



State of Utah

GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

Department of  
Environmental Quality

Alan Matheson  
*Executive Director*

DIVISION OF AIR QUALITY  
Bryce C. Bird  
*Director*

**Air Quality Board**  
Stephen C. Sands II, *Chair*  
Kerry Kelly, *Vice-Chair*  
Tammie G. Lucero  
Alan Matheson  
Erin Mendenhall  
Robert Paine III  
Arnold W. Reitze Jr  
Michael Smith  
Karma M. Thomson  
Bryce C. Bird,  
*Executive Secretary*

**UTAH AIR QUALITY BOARD WORKING LUNCH**

**June 3, 2015 – Noon**

**Four Corners Conference Rooms**

**195 North 1950 West**

**Salt Lake City, Utah 84116**

**FINAL MINUTES**

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Board members present: Kerry Kelly, Tammie Lucero, Alan Matheson, Arnold Reitze, and Michael Smith

Excused: Karma Thomson, Steve Sands, Robert Paine, and Erin Mendenhall

Bryce Bird, Executive Secretary to the Board, stated that the working lunch would be a brief orientation for new Board members, Alan Matheson and Arnold Reitze, and also serve as a refresher for current members. Board members also completed an updated disclosure statement. No Board action items were discussed.

Craig Anderson, Environment and Health Division Director in the Utah Attorney General's Office, gave an overview and answered questions of the applicable law, the requirements of the ethics act, and conflicts of interest. Members of the Board are covered by the Utah Public Officers' and Employees' Ethics Act. Discussion included requirements of disclosure and restrictions under the Ethics Act. In addition, the DEQ has developed administrative rules, R305-9, addressing conflicts of interests. It is generally considered that a conflict of interest is any direct and immediate interest or relationship with persons for businesses regulated by or directly affected by decisions of the Board, or persons or organizations which may present requests or issues before the Board. Once a conflict is disclosed there are a several options a Board member may take in handling a conflict. A Board member may choose to recuse themselves from participation, agree to participate in discussion but be recused from voting, if unsure, the Board may be asked to decide, and in some cases a Board member may be asked to leave the room. Some past examples were given when Board members had recused themselves from issues addressed by the Board. Board members are reminded that DEQ legal and division staffs are available to answer any questions they may have.

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Minutes approved: September 2, 2015



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**UTAH AIR QUALITY BOARD MEETING**  
**June 3, 2015 – 1:30 p.m.**  
**195 North 1950 West - Conference Room 1015**  
**Salt Lake City, Utah 84116**

**FINAL MINUTES**

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**I. Call-to-Order**

Kerry Kelly called the meeting to order at 1:30 p.m.

Board members present: Michael Smith, Arnold Reitze, Alan Matheson, Kerry Kelly, Karma Thomson, and Tammie Lucero

Excused: Steve Sands, Robert Paine, and Erin Mendenhall

Executive Secretary: Bryce Bird

**II. Date of the Next Air Quality Board Meeting:** August 5, 2015

Currently there are no action items to be presented to the Board in July. The next Board meeting will be August 5, 2015.

**III. Approval of the Minutes for May 6, 2015, Board Meeting.**

- Michael Smith motioned to approve the minutes as submitted. Karma Thomson seconded. The Board approved unanimously.

**IV. Final Adoption: Amend R307-214. National Emission Standards for Hazardous Air Pollutants. Presented by Mark Berger.**

Mark Berger, Air Quality Policy Section Manager at DAQ, introduced Ryan Stephens as the new rules coordinator for DAQ. Mr. Berger then 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 the Code of Federal Regulations (CFR), Parts 61 and 63. This amendment to R307-214 incorporates by reference the July 1, 2014, version of those parts. A summary of the changes made to 40 CFR, Parts 61 and 63 that affect R307-214 was included. A public comment period was held from April 1 to May 1, 2015. No comments were received, and no hearing was requested. Staff recommends that the Board adopt R307-214 as proposed.

- Tammie Lucero moved that the Board approve final adoption to amend R307-214, National Emission Standards for Hazardous Air Pollutants. Karma Thomson seconded. The Board approved unanimously.

**V. Final Adoption: Amend R307-210. Stationary Sources. Presented by Mark Berger.**

Mark Berger, Air Quality Policy Section Manager at DAQ, stated that in accordance with Section 111 of the federal Clean Air Act (CAA), 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 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 the last incorporation date of the section. This rulemaking incorporates those changes into the rule. The Board proposed this amendment on March 4, 2015, and a 30-day public comment period was held from April 1 to May 1, 2015. No comments were received, and no hearing was requested. Staff recommends that the Board adopt R307-210 as proposed.

- Arnold Reitze moved for final adoption to amend R307-210, Stationary Sources. Karma Thomson seconded. The Board approved unanimously.

**VI. Final Adoption: 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<sub>x</sub> 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, stated that on March 4, 2015, the Board proposed revisions to Utah's regional haze state implementation plan (SIP) to resolve issues raised by EPA in their partial disapproval of the best available retrofit technology (BART) determination for nitrogen oxides (NO<sub>x</sub>) and particulate matter (PM) that was made in 2012. DAQ worked with EPA during the development of this SIP revision to ensure that all of EPA's issues were addressed. The proposal documented that the baghouses currently installed at PacifiCorp's Hunter and Huntington units 1 and 2 are the most stringent control technology available for PM and therefore meet the BART requirement. The proposal also contained an alternative to BART for NO<sub>x</sub> that includes emission reductions from three PacifiCorp power plants. The units subject to BART have installed combustion controls that meet the presumptive BART emission rate established in EPA's BART rule. Combustion controls were also installed at Hunter unit 3. And Carbon units 1 and 2 were shut down this year. Overall, emissions from the three plants have been reduced by about 15,000 tons per year of NO<sub>x</sub> and 28,000 tons per year sulfur dioxide (SO<sub>2</sub>) since 2002. Finally, the proposal established enforceable emission limits for BART in Part H of the SIP. A public comment period was held from April 1 to May 1, 2015, and numerous comments were received. Minor changes were made to the SIP as a result of the comments but the overall conclusion has not changed from the March 2015 proposal. Staff recommends the Board adopt the regional haze SIP and Part H, emission limits, with the changes that were made due to comment.

In discussion, Ms. Delaney explained that in 2018 a new SIP is due which will address the period from 2018 to 2028. This new SIP will follow a glide path process which is being used in other

parts of the country where we will be looking at achieving progress during the next planning period. In addition, a lot of the recommendations were developed through a consensus based stakeholder process that went on for many years. Utah is currently working with other states and also looking ahead to the SIP due in 2018. EPA has been a partner through this whole process. The process for the next regional haze SIP is just beginning and it will be a regional effort because the regional haze problem is coming from multiple sources with different pollutants. It is expected that in the joint effort in the next SIP process we will be looking at both ozone and regional haze since they have a lot of the same precursors. DAQ will also be working with other states and EPA to include and improve the oil and gas inventory through this process.

The work on regional haze is going to be integrated with the work EPA is doing in developing carbon pollution standards under the CAA, in particular to Section 111(d). One of the difficulties with the CAA is that you have all these different requirements that come out at different times. EPA has been evaluating the 111(d) comments and they anticipate a finalization of the requirements into 111(d) later this summer. When that happens whatever needs to be done under 111(d) will also have implications for what is going to happen with regional haze and ozone in the next SIP planning period. Since a lot of these proposals have not been finalized yet it is hard to say exactly how that process is going to work.

- Arnold Reitze moved to approve final adoption of this agenda item. Tammie Lucero seconded. The Board approved unanimously.

**VII. Final Adoption: 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 that the new SIPs for regional haze, along with the new emission limits added to Part H, now have to be incorporated into the air quality rules. 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 went out for public comment at the same time as the proposed SIPs. A 30-day public comment period was held from April 1 to May 1, 2015. No comments were received regarding incorporating the SIPs into the rules, and no hearing was requested. Staff recommends that the Board adopt R307-110-17 and R307-110-28 as proposed.

In discussion, it was stated that EPA did comment on the SIP during the public comment period. If the Board approves final adoption then it will be submitted to EPA where it will go through EPA's own comment process for approval or denial. Furthermore, it will be a state only rule pending EPA approval.

- Karma Thomson moved that the Board approve final adoption to 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. Michael Smith seconded. The Board approved unanimously.

Public comment from Cory MacNulty was introduced on behalf of the National Parks Conservation Association (NPCA). A few months ago Ms. MacNulty addressed the Board expressing her hope that the state's repropoed regional haze SIP would lead to new and significant reductions in NO<sub>x</sub> and PM pollution from Hunter and Huntington's units 1 and 2 coal plants which

are the BART eligible sources under the CAA. The regional haze plan the Board just approved reverts to the very same plan the state put forward in 2008 for NO<sub>x</sub> at these plants. It appears the state has spent the seven years honing its justification for why the plan does not require the installation of selective catalytic reduction (SCR). The vote today is a missed opportunity to cut an additional 14,000 tons per year of NO<sub>x</sub> emissions which is a 75% reduction from Hunter and Huntington plants. The NPCA believes that investing in the best technology available, SCR in this case, is a small price to pay to preserve and improve the world class views of the national parks in Utah.

## **VIII. Informational Items.**

### **A. Progress Report for Utah's State Implementation Plan for Regional Haze. Presented by Colleen Delaney.**

Colleen Delaney, Environmental Scientist at DAQ, stated that the regional haze rule requires each state to develop a progress report every five years to evaluate the implementation of their state's regional haze SIP. This progress report is the first report that was prepared to evaluate progress in implementing the SIP requirements and improvements in visibility. The emission reduction strategies in Utah's SIP have been implemented as outlined in the SIP and visibility is improving in all Class I areas in Utah.

Utah's SIP under Section 309 is mainly focused on implementing the Grand Canyon Visibility Transport Commission strategies, focusing on emission reductions. We will be doing our next SIP under Section 308 of the regional haze rule in which we draw a glide path starting with a base year and then draw a glide path to natural conditions in 2064 while measuring progress along that line. The challenge for states in the west is that a lot of what is causing visibility impairment in our national parks is not anthropogenic emissions but are wildfires and dust storms. As western states develop their SIPs under Section 308 they find that the actual visibility improvement is not reflective of the significant emission reductions that are occurring. The EPA is cognoscente of this issue and there will probably be an effort nationwide in how to make the measurement of progress match with what can actually be done. There are things that can be done in terms of looking at the anthropogenic emissions and the things that can actually be controlled in a SIP. In addition, EPA may come out with additional guidance as work continues for the next planning period for these new SIPs.

### **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 and charts, noting the elevated levels of PM<sub>10</sub> in April which had exceedances at several locations. Even with the one day of exceedances, expected exceedances over the past three years are well within the standard at 0.33. Even with the significant spikes in particulate matter, ozone appeared to be unaffected. We also have the benefit of satellite technology that can track dust sources and the information can be collected and can show that it is not from anthropogenic sources. Finally, the monitoring network five-year assessment is out for public comment. The assessment also serves as this year's annual network plan.

**E. Other Items to be Brought Before the Board.**

Staff is planning to bring a PM<sub>10</sub> SIP to the Board in September for proposal and also a final adoption of the maintenance SIP for PM<sub>10</sub>. We have already taken advantage of the modeling and reductions we saw under the PM<sub>2.5</sub> SIP and will also include a summertime analysis. One of the goals of this process is that it will give DAQ the ability to issue Title V permits to the eight stationary sources that do not currently have a Title V permit because of conflicting requirements between EPA's approved PM<sub>10</sub> SIP and DAQ's current adopted state rule only SIP. The first stakeholder meeting for the PM<sub>10</sub> SIP will be on June 25, 2015, from 3:00 to 5:00 p.m. in which staff will give an overview of the process and solicit help in developing our new SIP.

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Meeting adjourned at 2:14 p.m.

Minutes approved: September 2, 2015