



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

Air Quality Board
Stephen C. Sands II, *Chair*
Kerry Kelly, *Vice-Chair*
Erin Mendenhall
Tammie G. Lucero
Robert Paine III
Amanda Smith
Michael Smith
Karma M. Thomson
Kathy Van Dame
Bryce C. Bird,
Executive Secretary

UTAH AIR QUALITY BOARD MEETING

March 4, 2015 – 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

FINAL MINUTES

I. Call-to-Order

Steve Sands called the meeting to order at 1:30 p.m.

Board members present: Michael Smith, Kathy Van Dame, Robert Paine, Kerry Kelly, Steve Sands, Tammie Lucero, Erin Mendenhall, and Karma Thomson

Excused: Amanda Smith

Executive Secretary: Bryce Bird

II. Date of the Next Air Quality Board Meeting: May 6, 2015

At this time there are no action items to bring to the Board for an April meeting. The next board meeting is May 6, 2015.

III. Approval of the Minutes for February 4, 2015, Board Meeting.

- Erin Mendenhall motioned to approve the minutes as submitted. Kathy Van Dame seconded. The Board approved unanimously.

Public comment from Linda Johnson, a Salt Lake County resident, was introduced. Ms. Johnson commented that it occurs to her that sometimes a Board does not understand its full rights. One of those rights is to represent the public. Occasionally a Board may get asked by staff to do something it feels is not the best way to manage a situation, as was the case she feels at a recent public hearing she attended. Ms. Johnson reminded the Board that they can let staff or the public know when it disapproves of an idea.

IV. Final Adoption: Amend R307-120. General Requirements: Tax Exemption for Air Pollution Control Equipment. Presented by Mark Berger.

Mark Berger, Air Quality Policy Section Manager at DAQ, stated that in the 2014 legislative

session, the statute that governs the tax exemption for pollution control equipment was amended through House Bill 31. On December 3, 2014, the Air Quality Board proposed amendments to R307-120 to make the rule consistent with the modified statute. A 30-day public comment period was held from January 1 to February 2, 2015, during which no comments were received and no hearing was requested. Staff recommends the Board adopt R307-120 as proposed.

- Erin Mendenhall motioned for final adoption of amend R307-120, General Requirements, Tax Exemption for Air Pollution Control Equipment. Michael Smith seconded. The Board approved unanimously.

V. Final Adoption: Amend R307-311. Utah County: Trading of Emission Budgets for Transportation Conformity. Presented by Mark Berger.

Mark Berger, Air Quality Policy Section Manager at DAQ, stated that December 2014 the Board proposed for public comment this new rule as a means to alleviate a problem of demonstrating conformity to the NO_x budget brought on by EPA's release of a new motor vehicle emissions simulator model, known as MOVES. This model replaced an older model which was originally used to develop the NO_x budget in the 2002 PM₁₀ State Implementation Plan (SIP). The MOVES model must be used by the metropolitan planning organization (MPO) as it prepares its conformity demonstration. The main issue that this has caused is that the new MOVES model predicts much more NO_x from tailpipes than the previous model. This new rule allows the Utah County MPO to apply a potential surplus from its budget for direct PM₁₀ to a shortfall in its budget for NO_x at a ratio of 1:1. A public comment period was held from January 1 to February 12, 2015. No comments were submitted regarding to the rule language; however, EPA did submit comments on the technical basis for the rule. In response to those comments staff has worked with EPA to revise the technical support documents for the rule. Staff feels confident that the proposed rule is an EPA approvable rule. Staff recommends the Board adopt R307-311 as proposed.

- Robert Paine motioned for final adoption, amend R307-311, Utah County, Trading of Emission Budgets for Transportation Conformity. Kathy Van Dame seconded. The Board approved unanimously.

VI. Propose for Public Comment: Amend Utah State Implementation Plan Section XX.D.6. Regional Haze. Long-Term Strategy for Stationary Sources. Best Available Retrofit Technology (BART) Assessment for NO_x and PM; add new Utah State Implementation Plan Subsections IX.H.21 and 22. General Requirements: Control Measures for Area and Point Sources, Emission Limits and Operating Practices, Regional Haze Requirements; and Source Specific Emission Limitations: Regional Haze Requirements, Best Available Retrofit Technology. Presented by Colleen Delaney.

Colleen Delaney, Environmental Scientist at DAQ, presented to the Board that on October 1, 2014, the Board proposed a revision to Utah's Regional Haze State Implementation Plan (SIP) to address the EPA's partial disapproval of the best available retrofit technology (BART) provisions for nitrogen oxides (NO_x) and particulate matter (PM). The proposed change to the SIP maintained the BART determination that had been established in 2008 and also made enforceable the planned closure of the PacifiCorp Carbon plant this spring due to the substantial reduction in visibility impairing pollutants that would be achieved. The proposal was based on a 5-factor analysis of available control technologies for NO_x and PM and visibility modeling that had been completed by PacifiCorp in 2012. The DAQ analysis concluded that the most stringent PM controls were already required and the NO_x controls established in the 2008 SIP were cost-effective and met the presumptive BART requirements established by EPA. Additional NO_x controls were not

warranted due to the very high cost of control and uncertainty regarding the visibility improvement that would occur. The significant NO_x reductions required by the 2008 SIP did not result in improvements in nitrate values during the winter months as expected and the benefit of further NO_x reductions is therefore uncertain. Sulfur dioxide (SO₂) reductions have resulted in improvements in sulfate values throughout the year. DAQ completed additional visibility modeling after the proposal to evaluate the visibility improvement due to all of the reductions, including the closure of the Carbon Plant, and the results of this modeling were added to the technical support documentation.

A public comment period was held from November 1 through December 22, 2014, and a number of public comments were received. After reviewing the comments and consulting with EPA, DAQ staff determined that the additional emission reductions due to the expected closure of the Carbon Plant would be better addressed as an alternative to BART under 40 CFR 51.308(e)(2) rather than through the case-by-case analysis under 40 CFR 51.308(1). In addition, commenters identified several issues with DAQ's visibility modeling that have been addressed. For these reasons, DAQ staff prepared a new proposal to ensure adequate public review of these changes which include: retain the 2008 BART determination for PM; establish an alternative to BART for NO_x; and add enforceable BART conditions to Part H of the SIP to address EPA's determination that the approval orders and operating permits for PacifiCorp's Hunter and Huntington plants are not practicably enforceable. Staff recommends the Board propose the revisions to SIP Section XX, Part D.6 and the new SIP Sections IX, Part H.21 and H.22 for public comment.

In response to questions, Ms. Delaney answered that yes other states in the area did show a decrease as well at their power plants. There have also been decreases in emissions from automobiles and those other parts of our SIP that we think are very important like our prescribed fire enhanced smoke management plan. There are other aspects that are reflected in what you would see of visibility at the parks. This is not just the result of the power plants but a broader regional problem which needs to be viewed in the context of our overall SIP and to address the problem regionally for all Class I areas in the west. In regards to the selective catalytic reduction (SCR) technology issue, there have been a number of case by case BART determinations that have reached the conclusion that technology should be installed and it is just dependent upon the circumstances for those individual states. However, since what Utah is recommending is not a BART determination we have included in the documentation showing that this alternative would achieve greater progress than the installation of SCR. In closing, Ms. Delaney stated that this is the end of a very long process. All of the sources in Utah that have greater than 100 tons per year of SO₂ are included under our SO₂ milestone and backstop trading program requirement that has been in place since 2003. The one exception is the Bonanza power plant located in Indian Country which is not subject to our SIP. Although this is the end of a very long process, the whole regional haze process is not done. A new SIP is due in 2018 to address the next planning process, the planning has already started this year, and then a new SIP is due ten years after that. The idea is to keep making progress each decade towards this very long term goal of having no impairment at these Class I areas.

- Kerry Kelly motioned the Board propose agenda item six for public comment. Karma Thomson seconded. The Board approved unanimously.

VII. Propose for Public Comment: Amend R307-110-17. General Requirements: State Implementation Plan. Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits; and R307-110-28. General Requirements: State Implementation Plan. Regional Haze. Presented by Mark Berger.

Mark Berger, Air Quality Policy Section Manager at DAQ, stated the new SIPs for regional haze, along with the new emission limits added to Part H, will have to be incorporated into the Air Quality Rules to make them enforceable at the state level. R307-110-17 is the rule that incorporates Part H into the rules, and R307-110-28 is the rule that incorporates the regional haze SIP into the rules. These rules should go out for public comment at the same time as the proposed SIPs they adopt. Staff recommends the Board propose for public comment R307-110-17 and R307-110-28.

- Kathy Van Dame motioned to propose for public comment, amend R307-110-17, General Requirements, State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits; and R307-110-28, General Requirements, State Implementation Plan, Regional Haze. Tammie Lucero seconded. The Board approved unanimously.

VIII. Propose for Public Comment: Amend R307-210. Stationary Sources. Presented by Mark Berger.

Mark Berger, Air Quality Policy Section Manager at DAQ, state that in accordance with Section 111 of the Federal Clean Air Act, the EPA promulgates standards for groups of stationary sources that have been identified as significant contributors to air pollution. These new source performance standards are found in 40 Code of Federal Regulations (CFR) Part 60. The new standards are applicable to new sources as they are put into operation. R307-210 is the rule that incorporates these standards into Utah's administrative code, making them enforceable on a state level. 40 CFR Part 60 has undergone several substantive changes since July 1, 2011, the last incorporation date of the section. This rulemaking incorporates those changes into R307-210. Staff recommends the Board propose R307-210 for public comment.

- Robert Paine motioned to propose for public comment, amend R307-210, Stationary Sources. Karma Thomson seconded. The Board approved unanimously.

IX. Propose for Public Comment: Amend R307-214. National Emission Standards for Hazardous Air Pollutants. Presented by Mark Berger.

Mark Berger, Air Quality Policy Section Manager at DAQ, stated that this rule must be updated periodically to reflect changes to the national emission standards for hazardous air pollutants as published in Title 40 of CFR parts 61 and 63. This amendment to R307-214 incorporates by reference the July 1, 2014, version of those parts. Staff recommends the Board propose R307-214 for public comment.

- Karma Thomson motioned to propose for public comment, amend R307-214, National Emission Standards for Hazardous Air Pollutants. Erin Mendenhall seconded. The Board approved unanimously.

X. Informational Items.

A. Air Toxics. Presented by Robert Ford.

B. Compliance. Presented by Jay Morris and Harold Burge.

C. Monitoring. Presented by Bo Call.

Bo Call updated the Board on monitoring data which included a PM_{2.5} comparison of the past three year winter seasons as requested by the Board. The data does not include the Uinta Basin because mostly it has been ozone that has been monitored. Currently, the Vernal monitor requires some physical modifications before the particulate monitor can be installed.

D. Other Items to be Brought Before the Board.

Mr. Bird updated that currently no air quality bills have gone all the way through the legislative process. The Governor in his budget had included six air quality related budget items which are still before the executive appropriations. He complimented those Board members who testified at hearings and appreciates their work and support. Also, through his interaction with legislators he received compliments of the work of the Board and staff on improving air quality. Kathy Van Dame and Michael Smith's board terms expire and they will stay up to 90 days until the Senate approves the Governor's recommendation for these Board vacancies.

Meeting adjourned at 2:25 p.m.

Minutes approved: May 6, 2015