



## 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-088-25

### UTAH AIR QUALITY BOARD MEETING

November 5, 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 1:32 p.m.

Board members present: Kim Frost, Colton Norman, Jeff Silvestrini, Dave Spence, Tim Davis, Michelle Bujdoso (attended electronically), Sonja Norton (attended electronically)

Excused: Seth Lyman, John Rasband

Executive Secretary: Bryce Bird (attended electronically)

#### II. Date of the Next Air Quality Board Meeting: December 3, 2025

#### III. Approval of the Minutes for the September 15, 2025, and October 1, 2025, Board Meetings.

- Colton Norman motioned to approve the September 15, 2025, and October 1, 2025, minutes. Dave Spence seconded. The motion carries unanimously.

#### IV. Propose for Public Comment: Amend R307-101. General Requirements; including Section R307-101-3. Version of Code of Federal Regulations Incorporated by Reference. Presented by Jazmine Lopez.

Jazmine Lopez, Rules Coordinator at DAQ, stated that section R307-101-3, Version of Code of Federal Regulations Incorporated by Reference, must be updated periodically to reflect changes to the federal air quality regulations as published in Title 40 of the Code of Federal Regulations (40 CFR).

Tim Davis enters the meeting.

Section R307-101-3 has been amended to identify the most recent version of 40 CFR, September 30, 2025, as the version that is incorporated throughout the Utah Air Quality Rules. By referencing the

federal rule directly this ensures consistency with federal standards, simplifies state rulemaking, and ensures that the state can enforce federal regulations to comply with Clean Air Act requirements. All codified and published changes to 40 CFR that are relevant to the Utah Air Quality Rules from July 2, 2024, to September 30, 2025, are listed in the attached table.

The division is also including additional necessary amendments to rule R307-101 to bring the rule into compliance with Executive Order 2021-12 requiring all departments to update their respective rules to align with the state rule writing manual standards. Staff recommend that the Board approve the amendments to R307-101 for a 30-day public comment period.

- Jeff Silvestrini motioned to propose for public comment amended rule R307-101. Colton Norman seconded. The motion carries unanimously.

**V. Propose for Final Adoption: Amend R307-205. Emission Standards: Fugitive Emissions and Fugitive Dust. Presented by Rachel Chamberlain.**

Rachel Chamberlain, Environmental Scientist at DAQ, stated that the proposed amendment to rule R307-205 aligns the statewide rule R307-309 which applies to PM10 and PM2.5 nonattainment and maintenance areas. Currently, rule R307-309 exempts agricultural dust, while rule R307-205 does not. The statewide rule imposes stricter controls on agricultural sources than is required within the nonattainment areas. This regulatory inconsistency creates confusion and imposes a disproportionate burden on agricultural operations outside nonattainment areas. Historical records indicate that the intent was regulatory parity between the two rules, not stricter statewide controls.

At the August 6, 2025, Board meeting, the amendment was proposed for a 30-day public comment period from September 1, 2025, to October 1, 2025. During this time, the division received one comment. No public hearing was requested by the associated due date.

The comment and the division's response is included with the Board memorandum. The comment can be summarized as follows: the commenter is concerned about relaxing any dust regulations; the commenter suggests that the division share resources about soil health improvement in the state such as the Utah Soil Health Partnership to assist farmers and ranchers in improving soil health which will lead to less fugitive dust; and the commenter suggests that the division implement dust monitoring around agriculture sites to ensure that this rule change will not increase air pollution and harm public health.

In response, the division is coordinating with the Utah Department of Agriculture and Food (UDAF) to share soil health resources, incentive, and programs that can potentially decrease agricultural fugitive dust sources. DAQ has only received five agricultural dust complaints since 2015. Four of which were from a single facility. The division does not expect increased emissions from this change. Staff recommends the Board approve the amendments to rule R307-205 for final adoption.

Mayor Silvestrini stated that he appreciates the constructive nature of the comment and the division's response, particularly the attention paid to the educational aspect. Also reassuring that this is not intended to increase agricultural fugitive emissions. Instead, it recognizes that the regulation is less critical in areas that have already achieved attainment.

Ms. Chamberlain clarified that four of the five complaints originated from a single facility and concerned the horses on the property. Since most UDAF dust and soil health recommendations pertain

to crops and water mitigation, she will need to investigate if they have applicable resources for animal husbandry and ranching related to that specific complaint.

- Jeff Silvestrini motioned for final adoption of amended rule R307-205. Dave Spence seconded. The motion carries unanimously.

**VI. Propose for Final Adoption: Amend R307-401. Permit: New and Modified Sources. Presented by Dungan Adams.**

Dungan Adams, Environmental Engineer at DAQ, stated that on January 7, 2025, Governor Spencer Cox issued Executive Order 2025-01 to the Department of Environmental Quality. The Executive Order requires the department to evaluate the implementation and expansion of Permit by Rule and general permitting. In addition, House Bill 85 in the 2025 General Session requires the Division of Air Quality to conduct a study on the feasibility of expanding Permit by Rule programs and make rules to include at least five categories listed in the bill. In response to the Executive Order and House Bill, the division is proposing additions and changes to the Permit by Rule program.

The current version R307-401-10 lists various source categories and emission units that did not need to obtain an approval order. To assist in readability and clarity, the specific exempted items were removed from section R307-401-10 and placed under new individual rules, R307-431, for exempted emission units and R307-432, for exempted source categories. The amended section R307-401-10 refers to the two new rules for the specific items that are exempt.

Section R307-401-10 includes an option for sources to submit a registration to the director. This registration is not required under section R307-401-10; however, well sites and portable aggregate processing plants are required to submit a registration under other applicable rules.

The proposed rule texts, as well as a fact sheet went out for Advanced Notice of Proposed Rulemaking, and the division received feedback from one commenter.

At the August 6, 2025, Board meeting, the Board proposed the amendments to rule R307-401 for a 30-day public comment period from September 1, 2025, to October 1, 2025. During this time, the division received one comment. No public hearing was requested by the associated due date. The comment and the division's responses are included with the memorandum to the Board.

The comments can be summarized as follows: a comment suggesting random inspections at these exempted units and sources; and a comment inquiring about the division's procedures for reevaluating the exemptions in the case of widespread compliance violations.

The division will continue to inspect exempted emission units at sources that require a permit on a regular basis and will provide compliance action as necessary. The division will also continue to follow the inspection procedures established in current compliance protocols.

The division will continue to work with stakeholders and evaluate options to improve the permit by rule program. Staff recommends the Board approve the amendments to R307-401, Permit: New and Modified Sources, for final adoption.

- Dave Spence motioned to approve the amendment to rule R307-401. Sonja Norton seconded. The motion carries unanimously.

**VII. Propose for Final Adoption: New Rule R307-431. Emission Unit Exemptions From Obtaining an Approval Order Under Section R307-401-8: Permit by Rule for Emission Units. Presented by Dungan Adams.**

Dungan Adams, Environmental Engineer at DAQ, stated that as explained in the agenda item for R307-401, the division is proposing changes to the Permit by Rule program. Proposed rule R307-431 contains emission units that would be exempt from the requirement to obtain an approval order under R307-401-8.

The following emission units are being moved from section R307-401-10 to this new rule: natural gas-fired heaters and boilers, comfort heating equipment, emergency heating equipment, exhaust systems, and vapor mitigation systems. The language in these exemptions is updated to add clarity and assist with readability. The specific requirements and intent of these exemptions is not changing in any way.

The following emission units are being added to the Permit by Rule program to satisfy the requirements of House Bill 85 which include: fuel storage tanks, abrasive blasting operations, degreasing operations, municipal solid waste landfills, and emergency engines. Various thresholds were added to the conditions to ensure these emission units would not negatively impact air quality.

The proposed rule text, as well as a fact sheet went out for Advanced Notice of Proposed Rulemaking, and feedback was received. At the August 6, 2025, Board meeting, the Board proposed new rule R307-431 for a 30-day public comment period where comment was received. The comment and the division's responses are included with the memorandum to the Board.

Staff recommends the Board approve new rule R307-431, Emission Unit Exemptions From Obtaining an Approval Order Under Section R307-401-8: Permit by Rule for Emission Units, for final adoption.

- Jeff Silvestrini motioned to adopt new rule R307-431. Sonja Norton seconded. The motion carries unanimously.

**VIII. Propose for Final Adoption: New Rule R307-432. Source Category Exemptions From Obtaining an Approval Order Under Section R307-401-8: Permit by Rule for Source Categories. Presented by Dungan Adams.**

Dungan Adams, Environmental Engineer at DAQ, stated that as explained in the agenda item for R307-401, the division is proposing changes to the Permit by Rule program. Proposed rule R307-432 contains source categories that would be exempt from the requirement to obtain an approval order under R307-401-8.

The following source categories are being moved from section R307-401-10 to this new rule: well sites, gasoline dispensing facilities, and portable aggregate processing plants. The language in these exemptions is updated to add clarity, assist with readability, and conform to existing federal rules. The specific requirements and intent of these exemptions is not changing in any way.

The following source categories are being added to the Permit by Rule program to satisfy the requirements of House Bill 85 which include: dry cleaners and automotive refinishing sources. Various requirements are included in the rule to ensure that these source categories would not negatively impact air quality.

The proposed rule text, as well as a fact sheet went out for Advanced Notice of Proposed Rulemaking, and feedback was received. At the August 6, 2025, Board meeting, the Board proposed new rule R307-432 for a 30-day public comment period where comment was received. The comment and the division's responses are included with the memorandum to the Board.

Staff recommends the Board approve new rule R307-432, Source Category Exemptions From Obtaining an Approval Order Under Section R307-401-8: Permit by Rule for Source Categories, for final adoption

Tim Davis commended the division and the Board for their work in adopting these three series of rules, which emerged from the Governor's Executive Order. Adopting all three of these rules is a significant step toward improving our permitting process where public health risk is low. Thanks to the division and to the Board for your actions today.

Ms. Bujdoso and Mayor Silvestrini added their comments thanking the division's work with stakeholders to improve and clarify the program without relaxing any air quality requirements.

- Colton Norman motioned to adopt new rule R307-432. Jeff Silvestrini seconded. The motion carries unanimously.

## **IX. Informational Items.**

### **A. Air Toxics. Presented by Leonard Wright.**

### **B. Compliance. Presented by Harold Burge, Rik Ombach, and Chad Gilgen.**

### **C. Monitoring. Presented by Lucas Bohne.**

Lucas Bohne, Environmental Scientist at DAQ, updated the Board on monitoring information including uncertified ozone exceedances for 2025.

### **D. Other Items to be Brought Before the Board.**

Ms. Frost acknowledged that this is Mayor Silvestrini's last meeting, as he is retiring. She thanked him for his service. He has always had the highest interest in public safety and improving our air quality, which guided all his decisions. Ms. Frost truly appreciates his participation on the Board and his willingness to serve.

Mayor Silvestrini commented that this has been a particularly rewarding experience. He appreciates the division staff's efforts to thoroughly explain matters to this Board. Bryce, he is grateful for your availability to meet and address the questions he has raised periodically. It has been a pleasure. He will certainly miss this aspect of his career. Mayor Silvestrini is satisfied with his accomplishments over the course of his nine years as Mayor, and he is looking forward to dedicating more time to his wife.

Bryce Bird thanked Mayor Silvestrini for his service on the Board. Mr. Bird really appreciates the time and effort that he put into being prepared for Board meetings. Staff loved the questions and the engagement that Mayor Silvestrini provided.

Mr. Bird announced that with Mayor Silvestrini's retirement the Board is seeking applications for a replacement. This seat is typically an elected official from the Wasatch Front. The application can be found on the Utah Boards and Commissions webpage or you can contact him directly for the link.

**E. Board Meeting Follow-up Items.**

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Meeting adjourned at 2:01 p.m.

Minutes approved: December 3, 2025