

**UTAH AIR QUALITY BOARD MEETING**  
**March 3, 2010 – 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 1:33 p.m.

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

Executive Secretary: Cheryl Heying

**II. U. S. Environmental Protection Agency Region VIII Visit.**

Carol Rushin, Acting Regional Administrator, Steve Tuber, Assistant Regional Administrator for Partnerships and Regulatory Assistance, and Callie Videtich, Air Program Director, from EPA Region VIII were introduced to the Board.

Ms. Rushin stated the shared goal is to ensure that the citizens of Utah have clean air to breathe and EPA looks forward to working the Board and DAQ to determine the best path forward to accomplish this important goal. Ms. Rushin addressed some of the issues stated in the Board's letter to EPA and offered a general history and EPA's approach of their actions. Today's visit was mainly focused on looking forward and ways to improve communication, procedures, processes, and development of a working relationship on future actions. Ms. Rushin continued that states have the primary responsibility for protecting and improving air quality and for administering the Clean Air Act (CAA) programs related to protection of the national standards. Depending on the states adherence to the CAA, EPA implements regulations and other applicable requirements to ensure that state plans will bring nonattainment areas back to attainment of air quality standards. To help ensure approval of a state implementation plan (SIP) the EPA prefers to work with states early in the process. It is EPA's intent and commitment to continue to make the planning process as effective and efficient as possible. By working collaboratively with state partners they are able to improve public health and environmental protection. The EPA welcomes the Board's support and proposal to meet with appropriate management and staff to discuss ways to improve and define a process to move forward.

Discussion then followed addressing questions and comments from the Board.

In response to some of the Board's concerns, Ms. Rushin stated that ultimately, Utah and Idaho will have two separate SIPs for the combined area and Regions 8 and 10 each have a responsibility and communication channel to follow with their state. Because of this, the need is great for technical coordination upfront and so communication with Region 10 has already begun to make sure they are in agreement on critical milestones. Once an agreement has been reached on the technical issues, the process should run smoothly. It

is Ms. Rushin's expectation that there be a process to get through conflict resolution and building blocks which would then elevate through the respective organizations to be sure those get resolved. It is EPA's intention that coordinated timelines with all parties be reached through this process, particularly with the public and stakeholder processes. In the elevation process and with multi-agencies working together, there would be designated management officials working together and engaged to make the process work.

The Board has asked that a process be in place to inform the Board, as well as upper levels of DEQ and EPA, when there are issues that need to get attention by upper management so the issues can be resolved and the process can move along. It was also agreed that the Board be given periodic updates on the progress from EPA and DAQ.

**III. Date of the Next Air Quality Board Meeting:** April 7, 2010

After discussion it was agreed that Rusty Ruby, Compliance Branch Manager at DAQ, would give an overview of compliance branch activities in April and a working lunch will be held prior to the Board meeting on May 5, 2010. At the working lunch in May, the Division will go over the process of air action day notifications and give an explanation of the upcoming ozone season. Dr. Paine will also present recent data that has come out of medical literature with some concrete implications related to health effects.

**IV. Approval of the Minutes for January 6, 2010, February 3, 2010, and February 16, 2010, Board Meetings.**

- Kathy Van Dame moved to approve the January 6, 2010, minutes. Joel Elstein seconded. The Board approved unanimously.
- Nan Bunker moved to approve the February 3, 2010, minutes. Kerry Kelly seconded. The Board approved unanimously.
- Nan Bucker moved to approve the February 16, 2010, minutes. Kathy Van Dame seconded. The Board approved unanimously.

**V. 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 that on December 2, 2009, the Air Quality Board proposed for comment amendments to R307-101-3 General Requirements: Version of Code of Federal Regulations Incorporated by Reference. The proposed change updates the version date of the Code of Federal Regulations (CFR) in R307-101-3 from July 1, 2008, to July 1, 2009. A public comment period was held from January 1 to February 1, 2010, and a public hearing was held January 20, 2010. No comments were received. DAQ staff recommends the R307-101-3 be adopted as proposed.

- Brent Bradford moved to approve. Darrell Smith seconded. The Board approved unanimously.

**VI. Five-Year Review: R307-201 Emission Standards: General Emission Standards; R307-202. Emission Standards; General Burning; R307-203. Emission Standards:**

**Sulfur Content of Fuels; R307-204. Emission Standards: Smoke Management; R307-205. Emission Standards: Fugitive Emissions and Fugitive Dust; R307-206. Emission Standards: Abrasive Blasting; and R307-207. Emission Standards: Residential Fireplaces and Stoves. Presented by Joel Karmazyn.**

Joel Karmazyn, Environmental Scientist at DAQ, stated in accordance with the Board's request to conduct reviews in one session instead of throughout the five year period, DAQ has completed reviews for seven emissions standard rules as listed on this agenda item. R307-202, R307-203, R307-206, and R307-207 are part of the SIP and cannot be removed without a change to the SIP, and then approval of that SIP by EPA. There were no comments received and no amendments to any of these rules during the last five year period. These rules have a specific function, need, and have statutory authorization. DAQ staff recommends that the Board continue these rules by approving the attached forms to be filed with the Division of Administrative Rules (DAR).

- Kathy Van Dame moved to approve the five-year reviews. Kerry Kelly seconded. The Board approved unanimously.

**VII. Five-Year Review: R307-103. Administrative Procedures. Presented by Joel Karmazyn.**

Mr. Karmazyn stated that R307-103 Administrative Procedures sets out the adjudicative procedures under Title 19 Chapter 2 of the Utah Air Conservation Act and is governed by Title 63G. There were two nonsubstantive changes that have occurred in the last five years. Title 63, including the authorization, were updated to reflect the recodification of Title 63 which was a minor change in citation from 63-46b to 63G-4. And the reference to R307-122 was removed from R307-103 because R307-122 was repealed. There were no comments received during the last five year period. DAQ staff recommends that the Board continue this rule by approving the attached forms to be filed with the DAR.

- Robert Paine moved to approve the five-year review. Nan Bunker seconded. The Board approved unanimously.

**VIII. Propose for Public Comment: Amend R307-214, National Emission Standards for Hazardous Air Pollutants. Presented by Steven Packham.**

Steve Packham, Toxicologist at DAQ, stated R307-214 incorporates the National Emission Standards for Hazardous Air Pollutants (NESHAP) by reference to Title 40 of the CFR. All applicable Utah sources must comply with these federal rules and their associated maximum achievable control technologies (MACT). The administrative code currently references July 1, 2007, 40 CFR amendments to the code and are necessary to bring R307-214 current. A table of NESHAP that have been promulgated since July 1, 2007, and a 12-page table summarizing the federal register citations associated with the new NESHAP is included in the Board's packet. Part 63 Subpart HHHHHH, which deals with miscellaneous coding and manufacturing, is not included due to lack of resources. DAQ staff recommends that the Board propose for public comment amendments to R307-214 incorporating NESHAP and their MACT applicable to Utah as published in the July 1, 2009, CFR.

In response the Board's questions, Ms. Heying explained Part 63 Subpart HHHHHH deals with auto body painting done by a person at their residence. If a person was to paint more than one auto body they would be subject to this emissions standard. This is a

federal standard which EPA has been implementing since adoption. Ms. Heying continued that in working with EPA, the education of people regulated under this rule is an issue. The EPA is developing educational material and DAQ needs to develop an inventory to identify who and where these people are to get the information out to them.

Mr. Packham added that because Part 63 Subpart HHHHHH was not part of the action of which the Board was going to be voting on today and also to avoid any confusion, it was not included in the DAQ memorandum to the Board but that it would be noted in the meeting minutes.

After discussion, the Board suggested changes to the 12-page table summarizing federal register citations to include additional detail. A short title or paragraph included in the rule column would be helpful rather than just listing a rule citation, and also a brief statement on any changes rather than just a reference. In addition, the Board has asked that the DAQ give an update at a future meeting on the status and coordination with EPA on Part 63 Subpart HHHHHH.

- Kathy Van Dame moved to propose R307-214 for public comment. Darrell Smith seconded. The Board approved unanimously.

Mr. Wessman introduced public comment from Emily Hall of the League of Women Voters. Ms. Hall commented on the importance of communication not only between the DAQ and EPA, but also between the DAQ and the Board. As a former Board member Ms. Hall knows there is a lot of material Board members must sift through and it is important that DAQ keep the Board informed.

## **IX. Informational Items.**

### **A. Proposed Revisions to the Ozone National Ambient Air Quality Standards. Presented by Colleen Delaney.**

Colleen Delaney, Environmental Scientist at DAQ, stated that on January 6, 2010, EPA proposed to strengthen the National Ambient Air Quality Standards (NAAQS). Ms. Delaney then presented highlights and maps from a slideshow located on EPA's website to give a brief overview of EPA's proposal and their rationale for setting the levels of the standard. DAQ's focus is more on implementation and how to meet the standards. Ms. Delaney discussed the ozone trends in Utah and how monitoring sites compared to the 1997 and 2008 ozone values and the progress made as a result of the implemented maintenance plan. Some implementation issues facing DAQ are the health and welfare benefits are tied to implementation, not the level of the standard. There is a need for an expanded monitoring network and stakeholder involvement is also crucial. An accelerated schedule will make it difficult to deal with new issues, regional ozone will be a significant issue if the standard is lowered, and the CAA establishes mandatory control measures depending on the classification.

Ms. Delaney concluded that comments are due to EPA by March 22, 2010, and then EPA is expecting to propose implementation guidance in late spring 2010. The proposed levels and NAAQS seem daunting but Utah has a history of meeting set federal health standards and Utah also plans to meet with neighboring states to address regional issues that arise.

- B. Air Toxics. Presented by Robert Ford.**
- C. Compliance. Presented by Jay Morris and Harold Burge.**
- D. Monitoring. Presented by Bo Call.**

Bo Call updated the Board on the monitoring graphs submitted to the Board.

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Meeting was adjourned at 3:37 p.m.

Minutes approved: April 7, 2010