

OLYMPIC REGION CLEAN AIR AGENCY
2940 B Limited Lane NW
Olympia, Washington 98502

BOARD OF DIRECTORS MEETING

April 14, 2010

Members present: Clay Harwood, Pacific County (Chair)
Phil Johnson, Jefferson County
Cynthia Pratt, City of Lacey
Dan Di Guilio, City of Port Angeles
Art Starry, Thurston County
Craig Ottavelli, City of Olympia (Vice Chair)
Terry Willis, Grays Harbor County
Mike Doherty, Clallam County
Emmett Dobey for Lynda Ring-Erickson, Mason County

Members absent:

Ecology: Phyllis Baas

Legal Counsel: Heather Welch, for Fred Gentry of Bean, Gentry, Wheeler & Peternell

Staff Present: Fran McNair, Executive Director; Robert Moody, Compliance Supervisor, Geoffrey Glass, Engineer; Dan Nelson, Public Information Officer; Lynn Harding, Administrative Services Manager; Jimmy Werner, Senior Air Monitoring Technician; and Debbie Moody, Recorder

The meeting was called to order at 10:17 a.m.

There were no additions or omissions to the Agenda. Pratt moved approval of the Agenda. Johnson seconded the motion and it carried unanimously.

Harwood noted it was time to elect new officers for the Board. Willis moved Ottavelli continue to serve as Vice-Chair. Johnson seconded the motion and it carried unanimously. Ottavelli moved Harwood continue to serve as Chair. Starry seconded the motion and it carried unanimously.

Harwood noted the Consent Agenda consisted of March 10, 2010 Minutes as well as the Warrants and wire transfers 63002686 through 63002752 in the amount of \$65,830.75; and Payroll 301435 through 301452 in the amount \$119,337.51 for March 5, 2010 through April 9, 2010.

Willis requested the Minutes be voted on separately as she was not present at the previous meeting.

Ottavelli moved approval of the Warrants and Payroll. Willis seconded the motion and it carried unanimously.

Ottavelli moved approval of the Minutes of March 10, 2010. Starry seconded the motion and it carried by a majority of the Board. Willis and Doherty abstained as they had been absent at the March meeting.

PUBLIC HEARING

Regulation Revisions

Harwood opened the public hearing at 10:20 am. McNair noted we have received one written comment. McNair explained the revisions are administrative in nature. We have moved some definitions around, removed obsolete definitions, and as a result of a hearing we have redefined *Owner*. We also moved service

of notice into the general section of our regulations. McNair explained the one comment we received was with regard to the compound exemption list. They have requested that we add 2 compounds, dimethyl carbonate and propylene carbonate, to the list.

Willis noted we changed Hog Fuel to Hogged Fuel and wanted to make sure that was our intention. R.Moody noted the machinery is called a hog, which hogs the fuel.

Harwood asked if there were any other comments. Starry noted under 8.1.7, it basically says you can't operate an uncertified woodstove unless it has been rendered inoperable. He understood the intent, but thought it should be reworded. R.Moody explained we frequently find old woodstoves and use them as a decorative item. After some discussion the Board asked that staff reword the section.

Harwood closed the hearing at 10:27 a.m.

Pratt moved the addition of dimethyl carbonate and propylene carbonate to the list, as specified. Starry seconded the motion and it carried unanimously.

Ottavelli asked if we are looking to approve the entire revision today. McNair asked that we do, as long as the Board agrees with the changes.

Ottavelli moved approval of the revisions with the understanding staff will reword 8.1.7 to clarify the intent. Starry seconded the motion and it carried unanimously.

DIRECTOR'S REPORT

Compliance Update

Robert Moody, Compliance Supervisor, thanked the Board for the rule change and explained the process—we will make the changes and file the revision with the Code Revisor and 31 days after that the rules become official. R.Moody noted we will be bringing outdoor burning rule revisions to the Board in the near future. Ottavelli asked if staff will be letting the person who requested the additional compounds know that they were approved. R.Moody stated we would.

We have 2 hearings scheduled for May, R.Moody noted. We have received 7 complaints in this past month for Silver Springs. They received 2 Notices of Violations in the same time period, one for odors and the other for maintenance issues. We do have a town meeting coming up and a newsletter inviting folks has been sent out to the community.

R.Moody explained we had some Ecology money in the past couple of years that allowed us to replace uncertified woodstoves. ORCAA also set aside monies to assist in changing out a total of 133 old stoves. Of the 133, R.Moody noted, 95 were in Thurston County with the balance in Port Angeles and Port Townsend. We feel it was a successful program and a good service for the community. We do hope more money becomes available so we can participate again.

R.Moody stated every 6 months the compliance staff goes to smoke school to recertify. R.Moody explained the process of smoke school to the Board. He wanted to share with the Board that for the first time in the history of the agency, that he was aware of, our entire compliance staff (5 staff members) passed smoke school on the first run. McNair felt it just shows the skill level of our staff. The Board congratulated staff.

Willis asked about the complaint report, noting several complaints in the "open fire/smoke" category. She asked if staff could clarify what they might include. R.Moody noted typically we get a call from a person complaining about a neighbor burning, whether it is a legal burn or one where they are burning a mattress or garbage. We take the information and place it in our database and follow up on it. Ottavelli asked for clarification – if a name shows up on this list, it doesn't necessarily mean they were doing anything wrong, it is

just an indication that someone has complained about the activity. R.Moody stated that was correct and, in fact, a lot of times we are just mediating neighborhood disputes.

Pratt asked what types of complaints fall in the “other” category. R.Moody explained it could be asbestos complaints for instance, any complaints we don’t see on a regular basis. Ottavelli asked if staff at the cities/counties know to tell citizens to call ORCAA. R.Moody stated if citizens call in to a fire departments’ business line, the receptionists know to direct them to ORCAA. If a citizen calls 911, Capcom forwards non-emergency calls on to us as well. Ottavelli asked if we need to do anything to assure the frontline staffs know how to respond when they get those calls. Generally, R.Moody noted, you’ll find we have very good working relationships with all the fire districts in our jurisdictions.

Harwood asked if we deal with businesses that advertise burn barrels. R.Moody stated we do go in and explain to them they are doing a disservice to their clients due to the fact if they are caught burning in it, the client will received a ticket. Willis asked for clarification on the legality of burn barrels – is it what they burn in it or is it the barrel that is illegal. R.Moody stated the burn barrel itself is outlawed in the state of Washington. The rule allows people to create masonry or concrete devices to burn vegetation in, but you are not allowed to use a burn barrel. McNair explained the reasoning had to do with what was burned in the barrels; most people used them for trash burning.

Doherty wanted to clarify that in the UGAs, and cities, you can’t burn; but in the unincorporated and non-UGA areas you can burn wood waste, meeting the DNR standard 4x4 piles. Or our standards, McNair interjected. R.Moody explained if they are burning in the woods, it is DNR standards, if it is residential it is under our rules. Willis asked if they can get a permit for larger fires. R.Moody stated they can get permits from either us or the fire districts, depending on where you are what kind of fire, how large of piles, etc.

Ottavelli asked to put it simply; there is absolutely no burning in the city. Starry stated he thought you could have a recreational fire. R.Moody stated it depends on what city you are in. Ottavelli noted it sounds complicated. R.Moody noted this gives you an idea of what to expect when we bring the outdoor burning rule revisions to you. He feels it may take a couple of months to get through the revisions at the Board level.

Dan Nelson, Public Information Officer, handed out ORCAAs outdoor burning brochure that explains what can and cannot be burned in each of our counties, as well as where you can and can’t burn.

ORCAA Permit Actions

Geoffrey Glass, Engineer, noting the finalized permits at the end of the report, stated Forks High School’s biomass boiler permit has been finalized. Rainshadow Roasting Company is a small coffee roasting company that one of the inspectors came across while in the field. We were able to issue what is known as a Notice of Intent (NOI) for the roaster. The permit will still maintain the same level of controls, had they gone through the full Notice of Construction (NOC) process. The main difference being the cost to the source, Glass explained, and the time to process the permit. We feel we will find more of these types of businesses and be able to handle them under the NOI, thus saving our sources time and money.

Glass briefly went over some of the other projects. Glass noted we have a few permits that have caught public interest. Gordon Lance is working on a permit for Adage, in Mason County. He has been working very closely with the public and keeping them informed of the process. Glass noted we have added a page to our website to disseminate information on this project. Department of Informational Services (DIS) here in Olympia is another project that citizens have expressed interest in. Glass stated he is working on the DIS permit and it is the largest collection of backup diesel generators in our jurisdiction. Due to the high level of public interest in this case, regardless of the conclusion ORCAA comes to, someone will be unhappy and we expect an appeal. Glass explained it is his intention to have a very defensible decision at the end of the process.

We are expecting an application from Nippon, Glass continued. They are planning on replacing a 50 year old boiler with a new one. The new boiler will have Best Available Control Technology and will be operating at a

steady state as a co-generator. Glass noted these types of burners work much better at a steady state.

Glass noted the Sierra Pacific Industries' AOP is currently late. They did submit part I and part II applications which are a case by case MACT determination. This has to do with the air toxic rules for boilers which were EPA promulgated and then vacated. The applications were sent to us early last year, Glass explained, so we recognize their permit as being modified since it had been completed. He continues to work on the final permit and plans on having the draft done within a week.

Ottavelli wanted some assurance from staff that we are not going to extremes with the DIS case. In other words, we are approaching DIS with the same diligent, thoroughness, and even-handedness we would with any other project. Glass assured Ottavelli that we are following procedure.

Di Guilio asked what the average length of time it takes to process a permit. Glass explained it varies quite a bit due to several reasons. Some projects are inherently more complex, Glass stated, such as a major source or synthetic minor source. It can take a significant period of time to adequately review the impacts. In some cases, a source will send in an application to get the process started, but they are usually missing a lot of details that have yet to be worked out. For example, Glass continued, Paneltech has an application in to add a new coating line. The application was sent to us early so that when they are ready to make the final decision on what equipment they are purchasing, we are ready for it and the review time is much faster.

There are times when we are waiting on SEPA determinations as well. Even if we have all the information to review and determine what the outcome will most likely be, we can't issue the final determination until the SEPA process has completed. Air Operating Permits typically take well over a year to process.

Harwood asked if the receipt of application date could be added to the report so we can have a better understanding of the time frame. McNair stated the dates may or may not help and the application date could be misleading. Due to the fact there are so many different variables to explain the reasons behind the length of time, it may not make sense. Ottavelli thought perhaps there could be a list of the 5 top reasons for delays and then if there is anything out of the ordinary it could be explained. McNair noted we could look into it.

Dobey asked what the next steps are in the DIS case. Glass stated issuance of the preliminary determination is next. McNair noted the building is underway. Glass added we have already been contacted by the public so we will be holding a public hearing. Ottavelli asked where the hearing would be held. Glass stated it could be held here at our offices or we could hold it in the neighborhood.

Willis stated Glass had mentioned that at times staff is waiting on the county to do something before you can complete an application. Willis asked if there are ever delays beyond what you think is appropriate. Willis stated it is critical to businesses that they get their permits into place and we don't want your process held up because there are issues at our offices. If that comes up, would staff be willing to let us know, Willis asked. Glass stated we could contact you if we feel the county is taking excessive time. McNair explained we do our best to work with the staff to work out issues. Willis asked if the delay in SPI's permit issuance keeps them from working. Glass stated it does not. As long as we have their application in to us, on time, they are protected by a permit shield. They can continue to operate under the previous permit until the new one is issued.

Education and Outreach

Nelson stated we have created a couple of dedicated pages on our website for Adage. The page includes their permit and our permitting process. We have also put up web pages for our Biomass survey and evaluations that Mark Goodin, Professional Engineer, is shepherding through.

We have sent newsletters out to the communities around Silver Springs. We continue to try to stay out in front of issues.

Nelson wanted to let the Board know that the recognition we did for KING5 got the attention of KOMO4 and they invited us up to talk to them. KOMO4 was very interested in EPA's plans to change the standards for ground level ozone. Nelson stated he had included a couple of pages in the packets that shows an overview of what EPA's plan is for ozone. Nelson explained it is likely we will be part of the non-attainment area for ozone, under the new standards. It was good to have both KING5 and KOMO4 interested in the information. We will continue to work with Puget Sound Clean Air as well.

Doherty stated this month's governing magazine has an article on EPA's new rules affecting the rural counties. Today, up at the campus, Doherty noted, there are a couple of electric vehicles and some placards explaining the state standards and their specs to go to bid.

Nelson noted we will be participating in the Lacey Alternative Fuel Fair which is scheduled for May 1. Nelson stated one of the highlights of the fair is the electric car race that kids from area schools participate in.

Harwood asked how the schools get involved, noting the Raymond high school has recently added an auto shop. Nelson stated he would be happy to contact them.

Administrative Services Update

Lynn Harding, Administrative Services Manager, stated the finance committee met prior to the regular meeting this morning. We shared our draft Fiscal Year 2011 with the committee, Harding stated. The draft budget will be discussed at the May Board meeting, at which time the finance committee will make a recommendation. Per the Clean Air Act, Harding continued, we need to adopt the budget by the fourth Monday in June of each year.

Harwood stated the finance meeting went well and the budget looked good. Willis agreed, noting the expenditures were cut and in check due to some really good monitoring by staff. McNair also pointed out we'll be using less of our fund balance than we anticipated.

Harding stated we have received official word that we received our \$1000 wellness grant.

McNair shared with the Board a special meeting held with staff. She explained a friend of hers had competed in a triathlon and during the swimming portion her heart had stopped. Her friend now volunteers for the American Heart Association and belongs to a group called Go Red for Women. Three women came in and talked to staff about heart health. We are trying to incorporate more things into our work life that promote healthy living.

McNair stated Fred Gentry had updated her contract per the comments. McNair passed out the evaluation sheet of performance factors that will be attached to the contract. Ottavelli thanks McNair for a good framework that gives the Board something to evaluate against. Pratt wanted to verify DOE means ecology – she noted DOE typically means Department of Energy. McNair stated she would write it out. Ottavelli asked that under Work with Staff, item 4, be broken out into 2 items. One would be *actively pursue cost containment strategy* and *look for and pursue grants to augment program areas* as another deliverable. Ottavelli asked if we need to take action today. McNair stated yes, we need to have the Chair sign the contract. Heather Welch, Attorney, checked the previous minutes and determined no action had been taken on the contract.

Di Guilio noted the performance objectives are all feel good items. What are the outcomes of the objectives, what are you trying to do, Di Guilio asked.

Ottavelli moved to allow the Chair to sign the contract with the addendum. Pratt seconded the motion.

Willis stated she would like the Board to address Di Guilio's concerns. She felt some of the performance factors would be hard to determine completeness. For instance, to say you worked with the six counties is great, but as a Board member we have no way to argue whether something has been attained. Do we need to

have something more specific, Willis questioned. Ottavelli stated yes, we do need something more specific, however going from nothing we have come a long way. Ottavelli noted he felt we were going in steps, this being step 1. We now have an idea of what the objectives are and we can move toward step 2 – identifying the measurable.

McNair stated if there are specific items the Board would like the director to accomplish she would add them to the list. It is difficult to specify issues, with regards to working with the jurisdictions, when we don't know what the issues are. Willis noted the list would be helpful if it listed things the director is aware of that will be worked on during the course of the year. McNair explained she doesn't know what the issues are and the concept is to visit with the jurisdictions throughout the year and be able to come back to the Board and show what we have accomplished.

Willis asked Ottavelli to give a timeline for the 2 step process he was considering. Ottavelli felt at the first annual review, we would request measurables under each of the identified factors. That review would give us a better process to refine the function this serves. Ottavelli noted if the Board was uncomfortable with moving forward, we can work on the performance factors separately.

Willis requested that at the annual review, the director provide the specifics of what has occurred during the time frame.

Willis suggested a friendly amendment, stating we approve the contract as written with the addition that at the annual review there be a written report. Harwood found the language in the contract. Ottavelli proposed we have an annual review and request the director come to the review with recommended objectives for each of the goals. McNair stated she would like to be able to come back with more than just numbers and suggested language that states at annual review will report on specific objects per each goal. Willis stated she would be comfortable if we will be getting the information. The line would be added to the end of item 2 in the contract.

Harwood stated there is a motion on the floor, with a friendly amendment and called for the question. Ottavelli asked that Willis restate a new motion rather than have an amendment.

Willis moved that the Board allow for the change in language in the contract noting at the annual review the Board will be given a written statement of activities achieved during the course of the year. Ottavelli seconded the motion and it carried unanimously.

Harwood noted Ottavelli's original motion was on the table, seconded by Pratt. Harwood called for the question and the motion carried unanimously.

Air Quality Summary

Jimmy Werner, Senior Air Quality Technician noted the air monitoring news focused on ozone this month. Werner had some equipment available to share with the Board. Werner showed three different pieces of monitoring equipment, one being a new portable ozone monitor. Werner explained how each of the three monitors is used. Werner explained how ozone is measure and noted the changes in the standard.

Doherty noted the timber counties are trying to use the biomass in the boilers; is there any contribution to ozone by slash being burned? Is there a way to use the biomass as mitigation in EPA's rule? Werner noted fires/smoke are a precursor to ozone but it is different than what would be coming out of a boiler. Boilers are more efficient due to the controls they have. Ozone season typically occurs outside of burn season, Werner noted. Doherty was contemplating whether or not there was a way to justify in the realm of public policy that we are working on the ozone problem by using the biomass in boilers.

Phyllis Baas, Department of Ecology, noted most biomass is looked at as a greenhouse gas benefit, more so than an ozone benefit. Doherty agreed, but thought perhaps in the bigger world with climate change, alternate

energy and clean air it seems it typically starts out looking at one small part and it escalates to a bigger discussion.

Baas noted the slash burning can also attribute to regional haze and they will certainly be looking at more of the best practices with regards to visibility. The regional haze rule phase will begin in 2013.

Pratt noticed in the air quality news that roadway vehicles are a large part of the ozone problem. Pratt asked how idling cars contribute, as well as diesel trucks idling. Washington doesn't have an anti-idling act, would ORCAA be interested in taking that on. McNair noted we don't have authority over mobile sources (vehicles). Nelson noted we have done anti-idling education, working with schools especially. There was some additional discussion regarding idling. There was no action required of the Board. Nelson noted the city of Olympia has a fantastic fleet program. Ottavelli stated he could look into their program and see if someone was available to come in and talk about Olympia's program. Doherty stated he would be interested.

EXECUTIVE SESSION

There were no items for Executive Session.

ADJOURNMENT

Prior to adjournment, Starry noted at the last Thurston Regional Planning Committee, it was noted ORCAA no longer wanted to be a member. McNair stated Richard Stedman had sent the original letter stating we could no longer afford the membership fee. They couldn't find the letter so we recently sent a new one. Pratt asked if that was passed by the Board. McNair stated it was. Nelson stated both the City of Olympia and City of Lacey had been sitting on the Board and they were reporting back to us. Pratt noted she sits on the Board representing LOTT. McNair stated if there is ever anything that comes up that Pratt feels we should know we can put it on the agenda.

The meeting adjourned at 12:09 pm

PRESENTED BY

Francea L. McNair, Executive Director

APPROVED BY:

The Majority of the Board

APPROVED and SIGNED this 12th day of May 2010