101-2. Definitions.**

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

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

9 (1) In general, actual emissions as of a particular date  
10 shall equal the average rate, in tons per year, at which the unit  
11 actually emitted the pollutant during a two-year period which  
12 precedes the particular date and which is representative of normal  
13 source operations. The Executive Secretary shall allow the use of  
14 a different time period upon a determination that it is more  
15 representative of normal source operation. Actual emissions shall  
16 be calculated using the unit's actual operating hours, production  
17 rates, and types of materials processed, stored, or combusted  
18 during the selected time period.

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

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

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

38 "Acute Hazardous Air Pollutant" means any noncarcinogenic  
39 hazardous air pollutant for which a threshold limit value -  
40 ceiling (TLV-C) has been adopted by the American Conference of  
41 Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit  
42 Values for Chemical Substances and Physical Agents and Biological  
43 Exposure Indices, (2009)."

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

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

50 "Air Pollution" means the presence in the ambient air of one  
51 or more air contaminants in such quantities and duration and under  
52 conditions and circumstances, as is or tends to be injurious to  
53 human health or welfare, animal or plant life, or property, or

1 would unreasonably interfere with the enjoyment of life or use of  
2 property as determined by the standards, rules and regulations  
3 adopted by the Air Quality Board (Section 19-2-104).

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

9 "Ambient Air" means the surrounding or outside air (Section  
10 19-2-102(4)).

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

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

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

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

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

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

32 "Calibration Drift" means the change in the instrument meter  
33 readout over a stated period of time of normal continuous  
34 operation when the VOC concentration at the time of measurement is  
35 the same known upscale value.

36 "Carbon Adsorption System" means a device containing  
37 adsorbent material (e.g., activated carbon, aluminum, silica gel),  
38 an inlet and outlet for exhaust gases, and a system for the proper  
39 disposal or reuse of all VOC adsorbed.

40 "Carcinogenic Hazardous Air Pollutant" means any hazardous  
41 air pollutant that is classified as a known human carcinogen (A1)  
42 or suspected human carcinogen (A2) by the American Conference of  
43 Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit  
44 Values for Chemical Substances and Physical Agents and Biological  
45 Exposure Indices, (2009)."

46 "Chargeable Pollutant" means any regulated air pollutant  
47 except the following:

48 (1) Carbon monoxide;

49 (2) Any pollutant that is a regulated air pollutant solely  
50 because it is a Class I or II substance subject to a standard  
51 promulgated or established by Title VI of the Act, Stratospheric  
52 Ozone Protection;

53 (3) Any pollutant that is a regulated air pollutant solely

1 because it is subject to a standard or regulation under Section  
2 112(r) of the Act, Prevention of Accidental Releases.

3 "Chronic Hazardous Air Pollutant" means any noncarcinogenic  
4 hazardous air pollutant for which a threshold limit value - time  
5 weighted average (TLV-TWA) having no threshold limit value -  
6 ceiling (TLV-C) has been adopted by the American Conference of  
7 Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit  
8 Values for Chemical Substances and Physical Agents and Biological  
9 Exposure Indices, (2009)."

10 "Clean Air Act" means federal Clean Air Act as amended in  
11 1990.

12 "Clean Coal Technology" means any technology, including  
13 technologies applied at the precombustion, combustion, or post  
14 combustion stage, at a new or existing facility which will achieve  
15 significant reductions in air emissions of sulfur dioxide or  
16 oxides of nitrogen associated with the utilization of coal in the  
17 generation of electricity, or process steam which was not in  
18 widespread use as of November 15, 1990.

19 "Clean Coal Technology Demonstration Project" means a project  
20 using funds appropriated under the heading "Department of Energy-  
21 Clean Coal Technology," up to a total amount of \$2,500,000,000 for  
22 commercial demonstration of clean coal technology, or similar  
23 projects funded through appropriations for the Environmental  
24 Protection Agency. The Federal contribution for a qualifying  
25 project shall be at least 20 percent of the total cost of the  
26 demonstration project.

27 "Clearing Index" means an indicator of the predicted rate of  
28 clearance of ground level pollutants from a given area. This  
29 number is provided by the National Weather Service.

30 "Commence" as applied to construction of a major source or  
31 major modification means that the owner or operator has all  
32 necessary pre-construction approvals or permits and either has:

33 (1) Begun, or caused to begin, a continuous program of  
34 actual on-site construction of the source, to be completed within  
35 a reasonable time; or

36 (2) Entered into binding agreements or contractual  
37 obligations, which cannot be canceled or modified without  
38 substantial loss to the owner or operator, to undertake a program  
39 of actual construction of the source to be completed within a  
40 reasonable time.

41 "Compliance Schedule" means a schedule of events, by date,  
42 which will result in compliance with these regulations.

43 "Construction" means any physical change or change in the  
44 method of operation including fabrication, erection, installation,  
45 demolition, or modification of a source which would result in a  
46 change in actual emissions.

47 "Control Apparatus" means any device which prevents or  
48 controls the emission of any air contaminant directly or  
49 indirectly into the outdoor atmosphere.

50 "Department" means Utah State Department of Environmental  
51 Quality. See Section 19-1-103(1).

52 "Electric Utility Steam Generating Unit" means any steam  
53 electric generating unit that is constructed for the purpose of

1 supplying more than one-third of its potential electric output  
2 capacity and more than 25 MW electrical output to any utility  
3 power distribution system for sale. Any steam supplied to a steam  
4 distribution system for the purpose of providing steam to a steam-  
5 electric generator that would produce electrical energy for sale  
6 is also considered in determining the electrical energy output  
7 capacity of the affected facility.

8 "Emission" means the act of discharge into the atmosphere of  
9 an air contaminant or an effluent which contains or may contain an  
10 air contaminant; or the effluent so discharged into the  
11 atmosphere.

12 "Emissions Information" means, with reference to any source  
13 operation, equipment or control apparatus:

14 (1) Information necessary to determine the identity, amount,  
15 frequency, concentration, or other characteristics related to air  
16 quality of any air contaminant which has been emitted by the  
17 source operation, equipment, or control apparatus;

18 (2) Information necessary to determine the identity, amount,  
19 frequency, concentration, or other characteristics (to the extent  
20 related to air quality) of any air contaminant which, under an  
21 applicable standard or limitation, the source operation was  
22 authorized to emit (including, to the extent necessary for such  
23 purposes, a description of the manner or rate of operation of the  
24 source operation), or any combination of the foregoing; and

25 (3) A general description of the location and/or nature of  
26 the source operation to the extent necessary to identify the  
27 source operation and to distinguish it from other source  
28 operations (including, to the extent necessary for such purposes,  
29 a description of the device, installation, or operation  
30 constituting the source operation).

31 "Emission Limitation" means a requirement established by the  
32 Board or the Administrator, EPA, which limits the quantity, rate  
33 or concentration of emission of air pollutants on a continuous  
34 emission reduction including any requirement relating to the  
35 operation or maintenance of a source to assure continuous emission  
36 reduction (Section 302(k)).

37 "Emissions Unit" means any part of a stationary source which  
38 emits or would have the potential to emit any pollutant subject to  
39 regulation under the Clean Air Act.

40 "Enforceable" means all limitations and conditions which are  
41 enforceable by the Administrator, including those requirements  
42 developed pursuant to 40 CFR Parts 60 and 61, requirements within  
43 the State Implementation Plan and R307, any permit requirements  
44 established pursuant to 40 CFR 52.21 or R307-401.

45 "EPA" means Environmental Protection Agency.

46 "EPA Method 9" means 40 CFR Part 60, Appendix A, Method 9,  
47 "Visual Determination of Opacity of Emissions from Stationary  
48 Sources," and Alternate 1, "Determination of the opacity of  
49 emissions from stationary sources remotely by LIDAR."

50 "Executive Director" means the Executive Director of the Utah  
51 Department of Environmental Quality. See Section 19-1-103(2).

52 "Executive Secretary" means the Executive Secretary of the  
53 Board.

1 "Existing Installation" means an installation, construction  
2 of which began prior to the effective date of any regulation  
3 having application to it.

4 "Facility" means machinery, equipment, structures of any part  
5 or accessories thereof, installed or acquired for the primary  
6 purpose of controlling or disposing of air pollution. It does not  
7 include an air conditioner, fan or other similar device for the  
8 comfort of personnel.

9 "Fireplace" means all devices both masonry or factory built  
10 units (free standing fireplaces) with a hearth, fire chamber or  
11 similarly prepared device connected to a chimney which provides  
12 the operator with little control of combustion air, leaving its  
13 fire chamber fully or at least partially open to the room.  
14 Fireplaces include those devices with circulating systems, heat  
15 exchangers, or draft reducing doors with a net thermal efficiency  
16 of no greater than twenty percent and are used for aesthetic  
17 purposes.

18 "Fugitive Dust" means particulate, composed of soil and/or  
19 industrial particulates such as ash, coal, minerals, etc., which  
20 becomes airborne because of wind or mechanical disturbance of  
21 surfaces. Natural sources of dust and fugitive emissions are not  
22 fugitive dust within the meaning of this definition.

23 "Fugitive Emissions" means emissions from an installation or  
24 facility which are neither passed through an air cleaning device  
25 nor vented through a stack or could not reasonably pass through a  
26 stack, chimney, vent, or other functionally equivalent opening.

27 "Garbage" means all putrescible animal and vegetable matter  
28 resulting from the handling, preparation, cooking and consumption  
29 of food, including wastes attendant thereto.

30 "Gasoline" means any petroleum distillate, used as a fuel for  
31 internal combustion engines, having a Reid vapor pressure of 4  
32 pounds or greater.

33 "Hazardous Air Pollutant (HAP)" means any pollutant listed by  
34 the EPA as a hazardous air pollutant in conformance with Section  
35 112(b) of the Clean Air Act. A list of these pollutants is  
36 available at the Division of Air Quality.

37 "Household Waste" means any solid or liquid material normally  
38 generated by the family in a residence in the course of ordinary  
39 day-to-day living, including but not limited to garbage, paper  
40 products, rags, leaves and garden trash.

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

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

50 "LPG" means liquified petroleum gas such as propane or  
51 butane.

52 "Maintenance Area" means an area that is subject to the  
53 provisions of a maintenance plan that is included in the Utah

1 state implementation plan, and that has been redesignated by EPA  
2 from nonattainment to attainment of any National Ambient Air  
3 Quality Standard.

4 (a) The following areas are considered maintenance areas for  
5 ozone:

6 (i) Salt Lake County, effective August 18, 1997; and

7 (ii) Davis County, effective August 18, 1997.

8 (b) The following areas are considered maintenance areas for  
9 carbon monoxide:

10 (i) Salt Lake City, effective March 22, 1999;

11 (ii) Ogden City, effective May 8, 2001; and

12 (iii) Provo City, effective January 3, 2006.

13 (c) The following areas are considered maintenance areas for  
14 PM10:

15 (i) Salt Lake County, effective on the date that EPA  
16 approves the maintenance plan that was adopted by the Board on  
17 July 6, 2005; and

18 (ii) Utah County, effective on the date that EPA approves  
19 the maintenance plan that was adopted by the Board on July 6,  
20 2005; and

21 (iii) Ogden City, effective on the date that EPA approves  
22 the maintenance plan that was adopted by the Board on July 6,  
23 2005.

24 (d) The following area is considered a maintenance area for  
25 sulfur dioxide: all of Salt Lake County and the eastern portion  
26 of Tooele County above 5600 feet, effective on the date that EPA  
27 approves the maintenance plan that was adopted by the Board on  
28 January 5, 2005.

29 "Major Modification" means any physical change in or change  
30 in the method of operation of a major source that would result in  
31 a significant net emissions increase of any pollutant. A net  
32 emissions increase that is significant for volatile organic  
33 compounds shall be considered significant for ozone. Within Salt  
34 Lake and Davis Counties or any nonattainment area for ozone, a net  
35 emissions increase that is significant for nitrogen oxides shall  
36 be considered significant for ozone. Within areas of  
37 nonattainment for PM10, a significant net emission increase for  
38 any PM10 precursor is also a significant net emission increase for  
39 PM10. A physical change or change in the method of operation  
40 shall not include:

41 (1) routine maintenance, repair and replacement;

42 (2) use of an alternative fuel or raw material by reason of  
43 an order under section 2(a) and (b) of the Energy Supply and  
44 Environmental Coordination Act of 1974, or by reason of a natural  
45 gas curtailment plan pursuant to the Federal Power Act;

46 (3) use of an alternative fuel by reason of an order or rule  
47 under section 125 of the federal Clean Air Act;

48 (4) use of an alternative fuel at a steam generating unit to  
49 the extent that the fuel is generated from municipal solid waste;

50 (5) use of an alternative fuel or raw material by a source:

51 (a) which the source was capable of accommodating before  
52 January 6, 1975, unless such change would be prohibited under any  
53 enforceable permit condition; or

1 (b) which the source is otherwise approved to use;

2 (6) an increase in the hours of operation or in the  
3 production rate unless such change would be prohibited under any  
4 enforceable permit condition;

5 (7) any change in ownership at a source

6 (8) the addition, replacement or use of a pollution control  
7 project at an existing electric utility steam generating unit,  
8 unless the executive secretary determines that such addition,  
9 replacement, or use renders the unit less environmentally  
10 beneficial, or except:

11 (a) when the executive secretary has reason to believe that  
12 the pollution control project would result in a significant net  
13 increase in representative actual annual emissions of any criteria  
14 pollutant over levels used for that source in the most recent air  
15 quality impact analysis in the area conducted for the purpose of  
16 Title I of the Clean Air Act, if any, and

17 (b) the executive secretary determines that the increase  
18 will cause or contribute to a violation of any national ambient  
19 air quality standard or PSD increment, or visibility limitation.

20 (9) the installation, operation, cessation, or removal of a  
21 temporary clean coal technology demonstration project, provided  
22 that the project complies with:

23 (a) the Utah State Implementation Plan; and

24 (b) other requirements necessary to attain and maintain the  
25 national ambient air quality standards during the project and  
26 after it is terminated.

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

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

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

37 (b) any source located in Salt Lake or Davis Counties or in  
38 a nonattainment area for ozone which emits, or has the potential  
39 to emit, VOC or nitrogen oxides in the amounts outlined in Section  
40 182 of the federal Clean Air Act with respect to the severity of  
41 the nonattainment area as outlined in Section 182 of the federal  
42 Clean Air Act; or

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

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

51 (3) the fugitive emissions and fugitive dust of a stationary  
52 source shall not be included in determining for any of the  
53 purposes of these R307 rules whether it is a major stationary

1 source, unless the source belongs to one of the following  
2 categories of stationary sources:

- 3 (a) Coal cleaning plants (with thermal dryers);
- 4 (b) Kraft pulp mills;
- 5 (c) Portland cement plants;
- 6 (d) Primary zinc smelters;
- 7 (e) Iron and steel mills;
- 8 (f) Primary aluminum or reduction plants;
- 9 (g) Primary copper smelters;
- 10 (h) Municipal incinerators capable of charging more than 250  
11 tons of refuse per day;
- 12 (i) Hydrofluoric, sulfuric, or nitric acid plants;
- 13 (j) Petroleum refineries;
- 14 (k) Lime plants;
- 15 (l) Phosphate rock processing plants;
- 16 (m) Coke oven batteries;
- 17 (n) Sulfur recovery plants;
- 18 (o) Carbon black plants (furnace process);
- 19 (p) Primary lead smelters;
- 20 (q) Fuel conversion plants;
- 21 (r) Sintering plants;
- 22 (s) Secondary metal production plants;
- 23 (t) Chemical process plants;
- 24 (u) Fossil-fuel boilers (or combination thereof) totaling  
25 more than 250 million British Thermal Units per hour heat input;
- 26 (v) Petroleum storage and transfer units with a total  
27 storage capacity exceeding 300,000 barrels;
- 28 (w) Taconite ore processing plants;
- 29 (x) Glass fiber processing plants;
- 30 (y) Charcoal production plants;
- 31 (z) Fossil fuel-fired steam electric plants of more than 250  
32 million British Thermal Units per hour heat input;
- 33 (aa) Any other stationary source category which, as of  
34 August 7, 1980, is being regulated under section 111 or 112 of the  
35 federal Clean Air Act.

36 "Modification" means any planned change in a source which  
37 results in a potential increase of emission.

38 "National Ambient Air Quality Standards (NAAQS)" means the  
39 allowable concentrations of air pollutants in the ambient air  
40 specified by the Federal Government (Title 40, Code of Federal  
41 Regulations, Part 50).

42 "Net Emissions Increase" means the amount by which the sum of  
43 the following exceeds zero:

- 44 (1) any increase in actual emissions from a particular  
45 physical change or change in method of operation at a source; and
- 46 (2) any other increases and decreases in actual emissions at  
47 the source that are contemporaneous with the particular change and  
48 are otherwise creditable. For purposes of determining a "net  
49 emissions increase":

50 (a) An increase or decrease in actual emissions is  
51 contemporaneous with the increase from the particular change only  
52 if it occurs between the date five years before construction on  
53 the particular change commences; and the date that the increase

1 from the particular change occurs.

2 (b) An increase or decrease in actual emissions is  
3 creditable only if it has not been relied on in issuing a prior  
4 approval for the source which approval is in effect when the  
5 increase in actual emissions for the particular change occurs.

6 (c) An increase or decrease in actual emission of sulfur  
7 dioxide, nitrogen oxides or particulate matter which occurs before  
8 an applicable minor source baseline date is creditable only if it  
9 is required to be considered in calculating the amount of maximum  
10 allowable increases remaining available. With respect to  
11 particulate matter, only PM10 emissions will be used to evaluate  
12 this increase or decrease.

13 (d) An increase in actual emissions is creditable only to  
14 the extent that the new level of actual emissions exceeds the old  
15 level.

16 (e) A decrease in actual emissions is creditable only to the  
17 extent that:

18 (i) The old level of actual emissions or the old level of  
19 allowable emissions, whichever is lower, exceeds the new level of  
20 actual emissions;

21 (ii) It is enforceable at and after the time that actual  
22 construction on the particular change begins; and

23 (iii) It has approximately the same qualitative significance  
24 for public health and welfare as that attributed to the increase  
25 from the particular change.

26 (iv) It has not been relied on in issuing any permit under  
27 R307-401 nor has it been relied on in demonstrating attainment or  
28 reasonable further progress.

29 (f) An increase that results from a physical change at a  
30 source occurs when the emissions unit on which construction  
31 occurred becomes operational and begins to emit a particular  
32 pollutant. Any replacement unit that requires shakedown becomes  
33 operational only after a reasonable shakedown period, not to  
34 exceed 180 days.

35 "New Installation" means an installation, construction of  
36 which began after the effective date of any regulation having  
37 application to it.

38 "Nonattainment Area" means an area designated by the  
39 Environmental Protection Agency as nonattainment under Section  
40 107, Clean Air Act for any National Ambient Air Quality Standard.  
41 The designations for Utah are listed in 40 CFR 81.345.

42 "Offset" means an amount of emission reduction, by a source,  
43 greater than the emission limitation imposed on such source by  
44 these regulations and/or the State Implementation Plan.

45 "Opacity" means the capacity to obstruct the transmission of  
46 light, expressed as percent.

47 "Open Burning" means any burning of combustible materials  
48 resulting in emission of products of combustion into ambient air  
49 without passage through a chimney or stack.

50 "Owner or Operator" means any person who owns, leases,  
51 controls, operates or supervises a facility, an emission source,  
52 or air pollution control equipment.

53 "PSD" Area means an area designated as attainment or

1 unclassifiable under section 107(d)(1)(D) or (E) of the federal  
2 Clean Air Act.

3 "PM10" means particulate matter with an aerodynamic diameter  
4 less than or equal to a nominal 10 micrometers as measured by an  
5 EPA reference or equivalent method.

6 "PM10 Precursor" means any chemical compound or substance  
7 which, after it has been emitted into the atmosphere, undergoes  
8 chemical or physical changes that convert it into particulate  
9 matter, specifically PM10.

10 "Part 70 Source" means any source subject to the permitting  
11 requirements of R307-415.

12 "Person" means an individual, trust, firm, estate, company,  
13 corporation, partnership, association, state, state or federal  
14 agency or entity, municipality, commission, or political  
15 subdivision of a state. (Subsection 19-2-103(4)).

16 "Pollution Control Project" means any activity or project at  
17 an existing electric utility steam generating unit for purposes of  
18 reducing emissions from such unit. Such activities or projects  
19 are limited to:

20 (1) The installation of conventional or innovative pollution  
21 control technology, including but not limited to advanced flue gas  
22 desulfurization, sorbent injection for sulfur dioxide and nitrogen  
23 oxides controls and electrostatic precipitators;

24 (2) An activity or project to accommodate switching to a  
25 fuel which is less polluting than the fuel used prior to the  
26 activity or project, including, but not limited to natural gas or  
27 coal reburning, or the cofiring of natural gas and other fuels for  
28 the purpose of controlling emissions;

29 (3) A permanent clean coal technology demonstration project  
30 conducted under Title II, sec. 101(d) of the Further Continuing  
31 Appropriations Act of 1985 (sec. 5903(d) of title 42 of the United  
32 States Code), or subsequent appropriations, up to a total amount  
33 of \$2,500,000,000 for commercial demonstration of clean coal  
34 technology, or similar projects funded through appropriations for  
35 the Environmental Protection Agency; or

36 (4) A permanent clean coal technology demonstration project  
37 that constitutes a repowering project.

38 "Potential to Emit" means the maximum capacity of a source to  
39 emit a pollutant under its physical and operational design. Any  
40 physical or operational limitation on the capacity of the source  
41 to emit a pollutant including air pollution control equipment and  
42 restrictions on hours of operation or on the type or amount of  
43 material combusted, stored, or processed shall be treated as part  
44 of its design if the limitation or the effect it would have on  
45 emissions is enforceable. Secondary emissions do not count in  
46 determining the potential to emit of a stationary source.

47 "Process Level" means the operation of a source, specific to  
48 the kind or type of fuel, input material, or mode of operation.

49 "Process Rate" means the quantity per unit of time of any raw  
50 material or process intermediate consumed, or product generated,  
51 through the use of any equipment, source operation, or control  
52 apparatus. For a stationary internal combustion unit or any other  
53 fuel burning equipment, this term may be expressed as the quantity

1 of fuel burned per unit of time.

2 "Reactivation of a Very Clean Coal-Fired Electric Utility  
3 Steam Generating Unit" means any physical change or change in the  
4 method of operation associated with the commencement of commercial  
5 operations by a coal-fired utility unit after a period of  
6 discontinued operation where the unit:

7 (1) Has not been in operation for the two-year period prior  
8 to the enactment of the Clean Air Act Amendments of 1990, and the  
9 emissions from such unit continue to be carried in the emission  
10 inventory at the time of enactment;

11 (2) Was equipped prior to shutdown with a continuous system  
12 of emissions control that achieves a removal efficiency for sulfur  
13 dioxide of no less than 85 percent and a removal efficiency for  
14 particulates of no less than 98 percent;

15 (3) Is equipped with low-NOx burners prior to the time of  
16 commencement of operations following reactivation; and

17 (4) Is otherwise in compliance with the requirements of the  
18 Clean Air Act.

19 "Reasonable Further Progress" means annual incremental  
20 reductions in emission of an air pollutant which are sufficient to  
21 provide for attainment of the NAAQS by the date identified in the  
22 State Implementation Plan.

23 "Refuse" means solid wastes, such as garbage and trash.

24 "Regulated air pollutant" means any of the following:

25 (a) Nitrogen oxides or any volatile organic compound;

26 (b) Any pollutant for which a national ambient air quality  
27 standard has been promulgated;

28 (c) Any pollutant that is subject to any standard  
29 promulgated under Section 111 of the Act, Standards of Performance  
30 for New Stationary Sources;

31 (d) Any Class I or II substance subject to a standard  
32 promulgated under or established by Title VI of the Act,  
33 Stratospheric Ozone Protection;

34 (e) Any pollutant subject to a standard promulgated under  
35 Section 112, Hazardous Air Pollutants, or other requirements  
36 established under Section 112 of the Act, including Sections  
37 112(g), (j), and (r) of the Act, including any of the following:

38 (i) Any pollutant subject to requirements under Section  
39 112(j) of the Act, Equivalent Emission Limitation by Permit. If  
40 the Administrator fails to promulgate a standard by the date  
41 established pursuant to Section 112(e) of the Act, any pollutant  
42 for which a subject source would be major shall be considered to  
43 be regulated on the date 18 months after the applicable date  
44 established pursuant to Section 112(e) of the Act;

45 (ii) Any pollutant for which the requirements of Section  
46 112(g)(2) of the Act (Construction, Reconstruction and  
47 Modification) have been met, but only with respect to the  
48 individual source subject to Section 112(g)(2) requirement.

49 "Repowering" means replacement of an existing coal-fired  
50 boiler with one of the following clean coal technologies:  
51 atmospheric or pressurized fluidized bed combustion, integrated  
52 gasification combined cycle, magnetohydrodynamics, direct and  
53 indirect coal-fired turbines, integrated gasification fuel cells,

1 or as determined by the Administrator, in consultation with the  
2 Secretary of Energy, a derivative of one or more of these  
3 technologies, and any other technology capable of controlling  
4 multiple combustion emissions simultaneously with improved boiler  
5 or generation efficiency and with significantly greater waste  
6 reduction relative to the performance of technology in widespread  
7 commercial use as of November 15, 1990.

8 (1) Repowering shall also include any oil and/or gas-fired  
9 unit which has been awarded clean coal technology demonstration  
10 funding as of January 1, 1991, by the Department of Energy.

11 (2) The executive secretary shall give expedited  
12 consideration to permit applications for any source that satisfies  
13 the requirements of this definition and is granted an extension  
14 under section 409 of the Clean Air Act.

15 "Representative Actual Annual Emissions" means the average  
16 rate, in tons per year, at which the source is projected to emit a  
17 pollutant for the two-year period after a physical change or  
18 change in the method of operation of unit, (or a different  
19 consecutive two-year period within 10 years after that change,  
20 where the executive secretary determines that such period is more  
21 representative of source operations), considering the effect any  
22 such change will have on increasing or decreasing the hourly  
23 emissions rate and on projected capacity utilization. In  
24 projecting future emissions the executive secretary shall:

25 (1) Consider all relevant information, including but not  
26 limited to, historical operational data, the company's own  
27 representations, filings with the State of Federal regulatory  
28 authorities, and compliance plans under title IV of the Clean Air  
29 Act; and

30 (2) Exclude, in calculating any increase in emissions that  
31 results from the particular physical change or change in the  
32 method of operation at an electric utility steam generating unit,  
33 that portion of the unit's emissions following the change that  
34 could have been accommodated during the representative baseline  
35 period and is attributable to an increase in projected capacity  
36 utilization at the unit that is unrelated to the particular  
37 change, including any increased utilization due to the rate of  
38 electricity demand growth for the utility system as a whole.

39 "Residence" means a dwelling in which people live, including  
40 all ancillary buildings.

41 "Residential Solid Fuel Burning" device means any residential  
42 burning device except a fireplace connected to a chimney that  
43 burns solid fuel and is capable of, and intended for use as a  
44 space heater, domestic water heater, or indoor cooking appliance,  
45 and has an air-to-fuel ratio less than 35-to-1 as determined by  
46 the test procedures prescribed in 40 CFR 60.534. It must also  
47 have a useable firebox volume of less than 6.10 cubic meters or 20  
48 cubic feet, a minimum burn rate less than 5 kilograms per hour or  
49 11 pounds per hour as determined by test procedures prescribed in  
50 40 CFR 60.534, and weigh less than 800 kilograms or 362.9 pounds.

51 Appliances that are described as prefabricated fireplaces and are  
52 designed to accommodate doors or other accessories that would  
53 create the air starved operating conditions of a residential solid

1 fuel burning device shall be considered as such. Fireplaces are  
2 not included in this definition for solid fuel burning devices.

3 "Road" means any public or private road.

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

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

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

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

24 "Significant" means:

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

29 Carbon monoxide: 100 ton per year (tpy);

30 Nitrogen oxides: 40 tpy;

31 Sulfur dioxide: 40 tpy;

32 PM10: 15 tpy;

33 Particulate matter: 25 tpy;

34 Ozone: 40 tpy of volatile organic compounds;

35 Lead: 0.6 tpy.

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

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

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

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

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

7 "State" means Utah State.

8 "Temporary" means not more than 180 calendar days.

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

15 "Threshold Limit Value - Ceiling (TLV-C)" means the airborne  
16 concentration of a substance which may not be exceeded, as adopted  
17 by the American Conference of Governmental Industrial Hygienists  
18 in its "Threshold Limit Values for Chemical Substances and  
19 Physical Agents and Biological Exposure Indices, (2009)."

20 "Threshold Limit Value - Time Weighted Average (TLV-TWA)"  
21 means the time-weighted airborne concentration of a substance  
22 adopted by the American Conference of Governmental Industrial  
23 Hygienists in its "Threshold Limit Values for Chemical Substances  
24 and Physical Agents and Biological Exposure Indices, (2009)."

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

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

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

35 "Volatile Organic Compound (VOC)" means VOC as defined in 40  
36 CFR 51.100(s)(1), effective as of the date referenced in R307-101-  
37 3, is hereby adopted and incorporated by reference.

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

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

45  
46 **KEY: air pollution, definitions**

47 **Date of Enactment or Last Substantive Amendment: 2009**

48 **Notice of Continuation: February 8, 2008**

49 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)**

(iv) extraordinary cooperation in the violation investigation that shows the licensee or permittee and the officer, employee or agent of the licensee or permittee accepts responsibility; and

(v) there was no evidence that the investigation was based on complaints received or on observed misconduct of others, but was based solely on the investigating authority creating the opportunity for a violation.

(b) Examples of aggravating circumstances are:

- (i) prior warnings about compliance problems;
- (ii) prior violation history;
- (iii) lack of written policies governing employee conduct;
- (iv) multiple violations during the course of the investigation;
- (v) efforts to conceal a violation;
- (vi) intentional nature of the violation;
- (vii) the violation involved more than one patron or employee;
- (viii) the violation involved a minor and, if so, the age of the minor; and
- (ix) whether the violation resulted in injury or death.

(6) Violation Grid. Any proposed substantive change to the violation grid that would establish or adjust the degree of seriousness of a violation shall require rulemaking in compliance with title 63G-3, the Utah Administrative Rulemaking Act. A violation grid describing each violation of the alcoholic beverage control laws, the statutory and rule reference, and the degree of seriousness of each violation is available for public inspection in the department's administrative office. A copy will be provided upon request at reproduction cost. It is entitled "Alcoholic Beverage Control Commission Violation Grid" ([2007]2008 edition) and is incorporated by reference as part of this rule.

**KEY: alcoholic beverages**

**Date of Enactment or Last Substantive Amendment: 2009**

**Notice of Continuation: August 31, 2006**

**Authorizing, and Implemented or Interpreted Law: 32A-1-107; 32A-1-119(5)(c); 32A-1-702; 32-1-703; 32A-1-704; 32A-1-807; 32A-3-103(1)(a); 32A-4-103(1)(a); 32A-4-106(1)(a); 32A-4-203(1)(a); 32A-4-304(1)(a); 32A-4-307(1)(a); 32A-4-401(1)(a); 32A-5-103(1)(a); 32A-6-103(2)(a); 32A-7-103(2)(a); 32A-7-106(5); 32A-8-103(1)(a); 32A-8-503(1)(a); 32A-9-103(1)(a); 32A-10-203(1)(a); 32A-10-206(14); 32A-10-303(1)(a); 32A-10-306(5); 32A-11-103(1)(a)**

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## Environmental Quality, Air Quality R307-101-2 Definitions

**NOTICE OF PROPOSED RULE  
(Amendment)**

DAR FILE NO.: 32458  
FILED: 03/23/2009, 14:47

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change updates the version of Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices referenced in several definitions in Section

R307-101-2 to the most recent version. All references to Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices need to be consistent and up-to-date to ensure that the most recently published Threshold Limit Values constitute the basis of regulatory actions and requirements.

SUMMARY OF THE RULE OR CHANGE: The following definitions in Section R307-101-2 are established by reference: "Acute Hazardous Air Pollutant," "Carcinogenic Hazardous Air Pollutant," "Chronic Hazardous Air Pollutant," "Threshold Limit Value - Ceiling (TLV-C)," and "Threshold Limit Value - Time Weighted Average (TLV-TWA)." This rule change updates the version date of the referenced document to the most current American Conference of Governmental Industrial Hygienists publication of Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: American Conference of Governmental Industrial Hygienists publication of "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, 2009"

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: Because these revisions do not create any new requirements, no change in costs is expected for the state budget.
- ❖ LOCAL GOVERNMENTS: Because this revision does not create any new requirements, no change in costs is expected for local governments.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Small Businesses: Because this revision does not create any new requirements, no change in costs is expected for small businesses. Other Persons: Because this revision does not create any new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this revision does not create any new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create new requirements. Therefore, no additional costs are expected. William Sinclair, Acting 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:

Kimberly Kreykes at the above address, by phone at 801-536-4042, by FAX at 801-536-4099, or by Internet E-mail at [kkreykes@utah.gov](mailto:kkreykes@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 05/15/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 06/03/2009

AUTHORIZED BY: Bryce Bird, 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 (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009[7])."

"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).

"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 R307-401-8.

"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.

"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.

"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.

"Calibration 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 the same known upscale value.

"Carbon Adsorption System" means a device containing adsorbent material (e.g., activated carbon, aluminum, silica gel), an inlet and outlet for exhaust gases, and a system for the proper disposal or reuse of all VOC adsorbed.

"Carcinogenic Hazardous Air Pollutant" means any hazardous air pollutant that is classified as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009[7])."

"Chargeable Pollutant" means any regulated air pollutant except the following:

(1) Carbon monoxide;

(2) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated or established by Title VI of the Act, Stratospheric Ozone Protection;

(3) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Act, Prevention of Accidental Releases.

"Chronic Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - time weighted average (TLV-TWA) having no threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit

Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009[7])."

"Clean Air Act" means federal Clean Air Act as amended in 1990.

.....

"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 ](2009[9])."

"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 ](2009[9])."

"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.

"Volatile Organic Compound (VOC)" means VOC as defined in 40 CFR 51.100(s)(1), effective as of the date referenced in R307-101-3, 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: [February 8, 2008]2009**

**Notice of Continuation: February 8, 2008**

**Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)**

**Environmental Quality, Water Quality  
R317-101-2  
Definitions and Eligibility**

**NOTICE OF PROPOSED RULE  
(Amendment)**

DAR FILE No.: 32480  
FILED: 03/31/2009, 16:33

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed change is being made to bring the Utah Wastewater Project Assistance Program rules into conformance with the

additional subsidization funding requirements of the American Recovery and Reinvestment Act of 2009 (ARRA).

SUMMARY OF THE RULE OR CHANGE: The proposed change adds a definition for the term "principal forgiveness".

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-105

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated impacts to the state budget. The proposed rule will be implemented using existing resources.

❖ LOCAL GOVERNMENTS: Local governments receiving an authorization through ARRA may benefit from a cost savings up to 50% of the principal loan amount. ARRA requires that 50% of funds be awarded as additional subsidization (i.e., grant, principal forgiveness, or negative interest).

❖ SMALL BUSINESSES AND PERSONS/OTHER THAN BUSINESSES: The proposed change applies only to publicly-owned treatment works receiving an authorization through ARRA. No direct costs or savings to small businesses or other persons are anticipated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed change enables local governments receiving an authorization through ARRA to benefit from a cost savings of up to 50% of the principal loan amount. There are no additional compliance costs associated with the change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed change applies to publicly-owned treatment works receiving an authorization through ARRA. No fiscal impacts to businesses are anticipated. William Sinclair, Acting Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY  
WATER QUALITY  
CANNON HEALTH BLDG  
288 N 1460 W  
SALT LAKE CITY UT 84116-3231, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dave Wham at the above address, by phone at 801-538-6052, by FAX at 801-538-6016, or by Internet E-mail at [dwham@utah.gov](mailto:dwham@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 05/15/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 05/22/2009

AUTHORIZED BY: Walter Baker, Director