

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

**BOARD OF DIRECTORS MEETING – via Zoom**

June 8, 2022

Members present	Jim Cooper, City of Olympia (Chair) Greg Brotherton, Jefferson County (Vice Chair) Robin Vazquez, City of Lacey Joan Cathey, City of Tumwater Jill Warne, Grays Harbor County Carolina Mejia, Thurston County Randy Neatherlin, Mason County Bill Peach, Clallam County
Members absent	Mike Runyon, Pacific County
Legal Counsel	Michael Throgmorton of Law, Lyman, Daniel, Kamerrer and Bogdanovich
Staff Present	Jeff Johnston, Ph.D., Executive Director; Robert Moody, Compliance Manager; Jennifer DeMay, Engineering Supervisor; Dan Nelson, Communications Manager; Odelle Hadley, Ph.D., Senior Monitoring Specialist; Lynn Harding, Administrative Services Manager; Mark Goodin, Engineering Manager; Rob Wyland, Air Quality Specialist; Mike Shults, Compliance Supervisor; Chris Krause, System Administrator; and Debbie Moody, Office Manager/Public Records Officer

Cooper called the meeting to order at 10:01 a.m.

Cooper asked for a quick roll call of members and staff.

Cooper asked if anyone had any changes to the Agenda. Hearing none, the Agenda was approved by consensus.

**CHAIR REPORT**

There was no chair report. Brotherton noted the Finance Committee did not meet, however he was hopeful everyone had a chance to view the budget.

**PUBLIC COMMENT**

There were no public comments.

**CONSENT AGENDA**

Cooper asked approval of the Consent Agenda. Warne moved approval of the Consent Agenda. The motion was seconded and carried unanimously.

## **PUBLIC HEARING**

### ORCAA Fiscal Year 2023 Budget

Johnston stated he hoped the members had a chance to look at the budget and go over the summary Harding provided. Johnston added there is a 5-year forecast also included. Johnston noted he felt this is a very strong budget that includes some needed investments in staff and our infrastructure.

Cooper asked Harding to go over the budget and then we would have Brotherton go over the Finance Committee perspective.

Harding noted the 2-page summary highlights the budget. Harding stated the CPI for the year came in at 7.4% and after meetings with the Finance Committee it was decided to approach the budget with a hybrid, increasing fees at 5.2% and salaries at 4%. With 17 FTEs which includes a new position to assist with records, the budget does reflect a small draw on the fund balance of \$274,000. Harding briefly went over the reserved fund balances.

Harding noted the revenues amount to \$2.8 million in fees, which is about 11% higher than last year's. There is a new grant for FY23 which will cover the cost of new infrastructure at Cheeka Peak. There are no major increases or decreases in our other grants. Title V fees are increasing by about 13% due to budget shortfalls in our current year. As for expenditures, Harding continued, we are at \$2.9 million reflected, which is about 14% higher than our current year. This does include hiring a consultant to conduct a salary survey, a strategic planning consultant, a contractor to redesign our website, and an increase in IT spending. Harding added we will also be undergoing an audit in FY23, which is also reflected. A very positive item to highlight, Harding stated is we will be paying off the building in December.

Cooper asked Brotherton if he had anything further. Brotherton noted we have not had another meeting but wanted to note the budget discussion was robust. We did reach a consensus on the budget before the Board. Brotherton stated he felt it was an aggressive budget, but a very responsible one. The strategic investments included are necessary and Brotherton noted he is happy with the proposed budget.

Cooper opened the public hearing at 10:15 a.m. Cooper asked if there was any public comment on the budget. Cooper asked if we had received any comments in writing. Johnston stated we had not. Hearing none, Cooper closed the hearing at 10:15 a.m.

Cooper noted we are making a lot of investments in one year, which is not typical for this agency. Cooper asked if there were any questions or comments of the Board. Brotherton stated there was robust conversation with regards to the fees and Mejia asked that he elaborate. Brotherton explained the committee was given options ranging from 3% up to 7% on fees and salary adjustment. We were concerned about setting precedent by pinning everything to the CPI adjustments as it was so high; we were concerned with possible consequences. Basically, Brotherton noted, the conversation was around making the right adjustments.

Vazquez asked about the summary, noting it states replacement of technology including desktops. Vazquez asked if this means replacing desktops with laptops. Johnston stated that was correct. Vazquez also asked about the recovery of the AOP program. Johnston explained his understanding is in past years we have spent more money, invested more, than we brought in. The Title V program requires the fees must cover the cost. Because we spent more than we brought in, we need to increase fees to cover the overspent funds as well as increase the contingency fund for that



program. Harding agreed with Johnston, adding at the end of each year we are utilizing either an overspent or underspent program and applying the difference over the upcoming fiscal year.

Vazquez also added deferred maintenance is never cheaper and she was pleased to see staff making targeted investments in the organization. Cooper noted, we are paying off the building this year and it will put us in a better place to keep up with maintenance and contributions to unrestricted funds.

With that, Cooper continued, I'd entertain a motion to approve the FY23 Budget and fee schedule. Brotherton moved approval of the FY23 Budget and fee schedule as presented. The motion was seconded and carried unanimously.

Cooper thanked staff for all the work and the improvements to the budget and process. Neatherlin wanted to compliment staff as well.

There were no further questions or comments

## **NEW BUSINESS**

### Seeking Board approval for streamlining the annual filing of changes to Rules 1.11 & 1.12

R. Moody noted the briefing memo in the packet and explained ORCAA adopts, annually, specific federal rules. In order to make sure we stay up to date, we re-adopt them each year. Our proposal is to change administrative practice. Historically, R. Moody explained, we come to the Board each year to ask permission to update our regulation by requesting a motion to proceed with filing the CR102. Our proposal is to bypass this step. Nothing else in the public process would change. We would proceed with filing the CR102, hold a public hearing before the Board and then file the CR103 to finalize. Brotherton liked the proposal and was thankful for streamlining. Neatherlin noted there should be some provision to bring it back to the Board.

Cooper clarified the decision, and the hearing would still come before the Board. R. Moody stated that was correct and it would be on a more regular timeline. Neatherlin noted, with that clarification he was strongly in favor.

Cooper noted, the motion before the Board, if someone wants to make it, is to file the annual CR102 in regard to the date changes to Rules 1.11 and 1.12 without an annual Board motion. Vazquez made the motion, it was seconded and carried unanimously.

## **UNFINISHED BUSINESS**

### Recommended process to revoke ban on recreational fires in cities of Lacey, Olympia, and Tumwater

Johnston explained this was a follow-up to discussion last month. We had made a recommendation around survival burning in the city limits in Olympia, Lacey, and Tumwater. The Board was hesitant to carve out the unhoused individuals and asked staff to look more broadly at what the process would be to remove the ban on recreational burning in the three cities.

Johnston noted council recommended we proceed through the rule making process to formally make this change to our regulations. The briefing outlines some of the history of the ban on recreational burning. Johnston stated the timeline for this project would allow for stakeholder discussions and informal public input over the coming months. We have already begun

conversations with some of the Fire Districts and plan on other meetings as noted on the document. Per the timeline, we anticipate rulemaking in November and a public hearing in January with the rule taking affect in February.

Johnston went over the charts prepared by staff, noting the decline in PM2.5 levels. He also noted we are quite a bit below the National Ambient Air Quality Standard. The next chart gave a comparison of Kent and Lacey. Johnston noted our three cities are the only cities in western Washington that do not allow recreational burning. Johnston pointed out Kent is more densely populated than Lacey and they do allow recreational fires. As you can see, Johnston stated, the numbers are quite comparable.

Johnston explained we propose to strike out the language that prohibits recreational burning in the three cities (see final page of the handout).

R. Moody gave a brief history of why there is a ban. In the late 80's we had exceeded the air quality standards and EPA placed the Lacey, Olympia, Tumwater area in non-attainment. Because of this designation we had to come up with a plan to get back in attainment and improve air quality. Part of the plan was banning all outdoor burning in the three cities. R. Moody noted, this part of the plan has served its purpose and we feel it is time to revoke it and allow recreational fires, only, in the cities.

Cooper asked if Vazquez or Cathey had any comments prior to opening it up to the rest of the Board. Vazquez stated she did get a chance to discuss this with the city and Chief Brooks. To sum it up, neither were very excited about undoing all the work that has been done to educate people that burning would now be allowed in the city of Lacey. They did feel education and focusing on not having large uncontrolled burns was important. Vazquez noted they were more in favor of not citing people for having 'survival' fires rather than open it up to all citizens of Lacey to have recreational fires. Brooks is interested in messaging, but not enforcing in areas that make no sense.

Cathey stated she has not yet had a chance to talk to everyone she wanted to, however she wondered what we are worried about. Why are we so concerned with someone having a small, safe fire in their backyard? She noted she is not in a place where she can speak for the city, and she needs more time to discuss this at that level.

Cooper noted he did not feel comfortable speaking for Olympia. Cooper noted he does like the public rollout and trying to find that right spot. He noted it seems practical to be the same regulations in all of Thurston County, however he does like the approach of having fires only for cooking and heat. Cooper noted he has been trying to get ORCAA to go with less burning regionally, with better permitting and fees for permits. He feels it is important to go through the process.

Johnston did note staff is scheduled to meet with Chief Brooks and others with Thurston County Fire District 3 (which serves Lacey). He has had brief conversations with Brian Hurley in Tumwater and Kevin Bossard in Olympia and they both seemed supportive. We recognize more conversations are needed with each of the cities. Johnston stated he understood Cooper's conflict, but one other consideration is where do we want to spend our resources. ORCAA is a small team with a large area and this effort would be a benefit to our resources. Having a cleaner message throughout our region would be helpful.

Neatherlin noted the local jurisdictions have the right to do what they want to do, and they need to enforce the regulations when they make the changes. We shouldn't be doing patchwork for each area; we have our jobs to do and wonders if we are crossing over. Cooper noted the cities are not



allowed to regulate air quality. Neatherlin agreed, but we want them to direct what it is to be. The city council can come up with their own regulations.

Vazquez noted she did ask if city of Lacey or the FD#3 had the capability of enforcing the prohibition on recreational fires and both parties stated they did not. Chief Brooks did note investing in the education around the reasons why we might have restrictions on where and when you can burn was a much better path to devote ORCAA's resources to. There was some discussion regarding cities and counties ability to deal with fires at their level. Cooper did note they can write specific fire rules for reasons other than air quality. Brotherton noted they are having similar conversations in their county as they have many different microclimates. Brotherton agreed with Neatherlin that perhaps a more local control is warranted.

Cathey asked if the rules we are looking at affect the rest of the county. Johnston stated it is strictly the 3 cities. Cathey asked how the cities were determined to be the problem. R. Moody noted it goes back to the history of how we got here. Understand the real reason we got designated non-attainment was woodstoves. During the winter months the air quality was extremely poor. At that time EPA drew a line around our 3 cities and stated this is where the problem is, and the designation included only the 3 cities. Cathey noted we need to consider that we truly are intermingled and try to be practical about it. Mejia did state she had discussed this with the county, and they want to stay out of it for the most part.

Johnston stated Cathey's comments bring home his point about messaging. By eliminating the ban in the cities, it helps eliminate the calls from people asking if they are in the county, city or UGA and if so, what can or can't they burn. We would have consistent rules and be able to focus on the education and outreach. Cooper felt it was important for the Thurston County Board of Health to weigh in as well. Warne noted this conversation started with the homeless camps and thinking you are going to educate them by bringing them fliers is just providing them more fire starter or garbage on the ground. To me that is a waste of money. They are already lawless in every other aspect; they won't care about this. Cooper stated that is true for some of the population, but it isn't universal.

Neatherlin added, let's get back to what they are burning. They are not burning clean wood they are burning whatever they can get their hands on, so they will already be out of compliance. Brotherton noted if unsafe fuel is a problem, we can address this problem at the point of the issue. Getting them proper fuel can be dealt with along with education. Johnston noted that is a good point, burning at all is prohibited so people providing clean firewood to the encampments is actually encouraging them to violate our regulations. What we really want to focus on is what not to burn and not creating an issue. The regulation change would make a clearer path to providing services, such as clean firewood. The current rule complicates our message.

Cathey asked if we would be discussing this regulation change if the homeless situation hadn't come up. Johnston stated he believed it would, but perhaps not yet. As it was mentioned, we no longer need this particular rule. In trying to focus and prioritize our resources, I believe we would have gotten around to a similar conclusion; recreational fires in the cities should be allowed.

Cathey asked if the 2 issues could be separated. If we are trying to change a 30-year-old rule that isn't necessary anymore, that is one issue. If we are trying to do something for survival burning, that is another issue. Cathey stated that is where it overlaps when we try to discuss this. You have the people who care about the homeless and the people who are more interested in what is going to happen in their backyard. Cooper agreed and asked if anyone else had any comments. Warne noted if we remove the rule, the cities and counties can still have their own rules. Vazquez noted Cathey articulated this quite well and noting there are 2 paths, are they both subject to rule making?



Or is there a path where the Board can authorize staff to cease enforcement obligations in a certain space. Johnston noted we do have enforcement discretion, however if we make the rule change the entire notion of survival burning goes away because they would be allowed. It would allow us to focus on the burning of garbage and other prohibited items.

Cooper noted he is looking for consensus from the Board that we have a conversation about the possibility of amending these policies and we want the staff to go out and undertake that. If and when, they and the Thurston County representatives agree we have something to bring back to the Board. Cooper asked if the Board agreed. There was no one in disagreement. Cooper wanted to reiterate he feels it is important the staff meet with the 4 Thurston County representatives, in a subcommittee, and go over the results of the process prior to bringing it to the full Board. The Board was in agreement.

## **DIRECTORS REPORT**

### Compliance Manager Update

R. Moody reminded the Board at the May meeting we alerted you to the resignation of one of our inspectors. We promptly advertised and then this month, another inspector handed in a resignation. The good news is we did receive some of the best candidates we have seen in years. We hope to have 2 new inspectors to introduce at the August Board meeting. R. Moody also noted everyone at ORCAA has assisted in filling the void and it is really appreciated.

R. Moody noted, somewhat related to our previous conversation, there are some things we just can't do. Nelson has graciously taken over as the gate keeper of complaints, unless it is a severe alleged activity, they will be getting a letter from Nelson.

### Engineering Manager Update

DeMay wanted to highlight the permit regarding Brady Trucking. This is a 50,000 ton per year compost facility in Mason County and the permit was recently issued. DeMay noted compost facilities are a good resource to assist with reducing greenhouse gases, so we are happy to have another one in our area. Another project, in Bucoda, is a business proposing units for energy production. DeMay did note she and Goodin will be meeting with them soon.

### Senior Air Monitoring Specialist Update

Hadley stated May air quality is typically good. We did lose one day of data in Lacey. Hadley noted the numbers show we are well below the standards this time of year. With regards to the Grays Harbor Saturation Study, we installed a PurpleAir sensor at Central Park Elementary School. This was at the request of people concerned about picking up emissions from the Cosmopolis mills. We still have one more we plan on installing in Cosmopolis, once we get the parts we need. The Central Park sensor is solar powered and continues to work without issues. This is very helpful as we can now install the sensors in locations without power, as long as we have access to Wi-Fi. On the chart, Hadley did note it appears McCleary may have had some burn incident at the end of the month, however the level was still considered good.

Ozone season is underway, and we do have 2 monitors that are correlating well. Hadley noted she has been up to Cheeka Peak to do some maintenance and she continues to work on the Mason County Saturation Study report and plans on getting it on our website once it is complete.

Cooper asked when the new buildings will be going in up at Cheeka Peak. Hadley stated the money should become available July 1; however, it'll likely be next summer before the buildings are put up. We plan on working on the roads and getting the derelict trailers off the property first.

#### Communications Manager Update

Nelson noted we did issue a Request for Proposals for the web design. We have received 5 proposals and we will be choosing a contractor soon. We do hope to have a contractor ready to start in July. Next week is Wildfire Smoke Ready Week and we will be doing a social media push along with other air and burn agencies. Nelson noted L&I recently updated rules regarding safety of workers during wildfire smoke (poor air quality) events. This information will be included in next week's blogs.

Vazquez and Cooper both noted their respective cities have recently gone through website changes and welcomed ORCAA to reach out.

#### Administrative Services Manager Update

Harding noted the transition to our new payroll vendor is in process and we are looking forward to working with them over the next few weeks. July 1 should be our official start to our new system.

Harding stated we have received vacating notices for 2 of our rental offices. We posted them immediately and have already received interest in one of the units.

With regards to our Cheeka Peak infrastructure project, Harding explained, it is a 2-year contract, so we have time to get the project complete with some time built in for unforeseen issues.

Harding reminded the members we will be holding a Finance Committee meeting in August, and we will discuss our year end 2022.

#### Executive Director's Update

Johnston noted we have been very busy with the departure of half our compliance team. This is had significant implications for our compliance team, however other staff have been helping and it is very appreciated. Johnston added after interviews, we are very excited about the caliber of the folks we are going to be able to add to our team.

We continue to have conversations with partners and stakeholders; we have a meeting with the Jefferson County Board of Health next week. Johnston noted he appreciates members giving staff a heads up on other groups, etc. that we should be talking to.

Johnston stated he continues to have conversations with those involved in the homeless issues, particularly those that do outreach in those communities. The goal is to work with other organizations who are working with these individuals to get messaging out to them, focusing on no garbage burning. When we do complaints, rather than having our staff go in and issue a notice of violation, work with these partners to get the word out and have them deal with the homeless community by educating them. One thing that is important, Johnston stated, is the alternatives to burning. Johnston heard from Olympia there is question about ongoing garbage service for some of these encampments. Anything the city and county members can do to assist in keeping funding for garbage service so they have alternatives to burning would be most appreciated.



Johnston noted EPA has money for funding clean school buses over the next 5 years. Johnston noted Nelson has added information to our website and asked Board members to help get the word out to school districts and others in your jurisdictions. This is a great opportunity to upgrade to zero emissions or low emission school buses.

#### **EXECUTIVE SESSION (per RCW 42.30.110)**

There was nothing for executive session.

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

Cooper reminded everyone we will not be meeting in July. We are looking at a hybrid meeting for August, having as many members as possible who are willing to travel to ORCAA offices and the rest on Zoom. Cooper did ask if ORCAA has devices for Board members or if it will be necessary to have members bring in laptops. Krause stated we do still have the Chromebooks and he felt they should still be able to be loaded with the materials.


#### **ADJOURNMENT**

The meeting adjourned at 11:46 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 June 8, 2022, in Olympia, Washington.

ATTEST:

  
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Jeff C. Johnston, Ph.D., Executive Director  
Olympic Region Clean Air Agency

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Jim Cooper, Chair  
ORCAA Board of Directors

DATED: August 10, 2022