



State of Utah

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Governor

SPENCER J. COX  
Lieutenant Governor

Department of  
Environmental Quality

Alan Matheson  
Executive Director

DIVISION OF AIR QUALITY  
Bryce C. Bird  
Director

**Air Quality Board**  
Michael Smith, *Chair*  
Erin Mendenhall, *Vice-Chair*  
Kevin R. Cromar  
Cassady Kristensen  
Randal S. Martin  
Alan Matheson  
Arnold W. Reitze Jr  
William C. Stringer  
Bryce C. Bird,  
*Executive Secretary*

**UTAH AIR QUALITY BOARD MEETING**

**October 4, 2017 – 1:30 p.m.**  
**195 North 1950 West, Room 1015**  
**Salt Lake City, Utah 84116**

**FINAL MINUTES**

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**I. Call-to-Order**

Erin Mendenhall called the meeting to order at 1:30 p.m.

Board members present: Erin Mendenhall, Kevin Cromar, Cassady Kristensen, Randal Martin, Alan Matheson, Arnold Reitze, and William Stringer

Excused: Michael Smith

Executive Secretary: Bryce Bird

**II. Date of the Next Air Quality Board Meeting: December 6, 2017**

**III. Approval of the Minutes for September 6, 2017, Board Meeting.**

- Arnold Reitze moved to approve the amended minutes. William Stringer seconded. The Board approved unanimously.

**IV. Final Adoption: Amend R307-101-2. Definitions. Presented by Mat Carlile.**

Mat Carlile, Environmental Planning Consultant at DAQ, stated that on June 7, 2017, the Board approved for public comment amendments to R307-101-2. The area source coating rules currently contain different definitions for “coating” in each rule. The rule amendment will add a single definition of “coating” to the Utah air quality rules. The new definition will apply to all area source coating rules. A public hearing was held on July 27, 2017. No comments were submitted. During the review process, staff made a change to R307-101-2 by adding a unit to the definition of volatile organic compound (VOC) content to clarify in the rule how to calculate VOC content. Staff recommends that the Board adopt the amendments to R307-101-2.

- Kevin Cromar moved that the Board adopt the amended R307-101-2. William Stringer seconded. The Board approved unanimously.

**V. Final Adoption: Amend R307-344. Paper, Film, and Foil Coatings; R307-345. Fabric and Vinyl Coatings; R307-346. Metal Furniture Surface Coatings; R307-347. Large Appliance Surface Coatings; R307-349. Flat Wood Panel Coatings; R307-350. Miscellaneous Metal Parts and Products Coatings; R307-352. Metal Container, Closure, and Coil Coatings; R307-353. Plastic Parts Coatings. Presented by Mat Carlile.**

Mat Carlile, Environmental Planning Consultant at DAQ, stated that on June 7, 2017, the Board approved for public comment amendments to strengthen the area source coating rules. These amendments were based on the best available control measure (BACM) analysis conducted by DAQ. A public hearing was held on July 27, 2017. A representative from Breathe Utah gave testimony supporting the rulemaking during the hearing. A number of commenters submitted written comments. Several changes were made throughout the coatings rules as a result of public comments. These changes include: adding a compliance schedule for affected sources; adding definitions; adding exemptions; and adding clarifying language throughout the rules. A comment requesting an exemption for research and development to R307-353 was overlooked and staff has also included this change to the rule. Staff recommends that the Board adopt the amendments to the coatings rules as listed on this agenda item.

Staff addressed questions regarding BD Medical's public comment request for an exemption, any effects of an exemption to the cost analysis, and the effects to the rulemaking timeline. Specifically, has BD Medical (BD) given any indication that they would not receive Food and Drug Administration (FDA) approval if they were to comply with these rules and what reason do they need be to granted full exemption rather than to just give them enough time to file paperwork with the FDA for a product manufacturing evaluation? Staff explained that the exemption request is a precautionary measure on BD's part to what could be a lengthy process for FDA approval. In response if there would be an impact on the cost effective analysis, it was explained that with area source rules it is always assumed there is uncontrolled emissions, therefore controls are not included as part of the cost-based analysis because cost is based on the business model conversion for VOC reductions in coatings and then processes as necessary to implement those coatings.

A request for clarification was made by the Board to Bob Partner, BD Medical's environmental and safety engineer, regarding their request. Mr. Partner explained that BD's request is for a specific operation at their facility for a small level exemption of an old legacy operation that uses a solvent, hydrofluoric acid, which would destroy the oxidizer if it was used. For FDA purposes, they have to go through a lengthy process for this legacy product line which may result in a cease in operations for an indefinite time.

Staff commented that the rulemaking 180-day timeline is running and that any resolution for this issue would need to be addressed today to meet the state implementation plan (SIP) deadline. An option was made by staff that the Board could approve the final adoption today and the Board could then direct staff to change the exemption at a later time.

After discussion, the Board decided to approve the final adoption as it was written and presented today with the directive to staff to review a change in the exemption within a reasonable timeframe and to give status reports to the Board on the progress of any change in exemption.

- Kevin Cromar moved that the Board adopt the amended coatings rules R307-344, R307-345, R307-346, R307-347, R307-349, R307-350, R307-352, and R307-353. Cassidy Kristensen seconded. The Board approved unanimously.

**VI. Final Adoption: R307-343. Wood Furniture Manufacturing Operations. Presented by Mat Carlile.**

Mat Carlile, Environmental Planning Consultant at DAQ, stated that on June 7, 2017, the Board proposed several amendments to R307-343. A public hearing was held on July 27, 2017. No one gave testimony at the hearing on this proposal. No one provided written comment directly addressing this rulemaking. However, a number of written comments provided support for the change of the solvent cleaning limit in other coating rules which would carry over to this proposal. In addition, a compliance schedule for affected sources was added to R307-343 as a result of a comment from another rulemaking. Staff recommends that the Board adopt R307-343.

- Arnold Reitze moved that the Board adopt R307-343. William Stringer seconded. The Board approved unanimously.

**VII. Final Adoption: Change in Proposed Rule. R307-348. Magnet Wire Coatings. Presented by Mat Carlile.**

Mat Carlile, Environmental Planning Consultant at DAQ, stated that on June 7, 2017, the Board approved for public comment amendments to change the applicability threshold in the magnet wire coatings rule from 2.7 tons per year potential to emit to 2 tons per year of actual VOC emissions. This change is based on DAQ's BACM analysis. A public hearing was held on July 27, 2017. No one gave testimony at the hearing. A number of written comments were received and are summarized in the Board memorandum. Clarifying language was added throughout R307-348 as a result of these comments. Staff recommends that the Board adopt R307-348.

- William Stringer moved that the Board approve final adoption of R307-348, Magnet Wire Coatings. Arnold Reitze seconded. The Board approved unanimously.

**VIII. Final Adoption: Change in Proposed Rule. R307-351. Graphic Arts. Presented by Mat Carlile.**

Mat Carlile, Environmental Planning Consultant at DAQ, stated that on June 7, 2017, the Board approved for public comment the repeal and replace of the current graphic arts rule with a newly drafted rule that was based on the DAQ's BACM analysis. The proposed rule was crafted in collaboration with the Printing Industry of America. A public hearing was held on July 27, 2017. No one gave testimony at the hearing on this proposal. Two written comments were submitted and are summarized in the Board memorandum. Several changes were made throughout 307-351 as a result of public comments. These changes include: adding a compliance schedule for affected sources; adding a definition for "medical device"; adding an exemption for medical devices and their packaging; and adding clarifying language throughout the rule. Staff recommends that the Board adopt the repeal and replacement of R307-351.

In discussion, staff responded that this rule applies not only to the graphic arts industry but to almost every industry due to some types of indirect printing operations. In the case of BD Medical, their printing operation uses a tiny amount of actual coating material. The bigger part of the emissions with BD Medical's operation is cleaning the instruments because the parts are cleaned with isopropyl alcohol in accordance with FDA sanitary requirements, but this issue is being addressed in new rule R307-304 for solvent cleaning. Finally, it was explained that the exemption as stated in R307-351-3 for up to 55 gallons of cleaning materials per year is designed towards printing operations and not towards the medical device and bread packaging industries that do not typically use 55 gallons per year of cleaning material.

- Cassidy Kristensen moved that the Board approve for final adoption the changes to R307-351, Graphic Arts. William Stringer seconded. The Board approved unanimously.

Public comment from Bob Partner of BD Medical was introduced. Mr. Partner stated that BD Medical in Sandy, Utah was one of the first three companies in the U.S. to be ISO 14001 certified and that they are also the first medical manufacturer in the U.S. to be certified to the 2015 version of the same standard. To be certified they have to have a management system in place and have continual improvement efforts and goals which are tracked annually. BD Medical does not just want to comply with the rules; they are committed to exceeding compliance with the rules. Mr. Partner expressed his appreciation to the Board and staff for the work that has been done and their willingness to work with sources to come up with a workable path forward.

**IX. Final Adoption: Change in Proposed Rule. R307-354. Automotive Refinishing Coatings. Presented by Mat Carlile.**

Mat Carlile, Environmental Planning Consultant at DAQ, stated that on June 7, 2017, the Board approved R307-354 for public comment to reduce the applicability threshold for sources that have the potential to emit 2.7 per year or more of VOC to sources that use a combined 20 gallons or more of coating products and associated solvents per year. A public hearing was held on July 27, 2017. No one gave testimony at the hearing on this proposal. A compliance schedule for affected sources was added to R307-354 as a result of comments from another rulemaking. Staff recommends that the Board adopt R307-354.

Joel Karmazyn, Environmental Engineer at DAQ, responded to a question regarding what was the American Coatings Association's (ACA) comment on this rule. Mr. Karmazyn explained that the ACA submitted a generic comment against the entire coatings rulemaking presented today that the rules would have personal impacts to small business. Staff is sensitive to their issue but also to the state's current state implementation plan circumstance. It is a requirement in state rules that impacts to small business be considered and one way that staff is addressing impacts to small business is to create an implementation schedule. The schedule allows businesses an opportunity to change or adjust their business model.

- Kevin Cromar moved that the Board adopt R307-354, Automotive Refinishing Coatings. Randal Martin seconded. The Board approved unanimously.

**X. Final Adoption: Change in Proposed Rule. R307-355. Control of Emissions from Aerospace Manufacture and Rework Facilities. Presented by Mat Carlile.**

Mat Carlile, Environmental Planning Consultant at DAQ, stated that on June 7, 2017, the Board approved for public comment amendments to R307-355 based on the DAQ's BACM analysis conducted in accordance with the EPA PM<sub>2.5</sub> implementation rule. A public hearing was held on July 27, 2017. No one gave testimony at the hearing on this proposal. A number of comments were submitted and are summarized in the Board memorandum. Several changes were made throughout the rule as a result of public comments. These changes include: adding a compliance schedule for affected sources; adding definitions; retaining language that was previously proposed to be removed; and adding clarifying language throughout the rule. Staff recommends that the Board adopt R307-355.

Joel Karmazyn, Environmental Engineer at DAQ, responded to a question of why was the 85% or greater capture and control efficiency settled on in the rule from the original 90% or greater capture

and control efficiency. Mr. Karmazyn explained that a 1% to 5% operational flux was assumed based on engineering experience and DAQ's BACM analysis. Staff has discussed this issue with EPA over several years. The fact is that huge hangars are not airtight and to get a 90% overall control efficiency you would have to have a capture of 100% to 105% which is incredibly difficult to do and costly for these facilities.

- Arnold Reitze moved that the Board approve the change in proposed rule R307-355, Control of Emissions from Aerospace Manufacture and Rework Facilities. Kevin Cromar seconded. The Board approved unanimously.

Public comment from Blake Izatt of the Boeing Company (Boeing) was introduced. Mr. Izatt explained that Boeing has a 3-D printing operation that uses solvent that is over the 45 millimeters of mercury vapor pressure listed in this rule. Boeing would like an exemption for the 1 to 2 pints of solvent that their operation uses to clean optical equipment. Also, they would like this rule to adopt the aerospace national emissions standard for hazardous air pollutants required compliance date of December 31, 2018, and not the February 2, 2018, effective date in this current rule.

It was explained that the official record of the public comment period has closed for this rule and that the Board and staff are tied to the official comment period. Staff responded that Boeing's exemption request was inadvertently left out of their submitted comments. Mr. Karmazyn did visit their operations and agrees that a small quantity exemption is warranted for this rule. Staff will bring this rule back to the Board with a small quantity exemption in December for a January public comment period. March 2018 would be the soonest the Board could receive a final adoption request for a small quantity exemption request.

#### **XI. Final Adoption: Change in Proposed Rule R307-335. Degreasing; and New Rule R307-304. Solvent Cleaning. Presented by Mat Carlile.**

Mat Carlile, Environmental Planning Consultant at DAQ, stated that on June 7, 2017, the Board approved for public comment amendments to R307-335 and new rule R307-304. A public hearing was held on July 27, 2017. A representative from Breathe Utah gave testimony supporting the rulemaking. Staff received many telephone calls regarding the rule from sources who sought out clarification. Staff also held meetings with several sources who are challenged in meeting the requirements of R307-304. Comments have been summarized in the Board memorandum. Several changes were made throughout R307-304 as a result of public comments. These changes include: adding exemptions for materials for solvent cleaning operations to the compliance schedule; adding exemptions clarifying definition for solvent cleaning; and adding VOC limits for advanced composites manufacturing and baby childcare diaper manufacturing. Staff recommends that the Board adopt the change in proposed rule R307-335 and new rule R307-304.

Staff responded to several questions from the Board. When asked why the addition of solvent cleaning operations subject to R307-335 was added to the definitions section of R307-304-4 rather than the exemptions section of R307-304-3 staff responded that the degreasing rule is unique and that there were comments that there could be some confusion that R307-304 could contradict with R307-335. Based on that recommendation, a clarifying line was added to the definitions section of R307-304-4.

When asked if there was a way to address Boeing's issue as discussed in R307-355 for a solvent exemption for use with a particular piece of laser equipment in new rule R307-304-3(9) where it exempts laser hardware cleaning, staff responded that the problem is with applicability. If Boeing falls under the applicability of R307-304-2(3) that would apply to an owner or operation using 55

gallons or more a year, then it would solve that problem. Mr. Izatt stated that Boeing does fit with that applicability. After further discussion, it was decided that it would be best to continue with preparing a small solvent exemption in R307-355 for aerospace as was previously discussed.

In response to where in these rules does it address Hill Air Force Base's comment that a source be allowed to use cleaning solvents that were purchased and onsite for use prior to the effective date of the rule, staff answered that it is not in these rules but that it is just common practice to make that allowance.

- Kevin Cromar moved that the Board adopt the amended R307-335, Degreasing, and new rule R307-304, Solvent Cleaning. Arnold Reitze seconded. The Board approved unanimously.

## **XII. Propose for Public Comment with Department Fee Schedule: Operating Permit Program Fee for Fiscal Year 2019. Presented by David Beatty.**

David Beatty, Operating Permit Section Manager at DAQ, stated that each year DAQ establishes an annual emissions fee to fund the operating permits program. For fiscal year 2019 a fee of \$78.86 per ton of emissions is being proposed which is a \$1.15 increase from the current 2018 fiscal year rate. The increase is due to higher salaries and benefits to staff as part of the legislative approved wage increases and an additional reduction of chargeable tonnage over the 1,500 tons from last year. Staff recommends that the Board submit as part of the department's fee package a \$78.86 per ton of emissions for the fiscal year 2019 operating permit fee.

In discussion, staff explained that each state and/or each state's municipalities are different in how they charge for their operating permit program. Currently there are two other states in the country that charge the same as is done in Utah. In addition, it was explained that expenditures from this fee have to fit in with the Part 70 Title V operating permit program. The budgeting and fee process requires that DEQ make a fee proposal and put it out for public comment, which has already happened for this fee. Next staff brings the proposal to the Board for recommendation that it be included in DEQ's budget request to the Governor which then goes to the legislature for approval. Today's action is one component of the entire department's fee package which goes to the legislature for approval as part of the budget process.

- William Stringer moved to propose with the department's fee schedule, the operating permit program fee of \$78.86 per ton for fiscal year 2019. Arnold Reitze seconded. The Board approved unanimously.

## **XIII. Informational Items.**

### **A. SO<sub>2</sub> Area Designation Recommendation Update. Presented by Glade Sowards.**

Glade Sowards, Environmental Scientist at DAQ, stated that on June 2, 2010, EPA established a primary 1-hour SO<sub>2</sub> air quality standard of 75 parts per billion. Later in July 2013 EPA designated 29 nonattainment areas in 16 states where monitored air quality showed violations of the 2010 standard. In March 2015 EPA was under a court order to complete designations for the 2010 standard for all remaining areas in the country in three different phases. To help accomplish the designation process EPA finalized the data requirements rule (DRR) in 2015 which established requirements for air agencies to monitor or model SO<sub>2</sub> levels in areas with large sources. The DRR established a schedule for air agencies to characterize air quality and to provide data to EPA. By January 15,

2016, air agencies were required to submit a final list identifying those sources within the state for which air quality needs to be characterized. Utah has three large coal fired power plant facilities on its list, Intermountain Power Plant, Hunter Power Plant, and Huntington Power Plant. By July 2016 Utah was required to identify for each of those sources which approach it would be utilizing. From the options of modeling, monitoring, or taking an enforceable limit Utah went with the modeling approach for the three sources. Finally, Utah had originally submitted a designation recommendation in 2011 and then updated that recommendation in 2016 which recommended an attainment designation for both its DRR areas and for the remaining areas of the state. In August 2017, EPA Region 8 sent UDAQ a letter informing the state of EPA's intended designations for Utah by December 31, 2017. EPA's letter stated that they are in agreement with Utah's recommendation. While this is good news, Utah still has a nonattainment area for the 1971 standard for Salt Lake and part of Tooele County in which staff is working with EPA to resolve this issue.

**B. Volkswagen Mitigation Plan Update. Presented by Lisa Burr.**

Lisa Burr, Research Analyst at DAQ, stated that the Volkswagen Settlement trust agreement was finalized and submitted to the court on October 2, 2017, which established the trust effective date and started the 60 day deadline for states to become a beneficiary. Utah has until December 1, 2017, to file the certification for beneficiary documents. Staff has been working with the Attorney General's Office and Utah is prepared to meet the deadline. As part of the process, an environmental mitigation plan will need to be submitted. The mitigation plan provides the public with insight into the state's vision for which eligible vehicle/equipment categories that the state intends to fund. To help with the process of developing the mitigation plan, an advisory committee was established to give recommendations on which categories should be funded and identify criteria that should be considered when making final decisions. The DAQ recently launched a web site that is dedicated to the Volkswagen Settlement and will house a platform for receiving public input on the environmental mitigation plan. The public input process will be accessible on the web site beginning November 1, 2017, and ending on November 30, 2017.

**C. Air Toxics. Presented by Robert Ford.**

**D. Compliance. Presented by Jay Morris and Harold Burge.**

**E. Monitoring. Presented by Bo Call.**

Bo Call, Air Monitoring Section Manager at DAQ, gave an update on the monitoring charts and gave current and past year's data information, also noting that the spikes in the August and September PM<sub>2.5</sub> charts were due to wild fire events.

Mr. Bird pointed out that we are over the 2015 ozone standard and that under the Clean Air Act EPA is required to designate our area as being either attainment or nonattainment by October 1, 2017, based on the 2014, 2015, and 2016 averages. Utah's recommendation to EPA was that the Wasatch Front counties be designated as marginal nonattainment and that the Uinta Basin be designated as marginal nonattainment for those areas below 6,000 feet in the Basin. The altitude threshold was made in scientific concurrence with the EPA staff and indications are that EPA concurs that areas above 6,000 feet are not subject to the same concentrations that are below 6,000 feet.

**F. Other Items to be Brought Before the Board.**

DAQ will hold two public hearings for the oil and gas rules package previously proposed by the Board. The first public hearing is on October 19, 2017, at 1:00 pm in the DEQ board room. A staff member will act as hearing officer in Salt Lake, if no Board member is available. The second public hearing is on October 25, 2017, at 1:00 pm at the TriCounty Health Department in Vernal, Utah. William Stringer will act as the hearing officer at the meeting in Vernal.

The Governor has made a recommendation that Mitra Kashanchi, refinery manager at Chevron, fill the current vacant fuels industry position on the Board. The Senate will act on this recommendation at their October 18, 2017, meeting.

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

- The Board approved agenda item five as written with the directive that staff review the exemption in R307-350-3 for medical devices up to 800 pounds of VOC per year within a reasonable timeframe and to give status reports to the Board of the progress.
- Create a small quantity exemption in R307-355-3, Aerospace Manufacture and Rework Facilities, Exemptions.

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Meeting adjourned at 3:11 p.m.

Minutes approved December 6, 2017.