

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

BOARD OF DIRECTORS MEETING

July 8, 2015

Members present: Jim Cooper, City of Olympia (Chair)
Cynthia Pratt, City of Lacey (Vice Chair)
Steve Rogers, Pacific County
Mary Ellen Winborn, Clallam County
Dan Di Giulio, City of Port Angeles
Tim Sheldon, Mason County
Wes Cormier, Grays Harbor County

Members absent: Phil Johnson, Jefferson County

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

Staff Present: Fran McNair, Executive Director; Robert Moody, Compliance Supervisor; Dan Nelson, Public Information Officer; and Debbie Moody, Office Manager/Recorder

The meeting was called to order at 10:00 a.m.

Cooper asked for approval of the agenda. Pratt moved approval of the Agenda. Rogers seconded the motion and it carried unanimously.

CHAIR REPORT

Cooper asked if the Board would be open to using a consent agenda for the Minutes and Expenditures. McNair stated we had been advised by the State Auditor to read the expenditures. After some discussion, McNair stated she would contact the State Auditor for clarification.

APPROVAL OF MINUTES

Cooper asked for approval of the Minutes. It was noted TComm was incorrectly spelled in the June Minutes. Cooper requested the approved copy show the corrections. Di Giulio moved approval of the Minutes with the spelling of TComm corrected. Cormier seconded the motion and it carried unanimously.

APPROVAL OF EXPENDITURES AND DISBURSEMENTS

Cooper noted the Expenditures and Disbursements consisted of Warrants and wire transfers 63006113 through 63006151 in the amount of \$45,693.75; and Payroll 422685 through 423812 and 3058032 in the amount of \$122,542.13 for June 4, 2015 through July 7, 2015. Di Giulio moved approval of the Expenditures and Disbursements. Pratt seconded the motion and it carried unanimously.

PUBLIC HEARING

Regulation Change – Outdoor Burning

McNair explained the changes to the Regulation affect Rule 3.4 and 6.2.8. Rule 3.4 addresses the issue of fees. The original proposed language noted the fee would be set in Resolution. After our public meeting, we received a lot of input and we decided we needed the language to allow a fee, in the future, but we didn't want to propose a fee at this time. We have two language options for the Board to consider. The second

option stating *if a fee is collected*, so if in the future we choose to have a fee, the language will allow us to do that. We also referenced the WAC and RCW. Pratt asked if there would be another hearing if we decide to charge a fee. McNair stated we would.

Rule 6.2.8 addresses the rules for permits, McNair continued. We added language that will allow us to revoke a permit if the burn causes a nuisance. We also added Residential fires in Thurston County as a type of fire requiring a permit.

Cooper opened the public hearing at 10:10 a.m. Cooper asked if there were any comments from the public.

Meredith Hutchins asked if there is a definition that constitutes a residential fire. McNair stated there is. Hutchins stated it isn't contained in this particular rule. Myers explained because we are not amending the section that defines the fire, it is not included. Myers did note a residential fire would be burning your yard waste.

Hutchins also asked if it is the Board's intention, if you decide to implement a fee, you would come back and allow the public to comment again. Cooper stated this is just to establish the ability to collect fees and require permits. If the Board decides to have a fee, it would be an open public process.

Marissa Anderson stated she was frustrated because there were many people at the other meeting and now they are not here to speak. It feels like everything is being taken away from us. Steve Anderson added at the last meeting, there was easily 60 people in the room and cars coming and going. One of the issues was the timeliness of the meeting due to people having to work. People seemed to be for a fee to burn, but didn't see how it was going to stop people from illegal burning. Those burning illegally will continue to burn illegally.

Hutchins wondered if people were confused about the location. She didn't find out until last night that the meeting was in Lacey and not at ORCAA's office. Other people she spoke with didn't know either. Nelson stated an email had gone out, following the June Board meeting. The email noted we didn't have a location specified, but to check our website for updated information.

Mrs. Anderson felt the message wasn't good enough. Most of the people she talked to learned of the previous meeting from others. Nelson stated he does contact the local papers, but it is up to them to decide whether or not to publish. We sent out emails to 4,500 people who requested that type of notification.

Pratt asked if staff could check to see if anyone showed up at ORCAA's office. D. Moody made the call and noted no one had shown up at ORCAA.

Cooper asked if the Board wanted to close the public hearing and take action today, or would they be inclined to leave the record open for written comment.

Addressing Mr. Anderson, Rogers noted the message he is getting is the issue is enforcement. Mr. Anderson noted we were told ORCAA doesn't really have the necessary means to enforce the illegal burning. Mr. Anderson felt it was important that people get burn permits. Imposing a fee isn't what we need, we need people to just follow the rules.

Cooper clarified the Board has decided to wait on imposing a fee and to have staff increase enforcement on illegal burns. Cooper noted the staff is working on plans to enhance the burning programs with regards to enforcement, which is why we are not discussing imposing a fee today.

Hutchins stated she noticed a lot of brush fires over the weekend. Several of the districts were stating the calls should be referred to ORCAA. Is ORCAA staff prepared to deal with the calls when they happen (weekends, after hours)?

Rogers noted we recently had the discussion regarding the challenge of 24/7 enforcement. Our understanding was, historically, staff did have an on-call program but didn't receive that many calls. Rogers felt the discussion was still on the table and the Board will be working with staff to determine the best course of action.

Cooper asked the pleasure of the Board – keep the public hearing portion of the meeting open, or close the public hearing. Pratt stated she preferred to keep the comment period open until August. Pratt stated we should allow for written comment so the public doesn't have to arrange their schedule to come to a meeting.

Cooper noted the public comment period will remain open until July 31 at 4:30pm. There was consensus of the Board. Cooper thanked the public for attending.

Sheldon, noting he had not been at the previous meeting, asked what is meant when staff states the fees will be determined by a workload driven process. Sheldon felt that was very vague. McNair explained the language is taken from either the WAC or RCW and what it means is because we use timesheets, we can identify the time spent in each program and in setting fees we only use the direct time allocated toward a program, such as outdoor burning. Sheldon asked how a limit is set, could the permit become a \$1,000 permit? McNair explained staff would do the analysis, per our timesheets, and bring a proposed fee to the Board. It would be up to the Board to make a final determination on a fee. The fee would be based on direct and indirect costs to the agency. Winborn noted the language, to her, sounds like it would be on a sliding scale, but what I am hearing now is it would be a fixed fee. McNair stated that was correct.

Di Guilio asked what the process is if we issue a fine and the resident refuses to pay, what recourse is there. McNair stated we send them to collections. Di Guilio asked how much a fine would be. R. Moody noted a first time violation starts at \$100. McNair noted they can appeal the fine to the Pollution Control Hearings Board as well. Di Guilio stated he was concerned with the lack of warning. Di Guilio questioned how knowledgeable the citizens are about burning in this area. McNair explained if a person lives in an area where they need a permit, they will get a warning and be told to apply for a permit; if they live in the city, where burning has been banned for many years, they will be getting a notice of violation. McNair added, we will be working with the utility companies to have them place inserts in homeowners' billings. We will continue to work with fire districts as well.

PUBLIC COMMENT

There was no further comments from the public.

FOR THE GOOD OF THE ORDER

McNair stated there would not be a full director's report by staff today. McNair did note she wanted to update the Board on a couple of items. Simpson, in Shelton, was purchased by Sierra Pacific Industries and they are undergoing some permit changes. The boiler that was operated by Simpson to provide steam to Olympic Panel Products will be leased to Olympic Panel Products and they will be responsible for it until they vacate. Sierra Pacific will be demolishing and reconstructing many of the buildings on site.

Di Guilio stated he had heard Nippon may be firing their old boiler back up – is that possible. R. Moody explained the permit states they can't use boiler 9 and 10 except as backup. McNair noted boiler 8 is likely the one he is talking about. Di Guilio stated he didn't know for sure, just that rumor has it they may start it up again due to a recent receipt of some large orders. McNair stated she would check with Mark Goodin after her return to the office.

McNair stated we have been having smoke issues throughout our region. There is a "Wildfire Smoke Health" sheet in the packet. There are many fires burning throughout the state and Canada and everyone is impacted. As long as the fires continue to burn, we will see air quality issues. We continue to field calls from citizens. There was some additional discussion regarding fires, monitoring and health. McNair stated

Nelson has included a lot of information for people on our website.

Cooper asked if there was anything further. There was none.

EXECUTIVE SESSION

There were no items for Executive Session.

ADJOURNMENT

There was nothing further from the Board.

The meeting adjourned at 10:47 a.m.

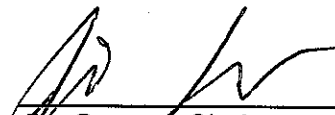
CERTIFICATION

I hereby certify this is a true and correct copy of the minutes of the meeting of the ORCAA Board of Directors held on July 8, 2015, in Olympia, Washington.

ATTEST:



Francea L. McNair, Executive Director
Olympic Region Clean Air Agency



Jim Cooper, Chair
ORCAA Board of Directors

DATED: