

**Minutes**  
**Small Business Compliance Advisory Panel**  
**Tuesday, January 16, 2007**

**In Attendance:**

Kevin Hooper, West Valley Community Development - Chair  
Paul Glauser, Staker and Parsons Companies  
Brad Overmoe, Red Hanger Cleaners  
Bryce Bird, Division of Air Quality

Bill Sinclair, Department of Environmental Quality  
Rick Sprott, Division of Air Quality  
Regg Olsen, Division of Air Quality  
Greg Sorenson, Division of Air Quality  
Mike Zucker, Division of Environmental Response and Remediation  
Renette Anderson, Department of Environmental Quality

**Excused:**

Don Lewon, Utah Metal Works  
Marie Marshall, Midvalley Chamber of Commerce  
Mark May, May Foundry

**Approval of Minutes**

Bryce Bird made a motion to approve the minutes of September 26 with the deletion of the reference to the meeting on November 21, which was not held because there were no agenda items. Brad Overmoe seconded the motion which then passed unanimously.

**DEQ Legislative Agenda**

DEQ Deputy Director Bill Sinclair reviewed the questions that were considered in determining which legislation to pursue:

- Is this legislation really needed?
- Who will it impact and has the proposed legislation been discussed with those who will be impacted?
- Does the proposal need broader stakeholder involvement?
- What is the best process/potential schedule for the legislation?

He then summarized legislation which was currently being tracked or pursued by DEQ:

- HB 221 – Bill explained that when certain programs (Hazardous Substance Mitigation Act, Used Oil Management Act, and Waste Tire Recycling Act) have an enforcement action, the statute of limitations for things to be wrapped up is one year. This proposal would allow an extension of that of up to three years and would bring it in line with tolling provisions currently in effect for other DEQ programs.

- HB 99, as proposed, gives Drinking Water and Water Quality Boards the flexibility to fund, either through loans or grants, certain studies.
- (Not Yet Numbered) Energy Solutions has a proposal dealing with capacity which DEQ is watching closely for unintended consequences.
- (Not Yet Numbered) Senator McCoy will be sponsoring a bill dealing with electronic waste recycling and disposal.
- (Not Yet Numbered) Senator Bell will be sponsoring a bill addressing post closure, perpetual care funds at the Energy Solutions site.
- (Not Yet Numbered) Rep. Gowans will be sponsoring a bill to do away with the same perpetual care fund.
- The Division of Air Quality is requesting funding to better define the PM 2.5 issue. Approximately \$1.6 million is in the Governor's Budget request. Rick Sprott explained that the way the EPA rule is currently written, states have to look at the issue using Metropolitan Statistical Areas. The problem with that for Utah is that these study areas are larger than they should be. For example, the Salt Lake-Tooele MSA extends to the Nevada border; the pollution problem is primarily in the Salt Lake Valley. There are similar problems with the Brigham City area because the MSA extends to the Idaho border and with the Orem-Provo MSA which picks up all of Juab county. DEQ is interested in showing that it makes more sense to consider areas topographically. In order to do that, DEQ will have to do monitoring and related analysis to make its case to EPA. The budget request will help buy needed monitoring equipment to further define the problem and then make the case to EPA. Rick warned that if the new standards could not be met, it would put state highway funding in jeopardy. It is proposed that ongoing funding be provided by motor vehicle fees, since cars and trucks account for the bulk of the pollution being targeted. It is anticipated that, beyond the first year, \$3 million a year may be needed.

Kevin Hooper asked about the possibility of using smaller census tracts. Rick explained that whatever is used needed to be small and manageable and take into account the population plus the boundaries needed to capture just the area being impacted. Rick added that the Division will be involving stakeholders in the process.

Brad asked how the Division would go about solving the PM problem. Rick said DAQ would do modeling to figure out the pollution sources. He pointed out that new car standards reduce NOx by 80%; no one knows how that will impact PM. PM 2.5 plans are due to EPA by 2013. Answers will be needed before then because transportation plans are due in 2011.

In response to a question of what would happen if Air Quality did not receive the funding, Rick explained that the move would essentially gut the program, due to loss of federal monies. Paul Glauser suggested that Rick approach the contracting community for its support. Rick said he was in the process of briefing various associations about the need for the funding.

- One time funding of \$66,000 to do an initial mercury assessment at the Great Salt Lake and \$147,000 in ongoing funds to perform tissue analysis on fish taken from waterbodies where elevated mercury levels are suspected.

### **Climate Change Work**

The Governor has established a Blue Ribbon Advisory Council (BRAC) on Climate Change and to support that effort, Air Quality had received a grant from the Hewlett Foundation and had established a Climate Change Stakeholder Work Group (SWG). The BRAC would be the decision group; the SWG would be pulling together research and looking at what is going on in Utah. The Division had gone to great lengths to insure the group was balanced; Paul Glauser from the CAP is a member and will be representing small business interests. CAP members were encouraged to contact him if they had suggestions or concerns.

More information on the process is available on this website:

[http://www.deq.utah.gov/Issues/Climate\\_Change/index.htm](http://www.deq.utah.gov/Issues/Climate_Change/index.htm)

A listserv will be added to notify those interested of upcoming meetings.

### **Changes to the TRI**

Mike Zucker briefly outlined changes to the Toxic Release Inventory (TRI) reporting, recently announced by EPA. The change expands the eligibility for use of Form A Certifications Statement in lieu of the more detailed Form R. The rule change also provides incentives for facilities to improve performance by eliminating or reducing releases and managing remaining wastes through recycling and treatment. See handout and this website: <http://www.epa.gov/tri/tridata/modrule/phase2/forma.htm>

### **Increased Public Interest in Permitting Issues**

Regg Olsen reported that Division was seeing increased interest from the public on permitting and compliance issues. He encouraged the CAP to pass on to other small businesses and to their respective associations the importance of being a good environmental steward and being proactive with the neighbors. Paul said he had noticed a similar trend. His company was finding a real benefit to being proactive in this area.

### **Proposed MACT Change**

Regg drew the group's attention to the handout on the proposed changes to the MACT "Once In, Always In" Rule. Utah was one of two states that had pushed for the change

and had done so at the request of Hexcel, a Clean Utah Partner, and based on experience with the Woodfinishers' Association. He encouraged CAP members to comment on it.

For more information, see: [http://www.epa.gov/ttn/oarpg/t3/fact\\_sheets/OIAIpropfs.html](http://www.epa.gov/ttn/oarpg/t3/fact_sheets/OIAIpropfs.html)

### **Compliance Update**

Bryce reviewed compliance summaries from recent months. (See handouts). The dry cleaner actions were primarily record keeping issues. Paul was encouraged to give Bryce a call for more information about the dust issues.

Bryce will be splitting the compliance section into two to allow for effective coordination of inspections.

### **Regulatory and Outreach Update**

Greg Sorenson reported that the dry cleaner rule had been challenged in court from both sides and that any EPA action is on hold until the court rules.

The first four area source rules proposed will probably not have an impact on small business. Six more rules are to be proposed by June 2007. Greg noted that EPA appears to be rethinking methods of addressing area source rules. One new thought is to address area sources as major MACT standards are revised.

Greg has updated the Dry Cleaning Calendar and has been distributing those. They have been well received. He is also working with the permitting section prior to conducting outreach to reinforced plastics composite companies.