

East Whatcom Community Council Clean Air Committee (CAC)

Meeting Summary

January 21, 2015

4:30-6:00 pm

FINAL

CAC Charge: The charge of the EWCC Clean Air Committee is to work jointly with the Northwest Clean Air Agency to develop a comprehensive, community-based, long-range plan designed to improve the air quality in the East Whatcom County Region.

Committee Guidelines:

1. Listen to understand, not to respond; seek clarity.
2. Voice opinions and questions openly in the meeting and not after; speak for yourself; everyone's opinion is valuable and worthy of attention.
3. Conflict over a topic is healthy; take nothing personally; engage in debate.
4. Do not expect consensus or certainty.
5. Explain why you don't agree with a proposal, but when a decision is made, buy in.
6. If people look like they have something to say, encourage them to speak.

Chair: Lou Piotrowski (excused)

Acting Chair: Phil Cloward

Members: Jerry DeBruin & David Moe, WCFPD #14; John Wolpers, Whatcom County Health Department; Mark Schofield & Kyle White, OppCo; Veronica Dearden, Kendall Watch Community Action Group; Kurt Thompson, community member; Viktor Vetkov, Slavic Church; Wain Harrison, Whatcom County; Rebecca Brown & Julie O'Shaughnessy, NWCAA

Members present: Phil Cloward, Jerry DeBruin, David Moe, Mark Schofield, Wain Harrison, Veronica Dearden, Rebecca Brown, and Julie O'Shaughnessy

Agenda items:

1. Introductions – Committee members and two community members introduced themselves.

2. Approval of November 19, 2014 minutes:

Motion:

- Wain Harrison moved to approve minutes.
- Mark Schofield seconded the motion.

3. Open public comment:

Pat Beasley asked how many notices are sent out (in response to complaints) before someone is fined for excess chimney smoke.

Jerry - said that the fire department does not fine people.

Julie - provided outreach and enforcement overview of NW Clean Air Agency's (NWCAA) approach to wood stove smoke.

Outreach

- NWCAA is working to connect with all Columbia Valley community members, informing them of outdoor burning regulations, how to properly burn in their woodstoves, and putting them in touch with resources that may help them achieve cleaner burning. In the past, educational letters have been sent, but we've realized that if we don't first work raise awareness of the problem and provide an opportunity for people to succeed, enforcement is unlikely to achieve the results we're seeking, which is improved air quality. Door-to-door community outreach is occurring on an ongoing basis and will continue throughout the year.

Complaint response and enforcement

- Under state law, NWCAA can initiate enforcement action only when a complaint is filed with the agency. This enforcement approach is unique to wood stoves. Outdoor burning enforcement, for example, can be initiated solely by NWCAA's observations without a complaint.
- When NWCAA, receives an initial complaint, the agency sends a letter to the alleged source of the chimney smoke. The letter acknowledges that emissions were unconfirmed and clearly states this is an informational contact only. It also provides instruction on how to burn properly, information on wood smoke health impacts, regulatory requirements, and asks the person to evaluate his or her burning practices and make changes where appropriate.
- The second complaint escalates agency response and contact with the alleged source of the chimney smoke is initiated. NWCAA ensures that requirements are understood and answers any questions the recipients may have. Contact can sometimes be challenging because it's difficult to find a phone number or reach people at their home. Our goal is to succeed in the informational stage so that we don't have to proceed with enforcement. This approach is the most productive and efficient.
- Enforcement may occur after the second complaint is received and contact is made.
- Even on the second complaint, a residence is allowed a 20-minute exemption to start a fire and 20 minutes every four hours to feed the fire. Other than those periods, opacity should be 20% or less, which is just a wisp of smoke. In addition, inspectors are certified every six months to visually evaluate the amount of smoke.
- Wood smoke complaints along with nuisance odor complaints can be very challenging and frustrating for both residents and NWCAA. Wood smoke complaints require an available inspector to take an initial reading, wait 20 minutes, and take additional readings that exceed the standard prior to taking enforcement action. That is why we view outreach and education as valuable tools.

General comments

- At some point, after we've done everything we can and should do to help people succeed, NWCAA will take enforcement action. The timing of when to call burn bans and proceed with enforcement is still undetermined.
- NWCAA is committed to continuing its efforts to visit every residence in Columbia Valley between now and next wood-heating season. Once this

effort is completed, we may pursue burn bans and enforcement next wood-heating season. This potential approach is under discussion at our agency.

- In summary, the complaint response process is not easy or quick and persistence pays off. We are not avoiding enforcement and will proceed with enforcement when warranted and documented.

Pat - Commented that some of the people she's called the agency about have absolutely changed the way they burn. However, there are others that are not getting the point. Her husband has developed an extreme case of bronchitis since they moved here, and they are going to put their house up for sale and move because she doesn't see it changing fast enough to make a difference. It's very frustrating. Outdoor fires are also a concern.

Veronica – Stated that her husband has one lung and some homes close to her are sources of smoke. She has gone outside to get into her car and was unable to see the car because it was so smoky. Veronica asked how many times they have to report on one particular person before something changes. There has been some has been some improvement, but smoke levels can still be bad.

Confidentiality

Pat –Requested that NWCAA not give out complainants' names as retaliation is unbelievable. One house is especially smoky, but she will not turn him in because of fear of retaliation.

Julie - Complainant information is not readily given out. However, Washington State has a very strong public records law which support information access. NWCAA holds a person's name confidential as long as possible, but if someone pursues the information via request for public records there may be a point when the information must be provided. In that case, NWCAA would try to contact the person or facility to let them know.

Phil – Said that it's too bad that for legitimate complaints, the first thing people are interested in is who complained.

Veronica – Stated that both Pat and her names were given out by NWCAA. There is a lot of retaliation in certain areas where there is high crime.

Wain – Outside of the fire inspectors, Whatcom County deals with enforcement peripherally. If someone fills out a code violation and requests confidentiality, in general, they can protect people up until they go to court. Once the situation goes to court, however, it's different.

Julie – Apologized for the names being release. She was unsure of how or why that happened. She said the law requires a person to request confidentiality when filing a complaint and that confidentiality can only occur for a few specific reasons, such as fear for personal safety or property damage (retaliation).

Jerry – Asked if confidentiality has to be specifically request by the person calling in. If there is fear a person could choose to remain anonymous.

Mark – Asked if anonymous complaints are accepted.

Julie – Responded yes, except for nuisance complaints. Situations that can be verified by an inspector independent of a complainant’s testimony of impact are considered valid complaints such as prohibited outdoor burning, industrial emissions, and opacity. However, the agency does not typically get a lot of anonymous complaints and would usually ask for more information in case any questions come up. Julie said she would confirm the confidentiality aspect of our complaint filing process, especially in light of recent database changes.

Dave – Said that fire fighters responding to an outdoor fire have no idea who called.

Jerry – Said that even if they did, they would not give out the information because it’s not relevant. He shared a story where he observed retaliation after responding to a call.

Veronica – Requested that NWCAA consider handing out magnetic stove thermometers in addition to moisture meters as an additional educational tool in the complaint response process. This would help identify times when creosote build-up may occur as the thermometers identify the optimum temperature range for burning.

Wain – Acknowledged that retaliation is a realistic potential and understands why people would want to exercise confidentiality when they can.

Phil – Said that it’s important that when someone voices a concern to the committee that we make sure that there is appropriate follow up.

Julie – Stated that in this circumstance, Pat’s concern will be addressed via the complaint response process.

Jerry – Said that, in his opinion, the first question that should be asked when taking a call is whether or not they want to be kept confidential.

Rebecca – Reiterated that confidentiality can only be maintained when there is a fear for personal or property safety. She informed the committee that for complaints previously called in, confidentiality cannot be indicated if it was not initially requested at the time of the call; the record cannot be altered. For future calls confidentiality can be requested at the time the complaint is filed. Information is not readily given out, but if a person submits a request for public records we are obligated to provide the information. Since more complaints are being registered the issue of who complained is coming up more frequently and residents are angry.

Phil – Said that in situations where people request confidentiality, the complaint should carry the same weight.

Julie – Said that the only time where anonymous complaints don’t carry the same weight is when a transient nuisance impact is noted and does not occur at someone place of work or residence. These complaints are typically received as “information only” and are of lower priority.

Dave – Requested that NWCAA considers this discussion when evaluating our complaint response protocol.

4. Announcements

Mark – The OppCo will be conducting wood stove replacement outreach on February 2nd and 5th to connect with Misty Mountain tenants as they pay their rent. Another employee may also visit homes to collect paperwork from people who have previously expressed interest to keep the process moving and stoves changed out as quickly as possible.

Jerry – Shared news about a recipient of a wood stove change-out who was having problems with her stove, but is now enjoying a very warm house thanks to a well-working stove; an example of the program's positive impacts.

Rebecca – Expressed that there are residents who have new wood stoves, but are still smoky and may need dry wood or additional assistance.

Julie – The state budget for the current biennium woodstove change-out program, ending June 30th, is four million dollars of which NWCAA received \$230,000. The legislative session just started and there is a possibility that funding will be cut in half. Once the session is over and the budget complete, NWCAA will submit a grant application if funding is available. The portion of the grant that was to fund the retrofit device was reallocated because the device is not practically viable at this point in time.

Dave & Jerry – The air quality sign in front of the fire hall has been fixed to withstand high wind conditions. Additional numbers are needed, however, because all the "2"s have blown away.

5. Future meeting dates

Julie – Discuss the possibility of changing the current meeting date to accommodate a year-long conflict John Wolpers has where his participation is mandatory.

The committee as a whole voiced support to move the meeting time, if possible. Julie will send out an email to see if the 1st or 4th Wednesday will work.

6. Strategic plan update

Phil – Was going to send the plan to Mark, but read NWCAA's recent editorial which prompted him to take another look at the plan. The plan has a timeline which reflects identified actions and accomplishments. However, the main question still unanswered is when will enforcement (burn bans) begin. This is what the public needs to know. The committee needs to be aware that there is a certain level of mistrust with government agencies that might hinder progress.

Rebecca – Agreed that people need to know what to expect in regard to burn bans.

Julie – Referred to internal discussions currently going on at NWCAA to determine the appropriate time to call burn bans. She said that with data showing poor air along with the commitment to visit every household by fall, it may be appropriate to call burn bans next wood heating season. This potential approach is preliminary and under discussion at NWCAA.

Jerry – Asked how many days have been above the standard this year.

Julie – There have been 4-5 days this heating season.

Phil – It would be nice to have an annual summary for comparison purposes.

Rebecca – Said that if we're going to call them, we need to get people help before to make sure they're ready. For example, making sure their furnaces are fixed in preparation of a stage 2 ban.

Jerry – Asked if NWCAA can enforce if it's their only source of heat.

Julie – Said that in a stage 2 ban, a wood stove can be used if it's the only source of adequate heat, but that the opacity standard still applies.

Rebecca - Clarified that the stage 2 exemption for wood stoves as the only source of adequate heat does not apply if a person has a furnace that needs repair. The intention would be to assist in furnace repair or replacement so that there is another source of heat. It's important to identify people who need help resolving these issues prior to calling burn bans.

Jerry - Added that some furnaces may not have used for years and perhaps having them checked would also be useful, especially to avoid carbon monoxide exposure.

Julie – The potential of calling burn bans next wood heating season is draft because resource availability and impacts need to be determined to ensure proper response and follow through if we call them.

Phil - Doesn't the ban have to be derived from data?

Julie – Stage 1 burn bans are called when forecasting indicates the possibility of exceeding the standard. Forecasting considers many criteria and must be documented and defensible. A stage 1 ban is called to avoid reaching the standard, it is not called after the standard is reached. NWCAA's internal discussion on burn-ban policy includes a request, yet to be formally named, that asks residents to voluntarily refrain from burning wood to help prevent air quality from getting worse. Julie's intention is to seriously look at implementing burn bans next wood heating season after door-to-door outreach is completed. The outreach effort will continue throughout the year. This approach may change.

Phil – Has some serious concerns that calling burn bans next heating season might be premature.

Julie – In addition to the door-to-door outreach, there is a commitment to attend meetings and community events to help get the word out and put a face with the agency name.

The committee as a whole engaged in a conversation about the different stages of burn bans and what each stage means. They agreed to pick up the conversation next meeting.

7. Biomass committee update

Phil – The biomass committee has made sizeable advances and has a guaranteed wood bank. There will be a supply of wood, but the details still need to be worked out. In addition, the biomass committee is looking at ways to supplement what OppCo is doing. There are two other wood banks in existence that are slightly different, but have been very helpful examples. The committee is working with the port and the State Department of Commerce to further pursue the manufacturing of pellets. The concern is to keep the community involved in the process so that they are receptive

and participate in the wood bank and pellet manufacturing projects. Some community members still feel that NWCAA's goals for clean air are excessive.

8. Winter outreach/community event update

Rebecca – Door-to-door outreach will resume tomorrow to take advantage of better weather than is forecasted for this weekend. From experience, it's easier to connect with people when the weather is better.

Julie – Compiled information from previous outreach surveys and provided OppCo with 25 people who may be potential change-out participants. In addition, OppCo has identified another 30 potential participants by working with Misty Mountain Realty. Overall, outreach has been a positive experience. The recent wood burning workshop was attended by approximately 40 people and 13 people were qualified, on site, by OppCo. Julie asked the committee to pass on any additional ideas for outreach.

9. Future events/strategy

Jerry – Continue to carry-out the outreach strategy. Perhaps look at making more pressed logs available.

Julie – Asked the committee to pass on any additional ideas they may have for outreach.

10. Air monitoring update

Julie – Recent monitoring data was provided.