

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

**BOARD OF DIRECTORS MEETING**

July 13, 2016

Members present: Jim Cooper, City of Olympia (Chair)  
Cynthia Pratt, City of Lacey (Vice Chair)  
Steve Rogers, Pacific County  
Wes Cormier, Grays Harbor County  
Terri Jeffreys for Tim Sheldon, Mason County

Members absent: Mary Ellen Winborn, Clallam County  
Phil Johnson, Jefferson County  
Dan Di Guilio, City of Port Angeles  
Cathy Wolfe, Thurston County

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; Nick Grant, Network Administrator/Monitoring Tech; 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. Rogers moved approval of the Agenda. Jeffreys seconded the motion and it carried unanimously.

**CHAIR REPORT**

Cooper explained the three largest cities in the region have a representative on the Board and last year, Tumwater's population passed Port Angeles. We had discussed the change take place in January 2017, however due to circumstances, we are planning on requesting Tumwater take over beginning with the September meeting. The Board agreed.

**PUBLIC COMMENT**

There were no members of the public in attendance.

**CONSENT AGENDA**

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

**PUBLIC HEARING / PRESENTATION**

Rule 6.2.4 – Summer Burn Restrictions

Cooper opened the public hearing at 10:03 a.m. and requested a presentation from staff.

R.Moody gave a brief history of the proposal, noting the local fire districts in Thurston County had requested (years ago) ORCAA incorporate dates in our rule. At the current request, we are changing the dates of the summer burn ban to better match the other jurisdictions so the new rule will end the ban on September 30<sup>th</sup>

rather than October. Rogers asked if there is a downside to the change. R. Moody noted we will be burning earlier in the fall, which can be a good thing. R. Moody did note he received support regarding this change and it was noted, if we are shortening up the burn ban, they would support a winter burn ban season as well. We will be discussing this later, R. Moody stated. McNair added we have mentioned this proposal at past meetings, we are considering a ban from December through January which should bring the numbers down enough people that need to use their woodstoves will still be able to. We need to do additional outreach McNair stated.

Cooper asked if there was any public wishing to comment.

Jim Zahn, 3323 Yelm Hwy SE, explained he recently attended a hearing regarding burning and his concern is more about the overall outdoor burning regulation than the burning time. Zahn stated the regulations keep coming and is overregulating. The changes don't seem to draw much public attention and he didn't find the notice on ORCAA's website. Zahn stated he would suggest leaving the rules as they are, rather than change them. The other concepts, which really aren't about this hearing, Zahn continued, is to continue pursuing the matrix issue you have against people with burning problems. Zahn stated he would like the ORCAA Board to review the matrix as he didn't feel it was appropriate. Zahn reiterated ORCAA needs more public involvement, more outreach and to use common sense with regards to burning issues.

Jeffreys noted her concern regarding Zahn's comment the hearing wasn't posted on the website. Nelson stated it was on the website and he sent direct emails to all permit holders. Nelson also noted all responses he received were in support of the proposed dates. Nelson noted this is a fire safety burn ban, not an air quality burn ban and we are doing it to assist the Thurston County Fire Districts. McNair stated it was also posted in the newspaper.

Cormier asked if this item is actually less restrictive to burning. McNair stated it is. Cooper noted this action is going the opposite direction as to what we have discussed in the past, meaning we typically want to reduce burning in Thurston County. It does sound, Cooper continued, like we will have another step in the future that will equal this out.

Cooper asked if there were any further comments. Hearing none he closed the public hearing at 10:12 a.m. Cooper noted the action before the Board would be to approve the language change in Rule 6.2.4, reducing the summer burn restrictions.

Cormier moved approval. Pratt seconded the motion and it carried unanimously.

## **PRESENTATION**

### Adoption by Reference Federal Standards

Goodin reminded the Board we briefed them on this subject at a previous meeting, noting we would be bringing it back to the Board requesting direction to move forward with the rule making process.

Goodin explained there are many federal standards enforced by ORCAA. These standards were developed by EPA and apply to the businesses and for ORCAA to enforce them we need to adopt them by reference into our local regulation. Goodin explained we enforce our own rules, rules under the state Clean Air Act and these federal rules before you. For the federal rules, EPA notes we must request delegation from them, in order to have enforcement authority. If we were to adopt these rules, just by reference, we would be an enforcement authority along with EPA, we would not be the primary. By seeking delegation, EPA hands off the primary duties to us and our regulated facilities can report to us, rather than both us *and* EPA. It is a benefit to our sources.

Cormier wanted to clarify we would be bringing the rules and enforcement local. Goodin stated that was correct and gave a couple of examples of how it benefits the sources. By getting delegation and adoption



by reference we will take on a majority of the standards and they become local, this is a good thing.

Goodin wanted to make it clear that ORCAA does have enforcement authority, indirectly through the state rules, however they are outdated and Ecology chooses the standards to enforce and on their own timeframe. There was a time we didn't have clear enforcement authority over a key regulation because Ecology had yet to adopt it – this was an issue for our sources. Staff is recommending we take control of what we regulate by adopting these standards and seeking delegation. Staff would also like the Board to recommend these rules be reviewed annually. Cormier wanted to clarify that we are not proposing new regulations, they are existing at the federal level, we are just bringing them local. Goodin agreed, noting EPA doesn't have the staff to enforce the regulations.

Cooper asked if there were any further question.

Pratt moved to allow staff to file the proposed regulation changes with the Code Reviser. Jeffreys seconded the motion. Cooper asked if there were any comments on the motion.

Cormier stated he appreciates the regulations being enforced locally. Pratt appreciated it will be more clear in what we are doing and staff will be able to deal with the issues at this level.

Cooper called for the question. The motion carried unanimously.

## **NEW BUSINESS**

### Asbestos Rule Change

R.Moody explained staff is seeking direction from the Board to file an amended rule with the Code Reviser. The compliance staff wanted to make the Asbestos rule easier to understand and be more consistent with our sister agencies. In doing so, we deleted our rule and borrowed the language from NWCAA's rule, changing some of the language to fit our needs. The most significant change to the rule is going from an approved permit, to a notification process. With this change, it will allow staff to spend less time on paperwork and more time in the field checking the projects are proceeding correctly.

R.Moody did note staff held two stakeholder meetings with contractors, city planning department personnel and staff from Labor and Industries. We did loosen some of our requirements for granting an emergency and we went to a 10 day, rather than 10 working day application process, with the exception of the very large jobs that fall under the federal rule, they will have to apply 14 days in advance. We also have a diminimus for demolition projects, anything 120 square feet or more must provide notification.

We did add a few restrictions; previously if an individual was demolishing their home they could provide pictures or take samples themselves. Now, they will need a full asbestos survey completed and provided at time of notification. Renovation projects will also need a survey by an AHERA certified individual, unless it is a homeowner doing a renovation in their own home, in which case they can take samples themselves. R.Moody stated this follows the L&I standards.

Cooper asked if we needed a motion to move forward. R.Moody stated yes.

Jeffreys moved to allow staff to move forward with the Asbestos rule and file with the Code Reviser's office. Pratt seconded the motion. Cooper asked if there was any discussion. Cormier stated he liked the notification and the diminimus on the projects but was not fond of the AHERA inspector aspect of the rule. Cormier stated he would be happy to postpone this until he could understand the technical side of it. Cormier noted a contractor had contacted him so he understands little. McNair noted we will have a public comment period and hearing and we can amend the rule if we get enough feedback that warrants it.

Cooper called for the question. The motion carried with a majority vote. (Cormier – opposed).

### Letter to Ecology re: CPI for woodstove program

McNair explained when people purchase a woodstove, there is a fee attached that funds a woodstove program. The RCW has language that states this fee can be increased, by the CPI, each year. McNair noted the fee has never been increased and this letter has been prepared, at the Board's request, to ask Ecology to implement the fee increase.

Cooper asked for a motion to approve the letter to Ecology requesting the fee for woodstoves be adjusted by the CPI. Rogers moved approval of the letter. Pratt seconded the motion. Cooper asked if there was any discussion on the motion. Cormier asked if the CPI is negative, does the fee go down. McNair stated she assumed it would just stay where it is at that time. Cooper called for the question and the motion carried with a majority vote. (Cormier – opposed; Jeffries – abstained).

## **DIRECTOR'S REPORT**

### Compliance Program Update

R.Moody pointed out Ocean Protein is again showing up, multiple times, on our complaint and inspection list. We have issued them a regulatory order to hire a professional to determine a way to clean up their situation. Carignan asked if staff would be updating on the Langan case. R.Moody reminded the Board of the rather large asbestos case; they missed their appeal and will be making payments on their \$14,915 fine.

### Engineering Program Update

Goodin noted there isn't a lot of new items at this time, however if the Board has any questions on specific cases, he'd be available to answer them. There were no immediate questions.

### Air Quality Program Update

McNair stated Hadley was at Cheeka Peak repairing equipment so Grant would be presenting the Air Quality information.

Grant, noting the presentation, stated air quality for the past month was good in all areas. With regards to Ozone, it appears to be at normal levels for this time of year. Grant did point out the Ozone station in Lacey did have a failure, but was fixed as shown on the graph. The Saturation Study shows a peak at the Rochester monitor and are assuming it is dust. The smaller spike at the Fire Station is likely due to a small burning event.

Grant explained Hadley continues to analyze and process the data from the Ultrafine Study. Hadley has also been working on a talk she will be giving at the National Air Monitoring conference in St. Louis in August.

### Education and Outreach

Nelson did note the summer burn ban season has started; Clallam County was the first to call a ban for July 1-September 30. Jefferson County neglected to contact us, however they too called a ban which we learned via staff driving through the area and seeing signs. Both Clallam and Jefferson noted these are set dates. Nelson mentioned he received a call from Boulder Colorado to get information on our summer burn ban and the process we have for calling it. We did put them in touch with the county fire districts.

Staff is working together to revise our website, Nelson stated. We hope to make it more easily to navigate. Pratt stated she would hope 'hot topics' would be on the front page so it is easily found.



## Executive Director's Report

McNair stated Harding is out so she will cover finance. McNair noted at year end we did quite well, considering we purchased a vehicle and we had budgeted \$50K for outdoor burning permits that we never charged for. It appears we'll end the year spending approximately \$75K from the reserves, rather than the \$170K we had budgeted for. McNair did note we will give a full year end update at the Finance Committee meeting in September.

McNair explained she had attended an EPA national meeting and we discussed the funding formula that has been under discussion since about 2010. We were expecting approximately 40% cut in funding and during the conversation a few of us stood up and noted our concern regarding the data and the formula they were using. McNair stated there is another meeting scheduled for this afternoon and we will be providing a matrix that we feel represents the country more than the original formula. McNair felt the NW made enough noise we'll be heard and changes to the formula will happen.

McNair stated she and R. Moody had met with the new Port of Port Angeles director to discuss their log yard that was creating dust and bother the people in the boat yard. There was also some discussion about what they are hoping to do with the old PenPly site and what permits they may need from us. McNair noted she plans on meeting the Port of Port Townsend staff in the near future.

McNair noted there is no meeting in August.

Pratt asked McNair to send a brief updated to the Board, after the meeting with EPA over the funding issue. McNair stated she would.

## **EXECUTIVE SESSION**

There were no items for Executive Session.

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

There was nothing for the good of the order.

## **ADJOURNMENT**


There was nothing further from the Board.

The meeting adjourned at 11:16 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 13, 2016, in Olympia, Washington.

ATTEST:

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

  
Jim Cooper, Chair  
ORCAA Board of Directors

DATED: September 14, 2016