



State of Utah

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Department of  
Environmental Quality

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DIVISION OF AIR QUALITY  
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Tammie G. Lucero  
Robert Paine III  
H. Craig Petersen  
Amanda Smith  
Michael Smith  
Karma M. Thomson  
Kathy Van Dame  
Bryce C. Bird,  
*Executive Secretary*

**UTAH AIR QUALITY BOARD MEETING**  
**November 6, 2013 – 1:30 p.m.**  
**195 North 1950 West, Room 1015**  
**Salt Lake City, Utah 84116**

**FINAL MINUTES**

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**I. Call-to-Order**

Steve Sands called the meeting to order at 1:31 p.m.

Board members present: Kathy Van Dame, Steve Sands, Kerry Kelly, Amanda Smith, Michael Smith, Tammie Lucero, Craig Petersen, and Karma Thomson

Excused: Robert Paine

Executive Secretary: Dave McNeill acting Executive Secretary

**II. Date of the Next Air Quality Board Meeting:** December 4, 2013

**III. Approval of the Minutes for October 2, 2013, Board Meeting.**

Mr. Sands corrected the first sentence on page 4 of Informational Item VIII. Monitoring. The sentence was corrected to, "Kimberly Kreykes, Environmental Planning Consultant at DAQ, updated the Board on monitoring data and also noted that Salt Lake County and the Uintah Basin are still monitoring for the ozone standard."

- Tammie Lucero moved to approve the minutes as amended. Kerry Kelly seconded. The Board approved unanimously.

**IV. Final Adoption: New Rule R307-401-19. General Approval Order. Presented by Mark Berger.**

Mark Berger, Environmental Planning Consultant at DAQ, stated on July 3, 2013, the Board proposed new section R307-401-19 to provide an alternative to the normal approval order process called a general approval order (GAO). A GAO could be developed for a category of similar types of sources and would go through the normal public review process before being issued. Based on public comments staff is recommending some changes to the originally proposed rule. Changes include clarifying that the GAO process would be limited to smaller sources that do not require a

case-by-case impact analysis. Under current rules for individual approval orders language is also being added to clarify that the Director will require a source to obtain an individual approval order if the Director determines that the source may cause a violation of a national ambient air quality standard (NAAQS). After the public comment period ended DAQ received late comments from the EPA which was due to the federal government shut down. EPA recommended on page 2, line 13 changing the word “may” to “will” to which DAQ agreed. DAQ believes EPA’s recommendation matches its intent and purposes of the rule. Staff recommends the Board adopt R307-401-19 as amended, including the change of that word “may” to “will.”

Staff addressed several questions from the Board. It was explained that the intent is to have general language that applies for all approval orders that a source has to comply with the NAAQS and a determination would be made on whether or not a new source causes or contributes to a violation of the NAAQS. If the Director determines that the new source would cause a violation then the source would have the ability to instead apply into the individual approval order process where any unusual circumstances could be addressed. Including the term “may cause or contribute to” in the GAO may cause difficulty to the intent of this GAO process. In addition, the rule is more geared towards improving permitting of smaller sources so that engineering resources can be focused on larger sources where case by case review is necessary. Language in the rule clarifies that a major source could not be covered under a GAO nor could one that is required to do a case-by-case impact analysis under the modeling rule. Currently, DAQ does not have a list of expected categories that might be applied under the GAO process but the focus right now is with oil and gas.

There is concern that the GAO removes public participation and review from the process and that it does not have a trigger to bring it back for review unless there is a modification to the GAO. To address this concern, it was suggested to add language in the rule for review every three years which would also trigger the public review process. Before voting, the Board asked to briefly postpone a vote on this item so that staff could add language into the rule that a review be made every three years which would begin a public process. After amending the rule to include changes from the Board today, staff presented an updated rule. On page two, line 19 “may” was changed to “will.” On page three, lines 16 through 18 the following text was added, “(c) A general approval order shall be reviewed at least every three years. The review of the general approval order shall follow the public notice requirements of R307-401-19(3).”

- Tammie Lucero moved the Board approve final adoption of new rule R307-40-19, General Approval Order, as amended. Karma Thomson seconded. The Board approved unanimously.

**V. Final Adoption: Amend State Implementation Plan (SIP) Section IX, Part A.23, Control Measures for Area and Point Sources, Fine Particulate Matter, PM<sub>2.5</sub> SIP for Logan, UT-ID Nonattainment Area. Presented by Bill Reiss.**

Bill Reiss, Environmental Engineer at DAQ, stated the Cache Valley SIP was adopted December 2012 with a placeholder for what might be a motor vehicle emissions budget for direct PM<sub>2.5</sub>. Direct PM<sub>2.5</sub> is what comes out of the tailpipe plus brake wear plus tire wear. It does not include re-entrained road dust. Budgets in the SIP were already established for nitrogen oxides (NO<sub>x</sub>) and volatile organic compound (VOC). However, additional time was needed to determine whether it would be necessary to include a budget for direct PM<sub>2.5</sub>. After some additional work it was determined that a budget would in fact be necessary. At the August 2013 Board meeting staff recommended that the SIP be amended to include a budget of 0.33 tons per day for direct PM<sub>2.5</sub> in the year 2014 and thereafter. Alongside of this budget the proposed amendments included a trading mechanism by which in years beyond 2014 conformity findings could proceed even if they

identified more direct PM<sub>2.5</sub> than was in the budget so long as there was a corresponding underage of NO<sub>x</sub> and/or VOC at specific exchange rates established by the air quality model. These trading ratios were identified in the purposed language. DAQ held a 30-day public comment period and no comments were received. Staff recommends the Board adopt the amendments to SIP Section IX.A.23 as proposed.

- Kathy Van Dame moved for final adoption, amend State Implementation Plan (SIP) Section IX, Part A.23, Control Measures for Area and Point Sources, Fine Particulate Matter, PM<sub>2.5</sub> SIP for Logan, UT-ID Nonattainment Area. Craig Petersen seconded. The Board approved unanimously.

**VI. Final Adoption: Amend State Implementation Plan Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County. Presented by Mat Carlile.**

Mat Carlile, Environmental Planning Consultant at DAQ, stated on August 7, 2013, the Board proposed for public comment amendments to SIP Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County. These amendments incorporate the ordinance and regulation that govern the Cache County inspection/maintenance program (I/M) program. A public comment period was held from September 1 to October 1, 2013. No comments were received and no public hearing was requested. Staff recommends the Board adopt amendments to SIP Section X Part F as proposed.

- Kerry Kelly moved the Board adopt amended State Implementation Plan Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County. Michael Smith seconded. The Board approved unanimously.

**VII. Final Adoption: Amend R307-110-10. Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter; and R307-110-36. Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County. Presented by Mark Berger.**

Mark Berger, Environmental Planning Consultant at DAQ, stated that in the last two action items the Board adopted changes to two SIPs, SIP Section IX, Part A.23 and SIP Section X, Part F. When sections of the SIP are amended and adopted by the Board, those sections must be incorporated into the Air Quality Rules. On August 7, 2013, the Board proposed changes to R307-110-10 to incorporate changes made to Chapter 7 of the Logan, Utah-Idaho PM<sub>2.5</sub> SIP and to R307-110-36 to incorporate changes made to SIP Section X, Part F. A 30-day public comment period was held and no comments were received and no hearing was requested. Staff recommends the Board adopt R307-110-10 and R307-110-36 as proposed.

- Michael Smith moved for final adoption, amend R307-110-10 Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter; and R307-110-36 Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County. Kathy Van Dame seconded. The Board approved unanimously.

**VIII. Propose for Public Comment: Amend R307-335. Degreasing and Solvent Cleaning Operations. Presented by Mark Berger.**

Mark Berger, Environmental Planning Consultant at DAQ, stated on July 3, 2013, the Board proposed for public comment amendments to R307-335. While reviewing public comments made during the public comment period, DAQ determined that further substantive changes to the proposed rule were needed. These changes include increasing the VOC-content limit of industrial

solvent cleaners from 0.42 to 2.49 pounds per gallon or less and removing the exemption to electrical and electronic components. Increasing the VOC-content limit will allow cleaning operations to use solvents other than acetone, which increases fire risk due to its low flash point. Increasing the VOC-content limit makes it so there is no longer a need to exempt the broad electronic industrial sector from the requirements of the rule. Staff recommends the Board propose for public comment the changes made to the proposed R307-335, Degreasing and Solvent Cleaning Operations.

Staff again clarified raising the VOC-content limit and because of the higher limit there is no longer a reason to exempt electronic parts from the rule. Increasing the limit will also allow including a broader range of industrial sectors and thereby maintain the same SIP credit applied in the attainment modeling.

- Kerry Kelly moved the Board propose for public comment, amend R307-335, Degreasing and Solvent Cleaning Operations. Craig Petersen seconded. The Board approved unanimously.

**IX. Propose for Public Comment: New Rule R307-210-2. Oil and Gas Sector: New Source Performance Standards; and New Rule R307-214-3. Oil and Gas Sector: National Emission Standards for Hazardous Air Pollutants. Presented by Mark Berger.**

Mark Berger, Environmental Planning Consultant at DAQ, stated on August 16, 2012, the EPA promulgated new source performance standards (NSPS) and corresponding revisions to the national emission standards for hazardous air pollutants (NESHAP) for the oil and gas sector. On September 23, 2013, EPA revised the oil and gas sector regulations to extend compliance dates for some of the requirements. These NSPS and NESHAP regulations are currently enforceable by EPA. The proposed rule change would incorporate the standards into Utah's rules to make them enforceable under state law. The proposed rule change would not establish any new requirements for sources. Staff recommends the Board propose R307-210-2, Oil and Gas Sector: New Source Performance Standards; and R307-214-3, Oil and Gas Sector: National Emission Standards for Hazardous Air Pollutants, for public comment.

In response to questions from the Board, staff confirmed that green completions mean that equipment is used to separate your liquids and your volatiles and then the volatiles are captured. In addition, these rules were brought before the Board on August 7, 2013, but they were allowed to lapse because of changes made to compliance dates on September 23, 2013.

- Tammie Lucero moved the Board propose for public comment, new rule R307-210-2, Oil and Gas Sector: New Source Performance Standards; and new rule R307-214-3, Oil and Gas Sector: National Emission Standards for Hazardous Air Pollutants. Michael Smith seconded. The Board approved unanimously.

Mr. Berger thanked those Board members who acted as hearing officers at the PM<sub>2.5</sub> hearings. He also confirmed that Michael Smith will act as hearing officer at the November 13 Part H hearing in Provo and Karma Thomson as hearing officer at the November 21 hearing in Salt Lake City.

**X. Informational Items.**

**A. PM<sub>2.5</sub> State Implementation Plan Update and Discussion. Presented by Bill Reiss.**

Bill Reiss, Environmental Engineer at DAQ, stated that the comment period for the two PM<sub>2.5</sub> SIPs was concluded and summarized that about 70 comments were received from approximately 35 different commenters. It appeared most comment topics focused on perceived shortcomings with respect to reasonable available control technology (RACT), control of industry and support for an enhanced wood burning control program, and various suggestions for control of mobile source emissions. Staff is now in the process of responding to those comments and they are on track to bring these SIPs back to the Board in December for final adoption. The comment period for Part H, which includes the emission limits for stationary point sources, will end on December 2, 2013. Mr. Reiss also updated that the I/M program for the Cache SIP is going well and is on track for a January 1, 2014, startup date, as required by the SIP. A contractor has been selected, shops have signed up for the program, and technician training has begun. The implementation of the program on such a tight schedule would not have been possible without the outstanding working relationship with the Bear River Health Department.

**B. MyAir Application Presentation. Presented by John Yoon, Erin Mendenhall, and Kurt Haggmann.**

John Yoon of myAir and Eric Wood from the University of Utah's Department of Family Preventive Medicine and the Rocky Mountain Center for Occupational Environmental Medicine presented the myAir application to the Board. myAir is an organization that started up with the specific objective to provide information to consumers and users using scientific information combined with EPA and Utah DAQ monitoring sites data to make real time calculations that reflect the amount of PM<sub>2.5</sub> and ozone a person might expose themselves to over a period of time when they might be exercising. The idea is to help people tailor their activity level or activity duration to fall inside a safe exposure level, either for PM<sub>2.5</sub> or ozone. Mr. Yoon and Mr. Wood answered questions from the Board and added that a downloadable application is now available at [myairhealth.com](http://myairhealth.com).

**C. Healthy Environment Alliance (HEAL) of Utah's State Implementation Comments. Presented by Matt Pacenza.**

Matt Pacenza of HEAL Utah gave the Board a brief summary of their comments to the PM<sub>2.5</sub> SIPs. In summarizing the five key pollutants by sector, HEAL Utah noted that industry is being allowed to increase its emissions more than 12% between 2010 and 2019. Part of their motivation for urging improvements to the SIPs is that they feel the current SIPs will not be sufficient to meet EPA standards and to urge DAQ to order even deeper cuts. It has been suggested that a recent court decision means that if we fall into serious nonattainment best achievable control technology (BACT) will be required and if that happens it would be advantageous to deal with it as soon as possible in that it would be beneficial to business itself and consumers to factor those cost in as early as possible. They have hired an expert to review the documents with them to identify possible additional cuts. One of the suggested cuts is with a technology called selective catalytic reduction which is a way of converting NO<sub>x</sub> into water and a neutral form of nitrogen. Although HEAL Utah, and other groups, were denied an extension of the SIP comment period they plan to use the Part H comment period to submit additional comments.

**D. Air Toxics. Presented by Robert Ford.**

Rusty Ruby, Compliance Branch Manager at DAQ, updated that activity within the asbestos and lead based programs has stayed the same since the programs began.

**E. Compliance. Presented by Jay Morris and Harold Burge.**

**F. Monitoring. Presented by Bo Call.**

Bo Call, Air Monitoring Section Manager at DAQ, updated the Board on the monitoring graphs and charts. Mr. Call then presented changes made to DAQ's web page in how current conditions, 3-day forecast, and trend chart data is presented. For over 20 years DAQ has had a no burn program with the wood burn program which included a red, yellow, or green call. This color system was never designed to tell people whether the air was good to breathe or not; it was specific to tell people whether they could burn or not. He then explained some of the changes and the reasons behind those changes, some of which included new action forecasting signs, the air quality index, and better graphics with the thermometer on the current conditions page. Finally, a mobile application was created by students at the Weber State Center for Automotive Science and Technology which uses DAQ's new air quality alert system to help individuals determine how the highest pollution level of the day will affect them in making day to day choices. The free application is available at the Google play store under Utah Air.

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

It was noted that R307-302-1, Purpose and Definitions, listed on the draft agenda was pulled and will be presented at a future Board meeting. Enforcement of residential solid fuel burning devices will stay the same except for the possibility of doing after-hour and weekend enforcement and also the possibility of using temperature and/or infrared cameras. It was also suggested that the complaint phone number of (801) 536-4000 be placed in a more prominent location on the web page.

Staff also responded that the DEQ web pages are being updated by department staff to make the pages more consistent across each division with the department and to be more user friendly.

At this time there is no new information to report on Stericycle's request for agency action.

Craig Petersen, Board Member, was recently elected Logan City Mayor. With his responsibilities as a newly elected Mayor he respectfully submits his resignation on the Air Quality Board. Board members congratulated Mayor Petersen and voiced appreciation for his years of service on the Air Quality Board.

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Meeting adjourned at 3:23 p.m.

Minutes approved: December 4, 2013