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## Utah Air Quality Board Rejects Three Petitions For Rulemaking, Filed In Anticipation Of Development Of PM2.5 Serious Nonattainment SIP

### Insight — 4/20/2016

On March 21, 2016, the Utah Air Quality Board (AQB or Board) issued a formal, written denial of three petitions for rulemaking which had been directed at all stationary sources operating in the PM2.5 nonattainment area along the Wasatch Front.

In January of 2016, three petitioners, Western Resource Advocates, HEAL Utah, and Utah Physicians for a Healthy Environment, submitted a petition for rulemaking to the Air Quality Board requesting that the Board adopt a rule directing the Division of Air Quality to:

1. adopt a minor source offset rule that would broaden the existing offset requirements in serious PM2.5 nonattainment areas to include any existing or new stationary source and to reduce the thresholds for modifications triggering offsets at existing major stationary sources;
2. adopt an averaging rule which would require that any emission limit or standard imposed on any source under the PM2.5 SIP be averaged over a period no longer than 24 hours in order to “prevent[] short-term spikes in emissions from individual stationary sources identified in the PM2.5 [State Implementation Plans];” and
3. adopt a monitoring rule requiring Continuous Emission Monitoring Systems for any emission limit or standard imposed on any source under the PM2.5 SIP, unless there is a formal determination of infeasibility.

On March 2, 2016, the AQB held a two-hour hearing on the three petitions. At the end of the hearing, the Board voted to deny each of the petitions. The Board's denial of the petitions is only the beginning of what could be an extended process – in addition to the possibility of challenging the Board's denial of the petitions in state court, the petitioners will likely raise these same issues again as part of the Division of Air Quality's consideration of the PM2.5 serious nonattainment area State Implementation Plan, which is expected to commence upon the formal designation of the counties of Cache, Box Elder, Weber, Davis, Salt Lake, Tooele, and Utah Counties as in serious nonattainment with the PM2.5 standard. Once those counties have been re-classified as in serious

nonattainment, the Division of Air Quality will be required to submit a new “serious nonattainment” State Implementation Plan, identifying the control strategies which would need to be re-evaluated. The date the new SIP would be due to EPA is dependent on a number of uncertainties, but could be required as early as 2017.

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