



State of Utah

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SPENCER J. COX  
Lieutenant Governor

Department of  
Environmental Quality

Alan Matheson  
Executive Director

DIVISION OF AIR QUALITY  
Bryce C. Bird  
Director

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Cassady Kristensen  
Randal S. Martin  
Alan Matheson  
Arnold W. Reitze Jr.  
William C. Stringer  
Bryce C. Bird,  
*Executive Secretary*

**UTAH AIR QUALITY BOARD MEETING**

**May 2, 2018 – 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**

Michael Smith called the meeting to order at 1:30 p.m.

Board members present: Michael Smith, Kevin Cromar, Mitra Kashanchi, Cassady Kristensen, Alan Matheson, Arnold Reitze, and William Stringer

Excused: Erin Mendenhall and Randal Martin

Executive Secretary: Bryce Bird

**II. Date of the Next Air Quality Board Meeting: June 6, 2018**

The next meeting will be on June 6, 2018. There will not be a Board meeting in July. Board members should also plan for a combined lunch meeting with the Legislative Air Quality Policy Advisory Board in mid or late June 2018.

**III. Approval of the Minutes for March 7, 2018, Board Meeting.**

- Arnold Reitze moved to approve the minutes as submitted. Mitra Kashanchi seconded. The Board approved unanimously.

**IV. Final Adoption: R307-101-3. Version of Code of Federal Regulations Incorporated by Reference; R307-210. Standards of Performance for New Stationary Sources; and R307-214. National Emission Standards for Hazardous Air Pollutants. Presented by Thomas Gunter.**

Thomas Gunter, Rules Coordinator at DAQ, stated that on January 3, 2018, DAQ presented amendments to these rules to the Board for public comment. These rules 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). All published changes to 40 CFR that are relevant to the Utah air quality rules from July 1, 2016, to July 1, 2017, have been summarized in the Board packet. The rules have been amended to identify the most recent version of 40 CFR July 1, 2017,

as the version that is referenced in the Utah air quality rules. A 30-day public comment period was held from February 1 through March 5, 2018, and no comments were received. Staff recommends that the Board adopt R307-101-3, R307-210, and R307-214 as amended.

- Kevin Cromar moved that the Board adopt R307-101-3, R307-210, and R307-214 as amended. Arnold Reitze seconded. The Board approved unanimously.

## V. Informational Items.

### A. PM<sub>2.5</sub> State Implementation Plan Update. Presented by Bill Reiss.

Bill Reiss, Environmental Scientist at DAQ, updated that the Provo and Salt Lake areas are classified as serious nonattainment areas. The Cache Valley is classified as moderate. The monitoring data for the Provo nonattainment area has shown that over the last four years we have been attaining the standard. The new PM implementation rule incorporates EPA's long standing Clean Data Areas Policy whereby a nonattainment area (NAA) that has data showing attainment of the health standard may have its obligation to submit certain SIP elements suspended. The obligation would remain suspended unless the area is re-designated to attainment or the EPA determines that the area has re-violated the standard. The requirements that would be suspended include a modeled attainment demonstration, reasonable further progress plan, contingency measures, and milestone identification.

A Clean Data Determination does not however suspend all of the elements typically required in a SIP. EPA has identified other elements that independently help the area improve air quality. States would still be required to complete and submit a base year emissions inventory, provisions to implement serious area best available control measures (BACM) / best available control technology (BACT), and nonattainment new source review provisions for PM<sub>2.5</sub> to the EPA. DAQ and EPA compared this option with actually completing the whole state implementation plan (SIP) and decided that this is the best course of action. Utah would still get the SIP elements that lead to improvements in air quality but would avoid potential penalties in the Clean Air Act (CAA) should we get another year like 2013. Staff is also mindful of EPA's completeness deadline of June 30, 2018, and believes that DAQ can give EPA what they need in time to meet that date. Mr. Reiss then addressed questions from the Board in regards to the Provo area.

Mr. Reiss was asked to clarify the considerations staff is working through and does that include differences in actual control measures, to which he replied that no, there is no difference in the control measures just because a Clean Data Determination will suspend other elements of what would be an entire SIP. These are the same control measures that we would have included in a SIP that also included a modeled evaluation of the situation. But as it is with the clean data we're looking at, we could have packaged together a SIP that had as its starting point a level below the NAAQS already. So it would be an exercise in the obvious really. And that SIP would have included this same package of controls. For Utah County, regardless of which path taken, there will not be any differences in the control measures the Board will be asked to consider.

The Salt Lake area SIP is more complicated. Similar to the Provo area, the Salt Lake area air quality monitoring data shows improvement, but unfortunately it is not good enough that DAQ can employ the same path forward as in Provo. DAQ will still need to produce a SIP for the Salt Lake area. This will enable DAQ to use the last three years of data which will represent a more favorable starting design value. From that starting design value DAQ

will then assess improvements in emissions through the model and hopefully achieve the standard when the model is complete. In addition, DAQ still needs to move the base year emissions inventory to coincide with the more recent period of air quality data which will take a couple of weeks before the model can run again. If all goes as expected, a SIP package could be assembled in the coming months. In the near-term however, the provisions to ensure BACT/BACM will be available and posted as they are completed. Unlike the Provo area, some of the analysis has shown that a few modifications to the SIP limits in the Salt Lake area Part H are needed. The Part H modifications will be coming to the Board at the June meeting and through the administrative process will start public review on July 1, 2018. Mr. Reiss then addressed questions from the Board.

In response to the question of is the data is showing improvement every year or is it just plateauing, staff responded that they look at the emissions coming from the footprint we have on the valley floor, which can be measured in terms of tonnage per year, and a number of precursors as well as just PM<sub>2.5</sub>. The other way to look at emissions is with our air quality monitors. Both of these show a downward trend.

The Subpart H limits are not the only parts needed to complete the SIP packages, BACT reports, which are independent of the demonstration of attainment, will need to be available for inspection by the time the public comment period begins.

The best time to revise or review existing rules that are part of the SIP is when the rules are sent out for public comment. There is also an opportunity when EPA does its review on what was submitted to their office.

**B. PM<sub>2.5</sub> State Implementation Plan. Presented by Joro Walker, Western Resource Advocates.**

Joro Walker, of Western Resource Advocates, and Jessica Reimer, of HEAL Utah, gave a presentation on BACM and the serious SIP as related to the Provo and Salt Lake NAAs. EPA's implementation rule requires adoption of BACT and BACM, and if those are not going to be accepted then a detailed justification is required. A serious nonattainment designation requires that BACT/BACM includes any quality measure that can be fully/partially implemented by 2019. If a measure is implemented in other NAAs without unreasonable economic impacts, it should be economically feasible. BACT is independent of attainment and applies year-round.

For wood burning, it is suggested that a lower burn ban threshold be adopted permanently and also include public education and outreach programs. Under Utah's serious SIP proposal there is a threshold at which voluntary and mandatory action days are called. There is a discrepancy with the moderate SIP contingency measure of 15 µg/m<sup>3</sup> and the proposed 25 µg/m<sup>3</sup> under the serious SIP. They are suggesting that a lower threshold of either 20 or 15 µg/m<sup>3</sup> is reasonable. Salt Lake County already bans wood burning on voluntary and mandatory action days.

DAQ indicates that Utah's current fugitive dust rule is part of the serious SIP and does not need to be changed. Other states require lower and stricter requirements, and so under BACM those sorts of measures are appropriate for consideration in Utah's SIP.

Mobile sources are a significant source of our PM<sub>2.5</sub> problem. They suggest that California's BACM be considered and adopted as BACM in Utah. Any state may adopt

California on-road vehicle standards and several states have. Adopting the clean car program is the only way Utah will be able to keep the criteria pollution reduction benefits of the federal standards if repealed.

The off-road and non-road mobile source is an important category in Utah because so many sources are in the NAA. One difficulty about this category is that we don't have a good inventory of these sources. All the projections in the SIP come from population estimates. They feel that adopting stricter regulations would be an improvement. California has specific waivers in place that EPA has approved and other states are allowed to adopt, such as the in-use off-road diesel-fueled fleets regulations. In addition, states and cities have adopted public contracting requirements to reduce diesel emission from construction activities.

Finally, Utah was required to have an operational PM2.5 near-road monitor by January 1, 2017, and does not. Scientific evidence indicates that emissions of PM2.5 are higher near highways. Without an operational monitor, Utah cannot show attainment and cannot ensure communities near highways are protected from high levels of PM2.5.

In closing, they suggest the next steps are to either reject a SIP that fails to consider and adopt BACM, or adopt a SIP and establish a process that requires consideration and adoption of BACM. Staff was then asked to respond to questions from the Board about specific points made in the presentation.

In response to what has been done in terms of non-road mobile in terms of BACM analysis, Mr. Reiss explained that non-road emissions are assessed through EPA's non-road model. That model allows you to predict forward into time and has built into it a lot of controls of non-road engines that are done at the federal level. This is essentially EPA's jurisdiction under Title 2 of the CAA to control the non-stationary sources. When DAQ does its assessment of emissions at various points in time the model gives output for each of those points, which presumably includes all the federal measures.

As to whether staff has reviewed California standards for BACM, Glade Sowards of DAQ, responded that staff has looked at California standards over the years for both non-road and on-road. Non-road analysis is more complicated because there are so many different categories of non-road equipment and also because of the limitations of our inventory. As was pointed out, we do have several federal standards that have been in place over the years.

Staff agreed with the comment that there is nothing that stops Utah from adopting in-use regulations for vehicles once they are in consumer hands and in fact staff is beginning down that path but it is very resource intensive. Mr. Cromar stated his disagreement with DAQ's judgment call for priorities and that it would be worth considering and prioritizing the non-road sources.

### **C. Records Stakeholder Meeting Update. Presented by Rusty Ruby.**

Rusty Ruby, Compliance Branch Manager at DAQ, stated that a records stakeholder meeting was held on April 9, 2018, which included staff, environmental advocates, the Association of General Contractors, the Manufacturer Association, the Mining Association, and the Petroleum Association. Staff presented an overview of its records program and also an explanation of EPA's records process with the federal standards. The

Attorney General's Office gave a summary of the state's Government Records Access and Management Act. At the conclusion, the Association of General Contractors' environmental committee offered to host a future meeting of their records and how they submit records to the state.

- D. Air Toxics. Presented by Robert Ford.**
- E. Compliance. Presented by Jay Morris and Harold Burge.**
- F. Monitoring. Presented by Kevin Hart.**
- G. Other Items to be Brought Before the Board.**

Mr. Bird stated that EPA announced designated areas nationwide that are not in compliance with the 2015 revised 8-hour standard for ozone pollution. In Utah, the areas designated as marginal nonattainment for the Wasatch Front included all or parts of Salt Lake, Davis, Weber, Tooele, and Utah counties. Areas affected in the Uinta Basin include parts of Uintah and Duchesne counties below an elevation of 6,250 feet. The EPA also designated Tribal lands in the Uinta Basin. Under the marginal nonattainment designation Utah is not required to submit a formal SIP. However, the state is required to meet the standard of 70 ppb within the next three years.

Mark Berger, Air Quality Policy Section Manager at DAQ, announced that EPA awarded Utah approximately \$12.7 million through its targeted air shed grants for projects in Salt Lake City, Logan, and Provo nonattainment areas. Approximately \$3.1 million will be used in Logan to replace old diesel trucks; and approximately \$3.1 in each area of Logan, Provo, and Salt Lake City for wood-burning appliance change-out projects. The DAQ will start identifying projects and has five years to use the funds.

Staff responded to Mr. Cromar's inquiry if there are any correspondences to EPA that the Board has been involved with or should be involved with. In the past, the Board has submitted its comments to EPA separate from DAQ/DEQ comments, but it is not an official role or statutory duty of the Board.

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

- The Utah Air Quality Board and the Legislative Air Quality Policy Advisory Committee will hold a combined lunch meeting sometime in mid to late June.

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Meeting adjourned at 2:38 p.m.

Minutes approved: June 6, 2018