

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

BOARD OF DIRECTORS MEETING – via Zoom

May 11, 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 Frank Wolfe, Pacific County Carolina Mejia, Thurston County Randy Neatherlin, Mason County
Members absent	Bill Peach, Clallam County
Legal Counsel	Jeff Myers and 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; and Debbie Moody, Office Manager/Public Records Officer

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

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

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

CHAIR REPORT

Finance Meeting Update

Brotherton gave a brief update noting consensus of the committee who will be recommending a 4% increase in expenditures (salaries) and increase in revenue (fees) of 5.2%. Brotherton mentioned several upcoming projects/expenditures, including a new staff position, updating our website, a salary survey, strategic planning, etc. and noted the budget will come to the full Board in June.

Johnston noted the budget packet that was sent out has a very comprehensive 2-page summary and he encourages the members to read. It was noted that the updated information will be sent out with the budget prior to the next meeting.

Cooper added it would be beneficial to have the members review the documents, so we are able to make an informed decision in June.

PUBLIC COMMENT

There were no public comments.

CONSENT AGENDA

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

PRESENTATION

An Introduction to ORCAA Emissions Inventory Work

Johnston explained ORCAA spends quite a bit of time working on emissions inventory and the inventories are a really important part of air quality management. All the Local Air Agencies, Ecology, and EPA spend a lot of time on them. The information is used in a variety of ways from calculating fees to understanding the sources of pollution allowing us to strategize on how to decrease those emissions. ORCAA's inventories are done by our engineering team, primarily Jennifer DeMay and Lauren Whybrew.

DeMay shared a PowerPoint which gave an overview of emissions inventories including Ecology's comprehensive inventory work, ORCAA's point source inventory, and Ecology's greenhouse gas inventory. DeMay stated ORCAA inventories are conducted for a calendar year and are completed annually, after the emissions occur.

DeMay continued with her presentation pointing out reasons for the inventories and how they are used. The categories of sources of emissions were presented and the types of pollutants released. DeMay showed several charts noting the primary source of emissions per each pollutant.

Cooper asked if there were any questions. Cooper noted this presentation was more reinforcing to him as to why we have a role in climate mitigation and adaptation.

DeMay asked if the Board would like to see any additional presentations. Vazquez noted she would be interested in historical perspective and how emissions have changed over time. It would be interesting to see if our efforts have resulted in diminishing emissions in certain areas. Cooper agreed noting seeing more detail on a trend would be good. Johnston noted the original presentation did have some of that data, however, to save time we opted to omit that portion from today's presentation. Johnston stated perhaps a fall presentation is in order. Cooper added, if you have the slides already been prepared, if staff wants, they could send them to the members via email. Several members agreed they would like to see the trends and additional presentations.

NEW BUSINESS

Board Motion to Allow Recreational Fires in the Cities of Lacey, Olympia, and Tumwater for Purposes of Warmth and Food Preparation by Unhoused Persons

Johnston explained how ORCAA has been brought into this situation. Houselessness is a complicated issue with no easy answers. ORCAA is not in a position to fix the issue, but we have been drawn in over the outdoor burning and complaints associated with it. It is important, Johnston continued, that we work with other local agencies as we have a very limited set of tools to respond to these outdoor burning complaints. Basically, Johnston noted, we can issue violations with a monetary penalty, however issuing penalties to individuals with no resources is problematic.

Another complication, Johnston continued, is our own rule. Rule 6.2.7(c) prohibits all burning in the city limits of Lacey, Olympia, and Tumwater. Johnston noted, in the past 3 years, we have had a little over 1,200 outdoor burning complaints in Thurston County. Approximately 10% of those were from homeless fires.

Johnston explained, the reason behind this requested motion stems from outdoor burning complaints from the Department of Ecology building. There are a number of unhoused individuals living on the campus and after discussions with the property manager, Department of Enterprise Services, as well as the Lacey Police Department, it was requested we work together to address the complaints associated with the burning on the property. After some discussion it was decided that perhaps to get the houseless to stop burning garbage, we could put some brochures together to hand out explaining how we would like them to burn (clean dry wood). During these conversations, we noted the official position from ORCAA related to burning in the cities is that it isn't allowed, at all. We decided it was best to come to the Board to get an official position, so we weren't giving mixed messages in these cities. The motion we are looking for, Johnston stated, is to suspend enforcement of the ban on campfires, for warmth and food preparation, for the homeless communities within the city limits of Lacey, Olympia, and Tumwater.

Johnston added, our thought is, if we get a motion to help clarify ORCAA's stance, then long term we would like to consider repealing this section of the rule and allow recreational fires in all 3 cities. It was noted Lacey, Olympia and Tumwater are the only cities in Western Washington that are not allowed campfires. Back in the 90's, Johnston explained, Thurston County was in non-attainment for PM₁₀ and part of the maintenance plan, it was decided to ban all burning in the 3 cities.

Cooper noted he would like to have Olympia, Lacey, and Tumwater to share their thoughts and opinions, noting he personally had some hesitation with the situation. Cooper added Olympia's fire marshal, city manager and assistant manager were on board with this idea. Cooper stated we want to be careful with repealing the rule to make sure it remains about food and warmth only.

Vazquez noted it is not ideal to have people in the woods having fires, but it also feels like a realistic alternative to having them burning prohibitives.

Cathey stated the city administer has been out of the office and has not had an opportunity to weigh in on this. Cathey noted she had spoke with the acting administrator and Brian Hurley, the Tumwater Fire Chief. It was noted Tumwater has some hesitancy and concerns. The issue would be, telling our residents they aren't allowed to sit in their backyard with a small campfire in their fire pit, which is totally safe, yet those out in the woods can have a fire. Telling people they can't have campfires in their backyard but if you go out in the woods and are cold and hungry, you can. We are anticipating a lot of push back when the word gets out. Cathey stated Tumwater would like a little more time to discuss the issue.

Messaging will be very important, Johnston stated. Cooper asked do we currently enforce this for the residents in the cities. What if the motion just dropped the "unhoused person"? R. Moody stated we do enforcement on the backyard fires within the city limits. From an enforcement standpoint, it is pretty tough for his staff to go up to somebody's family barbecue and campfire and tell them they have an illegal fire, so this is relevant to the topic we are discussing. Cooper asked if staff could conform to the motion if we were to drop the last 3 words. R. Moody stated yes, it would work, however, Myers likely wants us to change the rule and go through rule making right away. R. Moody did note it will take a minimum of 6 months to go through the rule making process.

Brotherton noted he appreciates the conversation and stated he agrees with Warne's comment in

the chat. If we move forward with rule making it is wise to keep it to the small backyard recreational fires, for warmth and food preparation and allow staff to focus on the hazardous fires. Cooper asked Warne to read her comment out loud. Warne stated she does not agree with legalizing bad behavior and lawless people should not have more rights than law abiding responsible people ever.

Neatherlin asked where the rule came from, the cities or ORCAA. Johnston noted ORCAA made the rule as a result of non-attainment in Thurston County. Neatherlin asked if what we are talking about is putting those three cities closer to what everyone else is doing. Neatherlin wanted to make sure it is clear if citizens are angry and want to complain they don't go to the cities but come to this Board.

Mejia noted she is in agreement with Brotherton and would also like to defer to the cities but feels it should be uniform for everyone. Neatherlin felt it was important to know if this is what the cities want. Cooper added the current rule is challenging because it doesn't apply to our Urban Growth Areas, so there is confusion for those that aren't sure if they are in the UGA or city limits.

Vazquez asked if any of the cities have failed the federal standards since the rule was put in place. She noted the emissions presentation DeMay showed earlier pointed out woodstoves is an issue in the winter. R. Moody stated the air quality has continued to improve for decades, to recognize that EPA took us off their bad list. Last year was our final year in maintenance and we now have flexibility in how we deal with this issue. If, Vazquez continued, we go in the direction of the compromise, where we allow recreational fires, it will be interesting to see what happens to air quality over the next year.

Neatherlin added we need to remind the cities that if we make the decision and change the rule, nothing restricts them from creating their own rule or law.

Myers stated we are talking about suspending enforcement policy. His concern is we are implying the rules have changed without formally undertaking the rule making procedures. Myers explained the rule making needs to be initiated and during the process you can deemphasize enforcement matters, it is just a matter of discretion. ORCAA already has the ability to use discretion but initiating the rule change is an essential component. Myers also noted, the rule would be allowing fires in the cities and those fires consist of dry, seasoned wood—the problem, Myers noted, is homeless individuals don't have access to dry seasoned wood. Myers stressed the importance of addressing the rule making process and getting public comment.

After some additional discussion, Cooper, Vazquez and Cathey all requested time to discuss this with their respective city personnel. It was noted conversations with the different fire personnel to get their opinions would be useful. Cooper stated we could continue this conversation next month once our members have a chance to meet with city personnel. Johnston agreed that we need to consider unintended consequences and we certainly want the cities to know this may be in the works. Johnston added, if necessary, he was willing to assist in the discussions.

Cooper asked if staff need a motion to move forward with rule making. R. Moody stated we do not need a motion. R. Moody explained the paperwork can be prepared and a draft of the rule, with timelines can be ready next month.

There was some additional discussion and clarification. Cooper noted we have a draft motion in front of us to de-prioritize enforcement. What we are hearing from the cities that are impacted is we need to discuss the possibility of allowing campfires across the board, and not just for the unhoused. Cooper stated he felt comfortable he had consensus that the Board wants staff to move forward with the rulemaking process as soon as possible. Cooper asked if anyone disagreed with

that statement – no one disagreed. Cooper asked if Myers could reword the motion.

Myers stated it needs to be clear that it is not a suspension of the rule, but a de-prioritization until you change the rule. Neatherlin noted the Board can give our director the authority to prioritize what staff should be doing. Cooper noted ORCAA has that authority.

Johnston thanked the Board noting he will work with R. Moody and bring this back to the Board in June.

DIRECTORS REPORT

Compliance Manager Update

R. Moody, stated we are currently down a staff person in our section. For those of you in a large organization one person probably isn't as big an impact, but for us it is 20% of staff. We have some initial interviews set up this afternoon and through Friday and hope to fill the position soon.

R. Moody wanted to give a call out to Thurston County Community Development and Environmental Health. He attends the monthly compliance meetings with these groups. Unfortunately, we have mutual clients that have the attention of all of us.

Engineering Manager Update

DeMay noted we recently issued an AOP renewal to Sierra Pacific Industries' Aberdeen Lumber Mill. We have received a permit application from the City of Yelm, and they are proposing some upgrades to their wastewater treatment plant. DeMay stated that she and Lauren Whybrew recently made a trip to LOTT to get some additional training on wastewater treatment plants and it was very helpful. As Goodin had mentioned at a previous meeting, DeMay continued, we did receive an application for Brady Trucking for a proposed composting facility on John's Prairie in Shelton. Goodin has completed the draft and it is out for review internally and by the facility.

Senior Air Monitoring Specialist Update

Hadley started by adding to our earlier conversation about campfires in the city limits. As a side note, campfires are allowed in Tacoma and Seattle which are both much higher density areas than our three cities, and for those of you concerned, you can look at the air data for those communities to get an idea of how it would impact us.

Hadley continued with her report noting May had good air quality across the board. Hadley noted the average summer air quality in most of our locations is somewhere between 2 and 4 micrograms per meter cubed. This has come down from when she first started working here and in the summer the baseline was hovering around 5 micrograms per meter cubed. Definitely a shift downward, Hadley stated.

Hadley presented the March and April data for the Grays Harbor Saturation Study. We have more than doubled the number of sensors by using the Purple Air Sensors. Hadley noted the blue dash line on the chart is our Aberdeen Nephelometer, the solid red line is our Purple Air sensor that is co-located with the nephelometer at Harbor High School. All the other lines on the graph are publicly owned Purple Air sensors. Hadley did point out the spike at both Seabrook and Cohasset Beach. Hadley stated she doesn't know what caused the spike but assumes some coastal event.

We have started the summertime ozone monitoring in Thurston County, Hadley continued. We are once again hosting the Department of Ecology's Federal Equivalent Monitor as well. Hadley explained the state has officially switched from the WACA to AQI and had a slide to illustrate what that means. The index for the WACA and AQI are the same, other than 0-50 is good, 51-100 is moderate, but the colors are not changing. Likely, if we didn't tell you about it, Hadley noted, you wouldn't have realized it changed.

Hadley was excited to share that she completed testing the use of a solar panel for our Purple Air sensor and so far, it is working well. This gives us more flexibility, Hadley explained. We will be able to set up sensors anywhere we have Wi-Fi, and we are not limited by a power source or lack thereof.

We did receive our funding for the infrastructure upgrades at Cheeka Peak. We should have the funding and the grant should become active on July 1.

Communications Manager Update

Nelson noted the AQI/WACA is a pretty seamless change. 99% of the public will never realize it happened. Most people look at the color to determine air quality.

We recently issued a Request for Proposals to update our website. We are mindful this is in advance of passing the budget, hoping the budget can fund it. If the budget passes, we have allocated \$25,000 for the process. We hope to get through the process and sign a contract by early to mid-July.

Nelson mentioned the woodstove reduction program has picked up some speed.

Cathey wanted to mention how much she liked that Nelson did something different for each day during National Air Quality awareness week (May 2-6). Nelson stated he did a new post, on social media, each day and tied it to some of the national outreach as well. Cathey noted how pleased she was. Nelson added it did spur a jump in the woodstove recycling applications.

Administrative Services Manager Update

Harding thanked the Finance Committee for their work. Harding stated we are working on transitioning to ADP for our payroll and financially we are in a good position. Cooper reminded everyone to read the memo Harding attached to the budget documents, noting they will be updated before the next meeting.

Executive Director's Update

Johnston reminded everyone that he had sent out an email, last week, regarding the WACA/AQI transition. There were several links and Department of Health and Ecology worked hard on this update. There are outreach materials, focus sheets and updated information on wildfire smoke. They did a lot of outreach with the local health jurisdictions as well.

Johnston stated he was happy to report Christopher Krause, our new IT System Administrator started on April 15, and he is working out great. He has been a quick study learning our systems and he brings some great knowledge, skills, and abilities. Krause is working on putting together some technical upgrades to our conference room; we are looking forward to transitioning to hybrid meetings in the coming months.

Johnston, noting he has been sending the Board agenda out early the past few months, asked the Board if it has been helpful. After some discussion it was decided to not send out the draft early as changes can be made between the Friday it is sent or at the start of the meeting.

Brotherton asked for a brief update on the upcoming open meetings changes and how it might impact our meetings. Johnston noted he spoke with Throgmorton and his take on it was we could continue with virtual meetings as long as there is an opportunity for the public to call in or use Zoom. Johnston noted he felt we needed to continue with remote meetings until we can upgrade our technology to accommodate hybrid meetings. Myers stated with the Governor's most recent proclamation he is rescinding the OPM limitations that have been in place for 2 years. This will be going into effect June first. Basically, Myers noted, you may continue to hold remote meetings and public may attend remotely, but we have to provide a physical location for the meeting, unless an in-person component would create an unreasonable risk to public safety. Myers added we should be prepared to open our doors for the public by our June meeting. There was some additional conversation around the Thurston County COVID numbers. Johnston state he would work with Myers on this subject.

EXECUTIVE SESSION (per RCW 42.30.110)

Cooper stated the Board will go into Executive Session for the purpose of completing the 90-day performance evaluation of the Executive Director at 11:51 a.m. and will be gone for a maximum of 20 minutes.

The Board reconvened at 12:10 p.m. Cooper noted they were back after conducting a glowing review of our Director's first 90 days. Cooper noted he would get the comments documented and pass them on to add to Johnston's file.

GOOD OF THE ORDER

Nelson shared the plaques located in our conference room have been updated and Johnston is officially on the wall.

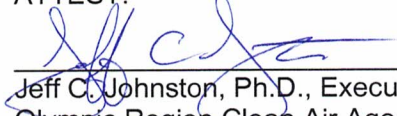
ADJOURNMENT

The meeting adjourned at 12:11 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 May 11, 2022, in Olympia, Washington.

ATTEST:



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

Jim Cooper, Chair
ORCAA Board of Directors

DATED: June 8, 2022