



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of Environmental Quality

Tim Davis
Commissioner

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
Lorin Palmer
John Rasband
Dave Spence
Bryce C. Bird,
Executive Secretary

DAQ-051-26

UTAH AIR QUALITY BOARD MEETING

September 2, 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, Lorin Palmer, Dave Spence, Colton Norman, John Rasband, Seth Lyman, Michelle Bujdoso (attended electronically), Sonja Norton (attended electronically)

Excused: Tim Davis

Executive Secretary: Bryce Bird

II. Annual Election of Chair and Vice-Chair. Introduction by Bryce Bird.

Mr. Bird opened nominations for Chair of the Air Quality Board.

- Kim Frost nominates Dave Spence for Chair of the Air Quality board and Lorin Palmer seconds. No other nominations were made. The motion to approve Dave Spence as Chair of the Air Quality Board carries unanimously.

Mr. Spence opened nominations for Vice-Chair of the Air Quality Board.

- Kim Frost nominates Colton Norman for Vice-Chair of the Air Quality Board and John Rasband seconds. No other nominations were made. The motion to approve Colton Norman as Vice-Chair of the Air Quality Board carries unanimously.

At the discretion of newly elected Chair, Dave Spence, Kim Frost will conduct this month's meeting.

III. Date of the Next Air Quality Board Meeting: October 7, 2026

The next meeting is October 7, 2026, at 1:30 p.m.

IV. Approval of the Minutes for August 5, 2026, Board Meeting.

- John Rasband motioned to approve the minutes as submitted. Colton Norman seconded. The motion carries unanimously.

V. Five-Year Reviews: R307-110. General Requirements: State Implementation Plan; R307-120. General Requirements: Tax Exemption for Air Pollution Control Equipment; R307-130. General Penalty Policy; R307-135. Enforcement Response Policy for Asbestos Hazard Emergency Response Act; R307-320. Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program; R307-325. Ozone Nonattainment and Maintenance Areas: General Requirements; R307-326. Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries; R307-327. Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage; R307-328. Gasoline Transfer and Storage; R307-335. Degreasing; R307-341. Ozone Nonattainment and Maintenance Areas: Cutback Asphalt; and R307-343. Wood Furniture Manufacturing Operations. Presented by Jazmine Lopez.

Jazmine Lopez, Rules Coordinator at DAQ, stated that Utah Code Title 63G-3-305 requires each agency to review and justify each of its rules within five years of a rule's original effective date or within five years of the filing of the last five-year review. This review process is not a time to revise or amend the rules, but only to verify that the rule is still necessary and allowed under state and federal statute. As part of this process, the division is required to identify any comments received during and since the last five-year review of each rule. This process is not the time to revisit those comments or to respond to them.

The division has completed the five-year review of rules: R307-110, General Requirements: State Implementation Plan; R307-120, General Requirements: Tax Exemption for Air Pollution Control Equipment; R307-130, General Penalty Policy; R307-135, Enforcement Response Policy for Asbestos Hazard Emergency Response Act; R307-320, Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program; R307-325, Ozone Nonattainment and Maintenance Areas: General Requirements; R307-326, Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries; R307-327, Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage; R307-328, Gasoline Transfer and Storage; R307-335, Degreasing; R307-341, Ozone Nonattainment and Maintenance Areas: Cutback Asphalt; and R307-343, Wood Furniture Manufacturing Operations.

There have not been any comments received on any of these rules. Staff recommend that the Board continues rules by approving the attached Five-Year Notice of Review and Statement of Continuation forms to be filed with the Office of Administrative Rules.

- Dave Spence motioned to continue rules R307-110, R307-120, R307-130, R307-135, R307-320, R307-325, R307-326, R307-327, R307-328, R307-335, R307-341, and R307-343. John Rasband seconded. The motion carries unanimously.

VI. Propose for Final Adoption: Amendment to Rule R307-102. General Requirements: Broadly Applicable Requirements. Presented by Jazmine Lopez.

Jazmine Lopez, Rules Coordinator at DAQ, stated that during the 2026 General Session, the Utah Legislature passed House Bill 147 which requires state agencies to provide an electronic filing option for submitting forms. While the division already accepts many submissions by electronic means, the

amendment to rule R307-102 clarifies that the division accepts submissions in person, by mail, or electronically except reports that are applicable to the Environmental Protection Agency's Cross-Media Electronic Reporting Rule (CROMERR) requirements which do not allow for reports to be submitted via email attachment and does not consider scanned signatures to be valid e-signatures. Persons who must adhere to CROMERR original signature requirements are still required to submit documents in person or by mail, including compliance and Title V documents with a signed certification statement.

On June 3, 2026, the Utah Air Quality Board proposed amendments to rule R307-102 for a public comment period which was held from July 1, 2026, to July 31, 2026. No comments were received during this time, and no public hearing was requested by the associated due date. Staff recommend the Board approve the amendments to rule R307-102, General Requirements: Broadly Applicable Requirements, for final adoption.

- Colton Norman motioned to approve amendment to R307-102 for final adoption. John Rasband seconded. The motion carries unanimously.

VII. Propose for Final Adoption: Amendment to Section R307-110-34 to incorporate Utah State Implementation Plan Section X.D, Utah County Vehicle Inspection and Maintenance Program. Presented by Devin Mulrooney.

Devin Mulrooney, Environmental Scientist at DAQ stated that section R307-110-34 incorporates Utah State Implementation Plan (SIP) Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County and which incorporates the Utah County Vehicle Inspection and Maintenance (I/M) Program into the SIP. This revision reflects changes adopted in Utah County Ordinance 2025-1065 and the requirements of House Bill 22, Vintage Vehicle Amendments, from the 2026 General Session.

The revision includes three changes: prohibits denial of vehicle registration based solely on the presence of a defeat device covered under the Mercedes-Benz USA, LLC and Mercedes-Benz Group AG consent decree; exempts vehicles of model year 1995 and older from the I/M program, to address removing two speed idle testing; and exempts vehicles that were not originally equipped with on-board diagnostics II (OBD II) technology, provided they have not been tampered with or modified.

On June 3, 2026, the Utah Air Quality Board proposed these amendments for public comment, which opened July 1, 2026, for 30 days. No comments were received during this time, and no public hearing was requested by the associated due date. No changes were made between proposal and final adoption. Staff recommends that the Board approve the amendments to section R307-110-34, to incorporate Utah State Implementation Plan Section X.D, Utah County Vehicle Inspection and Maintenance Program, for final adoption.

Mr. Spence asked if Utah county is still keeping their smoking vehicle program. Also, in the new ordinance it refers back to a two-speed idle test to verify the smoking vehicle. Does that mean an analyzer will be kept for that purpose. Scott Burton from Utah County Health Department responded that smoking vehicles in Utah county are usually diesel. They utilize a smoke meter and dyno to investigate claims and mandate inspections. Their ordinance also allows denial of smoking gasoline vehicles. Online complaints submitted with clear photo documentation and a visible license plate trigger a mandatory inspection at a tech station. Reports submitted without photos result in a voluntary request for the owner to have the vehicle inspected and repaired. They are also going to keep an analyzer throughout the entire next turnover of our next contract.

- John Rasband motioned to approve for final adoption, amendment to section R307-110-34 to incorporate Utah State Implementation Plan Section X.D, Utah County Vehicle Inspection and Maintenance Program. Colton Norman seconded. The motion carries unanimously.

VIII. Informational Items.

A. Air Toxics. Presented by Leonard Wright.

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

C. Monitoring. Presented by Bo Call.

Bo Call, Monitoring Section Manager at DAQ, updated the Board on monitoring information noting a number of ozone exceedances which is going to keep us from attaining the standard in terms of the NAAQS.

Dr. Lyman asked what is the timeframe required to demonstrate attainment, and what is the process during the three-year monitoring period before the classification escalates to severe or a higher level? Ryan Bares, Environmental Scientist at DAQ, replied that the EPA has concurred with Utah's demonstration that the Northern Wasatch Front would have met air quality standards if not for international emissions. Consequently, the EPA proposed reverting the area from a serious to a moderate nonattainment status, with finalization expected by the end of the calendar year. Typically, redesignations move to attainment or a more severe status. However, this mechanism maintains the area's moderate nonattainment status until three years of clean data (showing 70 parts per billion) are recorded. Additional amendments to the SIP will come before the Board in the next 6 to 12 months. While the state must still comply with Clean Air Act requirements and work toward attainment, this finalization provides greater flexibility.

D. Other Items to be Brought Before the Board.

Mr. Bird informed the Board about the department's annual recommended fee schedule updates to the Legislature. He explained the fee process and noted that a department fee hearing will be held on Tuesday, September 8, 2026. Some key air quality program fee updates include updates to the Title V emissions fee covering major sources of air pollution, slight increases to the annual compliance fees for permitted sources, a new fossil fuel-fired power generation application fee to cover higher permitting costs for large power plants (data center-associated or standalone), and asbestos and lead-based paint fees will have a modest increase for notification fees to cover recent budget shortfalls and actual implementation costs.

E. Board Meeting Follow-up Items.

Meeting adjourned at 1:55 p.m.

Minutes approved: October 7, 2026