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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, November 12, 2020, via video conference.

MEMBERS PRESENT:

Skagit County	Ron Wesen
Island County	Janet St. Clair
Whatcom County	Todd Donovan Brian Heinrich
Member-At-Large	Terry Nyman

MEMBERS ABSENT:

Mary Hudson
Bob Severns

ALSO PRESENT:

NWCAA staff members	Evan Bing, Mark Buford, Alicia Huschka, Toby Mahar, Agata McIntyre, Seth Preston, and Laurie Caskey- Schreiber
Legal counsel	Svend Brandt-Erichsen

CALL TO ORDER

Board of Directors Vice-Chairman Brian Heinrich called the meeting to order at 1:31 p.m.

APPROVAL OF PRIOR BOARD MEETING MINUTES

On motion by Janet St. Clair, seconded by Todd Donovan, the minutes for the Oct. 8, 2020, meeting were approved 5-0.

PRESENTATION

Fiscal year 2021 1st quarter financial report (through Sept. 30, 2020) – Alicia Huschka

NWCAA Chief Financial Officer Alicia Huschka reviewed actual financial results compared to the annual budget for fiscal year 2021 for the Operating Fund for the three-month period ending September 30, 2020.

	Year-to-date	Annual Budget	% of Annual Budget
Revenues	\$3,087, 130	\$4,455, 596	69%
Expenses	\$1,102,881	\$4,900,205	23%

Huschka stated that the revenues are tracking as anticipated, noting the cyclical nature of when certain revenues are billed during the year. Registered source billing is done during the month of February, and the billing for NWCAA large sources is done during the beginning of the fiscal year, during the month of July.

Huschka reported that there are no surprises with the budget so far, and the Agency funds are in good shape.

ACTION ITEMS

Bills and claims

Board members discussed the bills and claims reports for October 2020. Donovan made a motion to approve the October (\$361,862.94) 2020 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:

- On the National level, the Clean Air Agencies are working on their list of priorities for the new Biden administration.
- The Agency has hired a person for the new Instrument Technician position that was approved in the Fiscal Year 2021 budget. This person will start in the middle of January 2021.
- The Advisory Council will be meeting next week with Agency staff, and during that meeting they will begin a review of NWCAA's current penalty policy. Three Advisory Council members' (Steve Crockett, Polly Dubbel, and Jeremy Marten) terms are set to expire at the end of 2020. The Board will vote on extending or filling these positions at the next Board meeting.
- The Employer/Employee Committee (Brian Heinrich, Mary Hudson, and Bob Severns) was set to meet this month to review Buford's performance. That meeting will have

to be rescheduled for later in the month. Buford encouraged Board members to share any feedback regarding his performance with one or all of the committee members.

New source review and air operating permit update – Agata McIntyre

NWCAA Engineering Manager Agata McIntyre reported on the October 2020 construction permit (new source review) activity.

The Agency received one application for a construction permit and issued five construction permits.

McIntyre reported on the progress of an audit that is underway with the Washington Department of Ecology (Ecology) to assess the content of Air Operating Permits (AOPs) written statewide, including at NWCAA. This overview audit is required every three years per WAC 173-401. The audit is an opportunity to compare programs across the State and assess the quality and timelines of permits. The audit team is made up of representatives from each local air agency in Washington, one permit holder (representative from Northwest Pipeline), and representatives from Ecology. The audit team is led by Ecology's statewide AOP coordinator. The team will issue a report on their findings for each Agency that issues AOPs.

McIntyre also updated Board members about the progress of designating an area around the Alcoa Intalco aluminum smelter in Cherry Point as out of attainment (non-attainment) with the sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS). Three years of air monitoring data (2017-2019) and air dispersion modeling support this conclusion. Ecology and NWCAA collaborated on a report recommending that the U.S. Environmental Protection Agency (EPA) identify a small area around the facility as out of attainment with the SO₂ NAAQS. That process is ongoing. EPA posted notices in the Federal Register. EPA is under court order to issue a final decision by the end of December 2020. After the area is designated, Ecology and NWCAA will begin working on a plan to get the area back into attainment (compliance) with the NAAQS.

McIntyre also updated Board members about an Agreed Order that Ecology is proposing to sign with Intalco in support of their work under the Regional Haze program. The goal of the program, which Ecology administers for all of Washington State, is to return visibility in National Parks and Wilderness Areas back to natural conditions by 2064. The program has incremental goals along an identified timeline.

Industrial facilities like Intalco contribute to haze in National Parks and Wilderness Areas by releasing SO₂ and nitrogen oxides, which turn into sulfates and nitrates in the atmosphere. These sulfates and nitrates then reduce visibility. Ecology recently posted a public notice of their proposed Agreed Order with Intalco. The Order identifies an extended timeline for Intalco to install control measures if Ecology determines such measures are cost effective under the Regional Haze program. Meanwhile, the Order allows Intalco to restart their operations (currently in curtailment) without any controls in place. NWCAA is planning to submit comments encouraging Ecology to require meaningful controls at facility startup. Such controls need to prevent any further SO₂ NAAQS exceedances due to Intalco's operations.

Enforcement update – Toby Mahar

NWCAA Compliance Manager Toby Mahar explained that a Public Notice has been issued for the proposed compliance order with the Mt. Baker Ski Area. Public comments are now being accepted. They are working toward bringing their fleet of engines into compliance, in response to a violation that was issued in 2018.

Mahar reported that NWCAA issued three notices of violation in October. One was related to illegal outdoor burning during a burn ban.

Janicki Industries was issued a violation for non-compliance issues, which were administrative in nature, and they are in the process of updating their permits to align with their current projects.

Mahar also noted that the Agency issued six penalties in the month of October, including one situation with a habitual trash burner, who committed to curbside waste pickup service for one year to resolve his penalty.

For the month of October, marijuana odor complaints were still coming into the Agency for the Rubicon facility in Blaine, mainly from one nearby resident. Another marijuana operation on the horizon is a large outdoor grow operation that is being developed near Kendall.

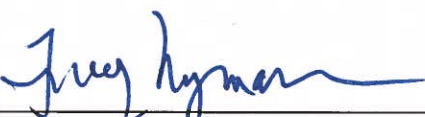
The Agency is still awaiting the results of Shell Refinery’s internal investigation regarding the late September vapor cloud incident at Shell. That report is required and is an element of the NWCAA review.

ADJOURNMENT

There being no further business to consider, the meeting adjourned at 2:20 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 November 12, 2020, in Mount Vernon, Washington.

ATTEST: 

Terry Nyman, Secretary
NWCAA Board of Directors



Bob Severns, Chair
NWCAA Board of Directors

DATED: December 10, 2020