



1600 South Second Street  
Mount Vernon, WA 98273-5202  
ph 360-428-1617  
fax 360-428-1620  
info@nwcleanairwa.gov  
www.nwcleanairwa.gov

## **BOARD MEETING MINUTES**

The Board of Directors of the Northwest Clean Air Agency met at 1:30 p.m. Thursday, March 10, 2022, via video conference.

### **MEMBERS PRESENT:**

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

**ABSENT:** Mary Hudson

### **ALSO PRESENT:**

NWCAA staff members	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 Chair Janet St. Clair called the meeting to order at 1:32 p.m.

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

On motion by Todd Donovan, seconded by Brian Heinrich, the minutes for the Feb. 10, 2022, meeting were approved 5-0 (*Terry Nyman abstained from the vote*).

## **ACTION ITEMS**

### **Resolution 596 – Adopting Guidelines for Assessing Penalties**

NWCAA Executive Director Mark Buford explained the process that has occurred with the development of this Penalty Policy document. NWCAA Compliance Manager Toby Mahar presented a version of this document to the Advisory Council in January; a modified version was discussed at the February Board meeting. Buford supports approving the document and believes that it offers clarity for the Agency's process in assessing penalties.

Donovan made a motion to approve Resolution 596 for adoption. Ron Wesen seconded the motion. The Board voted 6-0 to approve this resolution.

### **Resolution 597 – Amending the Fiscal Year 2022 Operating Fund**

Buford explained that the current fiscal year budget has expenses that are less than what was expected for the Air Operating Permit (AOP) program, and that Travel and Training expenses for the Agency are under-budget. This resolution modifies the current year budget to increase capital outlay in the AOP program by \$50,000 to purchase a portable air monitoring station while decreasing the Travel and Training budget by \$50,000. This results in no net increase to the current year budget. The new portable station will be located in Oak Harbor. The current station is outdated and located in a school area that is inaccessible certain times of the month (on weekends).

Heinrich made a motion to approve Resolution 597, seconded by Tara Hizon. Board members voted 6-0 to approve Resolution 597.

### **Bills and claims**

Board members discussed the bills and claims report for February 2022 (\$428,050.32). Heinrich made a motion to approve the February 2022 bills and claims. Terry Nyman 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:

- At the Federal level, Joe Goffman has been nominated as Assistant Administrator for the Environmental Protection Agency (EPA) Office of Air and Radiation. Buford supports this nomination. There is still no EPA Region 10 (Washington, Alaska, Idaho, Oregon) Administrator.
- Despite early optimism for a meaningful (\$90 million) increase in federal funding for core work at state and local air quality agencies across the country, actual federal funding now seems likely to be only slightly (\$2 million) more than last federal fiscal year continuing a trend that started in the early 2000's.
- NWCAA Registered Source Program Manager, Matt Holmquist, will be presenting to the National Association of Clean Air Agencies, Agricultural Committee, on Anaerobic Digestors.

- At the State level, the regular session is ending today. It was a fairly quiet session with regards to legislation impacting the Agency. NWCAA will be assisting the Department of Ecology on their rulemaking affecting refineries.
- Agency staff will begin the transition back to the office starting April 1. We are having good conversations about how to retain the productive elements of remote work as we transition. The Office will be open to the public sometime after that date (likely early May). The Agency will also be conducting an in-person employee training at the end of March.
- The Fiscal Year 2023 preliminary Agency budget will be presented to the Advisory Council on March 24, 2022. Once this group provides feedback to Agency staff and that is incorporated as appropriate, the budget will next be presented to the Board of Directors Finance Committee [Todd Donovan (chair), Ron Wesen, & Janet St. Clair], during a pre-board meeting on April 14, 2022. This meeting typically lasts about an hour.

During the May 12, 2022, Board meeting, the full Board of Directors will review the budget and have an opportunity to provide comments. Staff will incorporate those comments into the budget that will be presented at the June Board meeting. In June, a Fiscal Year 2023 budget must be adopted by the Board. That budget will go into effect July 1, 2022.

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

NWCAA Engineering Manager Agata McIntyre reported on the February 2022 construction permit (new source review) activity.

During February, the Agency received four applications for construction permits and issued three construction permits.

Among the construction permits issued was a modification to the permit for FPE Renewables LLC, located at the VanderHaak Dairy in Lynden. The permit is for an anaerobic digester, an engine to generate power from digester gas, and a flare to burn off-spec gas that can't be used by the engine. FPE Renewables takes cow manure from the dairy, food waste from outside sources, and processes the manure and food waste in the digester to generate methane gas. The gas is then used to run the onsite engine and generate electricity. The digester is a biological system and can get upset for a variety of reasons. When upset, the digester produces off-spec gas with significant amounts of Hydrogen Sulfide (H<sub>2</sub>S) mixed in with the methane. H<sub>2</sub>S is a dangerous air toxic which has the potential to cause harm and even death to livestock and people if it is released without first being combusted. The digester gas generated during upsets is frequently off-spec and can't be burned in the engine to generate electricity. When this is the case, the gas must be combusted in the flare to avoid releasing H<sub>2</sub>S to the atmosphere. During past inspections, NWCAA staff noted that the flare wasn't operating optimally to combust H<sub>2</sub>S. The permit modification included a significant re-design to the flare. At the same time, the facility chose to replace their onsite engine. All of these factors contributed to the lengthy (203 day) timeline for this permit modification.

### **Enforcement update – Toby Mahar**

NWCAA Compliance Manager Toby Mahar reported on February 2022 enforcement activities. Four Notice of Violations were issued. Case 4552, Bornstein Seafood, has generated several odor complaints: They installed an industrial fryer in February 2021 without the proper

permits and control equipment.

Mahar reported that two penalties were issued, including one to Fat-Cat Fish LLC & Hannegan Properties for creating odor nuisance problems resulting from a failure to manage fish materials as well as maintain and operate wastewater equipment in accordance with best management practices.

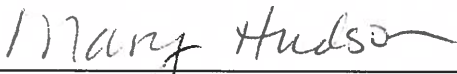
**ADJOURNMENT**

There being no further business to consider, the meeting adjourned at 2:33 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 March 10, 2022, in Mount Vernon, Washington.

ATTEST:   
Terry Nyman, Secretary  
NWCAA Board of Directors

  
Mary Hudson, Chair  
NWCAA Board of Directors

DATED: April 14, 2022