

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

**BOARD OF DIRECTORS MEETING – [Hybrid via Zoom](#)**

January 11, 2023

Members present: Jim Cooper, City of Olympia (Chair)  
Greg Brotherton, Jefferson County (Vice Chair) (via Zoom)  
Joan Cathey, City of Tumwater (via Zoom)  
Jill Warne, Grays Harbor County (via Zoom)  
Randy Neatherlin, Mason County (via Zoom)  
Carolina Mejia, Thurston County  
Robin Vazquez, City of Lacey  
Mike French, Clallam County (via Zoom)

Members absent: Pacific County

Legal Counsel: Jeff Myers and Mike Throgmorton of Law, Lyman, Daniel, Kamerrer and Bogdanovich

Staff Present: Jeff Johnston, Ph.D., Executive Director; Mike Shults, Compliance Supervisor; Mark Goodin, Engineering Manager; Odelle Hadley, Ph.D., Senior Monitoring Specialist; Dan Nelson, Communications Manager; Lynn Harding, Financial Services Manager; Robert Moody, Compliance Manager, Lauren Whybrew, Engineer, Rob Wyland, Air Quality Specialist, Bryson Downs, Air Quality Specialist, Tiffany Flores, Records Clerk, and Debbie Moody, Office Manager/Public Records Officer

Cooper called the meeting to order at 10:02 a.m. and asked for a roll call of members and staff. New member Mike French, Clallam County gave a brief introduction noting he moved over from Port Angeles city council. Cooper noted we are still waiting on an appointee from Pacific County.

Cooper asked for approval of the agenda. Vazquez moved approval, the motion was seconded and carried unanimously.

**CHAIR REPORT**

Cooper gave a brief update of the Personnel Committee noting they are working on the Executive Director's performance review and will be bringing information to the full Board in February.

**PUBLIC COMMENT**

There were no general public comments.

**CONSENT AGENDA**

Cooper asked approval of the Consent Agenda. Neatherlin moved approval of the Consent Agenda. The motion was seconded and carried unanimously.

**PUBLIC HEARING**

### ORCAA Rule 6.2.7 and 6.2.8 amendment

Cooper asked Johnston to brief the Board. Johnston explained in the 1980s Thurston County had exceeded air quality standards for particulate matter. At that time, Johnston noted, the cause was primarily indoor burning. Rules were put in place and these rules included restrictions on both indoor and outdoor burning. Beginning around 1996 we have been meeting the standards.

Johnston explained the proposed rule change would allow campfires in Lacey, Olympia, and Tumwater; which would be consistent with all areas in western Washington. Important to note, there will be no change to the nuisance smoke, burning of garbage, fire safety, etc. We have worked closely with the three cities and the fire departments, and they are all in support of this change. ORCAA's compliance team will continue to focus on nuisance and burning of prohibited materials.

Neatherlin wanted to clarify this will only change the enforcement of the campfires in the cities. We do not have authority to change city and county codes. Johnston agreed that ORCAA only enforces our regulations, not those of the cities and counties. We do work closely with them, but we are a small agency, and we enforce our rules and follow up on complaints. Cooper stated it is his understanding cities and counties have the power to institute more stringent fire safety can do their own rules.

Brotherton noted he understands there is no other clean air agency with a 'no campfire' rule; are there any municipalities with prescriptive rules, not based on fire safety? Johnston explained there are none based on air quality. The city of Tumwater may have some rule about nuisance smoke, but there is nothing similar to our regulations. Nelson agreed, noting he had done some additional follow-up with other agencies and municipalities.

Cooper opened the public hearing at 10:20 a.m. Cooper noted he would have those present in the room speak first, then move on to those attending via Zoom.

Terry Carr, City of Lacey. Carr is in favor of the rule change. He wasn't even aware there was a ban. Carr stated his understanding for the change was due to homeless camps. Carr did ask what the fine are for burning. Carr also asked about winter woodstove burn bans and why places such as Burger King can continue to burn?

Cooper noted we would not be answering questions at this time but will respond after all comments are received.

Jim Oberlander, City of Tumwater, resident of Thurston County for over 50 years. Oberlander is opposed to the rule change. Oberlander was concerned with the density of housing and the impact smoke would have on neighbors. Oberlander did note he had filed a complaint regarding his neighbors burning and never got a response from ORCAA. Oberlander also noted the public notice on ORCAA's website did not list the time, nor was there any mention of ADA accessibility--outreach needs work.

Cooper asked Nelson to call on those via Zoom who wished to speak.

Mark Bock, city of Olympia, is in favor of rule change. The information illustrates how the air quality issues, which were the initial impetus of the ban, have been largely resolved. Bock urged the Board to support the rule allowing recreational fires in the Olympia, Tumwater, and Lacey area. Maintaining the rules and education about how to do this appropriately is important to make sure it is safely done. Tye Gundel, co-director of Olympia Mutual Aid Partners (OlyMAP). Gundel explained OlyMAP is a local homeless services organization providing outreach services to people living unsheltered in Thurston County. Gundel noted she is here on behalf of OlyMAP in support of the rule change. One issue that has acted as a barrier to finding more effective strategies is the ban on recreational fires,



which also doesn't separate between survival and recreational burning. OlyMAP believes this rule change will have positive impacts on the broad community, including in ways that are not related to homelessness.

Steve Brooks, Lacey Fire District 3 Chief, President of Thurston County Fire Chiefs' Association and Washington Fire Chiefs. Brooks wanted to echo some of Gundel's comments and wanted to express his and the fire services appreciation for the collaborative approach the ORCAA Board and staff have taken to this change. He noted he respects the concerns of those in opposition and wanted to add that the fire service has had their concerns addressed and agreed there is confusion that has existed up to this point regarding not realizing there was a regulation in place. Fire service does understand there is a risk related to the density of housing, however the new rule would not negate those things that already exist in building and fire code that require certain setbacks for burning activities.

Cooper asked if there were any other comments. Hearing none, Cooper closed the hearing at 10:36 a.m.

Cooper requested staff to address some of the questions before moving on to discussion with the Board.

Cooper noted the first question was related to the rule change being done around the homeless issue. Johnston noted it is an element of the rule change, but not the sole reason for making the change.

Cooper noted the next question was what the fine would be under the rule. Shults explained we have a fine structure based on the individual circumstances. The fines range from \$100 to several thousand dollars depending on many factors including size of the pile, what is being burned, etc. Shults added burning is complaint driven and noting if we never contacted someone about burning likely means they were burning cleanly, therefore we never received a complaint.

Cooper noted the next question was in regard to commercial via home burning. Johnston explained our burn bans come in stages and when we do ban woodstove, it does not extend to commercial cooking establishments. Shults added our woodstove burn bans is for solid fuel burning devices and Burger King is not burning wood.

Cooper asked if the Board had any questions or comments.

Brotherton noted he appreciates those providing oral comment and wanted to acknowledge the written comments we received as well. Brotherton asked if staff typically respond to complainants. Shults stated we do try to reach out to the complainants but sometimes we don't have the resources. Shults apologized to Oberlander noting we do our best, but it does happen that we don't always get back to people.

Vazquez wanted to affirm what Mr. Carr and the fire chief noted; until she was appointed to this Board, she wasn't aware of the prohibition either. Vazquez felt this was a neat opportunity for us to identify a rule that has been in place a long time, that some people are not aware of, that isn't serving the purpose it was designed to serve. Taking away a rule that isn't serving a need is a good opportunity for an agency.

Neatherlin added you still can't burn trash, we are not changing that in the rule and felt the rule has outlived its purpose.

Mejía asked how this affects air quality. Her recollection was King County changed the rules and it didn't impact the air quality.

Johnston noted we compared data from Lacey to a similar sized area of South King County and it showed that there was virtually no difference in ambient air quality. Hadley agreed noting there was not a significant difference in the summertime air quality in the more suburban areas, where burning is allowed, that were comparable to Lacey, Olympia, and Tumwater.

Nelson noted Tacoma was in nonattainment due to woodstoves and they placed restrictions, but they never restricted campfires.

Warne added, while we may be changing the rule to allow campfires, if people live in an HOA, they can add additional rules as well.

Brotherton noted he would like to say he is in support of the rule change. ORCAA staff has done a good job reaching out and it means a lot that the fire chiefs are in support of this change as well. Brotherton did add we need to be more careful about the public hearing posts on the website.

Johnston stated outreach is a work in progress – we will work on that. Johnston noted we did publish in the Olympian, and he was confident it had the date and time of the hearing. We did meet our legal obligation; however, it is important to improve our outreach as necessary.

Cooper asked if there were any concerns if we waited another month. Johnston stated there were no concerns. There was some discussion regarding what waiting could incorporate. Myers noted the legal notice would be the deciding factor as to whether we fulfilled our duties.

Cathey stated she is also in support of this rule change.

Cooper, noting he is in support of this change, stated he understands the concerns around density and fire safety. Cooper asked Brooks if the fire chiefs should work with the cities and counties to look at a blanket fire safety regulation around outdoor burning. Brooks noted from his understanding it appears the cities feel what is existing in the international fire building codes is deemed to be universally adequate or acceptable. That would not preclude any city council from reviewing it and having a more stringent code.

There was additional discussion regarding extending the comment period. The majority of the Board were in favor of moving forward with the rule change today.

Neatherlin moved approval of the changes to the rule as presented. The motion was seconded and carried unanimously.

## **UNFINISHED BUSINESS**

### **OlyMAP Funding approval**

Johnston noted we are asking the Board to approve the expenditure of \$6,000 to pay for four community cleanups, providing dumpsters for the areas. Johnston explained he had put together a briefing and sent it out. Brotherton noted the briefing was clear. Mejia wanted to let the Board know the county did approve the MOU with OlyMAP and are now just waiting on ORCAA. Warne asked what Thurston county's role is in the process. Mejia noted Thurston County provides funds to the Regional Housing Council to provide a variety of services to the County's homeless population. Brotherton asked if clean, dry firewood will be provided as well as garbage clean up. Johnston explained we have talked about that with OlyMAP and local fire officials. There is a potential for firewood banks, but nothing has been finalized.



Cathey moved approval of the funding for OlyMAP in the amount of \$6,000. The motion was seconded and carried unanimously.

Cooper noted the finance committee will be discussing whether we need to amend the budget for this expenditure. Cooper explained we are considering if this project should be a new line item in our budget. Neatherlin stated felt the Board could have a fund for programs such as this and set it at an amount not to go over \$10K allowing director to move without having to come to the Board.

## **DIRECTORS REPORT**

### Compliance Manager Update

Shults noted we have 21 land clearing permits, which is a bit slow this time of year and we expect that to pick up. We attended a source test for McKinley Paper related to mercury. Shults wanted to explain the multiple notices of violations for Petrocard and Safeway were strictly administrative and not related to emissions. Cooper asked if staff could address the large NOVs for Crown Cork & Seal. Shults noted the cases are open but shared we have been working with Crown to discuss and address needed follow-up actions.

### Engineering Manager Update

Goodin stated McKinley Paper is a large, recycled pulp and paper mill and a major source of several pollutants, including mercury. Goodin explained McKinley did a stack test and it found they were exceeding the federal mercury limits and received a Notice of Violation. We have been working with them come up with a solution to achieve compliance. McKinley added a temporary Powdered Activated Carbon (PAC) system which they felt should help them achieve compliance. The testing results appear positive and if they want to continue using the PAC, McKinley will need to go through the application process and install a permanent PAC system.

### Senior Air Monitoring Specialist Update

Hadley noted she is covering the November and December monitoring data, as well as the annual summary. November had predominately good days, with Port Angeles having several days in the moderate category. It was noted Lacey had some issues with data availability and Hadley did include the sensor data in the slides showing the missing days. December had a majority of good days, and surprisingly, a day in the Unhealthy for Sensitive Groups category at Cheeka Peak, due to a wildfire burning nearby. The Grays Harbor Saturation Study continues, and we did have a bit of a high peak that we are unsure as to what the cause was, but it was up and down the west coast. Hadley added we have chosen a contractor for the Cheeka Peak shelter, and we expect to be moving forward with that project. Hadley briefly went over the annual summary noting we did have 90% completeness at all sites. Hadley stated EPA is in the process of changing the NAAQS annual average from 12 to 9 or 10; even at 9 you can see we are in good shape with our annual average.

### Communications Manager Update

Nelson explained he has been spending a lot of time on the new web site. We do hope to launch mid-February. We are currently in the process of allowing staff to preview the site and also making sure our online forms feed correctly into our database. Nelson noted the Northwest Air Quality Communicators group is working together to share resources. Social media outreach plans are high on the list. The group works well together and are looking forward to sharing the resources and having our messages be in line with each other.

The woodstove replacement program continues although October through December is typically slow, but this year we replaced 33 during that time. We have done some sort of replacement in all 6 counties now. This spring, Nelson continued, we are scheduled to be at the Port Angeles home show as well as one in Jefferson County. We will participate in the Thurston County home show that serves both Thurston and Mason County.

#### Financial Services Manager Update

Harding stated the State Auditor was here for 2-year audit, covering fiscal years 2021-2022. Unofficially no findings and they will be doing an exit at our February Board meeting. Harding reminded the Board we do have a Finance Committee meeting next month and we will cover our 2<sup>nd</sup> quarter finance report and the OlyMAP funding strategy. Harding added we have paid off our mortgage and we now plan on making more leasehold improvements to our building.

#### Executive Director Update

Johnston stated EPA had sent out a proposal to lower the National Ambient Air Quality Standards (NAAQS) for PM2.5. The current annual standard is 12 micrograms per cubic meter and the EPA is taking comment on lowering it to between 9 and 10 micrograms per cubic meter. EPA is proposing to leave the 24-hour standard the same, at 35 micrograms per cubic meter. We will be discussing this change and the potential implications for ORCAA's communities at a future Board meeting. Johnston noted our newest employee, Tiffany Flores, Records Clerk has been working closely with D. Moody and Wallner to get caught up on our archives and scanning our source files.

Legislature is back in session, Johnston noted, and we are keeping a close eye on the items.

#### **GOOD OF THE ORDER**

There was nothing for the Good of the Order.

#### **EXECUTIVE SESSION (per RCW 42.30.110)**

There was no executive session.

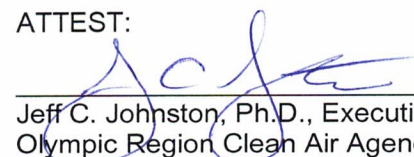
#### **ADJOURNMENT**

Cooper adjourned the meeting at 11:56 a.m.

#### **CERTIFICATION**

I hereby certify this is a true and correct copy of the minutes of the meeting of the ORCAA Board of Directors held on January 11, 2023, in Olympia, Washington.

ATTEST:

  
\_\_\_\_\_  
Jeff C. Johnston, Ph.D., Executive Director  
Olympic Region Clean Air Agency

\_\_\_\_\_  
Jim Cooper, Chair  
ORCAA Board of Directors

DATED: 2/8/2023