

**UTAH AIR QUALITY BOARD MEETING**  
**July 1, 2009 – 1:30 p.m.**  
**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 1:34 p.m.

Board members present: Nan Bunker, Ernie Wessman, Kathy Van Dame, Darrell Smith, Joel Elstein, Brent Bradford, Kerry Kelly, Robert Paine, Amanda Smith, and Craig Petersen (attendance by phone)

Excused: Steve Sands

Executive Secretary: Cheryl Heying

Mr. Wessman indicates a change in the order of agenda items. The annual election of the Chair and Vice-Chair was presented after the approval of the May 6, 2009, Board minutes.

**II. Date of the Next Air Quality Board Meeting:** September 2, 2009.

Ms. Heying informed the Board that currently there is one action item to come before the Board for the August 2009 meeting and that this item could wait to be addressed at the September 2009 meeting. After discussion, the August 5, 2009, Board meeting was canceled and the next Board meeting will be held on September 2, 2009.

**III. Approval of the Minutes for May 6, 2009 Board Meeting.**

- Nan Bunker moved to approve the minutes of the May 6, 2009, Board meeting. Brent Bradford seconded. The Board approved in favor (Bunker, Wessman, Van Dame, D. Smith, Elstein, Bradford, Kelly, Paine, Petersen) and Amanda Smith absent.

Amanda Smith enters Board meeting.

**IV. Annual Election of Chair and Vice-Chair.**

Mr. Wessman opened the floor for nominations for Chairman of the Air Quality Board for the coming year. Ms. Bunker nominates Ernie Wessman as Chairman with no other nominations made and no further discussion.

- Nan Bunker nominates Ernie Wessman as Chairman of the Board for the coming year. Darrell Smith seconded. The Board approved unanimously.

Mr. Wessman informed the Board that the Vice-Chair duties include conducting meetings in the absence of the Chairman and also takes over in cases where the Chairman must recuse him or herself. The floor was then opened for nominations for Vice-Chair of the

Air Quality Board for the coming year. After brief discussion, Mr. Smith nominates Steve Sands as Vice-Chair with no other nominations made.

- Darrell Smith nominates Steve Sands as Vice-Chairman of the Board for the coming year. Kerry Kelly seconded. The Board approved unanimously.

**V. Final Adoption: Amend R307-101-2. General Requirements. Definitions. Presented by Steve Packham.**

Steve Packham, Toxicologist at the Division of Air Quality (DAQ), stated that the definitions found in the general section of the rules in R307-101-2 are based upon threshold limit values published in the American Conference of Governmental and Industrial Hygienists (ACGIH). The ACGIH publishes an update of threshold limit values annually. Therefore, it is important that the definitions in DAQ's rules which reference the ACGIH publication are updated. This agenda item updates DAQ's rules to the current 2009 version of the ACGIH publication. A public comment period was held April 15 through May 15, 2009, and no comments were received. Staff recommends that R307-101-2 be adopted as proposed.

- Kathy Van Dame moved to approve final adoption of R307-101-2. Nan Bunker seconded. The Board approved unanimously.

**VI. Five-Year Review: R307-101. General Requirements. Presented by Kimberly Kreykes.**

Kimberly Kreykes, Environmental Planning Consultant at DAQ, stated under section 63G-3-305 of the state statute the DAQ is required to review each of their rules within five years of the rule's original effective date or within five years of the filing of the last five-year review. In order to simplify the five-year review process, if a rule is amended one year or more after the last five-year review is filed, a five-year review is also completed with the adoption of the revised rule. This practice allows the DAQ to review the rule while it is still fresh in their minds.

If possible, five-year reviews are grouped together by topic which allows rules surrounding a single topic to be reviewed together. For example, changes to one or two ozone rules are followed by five-year reviews of all rules that apply to ozone.

Today the Board adopted changes to R307-101-2. In conjunction with that action, a five-year review for R307-101 General Requirements has been completed. R307-101 has been amended twice since the last five-year review. No comments have been received on either amendment, nor have any other comments been received since the last five-year review.

Section R307-101-2 includes all definitions that apply throughout all the rules contained in R307. Without them, the remaining rules would be unenforceable, so this rule should be continued. In addition, R307-101 is contained within Utah's State Implementation Plan, which has been federally approved.

Staff recommends the Board continue this rule by approving the attached forms to be filed with the Division of Administrative Rules.

- Brent Bradford moved to approve the five-year review and continue R307-101. Robert Paine seconded. The Board approved unanimously.

## **VI. Informational Items.**

Mr. Wessman introduced two new Board members. Amanda Smith is currently the Department of Environmental Quality's Acting Executive Director and Dr. Robert Paine is replacing Dr. Wayne Samuelson. In addition, Jim Horrocks, Stead Burwell, and Wayne Samuelson were recognized for their service on the Air Quality Board.

### **A. Wasatch Front Regional Council Transportation Committee Discussion. Presented by Kip Billings.**

Ms. Heying presented to the Board for Mr. Billings that the DAQ currently coordinates and has representatives with the Wasatch Front Regional Council (WFRC) and the Mountainland Association of Governments (MAG) committees on air quality issues. Darrell Smith currently sits on WFRC's Transportation Coordinating Committee (Trans Com) as the Council of Governments appointed representative and he also sits on MAG's committee. The Trans Com's Air Quality Board representative was Jim Horrocks. Since Mr. Horrocks' term on the Board has expired, Darrell Smith will also represent the Air Quality Board on the Trans Com.

### **B. Air Toxics. Presented by Robert Ford.**

Robert Ford, Manager of the Air Toxics Lead Asbestos Standards section, gave an explanation of the work activities, enforcement action items, and penalties covered in the air toxics memorandum submitted to the Board and answered questions by the Board.

### **C. Compliance. Presented by Jay Morris and Harold Burge.**

Harold Burge and Jay Morris, Managers of the Major and Minor Compliance sections, gave explanations of the work activities, enforcement action items, and penalties covered in the compliance memorandum submitted to the Board and answered questions by the Board.

### **D. Monitoring. Presented by Bo Call.**

Bo Call, Manager of the Air Monitoring Center, updated the Board on the monitoring graphs submitted to the Board and answered questions by the Board.

From the audience, Susan Hardy of the MAG suggested that at a future Board meeting the MAG could explain to the Board what a metropolitan planning organization is and how they interact with the DAQ.

Ms. Heying explained that Board members attended a working lunch today to become familiar with the DAQ. She suggested topics for future working lunches to be an explanation of the state implementation plan and also the relationship of the DAQ with the different transportation metropolitan planning organizations along the Wasatch Front and Washington County.

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Meeting was adjourned at 2:10 p.m.

Minutes approved: September 2, 2009

**UTAH AIR QUALITY BOARD  
WORKING LUNCH SESSION  
July 1, 2009 - Noon  
168 North 1950 West – Room 201  
Salt Lake City, Utah 84116**

**FINAL MINUTES**

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Board members present: Joel Elstein, Nan Bunker, Kathy Van Dame, Kerry Kelly, Brent Bradford, Ernie Wessman, Darrell Smith, Robert Paine, Amanda Smith, and Craig Petersen (attendance by phone).

Bryce Bird, Planning Branch Manager at DAQ, gave an introduction of where the Division of Air Quality (DAQ) and the Board fits in the Clean Air Act process and environmental regulations in the State of Utah. This was followed by introduction of the DAQ managers who gave a brief explanation of their section and a current issue they are working on.

The Federal Clean Air Act (FCAA) gives the DAQ authority for many of the programs that they administer. The FCAA was established in 1970 and gives the Environmental Protection Agency (EPA) authority to make rules. The EPA's rules are contained in the Code of Federal Regulations (CFR) Chapter 40. The Utah State Legislature established the Air Conservation Act in 1969. The rulemaking authority for the DAQ is the Air Quality Board (Board) whose appointment and authority comes through the Governor and approved by the Senate. The bulk of the rulemaking authority comes from the Air Conservation Act, FCAA, and the implementing regulations.

State implementation plans have been developed to meet the federal air quality requirements. The Planning Branch of DAQ is responsible for developing comprehensive plans to meet requirements to reduce air pollution and developing rules that set requirements on air emissions for both individuals and industry in Utah. Planning recommends these to the Board for approval and goes through the rulemaking process. The Planning Branch consists of Mobile Sources, SIP/Rules, Technical Analysis sections, and the Air Monitoring Center.

Once a rule is approved those become applicable to a source through the permitting process. The Permitting Branch creates documents which notify a source about the requirements that apply to that source which they need to comply with to be an operating source in Utah. The Permitting Branch consists of Major New Source Review, Minor New Source Review, and Operating Permits sections.

The Air Standards Branch is responsible for ensuring that a source complies with all regulatory requirements of the federal rules, state rules, and permits. A source is evaluated for compliance through inspections and enforcement. The Air Standards Branch consists of Minor Source Compliance, Major Source Compliance, and Air Toxics, Lead-Based Paint, and Asbestos sections.

Cheryl Heying concluded by reviewing with the Board her presentation, State Implementation Plan for New PM2.5 Air Quality Standards, that was presented to the Legislative Interim Committee in June 2009.

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Minutes approved: September 2, 2009