

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

**BOARD OF DIRECTORS MEETING**

May 8, 2013

Members present: Phil Johnson, Jefferson County (Chair)  
Jim Cooper, City of Olympia  
Cynthia Pratt, City of Lacey  
Terri Jeffreys for Tim Sheldon, Mason County  
Karen Valenzuela, Thurston County (Vice Chair)  
Frank Wolfe for Steve Rogers, Pacific County  
Wes Cormier, Grays Harbor County

Members absent: Mike Doherty, Clallam County  
Dan Di Guilio, City of Port Angeles

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 Air Monitoring Specialist; Mark Moore, Network Administrator/Monitoring Technician; Dan Nelson, Public Information Officer; Lynn Harding, Administrative Services Manager; and Debbie Moody, Administrative Assistant/Recorder

The meeting was called to order at 10:07 a.m.

Johnson asked if there were any additions or omissions to the Agenda. Cooper moved approval of the Agenda. Pratt seconded the motion and it carried unanimously.

**CHAIR REPORT**

Johnson apologized for the late start, noting he was gathering packets for the director's evaluation, which will take place during Executive Session.

**APPROVAL OF MINUTES**

Johnson asked for approval of the Minutes. Pratt moved approval of the Minutes. Valenzuela seconded the motion and it carried unanimously.

**APPROVAL OF EXPENDITURES AND DISBURSEMENTS**

Johnson noted the Expenditures and Disbursements consisted of Warrants and wire transfers 63005062 through 63005108 in the amount of \$20,455.80; and Payroll 366412 through 366427 and 3055661 in the amount of \$107,944.53 for April 5, 2013 through May 3, 2013. Cooper moved approval of the Expenditures and Disbursements. Cormier seconded the motion and it carried unanimously.

**PUBLIC COMMENT / PUBLIC HEARING / PRESENTATION**

Tenino Resident – Outdoor Burning

Jean Maust, PO Box 163—4840 Churchill Rd, Tenino. Maust noted she has lived on Churchill Road for over 20 years and each year there are more neighbors burning. Maust stated at times there are very large

– huge piles being burned. Maust explained burning has been an issue for her for some time, and after talking to Commissioner Valenzuela and ORCAA staff, she was encouraged to come and talk to the full Board. We moved to the country, Maust stated, to enjoy the outdoors; however it is ruined by other people burning outdoors. Maust noted she has been doing some research and had come up with ideas on what might be considered instead of burning. She stated she understands people have reasons to burn, but there are also reasons not to burn. Maust passed the information she had gathered to the Board for review. She noted the information contained comments she has heard from neighbors regarding their reasons for burning, as well as some suggestions for consideration for alternatives and to find out what would sway people against burning. The Board thanked her for the information. Maust thanked the staff of ORCAA for doing all they have to assist her.

Valenzuela noted it was as a consequence of her conversation with Maust, who had called Valenzuela after having spoken to several staff at ORCAA, in which she had decided to come speak directly to the Board. This is also why we have materials regarding outdoor burning curtailment ideas for consideration. Valenzuela asked if staff knows how far from the UGA Maust's residence is. Staff was unsure. Valenzuela thanked McNair for compiling the outdoor burning curtailment information for the Board to consider.

Cooper, noting the opening statement, asked if ORCAA and/or the Board have the authority to expand this to the full county and why is it impractical for residential burning to be eliminated. McNair explained we do have the authority to stop outdoor burning in areas where there are reasonable alternatives; in some areas of Thurston County it is more difficult and would cost folks more money to dispose of yard waste.

Jeffreys, noting the Board could pass restrictions on burning in a county, what that means for the jurisdictional ability of the county commissioners. Does this mean the Board's decision is above the commission? McNair stated this Board has authority over air quality, based on state law. Johnson noted he liked the idea of having the county accept yard waste for free on certain days in the year. Cormier recommended if the Board passes something, you get consent from the commissioners in Thurston County because he felt it was important to keep the county commissioners, or the cities, involved. Cooper agreed and stated he would like to see a map of what areas are not covered by the ban and perhaps a staff report on outdoor burning. Jefferson noted as a representative of Jefferson County, he was uncomfortable telling Thurston County they can't burn. Jeffreys agreed and stated she didn't know how comfortable she would be if the Board were to tell Mason County they couldn't burn. Valenzuela disagreed, stating she wasn't uncomfortable at all if the Board were to tell Thurston County they couldn't burn. This is the air quality authority Board and, Valenzuela noted, as a commissioner she has no issue with a Board doing their job. If this Board decided Thurston County should not burn, she would not be upset at the Board.

Valenzuela noted this conversation strengthens her concern that the Board truly doesn't understand our role and authorities. It would be good to set aside time, either at a retreat, workshop or Board meeting, to have our attorney and director review our authorities in detail. The Board agreed. Cooper did add it would be nice to know the strategic plan for air quality, for our region, moving into the future and when do we make those decisions. Pratt noted Thurston County's air quality is typically higher than any other area in ORCAA's jurisdiction.

McNair stated we can provide a map and note the location of Maust's residence. The idea of having a workshop regarding outdoor burning is a great idea, McNair noted. It is possible it could be a main topic of an upcoming Board meeting. Valenzuela added there is a bit more to Maust's case; she did visit her neighbor and discussed the issue with him. She also contacted ORCAA staff and was told that just because you have a permit doesn't allow for constant burning and learned about the public's recourse for nuisances complaints.

McNair explained it is important for people to understand that they not only need the correct permit, they need to know there are consequences for causing a nuisance as well. We want people to do the right thing and know that some days are just not conducive to burning. Moody stated the rules are posted on the permits.

Wolfe added you may want to consider adding a fee to the permit, not necessarily an onerous fee, but enough to let the public know it isn't a free alternative.

Cooper noted he was interested in seeing all of these items (on the list) flushed out and a presentation from staff regarding practicality and cost, as well as how we would go about it. Valenzuela added she would like ideas on disincentivizing behavior with a fee structure. Jeffreys asked if the permits are available online. Staff noted the permits are online; however you have to print and mail them, or print, scan and fax or email them.

#### Fiscal Year 2014 Budget

McNair reminded the Board this is the beginning of our public hearing on the budget. McNair explained staff met with the Finance Committee prior to the Board meeting. The draft budget was discussed and there were minor changes. McNair stated we had anticipated using \$159,000 of our reserves to balance the FY13 budget. We now know we will not be using any reserves for FY13.

Valenzuela noted the Finance Committee has reviewed the budget and we are looking for adoption at the June meeting. One thing that is included in the budget, Valenzuela stated, that the committee is seeking input from the Board is the COLA. The current, proposed budget includes a 2.5 percent COLA and the committee discussed whether or not to include the COLA and if so, what was the correct percentage. The committee agreed a COLA was appropriate; however we did not come to agreement on the percentage. Valenzuela added the staff has not had an increase in three years. It does appear 2.5 percent is in line with other agencies in the jurisdiction. The other committee members felt, given the length of time since a COLA, we might want to consider a different amount. Pratt suggested a 2.7 percent increase. Cooper noted over the last three years, the total for CPI is about a 5 percent increase in the cost of living. In this calendar year, the employees lost 2 percent due to the social security tax from the federal government and they will lose another 2 to 3 percent due to the PERS contribution increase. Our employees are already losing money this year and giving them a 2.5 percent is just a token so we discussed a 2.7 or 2.8 percent. Cooper noted he feels pretty strongly since we have the funds available and our reserves are currently healthy.

Valenzuela added the reserves, while healthy, are trending downward. Knowing this, Valenzuela stated, is why 2.5 seemed adequate. Johnson asked if the employees' contribution to health benefits have changed. McNair stated they have not. Pratt requested staff note the cost of each increment for the COLA. Harding explained that for each ½ percent increase, it represents approximately \$6,300.00. For instance, to go from 2.5 to 2.7 percent it would be approximately \$3,000.00. Valenzuela did add this question does not have to be resolved today, but does need to be resolved prior to the adoption of the budget at the June meeting.

Cooper moved to increase the COLA from 2.5 percent to 2.8%. Pratt seconded the motion. Jeffreys noted the 2 percent increase in Social Security isn't not necessarily a reason to increase the COLA as it was a federal level decision and no organization should be offsetting that.

Johnson stated, considering the fact this staff has gone three years without an increase, he could support the 2.8 percent COLA. Pratt noted it behooves us to maintain our current staff and she could see how people could be inclined to look elsewhere if we continue denying COLAs.

Johnson called for the question. The motion carried by a majority of the Board (Cooper, Pratt, Johnson, Wolfe – in favor; Cormier, Jeffreys, Valenzuela – opposed).

Valenzuela noted when the budget comes back to the Board at the June meeting it will show a 2.8% COLA. Harding stated the draft will be updated and posted to our website by the end of the day.

McNair asked if the Board wanted to go through the entire budget. Jeffreys stated she had a couple of questions. The public education line is much lower for FY14 than it was for FY13, Jeffreys noted. McNair

explained we did budget for the \$9,000, however to date we have only spent about \$4,700; and after discussion with Nelson, it was noted he was comfortable with the smaller amount of \$6,500. Harding added because we have the funds we will be making purchases, this year that we had budgeted for next year.

Jeffreys also noted the increase in the audit line item. Harding stated we are scheduled to have an audit this coming year.

Johnson asked if we have received any new inquiries for the rental space. Harding stated we have been getting inquiries, but have yet to lease out the space. If at some point we cease getting inquiries, we are prepared to hire a realtor again, Harding noted.

McNair explained we have increased our revenue line items for the FY14 budget. McNair went over a few of the items, noting the increases are based on FY13 activities.

Johnson asked if there were any further questions. There were none.

## **DIRECTOR'S REPORT**

### Compliance Update

R.Moody pointed out the inspection report has been updated and has additional information on it; it now shows whether or not a warning or violation notice has been issued based on the inspection. Under the complaint report, there are several complaints for Silver Springs. We have met with them and discussed the issues. Staff has yet to witness odors that would violate our nuisance rule. R.Moody stated the PM10 Maintenance Plan, which had been mentioned at a previous meeting, has a tentative hearing scheduled for May 29<sup>th</sup> and will take place at Ecology's headquarters in Lacey. Ecology has not received any requests for the hearing so the hearing may not take place.

Pratt noted one business is listed twice under inspections, both listings occurred the same day. R.Moody stated the inspection was done with two inspectors so it does show up under both initials. We are currently training an inspector so she is going out with another staff member as part of the education process. Jeffreys asked if it is normal practice to double up on inspections. R.Moody stated only on the largest sources.

### Permit Actions

Goodin explained Granite Construction; an asphalt plant located in Belfair, had recently received their final permit last month and has now appealed it. Their reason for appeal is they feel we have imposed controls that are too costly. Our attorneys will be working on this case. Jeffreys asked if there is any precedence for this type of appeal, regarding cost. Myers noted one of their claims is that one of the conditions ORCAA has placed in their permit exceeds ORCAA's authority. They are claiming it is unnecessary and have requested a stay of that particular condition. Myers noted his opinion is they should not be allowed the benefit of a permit that allows them to proceed without accepting the burden of meeting air pollution requirements.

Cormier questioned the cost of the equipment. Goodin explained it is debateable. They claim the cost is around \$150,000, and we can get that number from the appeal. What is really at stake, Goodin continued, is a control device on the silos that dump the hot asphalt into the trucks. When they dump the asphalt, there is a displacement of fumes, some particulate (some of which is condensable), organics and other items. It physical dumping doesn't take much time, however the 'burp' moves along through the area. In the past, Goodin stated, when we have had asphalt plants in close proximity to neighbors, we have received complaints due to the odors and fallout. We do currently have an asphalt plant in our jurisdiction that has this same condition and it has proven to be a good control. Because Granite is in close proximity to a neighborhood, and we had a concerned citizens contact us, as well as having had other complaints for odor

sources in the area, we determined this was an appropriate control. The consultant has alerted us that Granite does have plants, with this same control, elsewhere.

Jeffreys asked if PCHB has already heard a case similar to this. Myers stated he has not seen that justification, but there are cases regarding reasonable controls.

Johnson asked if we have received anything regarding the Pit to Pier project for Fred Hill. Goodin explained we have not received anything on that project to date. Johnson asked about ship traffic. Goodin noted we don't have authority to require a permit for ship traffic, nor can we say they have to install controls on their stacks; we do have authority when the ship is docked at the pier.

### Education and Outreach

We have been doing a lot of direct outreach, Nelson began. We participated in the Lacey Alternative Fuel Fair this past weekend. Nelson noted we have been getting good response with our direct contact efforts. Nelson explained he has met with several homeowner and neighborhood associations in Thurston County, with planned meetings set up in Jefferson and Mason County later this spring.

We are gearing up to send out asbestos educational materials to about 4,000 contractors, renovators, handymen and property managers. The materials explain the dangers of asbestos as well as the liability of conducting removal of asbestos.

Nelson stated the annual report, which is part of the budget package, will be completed and attached to the final draft budget in June. This upcoming summer we'll be back at the Grays Harbor and Pacific County fairs. There will be some smaller events, farmers' markets, throughout the jurisdiction as well. Johnson asked if staff have attended the Jefferson County Fair. Nelson noted we have not, but we can look into it. A limitation is that fair season is typically August and being a small staff, we can't attend them all.

Jeffreys asked if staff present at associations by invitation. We certainly would attend if invited, Nelson explained. Recently we sent out mailers letting the different associations know we are available for meetings and we let them know we can provide materials and verbiage for their newsletters. McNair added we can target any areas or associations if you would like.

### Air Quality Summary

Hadley stated we had good air quality at all of our sites for the month of April. As of April, Hadley noted, we have our first full month of data for the Clallam County Saturation Study. The graph shows Sequim is tracking the other sites quite well. What this means, Hadley explained is that Port Angeles is representative of the area.

At the request of Doherty, Hadley provided a slide showing particle size comparison. Johnson asked if Nippon has started up their biomass plant. Hadley stated the new one is not running, but the original one has been. At the end of April we did install an aethalometer that measures soot and we should have data to share at our next meeting. This instrument will help us differentiate between wood smoke and diesel.

McNair explained she was recently at a national meeting and shared with them our studies. Everyone was impressed with the fact that we are such a small agency and are able to do so much. McNair did tell them it was due to having such a dedicated and knowledgeable staff.

Hadley did note that Stevens (original monitoring site) does typically show the higher numbers. Now and again we'll get an odd spike at one of the other sites.

There were some additional comments regarding the graphs. There was no action required of the Board.

## Finance/Administrative Update

McNair noted we covered this item under the Budget.

## Executive Director's Report

McNair stated she had attended the National Air Quality meeting and there was a Dr. Pope who spoke about the health effects of air pollution. His main focus was PM and at the end of his talk, McNair stated we have been looking at trying to get money for an ultra-fine study. Dr. Pope was intrigued as this is information he doesn't have. McNair mentioned our saturation studies, the potential impact of biomass, and the ultra-fine study; there was huge enthusiasm from the group. We expect to have further conversations with Dr. Pope.

McNair explained we are making a change in our permitting system. We want to make our permits as easy to get as possible. Moore is putting five of our permits online and people will be able to fill and submit them online, rather than fax or mail them. Starting in July, we will change our credit card vendor and our customers will also be able to pay for their permits online. The new vendor charges the user fees, rather than us. We will be sending out information to our customers, posting the information on the website, etc. to alert them of the change. We will still accept checks, cash and money orders if they decide they do not want to pay the credit card fees. McNair also noted we would have a kiosk set up in the front office for the public to use if they would like.

At a previous meeting, Cooper had asked about permitting generators at a federal level. McNair explained they do not have a de minimus level for generators. We do have a de minimus level; if you have a generator that is less than 500 hp, we would not require a permit. Under federal rules, every generator would be permitted. Goodin added that every generator is subject to the federal performance standards, there is not a permitting element, but they must comply with the manufacturing certification standards.

Johnson asked about the generators on Indian Island. Goodin explained they are permitted through us.

McNair stated we will be amending our legal contract at the next meeting. The proposed contract is for a two year term, their fees are going up slightly and we are adjusting the hours to 10 hours a month at \$2,000 per month. If there are any cases, such as Granite, we'll work with counsel regarding individual cases.

We have been working with the Shoalwater Tribe regarding issues in Pacific County. There have been complaints of odors due to disposal of crab and shrimp shells. We have been meeting with everyone involved, trying to determine if we even need to be involved—it may be agricultural in nature, in which case we have no jurisdiction.

## **EXECUTIVE SESSION**

At 11:22 a.m. Johnson announced the Board would enter into Executive Session after a 5 minute break. The session would be to discuss the Executive Director's evaluation. The session should return to full session no later than 12:00 noon.

At 11:52 a.m. the Board returned to full session. Johnson stated there is a lot of material to go over and it was decided the Board members would take the packets with them, read them at their leisure and report back at the next meeting. Johnson did state to McNair the comments thus far are positive. Johnson asked if McNair had planned on submitting a self-evaluation. McNair stated she had emailed it but could make copies. The Board requested she email it to everyone.

There was discussion regarding an earlier meeting for the June Board. Wolfe moved the June 12, 2013 Board meeting convene at 9:30 a.m. to allow for the additional time to complete the Director's evaluation. Pratt seconded the motion and it carried unanimously.

**FOR THE GOOD OF THE ORDER**

There was no business for the good of the order.

**ADJOURNMENT**




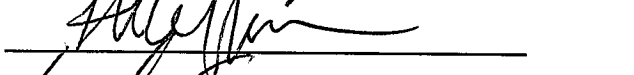
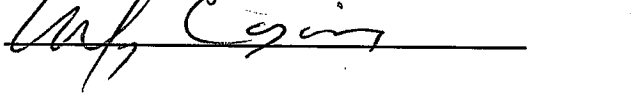
There was nothing further from the Board.

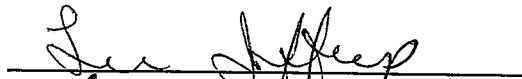
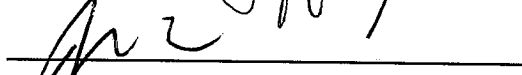
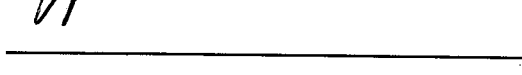
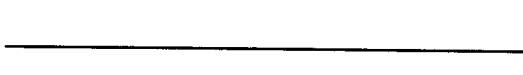
The meeting adjourned at 11:55 a.m.

PRESENTED BY:

  
Francea L. McNair, Executive Director

APPROVED BY:

APPROVED and SIGNED this 12 day of June 2013