

**CONCURRENT RESOLUTION URGING THE  
REALIGNMENT OF AIR QUALITY  
REQUIREMENTS BY THE EPA**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ronda Rudd Menlove**

Senate Sponsor: Peter C. Knudson

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**LONG TITLE**

**General Description:**

This concurrent resolution of the Legislature and the Governor urges the EPA to address the problems associated with its configuration of nonattainment areas relating to Utah.

**Highlighted Provisions:**

This resolution:

► urges the EPA to correct its flawed configuration of nonattainment areas impacting Utah, including eliminating a redesignation to attainment that includes areas outside of Utah's jurisdiction and control.

**Special Clauses:**

None

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*Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

WHEREAS, on December 23, 2008, the U.S. Environmental Protection Agency (EPA) published county nonattainment designations for the federal air quality standard (NAAQS) for the fine particulate known as PM2.5;

WHEREAS, the EPA designated a total of three PM2.5 nonattainment areas within the state;



28           WHEREAS, the first area is Utah County; the second area is Salt Lake, Davis, and  
29 Weber Counties and portions of Box Elder and Tooele Counties; and the third area is Cache  
30 County and Franklin County, Idaho;

31           WHEREAS, designating areas two and three as nonattainment areas is contrary to the  
32 designations originally recommended by the state;

33           WHEREAS, the state has made a strong commitment to conservation and protection of  
34 the environment, and Utahns place a high value on the state's natural resources, including clean  
35 air;

36           WHEREAS, the state is also growing both in terms of population and businesses that  
37 offer jobs to local residents;

38           WHEREAS, Utahns are concerned not only with being good stewards of their natural  
39 environment, but also fostering strong economic development;

40           WHEREAS, the process whereby the EPA designated certain counties as nonattainment  
41 for PM2.5 is flawed and will not lead to an accurate, timely, and fair resolution of PM2.5  
42 nonattainment issues;

43           WHEREAS, the result may create a misperception that Utah has a bigger and more  
44 wide-spread air quality problem than is actually true;

45           WHEREAS, the current nonattainment area designations made by the EPA has created  
46 several problems that must be rectified as soon as possible;

47           WHEREAS, one of the PM2.5 nonattainment areas designated by the EPA includes all  
48 or a portion of five counties, and these overly broad designations should be pared back;

49           WHEREAS, the EPA should not designate areas as nonattainment until it has actual  
50 monitoring data justifying such a designation;

51           WHEREAS, in the case of Box Elder and Tooele Counties, it is clear that the  
52 designations include areas that have pristine air quality and will never exceed the NAAQS;

53           WHEREAS, for example, the portion of Tooele County designated "nonattainment" by  
54 the EPA includes the Deseret Peak Wilderness Area within the Stansbury Mountain Range;

55           WHEREAS, air quality in this wilderness area is widely known to be excellent,  
56 particularly in and around the pristine areas of the 11,000 foot Deseret Peak;

57           WHEREAS, there is no reason for the EPA to besmirch Utah's reputation by creating  
58 fictitious nonattainment areas in national wilderness areas;

59 WHEREAS, one of the PM2.5 nonattainment areas designated by the EPA includes  
60 both Cache County in Utah and Franklin County in Idaho, creating a single nonattainment area  
61 with jurisdiction under agencies of two different states, and the EPA further creates a  
62 nonattainment area under the jurisdiction of two different EPA regions, Region 8 and Region  
63 10;

64 WHEREAS, because Utah should not be impeded or "held hostage" in receiving a  
65 redesignation to attainment for problems outside of its jurisdiction and control, interstate  
66 designations should be eliminated and the EPA should either divide the designation into two  
67 nonattainment areas or agree that Cache County can be redesignated attainment for PM2.5 on  
68 its own, with oversight solely by EPA Region 8, if monitoring data show that the NAAQS has  
69 not been exceeded;

70 WHEREAS, the EPA should not delay in redesignating areas in Utah to attainment;

71 WHEREAS, an ongoing concern about the EPA's process is the EPA's failure to act  
72 promptly to redesignate areas from nonattainment to attainment when air monitoring data show  
73 the air is clean;

74 WHEREAS, for example, in Utah County there has not been a monitored violation of  
75 the PM10 NAAQS in over ten years, but a redesignation petition sent by the state to EPA  
76 Region 8 in 2005, nearly four years ago, has received no attention and no action by the EPA;

77 WHEREAS, the EPA's failure to act only serves to damage Utah's image and reputation  
78 by allowing nonattainment designations to continue in areas where the air is in compliance  
79 with a given air quality standard; and

80 WHEREAS, the EPA should take positive steps as soon as possible to rectify these  
81 problems with its nonattainment designations:

82 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the  
83 Governor concurring therein, urge the EPA to address the problems associated with its flawed  
84 process for configuring nonattainment areas impacting Utah, including a redesignation to  
85 attainment for problems outside of Utah.

86 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the United  
87 States Environmental Protection Agency, the members of the Utah's congressional delegation,  
88 and to the Utah Department of Environmental Quality.

**Legislative Review Note**  
as of 1-13-09 4:08 PM

**Office of Legislative Research and General Counsel**