

UTAH AIR QUALITY BOARD MEETING
June 2, 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 1:31 p.m.

Board members present: Nan Bunker, Ernie Wessman, Kathy Van Dame, Craig Petersen, Steve Sands, Kerry Kelly, and Robert Paine

Excused: Darrell Smith, Joel Elstein, Brent Bradford, and Amanda Smith

Executive Secretary: Cheryl Heying

II. Date of the Next Air Quality Board Meeting: August 4, 2010

The Board was informed that there are no action items scheduled for the July 2010 Board meeting and so the meeting was canceled. The next Board meeting will be August 4, 2010.

III. Approval of the Minutes for April 7, 2010, Board Meeting.

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

There was a change in the order of the agenda. The appointment of an alternate Executive Secretary would be heard after the final adoption of R307-214.

IV. Final Adoption: Amend R307-214. National Emission Standards for Hazardous Air Pollutants. Presented by Steven Packham.

Steven Packham, Toxicologist at DAQ, stated that the amendments to R307-214, which incorporates the National Emissions Standards for Hazardous Air Pollutants (NESHAP), include an update of the version of Title 40 of the Code of Federal Regulations incorporated by reference in R307-214 from July 1, 2007, through July 1, 2009, and the incorporation by reference of 12 new federal Maximum Achievable Control Technology (MACT) standards that may apply to Utah sources of hazardous air pollutants. A copy of the rule text, summary table of affected changes, and additional information requested by the Board was submitted to the Board for their review. A public comment period was held April 1, 2010, through May 3, 2010, and a public hearing was held on April 28, 2010. No comments were received. Staff recommends final adoption of R307-214 amendments as proposed.

- Kerry Kelly moved to approve final adoption to amend R307-214. Nan Bunker seconded. The Board approved unanimously.

V. Appointment of Alternate Executive Secretary. Presented by Chris Stephens.

Chris Stephens of the Attorney General's Office stated that under statute the Executive Director appoints the Executive Secretary and has the authority to develop policies for carrying out Department business. In the past, the Board has approved the Executive Director's request to appoint an individual to act as Executive Secretary when the appointed Executive Secretary is unavailable, has a conflict of interest, or the appearance of a conflict. One consequence of that approach is that sometimes the appointed person may be unavailable as well or leaves the Division for another position or employment, which means that we would need to return to the Board and request a new appointment for another individual. The Executive Director has forwarded to the Board for approval the Executive Secretary's request that the three Branch Manager positions be appointed as acting Executive Secretary in the circumstances just outlined, rather than the individuals who currently hold those positions.

Mr. Stephens responded to the Board's inquiry if the designation would be automatic or would the Executive Secretary designate a specific person by stating that Ms. Heying would designate someone from the three Branch Managers to act for her each time on each occasion. Ms. Heying added that the necessity of designating an alternate Executive Secretary rarely comes up and DAQ wants to be sure this is covered before an instance does come up or to avoid any appearance of a conflict of interest. There are specific procedures in place to make sure that the designated Branch Manager does not sign off on work products of their Branch. In addition, the approval of an alternate Executive Secretary is consistent with other Boards of the Department of Environmental Quality.

After discussion, the Board would like to insert wording in the motion that part of the purpose is to avoid a conflict of interest, that the designated Branch Manager does not sign off on work products of their Branch, and must inform the Executive Secretary when the utilization of authority is used.

- Robert Paine moved to approve the appointment of a designated alternate Executive Secretary as presented by Mr. Stephens and modified to include the additional wording that the purpose is to avoid a conflict of interest, that the designated Branch Manager does not sign off on work products of their Branch, and the Executive Secretary must be informed when the utilization of authority is used. Steve Sands seconded. The Board approved unanimously.

VI. Five-Year Review: R307-302. Davis, Salt Lake, Utah, Weber Counties: Residential Fireplaces and Stoves; R307-305. Nonattainment and Maintenance Areas for PM10: Emission Standards; R307-306. PM10 Nonattainment and Maintenance Areas: Abrasive Blasting; R307-307. Davis, Salt Lake, and Utah Counties: Road Salting and Sanding; R307-309. Nonattainment and Maintenance Areas for PM10: Fugitive Emissions and Fugitive Dust; and R307-310. Salt Lake County: Trading of Emission Budgets for Transportation Conformity. Presented by Joel Karmazyn.

Joel Karmazyn, Environmental Scientist at DAQ, stated that DAQ has conducted five-year reviews of the rules listed above. All of the listed rules are required to enforce Utah's state implementation plans (SIPs). Since the last review period, Rule 307-302 was the only rule that had amendments which was to update the PM2.5 standard from 65 ug/m³ to 35 ug/m³ per the National Ambient Air Quality Standards provision by the Environmental Protection Agency. No comments were received since the last five-year

review for all six rules listed. DAQ staff recommends the Board continue these rules by approving the attached forms to be filed with the Division of Administrative Rules.

In response to the inquiry if these rules will be revisited as work on the PM2.5 SIP moves forward and why not wait until that time Mr. Karmazyn responded that two of the rules are mandatory and are required to be reviewed this year. DAQ would like to bundle these rules to keep them on the same time frame.

- Kathy Van Dame moved to approve the five-year review of the rules as listed on the final agenda. Nan Bunker seconded. The Board approved unanimously.

VII. Informational Items.

A. Recognition of Fred Nelson's Service to the Department of Environmental Quality. Presented by Cheryl Heying.

Fred Nelson retires from the State of Utah on June 30, 2010, and he was recognized and presented with an award in appreciation for 33 years as counsel to the Utah Air Quality Board.

B. Asbestos Advisory Rules Committee Update. Presented by Robert Ford.

Robert Ford, Air Toxics, Lead-Based Paint, Asbestos Section Manager at DAQ, stated that on May 4 and 26, 2010, DAQ conducted asbestos state rules advisory committee meetings to discuss current Utah asbestos rules and potential changes to these rules. Individuals from both the public and private sectors attended. The result of these meetings indicated that the integration of the EPA drywall system interpretation for renovation activities of less than 160 square feet continues to be problematic for the remodeling and emergency restoration industries.

One of the concerns expressed by Representative Larry Wiley was whether the Board and the Division have authority to write administrative rules regarding asbestos work activities in structures of four units or less in Utah. After discussion with counsel from the Attorney General's Office, it is Mr. Ford's understanding that the Board and the Division do have authority to write administrative rules to regulate asbestos work activities in structures of four units or less when a contract for hire has been executed.

Future plans include another meeting on June 28, 2010, with certified Utah asbestos companies to discuss potential changes to existing asbestos rules. The Division will be conducting a survey with state tribal and local jurisdictions discussing how they regulate asbestos within their jurisdictions. Steve Packham is also conducting research evaluating potential health risk issues if there are changes to the de minimus levels in Utah asbestos rules.

Currently, it is Mr. Ford's perception that any changes to the rules will not be very substantial. When collaboration with the asbestos program stakeholders is completed the Division will determine if any changes in state asbestos rules are appropriate and if so return to the Board with recommendations for proposed rule changes.

C. Air Toxics. Presented by Robert Ford.

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

E. Monitoring. Presented by Bo Call.

Bo Call updated the Board on the monitoring graphs submitted to the Board and brought to their attention that the high levels of PM2.5 and PM10 near the end of March and PM10 levels the end of April were the result of dust storms. The missing data on the April graphs were the result of data collection system problems associated with the move to the new building and the file server from the Air Monitoring Center being moved to the Capitol complex.

The monitors were monitoring during that time but whether or not the data can be recovered is the question. Not all monitors have enough storage capacity internally to store data indefinitely. The real-time monitors store three weeks or three months of data depending on the monitor, how much data is being collected, and how much internal memory the system has. The hard data from the filters can be replicated by weighing the filters again, but the main problem is that the database and the weighing system are not working together as intended. The best estimate is that there may be a 7 to 10 day period of lost data.

This will not affect the PM2.5 modeling data for the SIP since all of the modeling is done on a year's past data. There has not been any progress made on flagging these high wind events with EPA except that this has now become a national issue. The data that was lost was very low and should not affect the ozone data as it relates to final designation of ozone attainment. DAQ collects year-round ozone data at four monitoring stations, one for each of the main counties along the Wasatch Front. Currently, the ozone season is May 1st through September. Next year the monitoring standard changes and the ozone season will change to April 1st through October.

Meeting was adjourned at 2:13 p.m.

Minutes approved: August 4, 2010

**UTAH AIR QUALITY BOARD
WORKING LUNCH SESSION
June 2, 2010 – 11:30 a.m.
195 North 1950 West – Room 4100
Salt Lake City, Utah 84116**

FINAL MINUTES

Board members present: Steve Sands, Nan Bunker, Robert Paine, Craig Petersen, Ernie Wessman, Kathy Van Dame, and Kerry Kelly.

Dr. Robert Paine, M.D., with the University of Utah and Air Quality Board member gave a presentation on recent medical data concerning the health impacts of air pollution. His presentation included information on several studies on health effects of air pollution and some health impacts of local reduction in air pollution. Key questions that physicians look at when they think about pollution and how it works are, is the pollution causing a disease in a person that would otherwise not have the disease, such as asthma, or is the person at risk because of an existing disease. The ability to distinguish the contribution of individual pollutants is important when looking at safe levels for individual pollutants and also to recognize that there may be effects of multiple pollutants in combination.

In closing Dr. Paine stated that air pollution makes a significant contribution to health, to mortality, and morbidity. Particulate matter less than 2.5 microns in size are particularly important for cardiovascular events and heart attacks, and ozone particularly affects respiratory disease. There are short term effects with higher levels associated with increased numbers of acute cardiac events. It is known that longer term exposures can lead to prolonged exacerbations to cardiac and respiratory disease. There are clear benefits from reducing exposure and these benefits occur from a relatively low starting point.

Kent Bott, Environmental Scientist at DAQ, stated that by rule the Division must issue an air pollution forecast so that the general public can make informed decisions regarding their behavior in their ability to effect air quality where they live and work. Mr. Bott then did a presentation on how he determines the air quality forecasts issued to the public. Some of the things that he looks at are pollution concentration trends, data analysis, and expected meteorological impacts. Adding air pollution into the model also makes it more difficult. In addition, he relies on consultation with Division staff, the National Weather Service, and media contacts. Mr. Bott will always forecast on the side of caution and will choose the more protective stance when a forecast is issued.

Minutes approved: August 4, 2010