

UTAH AIR QUALITY BOARD MEETING
August 4, 2010 – 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

FINAL MINUTES

I. Call-to-Order

Ernie Wessman called the meeting to order at 1:30 p.m.

Board members present: Nan Bunker, Ernie Wessman, Kathy Van Dame, Steve Sands, Joel Elstein, Kerry Kelly, Robert Paine, Amanda Smith, and Brent Bradford

Excused: Craig Petersen and Darrell Smith

Executive Secretary: Cheryl Heying

II. Date of the Next Air Quality Board Meeting: September 1, 2010

III. Approval of the Minutes for the June 2, 2010, Board Meeting and Working Lunch.

- Nan Bunker moved to approve the minutes of the Board meeting and working lunch as submitted to the Board. Kathy Van Dame seconded. The Board approved in favor with Brent Bradford absent.

IV. Annual Election of Chair and Vice-Chair.

Mr. Wessman opened the floor for nominations for Chair of the Air Quality Board for the coming year. Ms. Van Dame nominates Ernie Wessman for Chair. No other nominations made, no further discussion, and the nominations were closed.

- Kathy Van Dame moved to nominate Ernie Wessman as Chair of the Board for the coming year. Kerry Kelly seconded. The Board approved in favor with Brent Bradford absent.

Mr. Wessman opened the floor for nominations for Vice-Chair of the Air Quality Board for the coming year. Ms. Van Dame nominates Steve Sands for Vice-Chair. No other nominations made, no further discussion, and the nominations were closed.

- Kathy Van Dame moved to nominate Steve Sands as Vice-Chair of the Board for the coming year. Nan Bunker seconded. The Board approved in favor with Brent Bradford absent.

V. Five-Year Review: R307-165. Emission Testing. Presented by Kimberly Kreykes.

Kimberly Kreykes, Environmental Planning Consultant at DAQ, stated that Title 63 Chapter 4a of the Utah Code requires all state agencies to review each of their rules at least every fifth year. The review verifies that the rules are still authorized and necessary. DAQ has completed the five-year review for R307-165 Emission Testing. R307-165 establishes

the frequency of emission testing requirements for all areas of the state. Without periodic testing there is no guarantee that pollution control equipment is working properly. No comments have been received since the last five-year review. Staff recommends the Board continue R307-165 by approving the attached forms to be filed with the Division of Administrative Rules.

- Robert Paine moved to approve the five-year review to continue R307-165 Emission Testing. Steve Sands seconded. The Board approved in favor with Brent Bradford absent.

VI. Informational Items.

A. Introduction of Denise Chancellor. Presented by Cheryl Heying.

Ms. Heying introduced Denise Chancellor as the new Environment Division Chief in the Attorney General's Office (AGO) and counsel to the Air Quality Board. Ms. Chancellor has been in the AGO for 22 years and was instrumental in developing the Title V Operating Permit Program and comes with background in a variety of other media and programs.

B. Greenhouse Gas Tailoring Rule. Presented by Regg Olsen.

Brent Bradford enters the Board meeting.

Regg Olsen, Permitting Branch Manager at DAQ, stated in October 2009 EPA promulgated the greenhouse gas (GHG) mandatory reporting rule. The rule requires companies of a certain size to report their GHG emissions. In December 2009 EPA issued an endangerment finding that indicated GHG are injurious to human health and the environment. That was followed in April 2010 with the mobile source GHG rule for the 2012 vehicle model year set to begin on January 2, 2011. On June 3, 2010, EPA finalized the tailoring rule which became effective on August 2, 2010, and they are tailoring the applicability criteria for the pollutant GHG. EPA is phasing the new tailoring rule in three phases beginning on January 2, 2011, which is the date GHG is looked at as a pollutant for permitting purposes, through a rulemaking effective date of July 1, 2013.

In Utah we are reviewing the federal program and looking at our existing state statutes and how they allow us to permit GHG under the current statute. The rules are being reviewed for possible changes and a stakeholder process is underway. It is the DAQ's intent to bring proposed rules to the Board at the September 2010 meeting so that we can proceed with the permitting of GHG with the federal program. The DAQ would like to bring a proposed final approval of the rules to the Board at the December 2010 meeting to have the rule effective by January 2011.

Without rule changes the existing thresholds would be the trigger points for sources requiring permits. EPA has indicated that if we do not have something in place they are prepared to issue a State Implementation Plan (SIP) Call and then administer the GHG part of the program under a Federal Implementation Plan, which means they would become the permitting authority.

A concern of DAQ to meet the proposed timeframes is response to public comments before bringing the proposals to the Board. The possibility of a special meeting was discussed by the Board to assist the DAQ in meeting the scheduled timeframes. Any initial workload increase would mainly be during EPA's phase one and two. There have been a handful of sources identified that will be brought in under this program and current sources may have to address some impacts as well.

C. Utah Clean Diesel Program. Presented by Lisa Burr and Mat Carlile.

Mat Carlile, Environmental Scientist at DAQ, stated in June 2005 the U.S. Senate passed the Diesel Emissions Reduction Act (DERA). DAQ received funding from DERA in 2007 and started the Utah Clean School Bus Initiative in conjunction with the Utah Office of Education, local school districts, county and municipal governments, and community and non-profit organizations. The coalition worked to secure funding to retrofit school buses with emission reducing technologies. DAQ anticipates all 1,300 retrofits will be completed by December 2010. Additional funds were received to replace 26 older school buses by September 30, 2010. DAQ also collaborated with the Utah Department of Agriculture and Food and Utah State University to identify agricultural operators whose operations were negatively impacting nonattainment areas in the state. DAQ received funding through DERA to replace 9 tractors, re-power 22 engines, and install 32 auxiliary power units.

Lisa Burr, Research Analyst at DAQ, stated that DAQ has been working with the trucking industry for the past year on FY2009 clean diesel funds. After meeting with the Utah Trucking Association on the various diesel emission reduction technologies available through the grant it was decided to focus on small and medium business. Fourteen companies were selected to participate in the grant and the Utah Clean Diesel Trucking Initiative kicked off in April 2010. The grant is going to fund between 49 and 60 auxiliary power units. Future projects will be determined based on funding availability.

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

Joel Karmazyn, Environmental Scientist at DAQ, stated the DAQ and EPA co-own the SIP activity tracking document. It has been a substantial effort to get this document where it is today and both EPA and DAQ must concur on additions and deletions made to the document. A "court deadline" column was added in order to track court mandated EPA actions. The comment field is intended to capture DAQ and EPA positions on individual items. In addition, separate handouts were provided of two consent decrees which EPA has entered into with parties to act on state SIP actions and their due dates. The majority of the items have consent decree deadlines so EPA must act on them. Items with a passed court deadline will go back to the court and the court will decide the action. After discussion with Board members it was suggested that an "action plan" column be added to explain how we plan to move forward on each item. It was noted that the DAQ plans to keep the document current and update the Board quarterly.

E. Environmental Protection Agency Revision to the SO2 Standard. Presented by Bill Reiss.

Bill Reiss, Environmental Scientist at DAQ, stated in June 2010 EPA proposed a National Ambient Air Quality Standards (NAAQS) revision to the SO2 standard which became effective August 23, 2010. It is designed to protect sensitive individuals from exposure to short-term concentrations of SO2 by periods from 5 minutes to 24 hours. The rule comes with new monitoring requirements. Modeling will take the role of some of the monitoring that was traditionally done. The DAQ will be running the same monitors, but will analyze it differently and will include the setting criteria as averaged over five minute averaging blocks.

With the new standard EPA is proposing to revoke the old standard. However, there is a secondary standard on the books right now and EPA is not taking action on that right now but will do so in the future under separate action. Since 1976 DAQ has been charting progress with our monitors. From our standpoint this is a pollutant that we have dealt with successfully for a long time but it will require some action from DAQ as we move forward.

Utah's area designation recommendations, based on monitoring data collected from 2008 to 2010 and modeling, are due June 2011. A year later EPA will take those recommendations into consideration and promulgate official designations in 2012. Implementation plans are due by 2014 regardless of how the designations are decided and attainment must be shown by 2017. For all other areas of the state DAQ will have to submit a maintenance/infrastructure SIP by June 2013.

F. Update of 40 CFR Part 63 Subpart HHHHHH National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources. Presented by Steve Packham.

Steve Packham, Toxicologist at DAQ, stated that earlier this year an amendment to R307-214 was proposed for public comment. At that time, Part 63 Subpart HHHHHH of the National Emission Standards for Hazardous Air Pollutants (NESHAP) was not included and Utah has chosen to waive their right of delegation. The DAQ and EPA have identified 214 Utah companies or operations subject to this NESHAP. On June 4, 2010, EPA's Office of Enforcement and Compliance Assurance issued guidelines that cover this particular NESHAP. It is EPA's and DAQ's opinion that outreach and compliance assistance is the best way to promote compliance. Laurie Ostrand of EPA is Utah's contact person and DAQ will continue to monitor EPA's website for compliance assistance.

G. Air Toxics. Presented by Robert Ford.

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

I. Monitoring. Presented by Bo Call.

Bo Call updated the Board on the monitoring graphs submitted and explains the spikes on July 4th were due to firework events associated with the holiday. So far this year there has been a low number of exceedances of the ozone standard.

Meeting was adjourned at 2:47 p.m.

Minutes approved: September 1, 2010