

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

BOARD OF DIRECTORS MEETING

January 13, 2016

Members present: Jim Cooper, City of Olympia (Chair)
Steve Rogers, Pacific County
Cynthia Pratt, City of Lacey (Vice Chair)
Wes Cormier, Grays Harbor County
Phil Johnson, Jefferson County
Dan Di Guilio, City of Port Angeles
Kathy Wolfe, Thurston County
Terri Jeffreys, for Tim Sheldon, Mason County
Mary Ellen Winborn, Clallam County

Members absent:

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

Staff Present: Fran McNair, Executive Director; Robert Moody, Compliance Supervisor; Mark Goodin, Professional Engineer; Odelle Hadley, Senior Monitoring Technician; Dan Nelson, Public Information Officer; Lynn Harding, Administrative Services Manager; and Debbie Moody, Office Manager/Recorder

The meeting was called to order at 10:05 a.m.

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

CHAIR REPORT

Cooper wanted to remind the Board that he would be appointing a Finance Committee at the February meeting. Cooper noted Pratt is the current chair of the Finance Committee and if any Board member is interested in serving on that committee, please let him or Pratt know.

PUBLIC COMMENT

James Zahn, 3323 Yelm Hwy SE, explained he owns a farm and recently received a Notice of Violation and fine of \$2,500 from ORCAA. Zahn stated he is in opposition of complaint driven fines. Zahn explained he submits an application and receives an agricultural burn permit each year from ORCAA and states he continues to have problems from ORCAA as they don't understand he is allowed to burn. Zahn noted he is surrounded by residential neighbors and they generally complain about farming. Farming creates a nuisance and ORCAA views that as tantamount to an infraction in the law. Zahn claims the Growth Management Act does allow for nuisances in agricultural areas where growth has taken over farmland. The problem, Zahn continued, is people can smell smoke and just after he got his permit this year, someone complained about the smoke. Every time someone complains ORCAA reacts by coming out to the fire and find other issues that are there. This time, Zahn stated, they found cans or something on the ground where the fires were. That is an issue, Zahn explained, you can't burn illegal material. Zahn stated he was not burning illegal material, it was happenstance something was there. ORCAA also claimed Zahn was not in attendance of the fire. Zahn explained he was working nearby cleaning the ditches. Zahn stated items wash into the ditch and he tries to pick it up but ORCAA doesn't listen to that – it is incidental stuff, not stuff he puts there. Zahn stated the fine amount of \$2,500 is ridiculous and complaint driven.

Cooper referred to counsel. Myers noted he appreciated Zahn taking the time to come to the Board, however felt it was inappropriate for the Board to engage in discussion at this time. There can be ongoing

conversations regarding settlement, but those conversations should go through staff, rather than be discussed before the Board.

Winborn asked when it would be appropriate for a person to come to the Board. Myers noted the Board's role is a policy making body. When you adopt rules regarding agricultural burning, if a person would like to propose rules or amendments to the rules or general policy that would be an appropriate time for the Board to consider comments. The enforcement of the policies need to go through the legal process, which begin with staff.

Zahn stated he is proposing that citations not be issued based on complaints.

Cormier asked if the appeals continue, do they eventually come before the Board. Myers explained if staff is not able to mitigate a settlement, the next step would be to appeal to the Pollution Control Hearings Board and then ultimately to Superior Court. Cooper asked if the Board can be kept up to date on this case. Myers stated that was fine.

Jeffreys asked what the violation was. R. Moody he was cited for nuisance smoke, burning prohibitives and not attending the fire. Jeffreys asked, if an agricultural burn had to occur, is there any way to avoid a nuisance. R. Moody stated the previous case he mentioned occurred about 7 years ago and he has been doing ok since then. This year he had 3 piles burning and it was blowing into the neighborhood next door. R. Moody stated Zahn has demonstrated he can burn without causing a nuisance.

CONSENT AGENDA

Cooper asked if there were any comments, questions or pulls of the Consent Agenda, hearing none Cooper asked for approval of the Consent Agenda. Pratt moved approval of the Consent Agenda. Johnson seconded the motion and it carried unanimously.

NEW BUSINESS

McNair asked that Cooper introduce the new Board member prior to moving forward. Cooper requested everyone introduce themselves for Commissioner Wolfe's benefit.

Burn Committee Recommendation

McNair stated the committee met in December and have one recommendation and an item for discussion. The recommendation is to change Thurston County's summer burn ban dates, which currently run July 15 through October 15, to be the same as the rest of our counties. The dates would change the summer burn ban start date to July 1 and end date to September 30. If the Board approves, McNair continued, we can start the rule change process. Cooper asked if any Board member had any concerns or questions. Cooper noted there was consensus of the Board.

The item the committee requested come to the full Board, McNair explained, has to do with burn bans. We have called 2 burn bans recently, during Thanksgiving and then over New Years. McNair paused to commend staff for working over the holidays to get the information out to the public. The concept brought to committee was to ban residential outdoor burning, in Thurston County, during the months of December and January. The thought was, banning outdoor burning during this time may keep our PM2.5 numbers down and people that need to use their woodstoves can do so.

Cooper asked Pratt and Cormier, committee members, for their input. Cormier stated his argument against this proposal was we would just be postponing burning to lesser amount of months, therefore a higher amount of pollution during the months burning is allowed. Pratt noted Thurston County is the area with this particular problem. She felt it would be more consistent to have a rule. Cooper asked if Hadley could respond to Cormier's concern.

Hadley explained the reason for burn bans during those months is due to a higher frequency of temperature inversions. The pollutants are trapped at the surface and don't dissipate as readily. In the other months of the year, we don't have as much of an issue and the pollutants rise, dilute and leave the area much faster.

Cormier asked if staff could provide a historical background. Hadley stated she did have some of that information in her presentation today because it is an end year report. If, after the presentation, the Board would like more information Hadley stated she could put together a report.

Johnson stated he would like to see additional information before making a decision. Cooper asked if it is better to do these actions together or can they be dealt with separately. McNair stated they can be dealt with separately.

Cooper asked if Cormier would be in agreement with moving ahead with the formal process, knowing the public would be involved. Cormier stated he would be fine moving forward. Cooper noted there was consensus with the Board to move forward with both issues.

Cooper asked if there was anything further. McNair noted we had a Finance Committee meeting this morning. Pratt stated the committee looked over the quarterly report and we appear to be on target with our budget. She noted there are still 2 office spaces open for rental. Cooper added the committee requested staff investigate what scenario green power purchase for ORCAA would look like.

DIRECTOR'S REPORT

Compliance Program Update

R.Moody stated we are working on a situation in Shelton where a neighbor is being impacted by outdoor burning and woodstove use. We have sent mailers out to the community to alert them to the rules. We are pursuing enforcement action on one of the neighbors in the area. McNair did state staff has done a lot of education with the burner, in this case. We were working with them trying to eliminate the problem rather than write a violation. R.Moody stated we have gone out, a few times, and talked to the person creating the problem. To their credit, they have made some improvements, however they are not consistent. McNair stated we did contact an agency that provides dry firewood, however they didn't have anything. Jeffreys requested the address, noting her church provides the firewood and she would like to check on the situation.

Cooper asked how long it has been since the compliance team has had such a busy demolition year. R.Moody stated he doesn't track it that way, however it is an indicator things are improving in the economy. People are doing more demolition and renovation on both large and small scale.

Pratt asked if we do anything with agricultural odors. McNair stated we do not respond to actual agricultural odors.

Engineering Program Update

Goodin highlighted three cases. A final permit (AOP) was delivered to Olympic Panel Products, located in Shelton. The permit was updated to include the revision to the boiler and will allow them to operate until they shut down, which is scheduled for the end of 2016. At that time, Goodin continued, Sierra Pacific Industries will be taking over the entire site, rebuilding the mill from the ground up. The second case, Sierra Pacific Industries-Shelton, purchased the Simpson Shelton Mill with the intent to rebuild the mill. They are retaining the existing boiler, but replacing all other equipment. We do have a public hearing scheduled for this case. The hearing will be held at the Shelton Civic Center on February 1 at 5:30pm. The final case, Nippon, encompasses two permits. The first permit application is to adjust the limitation on their NOx emissions and the second application will allow limited use of 3 of their existing boilers numbered 8, 9 and

10. There is a hearing scheduled for these permit applications, to be held in Port Angeles on January 26 at 5:30pm.

Jeffreys asked if the Crown Auto Sales application regarding soil remediation was a voluntary action or if they were cited and required to go through remediation. Goodin explained soil vapor extractions are usually triggered by underground soil contamination. Goodin then explained how the soil is stripped of contamination. Jeffreys asked if the process is expensive. Goodin noted he doesn't know the cost of the process itself.

Cooper asked for clarification on the limited use of the boilers at Nippon. Goodin explained our review is to ensure they are meeting the federal law for limited use boiler and to draft the approval conditions, which we enforce. Cooper asked if there is a ceiling on their use. Goodin stated there is and it will be monitored.

Air Quality Program Update

Hadley summarized December's air quality, noting a few moderate days in Shelton, Port Angeles and Lacey. Shelton and Lacey also had unhealthy for sensitive group days. We did lose a few days in Port Angeles due to instrument change out. There were also some lost data at Cheeka Peak due to power failures.

Hadley briefly went over the 2015 Annual Air Quality Summary, noting Lacey and Port Angeles had the highest number of days under moderate, however they were still well below the standard. Lacey and Shelton both had 1 day under the unhealthy category. A typo was noted on the annual chart and Hadley apologized, noting she would correct the data and send out a new copy to the Board.

Hadley presented several charts showing the average air quality for different periods of time. She noted there is an upward trend in poor air quality throughout the region, which may be attributed to growth. Hadley apologized for not having Pacific County data, however she did note the South Bend monitoring equipment has been moved and should be online within a week.

Hadley gave a brief update on the Thurston County Saturation Study. Hadley explained we were not able to place a monitor with the West Thurston Regional Fire Authority, however we are now working with the Rochester School District and are waiting to hear back from them. Hadley did show the current data for the Saturation Study for the sites that are up and running.

Education and Outreach

Nelson stated we did call a couple burn bans in Thurston County and did our standard outreach via the media and about 7,000 email alerts to those signed up for that information. We mailed burning and woodstove use information to approximately 700 citizens in Mason County after many complaints of smoke affecting a young child's asthma.

We have been dealing with complaints in Thurston County, regarding burning, however because we have the online permitting system, it makes it very easy to check for permits and determine the area that was impacted and email the permit holders to make them aware their smoke may be impacting neighbors and to burn responsibly.

The woodstove change out program continues, however it slowed down over the holidays. We do expect it to pick up again soon. We have 25-35% allocated, Nelson stated. We also continue to work with local groups, such as Kiwanis and Home Owners Associations.

Finance/Administrative Update

Harding explained we are going out for bid to convert our current exterior lighting to LED fixtures. We will be

applying for rebates with PSE as well.

Executive Director's Report

McNair wanted to take a moment to recognize staff. The Seattle Children's Hospital requested crocheted and knitted hats for the month of February. D. Moody, Hadley, DeMay (and her mother), Wallner, along with McNair, made 40 hats. McNair stated she delivered the hats to the Heart Association. I and was excited to add our 40 hats to the 1,500 they had received.

McNair had met with the Olympia Kiwanis and went over a lot of general information. They also had a lot of questions about asbestos and demolition.

McNair stated she has been watching the federal budget and the current one will go through the end of September. There will be some changes, however they won't affect us this fiscal year. In 2011, EPA asked to redo the formula used to fund the regions; Region 1 and Region 10 will be hit hardest. If this is implemented, we will lose 40% of our federal funds. McNair will keep the Board up to date on this issue.

The Air Directors met and we did get an initial briefing on upcoming legislation. Representative Van De Wege has submitted a bill that would change the summer burn ban dates to June 1-Sept 30. McNair noted there is legislation on asphalt plants. If an asphalt plant was permitted prior to 1996, this new legislation would require them to get a new permit. McNair noted she would send information to the Board as she receives updates on pertinent legislation.

McNair stated she had received a call from a gentleman in Port Townsend requesting a letter of support for Sunrise Coffee Roasters. They had been nominated for business of the year, McNair continued, and we did send a letter of support.

EXECUTIVE SESSION

There were no items for Executive Session.

FOR THE GOOD OF THE ORDER

There were no items for the good of the order.


ADJOURNMENT

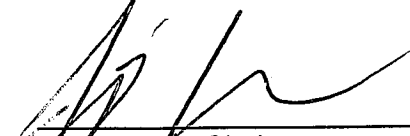
The meeting adjourned at 11:32 a.m.

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 13, 2016, in Olympia, Washington.

ATTEST:


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


Jim Cooper, Chair
ORCAA Board of Directors

DATED: February 10, 2016