

Department of Environmental Quality Updates

Kim Shelley, Executive Director



UTAH DEPARTMENT *of*
**ENVIRONMENTAL
QUALITY**



Safeguarding and improving Utah's air, land and water through balanced regulation.



AIR QUALITY



DRINKING WATER



**ENVIRONMENTAL RESPONSE
& REMEDIATION**



**WASTE MANAGEMENT
& RADIATION CONTROL**



WATER QUALITY

Litigation Summary

Title	Summary	Final Date	Utah Challenged	Implementation Stayed?
<u>Good Neighbor Utah SIP disapproval</u>	Disapproved Utah's Infrastructure SIP for 2015 Ozone Standard - Interstate Transport of Ozone Precursor Emissions	March 24, 2023	Utah Lead - 10th Circuit and protective filing in DC Circuit	Yes
<u>Good Neighbor FIP</u>	Imposed requirements for 5 industry sectors to limit NOx emissions, required installation of Selective Catalytic Reduction at all Utah Coal Fired Generating units within 3 years.	March 24, 2023	Utah Lead - DC Circuit, combined with multiple state petitions (23)	Yes
Good Neighbor FIP proper venue	Argues that the Circuit Courts are the proper venue for litigation on state-specific good neighbor requirements.		Oklahoma Lead - US Supreme Court	N/A
<u>Clean Power Plan 2.0 for new or reconstructed sources</u>	Places CO2 emissions control requirements on new Coal and Natural Gas generating units requiring Carbon Capture and Sequestration for Coal and hydrogen co-firing for natural gas generating units.	April 25, 2024	Utah joined, West Virginia Lead	Requested
<u>Power Sector 111d - state plans for existing sources</u>	Requires states to control carbon emissions from existing Coal Generating units with an installation date based on the remaining useful life of the units.	April 25, 2024	Utah joined, West Virginia Lead	Requested
<u>Methane Leak controls</u>	Requires the monitoring and control of methane emissions from the oil and natural gas producing sectors.	March 8, 2024	Utah joined, Oklahoma lead	No - Denied
<u>Regional Haze Second Planning Period proposed disapproval</u>	Proposed disapproval may result in a FIP requiring the installation of Selective Catalytic Reduction for NOx at all Utah Coal Fired generating units and additional controls at the Lisbon Valley gas Plant and Sunnyside Cogen.	Proposed 8/19/2024	Comment period open	NA
<u>Mercury and Air Toxics Standard (MATS)</u>	Does not impact Utah coal generating units but requires additional controls on two Rocky Mountain Power plants in Wyoming.	May 7, 2024	Utah joined North Dakota Lead	No

HB373

DEQ

Discussions with the Federalism Commission

Effective 5/1/2024

19-1-110. Department discussions with the Federalism Commission.

- (1) As used in this section, "commission" means the Federalism Commission created in Section 63C-4a-302.
- (2) The department shall meet with the commission as scheduled by the chairs of the commission and consistent with the usual schedule of the commission.
- (3) The commission may discuss with the department:
 - (a) needs of industries that are subject to regulation under this title;
 - (b) needs of the department;
 - (c) policy and rulemaking changes or implementation;
 - (d) United States Environmental Protection Agency regulations and other federal regulations that affect industries regulated under this title or the department; and
 - (e) any other issue that is related to the environment or the functioning of the department.

The Rulemaking Process

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**Four
policymaking
boards oversee
rulemaking**



**Members have
expertise and
represent
specific
interests**



**Appointed by
the Governor
and confirmed
by the Senate**



**Priority is
transparency
and input from
public and
stakeholders**

Air Quality

Rule Reference	Description	Status
Amend R307-315	NOx Emission Controls for Natural Gas-Fired Boilers 2.0-5.0 MMBtu.	Public Comment 5/1/24 Final Adoption 9/4/24
Amend R307-316	NOx Emission Controls for Natural Gas-Fired Boilers Greater Than 5.0 MMBtu.	Public Comment 5/1/24 Final Adoption 9/4/24
Amend R307-110-13	General Requirements: State Implementation Plan. Incorporation of Utah State Implementation Plan, 2015 Ozone NAAQS Northern Wasatch Front Moderate Nonattainment Area, Section IX.D.11.	Public Comment 7/9/24
Amend R307-202	Emission Standards: General Burning.	Public Comment 7/9/24
R307-125	Clean Air Retrofit, Replacement and Off-Road Technology Program	Five Yr Review 7/9/24
R307-501	Oil and Gas Industry: General Provisions	Five Yr Review 7/9/24
R307-502	Oil and Gas Industry: Pneumatic Controllers	Five Yr Review 7/9/24
R307-503	Oil and Gas Industry: Flares	Five Yr Review 7/9/24
R307-504	Oil and Gas Industry: Tank Truck Loading.	Five Yr Review 7/9/24
Amend R307-101 Amend R307-101-3	General Requirements; including R307-101-3. Version of Code of Federal Regulations Incorporated by Reference.	Public Comment 8/7/24

Drinking Water

Rule Reference	Description	Status
R309-515	Facility Design & Operation: Source Development	Request Drinking Water Board Approval to File Proposed Rule: 02/29/2024 Effective Date of Rule:06/26/2024
R309-540	Facility Design and Operation: Pump and Hydropneumatic Pressure Facilities	Request Drinking Water Board Approval to File Proposed Rule: 02/29/2024 Effective Date of Rule:06/26/2024
R309-600	Source Protection: Drinking Water Source Protection for Groundwater Sources	Request Drinking Water Board Approval to File Proposed Rule: 02/29/2024 Effective Date of Rule:06/26/2024

Environmental Response and Remediation

Rule Reference	Description	Status
UAC R311	The division identified necessary rule changes due to the addition of certain Above Ground Petroleum Storage Tanks to state regulation from the 2021 legislation SB0040.	PST Stakeholder Comments 1/10/24 & 4/10/24 Public Hearing 6/10/24 Final Adoption 7/11/24
R311-500	Illegal Drug Operations Site Reporting and Decontamination Act, Decontamination Specialist Certification Program	Five Yr Review 9/12/24

Waste Management and Radiation Control

Rule Reference	Description	Status
R313-28-20	Clarified definition of Healing Arts	Effective June 17, 2024
R313-17 &24	Clarified Process around Environmental Assessments at Uranium Mills	Effective July 15, 2024
R313-15, 22, 32, 37	Incorporated changes made to NRC regulations in order to maintain agreement state status	Effective Sept. 16, 2024
R315-301,302, 303, 304, 305, 307,, 308, 310, 311, 314, 315, 316, 317, 318, 321, 322.	Creates and Exploration and Production waste disposal program as required under HB310 (2019). Establishes classifications and standards for facilities permitted to accept these wastes.	Public Comment ended 9/3. Comments are under review

Water Quality

Rule Reference	Description	Status
R317-8-1	Incorporate federal requirements for 316(b) (associated with cooling water intake structures). Proposed Rules will only impact 3 PacifiCorp facilities and potentially McWane Ductile.	Formal Rulemaking 8/28/24
R317-16 (HB 513 2023 General Session)	Division's Rulemaking associated with HB513 FFSL's Rules associated with HB513	Public Comment began September 1, 2024
Informal Rulemaking for HB453 (2024 General Session)	Requires the Division to set a limit for salinity of water or brine that a person may discharge to the GSL as part of the mineral extraction process.	No formal rulemaking has been initiated at this point.

EPA Rulemaking

DEQ closely tracks EPA rulemaking

- There are currently over 100 rules in the proposed or final rule stage

Protecting Utah's interests

- We work closely with AGs on comment letters and litigation
- This helps ensure that rules and regulations are aligned with the values of our state

Current and Future Focus Areas



01

Rural drinking water infrastructure

Invested \$7.5 million in 2023



02

Inland Port partnership

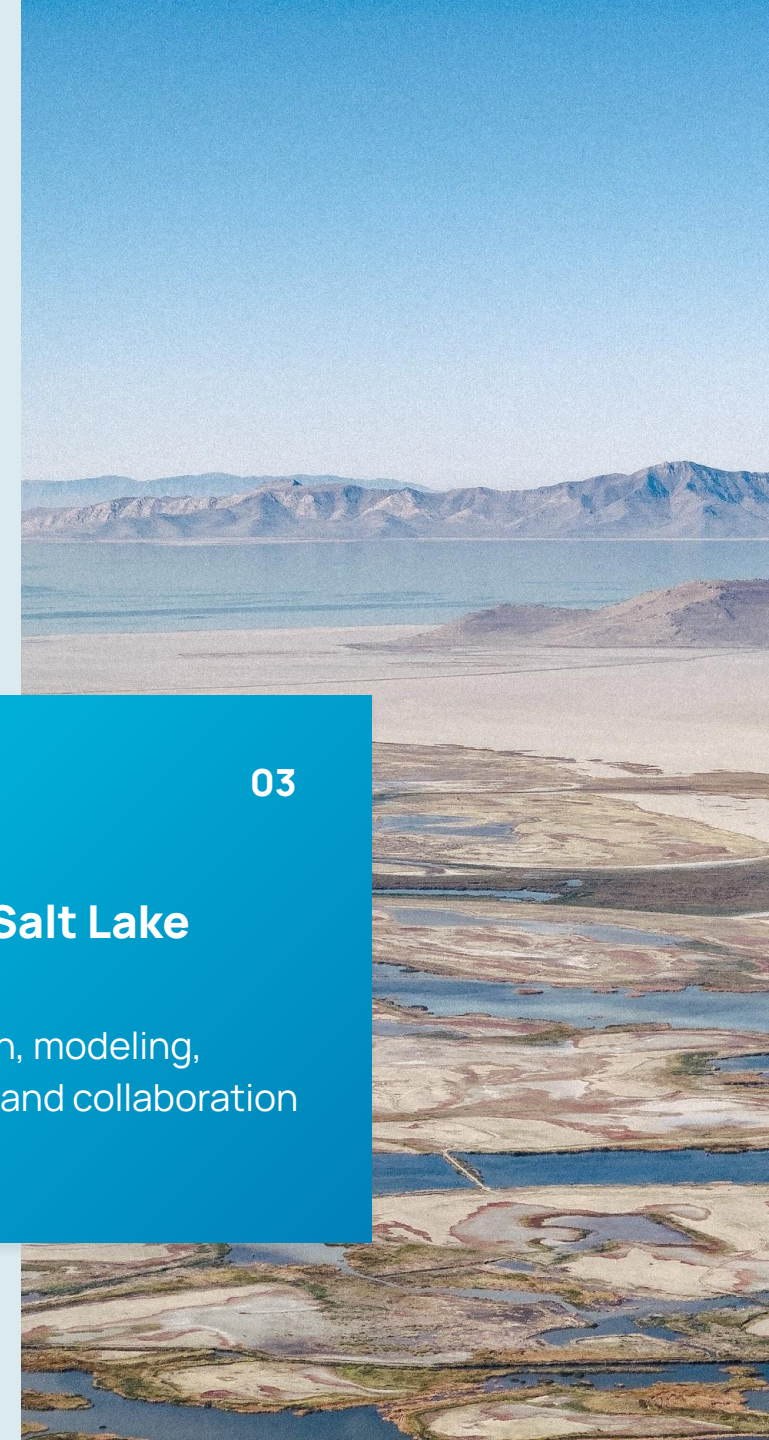
Zero-emission vehicles and equipment grants



03

Great Salt Lake Dust

Research, modeling, analysis and collaboration



An aerial photograph showing a large green field on the left, a farm with several buildings and a large barn in the center, and a residential neighborhood with houses and trees on the right. A white horizontal line is positioned above the text.

Thank you



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Questions? Contact us