

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[7])."

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

1 conditions and circumstances, as is or tends to be injurious to
2 human health or welfare, animal or plant life, or property, or
3 would unreasonably interfere with the enjoyment of life or use of
4 property as determined by the standards, rules and regulations
5 adopted by the Air Quality Board (Section 19-2-104).

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

11 "Ambient Air" means the surrounding or outside air (Section
12 19-2-102(4)).

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

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

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

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

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

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

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

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

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

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

50 (1) Carbon monoxide;

51 (2) Any pollutant that is a regulated air pollutant solely

1 because it is a Class I or II substance subject to a standard
2 promulgated or established by Title VI of the Act, Stratospheric
3 Ozone Protection;

4 (3) Any pollutant that is a regulated air pollutant solely
5 because it is subject to a standard or regulation under Section
6 112(r) of the Act, Prevention of Accidental Releases.

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

14 "Clean Air Act" means federal Clean Air Act as amended in
15 1990.

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

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

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

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

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

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

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

47 "Construction" means any physical change or change in the
48 method of operation including fabrication, erection, installation,
49 demolition, or modification of a source which would result in a
50 change in actual emissions.

51 "Control Apparatus" means any device which prevents or

1 controls the emission of any air contaminant directly or
2 indirectly into the outdoor atmosphere.

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

5 "Electric Utility Steam Generating Unit" means any steam
6 electric generating unit that is constructed for the purpose of
7 supplying more than one-third of its potential electric output
8 capacity and more than 25 MW electrical output to any utility
9 power distribution system for sale. Any steam supplied to a steam
10 distribution system for the purpose of providing steam to a steam-
11 electric generator that would produce electrical energy for sale
12 is also considered in determining the electrical energy output
13 capacity of the affected facility.

14 "Emission" means the act of discharge into the atmosphere of
15 an air contaminant or an effluent which contains or may contain an
16 air contaminant; or the effluent so discharged into the
17 atmosphere.

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

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

24 (2) Information necessary to determine the identity, amount,
25 frequency, concentration, or other characteristics (to the extent
26 related to air quality) of any air contaminant which, under an
27 applicable standard or limitation, the source operation was
28 authorized to emit (including, to the extent necessary for such
29 purposes, a description of the manner or rate of operation of the
30 source operation), or any combination of the foregoing; and

31 (3) A general description of the location and/or nature of
32 the source operation to the extent necessary to identify the
33 source operation and to distinguish it from other source
34 operations (including, to the extent necessary for such purposes,
35 a description of the device, installation, or operation
36 constituting the source operation).

37 "Emission Limitation" means a requirement established by the
38 Board or the Administrator, EPA, which limits the quantity, rate
39 or concentration of emission of air pollutants on a continuous
40 emission reduction including any requirement relating to the
41 operation or maintenance of a source to assure continuous emission
42 reduction (Section 302(k)).

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

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

51 "EPA" means Environmental Protection Agency.

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

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

7 "Executive Secretary" means the Executive Secretary of the
8 Board.

9 "Existing Installation" means an installation, construction
10 of which began prior to the effective date of any regulation
11 having application to it.

12 "Facility" means machinery, equipment, structures of any part
13 or accessories thereof, installed or acquired for the primary
14 purpose of controlling or disposing of air pollution. It does not
15 include an air conditioner, fan or other similar device for the
16 comfort of personnel.

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

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

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

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

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

41 "Hazardous Air Pollutant (HAP)" means any pollutant listed by
42 the EPA as a hazardous air pollutant in conformance with Section
43 112(b) of the Clean Air Act. A list of these pollutants is
44 available at the Division of Air Quality.

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

49 "Incinerator" means a combustion apparatus designed for high
50 temperature operation in which solid, semisolid, liquid, or
51 gaseous combustible wastes are ignited and burned efficiently and

1 from which the solid and gaseous residues contain little or no
2 combustible material.

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

7 "LPG" means liquified petroleum gas such as propane or
8 butane.

9 "Maintenance Area" means an area that is subject to the
10 provisions of a maintenance plan that is included in the Utah
11 state implementation plan, and that has been redesignated by EPA
12 from nonattainment to attainment of any National Ambient Air
13 Quality Standard.

14 (a) The following areas are considered maintenance areas for
15 ozone:

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

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

18 (b) The following areas are considered maintenance areas for
19 carbon monoxide:

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

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

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

23 (c) The following areas are considered maintenance areas for
24 PM10:

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

28 (ii) Utah County, effective on the date that EPA approves
29 the maintenance plan that was adopted by the Board on July 6,
30 2005; and

31 (iii) Ogden City, effective on the date that EPA approves
32 the maintenance plan that was adopted by the Board on July 6,
33 2005.

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

39 "Major Modification" means any physical change in or change
40 in the method of operation of a major source that would result in
41 a significant net emissions increase of any pollutant. A net
42 emissions increase that is significant for volatile organic
43 compounds shall be considered significant for ozone. Within Salt
44 Lake and Davis Counties or any nonattainment area for ozone, a net
45 emissions increase that is significant for nitrogen oxides shall
46 be considered significant for ozone. Within areas of
47 nonattainment for PM10, a significant net emission increase for
48 any PM10 precursor is also a significant net emission increase for
49 PM10. A physical change or change in the method of operation
50 shall not include:

51 (1) routine maintenance, repair and replacement;

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

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

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

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

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

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

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

17 (7) any change in ownership at a source

18 (8) the addition, replacement or use of a pollution control
19 project at an existing electric utility steam generating unit,
20 unless the executive secretary determines that such addition,
21 replacement, or use renders the unit less environmentally
22 beneficial, or except:

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

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

32 (9) the installation, operation, cessation, or removal of a
33 temporary clean coal technology demonstration project, provided
34 that the project complies with:

35 (a) the Utah State Implementation Plan; and

36 (b) other requirements necessary to attain and maintain the
37 national ambient air quality standards during the project and
38 after it is terminated.

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

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

44 (a) any source located in a nonattainment area for carbon
45 monoxide which emits, or has the potential to emit, carbon
46 monoxide in the amounts outlined in Section 187 of the federal
47 Clean Air Act with respect to the severity of the nonattainment
48 area as outlined in Section 187 of the federal Clean Air Act; or

49 (b) any source located in Salt Lake or Davis Counties or in
50 a nonattainment area for ozone which emits, or has the potential
51 to emit, VOC or nitrogen oxides in the amounts outlined in Section

1 182 of the federal Clean Air Act with respect to the severity of
2 the nonattainment area as outlined in Section 182 of the federal
3 Clean Air Act; or

4 (c) any source located in a nonattainment area for PM10
5 which emits, or has the potential to emit, PM10 or any PM10
6 precursor in the amounts outlined in Section 189 of the federal
7 Clean Air Act with respect to the severity of the nonattainment
8 area as outlined in Section 189 of the federal Clean Air Act.

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

12 (3) the fugitive emissions and fugitive dust of a stationary
13 source shall not be included in determining for any of the
14 purposes of these R307 rules whether it is a major stationary
15 source, unless the source belongs to one of the following
16 categories of stationary sources:

17 (a) Coal cleaning plants (with thermal dryers);

18 (b) Kraft pulp mills;

19 (c) Portland cement plants;

20 (d) Primary zinc smelters;

21 (e) Iron and steel mills;

22 (f) Primary aluminum or reduction plants;

23 (g) Primary copper smelters;

24 (h) Municipal incinerators capable of charging more than 250
25 tons of refuse per day;

26 (i) Hydrofluoric, sulfuric, or nitric acid plants;

27 (j) Petroleum refineries;

28 (k) Lime plants;

29 (l) Phosphate rock processing plants;

30 (m) Coke oven batteries;

31 (n) Sulfur recovery plants;

32 (o) Carbon black plants (furnace process);

33 (p) Primary lead smelters;

34 (q) Fuel conversion plants;

35 (r) Sintering plants;

36 (s) Secondary metal production plants;

37 (t) Chemical process plants;

38 (u) Fossil-fuel boilers (or combination thereof) totaling
39 more than 250 million British Thermal Units per hour heat input;

40 (v) Petroleum storage and transfer units with a total
41 storage capacity exceeding 300,000 barrels;

42 (w) Taconite ore processing plants;

43 (x) Glass fiber processing plants;

44 (y) Charcoal production plants;

45 (z) Fossil fuel-fired steam electric plants of more than 250
46 million British Thermal Units per hour heat input;

47 (aa) Any other stationary source category which, as of
48 August 7, 1980, is being regulated under section 111 or 112 of the
49 federal Clean Air Act.

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

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

5 "Net Emissions Increase" means the amount by which the sum of
6 the following exceeds zero:

7 (1) any increase in actual emissions from a particular
8 physical change or change in method of operation at a source; and

9 (2) any other increases and decreases in actual emissions at
10 the source that are contemporaneous with the particular change and
11 are otherwise creditable. For purposes of determining a "net
12 emissions increase":

13 (a) An increase or decrease in actual emissions is
14 contemporaneous with the increase from the particular change only
15 if it occurs between the date five years before construction on
16 the particular change commences; and the date that the increase
17 from the particular change occurs.

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

22 (c) An increase or decrease in actual emission of sulfur
23 dioxide, nitrogen oxides or particulate matter which occurs before
24 an applicable minor source baseline date is creditable only if it
25 is required to be considered in calculating the amount of maximum
26 allowable increases remaining available. With respect to
27 particulate matter, only PM10 emissions will be used to evaluate
28 this increase or decrease.

29 (d) An increase in actual emissions is creditable only to
30 the extent that the new level of actual emissions exceeds the old
31 level.

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

34 (i) The old level of actual emissions or the old level of
35 allowable emissions, whichever is lower, exceeds the new level of
36 actual emissions;

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

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

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

45 (f) An increase that results from a physical change at a
46 source occurs when the emissions unit on which construction
47 occurred becomes operational and begins to emit a particular
48 pollutant. Any replacement unit that requires shakedown becomes
49 operational only after a reasonable shakedown period, not to
50 exceed 180 days.

51 "New Installation" means an installation, construction of

1 which began after the effective date of any regulation having
2 application to it.

3 "Nonattainment Area" means an area designated by the
4 Environmental Protection Agency as nonattainment under Section
5 107, Clean Air Act for any National Ambient Air Quality Standard.
6 The designations for Utah are listed in 40 CFR 81.345.

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

10 "Opacity" means the capacity to obstruct the transmission of
11 light, expressed as percent.

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

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

18 "PSD" Area means an area designated as attainment or
19 unclassifiable under section 107(d)(1)(D) or (E) of the federal
20 Clean Air Act.

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

24 "PM10 Precursor" means any chemical compound or substance
25 which, after it has been emitted into the atmosphere, undergoes
26 chemical or physical changes that convert it into particulate
27 matter, specifically PM10.

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

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

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

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

42 (2) An activity or project to accommodate switching to a
43 fuel which is less polluting than the fuel used prior to the
44 activity or project, including, but not limited to natural gas or
45 coal reburning, or the cofiring of natural gas and other fuels for
46 the purpose of controlling emissions;

47 (3) A permanent clean coal technology demonstration project
48 conducted under Title II, sec. 101(d) of the Further Continuing
49 Appropriations Act of 1985 (sec. 5903(d) of title 42 of the United
50 States Code), or subsequent appropriations, up to a total amount
51 of \$2,500,000,000 for commercial demonstration of clean coal

1 technology, or similar projects funded through appropriations for
2 the Environmental Protection Agency; or

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

5 "Potential to Emit" means the maximum capacity of a source to
6 emit a pollutant under its physical and operational design. Any
7 physical or operational limitation on the capacity of the source
8 to emit a pollutant including air pollution control equipment and
9 restrictions on hours of operation or on the type or amount of
10 material combusted, stored, or processed shall be treated as part
11 of its design if the limitation or the effect it would have on
12 emissions is enforceable. Secondary emissions do not count in
13 determining the potential to emit of a stationary source.

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

16 "Process Rate" means the quantity per unit of time of any raw
17 material or process intermediate consumed, or product generated,
18 through the use of any equipment, source operation, or control
19 apparatus. For a stationary internal combustion unit or any other
20 fuel burning equipment, this term may be expressed as the quantity
21 of fuel burned per unit of time.

22 "Reactivation of a Very Clean Coal-Fired Electric Utility
23 Steam Generating Unit" means any physical change or change in the
24 method of operation associated with the commencement of commercial
25 operations by a coal-fired utility unit after a period of
26 discontinued operation where the unit:

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

31 (2) Was equipped prior to shutdown with a continuous system
32 of emissions control that achieves a removal efficiency for sulfur
33 dioxide of no less than 85 percent and a removal efficiency for
34 particulates of no less than 98 percent;

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

37 (4) Is otherwise in compliance with the requirements of the
38 Clean Air Act.

39 "Reasonable Further Progress" means annual incremental
40 reductions in emission of an air pollutant which are sufficient to
41 provide for attainment of the NAAQS by the date identified in the
42 State Implementation Plan.

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

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

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

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

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

51 (d) Any Class I or II substance subject to a standard

1 promulgated under or established by Title VI of the Act,
2 Stratospheric Ozone Protection;

3 (e) Any pollutant subject to a standard promulgated under
4 Section 112, Hazardous Air Pollutants, or other requirements
5 established under Section 112 of the Act, including Sections
6 112(g), (j), and (r) of the Act, including any of the following:

7 (i) Any pollutant subject to requirements under Section
8 112(j) of the Act, Equivalent Emission Limitation by Permit. If
9 the Administrator fails to promulgate a standard by the date
10 established pursuant to Section 112(e) of the Act, any pollutant
11 for which a subject source would be major shall be considered to
12 be regulated on the date 18 months after the applicable date
13 established pursuant to Section 112(e) of the Act;

14 (ii) Any pollutant for which the requirements of Section
15 112(g)(2) of the Act (Construction, Reconstruction and
16 Modification) have been met, but only with respect to the
17 individual source subject to Section 112(g)(2) requirement.

18 "Repowering" means replacement of an existing coal-fired
19 boiler with one of the following clean coal technologies:
20 atmospheric or pressurized fluidized bed combustion, integrated
21 gasification combined cycle, magnetohydrodynamics, direct and
22 indirect coal-fired turbines, integrated gasification fuel cells,
23 or as determined by the Administrator, in consultation with the
24 Secretary of Energy, a derivative of one or more of these
25 technologies, and any other technology capable of controlling
26 multiple combustion emissions simultaneously with improved boiler
27 or generation efficiency and with significantly greater waste
28 reduction relative to the performance of technology in widespread
29 commercial use as of November 15, 1990.

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

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

37 "Representative Actual Annual Emissions" means the average
38 rate, in tons per year, at which the source is projected to emit a
39 pollutant for the two-year period after a physical change or
40 change in the method of operation of unit, (or a different
41 consecutive two-year period within 10 years after that change,
42 where the executive secretary determines that such period is more
43 representative of source operations), considering the effect any
44 such change will have on increasing or decreasing the hourly
45 emissions rate and on projected capacity utilization. In
46 projecting future emissions the executive secretary shall:

47 (1) Consider all relevant information, including but not
48 limited to, historical operational data, the company's own
49 representations, filings with the State or Federal regulatory
50 authorities, and compliance plans under title IV of the Clean Air
51 Act; and

1 (2) Exclude, in calculating any increase in emissions that
2 results from the particular physical change or change in the
3 method of operation at an electric utility steam generating unit,
4 that portion of the unit's emissions following the change that
5 could have been accommodated during the representative baseline
6 period and is attributable to an increase in projected capacity
7 utilization at the unit that is unrelated to the particular
8 change, including any increased utilization due to the rate of
9 electricity demand growth for the utility system as a whole.

10 "Residence" means a dwelling in which people live, including
11 all ancillary buildings.

12 "Residential Solid Fuel Burning" device means any residential
13 burning device except a fireplace connected to a chimney that
14 burns solid fuel and is capable of, and intended for use as a
15 space heater, domestic water heater, or indoor cooking appliance,
16 and has an air-to-fuel ratio less than 35-to-1 as determined by
17 the test procedures prescribed in 40 CFR 60.534. It must also
18 have a useable firebox volume of less than 6.10 cubic meters or 20
19 cubic feet, a minimum burn rate less than 5 kilograms per hour or
20 11 pounds per hour as determined by test procedures prescribed in
21 40 CFR 60.534, and weigh less than 800 kilograms or 362.9 pounds.

22 Appliances that are described as prefabricated fireplaces and are
23 designed to accommodate doors or other accessories that would
24 create the air starved operating conditions of a residential solid
25 fuel burning device shall be considered as such. Fireplaces are
26 not included in this definition for solid fuel burning devices.

27 "Road" means any public or private road.

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

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

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

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

48 "Significant" means:

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

1 rates:

2 Carbon monoxide: 100 ton per year (tpy);
3 Nitrogen oxides: 40 tpy;
4 Sulfur dioxide: 40 tpy;
5 PM10: 15 tpy;
6 Particulate matter: 25 tpy;
7 Ozone: 40 tpy of volatile organic compounds;
8 Lead: 0.6 tpy.

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

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

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

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

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

33 "State" means Utah State.

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

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

41 "Threshold Limit Value - Ceiling (TLV-C)" means the airborne
42 concentration of a substance which may not be exceeded, as adopted
43 by the American Conference of Governmental Industrial Hygienists
44 in its "Threshold Limit Values for Chemical Substances and
45 Physical Agents and Biological Exposure Indices, [~~pages 15-72~~
46] (2009[~~0~~])."

47 "Threshold Limit Value - Time Weighted Average (TLV-TWA)"
48 means the time-weighted airborne concentration of a substance
49 adopted by the American Conference of Governmental Industrial
50 Hygienists in its "Threshold Limit Values for Chemical Substances
51 and Physical Agents and Biological Exposure Indices, [~~pages 15-~~

1 72-] (2009[θ])."

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

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

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

12 "Volatile Organic Compound (VOC)" means VOC as defined in 40
13 CFR 51.100(s)(1), effective as of the date referenced in R307-101-
14 3, is hereby adopted and incorporated by reference.

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

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

22
23 **KEY: air pollution, definitions**
24 **Date of Enactment or Last Substantive Amendment: [~~February 8,~~**
25 **~~2008]2009~~**
26 **Notice of Continuation: February 8, 2008**
27 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)**