

attended, the Utah school shall contact the military child's previous local education agency and aid, to the extent possible, the receipt of a diploma.

G. Graduation requirements are not retroactive.

KEY: curricula

Date of Enactment or Last Substantive Amendment: [~~August 8, 2011~~]**2013**

Notice of Continuation: September 13, 2013

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(b); [~~53A-1-603 through 53A-1-611;~~] 53A-1-401(3)

Environmental Quality, Air Quality **R307-110-10**

Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37988

FILED: 09/12/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In 2006, EPA tightened the 24-hour PM_{2.5} national ambient air quality standard from 65 to 35 micrograms per cubic meter. Currently, seven Utah counties have been found by EPA to not meet the standard. The Utah Air Quality Board is proposing to expand Section IX, Part A of the State Implementation Plan (SIP) to address PM_{2.5}. The new Section IX, Part A of the SIP needs to be incorporated into the Utah Air Quality rules. Section R307-110-10 currently does this. Both the SIP and the rule will have simultaneous public comment periods beginning October 1.

SUMMARY OF THE RULE OR CHANGE: The amendment changes the date of Section IX, Part A of the SIP most recently adopted by the Air Quality Board that is incorporated into the Utah Air Quality Rules. Section IX, Part A of the SIP is amended to add two sections to address PM_{2.5} in the Salt Lake City, UT and Provo, UT nonattainment areas. The new sections identify PM_{2.5} control strategies, the impact the control strategies have on PM_{2.5} concentrations in the nonattainment areas, and show how each area will meet the 2006 PM_{2.5} NAAQS by 2019.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(3)(e)

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Updates Utah State Implementation Plan Section IX, Control Measures for Area and Point Sources,

Part A, Fine Particulate Matter, published by State of Utah Division of Air Quality, 12/04/2013

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact the state budget.
- ◆ **LOCAL GOVERNMENTS:** No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact local government.
- ◆ **SMALL BUSINESSES:** No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact small businesses. There are, however, costs associated with several of the control strategies that are in the State Implementation Plan (SIP) being incorporated into this rule. Many of the control strategies have been promulgated in the form of administrative rules, and cost information for those rules is addressed in each of those rule's individual rule analysis forms. Any of the costs associated with the individual RACT analysis will be addressed in the administrative documentation for Part H of the SIP when it is incorporated into the rules.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact small businesses. There are, however, compliance costs associated with several of the control strategies that are in the State Implementation Plan (SIP) being incorporated into this rule. Many of the control strategies have been promulgated in the form of administrative rules, and cost information for those rules is addressed in each of those rule's individual Rule Analysis Forms. Any of the costs associated with the individual RACT analysis will be addressed in the administrative documentation for Part H of the SIP when it is incorporated into the rules.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No costs or savings are anticipated with this rule change. No new requirements were created with this rule change that impact small businesses. There are, however, compliance costs associated with several of the control strategies that are in the State Implementation Plan (SIP) being incorporated into this rule. Many of the control strategies have been promulgated in the form of administrative rules, and cost information for those rules is addressed in each of those rule's individual Rule Analysis Forms. Any of the costs associated with the individual RACT analysis will be addressed in administrative documentation for Part H of the SIP when it is incorporated into the rules.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2013

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:
 ♦ 10/08/2013 10:00 AM, Weber-Morgan Health Department Auditorium, 477 E 23rd Street, Ogden, UT
 ♦ 10/09/2013 09:00 AM, Utah County Commission Chambers, 100 E Center Street, Suite #1400, Provo, UT
 ♦ 10/15/2013 10:00 AM, DEQ Board Room, 195 N 1950 W, Room #1015, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 12/05/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.
R307-110. General Requirements: State Implementation Plan.
R307-110-10. Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter, as most recently amended by the Utah Air Quality Board on [November 6, 2013]December 4, 2013, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, PM10, PM2.5, ozone
Date of Enactment or Last Substantive Amendment: 2013
Notice of Continuation: February 1, 2012
Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(e)

Environmental Quality, Air Quality
R307-121
 General Requirements: Clean Air and
 Efficient Vehicle Tax Credit

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 37990
 FILED: 09/12/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Legislature revised the statute governing the state's Clean Fuel Tax Credit during the 2013 General Legislative Session. H.B. 96 (2013) modified the eligibility requirements to claim the tax credit.

SUMMARY OF THE RULE OR CHANGE: The following rule changes have been proposed: removing the definitions for "Fuel economy standards" and "Plug-in Electric Drive Motor Vehicle"; adding a definition for "Qualifying electric or hybrid vehicle"; and adding a requirement that the purchase order, customer invoice or receipt, and the current Utah vehicle registration be in the name of the taxpayer in order to receive the credit. In addition, other technical changes were made throughout the rule to clarify and help administer the Clean Fuel Tax Credit.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-1-402 and Section 19-2-104 and Section 59-10-1009 and Section 59-7-605

ANTICIPATED COST OR SAVINGS TO:

- ♦ THE STATE BUDGET: These rule changes are to align with the new requirements of H.B. 96 (2013). The changes may result in more applicants for the vehicle tax credit. However, any additional expenses associated with awarding more credits should not result in any additional costs to the state budget.
- ♦ LOCAL GOVERNMENTS: There are no new requirements for local government; therefore, there are no anticipated costs or savings.
- ♦ SMALL BUSINESSES: There are no new requirements for small businesses; therefore, there are no anticipated costs or savings.
- ♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no new requirements for persons other than small businesses, businesses, or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes to the demonstration of eligibility requirements do not result in any additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no new requirements for businesses; therefore, the agency does not anticipate this rule change having a measurable fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2013

THIS RULE MAY BECOME EFFECTIVE ON: 12/05/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.
R307-121. General Requirements: Clean Air and Efficient Vehicle Tax Credit.

R307-121-1. Authorization and Purpose.
 This rule is authorized by Sections 59-7-605 and 59-10-1009. These statutes establish criteria and definitions used to determine eligibility for an income tax credit. R307-121 establishes procedures to provide proof of purchase, in accordance with 59-7-605(3) or 59-10-1009(3), to the director for an OEM vehicle or the conversion of a motor vehicle or special mobile equipment for which an income tax credit is allowed under Sections 59-7-605 or 59-10-1009.

R307-121-2. Definitions.
 [Definitions.] The following additional definitions apply to R307-121.

"Air quality standards" means air quality standards as defined in Subsection 59-7-605(1)(a) and 59-10-1009(1)(a).

"Clean fuel" means clean fuel as defined in Subsection 19-1-402(1).

"Clean fuel vehicle" means clean fuel vehicle as defined in Subsection 19-1-402(2).

"Conversion equipment" means a package which that may include fuel, ignition, emissions control, and engine components that are modified, removed, or added to a motor vehicle or special mobile equipment to make that motor vehicle or equipment eligible for the tax credit.

"Fuel economy standards" means fuel economy standards as defined in Subsection 59-7-605(1)(f) and 59-10-1009(1)(f) or 31 miles per gallon equivalent for a plug-in electric drive motor vehicle.

"Miles per gallon equivalent" means the miles a vehicle can drive with the energy equivalent of one gallon of gasoline.

"Motor Vehicle" means a motor vehicle as defined in 41-1a-102.

"Original equipment manufacturer(OEM) vehicle" means original equipment manufacturer(OEM) as defined in Subsection 19-1-402(8).

"Original purchase" means original purchase as defined in Subsection 59-7-605(1)(i)g and 59-10-1009(1)(i)g).

"Qualifying electric or hybrid vehicle" means qualifying electric or hybrid vehicle as defined in 59-7-605(1)(h) or 59-10-1009(1)(h).

~~"Plug-in Electric Drive Motor Vehicle" means plug-in electric drive motor vehicle as defined in Subsection 59-7-605(1)(a)(ii) or 59-10-1009(1)(a)(ii).~~

"Window Sticker" means the label required by United States Code Title 15 Sections 1231 and 1232, as effective [February 1, 2010] January 3, 2012.

R307-121-3. Proof of Purchase to Demonstrate Eligibility for OEM [Compressed]Natural Gas Vehicles.

To demonstrate that an OEM [Compressed N]natural [G]gas motor vehicle is eligible for the tax credit, proof of purchase shall be made in accordance with 59-7-605(3) or 59-10-1009(3), by submitting the following documents to the director:

(1)(a) a copy of the motor vehicle's window sticker, which includes its Vehicle Identification Number (VIN), or equivalent manufacturer's documentation showing that the motor vehicle is an OEM [Compressed N]natural [G]gas vehicle, or

(b) a signed statement by either an Automotive Service Excellence (ASE)-certified technician or Canadian Standards Association (CSA) America CNG Fuel System Inspector that includes the vehicle identification number (VIN), the technician's ASE or CSA America certification number, and states that the motor vehicle is an eligible OEM vehicle;

(2) an original or copy of the purchase order, customer invoice, or receipt that [including]includes the name of the taxpayer seeking the credit, the name of the seller of the motor vehicle, the VIN, purchase date, and price of the motor vehicle; and

(3) a copy of the current Utah vehicle registration in the name of the taxpayer seeking the credit.

R307-121-4. Proof of Purchase to Demonstrate Eligibility for [Motor Vehicles that meet Air Quality and Fuel Economy Standards]Qualifying Electric or Hybrid Vehicles.

To demonstrate that a motor vehicle is [eligible for the tax credit based on air quality and fuel economy standards]a qualifying electric or hybrid vehicle, proof of purchase shall be made, in accordance with 59-7-605(3) or 59-10-1009(3), by submitting the following documents to the director:

~~(1) a copy of the motor vehicle's window sticker, which includes its VIN, or equivalent manufacturer's documentation;~~

(2)1) an original or copy of the odometer disclosure statement required in Utah Code Annotated Title 41 Chapter 1a Section 902 for the motor vehicle that was acquired as an original purchase;

(3)2) an original or copy of the purchase order, customer invoice, or receipt that [including]includes the name of the taxpayer seeking the credit, the name of the seller of the qualifying electric or hybrid vehicle, the VIN, purchase date, and price of the motor vehicle;

(4)3) the underhood identification number or engine group of the motor vehicle; and

(5)4) a copy of the current Utah vehicle registration in the name of the taxpayer seeking the credit.

R307-121-5. Proof of Purchase to Demonstrate Eligibility for Motor Vehicles Converted to a Clean Fuel [Natural Gas or Propane].

To demonstrate that a conversion of a motor vehicle to be fueled by a clean fuel [natural gas or propane] is eligible for the tax credit, proof of purchase shall be made, in accordance with 59-7-605(3) or 59-10-1009(3), by submitting the following documentation to the director:

- (1) the VIN;
- (2) the fuel type before conversion;
- (3) the fuel type after conversion;
- (4)(a) a copy of the motor vehicle inspection report from an approved county inspection and maintenance station showing that the converted motor vehicle meets all county emissions requirements for an installed fuel system if the motor vehicle is registered within a county with an inspection and maintenance (I/M) program; or
- (b) in all other areas of the State, a signed statement by an ASE-certified technician that includes the VIN, the technician's ASE certification number, and states that the conversion is functional;
- (5) each of the following:
 - (a) the conversion equipment manufacturer;
 - (b) the conversion equipment model number;
 - (c) the date of the conversion; and
 - (d) the name, address, and phone number of the person that converted the motor vehicle;
- (6) the EPA Certificate of Conformity, or equivalent documentation that is consistent with requirements outlined in 40 CFR Part 85 and 40 CFR Part 86, as published in Federal Register Volume 76 Page 19830 on April 8, 2011, or an Executive Order from the California Air Resources Board showing that the conversion will meet the proof of certification requirements in 59-10-1009(1)(c)(i)(C) or 59-7-605(1)(c)(i)(C);
- (7)1) an original or copy of the purchase order, customer invoice, or receipt that includes the name of the taxpayer seeking the credit; the name, address, and phone number of the person that converted the motor vehicle to run on a clean fuel; the VIN; the date of conversion; and the price of the conversion equipment installed on the motor vehicle; and
- (8)2) a copy of the current Utah vehicle registration in the name of the taxpayer seeking the credit.

[R307-121-6. Proof of Purchase to Demonstrate Eligibility for Motor Vehicles Converted to Electricity.

- (1) To demonstrate that a conversion of a motor vehicle to be powered by electricity is eligible for the tax credit, proof of purchase shall be made, in accordance with 59-7-605(3) or 59-10-1009(3), by submitting the following documentation to the director:
 - (a) the VIN;
 - (b) the fuel type before conversion;
 - (c) the fuel type after conversion;
 - (d) each of the following:
 - (i) the conversion equipment manufacturer;
 - (ii) the conversion equipment model number;
 - (iii) the date of the conversion; and
 - (iv) the name, address, and phone number of the person that converted the motor vehicle;
 - (e) an original or copy of the purchase order, customer invoice, or receipt; and

- (f) a copy of the current Utah vehicle registration.
- (2) If the converted motor vehicle does not have any auxiliary sources of combustion emissions, then the applicant shall submit a signed statement by an ASE-certified technician that includes the VIN, the technician's ASE certification number, and states that the conversion is functional, and that the converted motor vehicle does not have any auxiliary source of combustion emissions.
- (3) If the converted motor vehicle has an auxiliary source of combustion emissions, then the applicant shall submit:
 - (a) a copy of the vehicle inspection report from an approved county inspection and maintenance station showing that the converted motor vehicle meets all county emissions requirements for all installed fuel systems if the motor vehicle is registered within a county with an I/M program; or
 - (b) in all other areas of the State, a signed statement by an ASE-certified technician that includes the VIN, the technician's ASE certification number, and states that the conversion is functional; and
 - (c) Provide the EPA Certificate of Conformity or equivalent documentation that is consistent with requirements outlined in 76 FR 19830 April 8, 2011, or an Executive Order from the California Air Resources Board showing that the conversion will meet the proof of certification requirements in 59-10-1009(1)(c)(i)(C) or 59-7-605(1)(c)(i)(C).

JR307-121-[7]6. Proof of Purchase to Demonstrate Eligibility for Special Mobile Equipment Converted to Clean Fuels.

To demonstrate that a conversion of special mobile equipment to be fueled by clean fuel is eligible for the tax credit, proof of purchase shall be made, in accordance with 59-7-605(3) or 59-10-1009(3), by submitting the following documentation to the director:

- (1) a description, including serial number, of the special mobile equipment for which credit is to be claimed;
- (2) the fuel type before conversion;
- (3) the fuel type after conversion;
- (4) the conversion equipment manufacturer and model number;
- (5) the date of the conversion;
- (6) the name, address and phone number of the person that converted the special mobile equipment]; and
- (7)2) an original or copy of the purchase order, customer invoice, or receipt that includes the name of the taxpayer seeking the credit, the serial number, the date of conversion, and the price of the conversion equipment installed on the special mobile equipment.]; and
- (8) the EPA Certificate of Conformity, or an Executive Order from the California Resource Board showing that the conversion will meet the proof of certification requirements in 59-10-1009(1)(c)(ii)(B) or 59-7-605(1)(c)(ii)(B).

R307-121-8. Applicability.

- (1) The definitions of plug-in electric drive motor vehicle and fuel economy standards in R307-121-2 shall apply to all purchases as of January 1, 2011.
- (2) Provisions found in sections R307-121-5(6) and R307-121-6(3)(e) shall apply to all conversions as of April 8, 2011.

KEY: air pollution, alternative fuels, tax credits, motor vehicles
Date of Enactment or Last Substantive Amendment: [January 1, 2012]2013

Notice of Continuation: January 23, 2012
Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-1-402; 59-7-605; 59-10-1009

Environmental Quality, Air Quality
R307-123
General Requirements: Clean Fuels
and Vehicle Technology Grant and
Loan Program

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 37989
 FILED: 09/12/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: On 04/08/2011, EPA finalized a rulemaking to streamline and expand its process to allow for intermediate and out-of-useful-life vehicles to be converted to run on alternate fuels such as compressed natural gas. Additionally, Section 19-1-402 classifies electricity as an eligible clean fuel. In order for vehicles that are converted to run on electricity to qualify for the tax credit, there is a need to add demonstration of eligibility requirements to the rule.

SUMMARY OF THE RULE OR CHANGE: Language is added throughout the rule to allow for intermediate and out-of-useful-life vehicles to be converted to run on alternate fuels such as natural gas. Demonstration of eligibility requirements for vehicles converted to electricity are added to the rule. Furthermore, criteria are added for demonstration of eligibility for retrofitted vehicles in order to verify that the condition of the vehicle prior to the installation of the retrofit is compliant with the retrofit's certification criteria.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104 and Section 19-2-401 and Section 59-10-1009 and Section 59-7-605

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no new requirements to the state; therefore, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** Because there are no changes to this rule that apply to local government, there are no anticipated costs or savings to local government.
- ◆ **SMALL BUSINESSES:** Because there are no changes to this rule that apply to small businesses, there are no anticipated costs or savings.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Because there are no changes to this rule that apply to persons other than small businesses, businesses, or local

government entities, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes to this rule will require additional documentation be provided in order to qualify for the grant or loan. However, any additional administrative costs to applicants will be minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: While the additional documentation requirements in the rule could result in additional costs to businesses applying for a clean vehicle grant or loan, those costs will be minimal. Additionally, businesses that decide to convert their vehicles to electricity, will now be able to potentially qualify for a grant or loan, resulting in significant savings.

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

ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2013

THIS RULE MAY BECOME EFFECTIVE ON: 12/05/2013

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-123. General Requirements: Clean Fuels and Vehicle Technology Grant and Loan Program.

R307-123-1. Authorization and Purpose.

(1) This rule is authorized by Section 19-1-405, which establishes criteria and definitions used to determine eligibility for use of the Clean Fuels and Vehicle Technology Fund created in Section 19-1-403.

(2) R307-123 establishes procedures to provide proof of purchase to the Board for an OEM vehicle, or the conversion or retrofit of a vehicle for which a grant or loan made with the monies available in the Fund is allowed under Subsection 19-1-403(2)(a).

(3) Eligible technologies are required to meet the criteria and follow the procedures established in R305-4.

R307-123-2. Definitions.

Definitions. The following additional definitions apply to R307-123.

"Certified by the director" means that:

(1) A motor vehicle on which conversion equipment has been installed meets the criteria in Subsection 19-1-405(1)(a) and demonstrates a reduction in emissions as defined in Subsection 19-1-405(2); or

(2) A motor vehicle on which a retrofit has been installed meets the following criteria:

(a) the motor vehicle's emissions of regulated pollutants when operating with the retrofit equipment is less than the emissions were before the installation of the retrofit equipment; and

(b) a reduction in emissions under Subsection R307-123-2(2)(a) is demonstrated by:

(i) certification of the retrofit by the federal EPA or by a state whose certification standards are recognized by the Board; or

(ii) any other test or standard recognized by the Board.

"Clean fuel" means clean fuel as defined in Subsection 19-1-402(1).

"Clean fuel vehicle" means clean fuel vehicle as defined in Subsection 19-1-402(2).

"Conversion equipment" means a package which may include fuel, ignition, emissions control, and engine components that are modified, removed, or added to a motor vehicle or special mobile equipment to make that vehicle or equipment eligible.

"Manufacturer's Statement of Origin" means a certificate showing the original transfer of a new motor vehicle from the manufacturer to the original purchaser.

"Original equipment manufacturer (OEM) vehicle" means OEM vehicle as defined in Subsection 19-1-402(8).

"Retrofit" means retrofit as defined in Subsection 19-1-402(11).

"Retrofit equipment" means a diesel oxidation catalyst, a diesel particulate filter, or a closed crankcase filtration system, that has been approved for use in engine retrofit programs by the federal EPA or by a state whose testing protocols are recognized by the Board.

R307-123-3. Demonstration of Eligibility for OEM Vehicles.

To demonstrate that a vehicle is eligible, proof of purchase shall be made by submitting the following documentation to the director:

(1)(a) A copy of the Manufacturer's Statement of Origin or equivalent manufacturer's documentation showing that the vehicle is an OEM vehicle; or

(b) a signed statement by an Automotive Service Excellence (ASE) certified technician that includes the vehicle identification number (VIN) and states that the vehicle is an OEM vehicle;

(2) An original or copy of the purchase order, customer invoice, or receipt including the VIN; and

(3) A copy of the current Utah vehicle registration.

R307-123-4. Demonstration of Eligibility for Vehicles Converted to [Clean Fuels] Natural Gas or Propane.

To demonstrate that a conversion of a motor vehicle fueled by [clean fuel] natural gas or propane is eligible, proof of purchase shall be made by submitting the following documentation to the director:

- (1) the VIN;
- (2) the fuel type before conversion;
- (3) the fuel type after conversion;

(4)(a) [If the vehicle is registered within a county with an inspection and maintenance (I/M) program,] a copy of the vehicle

inspection report from an approved county inspection and maintenance station showing that the converted [clean fuel] motor vehicle meets all county emissions requirements for all installed fuel systems if the motor vehicle is registered within a county with an inspection and maintenance (I/M) program; or

(b) in all other areas of the [S]state, a signed statement by an ASE certified technician that includes the VIN and states that the conversion is functional;

(5) each of the following:

(a) the conversion equipment manufacturer;

(b) the conversion equipment model number;

(c) the date of the conversion; and

(d) the name, address, and phone number of the person that converted the vehicle;

(6) [proof that the conversion is certified by the director;] the EPA Certificate of Conformity, or equivalent documentation that is consistent with requirements outlined in 40 CFR Part 85 and 40 CFR Part 86, as published in Federal Register Volume 76 Page 19830 on April 8, 2011, or an executive order from the California Air Resources Board;

(7) an original or copy of the purchase order, customer invoice, or receipt; and

(8) a copy of the current Utah vehicle registration, which shows that the vehicle is registered in the applicant's name.

R307-123-5. Demonstration of Eligibility for Vehicles Converted to Electricity.

To demonstrate that a conversion of a motor vehicle to be powered by electricity is eligible, proof of purchase shall be made by submitting the following documentation to the director:

(1) the VIN;

(2) the fuel type before conversion;

(3) the fuel type after conversion;

(4) each of the following:

(a) the conversion equipment manufacturer;

(b) the conversion equipment model number;

(c) the date of the conversion; and

(d) the name, address, and phone number of the person that converted the motor vehicle;

(5) an original or copy of the purchase order, customer invoice, or receipt;

(6) a copy of the current Utah vehicle registration; and

(7) a signed statement by an ASE-certified technician that includes the VIN, the technician's ASE certification number, and states that the conversion is functional and that the converted motor vehicle does not have any auxiliary source of combustion emissions.

R307-123-6. Demonstration of Eligibility for Retrofitted Vehicles.

To demonstrate that a retrofit of a motor vehicle is eligible, proof of purchase shall be made by submitting the following documentation to the director:

(1) the VIN;

(2) each of the following:

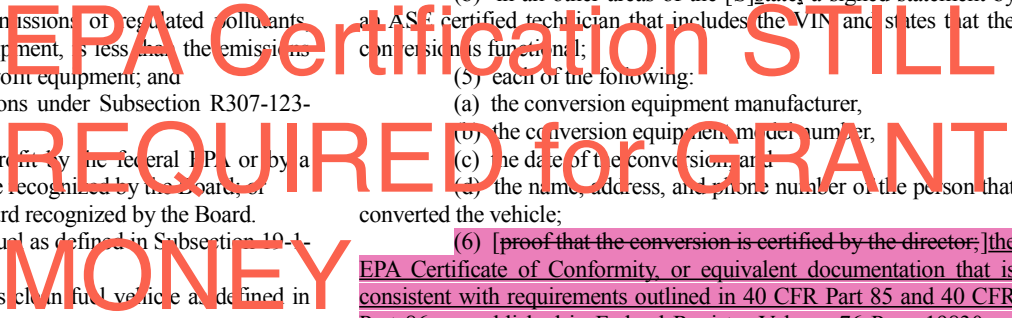
(a) the retrofit type;

([a]b) the retrofit equipment manufacturer[;];

([b]c) the retrofit equipment model number[;];

([e]d) the date of the retrofit[;]; and

([d]e) the name, address, and phone number of the person that retrofitted the vehicle;



- ([5]3) proof that the retrofit is certified by the director;
- (4) proof that the vehicle condition prior to retrofit is compliant with the retrofit's certification criteria;
- ([6]5) an original or copy of the purchase order, customer invoice, or receipt; and
- ([7]6) a copy of the current Utah vehicle registration.

R307-123-7. Applicability.

Provisions found in sections R307-121-5(6) and R307-121-6(3)(c) shall apply to all conversions as of April 8, 2011.

KEY: air pollution, alternative fuels, grants and loans, motor vehicles

Date of Enactment or Last Substantive Amendment: [~~November 8, 2012~~2014]

Notice of Continuation: August 8, 2013

Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-1-401; 59-7-605; 59-10-1009

Environmental Quality, Air Quality R307-403-1 Purpose and Definitions

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 37987
FILED: 09/12/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: On 05/01/2013, the Air Quality Board adopted revisions to Rule R307-403 which included the establishment of volatile organic compounds (VOCs) as PM2.5 precursors in Utah's PM2.5 nonattainment areas. This rule change neglected to establish the significance level for VOC that is used to determine whether a modification at a major source is a major modification.

SUMMARY OF THE RULE OR CHANGE: This proposed rule change establishes the significant emission rate for VOC compounds at 40 tons/year.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104 and Section 19-2-108

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no changes to the rule that affect the state; therefore, there are no anticipated costs or savings to the state.
- ◆ **LOCAL GOVERNMENTS:** There are no changes that apply to local government; therefore, there are no anticipated costs or savings.
- ◆ **SMALL BUSINESSES:** The proposed rule changes do not apply to small businesses; therefore, there are no anticipated costs or savings.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed rule changes do not apply to persons other than small businesses, businesses, or local government entities; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: By adding a significance level to the rule, no longer would all modifications be considered major modifications. This will result in fewer major sources having major modifications and will result in lessened costs associated with modeling and applying for major modification permits.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: By adding a significance level to the rule, no longer would all modifications be considered major modifications. This will result in fewer major sources having major modifications and will result in lessened costs associated with modeling and applying for major modification permits.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2013

THIS RULE MAY BECOME EFFECTIVE ON: 12/05/2013

AUTHORIZED BY: Bryce Bird, Director

**R307. Environmental Quality, Air Quality.
 R307-403. Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas.
 R307-403-1. Purpose and Definitions.**

(1) **Purpose.** This rule implements the federal nonattainment area permitting program for major sources as required by 40 CFR 51.165. In addition, the rule contains new source review provisions for some non-major sources in PM10 nonattainment areas. This rule supplements, but does not replace, the permitting requirements of R307-401.

(2) Unless otherwise specified, all references to 40 CFR in R307-403 shall mean the version that is in effect on July 1, 2012.

(3) Except as provided in R307-403-1(4), the definitions in 40 CFR 51.165(a)(1) are hereby incorporated by reference.

(4)(a) "Reviewing authority" means the director.