



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*  
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 MEETING**  
**October 7, 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: Michael Smith, Steve Sands, Arnold Reitze, Karma Thomson, Erin Mendenhall, Alan Matheson, Kerry Kelly, and Robert Paine

Executive Secretary: Bryce Bird

**II. Date of the Next Air Quality Board Meeting: December 2, 2015**

The November 2015 meeting was canceled.

**III. Approval of the Minutes for September 2, 2015, Board Meeting.**

- Erin Mendenhall motioned to approve the minutes as submitted. Kerry Kelly seconded. The Board approved unanimously.

**IV. Final Adoption: Section XX, Part N, Enforceable Commitments for the Utah Regional Haze SIP. Presented by Jay Baker.**

Jay Baker, Environmental Scientist at DAQ, stated that this item went out for a 30 day public comment period on August 15, 2015. Public comments were received and staff made clarifications in the memorandum to the Board in regards to those comments. Staff recommends that the Board adopt the attached SIP Section XX, Part N, Enforceable Commitments, for the Utah Regional Haze SIP.

In response to questions, staff responded that the 42,016 tons as stated in the response to comments came from the SO<sub>2</sub> and NO<sub>x</sub> emissions reductions from Hunter, Huntington, and the Carbon units combined. Of that figure, 8,005 are from the Carbon units.

- Kerry Kelly moved for final adoption of Section XX, Part N, Enforceable Commitments for the Utah Regional Haze SIP. Michael Smith seconded. The Board approved unanimously.

**V. Final Adoption: Amend R307-110-28. Regional Haze. Presented by Ryan Stephens.**

Ryan Stephens, Environmental Planning Consultant at DAQ, stated that this rule will incorporate the enforceable commitments that the Board just adopted into the regional haze section of the State Implementation Plan (SIP). A public comment period was held and no comments were received. Staff recommends that the Board adopt R307-110-28, Regional Haze.

- Michael Smith moved that the Board approve final adoption to amend R307-110-28, Regional Haze. Erin Mendenhall seconded. The Board approved unanimously.

**VI. Propose for Public Comment: Amend R307-101-2. Definitions; R307-312-5. Hot Mix Asphalt Plants; and R307-328-4. Loading of Tank Trucks, Trailers, Railroad Tank Cars, and Other Transport Vehicles. Presented by Ryan Stephens.**

Ryan Stephens, Environmental Planning Consultant at DAQ, stated that these rules are being proposed in response to EPA's conditional approval of parts of Utah's PM<sub>2.5</sub> SIP. The Division sent a letter to EPA on August 4, 2015, which committed to amending these rules. These amendments will satisfy that commitment and make Utah's PM<sub>2.5</sub> SIP approvable by the EPA. There are no anticipated costs associated with this rule. Staff recommends that the Board propose R307-101-2, R307-312-5, and R307-328-4 for public comment.

In discussion, staff responded that the three equivalent methods, as stated in the memorandum, have distinguishable differences and also satisfies EPA's request. It was also explained that the tanks can either be loaded from the top with a submerged fill pipe or the tubing can be connected to the bottom of the tank and then fills in from the bottom. These are separate submerged delivery methods to reduce volatile organic compound generation. It was also clarified that with these proposed rule amendments, DAQ is trying to address what EPA terms "director's discretion." One of EPA's concerns was that the Director, and not the Board, had the ability to determine what equivalent methods could be used by a source. EPA felt that should be removed from these rules. Now if a source came with another option that would have otherwise been covered by or as approved by the Director it would actually have to come back through rulemaking instead. It was also discussed and noted by staff that when the rules are next amended for definitions, that the wording for "actual emissions," "chargeable pollutant," and "Clean Air Act" definitions be amended to make them more understandable.

- Erin Mendenhall moved that the Board propose for public comment the amended R307-101-2, Definitions, R307-312-5, Hot Mix Asphalt Plants, and R307-328-4, Loading of Tank Trucks, Trailers, Railroad Tank Cars, and Other Transport Vehicles. Robert Paine seconded. The Board approved unanimously.

**VII. Propose for Public Comment: Amend R307-405-3. Definitions; and R307-415-3. Definitions. Presented by Ryan Stephens.**

Ryan Stephens, Environmental Planning Consultant at DAQ, stated that these rules are being proposed in response to EPA's removal of portions of its PSD and Title V permitting regulations that were initially promulgated in 2010. EPA can no longer treat greenhouse gases as an air pollutant for the specific purpose of determining whether a source, or modification thereof, is required to obtain a prevention of significant deterioration (PSD) or Title V permit. The DAQ is proposing changes to the Utah rules, so that they will align with the change in federal regulations regarding greenhouse gases and the PSD and Title V programs. There are no anticipated costs from

this amendment. Staff recommends that the Board propose R307-405-3 and R307-415-3 for public comment.

In discussion, staff responded that the withdrawal of the five Title V source applications or permits was because they were based solely as greenhouse gas sources when the tailoring rule was implemented and their removal will align with the change in federal regulations. Board member Michael Smith disclosed that his employer, IM Flash Technologies, was one of the sources that withdrew its permit.

- Karma Thomson moved that the Board propose for public comment to amend R307-405-3, Definitions, and R307-415-3, Definitions. Kerry Kelly seconded. The Board approved unanimously.

#### **VIII. Propose for Public Comment: Amend R307-801. Utah Asbestos Rule. Presented by Ryan Stephens.**

Ryan Stephens, Environmental Planning Consultant at DAQ, stated that on March 25, 2015, Governor Gary Herbert signed Utah House Bill 229, Air Quality Modifications, into law. House Bill 229 revised the statutory definition of “asbestos” and modified what suspect asbestos-containing materials need to be inspected for in residential structures of four units or less. This proposed rule amends R307-801, Utah Asbestos Rule, so that it reflects changes to and is made consistent with Utah Air Conservation Act modifications. The proposed rule includes modifications recommended by staff and the regulated communities to help the Division better administer the Utah asbestos program. Staff recommends that the Board propose amendments to R307-801, Utah Asbestos Rule, for public comment.

Public comment from Eldon Romney, an inspector, management planner, project designer, and contractor supervisor in Utah, was introduced. Mr. Romney who represents regulated community and the Utah Facilities Operation and Maintenance Association (UFOMA) have concerns with this proposed rule. He questions why is the 30 year definition of “asbestos” being proposed to change and also what health data was used to make this change when the EPA and the Occupational Safety and Health Administration have not made such a change. The proposed changes will bring up several problematic issues for the regulated community, in particular the definitions of “asbestos” and “Libby Amphibole” regarding the disturbance of vermiculite. They understand the health issues if you get enough exposure but they are not convinced that DAQ should step in and regulate it throughout the state. A petition from UFOMA was presented to the Board requesting that the Board not approve or implement the proposed changes to R307-801. They plan to be active in the public comment process for this rule but they also wanted to address the Board in person today.

In discussion, staff explained that legislation with House Bill 229 originated through DAQ’s recommendation and it went through the full legislative process with committee hearings and such. The issue is that Utah is a bit unique in that it has two separate processing plants for Libby amphibole (asbestos) material, and it was very prevalent in buildings during a certain time frame in the state as well. The raw ore that was mined in Libby, Montana and caused all those health problems was actually processed and installed here in Utah. The Board has asked that when this comes before the Board again, that DAQ present the health data that led to the suggested change in legislation. If this proposal is approved, the earliest it would come before the Board would be in February 2016.

- Michael Smith moved that the Board propose for public comment to amend R307-801, Utah Asbestos Rule. Robert Paine seconded. The Board approved unanimously.

**IX. Propose for Public Comment: Amend R307-110-28. Regional Haze. Presented by Ryan Stephens.**

Ryan Stephens, Environmental Planning Consultant at DAQ, stated this rule will incorporate the five-year progress report for regional haze into the SIP. A public comment period was held on the progress report and a public hearing was held. EPA requires that these reports are done in compliance with the procedures of a SIP revision which includes adoption into the state SIP. This rule is being proposed to incorporate the progress report in Utah's regional haze SIP and will satisfy EPA's request to submit it as a SIP revision. This proposed comment period is for addressing this proposed rule amendment and not the progress report itself. Staff recommends that the Board propose the amended R307-110-28, Regional Haze, for public comment.

- Kerry Kelly moved that the Board propose for public comment to amend R307-110-28, Regional Haze. Robert Paine seconded. The Board approved unanimously.

**X. Informational Items.**

**A. Petition for Rulemaking: Emission Limits, Offsets, Testing Frequency, and Public Participation. Presented by HEAL Utah, Western Resource Advocates, and Utah Physicians for a Healthy Environment.**

Matt Pacenza, Executive Director at HEAL Utah, stated that in late 2014, Utah finalized its SIP to control PM<sub>2.5</sub>. The plan included a wide range of strategies to control pollution. As the plan was developed in 2013, several key stakeholders, including the EPA, HEAL Utah, Western Resource Advocates, and Utah Physicians for a Healthy Environment, urged the DAQ to make changes to strengthen parts of the SIP that focused on point sources. The DAQ did incorporate several central parts of stakeholder feedback in the 2014 SIP, addressing startup, shutdown, and malfunction emissions and accelerating reasonable available control technology (RACT) deadlines. However, DAQ chose not to implement several key recommendations that EPA and environmentalists had urged. The listed environmental advocate groups have decided to petition the Board to pass several key rules they believe will improve our emissions control regimen and boost public faith and participation in the SIP and the permitting of point sources which contribute to Utah's failure to attain the PM<sub>2.5</sub> standards.

Joro Walker, Utah Director at Western Resource Advocates, gave a brief description of their proposed four rules. Rule one is in response to the acknowledgement that Utah is not meeting the 24-hour standard and this rule would enact short-term emission limits. The rule would prevent spikes by imposing a 24-hour limit and applies to state identified industrial SIP pollution sources. Rule two is in response to the current practice of stack testing every three to five years. Their rule proposes continuous emissions monitoring and annual stack tests where feasible. It also grants the division director, with public input, discretion to determine feasibility. Rule three acknowledges that current rule allows many minor pollution increases that can add up to substantial pollution additions. Their rule lowers the threshold for emission increases that require offsets and prevents many minor increases from adding to our air pollution problem. The fourth and final rule would improve public participation. Currently critical permitting documents are sometimes unavailable and short public comment periods can hinder meaningful participation. Their rule requires DAQ to provide critical documents on request and automatically extends the public comment period on request.

The presenters and staff then answered several questions from Board members. In conclusion, the environmental groups believe their proposed rules will strengthen Utah's SIP, show the EPA that authorities take our PM2.5 problem seriously, and will produce more accurate data. In addition, they will help reduce emissions, help with other criteria pollutants, and boost public confidence in point source regulation. They will provide the Board with formal petitions and rule language in the coming weeks. Staff will then analyze each rule and make a presentation to the Board of benefits and costs so that the Board can make informed decisions.

**B. Clean Power Plan Final Rule. Presented by Glade Sowards.**

Glade Sowards, Environmental Scientist at DAQ, explained that the Clean Power Plan (CPP) is part of the Administration's climate action plan to reduce greenhouse gas emissions. On August 3, 2015, EPA announced the final rule for new and modified electric generating units (EGUs), the final rule for existing EGUs, or the Clean Power Plan, and the proposed federal plan and model trading rules for the CPP. Under the final regulation for new sources, EPA established a CO<sub>2</sub> performance standard of 1,400 pounds of CO<sub>2</sub> per megawatt hour for new coal units and 1,000 pounds per megawatt hour for new natural gas units. Mr. Sowards continued with an overview of the CPP final rule and stated that it covers 11 power plants in Utah, that EPA established rates based on three best system of emissions reductions (BSER) building blocks, and that EPA used BSER to establish emissions performance rates for two sources categories, steam and natural gas combined cycle rates. Mr. Sowards addressed several questions from Board members. He also explained that Utah's Governor is designated as the authorized official to submit Utah's plans and that it will likely be the Air Quality Board that would finalize a plan for the Governor's submittal. Utah's initial submittal of the plan is due to EPA by September 6, 2016, with an opportunity to submit an initial submittal extension requests. Some considerations of the initial plan submittal are that it does not require adoption of any enforceable measures or final decisions, does not require legislation and/or regulations to be passed, and does not change the compliance period. Failure to submit an initial plan will trigger a federal plan. The next steps will be to start a series of stakeholder meetings with the goal of completing an initial submittal for public review by June 2016 and submittal to EPA by September 6, 2016.

**C. Final Data Requirements Rule for the 2010 1-Hour Sulfur Dioxide Primary National Ambient Air Quality Standard. Presented by Glade Sowards.**

Glade Sowards, Environmental Scientist at DAQ, explained that on June 2, 2010, EPA established a primary one hour SO<sub>2</sub> air quality standard of 75 parts per billion. In May through June 2012, the EPA had stakeholder discussions and developed a white paper and later implemented a strategy for the 2010 standard. Then in July 2013 EPA identified 29 areas as nonattainment in 16 states where monitored air quality showed violations of the 2010 standard, to which Utah was not among those areas. Also, a court order in March 2015 required EPA to complete designations for the 2010 standard for all remaining areas in the country and to do that in three rounds. Mr. Sowards continued with an overview of the data requirements rule which was finalized on August 10, 2015. Two important dates include that by January 15, 2016, air agencies are required to submit a final list identifying sources around which air quality is to be characterized. And by July 1, 2016, each agency is required to identify, for each source on the list, the approach it will use to characterize air quality. In closing, the final next steps will be meeting with the three sources covered by

EPA's emissions threshold and working with them to select a modeling or monitoring option. Then work with EPA to develop a modeling protocol to use for air characterization modeling or monitor siting.

**D. Mining in High Winds Areas. Presented by Adrian Dybwad.**

Adrian Dybwad, Salt Lake County citizen, presented to the Board information on how strong winds at point of the mountain (POM) contribute to pollutants in the Salt Lake Valley. While prevailing winds may be mild in the rest of the valley, at POM winds can be in excess of 25 miles per hour. Lately, mining activities of point sources at POM have progressed up the slopes towards the bench and now into the peaks of the mountains. The prevailing winds carry dust fine to the Salt Lake and Utah County Valleys and often this dust laden wind is strongest at night when the dust is not visible. Mr. Dybwad is asking the Board to provide a continuous state and local air monitoring station in Bluffdale, Utah to determine the particle size, frequency, and density of this dust; provide an official analysis of the dust to determine its crystalline silica, particle sizes, and heavy metal content; and finally determine what rules or permit requirements should be revised to take into account unique geological areas that may contribute to windblown fugitive dust emissions. Mr. Dybwad also proposes that rules be changed that would require an operator to cease or reduce fugitive dust producing operations when wind speeds exceeds 25 miles per hour and that they follow some suggested contingency measures.

Tim Wagner, Executive Director of Utah Physicians for a Healthy Environment, shared a letter they are presenting the Draper City Council which briefly describes why the current level of mining activity is inappropriate at POM given its location in the heart of the most densely populated area of the state and they urge the Council to reject its proposal to rezone the area around the current pit to allow for expansion.

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

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

**G. Monitoring. Presented by Bo Call.**

Bo Call, Monitoring Section Manager at DAQ, updated the Board on monitoring graphs. He noted the elevated PM<sub>2.5</sub> in August was due to fire events in the west. Staff is still validating and certifying that data and EPA has yet to concur if those will be approved as exceptional events. Staff added that Montana is looking at about 80 exceptional event days due to wildfires. Because it is a western states event, Utah DAQ has been talking with other western states on perhaps developing one package because of the impact across the west. Mr. Call continued that it is the end of the ozone season and updated that on October 1, 2015, the final ozone rule came out which changed the standard to 70 parts per billion (ppb) and changed some monitoring requirements. Basically, this makes Utah a year round ozone monitor state. Ozone has gotten better over the years but Utah is still showing exceedances of 70 ppb in about half the places on a three year average.

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

Public comment from Dean Dinas, of Ki-Technologies, Inc. was introduced. Mr. Dinas presented information on heavy industries that generate hydrocarbon combustion emissions in the Wasatch Front and Uinta Basin. Mr. Dinas gave an overview of plans for a liquefied

natural gas network. This technology introduces natural gas as a substitute fuel for diesel in field vehicles, rigs, and electric generators, which has a multiplier effect. He is asking the Board for guidance on behalf of his company on how to introduce new equipment and technologies that would displace diesel fuels and reduce the new hydrocarbon emissions in the Uinta Basin. Mr. Dinas was asked to make an appointment with appropriate DAQ staff to see if they can help or direct him in the right direction for the guidance he seeks.

---

Meeting adjourned at 4:17 p.m.

Minutes approved: December 2, 2015