



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

Air Quality Board
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Kerry Kelly, *Vice-Chair*
Alan Matheson
Erin Mendenhall
Robert Paine III
Arnold W. Reitze Jr
Michael Smith
William C. Stringer
Karma M. Thomson
Bryce C. Bird,
Executive Secretary

UTAH AIR QUALITY BOARD MEETING

February 3, 2016 – 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

FINAL MINUTES

I. Call-to-Order

Steve Sands called the meeting to order at 1:30 p.m.

Board members present: Steve Sands, Alan Matheson, Arnold Reitze, Michael Smith, and William Stringer

Excused: Erin Mendenhall, Karma Thomson, Kerry Kelly, and Robert Paine

Executive Secretary: Bryce Bird

II. Date of the Next Air Quality Board Meeting: March 2, 2016

A working lunch will be held on March 2, 2016, at 11:30 a.m. followed by the Board meeting at 1:30 p.m.

III. Approval of the Minutes for December 2, 2015, Board Meeting.

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

IV. Final Adoption: Amend R307-101-2. Definitions; R307-312-5. Hot Mix Asphalt Plants; and R307-328-4. Loading of Tank Trucks, Trailers, Railroad Tank Cars, and Other Transport Vehicles. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated these rules were proposed in response to EPA's conditional approval of parts of Utah's PM2.5 State Implementation Plan (SIP). The DAQ sent a letter to EPA on August 4, 2015, which committed to amending these rules. These amendments will satisfy that commitment and make Utah's PM2.5 SIP approvable by the EPA. A public comment period was held and no comments were received. Staff recommends that the Board adopt the amendments to R307-101-2, R307-312-5, and R307-328-4.

- Michael Smith moved that the Board approve final adoption to amend R307-101-2, Definitions, R307-312-5, Hot Mix Asphalt Plants, and R307-328-4, Loading of Tank Trucks, Trailers, Railroad Tank Cars, and Other Transport Vehicles. Arnold Reitze seconded. The Board approved unanimously.

V. Final Adoption: Amend R307-405-3. Definitions; and R307-415-3. Definitions. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated this rule was proposed in response to EPA's removal of portions of its prevention of significant deterioration (PSD) and Title V permitting regulations that were initially promulgated in 2010. Due to a 2014 Supreme Court ruling, EPA can no longer treat greenhouse gases as an air pollutant for the specific purpose of determining whether a source or modification thereof, is required to obtain a PSD or Title V permit. The DAQ is proposing changes to the Utah rules so that they will align with the change in federal regulations regarding greenhouse gases and the PSD and title V programs. A 30 day public comment period was held and no comments were received. Staff recommends that R307-405-3, Definitions, and R307-415-3, Definitions, are adopted as amended

- William Stringer moved that the Board approve final adoption to amend R307-405-3, Definitions, and R307-415-3, Definitions. Arnold Reitze seconded. The Board approved unanimously.

VI. Final Adoption: Amend R307-110-28. Regional Haze. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated this rule will incorporate Utah's five year progress report for regional haze into the SIP. A public comment period had previously been held on the substance of the progress report. This recent comment period was addressing the incorporation of the report into the SIP. No comments were received on this issue. Staff recommends that the Board adopt R307-110-28, Regional Haze, as amended.

- Arnold Reitze moved that the Board approve final adoption to amend R307-110-28, Regional Haze. William Stringer seconded. The Board approved unanimously.

VII. Propose for Public Comment: Amend R307-801. Utah Asbestos Rule. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated that on March 25, 2015, Governor Gary Herbert signed Utah House Bill 229 (HB 229), Air Quality Modifications, into law. HB 229 revised the statutory definition of asbestos and modified what suspect asbestos-containing materials need to be inspected for in residential structures of four units or less. The proposed rule amends R307-801 so that it reflects changes to and is made consistent with Utah Air Conservation Act modifications. A 30 day public comment period was held, two comments were received. Some stakeholders expressed their concern regarding Subsection 13(10). The concern was that the language regarding removal of vermiculite was ambiguous and hard to work with. The language read "to the maximum extent possible." In response to this concern, DAQ held a stakeholder meeting on January 20, 2016. An agreement was reached in which DAQ would propose the rule to the Board as a change in proposed rule. The change in the rule is that an option to meet the standard would be "by following a work practice" or "an alternative work practice," which has

been added to the rule. A work practice will be developed by DAQ with the help of the regulated community. Staff recommends that the Board propose R307-801 for a new comment period, after which, the rule will be brought back to the Board in May to be considered for adoption.

Public comment from Eldon Romney was introduced. Mr. Romney inquired of staff how the vermiculite that can be purchased in stores, which is supposedly asbestos-free, is going to be handled. To which staff explained that one of the requirements in the rule is that vermiculite material must be tested to see whether it is greater than 1% asbestos. This would require at the time of the demolition or renovation/remodeling that if vermiculite is found that it be sampled/analyzed to see whether it has a regulated amount of asbestos in it. Furthermore, DAQ does not regulate what can be purchased in stores so it is only at the time when there is a renovation or a demolition that you would have to address this issue.

- Arnold Reitze moved to approve the proposal to amend R307-801, Utah Asbestos Rule, for public comment. Michael Smith seconded. The Board approved unanimously.

VIII. Propose for Public Comment: Amend R307-841-8. Renovator Certification and Dust Sampling Technician Certification. Presented by Ryan Stephens.

Ryan Stephens, Environmental Planning Consultant at DAQ, stated this rule is being proposed in response to EPA's amendments to the Lead Renovation, Repair and Painting rule. DAQ has proposed this rule to reflect the changes the EPA made regarding certification extensions. The extensions will be reflected in state code, but they do not go beyond anything that EPA has already finalized in the federal rules. There will be no fiscal impact on businesses or state or local governments from this rule. It will likely benefit the regulated community, since it extends the time for certification and allows them to take advantage of the EPA's new refresher courses. Staff recommends that the Board propose R307-841-8 for public comment.

- Michael Smith moved that the Board propose for public comment to amend R307-841-8, Renovator Certification and Dust Sampling Technician Certification. William Stringer seconded. The Board approved unanimously.

IX. Informational Items.

A. Air Toxics. Presented by Robert Ford.

B. Compliance. Presented by Jay Morris and Harold Burge.

C. Monitoring. Presented by Bo Call.

Bo Call, Air Monitoring Section Manager at DAQ, updated the Board on monitoring data graphs. It was also stated that DAQ has three air quality studies going on this winter and additional study research funding is being requested from the Legislature this year.

Mr. Call responded to several questions about monitoring filters and the data obtained from the filters and how that data might be analyzed for planning strategies. All of the data being reported is the filter data because that is the current data stream that is used for regulatory purposes. DAQ has real time data that is used for public awareness and for forecasting, but that data is not used as a primary method of determining compliance with the national ambient air quality standards. Also, DAQ does report the real time data on EPA's repository so that data is available as well. Both data streams are kept and reported.

D. Other Items to be Brought Before the Board.

Bryce Bird updated the Board on air quality bills and appropriations being tracked by the Legislative Clean Air Caucus during the current legislative session. There are ten House bills, four Senate bills, and five clean air appropriations requests.

Public comment from Ashley Soltysiak of HEAL Utah was introduced. HEAL Utah, along with Utah Physician's for Healthy Environment and Western Resource Advocates, presented a package of rules last fall that they were going to bring to the Board for consideration. They have now completed the rule language for three rules and have submitted them to the Board. Staff indicated that DAQ did receive the rules language as well and they will be presented at the next Board meeting.

Meeting adjourned at 2:07 p.m.

Minutes approved: March 2, 2016