



State of Utah

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Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

Air Quality Board
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Kim Frost, *Vice-Chair*
Michelle Bujdoso
Kevin R. Cromar
Randal S. Martin
Sonja Norton
John Rasband
Kimberly D. Shelley
Jeff Silvestrini
Bryce C. Bird,
Executive Secretary

DAQ-044-24

UTAH AIR QUALITY BOARD WORK MEETING March 20, 2024 – 3:30 p.m. Virtual meeting with an anchor location at: 195 North 1950 West, Room 4100, Salt Lake City, Utah 84116

FINAL MINUTES

I. Welcome

Board members present: Cassady Kristensen (virtual attendance), Kim Frost (virtual attendance), Kevin Cromar, Randal Martin (virtual attendance), Sonja Norton (virtual attendance), Kimberly Shelley (virtual attendance), Jeff Silvestrini (virtual attendance)

Excused: Michelle Bujdoso, John Rasband

Executive Secretary: Bryce Bird

II. Update and planning discussion for the ozone Moderate and Serious State Implementation Plans (SIPs); and update on Air Quality bills and appropriations from the 2024 legislative session.

Bryce Bird gave a summary of the of the air quality bills and appropriations that passed during the 2024 General Legislative Session. [See handout.]

Mr. Bird gave an update on the ozone planning timeline process and summarized required elements of a moderate SIP, impacts, and additional controls that staff are working towards in the reasonable further progress requirements. It was noted at this time the division does not recommend moving forward with the two-stroke engine rule while staff continues its discussion with legislators. Ryan Bares, Environmental Scientist at the DAQ, provided additional updates. In discussion, staff responded to questions or comments from the Board. [See handout.]

Mr. Cromar suggests a future serious discussion with staff and the Board on sources that have not been considered to get us to that 15%. Also, is there a timeline of when the Board may expect to see new rules. Staff responded that there may be some inventory rules later this summer for the Board's consideration.

Meeting ended at 4:34 p.m.

Minutes approved: May 1, 2024

2024 Air Quality Bills and Appropriations 3/6/23

| Bill Number | Short Title | Sponsor | Comments: Insight or context on the bill or agency position on the bill |
|-------------------------------------|---|-------------------------------|---|
| HB0059 | FEDERAL FUNDS CONTINGENCY PLANNING | Rep. Ivory | This bill addresses contingency planning related to federal funds. |
| HB0124 | HIGH COST INFRASTRUCTURE DEVELOPMENT TAX | Rep. Albrecht | This bill provides for the issuance of a tax credit for certain emissions reduction projects. |
| HB0191 | ELECTRICAL ENERGY AMENDMENTS | Rep. Jack | This bill requires the Public Service Commission (commission) to act in accordance with the state energy policy; requires the commission to make certain determinations before authorizing the early retirement of an electrical generation facility |
| HB0373 | ENVIRONMENTAL QUALITY AMENDMENTS | Rep. Snider | This bill addresses the Environmental Quality Code, Removes the Air Quality Policy Advisory Board, requires coordination and reporting to the Federalism Commission. |
| HB0470 | FEDERAL AGENCY REGULATORY REVIEW AMENDMENTS | Rep. Snider | This bill addresses state agency review of federal regulations. This bill requires certain state agencies to identify federal regulations impacted by the judicial doctrine of Chevron deference; |
| HB567 | Fire Regulation Amendments | Rep. Brooks | This bill defines terms; prohibits under certain circumstances the Air Quality Board or Division of Air Quality from prohibiting burns; addresses rulemaking authority; and makes technical changes. |
| SB0057 | UTAH CONSTITUTIONAL SOVEREIGNTY ACT | Sen. Sandall | This bill defines terms; establishes a framework for the Legislature, to prohibit the enforcement of a federal directive within the state by government officers if the Legislature determines the federal directive violates the principles of state sovereignty |
| SB0161 | ENERGY SECURITY AMENDMENTS | Sen. Owens, D | This bill requires the Division of Air Quality to evaluate the impacts of continued operation one or more coal fired electrical generating units operated by IPP on the Regionla Haze SIP and to evaluate a permit revision. |
| Appropriations Modifications | | | |
| HB3 Item 30 | -\$32,500 | 2025 | HB373 |
| HB3 Item 30 | \$311,200 | 2025 | SB161 |
| HB3 Item 30 | \$52,400 | 2025 | 2023HB220 |
| HB5 Item 17 | \$35,000 | 2024 | 2023HB513 |
| HB3 Item 30 | \$150,000 | 2025 | Trax monitoring to U of U |
| HB3 Item 30 | \$114,500 | 2025 | SIP coordinator |
| SB3 Item 15 | \$250,000 | 2024 | 179B International Transport Ozone Modeling |
| SB3 Item 15 | \$626,500 | 2024 | 2-stroke Incentives |
| SB8 | 3% | 2025 | Labor Market Increase for State Employees |
| SB8 | 2% | 2025 | Funding for Pay for Performance Labor Market Increase for state agencies |

Utah Ozone SIP FAQ

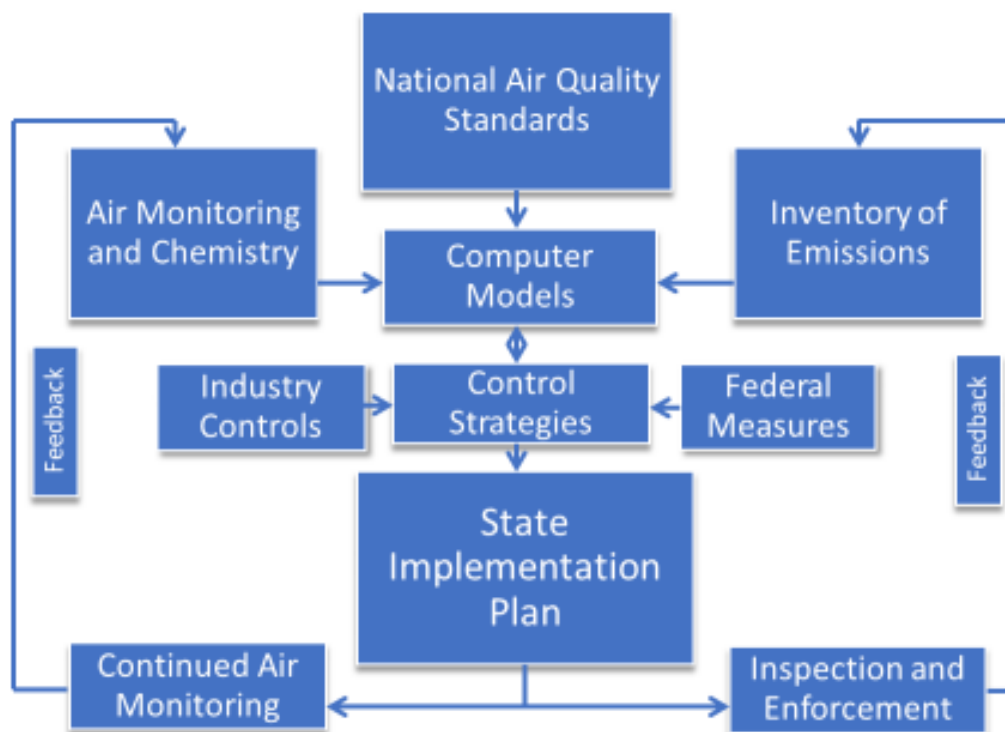
In November of 2022, the Northern Wasatch Front was designated as a Moderate Nonattainment Area for the 2015 revised National Ambient Air Quality Standard (NAAQS) for ground level ozone at the level of 70 parts per billion.

What is a State Implementation Plan (SIP) for ozone?

- A SIP is an all-inclusive document that outlines a conceptual discussion about emissions sources and how the state plans to address ozone formation and meet federal air quality standards. The Plan details the rules and requirements that will be implemented to reduce emissions and documents the benefits of existing programs that reduce emissions from sources of precursor emissions.
- The EPA requirements for SIP development are contained in 40 CFR parts 50 and 51.
- The Moderate SIP was approved by the Air Quality Board in September, 2023 and submitted by the Governor to EPA under authority of UCA 19-2-104 and 107.



<https://bit.ly/4bASWmp>



- EPA published a “Completeness Determination” in October 2023.
- Although complete, the state was not able to satisfy the requirements for SIP approval, including a demonstration of attainment by the attainment date and identifying a reduction of Volatile Organic Compounds (VOC) of 15% from the baseline inventory year of 2017 by 2023.

What are the required elements of a “Moderate” SIP?

| Category | Requirement | Reference | Addressed in Section |
|---|---|--|----------------------|
| Reasonable Further Progress (RFP) | Demonstrate a 15% reduction of VOCs from the base year inventory to the attainment year. | CAA §182(b)(1)(A)(i) and 40 CFR §51.1310 | Chapter 7 (IX D.11) |
| Base Year and Projected Emission Inventories | Establish the base year emission inventory (2017) and attainment year inventory (2023) for use in establishing RFP and demonstration of attainment. | CAA §182(b)(1)(B) and 40 CFR §51.1315 | Chapter 3 (IX D.11) |
| Attainment Demonstration | Demonstration that the NAA will attain the standard using a photochemical model and methods approved in EPA modeling guidance. | CAA §182(c)(2)(A) and 40 CFR §51.1308 | Chapter 8 (IX D.11) |
| Reasonable Available Control Technology (RACT) | Evaluation of the application of reasonable control technology (technically and economically feasible) at major sources. | CAA §182(b)(2) and 40 CFR §51.1312 | Chapter 4 (IX D.11) |
| Reasonable Available Control Measure (RACM) | Evaluation of application of RACM for all other sources of ozone precursors. | CAA §182(b)(2) and 40 CFR §51.1312 | Chapter 5 (IX D.11) |
| Motor Vehicle Inspection and Maintenance (I/M) Program | Evaluate if current I/M program meets CAA requirements. | CAA §182(b)(4) | Chapter 6 (IX D.11) |
| Nonattainment New Source Review (NNSR) Program | General offsets for VOCs increase to a ratio of 1.15 to 1.0. | CAA §182(b)(5) and 40 CFR §51.1314 | Chapter 4 (IX D.11) |
| Contingency Measures | Emission reduction measure triggered if the NAA fails to attain the standard by the attainment date. | CAA §182(c)(9) | Chapter 11 (IX D.11) |
| Motor Vehicle Emission Budgets | Establishment of maximum allowable emissions from on-road mobile sector for ozone precursor emissions used in transportation conformity analysis. | CAA §182(c)(5) | Chapter 10 (IX D.11) |

- Past SIPs have already implemented rules and strategies that have reduced emissions. Additional opportunities for reductions are impacting individuals and businesses to a greater extent and are having a lower overall benefit and a higher cost to implement.

How does Reasonable Further Progress (RFP), Reasonably Available Control Technology (RACT), and Reasonably Available Control Measures (RACM) impact the SIP?

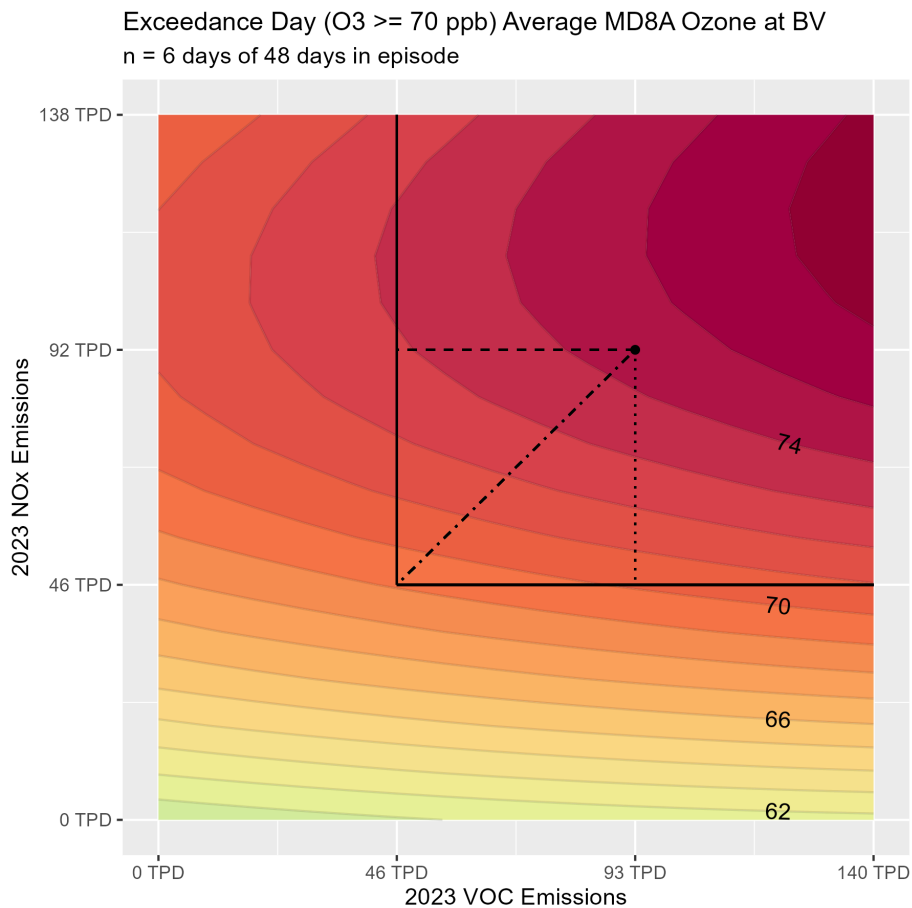
Emissions reductions under state regulatory control that are permanent, quantifiable and enforceable are documented through administrative rules and permits with the benefits quantified in the SIP.

How are other measures accounted for in the SIP?

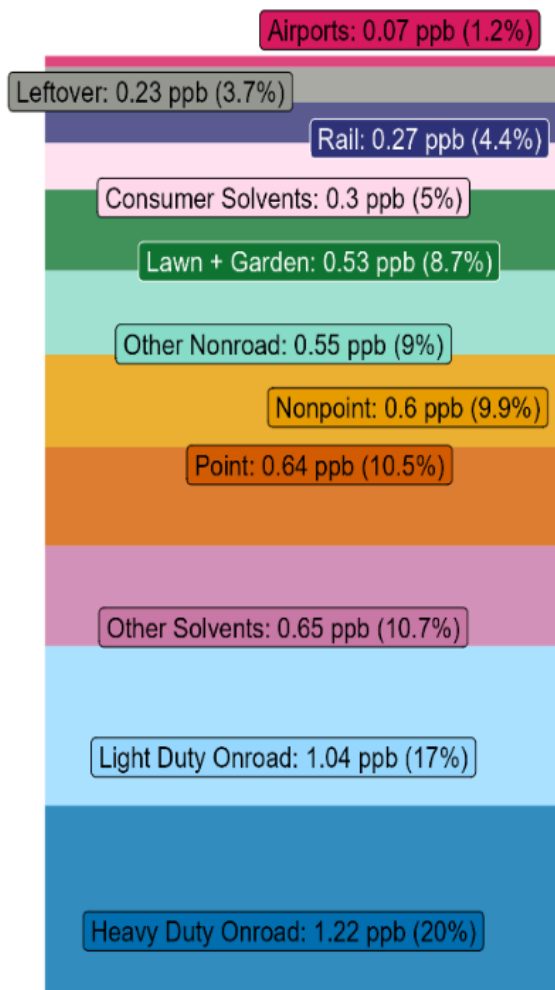
Incentives, voluntary measures, federal measures that reduce emissions and inputs such as transportation plans and growth projections are included in the future inventory projections that make the basis for the modeled attainment demonstration.

How do emissions reductions within the nonattainment area impact ozone concentrations?

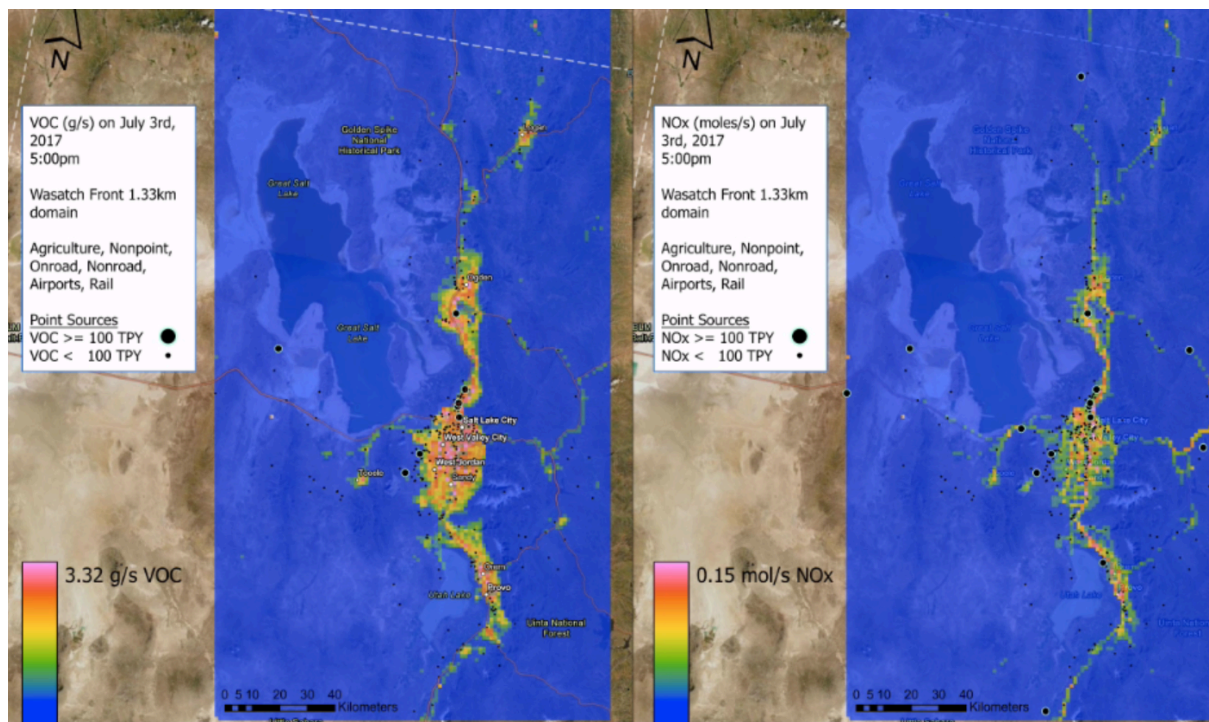
Reducing oxides of nitrogen (NO_x) and Volatile Organic Compounds (VOC) on high ozone days reduces the concentration of ozone as projected on the graph.



Reductions to Man Made emissions that originate within the Nonattainment area are eligible to meet the requirement to make reasonable further progress toward attaining the standard.



Local ozone development by source



Distribution of daily NOx and VOC emissions

Failing to attain the standard does NOT trigger sanctions. Failing to attain the standard moves an area into the next nonattainment area classification with expanded mandatory requirements and SIP elements.

Ozone Requirements By Classification

| | | NSR Offset | Major Source Threshold |
|---|---|---|------------------------|
| 2015 OZONE NAAQS Initial Designation/Classification Aug. 2018 Areas are reclassified (i.e. "bumped-up") to the next highest classification within 6-months of failing to attain | EXTREME Attainment Date Aug. 2038 SIP due Jan. 2034 | TRAFFIC CONGESTION CONTROLS (if appropriate) CLEAN FUELS REQUIREMENT FOR BOILERS | 10 tpy |
| | SEVERE (15, 17) Attainment Date Aug. 2033,35 SIP due Jan. 2029, 2031 Reformulated Gasoline required | PENALTY FEE PROGRAM FOR MAJOR SOURCES VMT GROWTH DEMONSTRATION (& TCMs if needed) | 25 tpy |
| SERIOUS Attainment Date Aug. 2027 SIP due Jan. 2026 | | VMT REPORTING NSR REQUIREMENTS FOR EXISTING SOURCE MODS CLEAN FUELS PROGRAM OR SUBSTITUTE MEASURE FOR LARGER POP. AREAS | 50 tpy |
| | | MODELED DEMO OF ATTAINMENT MILESTONE DEMONSTRATIONS and CONTINGENCY MEASURES FOR RFP 3% ANNUAL RFP UNTIL ATTAINMENT ENHANCED I/M for larger population areas | 1.15:1 |
| | | CONTINGENCY MEASURES FOR FAILURE TO ATTAIN ENHANCED MONITORING PLAN | |
| | | BASIC VEHICLE I/M for larger population areas 15% VOC ROP or 15% VOC/NOx RFP (OVER 6 YEARS) | 100 tpy |
| MODERATE Attainment Date Aug. 2024 SIP due Jan. 2023 | | VOC/NOx RACT for MAJOR/CTG SOURCES ATTAINMENT DEMONSTRATION | 1.1:1 |
| | | NONATTAINMENT NEW SOURCE REVIEW PROGRAM EMISSIONS STATEMENTS | |
| MARGINAL Attainment Date Aug. 2021 | | BASELINE EMISSIONS INVENTORY (EI) PERIODIC EMISSIONS INVENTORY UPDATES | 100 tpy |

What happens when EPA disapproves a SIP?

1. Transportation Conformity Freeze -Immediately

- A freeze means that some types of transportation projects can proceed, but no new projects can be implemented

2. Large Industry Offsets - 1.5 years and Highway Funding Sanctions –2 years

- Within two years of EPA's SIP disapproval, highway sanctions apply meaning that regionally significant projects, including transit projects can't proceed even if state and local funds are used.

3. Transportation Conformity Lapse

- Without an approved SIP, a conformity lapse will occur meaning that transportation plans can not be updated to include new projects

4. Federal Implementation Plan (FIP) Deadline –2 years

- EPA must promulgate a Federal Implementation Plan (FIP) two years after a SIP disapproval

Sanctions

[Status of Active Sanctions Clocks under the Clean Air Act | US EPA](#)

EPA initiates a sanction clock upon disapproval of a State Implementation Plan or a Finding of Failure to Submit through publication in the Federal Register.

Based on continued actions by the state to address the deficiencies in the SIP, EPA can stay or delay the implementation of sanctions.

The dynamic list of sanctions is updated by EPA at this link:

[Status of Active Sanction Clocks under the Clean Air Act As of February 21, 2024 Overview](#)

How have other states avoided sanctions?

After a SIP is submitted with known deficiencies, states have continued to identify additional SIP strengthening strategies. These are documented through rulemaking and revisions to the submitted SIPs.

EPA actions to start sanction clocks require notice to the states and publication in the Federal Register. EPA also takes time to consider submissions by states with usually up to a year to make determinations and take action on the submissions.

States have focused efforts on reasonable progress, demonstrating that the state is actively working to improve the basis of the SIPs. This could include:

- Actions to identify and quantify additional emission reduction strategies that impact the inventory, including incentive programs and public outreach and education.
- Rules that identify permanent, quantifiable and enforceable regulations on a portion of the inventory of air pollutant precursor emissions.
- Additional air quality model improvements to identify precursor emissions.
- Evaluations of other Clean Air Act provisions such as 179B International Contribution demonstrations.
- Exceptional Event demonstrations to exclude the impacts of natural and exceptional events such as wildfires and stratospheric intrusion.

Utah's stated strategy:

- Work to meet requirements with the State Implementation Planning tools that reduce emissions and show reasonable progress.
- Prepare a modeling demonstration of the impact of international transported emissions under CAA 179B.
- Litigation strategy based on EPA actions under international transport and plan reviews.
- Multistate letter/congressional actions to amend the prescriptive provisions of the Clean Air Act and EPA's implementing regulations.

What options has the Division of Air Quality identified that can address reasonable future progress?

- Seek a waiver from EPA to allow a combination of VOC and NOx reductions to be used to satisfy the RFP requirements based on Utah's unique circumstances relating to recent reductions under PM2.5 SIPs.
- Two stroke yard care equipment restriction on high ozone days

<https://deq.utah.gov/air-quality/reducing-2-stroke-lawn-equipment-emissions>

- Incentive programs for commercial yard care transition to electric equipment

<https://deq.utah.gov/air-quality/charge-your-yard-incentive-program>

- Incentive programs and in-use regulation of Nonroad diesel emissions (SB136 report)

<https://documents.deq.utah.gov/air-quality/planning/DAQ-2023-010135.pdf>

- Warm mix asphalt
- VOC emissions reductions from petroleum storage tanks
- RACT from point sources above 50 TPY emissions