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## **BOARD MEETING MINUTES**

The Board of Directors of the Northwest Clean Air Agency met at 1:30 p.m. Thursday, April 8, 2021, via video conference.

### **MEMBERS PRESENT:**

|                 |                                |
|-----------------|--------------------------------|
| Skagit County   | Mary Hudson<br>Ron Wesen       |
| Island County   | Janet St. Clair                |
| Whatcom County  | Todd Donovan<br>Brian Heinrich |
| Member-At-Large | Terry Nyman                    |

**ABSENT:** Bob Severns

### **ALSO PRESENT:**

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

### **CALL TO ORDER**

Board of Directors Chairman Brian Heinrich called the meeting to order at 1:32 p.m.

### **APPROVAL OF PRIOR BOARD MEETING MINUTES**

On motion by Mary Hudson, seconded by Ron Wesen, the minutes for the March 11, 2021, meeting were approved 6-0.

### **NEW BUSINESS**

NWCAA Engineering Manager Agata McIntyre provided a preview of an upcoming change to the Agency's rules that will come before the Board in June for approval. The rule change will adopt the latest versions of State and Federal rules by reference into NWCAA's rules. This will allow NWCAA to implement the latest versions of State and Federal rules on behalf of the Washington Department of Ecology and the Environmental Protection Agency. This change is needed because the State and Federal rules are periodically modified. NWCAA must re-adopt them into its own rules to implement the most recent versions of the rules. This requires a change to NWCAA Regulation 104.

This change is not expected to be controversial. However, as with any change to NWCAA regulations, it will go through a public comment period and a public hearing. Following the public process, the change to NWCAA Regulation 104 will come before the Board on June 10, 2021 for a vote. If approved on that date, the changes will take effect on July 11, 2021.

### **PRESENTATION**

The Board heard a presentation about Whatcom County's Specialized Emergency Response Program (SERP). Team leader Chuck Henkel of the Bellingham Fire Department and Whatcom Fire District 7 Division Chief of Training Justin Iverson, and Thomas D'Angelo of BP Cherry Point explained SERP's overall purpose.

The SERP was formed in 1996 to serve as the primary hazardous materials response team for Whatcom County. SERP is a non-profit public-private partnership formed to respond to any hazardous materials event. Approximately 30 volunteers from various organizations staff the team.

HAZMAT team members recently responded to an oil train derailment and fire that occurred in the Custer area of Whatcom County. NWCAA Executive Director Mark Buford approached them after this incident to see how the monitoring equipment that NWCAA previously provided grant funding for was working. NWCAA is not a first responder, so the air quality information collected by this group during an emergency plays a very important role in protecting the public. The new equipment served its purpose for this event.

SERP would also like to seek additional funding to update their self-contained breathing equipment (SCBA), which is now 24 years old, and is well past the recommended expiration date. The cost for acquiring this new SCBA would be approximately \$170,000.

Buford added that the NWCAA Cumulative Reserve fund - which consists primarily of collected penalty money - has a balance of \$731,000. Buford detailed other potential uses of Cumulative Reserve funds such as a transfer of \$100,000 to the Legal Reserve Fund, and use of approximately \$25,000 for a one-time project to reduce outdoor burning. If approved by the Board, these (including the SERP request) would leave a balance of approximately \$436,000 in that fund.

Board members requested NWCAA staff to draft a resolution so that they can vote and make a decision about the SERP funding request. They also expressed a need to see a detailed estimate of the actual costs for the SCBA equipment. Buford will bring forward the resolution and supporting documentation at the May Board meeting.

## **ACTION ITEMS**

### **Bills and claims**

Board members discussed the bills and claims reports for March 2021 (\$360,415.52). Todd Donovan made a motion to approve the March 2021 bills and claims. Janet St. Clair seconded the motion, and the Board approved the bills and claims 6-0.

## **STAFF REPORTS**

### **Director's report – Mark Buford**

Buford reported to the Board on the following matters:

- The Fiscal Year 2022 preliminary Agency budget was presented to the Advisory Council on March 25, 2021 and to the Finance Committee (St. Clair, Donovan, & Wesen) prior to today's Board meeting. Both groups provided good feedback, and approved the budget moving forward.

The FY 2022 budget will be presented to the full Board for review and comments during the May Board meeting, and the final version will be voted on during June 10, 2021 meeting. The budget will go into effect on July 1, 2021.

- Buford has learned that the State of Alaska has been doing some emission testing on woodstoves, and they have discovered testing problems in stoves that were previously deemed as meeting the emission standards. Alaska currently has a list of problem woodstoves, and unfortunately it looks like some of the stoves that NWCAA has used as replacements in the Columbia Valley change-out program, are on that list. Further investigation will be needed to determine the specific issue that caused the problem – some are simple omissions, some are test failures. Moving forward, NWCAA will only offer stoves that have been confirmed by Alaska to meet the stringent 2020 emission standards.
- Buford mentioned that Washington State Ecology Department's Air Program Manager, Kathy Taylor, will send out a letter to Board members to addressing Environmental Justice issues in our State. The same letter is being sent to the Boards of all seven local clean air agencies in Washington.
- The Agency will undergo a financial audit this year by the State Auditor's Office for fiscal years 2019 and 2020.

### **New source review and air operating permit update – Agata McIntyre**

NWCAA Engineering Manager Agata McIntyre reported on the March 2021 construction permit (New Source Review) activity.

During March, the Agency received five applications for construction permits and issued four construction permits.

One of the applications received was from Silfab Solar. The company, which manufactures solar panels, has an existing plant in Bellingham and wants to add another manufacturing

plant in Burlington.

Another construction permit received by NWCAA was for the operation of an oil-fired dryer for drying composted chicken manure and gypsum to make fertilizer. The company name is NW Gypsum, and the dryer is already in operation. They failed to apply for an obtain permit before starting operation, and NWCAA received complaints from the public about the operation. Staff are working through the application.

**Enforcement update – Toby Mahar**

NWCAA Compliance Manager Toby Mahar reported on March 2021 enforcement activities. Seven Notice of Violations (NOV) were issued, including one to North West Gypsum.

NW Gypsum failed to submit a Notice of Construction application prior to constructing their chicken manure and gypsum drying operation. On March 10, 2021 NWCAA received odor complaints from neighboring properties. Staff found that their failure to employ air pollution controls caused or contributed to the odor impacts.

Sierra Pacific Industries also received a NOV for insufficient operation and maintenance practices, which resulted in 11 boiler upsets with excess emissions occurring between September 2020 and February 2021.

Mahar has also been working on a NOV for the emissions incident that occurred at the Puget Sound Shell Refinery in September 2020. Shell had a flaring event that resulted in odor and opacity issues.

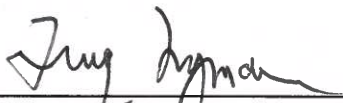
**ADJOURNMENT**

There being no further business to consider, the meeting adjourned at 2:29 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 April 8, 2021, in Mount Vernon, Washington.

ATTEST:

  
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Terry Nyman, Secretary  
NWCAA Board of Directors

  
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Brian Heinrich, Chair  
NWCAA Board of Directors

DATED: May 13, 2021