

**UTAH AIR QUALITY BOARD MEETING**  
**June 4, 2008**  
**168 North 1950 West, Room 101**  
**Salt Lake City, Utah 84116**

**FINAL MINUTES**

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**I. Call-to-Order**

Ernie Wessman called the meeting to order at 1:32 p.m.

Board members present:

Ernest Wessman, Jim Horrocks, Nan Bunker, Kathy Van Dame, Stead Burwell,  
Steve Sands, Joel Elstein, Darrell Smith, and Wayne Samuelson

Excused: Craig Petersen and Rick Sprott

Executive Secretary: Cheryl Heying

**II. Date of the Next Air Quality Board Meetings:** July 2, 2008 and August 6, 2008

**III. Approval of the Minutes for the May 7, 2008 Board Meeting.**

- Steve Sands moved to approve the minutes of the May 7, 2008, Board meeting. Nan Bunker seconded. The Board approved unanimously.

**IV. Petition to Intervene in Intermountain Power Project Unit 3 Appeal by James Kennon, Dick Cumiskey, and Save Our Air and Resources. Presented by Fred Nelson.**

Mr. Wessman stated that because of his business relationship with the Intermountain Power Project (IPP) Unit 3 Development Committee participants he is recusing himself and asked Mr. Horrocks to conduct this agenda item. Mr. Sands and Ms. Van Dame also recuse themselves from this item, but Ms. Van Dame will participate in the discussion.

Fred Nelson, of the Attorney General's Office and counsel to the Board, explained that the Executive Secretary issued an approval order to Intermountain Power Project to build a Unit 3. Sierra Club then petitioned to intervene by filing a request for agency action, which the Board initially denied. After an appeal to the Utah Supreme Court by the Sierra Club, intervention was granted. During the process, the holder of the approval order and permit, Intermountain Power Service Corporation (IPSC), withdrew from the proceeding and the IPP Unit 3 Development Committee (Development Committee) asked the Board to allow them to participate as a party of interest. The Development Committee's petition to intervene was granted by the Board in March 2008. Currently a hearing date has not been set by the Board and the matter is pending. A petition to intervene has now been filed by Mr. Kennon, Mr. Cumiskey, and Save Our Air and Resources (SOAR) to intervene in the IPP proceedings. Mr. Nelson recommends that the Board allow each party 10 minutes addressing the Board before a decision is made.

James Kennon, representing himself and SOAR, explained that based on the Utah Supreme Court opinion on standing an association may have standing regardless of the number of its members and that a forum of qualified interested parties can be heard. Mr. Kennon feels that they have answered the questions posed by opposing parties in this case and request the Board grant their petition to intervene.

Michael Keller, of Van Cott, Bagley, Cornwell & McCarthy and representing the Development Committee, stated that he believes the question before the Board is what relief is Mr. Kennon, Mr. Cumiskey, and SOAR seeking by asking to intervene, other than they want to be a part of the proceeding. Further, any challenge to the permit needed to be made in a timely manner, within the initial 30 day period.

Paul McConkie, of the Attorney General's Office representing the Executive Secretary, explained that there are two problems with the petition to intervene. The first is timeliness in that they did not file a request with the Board within 30 days of the issuance of the initial order. And second that they have not stated what relief they are seeking from the Board. Mr. McConkie suggested amicus status might be more appropriate, if they wish to be heard.

Dick Cumiskey, representing himself and SOAR, responded that the relief they seek is to make sure the topics referenced to Sevier Power Company (SPC) be protected by granting them invention. Mr. Kennon added they would like to have full participation in the proceeding which intervention would allow and amicus status would not.

Mr. Nelson explained that when the IPP Unit 3 permit was issued it was issued in approximately the same time period as the SPC permit. At that time intervention requests were made by a number of parties within the 30 day period. SOAR asked to intervene in the SPC matter and Sierra Club asked to intervene in both matters. The Board established a requirement, which has been in place since the administrative rules of the Board were established, that if a party were going to challenge a permit or an action by the Executive Secretary they should do so within 30 days of the issuance of the initial order.

The Board then discussed and asked questions on the petition to intervene with both parties and with the Board's counsel. Board members were then asked to comment on this petition before a motion was to be made.

Mr. Nelson concluded that the issue before the Board at this time is to determine whether or not the 30 day timing rule has been met in filing the petition to intervene.

- Nan Bunker moved to deny the petition to intervene by James Kennon, Dick Cumiskey, and Save Our Air and Resources. Wayne Samuelson seconded. The Board denies the petition to intervene by a vote of four in favor (Bunker, Horrocks, Samuelson, and Smith) and two opposed (Burwell and Elstein).

**V. Propose for Public Comment: Amend State Implementation Plan, Section XX. Regional Haze; Amend R307-110-28. Regional Haze. Presented by Colleen Delaney.**

Colleen Delaney, Environmental Scientist at DAQ, stated that the Board is being presented with proposed revisions to the regional haze state implementation plan (SIP) which was adopted in 2003. Ms. Delaney then presented a PowerPoint presentation to give background information and explain the proposed revisions. Staff recommends that the Board propose this agenda item for public comment.

Mr. Wessman commented on the success of this SIP and how it has made a difference in reducing emission in Utah.

- Kathy Van Dame moved to propose for public comment Amend State Implementation Plan, Section XX Regional Haze; Amend R307-110-28 Regional Haze. Nan Bunker seconded. The Board approved unanimously.

**VI. Propose for Public Comment: Amend R307-150. Emission Inventories. Presented by Colleen Delaney.**

Ms. Delaney indicated that this agenda item is part of the regional haze SIP package. This emission inventory rule is to ensure that when comparing emission inventories for sources that they were comparable to the methodology that was used to calculate the milestone. Since the new SIP, DAQ is moving to 2006 inventory as the methodology comparison. Therefore, some provisions that were included in R307-150 are no longer needed. Staff recommends that the Board propose the amendments to R307-150 for public comment.

- Darrell Smith moved to propose for public comment Amend R307-150 Emission Inventories. Joel Elstein seconded. The Board approved unanimously.

**VII. Propose for Public Comment: Amend R307-250. Western Backstop Sulfur Dioxide Trading Program. Presented by Colleen Delaney.**

Ms. Delaney indicated that this agenda item is part of the regional haze SIP package. DAQ is recommending changes to the rule to conform to the changes in the proposed SIP and to also address comments from EPA on the 2003 SIP. Staff recommends that the Board propose R307-250 for public comment.

- Kathy Van Dame moved to propose for public comment Amend R307-250 Western Backstop Sulfur Dioxide Trading Program. Nan Bunker seconded. The Board approved unanimously.

**IX. Informational Items.**

- A. Air Toxics. Presented by Robert Ford.**
- B. Compliance. Presented by Jay Morris and Harold Burge.**
- C. Monitoring. Presented by Bob Dalley.**

Bob Dalley updated the Board on monitoring data noting that the exceedances on the graphs were due to high wind days. These events are being reviewed for flagging as exceptional events.

Ms. Heying added that the DAQ is participating with the Department of Agriculture and the Department of Natural Resources in revegetating the Milford Flat area. Also, DAQ has had an active presence at gravel facilities to make sure they are watering as much as possible.

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Meeting was adjourned at 3:04 p.m.

Minutes approved: August 6, 2008