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BOARD MEETING MINUTES

The meeting of the Board of Directors of the Northwest Clean Air Agency was held at 1:00 p.m. Thursday, August 8, 2019, at 1600 S. Second St., Mount Vernon, Washington.

MEMBERS PRESENT:

Skagit County	Mary Hudson Ron Wesen
Island County	Bob Severns Janet St. Clair
Whatcom County	
Member-At-Large	Terry Nyman

MEMBERS ABSENT:

Brian Heinrich
Satpal Sidhu

ALSO PRESENT:

NWCAA staff members	Mark Buford, Alicia Huschka, Toby Mahar, Agata McIntyre, and Laurie Caskey-Schreiber
Legal counsel	Simi Jain

CALL TO ORDER

Board of Directors Chairman Ron Wesen called the meeting to order at 1:35 p.m.

APPROVAL OF PRIOR BOARD MEETING MINUTES

On motion by Mary Hudson, seconded by Bob Severns, the minutes for the June 13, 2019, meeting were approved 4-0 (*Janet St. Clair arrived shortly after the vote*).

PRESENTATION

NWCAA Compliance Manager Toby Mahar presented information about how the Agency approaches nuisance odors, highlighting past investigations and enforcement efforts.

Mahar provided a short history and background for nuisance. For example, how zoning manages the boundaries between industrial activities and residential land use that commonly gives rise to nuisance complaints. Where the two different types of zoning meet, nuisance complaints commonly arise.

The compliance team operates with limited resources, and therefore triages nuisance response. While all complaints are tracked in the agency database, some of the factors that assist the compliance team in determining prioritization and the best course of response for a nuisance are:

- Public impact / multiple complaints
- Health based concerns – physical symptoms/air toxics/regulated pollutants
- How the activity is regulated
- NWCAA has jurisdiction

When the agency does have jurisdiction and the nuisance is prioritized, Mahar reviewed how the agency responds. Agency actions may include:

- Determine if the odor is still occurring
- Contact alleged source
- Attempt to verify
- Collect testimony / affidavit
- Source inspection

In any nuisance action, the agency must assess three elements:

- Whether the act created an inconvenience (verifying the nuisance impact),
- What actual loss or harm was caused (testimony of the complainant), and
- Whether the act was reasonable (allowed or approved under existing rules, regulations, or standards).

Mahar reviewed exemptions from nuisance odors, including agricultural activities that are following Best Management Practices.

Mahar noted that nuisance has its place in upholding air quality improvement, and that NWCAA issues citations with the end goal of gaining compliance with applicable regulations and standards.

ACTION ITEMS

Resolution 576 – Authorizes amending fiscal year 2020 Operating Fund – Alicia Huschka

NWCAA Chief Financial Officer Huschka presented Resolution 576 for Board approval. This resolution authorizes the Agency to carry forward unspent funds that were previously committed to the legal services program (\$18,381), as well as carry forward funds that were appropriated in FY 19 toward the Agency restroom renovation project. This project was put out for bid, and it failed to receive any bids from the State approved contractors.

NWCAA will go through the process again soon, hoping for a different outcome. If a contractor is secured, the Agency will use the \$50,000 set aside for this project to complete the remodel in FY20.

Huschka also reported that the Agency just received a two-year, \$330,000 grant from the Department of Ecology to combat woodsmoke problems in Columbia Valley.

Motion to approve Resolution 576 was made by Severns, seconded by Janet St. Clair, and approved 5-0.

Resolution 577 – Adopting a deferred compensation plan with Mass Mutual – Alicia Huschka

Huschka explained that this resolution allows Agency staff to contribute directly via a payroll deduction to a ROTH retirement account managed by Mass Mutual.

Motion to approve Resolution 577 was made by Hudson, seconded by Severns, and approved 5-0.

Bills and claims

Board members discussed the bills and claims reports for June and July 2019. Terry Nyman made a motion to approve the June (\$528,217.43) and July (\$422,084.06) 2019 bills and claims. St. Clair seconded the motion, and the Board approved the bills and claims 5-0.

STAFF REPORTS

Director's report – Mark Buford

Buford reported to the Board on the following matters:

- The Agency recently received two letters from the U.S. Environmental Protection Agency (EPA) officially delegating the NWCAA to enforce the federal rules pertaining to clean air.
- Buford mentioned that the Washington State Department of Health just issued woodsmoke guidance for health departments, to determine what needed closures or cancellations may be put in place during poor air quality events related to wildfire smoke. These guidelines are important for communities, and a lot of work has gone into developing them.

NWCAA's role is to collect high-quality data during these smoke events to share with county health officials, so that they can make informed decisions for their communities. Buford has directed staff to install a monitoring station in Concrete, which should assist in collecting particulate information for that area. Other possible locations that the Agency hopes to add monitors to, are Sedro-Woolley and South Whidbey Island.

- EPA has been working on transferring their new guidelines into actual Rules. Agency staff are reviewing how the guidelines transition into actual rules, and whether they match what the intent seemed to be in the guidelines.

- Buford mentioned that the WHERA Bill, which appropriates federal funds for woodstove upgrades, is still in the process of moving forward for funding. Buford supports this bill and feels it has benefits to the Agency’s jurisdiction.
- Buford reported that the Supplemental Environmental Projects fund has a remaining balance, and he would like the Board to give input on how these funds should be expended.

During the May Board meeting, the Opportunity Council and Sustainable Connections gave a presentation as to how they could use some of this money to extend the energy efficiency upgrades that they implement through their Community Energy Challenge program. Buford explained that if the Board agrees to fund this request, there will still be enough funds to steer toward a different project. Buford will ask the Advisory Council to weigh in on this issue at their August 29 meeting.

New source review and air operating permit update – Agata McIntyre

NWCAA Engineering Manager Agata McIntyre reported on the June and July 2019 construction permit (new source review) activity.

During June and July 2019, the agency received seven applications for construction permits and issued five construction permits.

One of the applications received in June was from Green Bank Concrete on Whidbey Island. They are replacing old equipment with new equipment. They also incurred a violation for installing some of their new equipment prior to obtaining a construction permit.

Enforcement update – Toby Mahar

NWCAA Compliance Manager Toby Mahar reported that the Agency was very busy in June and July – 12 Notices of Violation and seven penalties were issued during the two-month period.

Odor complaints significantly increased in the month of July. The Agency received 54 odor-related complaints, and about 80 percent of those were from the Birch Bay area complaining about odors from the nearby BP Refinery.

ADJOURNMENT

There being no further business to consider, the meeting adjourned at 2:50 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 August 8, 2019, in Mount Vernon, Washington.

ATTEST:



Terry Nyman, Secretary
NWCAA Board of Directors



Ron Wesen, Chair
NWCAA Board of Directors

DATED: September 12, 2019