



State of Utah

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Department of
Environmental Quality

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Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
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Kerry Kelly, *Vice-Chair*
Alan Matheson
Erin Mendenhall
Robert Paine III
Arnold W. Reitze Jr
Michael Smith
William C. Stringer
Karma M. Thomson
Bryce C. Bird,
Executive Secretary

UTAH AIR QUALITY BOARD MEETING

May 4, 2016 – 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: Steve Sands, Kerry Kelly, Alan Matheson, Erin Mendenhall, Robert Paine, Arnold Reitze, Michael Smith, William Stringer, Karma Thomson

Executive Secretary: Bryce Bird

II. Date of the Next Air Quality Board Meeting: June 1, 2016

No agenda items are currently planned for July.

III. Approval of the Minutes for March 2, 2016, Working Lunch and Board Meeting.

- Arnold Reitze moved to approve the minutes. William Stringer seconded. The Board approved in favor with Kerry Kelly, Robert Paine, and Erin Mendenhall absent.

Kerry Kelly and Robert Paine enter the meeting.

IV. Final Adoption: Amend R307-801. Utah Asbestos Rule. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated that on March 25, 2015, Governor Gary Herbert signed Utah House Bill 229 (HB 229), Air Quality Modifications, into law. HB 229 revised the statutory definition of asbestos. On October 7, 2015, the Board proposed changes to R307-801 to account for the statutory change to the asbestos definition. DAQ did not receive any comments during the comment period; however, members of the regulated community expressed concerns about the rule to staff after the comment period ended. Their concerns were focused on the standard in the rule for removing vermiculite, as contained in R307-801-13(10). In response to those concerns, DAQ held a stakeholder's meeting on January 20, 2016. During that meeting, the Division and the stakeholders came to an agreement to change the standard for removing vermiculite. As a result of the meeting, staff asked the Board to revise the rule to give

regulated entities the option to meet the standard “by following a work practice that has been established by the director or by an alternative work practice as approved by the director.” The DAQ also recommended that the Board open a second 30-day public comment period on the proposed rule revision. During the second 30-day comment period, the Division received two comments. Finally, the proposed rule reflects statutory changes and includes modifications recommended by DAQ staff and the regulated community to help the DAQ administer the Utah asbestos program. Staff recommends that the Board adopt R307-801, including the changes that were made to R307-801-13(10).

Steve Sands indicated that Eldon Romney of Air Quality Consulting, LLC was available if Board members had questions for him.

- Arnold Reitze moved for final adoption of R307-801, Utah Asbestos Rule. Kerry Kelly seconded. The Board approved in favor with Erin Mendenhall absent.

V. Final Adoption: Amend R307-841-8. Renovator Certification and Dust Sampling Technician Certification. Presented by Ryan Stephens.

Erin Mendenhall enters the meeting.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated that on April 16, 2015, the EPA finalized a rule that extended the certification of certain renovators under the Lead Renovation, Repair, and Painting (RRP) rule. The EPA extended certifications so that renovators could take advantage of the new requirements for refresher courses. This rule has been amended to reflect the changes that the EPA made regarding certification extensions. A 30-day comment period was held from March 1 to March 31, 2016. No comments were received and no public hearing was requested. Staff recommends that the Board adopt R307-841-8.

- Karma Thomson moved for final adoption to amend R307-841-8, Renovator Certification and Dust Sampling Technician Certification. Robert Paine seconded. The Board approved unanimously.

VI. Propose for Public Comment: Amend R307-101-3. Version of Code of Federal Regulations Incorporated by Reference. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated that this rule updates the version of the Code of Federal Regulations (CFR) that is incorporated by reference throughout the Utah Air Quality rules. The CFR is published four times a year. Part 40, the environmental regulations, are published in December. This rule will incorporate that most recent version, which includes regulations that are effective through July 1. In discussion, it was explained that a source is still subject to federal regulations even though the Board may not update the state rule but once a year. Staff recommends that the Board propose the amended R307-101-3 for public comment.

- Michael Smith moved to propose for public comment to amend R307-101-3, Version of Code of Federal Regulations Incorporated by Reference. Arnold Reitze seconded. The Board approved unanimously.

VII. Five-Year Review: R307-210. Stationary Sources. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated that Utah law requires each agency to review and justify each of its rules within five years of a rule’s original effective date or

within five years of the filing of the last five-year review. This review process is not a time to revise or amend the rules, but only to verify that the rule is still necessary and allowed under state and federal statutes. As part of this process, DAQ is required to identify any comments received since the last five-year review of each rule. DAQ has completed a five-year review for R307-210. The results of this review are found in the Five-Year Notice of Review and Statement of Continuation form. Staff recommends that the Board continue R307-210 by approving the Five-Year Notice of Review and Statement of Continuation form to be filed with the Division of Administrative Rules.

- Erin Mendenhall moved to approve the five-year review of R307-210, Stationary Sources. William Stringer seconded. The Board approved unanimously.

VIII. Propose for Public Comment: R307-210. Stationary Sources. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated that this rule needs to be updated to reference the most current version of the CFR. The rule has been amended to incorporate the most recently published version of different portions of the CFR. Staff recommends that the Board propose the amendments to R307-210 for public comment.

In discussion it was explained that in one of the summaries listed in the table, EPA's proposed amendments and clarifications published in July 2014 to the new source performance standards (NSPS) for the oil and natural gas sectors were updates to NSPS Subpart OOOO.

- Kerry Kelly moved to propose for public comment R307-210, Stationary Sources. Arnold Reitze seconded. The Board approved unanimously.

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

Ryan Stephens, Environmental Planning Consultant at DAQ, stated that this rule needs to be updated to reference the most current version of the CFR. The rule has been amended to incorporate the most recently published version of different portions of the CFR. Staff recommends that the Board propose the amendments to R307-214 for public comment.

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

X. Informational Items.

A. SO₂ Milestone Report. Presented by Jay Baker.

Jay Baker, Environmental Scientist at DAQ, stated this 2014 regional sulfur dioxide (SO₂) emissions and milestone report is part of Utah's regional haze plan. As part of this program, and as required by Section 309 of the Clean Air Act, Section 309 states must submit an annual regional SO₂ emissions and milestone report that compares emissions to milestones. The report was submitted jointly with Wyoming, New Mexico, and Albuquerque-Bernalillo County. The regional benchmark to meet for 2014 was 170,868 tons. Combined with the two other states and county, the average of 2012, 2013, and 2014 adjusted emissions was 96,392 tons. Which based on the adjusted milestone and emissions data was 44% below the 2014 three-state regional milestone. In discussion, it was stated

the success could be attributed to steady reductions over time and controls put in place through state implementation plan (SIP) planning efforts. The large readjustments of some milestone and emissions data were due to corrections of calculations for certain refineries. Typically adjustments are made because of the way the standard of measurement has changed over time.

The Board asked staff for further clarification at the next meeting on questions such as what were the adjustments, what calculations were used, and were there any impacts on the emissions inventory that was used in the SIP planning as a result of these adjustments in the report. Also, an overview of how the program is structured, the relationship between the 308 and 309 provisions, what if the milestones are not met, and exactly how this report fits into the broader context of activities in the Basin. EPA recently proposed its regulations for the next planning period in which they completely change the metrics and the way that DAQ will be designing plans during the next planning period of 2021 to 2028. Staff will also present an overview of those changes to the Board at its next meeting.

B. Air Toxics. Presented by Robert Ford.

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

D. Monitoring. Presented by Bo Call.

Bo Call, Air Monitoring Section Manager at DAQ, updated the Board on the monitoring graphs. He explained that the forecast process for calling ozone action days is made by staff meteorologists. Forecasting is based on several conditions with weather, pollution, numbers, and temperature. If it looks like conditions will get up to the moderate level at 60 parts per billion (ppb) that would trigger a voluntary action day and at the 70 ppb level it would trigger a mandatory action day. The spikes of ozone in the Basin typically happen in the winter when there's snow on the ground and if there's a good inversion in the Basin. There can be some correlation with the pollution generating opportunities being produced which helps fuel the mechanisms that produce ozone. Currently, there are a number of research projects in the Basin that are funded by the state and universities. DAQ staff will update the Board on the various research projects at a future meeting. Mr. Call explained that the modeling data supports where ozone and met monitors are placed. With the upcoming construction of a new technical center, it might be a good opportunity to move one of the current Salt Lake County monitoring sites to the new building and also to review state policy on the acceptance of donations for capital project purchases for monitoring equipment.

E. Other Items to be Brought Before the Board.

The electric lawn equipment discount and exchange event was a huge success this year. There were approximately 900 electric lawn mowers and 700 electric trimmers that were distributed to participants who were able to pre-register and pre-pay online.

Meeting adjourned at 2:19 p.m.

Minutes approved: June 1, 2016