



State of Utah

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Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

Air Quality Board
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Kevin R. Cromar
Mitra Basiri Kashanchi
Randal S. Martin
Alan Matheson
Arnold W. Reitze Jr.
Michael Smith
William C. Stringer
Bryce C. Bird,
Executive Secretary

UTAH AIR QUALITY BOARD MEETING

May 1, 2019 – 1:30 p.m.
195 North 1950 West, Room 1015
Salt Lake City, Utah 84116

FINAL MINUTES

I. Call-to-Order

Erin Mendenhall called the meeting to order at 1:32 p.m.

Board members present: Erin Mendenhall, Cassady Kristensen, Kevin Cromar, Mitra Kashanchi, Randal Martin, Alan Matheson, Arnold Reitze, Michael Smith, William Stringer

Executive Secretary: Bryce Bird

II. Date of the Next Air Quality Board Meeting: June 5, 2019

III. Informational Items.

A. Upcoming Rulemaking Schedule. Presented by Thomas Gunter.

Thomas Gunter, Rules Coordinator at DAQ, gave a presentation on proposed items to be brought before the Board from June 2019 to January 2020.

In response to the status of the carbon monoxide (CO) redesignation, it was stated that Provo's second 10-year term was completed in 2015, and the 20-year term of the maintenance plan would be due in 2025.

In response to the question that if the Board wants to consider changes, in terms of a rulemaking process, would that be done the same way the Board handles rule proposals for public comment, to which staff responded that is correct.

B. Scheduling of Working Meetings.

The discussion focused on opportunities to hold Board meetings in different areas of the state based upon the rules/programs affecting the different local areas, for instance holding a meeting in Logan, when the Cache County I/M Program State Implementation Plan (SIP) and rules are presented to the Board. This would allow local areas to provide comment directly to the Board and to participate in the process directly. Also, it could be used as an educational experience for the Board as they visit different locations throughout the state.

A concern of extra emissions created for travel was discussed. As well as the idea of using technology when holding off-site meetings so that traveling would not be needed for those wishing to participate electronically.

The Board will hold future meetings in areas besides the office in Salt Lake City. This is an important issue that local communities have the opportunity to participate in the Board's process locally. For a future meeting, staff was asked to work out plans for two most effective locations for off-site Board meetings so that the Board can fulfill its desire to be educational, efficient with travel, and impactful on opening community dialog.

C. Compliance Summary Follow Up. Presented by Jay Morris.

Jay Morris, Compliance Branch Manager at DAQ, responded to the Board's request in January 2019 of recommendations related to the penalties and procedures of the compliance process. Mr. Morris began with an overview of the inspection/enforcement cycle. There are two processes for resolution of a violation. The preferred method is with a compliance advisory and early administrative settlement to resolve the alleged violations and it also gets the source back into compliance as quickly as possible. The more formal method is with a notice of violation. From 2014 to 2018, approximately 7,300 inspections were conducted with a 99.95% success rate of return back to compliance after a first time violation. The 0.05% is for repeat violations. The Legislature capped the penalty amount at \$10,000 per day per violation which the DAQ penalty policy cannot exceed. The goal is to get a source back into compliance and the penalty worksheet helps staff calculate an appropriate and reasonable penalty based on the size of the company and the severity of the violations while treating everyone fairly but also enforcing the laws and rules of the state for air quality. In addition to working with the Attorney General's Office on the internal penalty worksheet to provide consistency while still allowing flexibility on a case by case basis, compliance staff is working with permitting staff when a permitting action is required for a source to return to compliance as quickly and efficiently as possible.

In discussion, Mr. Cromar stated that the concern in January was how the per day per violation penalty was being applied and that there appeared to be no multiplication factor based on how many days for the violation. Staff explained that the worksheet has an events column which is the number of times violations would be counted. As for the per day penalty, most violations are one-time events. And if it's extended, staff has the option of calculating penalties per day, per week, or per month. Penalty amounts are based on how serious the violation is and how cooperative the source is coming back into compliance. Mr. Cromar added that there still needs to be some clarity on what really is a per day violation, and it might be helpful if two columns were added to the worksheet showing the calendar number of days at which violations occurred, and a column showing the suggested number of penalty days to apply by the inspector. Some Board comments included that the burden of proof is on the business to provide the data to demonstrate that all the days between certain days were not in violation, and that it's unclear what will be gained by the additional columns. Others were okay with the additions, but stated

that it was unclear originally that what appeared to be violations for two years by a source were negotiated to a seemingly small amount which started the request to staff for recommendations on how to handle the few outliers so that there is consistency with decisions and to take into consideration economic burden on a company over potential public health impacts of the violation. After discussion and majority approval, Mr. Bird will accept the Board's recommendation to add the two requested columns to the compliance penalty worksheet.

D. Air Quality Health Messaging. Presented by Bo Call.

Bo Call, Air Monitoring Section Manager at DAQ, gave background information on how data is collected. A number of monitoring stations across the state collect two types of data, near-real time and filter data. Near-real time data which updates hourly at approximately 30 minutes past the hour. Filter data which takes longer to analyze and are not generally available for several weeks to months. Other data such as toxics network data or speciation sites go to third parties and results can take six months. Any other general filter data takes about two weeks to process.

DAQ meets its requirement to report monitoring data through its department web page, feeds requested by outside organizations, the mobile UtahAir app, and EPA's AirNow or Air Quality Index (AQI). The data is set up to go automatically to the various sites. In addition, AirNow does not collect its own data. The data for Utah that feeds AirNow comes directly from our monitoring data which automatically uploads.

Monitoring staff forecasts are pretty good at making the calls. Forecasts are based on the highest inspected pollutant and based on what the 24-hour or 8-hour average is predicted to be. The forecast is updated twice a day, first in the morning before 8:30 a.m. and in the afternoon towards the end of the day. In fact, a SIP requirement in 1992 requires that DAQ put out a daily notification as well as a requirement to submit data to AirNow.

In regards to switching between an ozone issue and particulate issue in forecasting current air quality awareness, the division is able to switch platforms. Currently, the web page is set up for a winter season and a summer season. Priority can change as to what is shown on the web page based on the primary pollutant for a particular season. Air quality messages can also be tailored to events such as wild fire, high wind, and fireworks. It was also mentioned that DAQ does not report health relevant information on its web page, and if there was interest to include such information that might be something to look into.

Board member, Michael Smith, whose second term expired March 2019, was recognized for eight years of service on the Air Quality Board. Mr. Smith began attending Board meetings 29 years ago, and through his work on the Board he has had the privilege of interacting with people from various places, industries, and government. He is thankful for the opportunity he's had to be of service.

E. Regional Haze Presentation. Presented by Sierra Club.

Christopher Thomas of Sierra Club started his presentation with a regional haze timeline. Beginning in 2003, the original Regional Haze (RH) State Implementation Plan (SIP) focused on sulphur as the priority pollutant. Then in 2008, an amendment was made to address nitrogen oxides (NO_x) and particulate matter (PM), to which in 2014 the pollution controls for NO_x and PM were implemented. In 2011, EPA passed a mercury and air toxics rule which would lead to the closure of the Carbon power plant in 2015. Also in 2015, the state adopted an amended SIP which took credit for the Carbon plant closure. The amended plan was later disapproved by EPA in 2016 and EPA ordered four new selective catalytic reduction controls (SCRs) be installed to

cut NO_x on the four best available retrofit technology (BART) eligible units. Rocky Mountain Power and the state filed a lawsuit on EPA's order which is currently stayed in the courts. This brings forth the plan by the state today which does not propose any additional pollution controls. Comparing the EPA federal implementation plan (FIP) and the state's alternative SIP shows that once corrected, EPA's plan will mean 9,103 tons of reduced NO_x and SO₂. In addition, a vote for SCRs will not necessarily prolong the life of these coal plants and it will hold the coal units to a pollution standard that is accepted in other parts of the county. Requiring pollution control also helps level the playing field with other non-polluting sources.

Cory MacNulty of the National Parks Conservation Association stated that visitors to Utah national parks spend an estimated \$1.1 billion in gateway communities and generate an estimated \$1.7 billion in economic output each year. As we entice over 15 million people every year to see our landscapes, air pollution shrinks those views across the land. Every hour that these plants dump thousands of pounds of NO_x pollution into the air, it affects visibility. There are real downstream costs of this pollution that will not be cleaned up in the state's plan. EPA recently conducted regional haze emissions for 2028 that took into account the emissions reductions that Utah has proposed as its BART alternative. EPA found that even with the emission reductions of the BART alternative, none of the Class I areas modeled by Utah were on the glide path to achieve reasonable progress towards the national visibility goal of natural visibility conditions by 2064.

Mr. Thomas and Ms. MacNulty asked that the Board be proactive to combat this air pollution, and hopes that the Board will vote no to the state's SIP revision and instead require reductions of NO_x and PM from Units 1 and 2 at Hunter and Huntington, as required by EPA in 2016. It was also noted, that an expert contractor has been hired to review the modeling data which will hopefully be included in the their technical comments.

In response to what has been done, if anything, about the addition of the San Rafael Swell to wilderness status, Ms. MacNulty stated that the federal government gives it that status, but that it is up to the state to decide if the area will become a Class I area.

F. Regional Haze Update. Presented by Jay Baker.

Jay Baker, Environmental Scientist at DAQ, stated that the regional haze program comes from the Clean Air Act (CAA) with three requirements: to prevent any future impairment of visibility from manmade air pollution; remedying of any existing impairment of visibility from manmade air pollution; and applies to mandatory federal Class I areas. There are 156 Class I areas in the United States, and five of those are in Utah. In 1980, the EPA developed the reasonably attributable visibility impairment rule which identified significant sources that contributed to visibility. Then in 1999, we got the regional haze rule as we currently know it, which requires that states develop programs to assure reasonable progress toward meeting the national visibility goal. Mr. Baker described the planning periods beginning with the baseline in 2000 through the second planning period ending in 2018 and briefly explained plans for the subsequent planning periods to 2064. During each planning period the state has to show that it is somewhere in the vicinity of the glide path of reasonable progress. Graphing illustrates that on the most impaired days, ammonium sulfate is the biggest contributing pollutant causing haze. In addition to the timeline previously described by Mr. Thomas, based on the recommendations of the Grand Canyon Visibility Transport Commission in 2003 SIP reductions focused on SO₂ and milestones from 2003 to 2018. When EPA disapproved the state's 2008 BART determination in 2012, they did not issue a FIP at that time but worked with the state to develop a SIP revision with a BART alternative that would meet the requirements of the CAA; later in 2016, EPA rejected the SIP

revision and promulgated a FIP. Finally, as comparison, the state's BART alternative proposes low NO_x burners with over-fired air on all Hunter and Huntington units, stricter emissions limits than the presumptive BART, and the Carbon power plant closure all at a cost of roughly \$38 million over a period of time based on EPA's estimates. The EPA's FIP calls for SCR on Units 1 and 2 at both Hunter and Huntington at a cost of roughly \$480 million over a period of time. Staff then responded to several questions.

When did the Carbon power plant close and why? Staff responded that the closure in April 2015 was due in part to the difficulty of the plant being able to comply with the mercury toxics rule, and then finally due to the regional haze rule which inevitably required its closure and their permit was rescinded.

As the emissions inventory is being done, is there any special effort to identify sources of ammonia in the area? Staff responded yes, and that in 2017, EPA revised the regional haze rule. In draft guidance for the rule, states look at 80% of the largest contributing sources to regional haze, which is currently being done. It was also noted, that SCR would increase ammonia emissions. As far as to what is the chemistry of the filter weight of the monitors, it was reported that those monitors are managed by the Park Service and not by the state.

Does PacifiCorp have sun setting of their coal-fired units? Yes, they do what is called an integrated resource plan which is revised about every two years and includes some closure dates that are projected out to mid- to late 2030.

In closing, Ms. Kristensen announced that Rio Tinto Kennecott is closing its onsite dual fuel fired coal/natural gas power plant in Utah. Pending approvals, they will purchase renewal energy credit through Rocky Mountain Power for the entire load of its sole unit.

G. Tour of new DEQ Technical Support Center.

Staff, Mr. Smith, and several members of the public in attendance at the Board meeting toured the new DEQ technical support center.

Meeting adjourned at 3:55 p.m.

Minutes approved June 5, 2019