



6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

#### [EPA-R08-OAR-2017-0298; FRL-9964-84-Region 8]

### **Approval and Promulgation; State of Utah; Salt Lake County and Utah County Nonattainment Area Coarse Particulate Matter State Implementation Plan Revisions to Control Measures for Point Sources**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve certain state implementation plan (SIP) revisions submitted by Utah on January 4, 2016, and certain revisions submitted on January 19, 2017, for the coarse particulate matter (PM<sub>10</sub>) national ambient air quality standard (NAAQS) in the Salt Lake County and Utah County PM<sub>10</sub> nonattainment areas. The revisions that the EPA is proposing to approve are located in Utah Division of Administrative Rule (DAR) R307-110-17 and SIP Subsection IX.H.1-4, and establish emissions limits for PM<sub>10</sub>, nitrogen oxides (NO<sub>x</sub>) and sulfur dioxide (SO<sub>2</sub>) for certain stationary sources in the nonattainment areas. These actions are being taken under section 110 of the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before **[Insert date 30 days after publication in the Federal Register]**.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R08-OAR-2017-0298 at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [www.regulations.gov](http://www.regulations.gov). The EPA may

publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** James Hou, Air Program, U.S.

Environmental Protection Agency (EPA), Region 8, Mail Code 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129, 303-312-6210, [hou.james@epa.gov](mailto:hou.james@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

a. *Submitting Confidential Business Information (CBI)*. Do not submit CBI to the EPA through [www.regulations.gov](http://www.regulations.gov) or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to the EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

b. *Tips for Preparing Your Comments.* When submitting comments, remember to:

1. Identify the rulemaking by docket number and other identifying information (subject heading, Federal Register date and page number).
2. Follow directions - The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
3. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
4. Describe any assumptions and provide any technical information and/or data that you used.
5. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
6. Provide specific examples to illustrate your concerns, and suggest alternatives.
7. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
8. Make sure to submit your comments by the comment period deadline identified.

## **II. Background**

Under the 1990 amendments to the CAA, Salt Lake and Utah Counties were designated nonattainment for PM<sub>10</sub> and classified as moderate areas by operation of law as of November 15, 1990 (56 FR 56694, 56840; November 6, 1991). The air quality planning requirements for moderate PM<sub>10</sub> nonattainment areas are set out in subparts 1 and 4, part D, Title I of the Act. As described in section 110 and 172 of the Act, areas designated nonattainment based on failure to

meet the PM<sub>10</sub> NAAQS are required to develop SIPs with sufficient control measures to expeditiously attain and maintain the NAAQS.

On July 8, 1994, the EPA approved the PM<sub>10</sub> SIP for Salt Lake and Utah Counties (59 FR 35036). The SIP included a demonstration of attainment and various control measures, including emission limits at stationary sources. Because emissions of SO<sub>2</sub> and NO<sub>x</sub> contribute significantly to the PM<sub>10</sub> problem in the area, the SIP included limits on emissions of SO<sub>2</sub> and NO<sub>x</sub> in addition to emissions of PM<sub>10</sub>.

On September 26, 1995, the EPA designated Ogden City as nonattainment for PM<sub>10</sub> and classified the area as moderate under section 107(d)(3) of the Act (60 FR 38726; July 28, 1995). Subsequently, the EPA approved a clean data determination for the Ogden City nonattainment area on January 7, 2013 (78 FR 885), suspending obligations to submit certain requirements of part D, subparts 1 and 4 of the Act for so long as the area continues to attain.

On July 3, 2002 Utah submitted SIP revisions adopting rule R307-110-10, which incorporated revisions to portions of Utah's SIP Section IX, Part A, and rule R307-110-17, which incorporated revisions to portions of Utah's SIP Section IX Part H. These revisions were approved by the EPA on December 23, 2002 (67 FR 78181). The revisions to Utah's SIP Section IX Part H removed several stationary sources subject to reasonably available control technology (RACT) requirements from the initial list of RACT sources in the Utah County nonattainment area, based on SIP threshold limits for PM<sub>10</sub>, NO<sub>x</sub>, and SO<sub>2</sub> of 100 tpy, 200 tpy, and 250 tpy, respectively. In doing so, the number of major stationary sources included in the SIP for the Utah County nonattainment area was reduced from 14 sources to 5 sources. Notably, one of the sources retained in Utah's 2002 SIP was Geneva Steel, which underwent a protracted closure and

had largely ceased operations by 2004. In 2005, the PacifiCorp – Lake Side Power Plant was constructed on a portion of the former Geneva Steel facility, utilizing banked emission credits from Geneva Steel’s closure.

On January 4, 2016, Utah submitted SIP revisions to R307-110-17 titled “Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits” and revisions to Subsection IX.H.1-4. The titles for Subsection IX.H.1-4 include: (1) General Requirements: Control Measures for Area and Point Sources, Emission Limits and Operating Practices, PM<sub>10</sub> Requirements; (2) Source Specific Emission Limitations in Salt Lake County PM<sub>10</sub> Nonattainment/Maintenance Area; (3) Source Specific Emission Limitations in Utah County PM<sub>10</sub> Nonattainment/Maintenance Area; and (4) Interim Emission Limits and Operating Practices. Additionally, on January 19, 2017, Utah submitted revisions to Subsection IX.H.1-4. Further discussion of the revisions to R307-110-17 and Subsection IX.H.1-4 can be found below.

### **III. EPA’s Evaluation of Utah’s SIP**

#### *A. R307-110-17*

1. Section R307-110-17 incorporates the amendments to Section IX.H into state rules, thereby making them effective as a matter of state law. This is a ministerial provision and does not by itself include any control measures.

#### *B. Subsection IX.H.1-4*

1. Subsection IX.H.1. General Requirements: Control Measures for Area and Point Sources, Emission Limits and Operating Practices, PM<sub>10</sub> Requirements. This section establishes general requirements for record keeping, reporting, and monitoring for the stationary sources subject to emissions limits under subsections IX.H.2-4. Additionally, this section establishes

general refinery requirements, addressing limitations on emitting units common to the refineries in the nonattainment areas. These general refinery requirements include limits at fluid catalytic cracking units, limits on refinery fuel gas, restrictions on liquid fuel oil consumption, requirement for sulfur removal units, and requirements for hydrocarbon flares.

2. Subsection IX.H.2. Source Specific Emission Limitations in Salt Lake County PM<sub>10</sub> Nonattainment/Maintenance Area. This section establishes specific emission limitations for 14 sources. These sources are Big West Oil Refinery; Bountiful City Light and Power; Central Valley Reclamation Facility; Chevron Products Company; Hexcel Corporation; Holly Refining and Marketing Company; Kennecott Utah Copper (KUC): Bingham Canyon Mine; KUC: Copperton Concentrator; KUC: Power Plant and Tailings Impoundment; KUC: Smelter and Refinery; PacifiCorp Energy: Gadsby Power Plant; Tesoro Refining & Marketing Company; University of Utah; and West Valley Power Holdings, LLC. Major stationary sources were identified based on their potential to emit (PTE) of 100 tons per year (tpy) or more of PM<sub>10</sub>, NO<sub>x</sub>, or SO<sub>2</sub>. A summary of the current emission limits, for retained sources, is outlined in Table 1 below, and a summary of the proposed new emission limits is outlined in Table 2 below.

Table 1. Current Source Specific Emission Limitations in the Salt Lake County PM<sub>10</sub> Nonattainment Area

Source	Pollutant	Process Unit	Mass based Limits	Concentration based limits	Alternative Emission Limits
Amoco Oil Company <sup>1</sup>	PM <sub>10</sub>	Facility Wide	113 tpy		
	NO <sub>x</sub>	Facility Wide	688 tpy		
	SO <sub>2</sub>	Facility Wide	2,013 tpy		
Bountiful City Light and Power	PM <sub>10</sub>	Facility Wide	1.06 tpy		
	NO <sub>x</sub>	Facility Wide	250 tpy		
	SO <sub>2</sub>	Facility Wide	5.97		

Central Valley Water Reclamation Facility	PM <sub>10</sub>	Facility Wide	0.67 tpy		
	NO <sub>x</sub>	Facility Wide	203.7 tpy		
	SO <sub>2</sub>	Facility Wide	3.95 tpy		
Chevron Products Company	PM <sub>10</sub>	Facility Wide	175 tpy		
	NO <sub>x</sub>	Facility Wide	1,022 tpy		
	SO <sub>2</sub>	Facility Wide	2,578 tpy		
Flying J <sup>2</sup>	PM <sub>10</sub>	Facility Wide	22 tpy		
	NO <sub>x</sub>	Facility Wide	278.7 tpy		
	SO <sub>2</sub>	Facility Wide	864.6 tpy		
Hercules Aerospace Company - Plant #3 <sup>3</sup>					175 MMscf natural gas per year
					10.8 MM pounds of carbon fiber produced per year
Holly Refining and Marketing Company	PM <sub>10</sub>	Facility Wide	0.416 tpd		
	NO <sub>x</sub>	Facility Wide	2.09 tpd		
	SO <sub>2</sub>	Facility Wide	0.31 tpd		
Kennecott Utah Copper: Bingham Canyon Mine					Maximum of 30,000 daily miles for waste haul trucks
					Fugitive road dust emission controls
Kennecott Utah Copper: Power Plant	PM <sub>10</sub>	Total Power Plant	257 tpy		
	NO <sub>x</sub>	Total Power Plant	5085 tpy		
	SO <sub>2</sub>	Total Power Plant	6219 tpy		
Kennecott Utah Copper: Tailings Impoundment					Fugitive dust maintenance program and mitigation procedures
Kennecott Utah Copper: Smelter	PM <sub>10</sub>	Main Stack	400 lb/hr		
	SO <sub>2</sub> (daily avg)	Main Stack	5,700 lb/hr		
	SO <sub>2</sub>	Acid Plant Tail Gas	1200 lb/hr	650 ppmvd	
	NO <sub>x</sub>	Smelter Powerhouse	20.8 lb/hr	80/9 ppmdv	
	PM <sub>10</sub>	Rotary Concentrate Dryer Stack	4.2 lb/hr		
	NO <sub>x</sub>	Rotary Concentrate Dryer Stack	7.1 lb/hr	67 ppmvd	

Kennecott Utah Copper: Refinery	PM <sub>10</sub>	Total Refinery	51.9 tpy		
	SO <sub>2</sub>	Total Refinery	162.6 tpy		
	NOx	Total Refinery	121 tpy		
University of Utah	PM <sub>10</sub>	Source wide	74.3 tpy		
	NOx	Source wide	245.8 tpy		
	SO <sub>2</sub>	Source wide	219.3 tpy		
Utah Power and Light - Gadsby	PM <sub>10</sub>	Source Wide	61.3 tpy		
	NOx	Source wide	2,983 tpy		
	SO <sub>2</sub>	Source wide	67.7 tpy		
<sup>1</sup> The Amoco Oil Company facility corresponds with the Tesoro Refining and Marketing Company in the proposed emission limits of Table 2. <sup>2</sup> The Flying J refinery corresponds with the Big West Oil facility in the proposed emission limits of Table 2. <sup>3</sup> The Hercules Aerospace Company – Plant #3 corresponds with the Hexcel Corporation in the proposed emission limits of Table 2. <sup>4</sup> Utah Power and Light – Gadsby, corresponds with PacifiCorp -Gadsby in the proposed emission limits of Table 2.					

Table 2. Proposed Source Specific Emission Limitations in the Salt Lake County PM<sub>10</sub> Nonattainment Area

Source	Pollutant	Process Unit	Mass based Limits	Concentration based limits	Alternative Emission Limits
Big West Oil	PM <sub>10</sub>	Facility Wide	1.037 tons per day (tpd)		
	NOx	Facility Wide	0.8 tpd		
	SO <sub>2</sub>	Facility Wide	0.6 tpd		
Bountiful City Light and Power	NOx	GT#1	0.6 g NOx/kW-hr		
	NOx	GT#2 and GT#3	7.5 lb NOx/hr		
Central Valley Water Reclamation Facility	NOx	Facility Wide	0.648 tpd		
Chevron Products Company	PM <sub>10</sub>	Facility Wide	0.715 tpd		
	NOx	Facility Wide	2.1 tpd		
	SO <sub>2</sub>	Facility Wide	1.05 tpd		
Hexcel Corporations					5.50 MMscf natural gas per day
					0.061 MM pounds of carbon fiber produced per day

Holly Refining and Marketing Company	PM <sub>10</sub>	Facility Wide	0.416 tpd		
	NO <sub>x</sub>	Facility Wide	2.09 tpd		
	SO <sub>2</sub>	Facility Wide	0.31 tpd		
Kennecott Utah Copper: Bingham Canyon Mine					Maximum of 30,000 miles for waste haul trucks per day.
					Fugitive road dust emission control requirements
Kennecott Copperton Concentrator					Requirement to operate a gas scrubber operated in accordance with parametric monitoring
Kennecott Utah Copper: Power Plant and Tailings Impoundment	PM <sub>10</sub>	Power Plant Unit #5	18.8 lb/hr		
	NO <sub>x</sub>	Power Plant Unit #5		2.0 ppm <sub>dv</sub> (15% O <sub>2</sub> dry)	
	NO <sub>x</sub>	Power Plant Unit #5 Startup/Shutdown	395 lb/hr		
	PM <sub>10</sub> (Filterable)	Units #1,#2, #3, and #4 Nov 1 - Feb 28/29	0.004 grains/dscf		
	PM <sub>10</sub> (Filterable + Condesable)	Units #1,#2, #3, and #4 Nov 1 - Feb 28/29	0.03 grains/dscf		
	NO <sub>x</sub>	Units #1,#2, and #3 Nov 1 - Feb 28/29		336 ppm <sub>dv</sub> (3% O <sub>2</sub> )	
	NO <sub>x</sub>	Unit #4 Nov 1 - Feb 28/29		336 ppm <sub>dv</sub> (3% O <sub>2</sub> )	
	PM <sub>10</sub> (Filterable)	Units #1,#2, and #3 Mar 1 - Oct 1	0.029 grains/dscf		
	PM <sub>10</sub> (Filterable + Condesable)	Units #1,#2, and #3 Mar 1 - Oct 1	0.29 grains/dscf		
	PM <sub>10</sub> (Filterable)	Unit #4 Mar 1 - Oct 1	0.029 grains/dscf		
	NO <sub>x</sub>	Units #1,#2, and #3 Mar 1 - Oct 1		426.5 ppm <sub>dv</sub> (3% O <sub>2</sub> )	
	NO <sub>x</sub>	Unit #4 Mar 1 - Oct 1		384 ppm <sub>dv</sub> (3% O <sub>2</sub> )	
Kennecott Utah Copper: Smelter and Refinery	PM <sub>10</sub> (filterable)	Main Stack	89.5 lb/hr		

	PM <sub>10</sub> (filterable+ Condensable))	Main Stack	439 lb/hr		
	SO <sub>2</sub> (3-hr rolling avg)	Main Stack	552 lb/hr		
	SO <sub>2</sub> (daily avg)	Main Stack	422 lb/hr		
	NOx (daily avg)	Main Stack	154 lb/hr		
	NOx	Refinery: Sum of 2 tank house boilers	9.5 lb/hr		
	NOx	Refinery: Combined Heat Plant	5.96 lb/hr		
	NOx	Molybdenum Autoclave Project: Combined Heat Plant	5.01 lb/hr		
PacifiCorp Energy: Gadsby Power Plant	NOx	Steam Unit #1	179 lb/hr		
	NOx	Steam Unit #2	204 lb/hr		
	NOx	Steam Unit #3	142 lb./hr. (Nov 1 - Feb 28/29)		
	NOx	Steam Unit #3	203 lb/hr (Mar 1 - Oct 31)		
Tesoro Refining and Marketing Company	PM <sub>10</sub>	Facility Wide	2.25 tpd		
	NOx	Facility Wide	1.988 tpd		
	SO <sub>2</sub>	Facility Wide	3.1 tpd		
University of Utah	NOx	Boiler #3		187 ppmdv (3% O <sub>2</sub> Dry)	
		Boiler #4a & #4b		9 ppmdv (3% O <sub>2</sub> Dry)	
		Boiler #5a & #5b		9 ppmdv (3% O <sub>2</sub> Dry)	
		Turbine		9 ppmdv (3% O <sub>2</sub> Dry)	
		Turbine and WHRU Duct burner		15 ppmdv (3% O <sub>2</sub> Dry)	
West Valley Power <sup>5</sup>	NOx	Sum of all five turbines	1,050 lb/day		
<sup>5</sup> West Valley Power was not a listed source in the 1994 SIP for the Salt Lake County PM <sub>10</sub> NAA.					

### 3. Subsection IX.H.3. Source Specific Emission Limitations in Utah County PM<sub>10</sub>

Nonattainment/Maintenance Area. This section establishes specific emission limitations for 6

sources. These sources are Brigham Young University (BYU); Geneva Nitrogen Inc.; PacifiCorp Energy: Lake Side Power Plant; Payson City Corporation: Payson City Power; Provo City Power: Power Plant; and Springville City Corporation: Whitehead Power Plant. Major stationary sources were identified based on their PTE of 100 tons per year (tpy) or more for PM<sub>10</sub>, NO<sub>x</sub>, and SO<sub>2</sub>. It is important to note that the SIP threshold of 100 tpy for all three pollutants is less than the previous SIP major stationary source thresholds Utah established in its 2002 SIP revision. The 2002 SIP revision had established major stationary source thresholds for PM<sub>10</sub>, NO<sub>x</sub>, and SO<sub>2</sub> at 100 tpy, 200 tpy, and 250 tpy, respectively. By lowering the SIP threshold to 100 tpy for all three pollutants, three sources are now added into the SIP. These sources are BYU, Payson City Power and PacifiCorp Energy – Lake Side Power Plant. PacifiCorp Energy – Lake Side Power Plant sits on a portion of the former Geneva Steel site. A summary of the current emission limits, for retained sources, is outlined in Table 3 below, and a summary of the proposed new emission limits are outlined in Table 4 below.

Table 3. Current Source Specific Emission Limitations in the Utah County PM<sub>10</sub> Nonattainment Area

Source	Pollutant	Process Unit	Mass based Limits	Concentration based limits	Alternative Emission Limits
Geneva Nitrogen Inc: Geneva Plant	PM <sub>10</sub>	Prill Tower	0.24 tpd		
	NO <sub>x</sub>	Montecatini Plant	0.389 tpd		
	NO <sub>x</sub>	Weatherly Plant	0.233 tpd		
Provo City Power: Power Plant	NO <sub>x</sub>	All engines combined	2.45 tpd		
Springville City Corporation: Whitehead Power Plant	NO <sub>x</sub>	All engines combined	1.68 tpd		

Table 4. Proposed Source Specific Emission Limitations in the Utah County PM<sub>10</sub> Nonattainment Area

Source	Pollutant	Process Unit	Mass based Limits	Concentration based limits	Alternative Emission Limits
Brigham Young University	NOx	Unit #1 <sup>6</sup>	9.55 lb/hr	95 ppmdv (7% O2 Dry)	
	NOx	Unit #2	37.4 lb/hr	331 ppmdv (7% O2 Dry)	
	SO <sub>2</sub>	Unit #2	56.0 lb/hr	597 ppmdv (7% O2 Dry)	
	NOx	Unit #3	37.4 lb/hr	331 ppmdv (7% O2 Dry)	
	SO <sub>2</sub>	Unit #3	56.0 lb/hr	597 ppmdv (7% O2 Dry)	
	NOx	Unit #4 <sup>7</sup>	19.2 lb/hr	127 ppmdv (7% O2 Dry)	
	NOx	Unit #5	74.8 lb/hr	331 ppmdv (7% O2 Dry)	
	SO <sub>2</sub>	Unit #5	112.07 lb/hr	597 ppmdv (7% O2 Dry)	
	NOx	Unit #6 <sup>7</sup>	19.2 lb/hr	127 ppmdv (7% O2 Dry)	
Geneva Nitrogen Inc.: Geneva Plant	PM <sub>10</sub>	Prill Tower	0.236 tpd		
	PM <sub>2.5</sub>	Prill Tower	0.196 tpd		
	NOx	Montecatini Plant	30.8 lb/hr		
	NOx	Weatherly Plant	18.4 lb/hr		
PacifiCorp Energy: Lakeside Power Plant	NOx	Block #1 Turbine/HRSG Stacks	14.9 lb/hr		
	NOx	Block #2 Turbine/HRSG Stacks	18.1 lb/hr		
Payson City Corporation: Payson City Power	NOx	All engines combined	1.54 tpd		
Provo City Power: Power Plant	NOx	All engines combined	2.45 tpd		
Springville City Corporation: Whitehead Power Plant	NOx	All engines combined	1.68 tpd		
<sup>6</sup> The NOx limit for Unit #1 is 95 ppm (9.55 lb/hr) until it operates for more than 300 hours during a rolling 12-month period, then the limit will be 36 ppm (5.44 lb/hr). This will be accomplished through the installation of low NOx burners with Flue Gas Recirculation.					
<sup>7</sup> The NOx limit for Units #4 and #6 is 127 ppm (38.5 lb/hr) until December 31, 2018, at which time the limit will then be 36 ppm (19.2 lb/hr).					

## 4. Subsection IX.H.4. Interim Emission Limits and Operating Practices.

R307-110-17 Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits. This section establishes interim emission limits for sources whose new emission limits under Subsections IX.H.2 and 3 are based on controls that are not currently installed, with the provision that all necessary controls needed to meet the emission limits under Subsection IX.H.2 and IX.H.3 shall be installed by January 1, 2019. A summary of the proposed interim emission limits is outlined in Table 5 below.

Table 5. Proposed Interim Emission Limits and Operating Practices

Source	Pollutant	Process Unit	Mass based Limits	Concentration based limits	Alternative Emission Limits
Big West Oil	PM <sub>10</sub>	Facility Wide	0.377 tpd Oct 1 - March 31 0.407 tpd April 1 - Sept 30		
	SO <sub>2</sub>	Facility Wide	2.764 tpd Oct 1 - March 31 3.639 tpd April 1 - Sept 30		
	NO <sub>x</sub>	Facility Wide	1.027 tpd Oct 1 - Mar 31 1.145 tpd Apr 1 - Sep 30		
Chevron Products Company	PM <sub>10</sub>	Facility Wide	0.234 tpd		
	SO <sub>2</sub>	Facility Wide	0.5 tpd		
	NO <sub>x</sub>	Facility Wide	2.52 tpd		
Holly Refining and Marketing Company	PM <sub>10</sub>	Facility Wide	0.44 tpd		
	SO <sub>2</sub>	Facility Wide	4.714 tpd		
	NO <sub>x</sub>	Facility Wide	2.20 tpd		
Tesoro Refining and Marketing Company	PM <sub>10</sub>	Facility Wide	0.261 tpd		
	SO <sub>2</sub>	Facility Wide	3.699 tpd Nov 1 - Feb 28/29 4.374 tpd Mar 1 - Oct 31		

NOx	Facility Wide	1.988 tpd		
-----	---------------	-----------	--	--

#### **IV. Consideration of Section 110(l) of the CAA**

Under section 110(l) of the CAA, the EPA cannot approve a SIP revision if the revision would interfere with any applicable requirements concerning attainment and reasonable further progress (RFP) toward attainment of the NAAQS, or any other applicable requirement of the Act. In addition, section 110(l) requires that each revision to an implementation plan submitted by a state shall be adopted by the state after reasonable notice and public hearing.

The Utah SIP revisions that the EPA is proposing to approve do not interfere with any applicable requirements of the Act. The DAR section R307-110-17 and Subsection IX.H.1-4, submitted January 4, 2016, and January 19, 2017 are intended to strengthen the SIP. Therefore, CAA section 110(l) requirements are satisfied.

Specifically, the proposed emission limits for the retained sources in the Salt Lake County nonattainment area will result in a reduction of PM<sub>10</sub>, SO<sub>2</sub>, and NO<sub>x</sub> emissions by 10.64 tpd, 12.87 tpd and 29.97 tpd, respectively, when compared to the limits established in the original PM<sub>10</sub> SIP. Given the large net decrease in emissions from the retained major stationary sources in the Salt Lake County nonattainment area, the proposed action will enhance the area's ability to attain or maintain the NAAQS.

The proposed emissions from Geneva Nitrogen, Provo City Power Plant, and the Springville City Corporation – Whitehead Power Plant are consistent with the 2002 SIP revisions for Utah County. Additionally, this proposed action adds three sources - BYU, Payson City Power and PacifiCorp Energy – Lake Side Power Plant. Both BYU and Payson City Power have

been in existence since the original 1994 SIP, and BYU was initially included as a source in the original 1994 SIP, but was removed in 2002. The inclusion of these two sources do not reflect an increase in emissions into the Utah County nonattainment area airshed, but rather reflect a change in the approach of how stationary sources are included into the SIP. PacifiCorp Energy – Lake Side Power Plant is also being added into the SIP, but its addition does not reflect an emissions increase to the nonattainment area because the facility was required to use offsetting emissions, largely made available through the closure of the Geneva Steel facility. The closing of Geneva Steel resulted in the removal of approximately 1,700 tpy PM<sub>10</sub>, 1,400 tpy SO<sub>2</sub>, and 4,200 tpy NO<sub>x</sub> from the Utah County airshed. These emission reductions were banked and made available for purchase for future major source construction and modifications. In order to construct the Lakeside Power Plant, banked emission credits were purchased and used at an offset ratio of 1.2:1 (e.g. For every 1.0 tpy of emissions allowed at the Lakeside Power Plant, 1.2 tpy of banked emission credits must be spent from the Utah emissions credit offset registry.). In total the Lakeside Power Plant utilized banked emission credits for PM<sub>10</sub>, SO<sub>2</sub>, and NO<sub>x</sub> in the amounts of 257 tpy, 66 tpy, and 337 tpy, respectively. Given the offset ratio required for the construction of the Lakeside Power Plant, the inclusion of this source into the SIP does not result in any emissions increase to the Utah County airshed, and actually reflects a net decrease from the 2002 SIP. As a result of the decreased emissions from the closure of the Geneva Steel facility, and the offsetting ratio required to construct the Lake Side Power Plant, the proposed revision to the Utah County PM<sub>10</sub> SIP will enhance the area's ability to attain or maintain the NAAQS.

## **V. Summary of Proposed Action and Request for Public Comment**

The EPA is proposing approval and requesting public comment on revisions to Administrative Rule R307-110-17 and revisions to Subsection IX.H.1-4 as submitted by the State of Utah on January 4, 2016, and January 19, 2017. These revisions establish emissions limitations and related requirements for certain stationary sources of PM<sub>10</sub>, NO<sub>x</sub> and SO<sub>2</sub>, and will therefore serve to continue progress towards attainment and maintenance of the PM<sub>10</sub> NAAQS in the nonattainment areas. The proposed revisions reflect more stringent emission levels for total emissions of PM<sub>10</sub>, SO<sub>2</sub>, and NO<sub>x</sub> for each of the affected facilities, as well as updates the inventory of major stationary sources to accurately reflect the current sources in both the Salt Lake County and Utah County nonattainment areas (e.g., removing sources which no longer exist, or are now covered under an area source rule). The updated list of sources and revised emission limits for the major stationary sources in the two nonattainment areas will serve to enhance both area's ability to attain or maintain the NAAQS.

#### **VI. Incorporation by Reference**

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the DAQ PM<sub>10</sub> SIP revisions as discussed in section III of this preamble. The EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and/or at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

#### **VII. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve a SIP submission that complies

with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Ammonia, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: June 30, 2017.

Debra H. Thomas,  
Acting Regional Administrator,  
Region 8.

[FR Doc. 2017-14748 Filed: 7/12/2017 8:45 am; Publication Date: 7/13/2017]