

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

BOARD OF DIRECTORS MEETING

September 14, 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
Phil Johnson, Jefferson County (via phone)
Joan Cathey, City of Tumwater

Members absent: Mary Ellen Winborn, Clallam County
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; Odelle Hadley, Senior Monitoring Technician; Nick Grant, Network Administrator/Monitoring Tech; Dan Nelson, Public Information Officer; Lynn Harding, Administrative Services Manager; and Debbie Moody, Office Manager/Recorder

The meeting was called to order at 10:03 a.m.

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

CHAIR REPORT

Cooper introduced Joan Cathey, city of Tumwater. Cooper reminded everyone that the city of Tumwater surpassed Port Angeles in population and are now a part of our Board. Cooper asked that the Board and staff introduce themselves.

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. Jeffreys seconded the motion and it carried unanimously.

PUBLIC HEARING / PRESENTATION

Adoption by Reference – Federal Standards

Goodin gave a brief background noting ORCAA enforces the state air regulations, as well as many federal air regulations. EPA contacted us about a year ago, Goodin stated, and explained in order for us to secure our enforcement authority and be the primary enforcer of those federal regulations we would need to adopt them, by reference, in our local rules. Goodin explained we are proposing to adopt by reference the federal

air regulations we enforce. Goodin did note there were some federal regulations we are not adopting because we have no authority over them. A summary has been provided, along with an edited version of the regulations to be amended. Cooper asked if there were any questions, hearing none, Cooper opened the public hearing at 10:12am. There were no persons in attendance to testify and the hearing was closed at 10:12am.

Cooper called for discussion.

Cathey asked if we take over authority of these people, do they have the right to appeal to EPA if they don't like ORCAA's decision. Goodin noted there are different layers of appeal. For new permits, the proponent may appeal to the Pollution Control Hearings Board and can carry that up the judicial courts. In general, Goodin continued, this would be the time for someone to appeal ORCAA's adoption of the rules. Goodin explained ORCAA already has indirect authority to enforce these regulations.

Jeffreys asked if we are adding anything into the rule that is discretionary, or that is unique to ORCAA. Goodin explained we are adopting the regulations by reference, meaning we are adopting them verbatim.

Pratt stated this will clarify, to the sources, who they have to report to and who will be enforcing them.

Cooper questioned the statement there was no budget impact. Does this not change our enforcement need? Goodin stated we are already responsible to incorporate these standards in our permits. We are already rolling these requirements into permits, so it is a matter of EPA recognizing we are the primary implementer of the regulations.

Jeffreys wanted to clarify the next step is to request delegation, of this authority, from EPA. Goodin stated that was correct.

Cooper stated the proposal is to adopt by reference the majority of federal air regulations from 40 CFR Parts 60, 61 and 63, and Section 2.18 of 40 CFR Part 65 as presented by staff. Cooper asked if there was a motion. Pratt moved approval of the adoption by reference as stated by Cooper. Jeffreys seconded the motion and it carried unanimously.

Asbestos Regulations

R. Moody gave a brief history, noting the last change to the rule occurred in 2008. We did seek assistance from our sister agency and used their rule to help rewrite ours, changing some rules to better suit our needs. The overall goal was to simplify our rules to not only staff, but to our public as well. The most significant change is going from a permitting program to a notification program. By doing this, we free up staff time to visit more sites in the field rather than be tied down to paperwork.

Cooper asked if there were any questions, hearing none he opened the public hearing at 10:22am. There were no persons in attendance to testify and the hearing was closed at 10:22am.

Cooper called for discussion.

Cathey asked what motivated the change of square footage for asbestos projects from 11 square feet to 48 square feet. R. Moody stated 48 square feet is uniform with the rest of the state. We work with contractors that move around multiple jurisdictions and we wanted to make our permits more uniform with other agencies, including Labor and Industries. Cathey asked if there was any concern with people removing even the smaller amounts of asbestos without approval. R. Moody explained they still have to follow the rules and remove asbestos appropriately, this just allows them to do the small amount without notifying us. R. Moody stated we have information on our website to assist people in the correct and safe way to handle asbestos removal.

Cooper asked why demolition notification is only for those buildings of at least 120 square feet. R. Moody explained many of the smaller structures, practically speaking, include chicken coops, outhouses, sheds, etc. and we don't want to be overly regulatory. The impacts are minimal and the total surface area is limited, R. Moody stated. Cooper asked if staff has materials ready to roll out to the permitting centers at the cities and counties. R. Moody noted staff is working on those documents and we have 30 days, after adoption, before the rule becomes in effect.

Cooper asked if there was any further discussion, hearing none, Cooper asked for a motion to approve Asbestos Rule 6.3. Pratt moved approval of the amended asbestos rule. Johnson seconded the motion and it carried unanimously.

DIRECTOR'S REPORT

Compliance Program Update

R. Moody briefly explained the compliance report for Cathey's benefit. Cathey asked if inspections are done announced. R. Moody noted the majority of the inspections are unannounced, however we do have some sources we have to schedule with due to locked gates, to make sure someone is available, etc. R. Moody continued with his report, noting we have been receiving multiple complaints regarding Ocean Protein. We have gone through several enforcement actions, including a Regulatory Order requiring them to hire a specialist to take a closer look at their systems. They have also received a few Notices of Violations. Cooper asked if this is an issue of neighbors organizing and issuing complaints. R. Moody and McNair both assured Cooper that it is not. McNair added we do verify the odors when we can. R. Moody noted we send copies of the complaints to the facility as well.

Outdoor burning season will open on October 1, R. Moody stated. Cooper asked for an explanation on Crown Cork and Seal having multiple violations. R. Moody explained we inspected them a year ago and found several issues we requested they take care of and at their next annual inspection it was found they had not taken care of multiple issues. Cooper noted they received notice for failure to renew their AOP. How much advance notice do we give them, and do we send reminders? R. Moody stated we do send reminders and this is the second time they were late with their renewal.

R. Moody noted we have been down an inspector since May and we are happy to announce we have hired a new inspector who will start next week.

Jeffreys noted there are many complaints for a Mason County area marijuana facility. If there are that many complaints, will they be required to put in filters? R. Moody explained if we can verify a situation that rises to the level of a violation we can take steps to have them make changes to their operation. Jeffreys asked if we have verified the complaints? R. Moody stated we have not been able to verify complaints.

Engineering Program Update

Goodin noted if there are city/county staff working in building, planning, permitting or environmental departments that need detailed information on any of the permits, have them contact us for details. Goodin gave a brief explanation of the report and the different permits for Cathey.

Goodin stated Crown Cork and Seal was mentioned during the compliance report and wanted to assure the Board the situation is being resolved and we believe they understand the seriousness of the situation. Cooper noted many people don't realize we have large manufacturing companies and right next to Crown is a cardboard box plant, Georgia Pacific.

Air Quality Program Update

Hadley went over the air quality for both July and August, noting in July we had all Good days and in August

Lacey had one Moderate day. Hadley also noted there were several sites that had missed data due to instrument failure. Hadley went into a little detail to explain the reports to Cathey.

Ozone is a summer pollutant, Hadley continued. We measure in Lacey and Yelm and it was noted there was an instrument failure in Lacey during the beginning of July. Hadley did state we have approached the standard but have not gone over it, even during the very hot days.

Hadley explained our Thurston County Saturation Study continues. Hadley noted the sites are all tracking well.

Hadley attended the National Ambient Air Monitoring Conference in St. Louis to present analysis from Cheeka Peak.

Prior to finishing, Hadley wanted to remind the Board the Thurston County Saturation Study is set to end in January or February, Hadley stated. The next county we had planned to do is Mason County, however, Hadley continued, due to falling behind in work and because we have a new facility coming into Shelton, we would like to delay Mason county for a year. Jeffreys agreed this was a good plan.

Jeffreys requested Hadley give a brief explanation of her talk at the St. Louis conference. Hadley explained her presentation had to do with determining the different source factors (wood smoke, ship emissions, sea salt, dust, etc.) that are monitored at Cheeka Peak.

Education and Outreach

Nelson stated outdoor burning isn't an issue for us this time of year, however we do host the Washington Burn Ban website so he has been dealing with the fire safety burn ban information and getting a lot of calls. It is a great resource, Nelson continued, and we are going to be working with our sister agencies to see about passing the site on to one of them to run.

The woodstove reduction grant has been fully allocated, however not all of the projects are completed, Nelson explained.

Nelson stated he will be attending the Home Owners Association Academy that is being hosted by Lacey. We will be providing information to all the management teams for the associations.

Finance/Administrative Update

Harding noted Fiscal Year 2017 is currently on target and we ended 2016 using less of our reserves than we had budgeted. We will meet with the Finance Committee in October. Harding stated we are currently fully leased with nine tenants. Our expenditures for the building are approximately \$80k per year and being fully leased, about \$50k is covered by rent, Harding explained.

Harding stated our Wellness Team will be working with staff on the upcoming Walktober event.

Executive Director's Report

McNair reminded the Board we had sent a letter to Ecology regarding the woodstove grant monies; the response stated we would have to do a legislative fix or Ecology would have to do a rule change. McNair explained she plans on talking to the AGs and if we need to come up with the language for Ecology, we will. (Cooper had to excuse himself at 11:30am for another commitment)

During the Air Directors' meeting, McNair stated, we discussed the money coming from EPA. McNair noted she had talked to Ecology about applying for this money and they finally did apply and received \$193k. McNair asked Ecology how much of those funds would be going to the locals and the answer was none.

Ecology will be using the money to fund the clean air rule. We also discussed the VW issue; the Directors may try to get funds for a regional project and some ideas were discussed around the table during the meeting. With regards to the funding formula, McNair stated, there was talk that there will be stable funds that each jurisdiction can count on with a variable amount that could change each year. McNair stated it appears the variable amount would be based things that vary over time due to regulation changes, etc.

McNair stated one of our engineers has moved to Puget Sound Clean Air Agency so we are currently advertising for an Engineer I.

EXECUTIVE SESSION

There were no items for Executive Session.

FOR THE GOOD OF THE ORDER

Jeffreys noted Mason County is working on what kind of ordinance writing we want to do on regulations for Medical Marijuana Cooperatives. Jeffreys requested if any Board member had any information, she would appreciate receiving copies from other jurisdictions. McNair noted Mason County may want to contact Douglas County. The members stated they would look into it and send what information they have.

Pratt added she had received an article that cited multiple studies regarding tetraethyl emissions (gasoline and lead) that showed not only does the lead cause acute neurological problems, but it also showed an increase in the crime rate. When we added lead to our gas, many of the children who were exposed as toddlers, grew up to commit more crimes and had more aggression. The crime rate lowered once the lead was removed from the gasoline. Pratt thought it was a very interesting article.

ADJOURNMENT

There was nothing further from the Board.

The meeting adjourned at 11:43 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 September 14, 2016, in Olympia, Washington.

ATTEST:


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


Jim Cooper, Chair
ORCAA Board of Directors

DATED: 10/12/16