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BOARD MEETING MINUTES

The meeting of the Board of Directors of the Northwest Clean Air Agency was held at 1:30 p.m. Thursday, October 13, 2016, at 1600 S. 2nd St., Mount Vernon, Wash.

MEMBERS PRESENT:

Skagit County	Ron Wesen
Island County	Richard Hannold
Whatcom County	Brian Heinrich Carl Weimer
Member-At-Large	Kelley Moldstad for Terry Nyman

MEMBERS ABSENT:

Jim Campbell
Joe Lindquist

ALSO PRESENT:

NWCAA staff members	Mark Buford, Therese Holm, Toby Mahar, Agata McIntyre, Seth Preston, and Laurie Caskey-Schreiber
Legal counsel	Loch Clark

CALL TO ORDER

Board of Directors Chairman Rick Hannold called the meeting to order at 1:30 p.m.

APPROVAL OF PRIOR BOARD MEETING MINUTES

Brian Heinrich identified a correction needed on page three of the September Board minutes. In the New Source review section, the minutes need to substitute "Waste" instead of "Clean" for the Oak Harbor Waste Water treatment project. Board members agreed to the

correction. On a motion by Heinrich, seconded by Ron Wesen, the amended minutes for the Sept. 8, 2016, meeting were approved 5-0.

PRESENTATION

NWCAA Compliance Manager Toby Mahar presented information about how the agency addresses nuisance smoke complaints. Mahar discussed the following (slide presentation attached to minutes):

- ❖ **Nuisance Law** – Aims to strike a balance between land use and neighbor claims. When measuring a nuisance agency staff must consider the following:
 - ◆ Does the act create an inconvenience?
 - ◆ What actual loss or harm was caused?
 - ◆ Is the act reasonable?

- ❖ **Outdoor Burning (OB)** – Inspectors must weigh the following:
 - ◆ Were prohibited materials involved?
 - ◆ Did this occur during an air quality burn ban or other burn ban?
 - ◆ Where did the OB take place, within city limits or in an urban growth area?

- ❖ **Unlawful Nuisance Outdoor Burning** – Defined by the following:
 - ◆ Detrimental to health, safety, or welfare of any person.
 - ◆ Causes damage to property.
 - ◆ Causes a nuisance.

- ❖ **Public Health** – protection includes National Ambient Air Quality Standards (NAAQS) and prohibitions on burning materials that create hazardous and toxic air pollutants.
 - ◆ NWCAA has monitors located in unincorporated areas to protect public health.
 - ◆ There are prohibitions on burning materials that contain hazardous toxins.

- ❖ **Agency process** for handling outdoor burning / smoke nuisance complaints –
 - ◆ Complaints reach the agency via phone, in-person, or online submission, to the front desk, who enters them into NWCAA’s database. An inspector is assigned to the complaint or it is referred to the fire marshal’s office for investigation in Skagit and Whatcom counties, and to the Health Department staff for Island County.
 - ◆ Initial contact is often an educational letter and brochure sent to the source.
 - ◆ Inspectors pursue the underlying illegal activity first, whether the smoke is related to illegal dumping, prohibited materials, and/or occurring during a burn ban.
 - ◆ For verifying a nuisance violation, inspectors must:
 - Verify the impact – Intensity, Duration, Characteristics
 - Verify the source – activities causing the smoke
 - Element review – Extent of inconvenience, actual loss or harm, was this a reasonable act?

- ❖ **Fire Marshals** – can issue a citation or refer their reports to NWCAA for a violation. They also have the legal ability to enter onto someone’s property to conduct an investigation.

ACTION ITEMS**Resolution 542 – Appointing a Control Officer – Mark Buford**

NWCAA Deputy Director Mark Buford presented Resolution 542 for Board approval. This resolution appoints a control officer for the agency. The control officer as defined in the Washington Clean Air Act must “*observe and enforce the provisions of [the Washington Clean Air Act] and all orders, ordinances, resolutions, or rules and regulations of [a local clean air agency] pertaining to the control and prevention of air pollution*”.

Executive Director Mark Asmundson is currently the NWCAA control officer but will be on leave until the end of the year. Buford will take over as Executive Director on Jan. 1, 2017 at which time Buford will also be appointed as the control officer. The purpose of Resolution 542 is to appoint Buford as the control officer immediately to allow more efficient operations while Asmundson is on leave but not yet retired.

Motion to approve Resolution 542 was made by Carl Weimer, seconded by Heinrich, and was approved 5-0.

Resolution 543 – Authorizes GHG Agreement with City of Bellingham and Supersedes Resolution 527 – Mark Buford

Resolution 543 supersedes and repeals Resolution 527, which allowed for a contract amendment to the Greenhouse Gas (GHG) project with the City of Bellingham.

Buford stated that negotiations have taken place with the City of Bellingham and NWCAA to authorize the use of the GHG funds for either the Hydro Facility project or for the installation of solar panels on the soon to be built water pre-treatment plant. This may require an amendment to the existing Memorandum of Understanding (MOU) between the City of Bellingham and the NWCAA. The purpose of Resolution 543 is to clarify that the agreement that may be amended is an MOU, not a contract.

Motion to approve Resolution 543 was made by Wesen, seconded by Weimer, and was approved 5-0.

Bills and claims

Board members discussed the bills and claims report for September 2016 (totaling \$464,370.03). Weimer made a motion to approve the September 2016 bills and claims. Wesen seconded the motion, and the Board approved the bills and claims 5-0.

STAFF REPORTS

Deputy Director's report – Mark Buford

Buford reported to the Board on the following matters:

- Buford recently attend the Washington State Air Quality Manager's meeting. While there they discussed the U.S. Environmental Protection Agency's (EPA's) plans to implement the state and local air grant reallocation formula which was developed a few years ago. The reallocation program reduces funding to EPA's Region 10 (which includes Washington).

It is expected this will result in a 5 percent reduction in the first year and may ultimately result in a 40 percent reduction of the current grant. The EPA has plans to shift resource dollars to areas where they are experiencing significant air quality problems, such as some of the areas in the southeast that are in non-attainment.

- Washington State will receive approximately \$103 million legal settlement from Volkswagen related to the diesel engine emissions control defeat devices installed on some of their cars. The funds will be distributed via a trustee, and it will be used for grants to fund Diesel / NOx reduction projects. These funds should be available for distribution sometime during the spring of 2017.
- Perhaps due to the Pacific Northwest having a cooler than expected summer, the ozone concentrations in Enumclaw have been lower than in 2015. The three-year average ozone concentration for 2014-2016 is at 67 ppb, which is below the NAAQS. Buford expects the EPA to state that all of Washington State will be in attainment for the past three-year average. The EPA is scheduled to revisit the standard in five years.
- An EPA staff member visited our office earlier this week to conduct an audit of the agency's Compliance and Enforcement documentation. Buford and Mahar reported that it went well.
- Buford asked Board members how they would like to set performance objectives for his new Director position for the coming year. The Board expressed their preference to develop these objectives in the Employer Committee.

New source review and air operating permit update – Agata McIntyre

NWCAA Engineering Manager Agata McIntyre reported on the September 2016 construction permit (new source review) activity.

The agency received six applications for construction permits and issued seven construction permits.

One of the construction permit applications received was from Home Fire Prest Logs, which operates a dryer to dry sawdust. The initial moisture content of the sawdust is high, so Home Prest Logs dries the material prior to making the logs. The dryer requires a permit because drying wood products, including sawdust, releases Volatile Organic Compounds

(VOCs) that are present in the wood. The dust from the dryer exhaust is controlled by a baghouse.

Enforcement update – Toby Mahar

NWCAA Compliance Manager Toby Mahar reported on September enforcement and explained about the work involved with the recent EPA State Review Framework file review.

Mahar spent October 12 with the EPA staff member reviewing compliance and enforcement records for 14 facilities. All of the requested records were complete and readily accessible. Our database was very useful to review details of enforcement and compliance activities entered into EPA’s database. EPA noted no findings at the end of the day.

Five notices of violation (NOVs) were issued during September. Among the NOVs issued, was one to the Northwest Pipeline for having excess NOx emissions resulting from a newly added turbine that put them over the limit for their allowable emissions. Staff changes during a change in ownership contributed to this oversight.


ADJOURNMENT

There being no further business to consider, the meeting adjourned at 2:28 p.m.

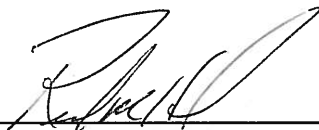
CERTIFICATION

I hereby certify this is a true and correct copy of the minutes of the meeting of the NWCAA Board of Directors held on October 13, 2016, in Mount Vernon, Washington.

ATTEST:



Terry Nyman, Secretary
NWCAA Board of Directors



Richard Hannold, Chair
NWCAA Board of Directors

DATED: November 10, 2016