

Representative Ronda Rudd Menlove proposes the following substitute bill:

1 **CONCURRENT RESOLUTION URGING THE REALIGNMENT**
2 **OF AIR QUALITY NON-ATTAINMENT**

3 **DESIGNATIONS BY THE EPA**

4 2009 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Ronda Rudd Menlove**

7 Senate Sponsor: Peter C. Knudson

8
9 **LONG TITLE**

10 **General Description:**

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

14 **Highlighted Provisions:**

15 This resolution:

16 ▶ urges the EPA to adopt the recommendations for PM2.5 designation as proposed by
17 the state of Utah.

18 **Special Clauses:**

19 None

20
21 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

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

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



26 state;

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

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

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

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

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

39 WHEREAS, the state recommendation for designation for certain counties as
40 nonattainment for PM2.5 will lead to an accurate, timely, and fair resolution of PM2.5
41 nonattainment issues;

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

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

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

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

50 WHEREAS, in the case of Box Elder and Tooele Counties, it is clear that the
51 designations include areas that have pristine air quality and do not exceed the NAAQS;

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

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

56 WHEREAS, there is no reason for the EPA to create a nonattainment area in a national

57 wilderness area;

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

63 WHEREAS, Interstate designations should be eliminated and the EPA should either
64 divide the designation into two nonattainment areas or agree that Cache County can be
65 redesignated attainment for PM2.5 on its own, with oversight solely by EPA Region 8, if
66 monitoring data shows that the NAAQS has not been exceeded:

67 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
68 Governor concurring therein, urge the EPA to adopt the recommendation for PM2.5
69 designation as proposed by the state of Utah.

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

Fiscal Note**H.C.R. 5 1st Sub. (Buff) - Concurrent Resolution Urging the Realignment of
Air Quality Non-attainment Designations by the Epa**

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
