

**Effective 5/12/2015**

**19-2-106 Rulemaking authority and procedure.**

- (1)
  - (a) In carrying out the duties of Section 19-2-104, the board may make rules for the purpose of administering a program under the federal Clean Air Act different than the corresponding federal regulations which address the same circumstances if:
    - (i) the board holds a public comment period, as described in Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and a public hearing; and
    - (ii) the board finds that the different rule will provide reasonable added protections to public health or the environment of the state or a particular region of the state.
  - (b) The board shall consider the differences between an industry that continuously produces emissions and an industry that episodically produces emissions, and make rules that reflect those differences.
- (2) The findings described in Subsection (1)(a)(ii) shall be:
  - (a) in writing; and
  - (b) based on evidence, studies, or other information contained in the record that relates to the state of Utah and type of source involved.
- (3) In making rules, the board may incorporate by reference corresponding federal regulations.

Amended by Chapter 80, 2015 General Session