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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, June 9, 2022, at 1600 S 2nd Street, Mount Vernon.

MEMBERS PRESENT:

Skagit County	Mary Hudson Ron Wesen
Island County	Tara Hizon
Whatcom County	Todd Donovan Brian Heinrich
Member-At-Large	Terry Nyman

ABSENT: Janet St. Clair

ALSO PRESENT:

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

CALL TO ORDER

Board of Directors Chair Mary Hudson called the meeting to order at 1:30 p.m.

APPROVAL OF PRIOR BOARD MEETING MINUTES

On motion by Brian Heinrich, seconded by Tara Hizon, the minutes for the May 12, 2022, meeting were approved 5-0 (*Todd Donovan joined via ZOOM shortly after the vote*).

PRESENTATION

NWCAA Executive Director Mark Buford discussed some possible fee revisions for the Agency's Asbestos program.

Currently, the program fees do not sustain the Asbestos program. Agency staff will be reviewing the program, assessing how best to serve the public, meanwhile protecting the public from the health risks associated with asbestos. Staff will also review our policies and rules that we have in place and bring forth a set of recommendations for making this program a full cost recovery operation.

The projected timeline for these revisions will be:

- June 2022 – Introduction of proposal to Board
- July 2022 – Informal Stakeholder input
- August 2022 – Draft proposal brought to Board
- September 2022 – receive public and stakeholder comments
- October 2022- Update Board
- November 2022 – Board vote on adopting recommended changes

ACTION ITEMS

Resolution 599 – Authorize supplemental (per capita) income for fiscal year 2023 in the amount of \$221,700 – Alicia Huschka

NWCAA Chief Financial Officer Huschka presented Resolution 599 for Board approval. This resolution authorizes the collection of supplemental income for calendar year 2023 in the amount of \$221,700 from cities, towns, and counties based on a \$0.50 per capita rate. Huschka noted that this \$0.15 rate increase is the first change in the per capita rate since 1989.

Motion to approve Resolution 599 was made by Todd Donovan, seconded by Heinrich, and approved 6-0.

Resolution 600 – Adopt Operating and Reserve Fund budgets for fiscal year 2023 – Alicia Huschka

Huschka presented Resolution 600 to adopt the FY 2023 budgets for the Operating Fund and Reserve Funds.

Fund	Total Revenues	Total Expenses	Net Transfers In (Out)
Operating Fund	\$5,048,296	\$5,512,174	\$393,722
Capital Replacement	\$ 2,700	\$0	\$ (60,000)
Personnel Costs Reserve	\$ 4,100	\$0	\$0
Cumulative Reserve	\$ 9,100	\$0	\$ (54,000)
Legal Expense Reserve	\$ 3,500	\$0	\$0

Hizon made a motion, seconded by Ron Wesen, to approve Resolution 600. The Board approved the resolution 6-0.

Resolution 601 – Adopt the fiscal year 2023 budget for Supplemental Environmental Projects Fund – Alicia Huschka

Huschka presented Resolution 601 to adopt the FY 2023 budget for greenhouse gas mitigation projects previously approved by the Board.

Fund	Total Revenues	Total Expenses	Net Transfers In (Out)
Supplemental Environmental Projects	\$6,063	\$169,841	\$(279,722)

Heinrich made a motion, seconded by Wesen, to approve Resolution 601. The Board approved the resolution 6-0.

Bills and claims

Board members discussed the bills and claims report for May 2022. Wesen made a motion to approve the May 2022 bills and claims totaling \$329,151.51. Hizon 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:

- Buford reminded Board members that there will be no Board meeting in July. Typically, the Board meets 10 times per year, and in the past the Board has chosen to not meet in January and July. The next Board meeting will be held on August 11.
- The Agency opened back up to the public on May 1, but later had to shut back down and work remotely for two weeks due to a number of employees experiencing various illnesses.
- Next week, June 13-17, 2022, is wildfire Smoke Ready Week. The Agency will engage in some social media outreach to the public to encourage them to get prepared for a wildfire related smoke event that may occur this summer or fall. This is an annual effort by the Northwest Air Quality Communicators; NWCAA is a group member.
- Agency staff have started to work with the Department of Ecology and the Refineries to assess their emission reports. Staff will be making recommendations about future rulemaking / RACT decisions that are designed to address visibility issues in National Parks, by controlling Nitrogen Oxide (NO_x) emissions at the refineries. The Agency hopes to wrap up this work during the fall and will be billing the refineries for their work.
- Buford reported at the federal level, the U.S. Environmental Protection Agency (EPA), has recommended retaining the National Ambient Air Quality Standard (NAAQS) for ozone that was established in 2020. The Clean Air Scientific Advisory Committee (CASAC) – part of the formal NAAQS review process – may pause this recommendation pending review of new science. Whatever the decision (to pause or not), it would be difficult for EPA to review new science as part of this pause faster than they are reviewing new science as part of their scheduled 2025 review of the same NAAQS. Ozone in high contributions contributes to smog and is a threat to public health. NWCAA measures ozone in the air and ozone is generally not a cause for concern in our jurisdiction. It is commonly related to and downwind of large metropolitan areas (Houston, Los Angeles, etc.).

The NAAQS for particulate matter (PM) that was established in 2020 is also under review. This seems more likely to occur prior to the 2025 scheduled review as there is general agreement on the science. NWCAA supports this review and an establishment of a PM NAAQS based on current science.

- Also at the federal level is a court case; West Virginia vs. the EPA, where several States are challenging EPA's ability to regulate GHG emissions from power plants in the manner EPA proposed under their Clean Power Plan. Legal counsel for NWCAA, Svend Brandt-Erichsen, anticipates this case focusing on the "Major Questions Doctrine." This doctrine has been used to place special obstacles on agency regulations of issues of "major economic and political significance."

New source review and air operating permit update – Agata McIntyre

NWCAA Engineering Manager Agata McIntyre reported on the May 2022 construction permit (new source review) activity and air operating permit activity.

During May 2022, the agency received five applications for construction permits and issued four construction permits. One of the applications was from County Cremation Services. They will be building a new crematorium in Whatcom County. This project went before the Hearing’s Examiner, and Agency staff participated in that discussion. This will a be a state-of-the-art operation with an afterburner to control smoke.

Enforcement update – Toby Mahar

NWCAA Compliance Manager Toby Mahar reported that the Agency issued four violations during the reporting period. Notice of Violation 4516a, issued to Petrogas Ferndale Terminal, is an amendment of the original notice, further detailing the failures to apply for and obtain Prevention of Significant Deterioration and Title V permits.

The Agency also issued three penalties during the reporting period.

- Penalty 4534 addressed an illegal burning case referred to NWCAA from Skagit County Fire Marshal’s office.
- Penalty 4535 was issued to the Phillips 66 Ferndale refinery addressing excess emissions that resulted from Fluidized Catalytic Cracking (FCC) unit upsets.
- Penalty 4549 was issued to Justesen Industries addressing illegal spray coating that was discovered during a facility inspection. This business produces metal mesh for fireplaces. The facility was spraying paints containing chromium products. They have since elected to contract out all spray coating.

EXECUTIVE SESSION

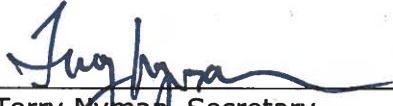
Hudson announced that the Board and Agency staff were going into executive session at 2:18 p.m. to discuss a litigation issue. Discussion was estimated to last 15 minutes. Hudson called the meeting back to order at 2:33 p.m. Hudson announced that no action was taken.

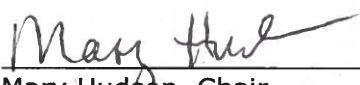
ADJOURNMENT

There being no further business to consider, the meeting adjourned at 2:35 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 June 9, 2022, in Mount Vernon, Washington.

ATTEST: 
Terry Nyman, Secretary
NWCAA Board of Directors


Mary Hudson, Chair
NWCAA Board of Directors

DATED: August 11, 2022