



State of Utah

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Department of
Environmental Quality

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Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

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Kerry Kelly, *Vice-Chair*
Erin Mendenhall
Tammie G. Lucero
Robert Paine III
Amanda Smith
Michael Smith
Karma M. Thomson
Kathy Van Dame
Bryce C. Bird,
Executive Secretary

UTAH AIR QUALITY BOARD MEETING
February 4, 2015 – 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, Kathy Van Dame, Michael Smith, Karma Thomson, Tammie Lucero, and Robert Paine

Excused: Amanda Smith and Erin Mendenhall

Executive Secretary: Bryce Bird

II. Date of the Next Air Quality Board Meeting: March 4, 2015

III. Approval of the Minutes for December 3, 2014, Board Meeting.

- Tammie Lucero motioned that the Board approve the minutes. Robert Paine seconded. The Board approved unanimously.

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

Mark Berger, Air Quality Policy Section Manager at DAQ, stated that in October 2014 the Board proposed amendments to R307-401-19 to allow coverage under a general approval order if a demonstration is completed that meets the requirements of R307-410-5 (1)(c)(2). No comments were received during the 30-day public comment period and no hearing was requested. Staff recommends the Board adopt R307-401-19, General Approval Order, as proposed.

- Kerry Kelly moved that the Board adopt to amend R307-401-19, General Approval Order. Kathy Van Dame seconded. The Board approved unanimously.

V. Five-Year Reviews: R307-103, R307-165, R307-201 through R307-207, R307-305 through R307-307, R307-309, R307-310, R307-841, and R307-842. Presented by Mark Berger.

Mark Berger, Air Quality Policy Section Manager at DAQ, stated that Utah code requires that all administrative rules be reviewed every five years to determine if the rule is still necessary and to determine if the rule is still allowed under state and federal rule. This process is done through a five-year analysis form that is submitted to the Division of Administrative Rules. The five-year review process is not a time to amend a rule, but is simply a time to determine if the rule is still necessary. We have completed the five-year review for 16 air quality rules and have determined that each rule is both allowed under state and federal rule and is also necessary and therefore should be continued for another five years. Staff recommends that the Board continue R307-103, R307-165, R307-201 through R307-207, R307-305 through R307-307, R307-309, R307-310, R307-841, and R307-842 by approving each rule's attached Five-Year Notice of Review and Statement of Continuation form which staff will file with the Division of Administrative Rules.

- Kathy Van Dame moved that the Board approve the five-year reviews for R307-103, R307-165, R307-201 through R307-207, R307-305 through R307-307, R307-309, R307-310, R307-841, and R307-842. Robert Paine seconded. The Board approved unanimously.

Bryce Bird announced Mark Berger's promotion as the new Air Quality Policy Section Manager at DAQ. Mark will be recruiting for his replacement as the Environmental Planning Consultant over the next couple of weeks.

VI. Informational Items.

A. Mountain View Corridor Air Working Group Update. Presented by Cameron Cova and Paul Roberts.

Cameron Cova from Breathe Utah and a member of the Mountain View Corridor (MVC) Air Working Group (AWG) and Paul Roberts of Sonoma Technology, Inc. updated the Board on the MVC AWG projects associated with the air quality issues with the Utah Department of Transportation's (UDOT) construction of the MVC. They explained that the MVC is a planned freeway from Interstate 80 in Salt Lake County to State Route 73 in Lehi. During UDOT's review, members of the public were concerned about future air quality at schools along the new roadway and the MVC Air Working Group was formed. The objectives of the AWG were to monitor air quality effects of the new roadway and to address potential impacts resulting from the new roadway's construction near five schools in the Granite School District. Ms. Cova and Mr. Roberts gave a detailed presentation on the working group and its contractor's initial work and found that background air monitoring has confirmed typical urban concentrations of air pollutants; it is expected that concentrations of toxic air pollutants from vehicular traffic will increase when the MVC is completed; results from other studies at schools near busy freeways demonstrate that concentrations of diesel particulate matter can be significantly reduced in classrooms by a program of improved ventilations systems and filtration; that a mitigation strategy at the five schools is being recommended; and the mitigation strategy includes immediate changes to ventilations systems and ongoing increases in operating costs at the five schools.

In discussion, it was commented that this process is a good example of what can be accomplished when community concerns are brought forward and when agencies react proactively. In addition, as part of the construction there will be improvements in mass transit, there will be another monitoring sessions, changes to intersections, and eventually overpasses. Also, monitoring on the current performance of the current HVAC systems

was done and found that one of the classrooms and several portable classrooms had high levels of carbon dioxide (CO₂). Finally, Mr. Roberts responded to what the effect of black carbon and particulate matter to people who are driving might be. He stated that in looking at fixed-site monitors in Los Angeles, that if people are commuting for 30 minutes to an hour they are exposed to higher concentrations and according to his calculations can be 80% of their daily commute.

B. Request for Rulemaking for Ultra-Low NO_x Water Heaters. Presented by Envision Utah.

Robert Grow, team facilitator of Envision Utah's Clean Air Action Team (CAAT), stated that the Governor asked Envision Utah to facilitate the CAAT with the task to provide recommendations to improve air quality in Utah. One of those recommendations is that the Air Quality Board adopt a rule to require suppliers to sell only ultra-low nitrogen oxide (NO_x) water heaters and that by replacing all water heaters with ultra-low NO_x models it would reduce daily area emissions by about 5.3% in 2050. Mr. Grow gave a brief presentation on their recommendation and provided draft rule language. This would be a statewide implementation with a phase-in period by certain counties by 2018 with the remaining portions of Utah by 2019.

As this is not an action item, the Board was asked to instruct the staff to bring back a proposed rule for the Board's consideration. After further discussion, the Board then instructed staff to present a proposed rule for public comment by the March Board meeting.

C. Comments on Utah's Regional Haze Re-Proposal. Presented by Healthy Environment Alliance of Utah and the National Parks Conservation Association.

Robert DeBirk from Healthy Environment Alliance of Utah (HEAL Utah) stated that HEAL Utah and the National Parks Conservation Association (NPCA) facilitated thousands of comments expressing concerns about Utah's regional haze implementation plan ending on December 22, 2014. They urge the Board and Utah to seize the opportunity presented by the regional haze state implementation planning process to cut pollution in Utah. It is their understanding that Utah plans to repropose a regional haze (RH) state implementation plan (SIP) in March and that after a public comment period the Board will get a chance to submit it to EPA in May 2015. This reproposal signals to them that the Department of Environmental Quality has recognized deficiencies in the previous plan released to the public by the Board in October 2014.

Cory MacNulty from the NPCA stated that they work to protect air quality and the scenic vistas of our national parks. Utah's RH SIP is the plan that proposes best available retrofit technology (BART) to control NO_x pollution and PM_{2.5} emissions for two units each at Hunter and Huntington facilities as required by the Clean Air Act. They have concerns of the state's failure to require these facilities to put on the BART. After working with experts, they believe that selective catalytic reduction (SCR) are the BART, specifically on the BART eligible units at Hunter and Huntington. They are concerned about the incomplete information available during the public comment period and the timing of release of information, in particular the modeling. They have concerns with the cost estimates in which their technical experts believe PacifiCorp overstated the cost of key pollution control technologies while also understating the benefits of SCR. Every hour that the Hunter and Huntington coal plants are allowed to emit the pollution without

BART, thousands of smog producing NO_x pollution are released in the air. They are disappointed Utah has not yet acted to control these facilities. Finally, it is their hope the state's reproposal will lead to real and significant reductions in NO_x and PM_{2.5}, specifically from each of the units at Hunter and Huntington. Ms. MacNulty briefly described the GCVTC's stakeholder process that put a plan together to reduce sulfur dioxide (SO₂) emissions on the Colorado Plateau. EPA's approval of that part of Utah's RH plan for SO₂ is a testament to that process and the reductions that were achieved, but EPA is clear that the 309 plan is not a replacement for reducing NO_x and PM_{2.5}, particularly at the BART eligible sources.

Ms. Van Dame stated some of her concerns and commented that the stakeholder process in the early 90's was well represented all through the Four Corners. The outcome of that work was a regional haze rule in which Utah is the only state that goes under the 309 section of the rules. Utah's RH SIP, originally adopted in 2003, was based on the recommendations of the GCVTC. The GCVTC's 70 recommendations made it so that if we met those recommendations that would be our SIP requirement until 2018. Now, in her mind, there is a decision being made by people that are not in Utah to go after industries in Utah and undo the excellent work of the GCVTC and others to get pollution control installed and early reductions at Hunter and Huntington. In addition, there was significant NO_x reduction in the pollution control that was installed which is about half of what you can get with SCR. She feels that it is destructive to take the hard work of the stakeholders in this case and dismantle it. We need to be able to make agreements that industry and people will know that we will continue to meet, especially with the work we've started in the Uinta Basin. If we want Utah solutions for Utah problems we have to figure a way that we solve our problems and that we don't let EPA in any way limit us.

D. Air Toxics. Presented by Robert Ford.

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

F. Monitoring. Presented by Kimberly Kreykes.

Kimberly Kreykes updated the Board on the monitoring information. In discussion it was noted there were no exceedances in December 2014 which was in contrast from the previous year. Staff was asked to provide at the next meeting a comparison of exceedances in the 2013/2014 winter versus the 2014/2015 winter data.

G. Other Items to be Brought Before the Board.

Public comment from George Chapman, retired engineer, was introduced. Mr. Chapman commented on his concerns that DAQ might approve Navitus', a recycling facility, air permit. In his work as an engineer incineration systems don't work very well in nonhomogeneous feed stock which is what this facility is. This is an intent to approve a facility that has not been fully tested. He asks the Board to take action and make sure that DAQ does not approve the plant. Mr. Chapman also has concerns with gravel pits and their seemingly rubber-stamp approval for operation. He is asking the Board to increase mitigation measures for such facilities, in particular those in the Capitol Hill area and he would like rules that require hazardous waste burn plants, cement kilns, and refineries to cover their hazardous waste. Finally, he asks the Board to provide more funding for portable air monitors. He feels the reason fireworks were almost banned in Ogden last

year was the poor location of a monitoring trailer and if hand-held monitors were available that would not have been an issue.

Mr. Bird gave an update on the current legislative session by stating that most of discussion so far has been on budget items, the base budget and building blocks. Mr. Bird went over five appropriation requests: a request for \$600,000 to build a system to take information collected so far and put it in a geographic information systems format so that it is available to state, county, and city agencies; a request for an additional Attorney General staff member to support air quality efforts; a request to change the one-time \$1 million funding received last year to an on-going appropriation of \$750,000 per year for research; a request for three new compliance inspectors, a vehicle, and additional resources to address growth in the Uinta Basin; and finally a request to fund the clean air retrofit, replacement, and off-road technology program.

Mr. Bird also updated the Board on statements he made to a legislative committee regarding wood burning restrictions. DAQ has heard the comments and now understands more about the impacts, and also understanding more of the reasons that people choose to burn and the constraints in areas of those large nonattainment areas not serviced by natural gas. DAQ still acknowledges that we have a problem and that wood burning is still contributing to our air pollution not only regionally but the local impacts as well. As we move forward, the Board accepts public comment, makes reasonable rules that both provide air quality benefit but also are not overly burdensome as they are implemented. The comment period regarding wood burning restrictions ends on February 9, staff will collect those comments and will provide written responses to the Board, and come back with a recommended path forward that will address and respond to those comments. In discussion with the Board, everyone is encouraged to use the best data available and to not try to angle the data to suit individual needs. There are serious health effects to wood smoke and we need to figure out a way to go forward that will have broad buy-in. The important thing is that we have started important conversations on this issue.

Meeting adjourned at 3:14 p.m.

Minutes approved: March 4, 2015