

UTAH AIR QUALITY BOARD MEETING

April 7, 2010 – 1:30 p.m.
168 North 1950 West, Room 101
Salt Lake City, Utah 84116

FINAL MINUTES

I. Call-to-Order

Steve Sands called the meeting to order at 1:31 p.m.

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

Excused: Darrell Smith and Ernie Wessman

Executive Secretary: Cheryl Heying

II. Date of the Next Air Quality Board Meeting: May 5, 2010.

Prior to the next Board meeting, a brown bag working lunch will be held at 11:30 a.m. to discuss the Division of Air Quality air action day notifications and Dr. Paine will also present information related to health effects of air quality.

Craig Petersen enters meeting by phone.

III. Approval of the Minutes for March 3, 2010, Board Meeting.

- Kathy Van Dame moved to approve the minutes as submitted. Nan Bunker seconded. The Board approved unanimously.

IV. Final Adoption: Repeal and Reenact R307-840. Lead-Based Paint Program Purpose, Applicability, and Definitions; New Rule R307-841. Residential Property and Child-Occupied Facility Renovation; and New Rule R307-842. Lead-Based Paint Activities. Presented by Robert Ford.

Robert Ford, Air Toxics, Lead-Based Paint, Asbestos (ATLAS) Section Manager at DAQ, stated that at the January 2010 Board meeting the Board proposed for public comment the repeal and reenactment for R307-840 and proposed for public comment new administrative rules R307-841 and R307-842. The purpose of the rulemaking was to develop state rules for the new U.S. Environmental Protection Agency lead-based paint renovation, repair, and painting rule and to help make the Utah lead-based paint administrative rules more understandable to the regulated public. A public comment period was held from February 1, to March 3, 2010, and a public hearing was held on February 25, 2010. In addition, the DAQ sent postcards to all Utah certified lead-based paint firms and electronic mail to all Utah lead-based paint certified asbestos companies. No public comments were received. Division staff recommends that R307-840, R307-841, and R307-842 be adopted as proposed.

- Kathy Van Dame moved to approve final adoption and repeal of R307-840, R307-841, and R307-842. Nan Bunker seconded. The Board approved unanimously.

V. Informational Items.

A. State Asbestos Rules. Representative Larry Wiley.

Representative Larry Wiley addressed the Board stating his concerns with the current Utah asbestos rules. The current Utah asbestos rules have been in place for 20-30 years and he feels the asbestos rules are restrictive and it's time to modify the rules and make them consistent with surrounding states.

Representative Wiley would like to see dialogue among all the parties and come up with workable solutions and recommended changes to the asbestos rules by September or October that will work for all parties.

Representative Wiley added that as written in state statute, the Board may make rules more stringent than corresponding federal regulations but must have findings and show evidence that the corresponding federal regulations are not adequate to protect public health and the environment of the state. In addition, he has concerns with the frequency of asbestos testing, there is no database to keep record of testing or identified problems, and in reconstruction remodeling type projects everything is tested. He feels that if there was a database in place and it shows there is a consistent problem with any test, then you would continue testing. But if a database does not show a consistent pattern of a problem then why continue testing.

In answer to the Board's questions, Mr. Ford answered that the last five year review was done less than five years ago and the last major revision of the Utah asbestos rules was done in 2000. The DAQ has initiated a process to revisit the rules by creating an Asbestos Advisory Rules Committee which will be meeting on May 4, 2010. The committee plans to draft proposed changes by July 2010 and take those changes to parties regulated by the program. Then in August 2010 DAQ will bring proposed changes to the Board for final review and then send those out for public comment. The DAQ had previous outreach meetings in August 2008 and November 2009 where concerns with current asbestos rules were also stated.

Representative Wiley agrees that the process outlined by Mr. Ford will meet his needs and that he would like to be part of the process. It was also agreed that Mr. Ford would give the Board an update of the May 4, 2010, committee meeting at the June Board meeting and the Board would also get a progress report in July or August to see that the process is moving in the right direction. The information would also be posted on the DAQ web page.

B. Update on Utah State Implementation Plan Submittals. Presented by Kimberly Kreykes and Joel Karmazyn.

Kimberly Kreykes, Environmental Planning Consultant at DAQ, explained the report given to the Board shows the current status of all outstanding Utah state implementation plan (SIP) submittals that are still under review by the EPA. It is

DAQ's intent to bring an updated report to the Board on a quarterly basis from this point forward on changes to the rules that are part of the SIPs.

Joel Karmazyn, Environmental Scientist at DAQ, stated that he and Colleen Delaney recently visited EPA Region 8 to meet with new staff individuals as well as to talk about administrative issues such as the upcoming ozone SIP. The DAQ feels it is important to meet regularly with EPA on SIP and various administrative issues to increase DAQ's potential for success in the process.

C. Compliance Branch Update. Presented by Rusty Ruby.

Rusty Ruby, Compliance Branch Manager at DAQ, introduced Jay Morris, Minor Source Compliance Manager at DAQ, Bob Ford, ATLAS Manager at DAQ, and Harold Burge, Major Source Compliance Manager at DAQ, to the Board. Each section manager introduced their staff and gave a brief overview of their section. Mr. Ruby followed with information on 2009 compliance accomplishments, the process of calculating penalty amounts, and how inspections are targeted.

The supplemental environmental project (SEP) information was particularly noted as an option a source has to offset the amount they would have to pay toward a penalty with money spent toward an environmentally beneficial project. Some of the SEPs in 2009 went toward the clean school bus retrofit program, paving of unpaved areas, installation of enclosures, extra pollution control equipment, water trucks, tire washers, and water cannons.

The DAQ also makes every attempt to be consistent and non-biased in calculating penalties. The potential for harm, nature and extent of the violation, past compliance history of the source, and economic benefit of the source are some of the categories used when calculating penalties. In addition to inspections, reports from the source are also used to determine compliance.

D. Air Toxics. Presented by Robert Ford.

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

Mr. Burge explained to the Board that the Hill Air Force Base (HAFB) penalty listed on the compliance memorandum was the result of a painter in their work facility determining on his own to disregard checking paint booth filters and to check the pressure drop each day for 25 days. HAFB reported this on their deviation report once this was discovered and they proposed as an SEP for the penalty to improve their paint booth filter system with audible alarms and monitors.

F. Monitoring. Presented by Ken Symons.

Ken Symons updated the Board on the monitoring graphs submitted to the Board and also gave updated figures as a result of the wind and fire events on March 30th. The DAQ is gathering and analyzing the wind and fire information which should help as they move forward with the PM2.5 SIP and to develop the exceptional events documentation. The filters have also been sent to a lab in Minnesota to look at the iron content to further identify the different geologic

formation captured on the filter. Also, the DEQ information technology staff has been working on the weekend server problems which has affected the availability of the posted trend charts.

It was announced that the DEQ will be moving into a new building over the next month. Beginning in June the Air Quality Board will be meeting in the new multi-agency state office building.

Meeting was adjourned at 2:41 p.m.

Minutes approved: June 2, 2010