

APPROVED

**CACHE COUNTY
COUNCIL SPECIAL
MEETING MINUTES
OCTOBER 03, 2012**

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AIR QUALITY ISSUES – Meeting with Governor Herbert..... 1
HERBERT, GOVERNOR – Meeting with – to discuss Air Quality Issues 1

CACHE COUNTY COUNCIL SPECIAL MEETING
October 03, 2012

The Cache County Council convened in a special session on October 03, 2012 at 5:45 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: Craig "W" Buttars
Vice Chairman: **Val Potter absent**
Council Members: H. Craig Petersen, Kathy Robison, Jon White, Cory Yeates & Gordon Zilles.
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger
County Attorney: Don Linton (**James Swink absent**)

The following individuals were also in attendance: Janeen Allen, Bryce Bird, Maren Broadbent, Brek Buck, Sherm Buck, David Butterfield, Jack Draxler, Alyssa Fowlks, Jeff Gilbert, Sharon L. Hoth, Pete Knudson, Sam McGregor, Ronda Menlove, Dan Miller, Mike Mower, Dr. Ed Redd, Riley Richardson, Ray Robison, Amanda Smith, Abrienne Storey, R. Curt Webb, Nathan Whiting, Austin Winegar, **Media:** Charles Geraci (Herald Journal), Jennie Christensen (KVNU).

CALL TO ORDER

AGENDA ITEM:

1. **Meeting with Governor Herbert on Air Quality Issues** – Chairman Buttars opened the meeting and invited officials to introduce themselves. Chairman Buttars turned the time to Executive Lemon who summarized the county's perspective of the vehicle emissions inspection and maintenance program (I/M). Lemon said the county was going to go ahead with an I/M program, but after reviewing the limited results it would achieve at a heavy cost, decided to not approve the I/M program portion of the SIP. This meeting was requested with the Governor after Cache County was told it would have to implement the I/M program or the state will suffer possible penalties from the EPA.

Lemon indicated the county believes the state cannot impose an I/M program on Cache County and asked Attorney Linton to articulate his legal opinion of that issue.

Attorney Linton cited Statute 19-02-104 as an intent to build consensus with counties regarding requirements for specific programs. Linton commented that one section of the law states if there is a federal law in place, the county cannot issue certificates to vehicle owners to allow them to drive cars in the valley. There is no federal law in place presently. The second section states that when there is a maintenance program necessary and if the Air Quality Board requires the testing in the SIP and the SIP is sent to the EPA and is adopted, then it has the force of federal law. Linton observed this seems to be "an end run" around the prior Statute 19-02-104. Linton's opinion is that the Board was established with a set of enumerated powers and one of the restrictions on those powers is

Statute 19-02-104, which says the state must have the consensus of the county regarding program requirements.

Governor Herbert observed he faced these same problems as a County Commissioner if Utah County.

Chairman Buttars noted the Cache County Council will hold a public hearing on October 9, 2012 to receive public input on alternative solutions to the vehicle emissions I/M program.

Governor Herbert indicated the state wants to find what is reasonable and rational. There is a concern that possible serious impacts on economic development in Utah can occur if Cache County refuses to implement an I/M program. Congress has given the EPA significant teeth if the County does not comply.

Council member Petersen said he feels the EPA's approach is "guilty until proven innocent." Cache County's problem is specific to ten to twenty days a year – inversions – those days should be the focus of any solutions.

Council member Zilles voiced concern over individuals whose vehicles will not pass inspection in their own county so they go to another county that has less stringent requirements to have their vehicles inspected. Their vehicles are still driven in their home county and still contributing to the problem, but are "clean" because they have been inspected.

Some alternative ideas discussed by those present were:

- Targeting diesel vehicles only
- Remote sensing of offending vehicles
- Conversion of vehicle fleets to natural gas

In response to Chairman Buttars' inquiry about the availability of federal funds to help develop a remote sensing program, Jeff Gilbert commented he believes CEMAC funds might be able to be used for that purpose.

Governor Herbert asked that the state and the county go forward with finding a solution that does not jeopardize the rest of the state.

ADJOURNMENT

The Council meeting adjourned at 6:55 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Craig "W" Buttars
Chairman