

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

BOARD OF DIRECTORS MEETING

December 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
Joan Cathey, City of Port Angeles
Terri Jeffreys for Tim Sheldon, Mason County

Members absent: Cathy Wolfe, Thurston County
Mary Ellen Winborn, Clallam County
Phil Johnson, Jefferson 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; and Debbie Moody, Office Manager/Recorder

The meeting was called to order at 10:02 a.m.

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

CHAIR REPORT

Cooper requested McNair introduce our new staff. McNair explained we have 2 new compliance staff, Tony Gibson has been here for a year and Katie Wright joined us in September. We have also brought on a new engineer, Lauren Whybrew. The Board welcomed the new staff. McNair added we are now fully staffed.

The Board and McNair recognized and thanked the outgoing Board members for their time on the Board.

PUBLIC COMMENT

Cooper asked if there were members of the public who wished to speak. Cooper clarified, if they were here to speak regarding the public hearing, to please hold comments until that time.

Kenneth Whitten requested to address the Board. Whitten explained his son has asthma and is directly triggered by poor air quality (wood smoke) in the neighborhood. Whitten requested the Board consider this matter as he does not feel there is a sense of urgency from ORCAA staff.

Cooper thanked Whitten for coming in and stated he understood it is a hard situation to be in. Cooper asked staff if there are any updates to this case.

R.Moody explained we have been on location, after hours and as recently as yesterday. We are not

seeing violations of the rules. Where we can document violations of the rules we will be issuing citations. We have cited one neighbor and they were identified again, yesterday, as one of the current polluters. We did a formal opacity reading, however they were not exceeding the allowable limit. We continue to invest time and respond to complaints.

Whitten expressed his frustration with ORCAA's failure to respond in person, each time he calls. Cooper asked what the thresholds are, what triggers a violation and whether it is commercial or residential. R.Moody stated it is residential and there are 2 elements that are relatively easy to enforce; nuisance and opacity. Opacity cannot be read at night and, due to the nature of the neighborhood it is extremely difficult even during daylight hours. For nuisance, we must witness the smoke leaving the stack and depositing on the neighboring property.

Cooper stated the Board won't be able to resolve the problem today, but we are listening and we are sure staff will be diligent.

R.Moody also noted Nelson sent out over 700 mailers to the community as well as a mailings directly to the area where Whitten lives. Nelson added a mailer regarding clean wood burning is being mailed today. Whitten stated he appreciates the mailings. These people have been educated, Whitten stated, they need enforcement. McNair explained we can't just write violations, we must be able to substantiate the evidence. The Board thanked Whitten for bringing this to their attention.

CONSENT AGENDA

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

NEW BUSINESS

Revision of Agricultural Burn fees

Cooper asked for a staff report. R.Moody noted the fee proposal was given to the Board at a previous meeting and the fees are included in the packet. R.Moody explained Ecology has a task force that reviews agricultural practices and set the fees. R.Moody noted we have limited agricultural activities in our jurisdiction. We do not have authority to change the agricultural fees, so our proposal is to adopt the fees as set forth by the task force. The change would be to go from \$25 for the first 10 acres to \$37.50.

Cooper opened the public hearing at 10:30am and asked if there were any public to comment.

Jim Zahn stated he lives on Yelm Highway and runs a small farm. Zahn's comments were in regards to past issues he had with ORCAA and were unrelated to the hearing subject.

Cooper asked if there were any other comments, hearing none, he closed the hearing at 10:40am.

Cooper asked if there were any questions from the Board.

Cormier asked what the fee is for. R.Moody explained ½ the fee goes to the task force, ¼ goes to Ecology and the remainder stays with ORCAA. The task force uses the funds for ongoing research. Cooper asked where the fee is set. R.Moody noted was originally in the WAC, however as they amend it, they post it on Ecology's website. Cooper asked if there are any implications with these changes that would result in anyone not being able to burn, other than for financial reasons. R.Moody stated no.

Jeffreys asked what happens if this rule change doesn't go through. McNair stated we would continue to charge \$25.

Jeffreys moved approval of Resolution 270 – Agricultural Fees. The motion was seconded and carried with a majority vote (In Favor – Pratt, Jeffreys, Cooper, Rogers, Cathey, Rogers; Against – Cormier).
Revision of Asbestos Rule fees

R.Moody noted there are actually 2 issues with regards to the Asbestos fees and rule. First, we are proposing to modify the language in Rule 3.5 to replace the word permit with notification to be consistent with our Asbestos Rule. Staff is asking for approval of the amended language in Rule 3.5.

The second issue, R.Moody explained is similar. The fee structure also uses the word permit and we would like to correct the language to 'notification' as well. Another issue to ease confusion for both staff and the public, we would like to increase our residential permit fee to \$35 (from \$30) so it matches the residential demolition fee. We are also proposing to drop the amendment fee altogether. They will still need to send in amendments, however there will no longer be a \$25 charge for them. R.Moody also noted we increased the square footage of asbestos projects from an 11 square foot minimum to 48 square foot minimum. This is in line with Department of Labor and Industries.

Cooper asked if there was any discussion. Jeffreys asked why the amendments are important. R.Moody explained it is important for staff to know when the contractors are on site so we don't waste our time inspecting a project that isn't currently in operation.

Cooper opened the public hearing at 10:59am. There were no public comments. Cooper closed the hearing at 11:00am.

Pratt moved approval of the language change in Rule 3.5. The motion was seconded and carried unanimously.

Jeffreys moved approval of Resolution 271. The motion was seconded and carried unanimously.

DIRECTOR'S REPORT

Compliance Program Update

R.Moody handed out a sheet of paper that outlined one of his team members public activities. R.Moody explained his staff, Pinky Mingo, works out of our Port Townsend office and has been very active at local farmers' markets and other community sites. We did get acknowledgement from many businesses and people, thanking us for her time. R.Moody did note most of them were interested in asbestos information.

We did take part in a hearing and recently received the findings. The hearing was with Green Freedom, a marijuana facility, and the judge did find in our favor that the facility did create a nuisance. Carignan added that the facility owner acknowledged there were odors, the question was whether it was impacting the neighbors. Pratt asked how odors are measured. R.Moody stated we use our nose to identify odors. Cormier asked, proceeding forward, what is the implication; will they be curtailing future odors. Carignan noted by the time we had the hearing, they had made changes, however there is still the transport problem. R.Moody noted it is an outdoor grow during the summer so there is no control whatsoever. We have not heard from them with regards to a business plan.

Engineering Program Update

Goodin gave a status update on the Adopt By Reference rule, noting we continue to work with EPA to gain delegation of the rules. We have yet to receive a formal response and don't expect one back for quite some time, however we will continue to move forward.

With regards to ongoing permits, we continue to work with Ocean Protein and it is a good time of year to work with them as their production is down. We have done inspections and we have noted improvements can be made. We are also working with Nippon Industries in Port Angeles. They have minor compliance issues they are working to resolve. We have also been spending a large amount of time responding to public requests regarding Nippon's emissions. Goodin stated we have been diligent in responding to the questions.

McNair reminded the Board that Winborn had requested a briefing on Nippon. McNair stated she would contact Winborn to determine if she would like to have that in January.

Air Quality Program Update

Hadley noted we are looking at both October and November air quality. October was mostly good air quality, however the maximum daily averages are beginning to creep up, which is usually due to outdoor burning in October. There was one moderate day in South Bend, caused by a DNR burn that was about ½ mile from the site. We did lose data at Aberdeen, Cheeka Peak and South Bend in October.

In November, Hadley continued, our numbers were a bit higher. Shelton had one moderate day and we lost data at Cheeka Peak due to a power outage.

Hadley stated the Thurston County Saturation Study continues. We did get a full set of data in October and as shown on the report, Rochester isn't peaking too much higher than Mt. View. All four sites are tracking well. The ORCAA site is statistically lower than the other sites and Rochester is coming in a bit higher than the other sites which is typical for a more rural site where people are doing more burning.

Additional monitoring activities, Hadley continued, include my attendance and presentation of research at the American Association for Aerosol Research. This presentation took place in Portland. We have upgraded the data system at Cheeka Peak and has taken awhile to get everything stable. Hadley noted she continues working on the Ultrafine Study when time permits. Hadley stated she is working on formatting the study she presented and hoping to get it submitted and published. Hadley did want to thank Nick Grant for his work on the 2016 report for Ecology – we had 100% complete data for Aberdeen, Port Angeles, Port Townsend and Shelton. Lacey was 82%, however that was due to a massive instrument failure.

Education and Outreach

Nelson stated he has been spending a lot of time rebuilding the website and hopes to launch the beta at the beginning of the year. Nelson explained he has been working with compliance to gather additional information by tagging along on inspections to get photos to represent what we do. We have also gathered information from our sources as to what kinds of information would be helpful to them on our website.

We currently have approximately 1,600 Thurston County residential outdoor burn permits. Nelson noted we have only had a few invalid permits applied for thus far. As for woodstoves, Nelson added, we only have a few outstanding woodstove change-out projects to complete.

Finance/Administrative Update

Harding stated our budget is on track, slightly ahead on our revenue and slightly under on our expenditures. The Finance Committee is scheduled to meet in January. We did lose one tenant, Harding noted, so we do have one vacancy in our building. We have gotten word from the State Auditors' office we are scheduled to have our fiscal and program audit soon. Harding hopes to have

additional information by the January meeting.

Harding noted the Wellness team is doing well. We have puzzles set out, a gratitude graffiti wall for staff to write on, as well as a food drive. The Wellness team is currently working on our 2017 projects.

Executive Director's Report

McNair stated she has been participating with a national group discussing woodstoves. McNair feels we have the best program because we only allow change-out from wood to non-wood heating. The rest of the United States is still considering hydronic heaters and other types of heaters. The group has been looking at all the woodstove change-out programs and Washington was leading the discussion. During the last meeting, the group was talking about setting National Standards, which would basically be our standards. McNair stated she would update the Board as we get more information.

We recently received a call from a company called Encore Fellowship, McNair stated. This company assists individuals who have been laid off or retired who want to do work in the non-profit or environmental arenas. Encore Fellowship will pay the individual up to 1,000 hours to work for us on a project. Goodin put together a proposal a couple of years ago, for EPA, that entailed having an individual work with industry to see how our registered sources could do things in a more energy efficient manner. Our thought is we could interview someone from Encore and see if it is a fit. McNair stated she would update the Board at a later meeting.

McNair explained EPA is working on changing the funding formula for 105 monies. We were originally told we would receive a 40% cut and it now appears it will be 22.5% and it will occur over a 10-year span. We continue to try and get additional background information and have heard 40% of the formula is based on monitoring, which hurts us as most of our monitors are not federal. McNair noted she isn't aware of how they calculate the entire formula, but will be sending comments and will update the Board.

Representative Tharinger's office has been receiving complaints, in Clallam County, about 2 marijuana facilities. McNair explained, one facility is indoors, however the other is a soft-sided facility. We have also received complaints regarding one of the sites. Spokane County recently passed a 6-month ordinance stating any new facility must be indoors. Spokane is asking other agencies for comments and McNair stated she would ask the Board how it is handled in the jurisdictions.

Cormier stated they went through an extensive process, inviting a marijuana task force, the sheriff's department, planners and invited members of the public to engage. It was a several month process and we still have problems. McNair asked if Grays Harbor County would support a state-wide decision where they make all facilities indoors or in an industrial area. Cormier felt he could see some reasonable support moving forward. (Rogers departed at 11:55am)

Cooper noted consistency, regardless of how far we go with a policy, is important to regulate air. We have so many jurisdictions, is this something that can get processed through with the other directors, Cooper asked. McNair stated not all of the other areas are having as much issue with complaints. Cathey stated Tumwater has quite a few facilities and have regulations regarding the operations. Cathey suggested contacting the cities as well. Cooper suggested the Association of Cities and the Association of Counties might be a good avenue to get information.

EXECUTIVE SESSION

There were no items for Executive Session.

FOR THE GOOD OF THE ORDER**ADJOURNMENT**


There was nothing further from the Board.

The meeting adjourned at 12:03 p.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 December 14, 2016, in Olympia, Washington.

ATTEST:



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



Jim Cooper, Chair
ORCAA Board of Directors

DATED: January 11, 2017