



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of Environmental Quality

Tim Davis
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

Air Quality Board

Kim Frost, *Chair*
Michelle Bujdoso, *Vice-Chair*
Tim Davis
Seth Lyman
Colton Norman
Sonja Norton
John Rasband
Jeff Silvestrini
Dave Spence
Bryce C. Bird,
Executive Secretary

DAQ-080-25

UTAH AIR QUALITY BOARD MEETING October 1, 2025 – 1:30 p.m. 195 North 1950 West, Room 1015 Salt Lake City, Utah 84116

FINAL MINUTES

I. Call-to-Order and Roll Call

Kim Frost called the meeting to order at 1:30 p.m. Roll call of Board members was conducted.

Board members present: Kim Frost (attended electronically), Tim Davis (attended electronically), Michelle Bujdoso (attended electronically), Seth Lyman (attended electronically), Colton Norman (attended electronically), Sonja Norton (attended electronically), John Rasband (attended telephonically), Dave Spence (attended electronically)

Excused: Jeff Silvestrini

Executive Secretary: Bryce Bird

II. Date of the Next Air Quality Board Meeting: November 5, 2025

November 5, 2025, is the date of the next Board meeting.

III. Big West Oil LLC – Administrative Settlement Agreement. Presented by Harold Burge.

Harold Burge, Major Source Compliance Section Manager at DAQ, stated that the Big West Oil LLC's North Salt Lake refinery, capable of processing 33,000 barrels of crude oil daily, uses various heaters, boilers, cooling towers, storage tanks, and flares. These operations are continuously monitored per federal and state regulations and the refinery's permit. Compliance ensures accurate pollutant concentration data. Requirements include submitting state electronic data reports, timely audits of continuous monitoring systems, prompt correction of "out-of-control" monitors, and a quality control program for compliance due to the complexity of continuous monitoring requirements.

The division issued two Notices of Violation (NOVs) to Big West Oil, LLC (Big West Oil), the first on July 19, 2024, and the second on October 1, 2024, claiming violations of the applicable laws and Big West Oil's permit related to the continuous monitoring requirements. Big West Oil responded to

both NOV's and requested a tolling agreement to preserve its ability to challenge the NOV's through the administrative proceedings under Utah Code § 19-1-301. The division and Big West Oil signed the requested tolling agreement, also preserving the division's claims for statutory penalties. The division reviewed both responses, and the parties began settlement negotiations, which resulted in this settlement agreement for the Board's review. It is also important to note that Big West Oil returned to full compliance.

The following alleged claims were resolved through this settlement agreement: Failure to submit a complete and accurate state electronic data report (SEDR) on or before January 30, 2023; Failure to complete a valid H₂S monitor relative accuracy test audit (RATA) or cylinder gas audit (CGA) for third quarter of 2022. The CGA was completed on October 20, 2022, twenty days after the end of the quarter; Failure to promptly correct out-of-control monitors in 83 instances resulted in 262 days of monitor outage; Failure to develop and implement a quality control program with detailed written procedures as required; and Failure to complete a RATA at least once every four calendar quarters for the millisecond catalytic cracking stack SO₂ and O₂ monitors.

The division calculated a \$180,000 total penalty. Once the Board approves and the director signs the Settlement Agreement, the NOV's will be resolved as Big West Oil is compliant. This avoids administrative litigation and potential appeals. If not approved, Big West Oil may challenge the NOV's, incurring substantial division expenses, including administrative law judge costs. The settlement balances litigation risks and resource needs. The division provides this settlement to the Board as required by Utah Code § 19-2-104(3)(b)(i) because the penalty exceeds \$25,000. A copy of the settlement agreement is provided to the Board. The division will withhold further action until the Board approves the settlement. Staff recommends that the Board approve the settlement agreement.

When asked if staff believe that the source has taken steps to try to prevent this from happening in the future, Mr. Burge replied yes, they have spent a lot of time working with the source to come up with a way to ensure this does not happen again. There are no guarantees, but both parties have worked hard to understand what is necessary to comply.

In discussion, Harold explained that this is associated with several monitors and that they have twelve continuous emission monitors. He also agreed that they now have a quality control plan in place to make sure that the daily validations, the sonar gas audits, the RATAs, and the everyday compliance is all in place.

When asked to explain the process where it states that the parties waive any claims, for instance with future violations, Mr. Burge replied that typically the source's compliance history is looked at in accordance with the division's penalty policy when calculating penalty amounts. For the history, the division goes back five years. That is how that would be used for any future violations that might arise.

- Dave Spence motioned to approve the Settlement Agreement as discussed by the Board. Michelle Bujdoso seconded. The motion carries unanimously.

Executive Director Tim Davis informed the Board that the Department of Environmental Quality (DEQ) does not foresee any immediate staffing impacts from the federal shutdown. Thanks to existing federal and state funding, DEQ can sustain operations and continue fulfilling its mission for all Utahans.

Meeting adjourned at 1:44 p.m.

Minutes approved: November 5, 2025