

UTAH AIR QUALITY BOARD MEETING

May 6, 2009 – 1:30 p.m.
168 North 1950 West, Room 101
Salt Lake City, Utah 84116

FINAL MINUTES

I. Call-to-Order

Ernie Wessman called the meeting to order at 1:31 p.m.

Board members present: Nan Bunker, Ernie Wessman, Steve Sands, Joel Elstein, Bill Sinclair, Brent Bradford, Kerry Kelly and Wayne Samuelson

Excused: Craig Petersen, Darrell Smith, Kathy Van Dame

Executive Secretary: Cheryl Heying

II. Date of the Next Air Quality Board Meeting: July 1, 2009.

Ms. Heying informed the Board that currently there is only one action item to come before the Board for the June 2009 meeting and that this item could wait to be addressed at the July 2009 meeting. Also, it was recommended that a working lunch session be held prior to the next Board meeting. After discussion, the June 3, 2009, Board meeting was canceled and the next Board meeting will be held on July 1, 2009, with a working lunch session prior to the meeting.

- Nan Bunker moved to cancel the June 3, 2009, Board meeting and have the next Board meeting on July 1, 2009. Joel Elstein seconded. The Board approved in favor (Bunker, Wessman, Sands, Elstein, Sinclair, Bradford) and none opposed with Kerry Kelly and Wayne Samuelson absent.

III. Approval of the Minutes for March 4, 2009 Board Meeting.

Kerry Kelly enters Board meeting.

- Steve Sands moved to approve the minutes of the March 4, 2009, Board meeting. Bill Sinclair seconded. The Board approved in favor (Wessman, Sands, Elstein, Sinclair, Bradford, Kelly) with Nan Bunker abstaining from the vote and Wayne Samuelson absent.

IV. Final Adoption: Amend R307-101-3, General Requirements: Version of Code of Federal Regulations Incorporated by Reference. Presented by Kimberly Kreykes.

Kimberly Kreykes, Environmental Planning Consultant at DAQ, stated on December 3, 2008, the Air Quality Board proposed for comment, amend R307-101-3, General Requirements: Version of Code of Federal Regulations Incorporated by Reference. A public comment period was held March 1-31, 2009. No comments were received. Staff recommends that R307-101-3 be adopted as proposed.

Wayne Samuelson enters Board meeting.

Ms. Kreykes explained that the five-year review was not being done for this amendment because normally the five-year review covers the entire rule and not subsections of the rule. This particular rule subsection is currently out for public comment. Once this subsection of the rule is done, a five-year review will be completed.

- Nan Bunker moved to approve final adoption to amend R307-101-3 as stated on the agenda item. Joel Elstein seconded. The Board approved unanimously.

V. Final Adoption: Amend R307-840. Lead-Based Paint Accreditation, Certification and Work Practice Standards; and Five-Year Review: R307-840. Lead-Based Paint Accreditation, Certification and Work Practice Standards. Presented by Kimberly Kreykes.

Ms. Kreykes stated on December 3, 2008, the Air Quality Board proposed for comment to amend R307-840. Lead-Based Paint Accreditation, Certification and Work Practice Standards. A public comment period was held March 1-31, 2009. No comments were received. Staff recommends that R307-840 be adopted as proposed.

- Steve Sands moved to approve final adoption to amend R307-840. Nan Bunker seconded. The Board approved unanimously.

Ms. Kreykes stated that DAQ staff has completed a five-year review for R307-840. As a separate action item, staff recommends that the Board continue this rule by approving the attached forms to be filed with the Division of Administrative Rules.

It was also explained that the Board does a five-year review on all regulations and then notifies state government when the regulations need to be continued.

- Ernie Wessman moved to approve the five-year review of R307-840. Lead-Based Paint Accreditation, Certification and Work Practice Standards. Bill Sinclair seconded. The Board approved unanimously.

VI. Informational Items.

A. Air Toxics. Presented by Robert Ford.

Robert Ford stated that the Air Toxics Lead Asbestos Standards section deals with air toxics, stationary sources that have air toxic type inventory, and asbestos. They administer three asbestos programs (the federal National Emission Standards for Hazardous Air Pollutants, the Asbestos Hazard Emergency Response Act, and state asbestos rules) and federal and state lead-based paint programs. Mr. Ford then explained the work activities, enforcement action items, and penalties covered in the air toxics memorandum submitted to the Board.

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

Harold Burge and Jay Morris explained that the difference between the Major and Minor Source Compliance sections is the amount of emissions or emissions potential that a source emits for the year. Mr. Burge also stated the Major Source

Compliance section is involved with inspections, source testing, and the continuous emissions monitoring systems. Mr. Morris stated the Minor Source Compliance section investigates complaints, issues fugitive dust control plans to construction sites, and does miscellaneous inspections. They then explained the work activities, enforcement action items, and penalties covered in the compliance memorandum submitted to the Board.

C. Monitoring. Presented by Bo Call.

Bo Call updated the Board on the monitoring graphs submitted to the Board. It was also explained that any time there is an exceedance of the standard or an exceptional event the monitoring center will track these by reviewing the data and gathering information needed to ascertain what caused the exceedance or event for future use. Monitoring data is also available on the DAQ webpage 24-hours a day, seven days a week.

Mr. Wessman informed the Board that the annual election of the Chair and Vice-Chair would be held at the next Board meeting when the final Board member replacement should be filled. Ms. Heying then introduced two new Board members, Kerry Kelly, representing the professional engineer position, and Brent Bradford, representing the public at large position. The Board is waiting approval and confirmation of Dr. Samuelson's replacement, representing the practicing physician position.

The Board discussed the DAQ 101 training for the next working lunch session. It was suggested that the training be shaped for the background and knowledge of the new Board members. Also recommended was to have Fred Nelson, counsel to the Board, go over the powers of the Board and discuss the new administrative law judge procedure that was passed at the last Legislative session.

Bryce Bird, Planning Branch Manager at DAQ, answered Mr. Sands' inquiries on the ozone and PM2.5 designation recommendations. The DAQ has submitted the ozone recommendation to EPA which was presented to the Board at a previous meeting. The recommendation to EPA was that there be a single non-attainment area that includes Salt Lake County, Davis County, and the western portion of Weber County. Then other areas, which include Utah County and Box Elder County, be considered attainment or unclassifiable.

Utah's PM2.5 designation recommendations to EPA were submitted December 2007. EPA met the one year requirement to notify Utah's Governor of the area of intended designation, on which DAQ also submitted comments. Currently, the PM2.5 designation is on hold due to the Administration change of President Obama. EPA was told that all regulations, requirements, policy, etc. that have not been published in the Federal Register, must be re-examined and so there is no word yet on when the designation will be published.

Meeting was adjourned at 2:10 p.m.

Minutes approved: July 1, 2009