



State of Utah

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Lorin Palmer
John Rasband
Dave Spence
Bryce C. Bird,
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DAQ-043-26

UTAH AIR QUALITY BOARD MEETING

August 5, 2026 – 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.

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

Excused: Tim Davis

Executive Secretary: Bryce Bird

II. Date of the Next Air Quality Board Meeting: September 2, 2026

The annual Board training will be held at 11:30 a.m. on September 2, prior to the 1:30 p.m. Board meeting.

III. Approval of the Minutes for July 1, 2026, Board Meeting.

- Dave Spence motioned to adopt the July meeting minutes. Colton Norman seconded. The motion carries unanimously.

IV. Propose for Public Comment: Amend Rule R307-101. General Requirements. 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 amended to reflect changes to the federal air quality regulations as published in Title 40 of the Code of Federal Regulations (40 CFR).

Rule R307-101 is being amended to identify the most recent version of 40 CFR, June 30, 2026, as the version that is incorporated throughout the Utah Air Quality rules. By referencing the federal rules 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 (CAA) requirements. This amendment reflects any changes to 40 CFR from October 1, 2025, to June 30, 2026. This amendment also changes all references in rule R307-101 of the “Executive Director” of the Department of Environmental Quality to “commissioner” to comply with House Bill 384 from the 2026 General Session. The division is updating the rule text to reflect the dates that certain areas in Utah were designated as maintenance areas for sulfur dioxide (SO_x), PM₁₀, and PM_{2.5}. Staff recommend the Board approve the amendments to rule R307-101, General Requirements, for a 30-day public comment period.

- Colton Norman motioned to approve amendment to R307-101 for a 30-day public comment period. John Rasband seconded. The motion carries unanimously.

V. Propose for Public Comment: Amend Rule R307-105. General Requirements: Emergency Controls. Presented by Jazmine Lopez.

Jazmine Lopez, Rules Coordinator at DAQ, stated that during the 2026 General Session, the Utah Legislature passed House Bill 384 which changed the title of the “Executive Director” of the Department of Environmental Quality to “commissioner.” The amendment to rule R307-105 changes all references of “Executive Director” to “commissioner” to align with this statute change. The division is also making additional necessary amendments to rule R307-105 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 the Board approve the amendments to rule R307-105, General Requirements: Emergency Controls, for a 30-day public comment period.

Staff were asked if there are other rules in R307 referencing the “Executive Director?” Also, do previously approved state implementation plans (SIPs) referencing the “Executive Director” need to be updated and how that would be handled. Staff responded that federally approved SIPs cannot be retroactively changed; they remain as approved, but all future references will use “commissioner.” Final actions remain historically accurate to when they were created. Existing guidance documents won't change because they are referenced in current rules and permitting actions.

- John Rasband motioned the Board approve amendment to rule R307-105 for public comment. Sonja Norton seconded. The motion carries unanimously.

VI. Propose for Final Adoption: Amendment to Section R307-110-13 to incorporate Utah State Implementation Plan Section IX, Control Measures for Area and Point Sources, Part D, Ozone; Section IX.D.13.a, 2020 Uinta Basin Periodic Inventory Report and Section IX.D.13.b, 2023 Uinta Basin Periodic Inventory Report. Presented by Sheila Vance.

Sheila Vance, Environmental Scientist at DAQ, stated that under the CAA there is a requirement to have periodic emission inventories submitted every three years to meet the requirements as a marginal ozone nonattainment. The Uinta Basin (UB) was designated as a marginal ozone nonattainment area (NAA) in August 2018. The path since that designation has been a little complicated, the area met the CAA requirements allowing the state of Utah to request two one-year extensions to the attainment date.

In December 2024, EPA denied the second one-year request and reclassified the area to moderate nonattainment. In February 2025, the state of Utah requested that EPA reconsider their December 2024 decision and filed in court a request for a stay of the decision. EPA agreed to reconsider the December 2024 decision, and a judicial stay was granted. These decisions leave the UB NAA in a marginal NAA status currently and all CAA requirements for a marginal NAA remain in place.

On April 23, 2026, the EPA proposed a reconsideration of the second one-year extension request denial and have now proposed to grant the extension request and make the determination that the area has attained the 2025 ozone standard by the marginal attainment date. The submission of these periodic inventories will support EPA's proposal as the state is required to meet all state implementation plan requirements for a marginal NAA to grant such extensions to the attainment date.

A public hearing was conducted on May 13, 2026, as it was requested in accordance with Utah rulemaking procedures. A summary of the public comments received, and the division's responses are provided in Appendix A of the Board packet.

None of the relevant public comments warranted changes to the periodic emission inventories, but during the public comment period, division staff identified several technical errors in the inventory data that required correction. Although these errors were not considered significant, they warranted updates to the inventory documents.

Staff recommend the Board approve the amendment to section R307-110-13, Section IX, Control Measures for Area and Point Sources, Part D, Ozone; Utah State Implementation Plan, section IX.D.13.a, 2020 Uinta Basin Periodic Inventory Report and section IX.D.13.b, 2023 Uinta Basin Periodic Inventory Report, for final adoption.

Mr. Rasband asked how many sources this affects and do individual sources provide the inventories? Ms. Vance clarified that the periodic emission inventory report covers only sources under state jurisdiction. These are facilities that submit data every three years as part of their triennial reporting. Consequently, that triennial inventory would be adapted into the required format for this report.

Dr. Lyman states that in the comments, the Utah Petroleum Association (UPA) commented on their disagreements with some of the methods in developing inventories. Could staff talk about this and does the division have plans to address discrepancy for future inventories. Ms. Vance acknowledged UPA's concerns, but state officials remain confident in current emissions inventory methods, which rely on EPA emission factors to accurately reflect UB emissions. If rulemaking is pursued, the state will engage UPA and stakeholders, but currently remains satisfied with its approach and EPA's support.

Ms. Norton asks, since our nonattainment status is driven by weather, a factor outside our control, how can we address this moving forward? While we continue reducing emissions and detecting leaks to be better stewards, what additional steps can we take to account for the unmanageable impact of weather? Ms. Vance responded that achieving three years of good data (2020–2022) met CAA requirements, forming the basis for the EPA's reconsideration. Despite weather-related challenges like wintertime ozone in 2023, which the EPA does not classify as an exceptional event due to annual snowfall, attainment was reached for those three years. If the EPA finalizes its proposal, the focus will shift to developing a maintenance plan. Meanwhile, work will continue to reduce emissions and maintain the standard.

Ms. Norton asks staff if they see the attainment level changing? Ms. Vance stated that the 2015 ozone standard was set at 70 parts per billion (ppb), despite support for 68 ppb, and has not been reconsidered. Although national ambient air quality standards require review every five years, no reconsideration has occurred, leaving future updates dependent on the Administration.

Ms. Bujdoso states that if future rulemaking occurs, some of UPA's concerns may be addressed. However, her concern is that past SIPs relied on EPA's inventory as the basis for required reductions. Once emissions inventories are approved and locked in, the baseline years and necessary reductions cannot easily be changed. In a previous SIP, we faced an issue with the inventory but were forced to use it as the unalterable baseline. Therefore, any concerns regarding an emission inventory should be resolved now, rather than waiting for future rulemaking. Ms. Vance responded that periodic emissions inventories represent a point-in-time requirement for marginal NAA. While currently serving as a baseline for 2020 and 2023, these inventories can still be updated if needed, particularly if reclassification to moderate or serious status requires more granular detail for a SIP.

Dr. Lyman noted that while EPA-approved methods, such as the EPA AP-42 emission factors, are required for establishing inventory factors, they have limitations and can produce different results than non-regulatory alternative methods preferred by UPA. For example, there is no established method to determine emission rates for facilities like produced water farms. This creates tension because UDAQ must rely on regulatory-approved methods using the best available data, even if current science offers better measurement techniques. Although these methods could be improved, that work follows a different timeline than DAQ's inventory requirements. Ms. Vance responded that the methodology relies on collected data, explaining that because many sources do not exist, the division is developing a more robust inventory based on joint studies with the EPA. These reports show a 33 percent reduction in VOCs, confirming that monitors in the UB indicate compliance with the standard.

Mr. Spence asked if there was any staff follow-up on the miscommunication when the original public hearing notice went out. Staff responded that responses to comments on the UB emission inventory reports rulemaking are available. Public confusion arose when a third-party Facebook group misidentified the public hearing as being about the Box Elder County data center. Although staff contacted the group beforehand and the post was taken down, several individuals traveled long distances to attend and comment on the data center. Staff clarified that no permit application for the data center has been received yet and explained that any future application will follow the standard CAA review process. Staff stayed after the hearing to speak with attendees and explain the permitting process.

Ms. Frost inquired regarding the one-year extension granted by the EPA. She sought clarification on whether the extension applied to the current 2020–2023 inventory period and asked when the subsequent reporting would be due. Ms. Vance explained that the extension set an attainment date of August 2023, providing three years of good data. If the extension request and determination of attainment are finalized, the area cannot be reclassified as moderate or serious. Instead, it will remain a marginal NAA and we must continue submitting periodic inventory reports to the EPA until requesting redesignation. The next periodic inventory report will likely be submitted for 2026.

- Dave Spence motioned to approve the final adoption to amendments to section R307-110-13. Seth Lyman seconded. The motion carries unanimously.

VII. Propose for Public Comment: Amend Section R307-110-13 to incorporate Utah State Implementation Plan Section IX, Control Measures for Area and Point Sources, Part D, Ozone; Section IX.D.12.a, 2020 Southern Wasatch Front Periodic Inventory Report and Section IX.D.12.b, 2023 Southern Wasatch Front Periodic Inventory Report. Presented by Ryan Bares.

Ryan Bares, Environmental Scientist at DAQ, stated that this proposal is for a 30-day public comment period, amendments to section R307-110-13 as necessary to incorporate periodic emission inventories for the Southern Wasatch Front (SWF) ozone nonattainment area for the years 2020 and 2023 as required under section 182(a)(3)(A) of the CAA.

On August 3, 2018, the U.S. Environmental Protection Agency designated Utah's SWF as a marginal NAA for the 2015 ozone standard. In August 2020, the Utah Division of Air Quality submitted a 2017 base-year inventory for the area which was subsequently approved by EPA in August 2021. This 2017 inventory serves as effectively the starting point for periodic inventories the division is proposing for public comment today.

In October 2022, the EPA determined that the SWF attained the health-based standard by the marginal attainment date. While the area has attained the standard, it is important to note that it will not be reclassified as attainment until the state meets additional CAA requirements and will remain designated as marginal until that time. Consequently, the SWF is still subject to certain CAA requirements, including the requirement to submit periodic emission inventories for the area once every three years.

These reports serve to track the trends of human-caused ozone precursor emissions including emissions of nitrogen oxides (NO_x) and volatile organic compounds (VOC). Importantly, these reports show that total human caused ozone precursor emissions in the SWF continued to trend downward from 2017 through 2023, especially as it relates to emissions of NO_x.

Staff recommends that the Board approve amendment to section R307-110-13 to incorporate Utah State Implementation Plan; section IX.D.12.a, 2020 Southern Wasatch Front Periodic Inventory Report and section IX.D.12.b, 2023 Southern Wasatch Front Periodic Inventory Report for a 30-day public comment period.

In response to questions, Ms. Lopez explained that the Office of Administrative Rules (OAR) puts the month and year as a place holder in the rule. The OAR will put the actual date in the rule once the rule is made effective.

- Kim Frost motioned to propose for public comment, amend section R307-110-13 to incorporate Utah SIP Section IX, Control Measures for Area and Point Sources, Part D, Ozone. Dave Spence seconded. The motion carries unanimously.

VIII. Propose for Public Comment: Amend Section R307-110-28. Regional Haze; Utah State Implementation Plan, Section XX.A.1; Amend Section R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits. Presented by Devin Mulrooney.

Devin Mulrooney, Environmental Scientist at DAQ, stated in summary that in August 2022, Utah submitted its Regional Haze (RH) SIP for the Second Implementation Period to the EPA, incorporating various four-factor analyses and emission reductions. Subsequently, in December 2024, the EPA granted partial approval and issued a partial disapproval of the submission. Today's

proposed revisions to the Board address those disapproved sections by updating the long-term strategy specifically for two facilities: US Magnesium and the Intermountain Power Plant (IPP). The remaining aspects of the disapproval are being handled separately by the EPA through agency reconsideration.

During development of the Second Implementation Period SIP, US Magnesium completed a four-factor analysis. That analysis determined that installation of flue gas recirculation to reduce SO_x emissions represented a reasonable control measure. Since that time, however, the facility voluntarily ceased operations in 2021 and, in 2026, the property was purchased by Utah Forestry, Fire, and State Lands.

Because the facility is no longer operating, this revision updates the SIP to reflect the correct ownership and modifies the compliance schedule so that installation of flue gas recirculation would be required by 2028 or prior to any future restart of the facility, whichever occurs later. We are not removing any controls. We are just allowing the facility to not have to stall control if the facility is not operating. Ultimately there will be no visibility impact.

The most complex revisions pertain to IPP, a coal-based electricity generating unit located in Delta, Utah. Under the original SIP, the coal units were scheduled to be voluntarily shut down, because IPP was constructing two new natural gas plants. IPP initiated construction on these facilities primarily because 98% of its generated power is supplied to California utilities, which operate under strict emissions performance standards that prohibit the purchase of coal-generated power.

However, significant legislative shifts regarding coal-fired power have since occurred at both state and federal levels. At the state level, Utah raised concerns about decommissioning key energy assets amidst rising electricity demand. At the federal level, updated RH guidance has encouraged moving away from embedding fixed closure dates directly within RH SIPs. Consequently, the retirement deadline is being removed to allow for a full re-evaluation of the facility.

During this re-evaluation, a new four-factor analysis was conducted where particulate matter and SO_x was determined to be effectively controlled under current operations. NO_x controls, while selective non-catalytic reduction (SNCR) proved cost-effective under high utilization, a holistic review of all four factors indicated that a mass-based emission limit was necessary to ensure reasonable progress.

To achieve this, a 35 percent reduction in potential to emit was established, establishing a new NO_x limit for IPP of 14,340 tons per year (down from 21,234 tons per year). This framework grants IPP the flexibility to select its preferred compliance strategy, whether that involves installing control technology, reducing utilization, or implementing alternative methods.

Additionally, the DAQ conducted updated visibility modeling using a conservative worst-case scenario that assumed simultaneous operation of both coal units and both natural gas units. The modeling demonstrated that all of Utah's Class I areas remain comfortably below the Uniform Rate of Progress glidepath, which tracks the required trajectory for state visibility improvements.

Staff consulted with the federal land managers, tribes, neighboring states, environmental groups, and industry. Stakeholders were given the opportunity to ask questions and provide feedback. Ultimately, these revisions will address EPA's disapproval and Utah will maintain its reasonable progress towards natural visibility conditions for its Class I areas.

Staff recommend that the Board approve amendments to rule R307-110-28, Regional Haze; Utah SIP, section XX.A.1, and R307-110-17, section IX, Control Measures for Area and Point Sources, Part H, Emission Limits, for a 30-day public comment period.

When asked whether staff had received any indication from the EPA regarding the timeline for feedback on its reconsideration of parts of the partial disapproval, Mr. Mulrooney explained that the EPA is waiting for Utah's updated information before taking action. In addition, EPA actions in other states suggest Utah's current approach aligns with the agency's existing practices.

Dr. Lyman commented that the EPA previously experienced issues regarding specific facilities, partly due to pending court cases. Is there a possibility that submitting this today will require a re-submission later because these legal matters remain unresolved? Mr. Mulrooney responds that EPA intends to address the remaining facilities, PacifiCorp's Hunter and Huntington, Sunnyside, and GNG, independently. Based on prior discussions with the EPA, further action should not be required for IPP and US Magnesium. Approval of those facilities is anticipated.

Dr. Lyman asked whether the specific action being considered today for IPP, US Magnesium, and other facilities could be evaluated separately as part of the state's RH plan if necessary. Mr. Mulrooney responded that the EPA will pursue two separate actions: they will incorporate today's decision into their information and independently re-evaluate the existing information they have on those other facilities.

- John Rasband motioned to propose for public comment to amend section R307-110-28, Regional Haze; Utah State Implementation Plan, section XX.A.1; to amend section R307-110-17, section IX, Control Measures for Area and Point Sources, Part H, Emission Limits. Colton Norman 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 and answered Board member questions.

D. Other Items to be Brought Before the Board.

Ms. Bujdoso, Vice Chair of the Board, announced her resignation from the Air Quality Board, and that a replacement has been found who Bryce will announce. She continues that serving on the Board has been a highlight of her career. She appreciates the opportunity to work closely with Bryce, benefiting from his air quality expertise and guidance on SIPs over the past 20+ years. She also recognizes the dedicated staff for their hard work. The improvements in air quality, monitoring, and attainment designations over recent years reflect their commitment, and she is proud to have been a part of it. Thank you.

Mr. Bird states that Ms. Bujdoso served as a representative of the fuels industry, which has proposed a new nominee. The Governor supported the nomination and sent a recommendation letter to the Senate last month, with Senate action scheduled for August 18. If the process is delayed, Michelle has agreed to remain as long as necessary. The Governor's nominee is Lauren VanderWerff, Environmental Manager at Chevron.

E. Board Meeting Follow-up Items.

Meeting adjourned at 2:26 p.m.

Minutes approved: September 2, 2026