

Southwest Clean Air Agency

Board of Directors Minutes

August 4, 2016

The regular meeting of the Southwest Clean Air Agency Board of Directors was held in the Southwest Clean Air Agency office, Vancouver, Washington on August 4, 2016.

Those present were: Don Jensen, Chair, City of Longview
Bill Schulte, Vice Chair, Director, Lewis County
Bonnie Canaday, Director, City of Centralia
Bob Hamlin, Director, Skamania County
Blair Brady, Director, Wahkiakum County
Tom Mielke, Director, Clark County
Ben Shumaker, Director, City of Stevenson
Alishia Topper, Director, City of Vancouver
Joe Gardner, Director, Cowlitz County
Army Davis, Member at Large

Excused: Ryan Smith, Director, City of Cathlamet

Also Present: Staff: Uri Papish, Executive Director
Wess Safford, Air Quality Engineer II
Tina Hallock, Secretary II

Guests: Rachel O'Malley, WA Department of Ecology

Call to Order

Mr. Jensen called the meeting to order. A quorum was confirmed to exist.

Board of Directors Minutes

Mr. Jensen asked for consideration of the June 2, 2016 minutes. Mr. Brady moved and Mr. Schulte seconded that the minutes for the June 2, 2016 Board meeting be approved. Motion passed.

Changes to Agenda

None.

Info Items & Public Comment

Mr. Jensen opened discussion on the SWCAA 400 Regulation Proposed Changes and recognized Mr. Papish. Mr. Papish said the Southwest Clean Air Agency is proposing changes to SWCAA 400 "General Regulations for Air Pollution Sources." The purpose of the rulemaking is to meet EPA federal enforceability requirements, provide consistency with Department of Ecology rules, update definitions; delete obsolete rule language; update NESHAP, MACT and NSPS adoptions; revise/expand source category specific requirements; revise emission testing/monitoring requirements; revise public involvement provisions; and make minor administrative edits. SWCAA will hold a public hearing before the Board of Directors on September 1st during the Board's regular scheduled meeting. The rules may also be considered for adoption immediately following the hearing. Mr. Papish said the SWCAA website has a detailed support document and all the text of the rule changes.

SWCAA's general regulations govern many of the agency's daily functions, and must be updated periodically. Proposed changes will improve consistency with applicable state regulations and implementing changes are necessary to obtain EPA approval for inclusion in the State Implementation Plan (SIP).

SWCAA's general regulations (400-030) contain a variety of terms, specific to the regulatory environment, which must be used in a manner consistent with associated state and federal regulations. Proposed changes include revising the definition of 'air pollutant', provide definitions for various emission monitoring systems and remove terms related to the Prevention of Significant Deterioration (PSD) program.

Current rules (400-036) require portable sources from other jurisdictions to obtain a SWCAA permit. Proposed changes will allow portable sources with a valid permit from other Washington agencies to operate within SWCAA's jurisdiction without obtaining a SWCAA permit. The sources must be registered and provide notification.

The existing odor nuisance regulation (400-040(4)) will be replaced. The proposed changes will create a numerical scale for gauging the intensity of ambient odors and odor intensity above specified thresholds can trigger enforcement action. Changes will allow private citizens to file odor nuisance affidavits and remove an existing exemption for otherwise compliant manufacturing sources.

Ms. Topper asked how manufacturing sources are being notified of this change since it could have a significant impact. Mr. Papish responded that post cards were sent to all SWCAA sources and all the information regarding the proposed rules changes is available on the website. Ms. Topper asked if SWCAA has received any feedback from sources. Mr. Papish said not yet, but the comment period is open until August 26, 2016. Mr. Schulte asked how many postcards were sent out. Mr. Papish said approximately 1,000. Mr. Shumaker asked if all the proposed changes are in line with Ecology. Mr. Papish said the changes are in line with Ecology. Although there may be some small differences. The odor rule is an example of one. Mr. Jensen asked if the affidavit for odors will apply to marijuana processing. Mr. Papish said the affidavit process would include all odors. Mr.

Safford said under current policy there is no allowance for private citizens to file a complaint. He said to go forward with enforcement the affidavit is part of the legal process. Mr. Jensen asked if the affidavit is available on-line. Mr. Safford said currently citizens need to contact the agency and use the affidavit process but once the rules are approved, SWCAA will develop a form. Ms. Topper asked if a citizen affidavit could result in enforcement and who would be responsible for paying associated legal costs. Mr. Papish said the agency would take multiple steps to ensure a violation was taking place before taking enforcement action. Mr. Schulte expressed concern over citizen odor affidavits and the potential for an increase in work load. Ms. Topper thought it was a helpful to offer another option for citizens to document complaints, but also expressed concern about potential work-loads. Mr. Safford said the intent of the proposed change is to support the current complaint process.

SWCAA 400-075 and SWCAA 400-115 adopt by reference selected regulations from the Code of Federal Regulations Chapter 40, Part 60, 61, 63, and 65. EPA Delegation of these programs requires current adoption references. Proposed changes are a routine update to maintain authority for affected regulations.

SWCAA is not adopting the following new federal regulations: 40 CFR 63, Subpart ZZZZ (Stationary RICE); 40 CFR 63, Subpart HHHHHH (Misc. Surface Coating); 40 CFR 63, Subpart JJJJJJ (Boilers – Area Sources); or 40 CFR 63, Subpart XXXXXX (Metal Fab and Finishing). SWCAA is doing outreach on these regulations to let sources know they are subject to the requirements.

Proposed changes for Air Discharge Permit Applications (400-109) will add citation for major new source review requirements, revise minor new source review exemptions, exempt greenhouse gases from minor new source review, and add a portable source exemption per SWCAA 400-036.

Proposed changes for 400-112 requirements for new sources in nonattainment areas will remove major new source review provisions and proposed revisions necessary to maintain consistency with corresponding state rules and address comments from EPA.

Ecology recently adopted regulations regarding periodic review of ambient increment consumption (WAC 173-400-116). SWCAA 400-140 was adopted prior to the new state regulation and is now redundant. Proposed changes will rescind SWCAA 400-140 and SWCAA will rely on the state rules going forward.

The Prevention of Significant Deterioration (PSD) program is a permitting program for major stationary sources that is administered directly by EPA or by a delegated authority. Ecology is the delegated authority for Washington State. SWCAA previously adopted PSD regulations but without delegation, compliance and SIP adoption is problematic. Proposed changes will remove PSD adoption from the general regulations (SWCAA 400-141) and SWCAA will rely on Ecology's PSD program.

Proposed changes for the major source / major modification in a nonattainment area will add a new rule section specific to new source review of major sources and major

modification located in nonattainment areas. Proposed rule sections (400-800 to 400-860) are identical to those adopted by Ecology in 2012 and are required for SIP approval.

Mr. Papish said SWCAA has received the final EPA and Ecology review. The rules are currently out for public comment which closes August 26, 2016 and the intent is to bring the rules before the board in September for adoption. There will also be a public hearing during that meeting. After adoption the law becomes effective 31 days after filing. Ecology will hold a hearing to have it adopted into SIP. The time frame on adoption into the SIP will be known after the initial adoption by the SWCAA board.

Mr. Shumaker asked if there are any areas where SWCAA may receive a lot of comments. Mr. Papish said it's not likely., and Mr. Safford added that the updates are mostly updates to match EPA and Ecology. There are little new or large changes.

The board thanked Mr. Papish for the presentation.

Mr. Papish reviewed the letter SWCAA received from Mary Repar concerning the oil train derailment in Mosier, Oregon. A response letter was sent to Ms. Repar detailing what air monitoring steps were taken and where she could find data related to those monitors. Comments were also provided regarding air monitors for the Gorge. Mr. Davis asked if additional monitors in the Gorge would have any impact because of the air movement. Mr. Papish said monitors in the Gorge would probably not be the best use of agency resources based on previous monitoring results. Mr. Shumaker indicated that when new monitors are brought into SWCAA jurisdiction the board should not be involved in the siting decisions. Mr. Papish said Ecology is the expert on siting monitors and it is a collaborative effort between multiple agencies to determine the best location for monitors. The board members can be involved with this process and will be keep apprised of any monitor discussions.

Mr. Jensen said he had a letter from BSNF regarding the oil train derailment and would forward it to the rest of the board members. Ms. Topper indicated the City of Vancouver is also working BSNF regarding development of an oil terminal in Vancouver. Mr. Hamlin offered to forward a newsletter published by BSNF which included information on oil train derailments.

Mr. Jensen said Governor Inslee is proposing rules which may have detrimental effects on Longview industry. Mr. Papish said the proposed rules are related to greenhouse gas emissions and sets reductions over time. It is similar to cap and trade programs. Industry can buy emission reductions and/or engage in projects to reduce emissions outside or inside their facilities. It is a controversial rule making, and it is unknown what the long term impacts will be. There are only about 5 facilities in SWCAA jurisdiction that will be impacted by this rule, because it focuses on the largest facilities.

Consent Agenda

Mr. Jensen asked for approval of the Consent Agenda including voucher numbers 18 through 53 and 56 through 65, in the amount of \$7,723.69 which have been approved for payment by the Executive Director and voucher number 54 and 55 the amount of \$25,318.20, May 2016 Salaries in the amount of \$94,056.47, May 2016 Benefits in the amount of \$38,823.82, June 2016

Salaries in the amount of \$91, 404.54 and June 2016 Benefits in the amount of \$38,754.71, the May and June 2016 Financial Report and the May and June 2016 Activity Report. Mr. Hamlin moved and Ms. Topper seconded approval of the Consent Agenda. Motion passed.

Public Hearing

None.

Unfinished Business/New Business

None.

Executive Session

None.

Control Officer Report

Mr. Papish offered to answer any questions in the Control Officer Report.

SWCAA Coordinates with City of Vancouver on PM2.5 (July 12, 2016)

SWCAA presented in front of the Vancouver City Council and has met with city management about coordination on reducing fine particulate (PM 2.5) emissions within the City of Vancouver to avoid possible non-attainment with the National Ambient Air Quality Standard for PM 2.5. The main conversations have involved coordinated education and outreach efforts around woodstove smoke, data sharing, and assistance providing notice when air quality advisories and burn bans are in effect. SWCAA and the City of Vancouver will continue to collaborate regarding this issue.

Volkswagen Agrees to Pay California AG \$86 Million over Use of Defeat Devices (July 7, 2016) – Volkswagen has agreed to pay the California Attorney General (AG) a total of \$86 million in civil penalties to resolve claims by the AG under California’s Unfair Competition Law and the Dodd-Frank Consumer Protection Act of 2010. The penalty, included in a partial consent decree filed in the U.S. District Court for the Northern District of California, includes \$10 million to establish a grant program to fund research and development of new defeat device detection technologies, assessments of onroad emissions and efforts to mitigate the health impacts of vehicle emissions. The remaining \$76 million is for the California AG’s office to defray costs of the Volkswagen investigation and litigation and to fund the future consumer protection and environmental law enforcement efforts. This settlement is separate from a \$14.7-billion proposed agreement Volkswagen made with the federal government and California. In addition, the consent decree with the California AG does not address separate civil claims filed by the California Air Resources Board, including its claims for civil penalties related to 2.0- and 3.0-liter vehicles and other claims related to 3.0-liter vehicles, nor does it address the company’s potential criminal liability. For further information:

<http://www.4cleanair.org/sites/default/files/Documents/In Re Volkswagen No 16 3620.pdf>

EPA Makes Second Round of SO₂ Designations (June 30, 2016) – EPA announced the final designation of 61 areas in 24 states under the 2010 one-hour sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS). In particular, EPA designated 41 areas as unclassifiable/attainment, four areas as nonattainment and 16 areas as unclassifiable. These final area designations will take effect 60 days after EPA publishes a notice in the Federal Register. This action represents the second “round” of designations under the SO₂ NAAQS, with the first round having occurred in July 2013 and the third and fourth rounds to take place December 31, 2017 and December 31, 2020, respectively. Areas in SWCAA’s jurisdiction will be evaluated for attainment during the third round of designations in 2017. For further information: <https://www.epa.gov/sulfur-dioxide-designations/sulfurdioxide-designations-regulatory-actions>

VW to Pay up to \$14.7 Billion Under Proposed Settlements for 2.0L Diesel Vehicles Equipped with Illegal Defeat Devices (June 28, 2016) – The Department of Justice filed a partial consent decree in the U.S. District Court to partially settle allegations by EPA and California that Volkswagen (VW) used illegal defeat devices on nearly 500,000 Model Year 2009 through 2015 diesel vehicles to evade emission tests. Under the settlements VW and related entities agree to spend up to \$14.7 billion. Up to \$10.033 billion of this total is to compensate consumers and get the vehicles off the road through buyback, repair (subject to EPA and California approval of any VW-proposed modification to the vehicle emissions system) and additional compensation programs. Another \$2.7 billion will go into a Mitigation Trust Fund to be allocated among every state in the nation – a minimum of \$7.5 million per state – as well as tribes to undertake pollution reduction projects. According to the consent decree, this funding is intended “to fully mitigate the total, lifetime excess NO_x emissions from the 2.0 Liter Subject Vehicles.” Projects eligible to receive funding from the Mitigation Trust Fund include ones for repowering or replacing a wide range of diesel vehicles, oceangoing vessel shore power and light-duty Zero Emission Vehicle (ZEV) supply equipment. The final \$2 billion of the total settlement will be directed, over a 10-year period, to efforts by VW to support increased use of technology for ZEVs in California and the U.S. and may include investments related to ZEV infrastructure, access to ZEVs and ZEV education. These settlements apply only to affected 2.0-liter vehicles; action on 3.0-liter vehicles is still pending. In addition, the settlements do not address civil claims or criminal liability. For further information: <https://www.justice.gov/opa/file/871311/download>

International Energy Agency Says Energy-Related Investments Could Help Reduce Estimated 6.5 Million Annual Deaths Linked to Air Pollution (June 27, 2016) – The International Energy Agency (IEA) published a report highlighting the links between energy, air and health. In *Energy and Air Pollution: World Energy Outlook Special Report*, IEA estimates that approximately 6.5 million premature deaths around the world each year can be attributed to air pollution – a number that is expected to rise significantly in the decades to come unless the energy sector takes increased action to cut emissions. IEA reports that 80 percent of the population lives in cities with air pollution levels that fail to meet the air quality standards established by the World Health Organization. The scale of this “public health crisis,” says IEA, and “the importance of the energy sector to its resolution” are why the Agency undertook this first-ever in-depth analysis, which includes detailed profiles of Africa, China, the European Union, India, Mexico, Southeast Asia and the U.S. In the report, IEA presents a “Clean Air Scenario” that demonstrates how energy choices requiring only a 7-percent increase in energy

investment through 2040 can result in a decline in premature deaths from outdoor air pollution of 1.7 million annually and those from indoor (household) air pollution of 1.6 million annually in 2040. The scenario includes increased access to clean cooking facilities, emission controls and fuel switching in the power sector, increased industrial energy efficiency and strictly enforced emission standards for on-road transportation. IEA also highlights three key areas for government action: 1) setting an ambitious long-term air quality goal, 2) putting in place a package of clean air policies for the energy sector and 3) ensuring effective monitoring, enforcement, evaluation and communication. For further information: <http://www.worldenergyoutlook.org/>

Board Policy Discussion Issues

None.

Issues for Next Meeting

- A. Public Hearing.
 - 1. Hearing for SWCAA 400 Updates.
- B. New Business/Unfinished Business.
 - 1. As Necessary.
- C. Board Policy Discussion Issues.
 - 1. As Necessary.
- D. Meeting Date and Location.
 - 1. September 1, 2016 at 3:00 p.m. Southwest Clean Air Agency, 11815 NE 99th Street, Vancouver, Washington.


The next Board of Directors meeting will be held on September 1, 2016 at 3:00 p.m., Southwest Clean Air Agency, Vancouver, Washington.

Board Meeting Attendance:

JURISDICTION	J 2016	F 2016	M 2016	A 2016	M 2016	J 2016	J 2016	A 2016	S 2015	O 2015	N 2015	D 2015
Clark County	+	0	0	+	0	+	C	+	+	+	+	C
Cowlitz County	+	+	+	+	+	0	C	+	+	+	0	C
Lewis County	+	+	+	+	+	+	C	+	+	+	+	C
Skamania County	+	+	+	+	+	+	C	+	+	+	+	C
Wahkiakum County	0	+	+	+	0	+	C	+	+	+	+	C
Cathlamet	0	+	+	+	+	+	C	A	+	0	0	C
Centralia	+	+	+	+	+	+	C	+	+	+	+	C
Longview	+	+	0	+	+	+	C	+	+	+	0	C
Stevenson	+	+	+	+	+	0	C	+	+	+	+	C
Vancouver	+	+	+	0	+	0	C	+	+	0	+	C
Member-At-Large	+	+	+	0	+	+	C	+	+	0	+	C

+ = regular member present; 0 = unrepresented; A = alternate present; C = cancelled meeting

Mr. Jensen adjourned the meeting without objection at 3:48 p.m.


Chair


Executive Director