



State of Utah

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Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
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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

August 3, 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: Karma Thomson, Alan Matheson, Steve Sands, Arnold Reitze, Michael Smith, and Robert Paine

Excused: Kerry Kelly, Erin Mendenhall, and William Stringer

Executive Secretary: Bryce Bird

II. Date of the Next Air Quality Board Meeting: September 7, 2016

III. Approval of the Minutes for June 1, 2016, Board Meeting.

Mr. Reitze corrected the wording on page four of five in the last sentence of paragraph three to read, "For other states that were originally in the GCVTC that was not the case and they opted out of the section 309."

- Arnold Reitze motioned to approve the minutes with noted change. Karma Thomason seconded. The Board approved the motion with Robert Paine absent for this agenda item.

IV. Final Adoption: 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 amendment was proposed because of the need to periodically update references to the Code of Federal Regulations (CFR). The reference to the July 1, 2014, CFR was changed to July 1, 2015. All of the relevant changes to the CFR were summarized in the material provided in the Board packet. A public comment period was held, no comments were received, and no hearing was requested. Staff recommends that the Board adopt the amendments to R307-101-3.

- Michael Smith motioned to approve final adoption of R307-101-3, Version of Code of Federal Regulations Incorporated by Reference. Karma Thomson seconded. The Board approved the motion with Robert Paine absent for this agenda item.

V. Final Adoption: R307-210. Stationary Sources. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated that this rule was proposed because of the need to periodically update references to the CFR. The reference to the July 1, 2014, CFR was changed to July 1, 2015. All of the relevant changes to the CFR were summarized in the material provided in the Board packet. The Board also requested a summary of the changes to the oil and gas rules. Staff emailed the Board a copy of that summary in May, and it was also provided in the Board packet. A public comment period was held, no comments were received, and no hearing was requested. Staff recommends that the Board adopt the amendments to R307-210.

- Arnold Reitze motioned to approve final adoption of R307-210, Stationary Sources. Michael Smith seconded. The Board approved the motion with Robert Paine absent for this agenda item.

VI. Final Adoption: 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 was proposed because of the need to periodically update references to the CFR. The reference to the July 1, 2014, CFR was changed to July 1, 2015. All of the relevant changes to the CFR were summarized in the material provided in the Board packet. A public comment period was held, no comments were received, and no hearing was requested. Staff recommends that the Board adopt R307-214.

Robert Paine enters the meeting.

In discussion, there was concern that this might be a regulation that sources are not aware of. Staff responded that in the past DAQ has worked with the Division of Environmental Response and Remediation's (DERR's) underground storage tanks section by including requirements under the Clean Air Act in that section's newsletter. This may be an opportunity for DAQ to again include this requirement in the DERR's newsletter and also to make sure that affected facilities are made aware of these requirements.

- Karma Thomson motioned to approve final adoption of R307-214, National Emission Standards for Hazardous Air Pollutants. Arnold Reitze seconded. The Board approved unanimously.

VII. Informational Items.

A. 2015 Special Toxics Study Report. Presented by Roman Kuprov.

Roman Kuprov, Environmental Scientist in DAQ, gave a brief overview and answered questions from the Board on the 2015 air sampling study on toxics. The funding for the study included more frequent sampling at the Bountiful monitoring site and established two temporary sites in West Valley City and Lindon to collect more data. In the study, lead, formaldehyde, and methylene chloride were pollutants that stood out. Mr. Kuprov discussed each pollutant and charted the findings of the 2015 study. Possible reasons for

elevated lead values may be current and past mining activity and impacts of former lead smelters operating in the area. Formaldehyde is a pollutant that is largely produced through secondary chemistry. As of 2012, Utah is the highest in the nation for formaldehyde in which the Bountiful location really stood out during the 2015 study. Self-reported emission numbers from the refineries seem to be too low to account for the current formaldehyde levels. Other possible sources may be near-primary source emitters of close precursors to formaldehyde or photochemical enhancement from the lake. The elevated levels of methylene chloride are comparable to most urban areas and are usually associated with sources that use large amounts of solvents. Bountiful also showed elevated levels of methylene chloride compared to Lindon and West Valley. Going forward, DAQ has applied for a grant for a follow-up study to look specifically into distribution of formaldehyde around the Bountiful area. The grant would allow the setup of 28 passive samplers with some met stations in Bountiful to locate possible hot spots for formaldehyde. As with formaldehyde, DAQ will continue to work on locating possible sources of the elevated levels of methylene chloride and lead.

B. 2016 Rulemaking Calendar Update. Presented by Mark Berger.

Mark Berger, Air Quality Policy Section Manager at DAQ, gave an update of rulemaking DAQ is planning for the remainder of 2016. For September there are four rules planned. One of those rules, R307-302, staff took the Board's suggestions from the June Board meeting and feel that the rule will be ready to present to the Board for public comment. Bill Reiss will present a package of PM₁₀ maintenance plan and PM_{2.5} State Implementation Plan (SIP) amendments to Part H to the Board, which he will explain in more detail later on the agenda. By September staff should have a better idea of what Utah's ozone nonattainment designation recommendations to EPA will be. There are no pending items for October or November at this time. In December, staff plans to bring final adoptions to the Board from the proposals approved in September. Other rules for potential future amendments are 11 area source coatings rules and R307-335 which are in anticipation for a serious designation for PM_{2.5}. Those rules currently meet reasonable available control technology (RACT) requirements but for purposes of a serious designation they may need to be adjusted to meet best achievable control technology (BACT). A final potential rule is an oil and gas permit by rule in which DAQ continues to work with stakeholders and staff will continue to update the Board on its progress.

C. Regional Haze State Implementation Plan / Federal Implementation Plan Update. Presented by Mark Berger.

Mark Berger, Air Quality Policy Section Manager at DAQ, stated that EPA issued a final decision on the alternative to best available retrofit technology (BART) plan that the Board approved and DAQ submitted to EPA in June 2015. In EPA's final rule dated July 5, 2016, EPA disapproved the majority of Utah's alternative to BART plan and instead implemented a federal implementation plan which basically means that Hunter and Huntington power plants have to install selective catalytic reduction technologies by 2021. Mr. Berger briefly described how the regional haze program is structured and explained the reasons for EPA's disapproval of Utah's alternative to BART for NO_x and how EPA came to their decision. Going forward, Utah does have the opportunity to revise the SIP and propose a BART alternative that is clearly better than BART. PacifiCorp has announced plans to file a lawsuit contesting EPA's decision and Utah's Attorney General's Office is also looking at legal options for the state. DAQ is committed to work with EPA and Rocky Mountain to agree and to find a technology that can be implemented by 2018.

D. PM State Implementation Plan Update. Presented by Bill Reiss.

Bill Reiss, Environmental Engineer at DAQ, stated that in September DAQ will propose a package of PM₁₀ maintenance plan and PM_{2.5} SIP amendments to Part H emission limitations to the Board. Staff priorities are mainly working toward approval of the three moderate area PM_{2.5} SIPs with an emphasis on the Logan SIP, and working towards approval of the PM₁₀ maintenance plans that were submitted last year. DAQ continues to work closely with EPA as they work through its review of these SIPs,

Part H is central to both of the PM SIPs and working on the final clean-up of Part H is a step towards approval. A few of the remaining clean-up items for PM_{2.5} date back to the comments prepared in October 2014 addressing the draft Subpart 4 SIPs. DAQ addressed those last year in the PM₁₀ plan and now the paperwork for PM_{2.5} needs to mirror the PM₁₀ revisions where appropriate. In addition, a revision to the PM_{2.5} compliance schedule for Compass Minerals is being proposed and also proposing a revision to the PM₁₀ conditions for baghouses at Kennecott's Copperton concentrator.

Upcoming will be the PM_{2.5} re-classifications and the serious area PM_{2.5} SIPs. The implementation rule has been signed by EPA but not published yet in the Federal Register. The implementation rule establishes the requirements that DAQ should have followed in 2014 but did not know about. There may be some additional issues that weren't addressed in 2014 that may come out and will need to be brought back to the Board for clean-up because of misalignment with what DAQ did and what is in the final implementation requirement for PM_{2.5}. This will then establish what needs to be done for the serious area classification and SIP requirements that will come in the future. The re-classification of the three areas is expected shortly and there will not be much time to complete those SIPs.

E. Volkswagen Settlement Update. Presented by Glade Sowards.

Glade Sowards, Environmental Scientist at DAQ, stated that in July 2016 the Department of Justice published in the Federal Register a proposed settlement that partially resolves alleged violations of the Clean Air Act by Volkswagen of the sale of approximately 500,000 model year 2009 to 2015 2.0 diesel engines equipped with "defeat devices." The proposed settlement was opened for a 30-day public comment period before final approval. Mr. Sowards explained several requirements that Volkswagen must follow under the proposed settlement. Some of which include removing from commerce or modifying affected vehicles, offer buyback or lease termination options, invest an additional \$2 billion to promote zero emission vehicles, and pay \$2.7 billion into a mitigation fund to reduce emissions of NO_x. Under the proposal, Utah will receive \$32,356,471 for eligible mitigation actions. Mr. Sowards continued that final settlement is anticipated this fall with trustee selection anticipated by mid-2017. Governor Herbert has appointed Utah DEQ as lead agency. The mitigation fund must be spent or obligated within 10 years of the trust effective date and the remainder to be reallocated among beneficiaries who have spent/obligated 80% of the fund. He listed several eligible mitigation actions and stated that the projects will be selected based on emissions reduction benefits.

F. Air Toxics. Presented by Robert Ford.

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

H. Monitoring. Presented by Bo Call.

Bo Call, Air Monitoring Section Manager at DAQ, updated the Board on the monitoring graphs, noting there were no exceedances on July 4. The ozone season began in June and there were several spikes over the ozone standard in the Wasatch Front starting at the end of June. During that period the Uinta Basin, Smithfield, Utah County, Hurricane, and the Cache Valley areas did not come close to the ozone standard. July's ozone trend was the same for those areas. Beginning in August the Uinta Basin had hourly values that exceeded the ozone standard and just recently had 8-hour values that got right at 70 parts per billion.

I. Other Items to be Brought Before the Board.

Meeting adjourned at 2:39 p.m.

Minutes approved: September 7, 2016